

**Chief Mountain Regional Solid Waste Services Commission
Bylaw No. 002-20**

BEING A BYLAW GOVERNING THE FEES TO BE CHARGED BY THE CHIEF MOUNTAIN REGIONAL SOLID WASTE SERVICES COMMISSION FOR SERVICES PROVIDED TO ITS CUSTOMERS, AND GOVERNING ADMINISTRATION OF THE CHIEF MOUNTAIN REGIONAL SOLID WASTE SERVICES COMMISSION.

WHEREAS the Chief Mountain Regional Solid Waste Services Commission has been established by *Alberta Regulation 33/2020*, and

WHEREAS pursuant to Section 602.07(1) (b) of the *Municipal Government Act*, the Chief Mountain Regional Solid Waste Services Commission must pass a bylaw governing the fees to be charged by the commission of services provided to its customers, and

WHEREAS pursuant to Section 602.07 (3) of the *Municipal Government Act*, the Chief Mountain Regional Solid Waste Services Commission may pass bylaws respecting the provision of the commission's services and governing the administration of the commission;

NOW THEREFORE the Board of Directors of the Chief Mountain Solid Waste Services Commission enacts the following:

1. DEFINITIONS

- 1.2. "Act" means the *Municipal Government Act*, R.S.A. 2000, c. M-26;
- 1.3. "Annual Meeting" means the Meeting of the Board and the Members to be held on a date and at a location to be determined by the Board in accordance with this Bylaw;
- 1.4. "Auditor" means the auditor of the Commission appointed by the Board pursuant to Section 5.5 hereof;
- 1.5. "Board" means the Board of Directors of the Commission;
- 1.6. "Budget" means the capital budget and the operating budget required by the Act;
- 1.7. "Chair" means the chairperson of the Board;
- 1.8. "Commission" means the Chief Mountain Solid Waste Services Commission;
- 1.9. "Director" means the representative of a Member on the Board appointed in accordance with Bylaw No. 001-20;
- 1.10. "Financial Plan" means the financial plan for the Commission for the forthcoming five (5) financial years, as it exists from year to year;
- 1.11. "Member(s)" means those members set out in the Regulation;
- 1.12. "Regulation" means Alberta Regulation No. 33/2020.
- 1.13. "Regular Meeting" means the meetings of the Board to be held on dates and at locations to be determined by resolution of the Board;
- 1.14. "SEO" means the person appointed by the Board as the Senior Executive Officer in accordance with this Bylaw;
- 1.15. "Special Meeting" means a meeting of the Board called in accordance with Section 4.2 of this Bylaw;
- 1.16. "Solid Waste Services" means all solid waste services provided by the Commission; and
- 1.17. All other words in this Bylaw are as defined or used in the Act or the Regulation.

2. OBJECTS

2.1. The objects of the Commission are:

- 2.1.1. to provide wholesale solid waste services to its Members;
- 2.1.2. to provide solid waste services to other customers on such terms and conditions as the Commission may determine.

3. MANAGEMENT

3.1. The management of this Commission shall be vested in the Board of Directors, pursuant to Bylaw 001-20 of the Commission.

4. BOARD MEETINGS

4.1. The Board, by resolution, may establish the date and number of Regular Meetings held during a year, however, there shall be not less than two (2) Regular Meetings per year.

4.2. The Chair:

- 4.2.1. may call a Special Meeting at the discretion of the Chair; and
- 4.2.2. shall call a Special Meeting upon receipt of written request by at least Three (3) Directors.

4.3. Notice of the time and place of every Board meeting shall be given to each Director personally, by telephone or by facsimile transmission or any electronic medium not less than forty-eight (48) hours before the time fixed for the holding of such Board meeting, provided that any Board meeting may be held at any time and place without such notice if:

- 4.3.1. all the Directors are present thereat and signify their waiver of such notice at such meeting; or
- 4.3.2. All the Directors present thereat signify their waiver of such notice and all the Directors that are absent have signified their consent to the meeting being held in their absence.

