



Request for Decision (RFD)

Meeting Date: Monday, February 23, 2026

Agenda Item: 7d

Topic: Procedural Bylaw for Discussion

Presented By: Commission Manager

Recommendation:

That the Board directs the Commission Manager to make the following changes to draft Administrative Bylaw 2026-002, for referral to the Sub-Committee for further review.

or,

That the Board accept the report provided by the Commission Manager for information and further review.

Background:

The draft Procedural Bylaw 2025-003, had been previously reviewed by the Board and deferred at the September meeting until further information was provided by the City of Fort Saskatchewan.

At the recent sub-committee meeting, the subject of the voting structure was raised and the suggestion that the section pertaining to the CRN voting procedure be brought back to the Board for discussion.

Discussion (benefits/disadvantages):

None

Alternatives:

None

Financial Implications:

There is sufficient budget available to undertake this project.

Legislation:

Municipal Government Act (MGA) s. 602.09

Intergovernmental:

N/A

Strategic Alignment:

N/A

Enclosure(s):

Attachments 1.

Signature of the Commission Manager:

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CAPITAL REGION NORTHEAST WATER SERVICES COMMISSION ADMINISTRATIVE BYLAW

BYLAW NO. 2026-002

WHEREAS:

- A. The Commission is a regional services commission pursuant to the *Municipal Government Act*, R.S.A. 2000, c. M-26;
- B. Pursuant to section 602.09(1)(b) of the *Municipal Government Act*, the Commission must pass a bylaw respecting the administration of the Commission;
- C. Pursuant to section 602.09(1)(c) of the *Municipal Government Act*, the Commission must pass a bylaw respecting the process for changing the Directors of the Board and the Chair of the Commission, and for setting the terms of office for the Directors of the Board and the Chair;
- D. Pursuant to section 602.09(1)(g) of the *Municipal Government Act*, the Commission must also pass a bylaw respecting the process for disestablishment and the treatment of liabilities and assets upon disestablishment;
- E. The Commission wishes to consolidate and modernize its administrative and operational provisions, repeal outdated bylaws, and set out comprehensive governance, financial, and operational standards for its ongoing conduct;

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:

REPEAL OF BYLAWS

Bylaw No. 2022-001, 2022-002, 2022-003, and 2023-001 are hereby repealed and replaced by this Bylaw upon its effective date.

1. CITATION

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

2. DEFINITIONS

In this Bylaw:

1. "**Act**" means the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended or replaced.
2. "**Annual Meeting**" means the annual meeting of the Board described in Section 6.1 of this Bylaw.
3. "**Arbitration Notice**" means written notice initiating arbitration under the dispute resolution process.
4. "**Board**" means the Board of Directors of the Commission.
5. "**CEO**" means the Chief Executive Officer appointed by the Board to oversee the management of the Commission.
6. "**Chair**" means the Chair of the Board.
7. "**Commission**" means the Capital Region Northeast Water Services Commission.

