

Town of Three Rivers, PEI
A Bylaw to Continue the Montague Sewerage and Water Collection and Treatment Corporation
Bylaw #2021-03

WHEREAS the Council of the Town of Three Rivers has, pursuant to the Municipal Government Act, determined that it will provide sewerage and water collection and treatment services.

THEREFORE, pursuant to the Municipal Government Act,

BE IT ENACTED by council as follows:

1. Title

This bylaw shall be known and cited as the Town of Montague Sewerage and Water Collection and Treatment Bylaw, Bylaw Number 2021-03.

2. Definitions

In this bylaw:

- (1) "Council" means the Council of the Town of Three Rivers.
- (2) "Corporation" means the Montague Sewerage and Water Collection and Treatment Corporation.
- (3) "Customer" means a person, firm, or corporation who or which requests or is supplied with sewerage and/or water.
- (4) "Director" means a director of the Corporation and includes its chairman.
- (5) "Municipality" means the municipality of Three Rivers.

3. Application

This bylaw applies to the establishment and operation of a water supply and sewerage collection and treatment corporation for the Montague area of the Municipality.

4. Corporation Established

There is hereby continued the Montague Sewerage and Water Collection and Treatment Corporation.

5. Composition

- (1) The Corporation shall be composed of a board of directors comprised of three or more members of council who are:

- customers, or
- consumers, or
- members of a household also occupied by a customer or consumer

of a water and/or sewage utility owned by the Municipality, and appointed by the Mayor. If there are insufficient qualified members of the Council to make up at least a three-member board of directors the Mayor may appoint an individual or individuals who are not members of the Council provided that such individual or individuals are

customers or consumers of a water and/or sewerage utility owned by the Municipality, or members of the household of any of the foregoing.

- (2) One of the Directors shall be appointed by the Mayor as chairman of the Corporation.
- (3) The Directors of the Corporation shall have terms of office the same as their Council's term at the time of appointment but may be replaced at any time by the Mayor.
- (4) The Directors of the Corporation may receive such remuneration as may be determined by Council.
- (5) At meetings of the Corporation, 50 % of the appointed Directors constitute a quorum over which the chairman of the Corporation, or in his absence, a Director designated by him shall preside.
- (6) Decisions of the board of directors shall be determined by majority vote. The Chairman is entitled to a vote.
- (7) In the case of an equal division of opinion among the Directors, the matter shall be referred to the Council, whose decision is binding on the Corporation.
- (8) The CAO of the Municipality is the chief executive officer of the Corporation and has supervision over and direction of the work and the staff of the Corporation.

6. Functions of the Corporation

The Corporation shall have the following functions:

- (1) Constructing, altering, extending, managing and controlling a system for providing the services of water supply and sewerage collection and treatment to the residents of and enterprises in the Municipality and, with the approval of Council, residents and enterprises located in areas adjacent to the Municipality;
- (2) Acquiring, alienating, holding and disposing of real or personal property;
- (3) Engaging and paying contractors, service providers, and personnel;
- (4) Financing, with the approval of Council, any of its undertakings; and,
- (5) Assessing and charging and collecting rates and charges for services provided to any customer that are sufficient to cover the costs and expenses of the Corporation in accordance with the Water and Sewerage Act.

7. Rates

The Corporation shall levy such user rates or frontage charges as may be approved by the Island Regulatory and Appeals Commission.

8. Separation of Accounts

- (1) The Corporation shall maintain its accounts separately from the accounts of the Council of the Municipality and shall prepare an annual financial statement to be submitted to the Council.
- (2) The Corporation shall prepare annually, on or before February 28, a financial plan to be submitted to the Council which shall contain at a minimum
 - (a) an operating budget that includes estimates of revenues and expenditures;
 - (b) a capital budget; and
 - (c) a five-year capital expenditure program that includes an asset management program.

9. Liability

The Directors of the Corporation and any person acting on their instructions or authority are not personally liable for any loss or damage suffered by any person by reason of any act done by any of them in good faith in the exercise or purported exercise of the powers conferred under this bylaw.

10. Rules and Regulations

The board may make rules and regulations relating to:

- (1) the operation of the corporation.
- (2) the kind of service to be supplies to customers.
- (3) how the service shall be supplied.
- (4) adopt the general rules and regulations made and approved by The Island Regulatory and Appeals Commission under authority of the **Water and Sewerage Act, R.S.P.E.I. 1988, Cap. W-2**

and after approval by Council, the rules and regulations shall govern the operation of the corporation and services to be provided.

11. Fiscal Year

The Fiscal Year of the Corporation shall be from April 1 to March 31.

12. Previous Bylaw

Town of Montague Bylaw No. 30, A Bylaw to Establish the Town of Montague Sewage and Water Collection and Treatment Corporation, is hereby repealed.

13. Commencement

This Bylaw to Continue the Montague Sewerage and Water Collection and Treatment Corporation, Bylaw # 2021-03, shall be effective on the date of approval and adoption below.

First Reading:

This Bylaw to Continue the Montague Sewerage and Water Collection and Treatment Corporation, Bylaw # 2021-03, was read a first time at the Council meeting held on the 11th day of January, 2021.

This Bylaw to Continue the Montague Sewerage and Water Collection and Treatment Corporation, Bylaw # 2021-03, was approved by a majority of Council members present at the Council meeting held on the 11th day of January, 2021.

Second Reading:

This Bylaw to Continue the Montague Sewerage and Water Collection and Treatment Corporation, Bylaw # 2021-03, was read a second time at the Council meeting held on the 10th day of February, 2021.

This Bylaw to Continue the Montague Sewerage and Water Collection and Treatment Corporation, Bylaw # 2021-03, was approved by a majority of Council members present at the Council meeting held on the 10th day of February, 2021.

Approval and Adoption by Council:

This Bylaw to Continue the Montague Sewerage and Water Collection and Treatment Corporation, Bylaw # 2021-03, was adopted by a majority of Council members present at the Council meeting held on the 10th day of February, 2021.

Signatures:

Ed MacAulay

Jill Walsh

Mayor (signature sealed)

Chief Administrative Officer (signature sealed)

This Bylaw to Continue the Montague Sewerage and Water Collection and Treatment Corporation Bylaw #2021-03, adopted by the Council of Town of Three Rivers on February 10, 2021, is certified to be a true copy.

Jill Walsh

February 22, 2021

Chief Administrative Officer signature

Date