



## **CAPITAL REGION NORTHEAST WATER SERVICES COMMISSION**

### **ADMINISTRATIVE BYLAW**

#### **BYLAW NO. 2022-001**

**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) "Annual Meeting" means that annual meeting of the Board that will address such matters, from time to time, as set by the Board, which may include but not be limited to the following matters:
    - a. Orientation of the Board for discussion of legal responsibilities and best practices;
    - b. Presentation of audit and financial statements of the Commission;
    - c. Capital Budget Presentation; and
    - d. Organizational and Budget Meetings of the Board.
  - (3) "Application" means a written application as provided for by this Bylaw;
  - (4) "Board" means the Board of Directors of the Commission;
  - (5) "Chair" means the Chairperson of the Board;
  - (6) "Commission" means the Capital Region Northeast Water Services Commission;
  - (7) "Commission Manager" means the manager approved under the Management Agreement or anyone designated by the manager to act on their behalf;

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- (8) “Co-op” means a group of acreage homeowners have formed a Cooperative to jointly own and operate a water service as approved by the Commission;
- (9) “Council” means the Council of the Member Municipality;
- (10) “crossing” means any above ground, on ground, or below ground installation across the Commission’s right-of-way.
- (11) “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;
- (12) “customers” means the Member Municipalities and/or another Water Commission;
- (13) “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;
- (14) “disestablishment” means the termination of the Commission and disposal of assets;
- (15) “Engineering Standards” means the standards for water supply and connection, as approved by the Board, and revised from time to time;
- (16) “emergency” means an unexpected situation or sudden occurrence of a serious or urgent nature that demands immediate action;
- (17) “Fees and Charges Bylaw” means the fees, rates and charges established by the Commission that are applicable to services provided by the Commission;
- (18) “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;
- (19) “lands” any lands owned or occupied by the Commission;
- (20) “Management Agreement” means any agreement that the Commission may enter into from time to time with such person or persons with respect to the management of the Commission;
- (21) “Member Municipality” or “Member Municipalities” means a municipal authority, or the municipal authorities, as applicable, that is/are members of the Commission, which includes:
  - a. City of Fort Saskatchewan,
  - b. Strathcona County,
  - c. Sturgeon County,
  - d. Town of Bon Accord,
  - e. Town of Gibbons, and
  - f. 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. John S. Batiuk Regional Water Services Commission and
  - b. Highway 28/63 Regional 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) “Regional Water Customer Group Inc.” means that not-for-profit entity registered under the *Canada Not-for-profit Corporations Act*, as amended from time to time, which holds the RWCG Diversion License in trust for the benefit of the members of the Regional Water Customer Group;
- (27) “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;
- (28) “Robert’s Rules of Order” means the most current edition of the Robert’s Rules of Order;
- (29) “RWCG Diversion License” means that water diversion license issued by Alberta Environment and Parks under the Water Act, RSA 2000, c W-3, as amended from time to time, and held by the Regional Water Customers Group Inc.;
- (30) “SCADA” means the electronic and instrumentation requirements outlined in the Commission’s engineering standards;
- (31) “service envelope” means all parcels of land through which the Commission’s transmission pipeline crosses;
- (32) “signing authorities” means the Chair or in their absence the Vice-Chair, together with the Treasurer or in their absence, the Commission Manager;
- (33) “special meeting” means a meeting other than the annual Board meetings that is called by the Chair to discuss or approve Commission operations;
- (34) “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;.
- (35) “time” means either Mountain Standard Time, or Mountain Daylight Saving Time, whichever is proclaimed to be in effect by the Province of Alberta;
- (36) “type of service” means the classification of water service provided by the Commission and as outlined in the Commission’s engineering standards;
- (37) “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;
- (38) “Vice-Chair” means the Vice-Chair of the Board;



- (39) “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;
- (40) “water service application” means the application forms and drawings that are required to be filled out by the landowner; submitted to the Member Municipality who then submits to the Commission for consideration and approval as outlined in the Commission’s engineering standards;
- (41) “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;
- (42) “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 shall have the general direction and supervision of the affairs and business of the Commission and may by resolution appoint an individual, business and/or a Member Municipality to manage the day-to-day business of the Commission on such terms and at such remuneration as the Board shall agree to. The individual, business and/or 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 Manager, Treasurer, and Engineer.
- (2) All Member Municipalities shall advise in writing to the Commission Manager of their respective appointments to the Board of the Commission following their annual organizational meeting of Council.
  - (3) The Commission Manager may delegate any duty, or responsibility of the Commission under the Management Agreement.
  - (4) 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.
  - (5) The Commission Manager shall act as the director of the Regional Water Customer Group Inc. that retains the RWCG Diversion License on behalf of the Commission.