8. **“Cost of Service”** means the method of calculating water services rates utilizing the principles set out in the American Water Works Association manuals of practice dealing with utility rates and charges, as revised and updated from time to time, and in accordance with the findings and directives of the Alberta Utilities Commission, such approach being commonly referred to as the “utility rate model”.
9. **“Council”** means the Council of a Member Municipality.
10. **“Crossing Agreement”** means a written agreement between the Commission and an applicant for a physical crossing (above, on, or below ground) of the Commission’s Supply Lines or Right-of-Way.
11. **“Customer”** means a regional services commission, cooperative, or other entity that receives potable water services from the Commission but is not a Member Municipality.
12. **“Director”** means a person appointed to the Board of Directors of the Commission in accordance with this Bylaw.
13. **“Dispute Notice”** refers to written notice initiating the dispute resolution process under Section 15.
14. **“Emergency”** means a sudden or urgent situation requiring immediate response to protect people, property, or operations.
15. **“Engineering Standards”** means the technical and safety standards established by the Commission for water supply infrastructure, as updated from time to time.
16. **“Member Municipality”** or **“Member Municipalities”** means a municipal authority or authorities that are members of the Commission, including:
 - City of Fort Saskatchewan;
 - Strathcona County;
 - Sturgeon County;
 - Town of Bon Accord;
 - Town of Gibbons; and
 - Town of Redwater.
12. **“Meter”** means a device meeting the Commission's standards for measuring water flow and volume to Members or Customers.
13. **“Organizational Meeting”** means the meeting of the Board described in Section 6.2 of this Bylaw.
14. **“Representative”** means a person appointed by a Member Municipality to act on its behalf in dispute resolution proceedings.
15. **“Right-of-Way”** means land designated for construction or maintenance of Commission water infrastructure.
16. **“Robert's Rules of Order”** means the most current edition of Robert's Rules of Order.
17. **“Supply Line”** means the pipeline infrastructure owned and operated by the Commission to deliver potable water.
12. **“System”** means the water supply pipelines, pump stations, control systems and other facilities operated by the Commission for the purpose of providing water services to the Members and Customers of the Commission.
13. **“Transfer Point”** means the physical and jurisdictional boundary between the Commission's supply infrastructure and a Customer or Member Municipality.
14. **“Weighted Vote”** means a vote allocated to each Director based upon the formula established by the Board from time to time, which may consider factors including, without limitation, population served, water consumption, or other agreed criteria, such that the total of all Weighted Votes equals eight (8) votes.
15. **“Vice-Chair”** means the Vice-Chair of the Board.

3. **VOTING FRAMEWORK AND DECISION-MAKING**

1. All Decisions by Weighted Vote – All decisions of the Board shall be made by Weighted Vote.
2. Allocation of Weighted Votes –
 - a. There shall be a total allocation of eight (8) votes.
 - b. Each Director, except the Director representing the City of Fort Saskatchewan, shall hold the equivalent weight of one (1) vote.
 - c. The Director representing the City of Fort Saskatchewan shall hold the equivalent weight of three (3) votes, based on relative consumption.
 - d. The allocation of Weighted Votes shall be reviewed by the Board not less than once every three (3) years.
3. Thresholds – Unless otherwise required by law or expressly stated in this Bylaw, a resolution is passed if it receives more than half of the total available Weighted Votes (i.e., 5 or more of 8). Where a vote under this Bylaw requires unanimous approval, the motion shall require all 8 Weighted Votes in favour.
4. Outcome Requirements and Special Rule –
 - a. In any vote resulting in five (5) votes in favour of a motion and three (3) votes opposed, and where the three (3) opposing votes are exclusively the three (3) Weighted Votes of the Director representing the City of Fort Saskatchewan, the motion shall not be deemed carried.
 - b. In such a circumstance:
 - i. The Director representing the City of Fort Saskatchewan may immediately request the motion be reconsidered at the next Board meeting, and the vote result will be recorded in the minutes as “not defeated – motion tabled to next meeting”;
 - ii. If the Director representing the City of Fort Saskatchewan declines to defer the motion for reconsideration, the vote shall be recorded as “carried – decline to table”; and
 - iii. The outcome of the second (reconsidered) vote of the motion shall be final.
5. Ties –A tie vote (e.g., 4-4) shall be deemed defeated.
6. Recording of Votes - All votes of the Board shall be recorded in the minutes.
7. Reintroduction of Defeated Votes - A defeated vote, other than as described in subsection 3.4, may be re-introduced in accordance with Robert’s Rules of Order.
8. Abstentions- Where a Director abstains from voting on a matter, the abstention shall be recorded but shall not be counted as a vote cast for the purposes of calculating the outcome of the vote, unless otherwise required by law.
9. Conflict Management – No Director shall use a Weighted Vote in a manner intended to punish, retaliate against, or otherwise disadvantage another Member Municipality outside the best interests of the Commission. Allegations of such conduct shall be addressed under Section 15 of this Bylaw (Dispute Resolution).
10. Robert’s Rules of Order shall apply to all Board meetings and decisions to the extent they are not inconsistent with this Bylaw.

4. **BOARD COMPOSITION, APPOINTMENTS, AND REMOVALS**

1. **Appointment of Directors:** Each Member Municipality is entitled to appoint one (1) elected official to serve as a Director of the Commission. The appointment shall follow the internal processes of the Member Municipality.

