

# CAPITAL REGION NORTHEAST WATER SERVICES COMMISSION

## BYLAW NO. 2023-001

### BEING A BYLAW RESPECTING THE DISPOSAL OF THE COMMISSION'S ASSETS,

#### WHEREAS:

- A. the Commission has been established by Ministerial Order; and
- B. pursuant to Sections 602.09(1)(f) of the Act, the Commission must pass a bylaw respecting the process for the disposal of the assets of the Commission; and
- C. to ensure that the Physical Assets are used for the intent for which purchase funds were provided as grant funds, the Commission prohibits the sale, transfer, lease, or loan of any non-surplus asset, subject to the below.

**NOW THEREFORE** the Board of Directors of the Commission enacts the following:

#### 1 DEFINITIONS

- 1.1 "**Act**" means the Municipal Government Act, PSA. 2000, c. M-26;
- 1.2 "**Board**" means the Board of Directors of the Commission;
- 1.3 "**Commission**" means the Capital Region Northeast Water Services Commission;
- 1.4 "**Commission Manager**" means such person that is appointed by the Commission to operate the Commission on a day to day basis;
- 1.5 "**Director**" means a person appointed to the Board of Directors of the Commission in accordance with this Bylaw;
- 1.6 "**Municipality**" or "**Municipalities**" means those municipalities that are the municipal members of the Commission, at such relevant times; and
- 1.7 "**Physical Assets**" means any property of the Commission, including real property and any buildings, facilities, or structures erected upon the same as well as personal property, including vehicles, Equipment, and inventory owned by the Commission.

#### 2 PREPARATION OF LIST OF ASSETS

- 2.1 By March 1<sup>st</sup>, of each year, the Commission will prepare a list of any surplus assets, any exist.

### 3 DISPOSAL OF ASSETS

3.1.1 It is agreed that the Commission will only dispose of assets if the majority of the Board approves of such disposal.

3.1.2 Subject to Section 3.1.3 hereof, which Section 3.1.3 is paramount over this Section 3.1.2, if the Commission Manager confirms that any particular asset is not required, the Commission Manager will present a list of surplus items to the Board at the Board's spring meeting. At such meeting:

- (a) The Municipalities will then be given an opportunity to purchase such item at current market value which current market value is to be determined by the Commission Manager.
- (b) Notwithstanding this Section 3.1.2(a), if a Physical Asset is situated within a Municipality's physical boundaries, that Municipality shall be provided with the first opportunity to acquire the Physical Asset in question. Upon the respective Municipality's receipt of notice from the Commission Manager, that Municipality shall have 14 days to respond to the Commission Manager to advise of its intent to acquire the Physical Asset. Should the Municipality fail to respond within the aforementioned 14 days, the Commission Manager may offer up the respective Physical Asset to the remaining of the Municipalities.
- (c) If no Member Municipality makes a request to purchase the surplus asset, then each of the Hwy 28/63 Regional water Services Commission and the John S. Batiuk Regional Water Services Commission will then be given an opportunity to purchase any surplus item at current market value which current market value is to be determined by the Commission Manager.
- (d) If no such requests are made to purchase the surplus asset the surplus asset shall then be disposed of in accordance with Section 3.1.4.

3.1.3 The Commission Manager will transfer, sell, or otherwise dispose of any Physical Asset that is connected to the Commission's water transmission system to an upstream supplier of water if the Commission Manager:

- (a) is of the opinion that the disposal will reduce the Commission's liability respecting maintenance and replacement; and
- (b) believes that the disposal will not jeopardize the supply of water to the Commission or any of its customers.

3.1.4 By June 30<sup>th</sup> of each year, the Commission Manager shall ensure the disposal of all listed surplus assets by one, or a combination of the following means, in the discretion of the Commission Manager:

- (a) public tender;
- (b) advertised for public sale;
- (c) public auction; or
- (d) disposal as waste.

**4 ADDITIONAL CONSIDERATIONS**

- 4.1 Any Physical Assets that are subject to buy-back, trade-in, or other similar disposal arrangements shall be exempt from the provisions respecting disposal contained in this Bylaw.
- 4.2 Any Physical Assets purchased through use of Federal or Provincial government grants shall not be disposed of if grant funding is or may be jeopardized as a result of such disposal, without the consent of said granting party.
- 4.3 Note that any portion of the Northside supply line from Epcor Water requires consent from John S. Batiuk Regional Water Services Commission before the sale may proceed. If consent is granted John S. Batiuk RWSC is entitled to their proportionate share of the proceeds.

**5 AMENDMENTS**

- 5.1 A bylaw to amend this Bylaw does not come into force until the bylaw is passed: by a majority of the Board.

EFFECTIVE as of this 25th day of April, 2023



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CHAIRPERSON



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COMMISSION MANAGER