

COMMUNITY OF O'LEARY

BYLAW # 5

FOR

MUNICIPAL SEWAGE COLLECTION AND TREATMENT

A BYLAW TO ESTABLISH THE COMMUNITY OF O'LEARY SEWAGE COLLECTION AND TREATMENT CORPORATION.

Preamble: WHEREAS the Council of the Community of O'Leary has, pursuant to Section 31 (F) (g) of the Municipalities Act, determined that it will provide sewage collection and treatment services.

THEREFORE, pursuant to Section 38.1 of the Municipalities Act, supra:

BE IT ENACTED by Council as follows:

Title: 1. This bylaw may be cited as the Community of O'Leary Sewage Collection and Treatment Utility Bylaw, Bylaw Number Five (5).

Definition: 2. In this bylaw:

(a) "Council" means the Council of the Community of O'Leary.

(b) "Corporation" means the O'Leary Sewage Collection and Treatment Corporation.

Customer (c) "Customer" means a person, firm, or corporation who or which requests or is supplied with sewage.

Director (d) "Director" means a director of the corporation and includes its chairman.

Municipality (e) "Municipality" means the Municipality of the Community of O'Leary.

Application of

bylaw 3. This bylaw applies to the establishment and operation of a sewage collection and treatment corporation for the Municipality.

Corporation 4. (1) Therein hereby established the O'Leary Sewage Collection and Treatment Corporation.

established (2) The Corporation shall be composed of a Board of Directors comprised of the six Council members.

Composition (3) One of Directors shall be appointed by the Chairperson as "Chairperson" of the Corporation.

Term of office (4) The Directors of the Corporation shall have terms of office the same as their Council term at the time of appointment, but may be removed at any time by the Chairperson.

Remuneration (5) The Directors of the Corporation may receive such remuneration as may be determined by Council.

Meetings, procedure (6) At meetings of the Corporation, two Directors constitute a quorum over which the Chairperson of the Corporation, or in his absence, a Director designated by him shall preside.

Voting (7) Decisions of the Board of Directors shall be determined by majority vote.

Breaking tie vote (8) 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.

Duties of Chairperson (9) The Chairperson is the Chief Executive Officer of the Corporation and has supervision over and direction of the work and the staff of the Corporation.

Functions of the Corporation 5. The Corporation shall have the following functions:

(a) Constructing, altering, extending, managing and controlling a system for providing the

services of sewerage collection and treatment to the residents of the Municipality and, with the approval of Council, residents of areas adjacent to the Municipality;

- (b) Acquiring, alienating, holding and disposing of real or personal property;
- (c) Engaging and paying personnel;
- (d) Financing, with the approval of Council, any of its undertakings, and
- (e) Assessing, charging and collecting rates and charges for services provided to any customer.

- Rates 6. The Corporation shall levy such user rates or frontage charges as may be approved by the Public Utilities Commission.
- Separation of accounts 7. The Corporation shall maintain its accounts separate from the accounts of the Council of the Municipality.
- Liability 8. 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.
- Fiscal year 9. The Fiscal Year of the Corporation shall be from January 1 to December 31.
- Commencement 10. This bylaw comes into force on the 8<sup>th</sup> of March, 1988.

FIRST READING THE 9<sup>TH</sup> DAY OF FEBRUARY A.D., 1988.  
SECOND READING THE 8<sup>TH</sup> DAY OF MARCH A.D., 1988.

RANKIN MACKINNON  
CHAIRPERSON

BEVERLEY COUGHLIN (SHAW)  
ADMINISTRATOR