4.4. A Director may participate in a Board meeting or at a meeting of a committee of the Board by means of telephone conference or other electronic communications medium that permits each of the Directors to hear each of the other Directors and to be heard by each of the other Directors.

4.5. Any matter properly placed before a meeting of the Board shall be decided by a majority of the votes cast by the Directors at the relevant Board Meeting.

4.6. A quorum of the Board shall be a majority of the Directors.

4.7. The Board shall be responsible for the management and conduct of the affairs of the Commission, which responsibility shall include, but not be limited to, the following:

- 4.7.1. to approve the Financial Plan for the forthcoming five (5) years and the Budget for the forthcoming year;
- 4.7.2. to maintain the operations of the Commission in a manner which benefits its Members; and
- 4.7.3. to cause the minute books and financial records of the Commission to be maintained and to make the same available to the Members.

4.8. The Directors shall receive for attending any Board meeting, fees and expenses including travel expenses as permitted by each Director's municipal rates and fees.

- 4.8.1. The Directors shall receive for attending any Board sub-committee meeting or for carrying out any Director's responsibilities, meeting fees and expenses including travel expenses as permitted the rates and fees set out in the Commission's Financial Plan and Budget.

5. ANNUAL MEETING

- 5.1. The Commission shall call an Annual Meeting which shall be held no later than April 30th of each year.
- 5.2. Notice of the Annual Meeting shall be provided to each Member not less than thirty (30) days prior to the date of the Annual Meeting.
- 5.3. At the Annual Meeting, the Auditor shall present the audited financial statements of the Commission and the Chair shall report on the activities of the past year of the Board and the future plans of the Commission.
- 5.4. At the first meeting of the Board following the Annual Meeting, the Board shall appoint the Auditor for the ensuing year who shall report to the Board on the annual financial statement of the Commission and on the financial procedures and activities of the Commission.
- 5.5. The Chair shall establish the agenda for any meeting of the Board. Directors shall be entitled to add items to the proposed agenda by submitting a request to the SEO at least twenty-four (24) hours before the meeting.
- 5.6. The Board shall adopt the agenda at the beginning of the meeting and may, upon agreement of two thirds of those Directors present at the meeting add or delete items from the agenda.

6. ADMINISTRATION

- 6.1. There shall be a Chair, a Vice-Chair and a SEO and such other Officers as determined by the Board in its discretion from time to time.
- 6.2. The term of office of the Chair is one year.

- 6.3. The Chair shall preside over each Regular Meeting, Special Meeting and the Annual Meeting and of any meetings of any committee of the Commission.
- 6.4. The Chair shall appoint all officials and committees as directed by the Board.
- 6.5. The Chair shall be an ex-officio member of all committees.
- 6.6. The Chair shall vote on all matters before the Board.
- 6.7. The Chair shall perform all other and such other duties as are usually performed by the Chair.
- 6.8. The Vice-Chair shall act and perform the duties of the Chair in his absence in the conduct of his office.
- 6.9. The term of office for the Vice-Chair is one year.
- 6.10. In the absence of the Chair at any meeting, the Vice-Chair shall preside over the meeting for that meeting only.
- 6.11. During the absence or inability of the Chair and Vice-Chair, a Director appointed by the Board for that purpose shall exercise the duties and powers of the Chair.
- 6.12. The SEO shall act as the administrative head of the Commission and the without limiting the foregoing, the SEO shall:
 - 6.12.1. ensure that the policies and programs of the Commission are implemented;
 - 6.12.2. advise and inform the Board on the operations and affairs of the Commission;
 - 6.12.3. maintain custody of the seal of the Commission and when required on any instrument requiring the seal of the Commission, affix the same together with one of the Chair or the Vice-Chair;
 - 6.12.4. perform the duties and exercise the powers assigned to the SEO in this Bylaw;
 - 6.12.5. perform the duties and exercise the powers required of the SEO in the Act or any other applicable legislation;
 - 6.12.6. cause the funds of the Commission to be received and disbursed in accordance with the directions of the Board, subject to this Bylaw;
 - 6.12.7. cause to be kept detailed accounts of all income and expenditures including proper vouchers for all disbursements of the Commission;
 - 6.12.8. cause to be rendered to the Board at Regular Meetings or whenever required by the Board an account of all transactions of the Commission and the financial position of the Commission;