2. **Alternate Directors:** Each Member Municipality may designate an Alternate Director to act in place of the Director at meetings of the Board when the Director is unavailable. When an Alternate Director is acting in place of a Director, the Alternate Director shall be considered a member of the Board for all purposes, including voting.
3. **Term of Office for Directors:** The Board shall consist of six (6) Directors appointed as follows:
 - One (1) Director from City of Fort Saskatchewan
 - One (1) Director from Strathcona County
 - One (1) Director from Sturgeon County
 - One (1) Director from Town of Bon Accord
 - One (1) Director from Town of Gibbons
 - One (1) Director from Town of Redwater

All Members shall advise in writing to the CEO of their respective recommended appointments following their annual organizational meeting of Council.

The term of office of a Director is four (4) years commencing from the fall Board meeting and continuing until:

- the Director resigns;
- the Director ceases to be an elected official;
- the Director is replaced by their appointing Member Municipality; or
- a resolution of the Directors, approved by a vote result of six (6) in favour and two (2) opposed, removes the Director for unethical conduct or conduct detrimental to the Commission.

4. **Appointment of Chair and Vice-Chair:** Appointment of Chair and Vice-Chair: The Board shall elect a Chair and a Vice-Chair from among the Directors at its Organizational Meeting each fall. In the event of a tie vote in the appointment of either the Chair or the Vice-Chair, the CEO shall write the names of those candidates separately on blank sheets of equal size and colour, fold them uniformly, and place them in a receptacle. A Director will draw one sheet. The CEO shall read the name aloud and declare that candidate to have received one additional vote. If the meeting is electronic, the CEO shall sign and display the chosen sheet on camera.
5. **Term of Office for Chair and Vice-Chair:** The term of office for the Chair and Vice-Chair shall be for one (1) year, subject to reappointment annually by the Board.
6. **Interim Appointments:** In the event that the Chair or Vice Chair cannot fulfill their responsibilities, the Board may appoint an interim Chair or Vice-Chair until the next Board meeting.
7. **Removal of Directors:**
 - a) A Director may be removed from the Board under the following circumstances:
 - i) **Unethical Conduct:** If the Director engages in conduct contrary to the Commission's Code of Ethics.
 - ii) **Detrimental Conduct:** If the Director's actions harm the reputation or governance of the Commission.
 - iii) **Ineligibility:** If the Director ceases to be eligible under the terms of their Member Municipality's appointment.

- b) The process for removal shall be:
 - i) A resolution for removal must be proposed by at least two (2) Directors or the Chair.
 - ii) The Director in question must be given ten (10) business days' notice of the meeting at which the resolution will be discussed and have the opportunity to respond.
 - iii) A vote of two-thirds (2/3) of the Directors present is required for removal.
- c) Upon removal, the Member Municipality will be notified and must appoint a replacement Director.
- d) For clarity, any resolution requiring a two-thirds (2/3) vote under this Bylaw shall be calculated based on the number of Directors present and entitled to vote at the meeting.

8. Removal of the Chair:

- a) The Chair may be removed for:
 - i) **Failure to Perform Duties:** Non-compliance with the responsibilities outlined in this Bylaw.
 - ii) **Misconduct:** Breach of the Code of Ethics.
 - iii) **Loss of Confidence:** If a majority of the Board no longer has confidence in the Chair's leadership.
- b) The process for removal shall be:
 - i) A resolution for removal must be introduced by any Director.
 - ii) The Chair must receive notice and have an opportunity to respond at the meeting where the resolution will be discussed.
 - iii) A vote of two-thirds (2/3) of the Directors present is required for removal.
- c) The Vice-Chair will assume the role of interim Chair until a new Chair is elected by the Board.

9. Filling Vacancies:

- a) If a Director or Chair is removed, resigns, or becomes ineligible, the vacancy shall be filled as follows:
 - i) **Director:** The Member Municipality shall appoint a new Director.
 - ii) **Chair:** The Vice-Chair will act as interim Chair until a new election is held.