#### **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.
- (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 and obtain written approval 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 Commission 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) No persons may complete repairs to any crossing until the owner of the land has received written approval by the Commission 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, in which case 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.
- (6) Pursuant to Sections 5(2), 5(3), 5(4) and 5(5) the Commission Manager shall be entitled to revoke or suspend the 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 shall be 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. The security deposit or irrevocable letter of credit shall constitute One Hundred Percent (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) herein.
- (10) In every case where an approval for excavation has been granted, the holder of the agreement or approval, as the case may be, shall take such care and precautions as may be necessary to ensure the protection and safety of the public, shall 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 application, approval or agreement, as the case may be, for execution by the Commission within 60 working days from the time the application was mailed to the applicant will result in the application being considered null and void, in which case 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 Engineering Standards and the 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 to which the owner of the land pays its taxes.
- (3) 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.
- (4) In the event that 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, in which case, if 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 pursuant to this Bylaw 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 immediately 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 applicant's actions threaten 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 or incomplete,
  - (b) the applicant commences work prior to the approvals being obtained, or
  - (c) the applicant's actions threaten 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. The Commission Manager is granted authority under this bylaw to amend the Operating and/or Capital budgets to a maximum of \$50,000.00. The Commission Manager will subsequently advise the Board of these budget amendments at the next scheduled Board meeting.
- (3) The Commission will set kilometer rates for the Board of Directors based on the Canada Revenue Agency (CRA) recommended rate for each calendar year.
- (4) The Commission must submit its financial information return and audited financial statements to the Minister of Municipal Affairs and each Member Municipality of the Commission by May 1st of the year following the year for which the return and statements have been prepared.

## **MEETING OF THE BOARD**

- 11 (1) The Board shall meet at least four times annually, in the Winter, Spring, Summer and in the Fall, and such other times as directed by the Chair of the Board or as requested by a majority of the Member Municipalities of the Board.
- (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 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*, as amended from time to time.
- (4) The quorum required for all meetings of the Board shall be at least fifty (50%) percent of the Directors of the Board.
- (5) The Board shall appoint an auditor of the Commission.



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- (6) The Chair, a majority of the Board, or the Commission Manager may invite consultants or other officials to attend meetings of the Board.
- (7) The order of business at any meeting of the Board shall include but not be limited to:
  - a. Call to Order;
  - b. Adoption of Agenda;
  - c. Adoption of Minutes;
  - d. Delegations/Presentations;
  - e. Business Arising Out of Minutes;
  - f. Correspondence;
  - g. Reports;
  - h. New Business;
  - i. Questions of Member Municipalities of Commission and Administration;
  - j. Establishment of the next meeting date;
  - k. Adjournment.
- (8) At all meetings of the Board, within fifteen minutes of the scheduled meeting, if there is a quorum present, the Chair, or in their absence, the Vice-Chair, shall call the meeting to order.
- (9) Unless this Bylaw otherwise provides, if the Chair or Vice-Chair 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 Chair for that meeting shall be chosen from the Directors present and such designated Chair shall preside over the meeting or until the arrival of the Chair or Vice-Chair.
- (10) The Chair shall preserve order and shall decide all questions of order.
- (11) Any question of procedure arising at a meeting shall be determined in accordance with Robert's Rules of Order unless these bylaws otherwise provide.
- (12) Any motion arising at a meeting of the Board shall be decided by a majority of the Directors present at such meeting. Each Director present at a meeting of the Board shall have one vote on all questions raised at such meeting. Directors shall vote by raising of the hand in a clear manner as to be easily counted by the Chair. The Chair shall decide whether the motion has carried, carried unanimously, or defeated.
- (13) Any motion of the Board 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 provided they satisfy the criteria and development guidelines of the local rural municipalities and subject to the Commission's engineering standards. 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. Approvals for such applications shall be made by the Board.
- (7) 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. Water quality assurance testing to ensure compliance with the requirements of all applicable provincial and federal regulatory bodies.
  - f. 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 Fee's & Charges Bylaw.
  - g. 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.
- (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, best efforts will be made on notification 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 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

- 15 (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.

#### **ENACTMENT AND REPEAL**

- 16 (1) Bylaw 2021-001 is repealed and replaced by this Bylaw.
- (2) This Bylaw shall become effective upon approval of the Board.

#### **AMENDMENTS**

- 17 (1) A bylaw to amend this Bylaw does not come into force until the bylaw is passed by a majority of the Board

**ADOPTED BY THE CAPITAL REGION NORTHEAST WATER SERVICES COMMISSION  
THIS 25th DAY OF April 2022.**

  
\_\_\_\_\_**Commission Chair**

  
\_\_\_\_\_**Commission Manager**