5. BOARD RESPONSIBILITIES

- 1. The Board is responsible for directing and supervising the affairs of the Commission and ensuring alignment with its strategic goals and legal obligations.
- 2. The Board shall:
 - a. Approve the Commission's operating and capital budgets, which shall require a Qualified Vote as defined in Section 2.
 - b. Conduct annual reviews of the CEO;
 - c. Set and adopt policies governing the operations and administration of the Commission;
 - d. Approve all financial decisions exceeding \$50,000 unless delegated to the CEO under Emergency conditions, which shall require a Qualified Vote as defined in Section 2.
 - e. Appoint auditors to oversee the Commission's financial statements at the Annual Meeting.
 - f. Establish bylaws/policies for Customer rates, HR matters, contracting, employee expenses, and safeguarding records."
- 3. The Board shall ensure all meetings adhere to this Bylaw and Robert's Rules of Order.

4. The Board may delegate any of its powers, duties, or functions under this or any other enactment or bylaw to a committee or any person unless an enactment or bylaw provides otherwise. The CEO may delegate any duty or responsibility authorized by the Commission to an employee, contractor, or agency.

6. MEETINGS OF THE BOARD

1. Meeting Types and Frequency

The Board shall convene the following meetings:

- a. **Annual Meeting** — held on or before April 30 each year to receive and adopt the audited financial statements for the preceding fiscal year and address other required annual business of the Commission.
- b. **Organizational Meeting** — held each fall (and no later than November 30) to elect the Chair and Vice-Chair, appoint signing authorities, auditors, and professional advisors, set the regular meeting schedule, and provide Board orientation on legal responsibilities and best practices.
- c. **Regular Meetings** — held at least quarterly on dates and times determined by the Board.
- d. **Special Meetings** — which may be called by:
 - i) the Chair;
 - ii) a majority of the Member Municipalities; or
 - iii) the CEO in consultation with the Chair.

2. Notice Requirements

- a. Notice of the Annual and Organizational Meetings must be provided at least fourteen (14) days in advance.
- b. Notice of Regular Meetings must be provided at least seven (7) days in advance.
- c. Notice of Special Meetings must be provided at least forty-eight (48) hours in advance.
- d. Notwithstanding the above, notice of time and place may be given at least seventy-two (72) hours in advance unless waived in writing by all Directors.

3. Format and Participation

- a. Meetings may be conducted in person or by electronic means (audio or video) that allow all participants to communicate adequately with each other.
- b. Any Director participating electronically shall be deemed present and entitled to vote.

4. Quorum

- a. A quorum shall be a majority of all Directors, and in any case not fewer than four (4) Directors.
- b. If quorum is not met, the meeting may proceed for informational purposes only and no decisions shall be made.

5. Open and Closed Sessions

- a. Meetings of the Board shall be open to the public except where permitted to be closed under the *Access to Information Act* (Alberta) (“**ATIA**”) and the *Protection of Privacy Act* (Alberta) (“**POPA**”).
- b. No decisions or votes may occur during a closed session.

6. Meeting Procedures

- a. The order of business at Board meetings shall include, but not be limited to:
 - i) Call to Order
 - ii) Adoption of Agenda
 - iii) Approval of Minutes
 - iv) Reports and Presentations
 - v) Financial Updates

- vi) New Business
- vii) Adjournment
- b. The Chair shall preside over meetings and ensure adherence to meeting protocols. In the absence of the Chair, the Vice-Chair shall preside.

7. CHIEF EXECUTIVE OFFICER (CEO)

1. Duties and Responsibilities

The CEO is the managerial and administrative head of the Commission and principal advisor to the Board and shall:

- a. Manage the day-to-day operations of the Commission;
 - b. Implement the policies, bylaws, and directives of the Board;
 - c. Provide regular reports to the Board on financial and operational matters;
 - d. Approve expenditures within the Board-approved budget up to \$50,000, with any expenditure exceeding \$50,000 requiring prior Board approval by Qualified Vote as defined in Section 2;
 - e. Act as the primary liaison between the Commission and its Member Municipalities; and
 - f. Ensure compliance with all applicable legislation, regulations, and bylaws.
- ### 2. Delegation and Performance Review
- a. The CEO shall not delegate material responsibilities or statutory duties without prior Board approval.
 - b. The Board shall conduct an annual performance review of the CEO.

3. General Administration

- a. The Board may appoint an external entity to manage the financial affairs of the Commission, or may direct the CEO to perform those responsibilities.
- b. Any cheques, contracts, agreements, or other binding instruments of the Commission shall be executed jointly by:
 - a. the Chair or Vice-Chair, and
 - b. the CEO.
- c. The CEO shall have custody of the Corporate Seal, which shall be affixed only when authenticated by the signatures of the Chair or Vice-Chair and the CEO.
- d. Subject to the **ATIA** and the **POPA**, Directors or Member Municipalities may inspect all books and records of the Commission and obtain copies or extracts, acting reasonably in the exercise of this right.

8. FINANCIAL MANAGEMENT

1. Fiscal Year

The financial year of the Commission shall be the calendar year.

2. Budgets

- a. The Board shall adopt, before the end of each financial year, an operating budget and a capital budget for the following year.
- b. Each budget shall include:
 - i. projected water volumes,
 - ii. estimated expenditures and revenues for at least three (3) years,
 - iii. planned capital projects over a 25-year horizon,
 - iv. proposed fees and rates to be charged, and
 - v. remuneration and expense rates for Directors.

- c. Adoption of the operating and capital Budgets shall require approval by Qualified Vote as defined in Section 2.
 - d. If the operating and capital Budgets are not approved by December 31, the previous year's budgets shall continue in effect as interim budgets until replaced.
3. **Amendments and Oversight**
- a. The CEO may approve budget amendments up to \$50,000.
 - b. Any amendment exceeding \$50,000 requires Board approval by Qualified Vote.
 - c. The Board shall review financial statements on at least a quarterly basis and shall ensure an external audit is conducted annually.
4. **Mileage**
- a. Mileage rates for Board members shall align with the annual guidelines established by the Canada Revenue Agency.

9. **WATER VOLUMES**

- 1. Members and Customers shall submit annual and 3-year volume forecasts. If system or EPCOR/Strathcona capacity is constrained, available water shall be proportionally allocated based on prior-year consumption. Maximum peak flow shall not exceed Average Day Demand × 1.8.

10. **SERVICE FEES AND RATES**

- 1. The Commission shall set rates annually in the budget by bylaw using a Cost of Service. Rates shall cover all Commission costs (Board, operations, water supply, reserves, debt). Members pay based on actual volume consumed. The Commission shall not terminate water to a Member Municipality/Customer that operates a distribution system without first pursuing arbitration/litigation/AUC complaint.

11. **CROSSING APPLICATIONS**

- 1. Anyone seeking to cross the Supply Line/ROW must apply in writing per Engineering Standards and Fees & Charges Bylaw. CEO may revoke or suspend for non-compliance.

12. **CONSTRUCTION/EXCAVATION**

- 1. Written approval is required for any work on/near the System or ROW. Unauthorized work may be stopped immediately and costs charged to the person. CEO may revoke approval and require restoration.

13. **WATER SUPPLY APPLICATIONS AND OPERATIONS**

- 1. Applications must be made in writing. The Commission determines the Transfer Point. The Commission invoices Members (for their customers) or Customers directly. The CEO may refuse or revoke approvals if incomplete, false, or unsafe. All water must be metered. The Commission does not provide fire protection.

14. **PROCESS FOR DISESTABLISHMENT**

- 1. The Commission may be disestablished upon agreement by special resolutions passed by the councils of all Member Municipalities.

2. Upon such agreement, the Commission shall liquidate all capital assets, and:
 - a. Proceeds from the sale of capital assets, after repayment of provincial grants and discharge of all debts and liabilities, shall be distributed to Member Municipalities based on their proportional contributions to those assets.
 - b. Any accumulated surplus in operating funds or reserves, after settling all liabilities, shall be distributed based on the proportional water consumption of each Member Municipality over the prior ten years.
 - c. Outstanding liabilities resulting from disestablishment shall be resolved as part of a disestablishment agreement.

15. DISPUTE RESOLUTION PROCEDURE

1. If the Member Municipalities cannot agree on the distribution of assets or liabilities on disestablishment, the following Dispute Resolution Procedure applies:
 - a) First, by negotiation between the Parties;
 - b) Second, by Mediation; and
 - c) Third, by Arbitration if mutually agreed upon by the Parties.
2. A party initiating a dispute must give written notice (a "Dispute Notice") to the other Party, providing details of the dispute. Within seven (7) days of receipt, each Party shall appoint a Representative to negotiate in good faith. If the dispute is not resolved within thirty (30) days, negotiation shall be deemed to have failed.
3. If negotiation fails, either Party may issue a Mediation Notice, nominating a Mediator and specifying the remaining dispute. Within thirty (30) days of the Mediation Notice, the Parties must jointly agree upon a Mediator.
4. If the Parties fail to agree on a Mediator within thirty (30) days or if Mediation fails within sixty (60) days, the dispute may proceed to Arbitration if both Parties agree.
5. Arbitration: If the Parties choose to proceed to Arbitration, one party may provide an Arbitration Notice nominating an Arbitrator. Within fourteen (14) days of receiving the Arbitration Notice, the other Party must respond with their agreement or counter-nomination of another Arbitrator.
6. If the Parties cannot agree on a single Arbitrator within fourteen (14) days, either Party may apply to the Court of King's Bench of Alberta to have an Arbitrator appointed.
7. The terms of reference for Arbitration shall be based on the Arbitration Notice and the receiving Party's response.
8. Arbitration shall proceed according to the rules set out by the Alternative Dispute Resolution Institute of Canada, as amended from time to time, and governed by the Arbitration Act, RSA 2000, c. A-43, as amended or replaced, unless the Parties agree to modify the rules.
9. The Arbitrator shall issue a binding decision within:
 - a. Forty-five (45) days if the disputed amount is less than \$250,000, or
 - b. Ninety (90) days if the disputed amount exceeds \$250,000.
7. The Arbitrator has the authority to award solicitor-client costs and interest but may not award punitive, consequential, or exemplary damages.
8. Arbitration decisions are final and binding, subject only to review by a court in cases of fraud.
9. The costs of the Mediator or Arbitrator shall be shared equally between the Parties unless otherwise awarded by the Arbitrator. Each Party shall bear its own costs for participation in the dispute resolution process.

11. CONDUCT EXPECTATIONS

1. Board members and the CEO shall:
 - a. Act with integrity and accountability;
 - b. Avoid conflicts of interest;
 - c. Refrain from using their position for personal gain;
 - d. Comply with all policies, bylaws, and directives of the Commission.
2. Alleged breaches of these conduct expectations may be addressed by the Board, which may include investigation and, where warranted, the removal of a Director or Chair in accordance with Section 4 of this Bylaw.

12. Water Supply and Connections

1. No person shall connect to or disconnect from the Commission’s water system without prior written approval from the Commission.
2. No person shall perform any excavation, installation, maintenance, or related construction work on Commission-owned infrastructure without written authorization from the Commission or its authorized delegate.
3. The Commission may prescribe the terms, standards, and fees applicable to any such approvals or connections.

13. Engineering Standards

1. All work performed on or in connection with the Commission’s infrastructure must comply with engineering standards approved by the Board, including any manuals, specifications, or standard drawings adopted or amended by resolution of the Board.

14. GENERAL PROVISIONS

1. Each section of this Bylaw is separate and severable. If any section is found invalid, the remainder shall remain in force.
2. This Bylaw may be amended by a Qualified Vote of the Board at a duly called meeting.
3. This Bylaw repeals and replaces all previous administrative and disestablishment bylaws.
4. The cost of providing services to a Member Municipality may include a share of common operating and capital costs of the Commission, as determined by the Board from time to time, in accordance with any budget bylaw or applicable Board policies.
5. The Board may, by resolution, establish further conditions, procedures, and standards to support the implementation of this Bylaw

15. ENACTMENT

This Bylaw shall come into force upon approval by the Board.

**ADOPTED BY THE CAPITAL REGION NORTHEAST WATER SERVICES COMMISSION
THIS ____ DAY OF _____, 2025.**

Commission Chair

CEO



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;

- (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;

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Administrative Bylaw – Bylaw No. 2021-001

- (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.

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- (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.

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- (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.

- (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.

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- 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**