- 6.12.9. cause all facts and minutes of all proceedings to be kept on all meetings of the Commission;
 - 6.12.10. cause all notices to be given to Members and to Directors required by this Bylaw;
 - 6.12.11. cause to be kept all books, papers, records, correspondence, contracts and other documents belonging to the Commission and shall cause the same to be delivered up when required by the Act or when authorized by the Board to such person as may be named by the Board; and
 - 6.12.12. shall carry out any lawful direction of the Board from time to time.
- 6.13. The Board may select as SEO:
- 6.13.1. an individual that is an employee of the Commission;
 - 6.13.2. an individual, municipality, or firm engaged on a contractual basis;
- on such terms and conditions as may be acceptable to the Board.
- 6.14. In addition to the duties set forth herein, the SEO shall have such duties as the Board may from time to time determine.
 - 6.15. Any one of the Chair or Vice-Chair, together with the SEO and SEO's designate are authorized to execute and deliver any cheques, promissory notes, bills of exchange and other instruments, whether negotiable or not, on behalf of the Commission.
 - 6.16. The Board may, from time to time, appoint an acting SEO who shall be authorized, in the absence the SEO, to perform such duties of the SEO as the Board may prescribe.
 - 6.17. Members shall have the right to inspect and may obtain extracts or copies of all books and records of the Commission.

7. COST OF SERVICES PROVIDED BY THE COMMISSION

- 7.1. Each Member of the Commission shall be responsible for the capital and operating costs associated with the Commission based upon their population as outlined in **Appendix A**.

8. FINANCIAL

- 8.1. The financial year of the Commission shall be the calendar year.
- 8.2. Without limiting the requirements for the Budget pursuant to the Act, the Board in the fall of each year will prepare the Financial Plan for the forthcoming five (5) financial years and Budget for the next financial year which will set out the:
 - 8.2.1. estimate expenditures for the:

- 8.2.1.1. operations of the Board and SEO;
 - 8.2.1.2. operations of the Commission;
 - 8.2.1.3. repayment of debt obligations;
 - 8.2.1.4. non cash expenditures; and
 - 8.2.1.5. return on equity and investments;
 - 8.2.2. estimated revenue requirements to meet the expenditures of the Commission and the rates and fees to be charged to Members and customers of the Commission;
 - 8.2.3. projections of operating expenditure, revenue requirements and rate trends;
 - 8.2.4. capital expenditures for the forthcoming financial year and a five-year project of capital expenditures in the Financial Plan;
 - 8.2.5. estimated costs and sources of revenue for each year of the Financial Plan;
 - 8.2.6. rates of remuneration and expenses to be provided to the Directors.
- 8.3. Subject to and in accordance with the Act and the Budget, the Commission may:
- 8.3.1. accumulate operating surplus funds to an amount up to but not exceeding 100% of the annual operating expenditures in any year; and
 - 8.3.2. accumulate capital reserve funds to an amount up to but not exceeding the total expected capital expenditures in the five-year Financial Plan and Budget.
- 8.4. All items relating to Finance require the approval of three quarters (75%) of the Directors of the Board.
- 8.5. Upon receipt of authorization from the Board to distribute the proposed Budget and Financial Plan, the SEO shall distribute to each Member a complete copy of the proposed Budget and Financial Plan for the relevant financial year.
- 8.6. Any Member may submit comments and questions to the Board in writing in relation to the Budget and the Financial Plan within thirty (30) days immediately following the date of distribution of the Budget and the Financial Plan.
- 8.7. After the thirtieth (30th) day immediately following the date of distribution of the Budget and the Financial Plan, the Directors shall finalize and approve the Budget and the Financial Plan for the relevant financial year. For the purposes of this paragraph, approval of the Budget and the Financial Plan shall require a majority of those votes cast to be in favour.

8.8. If the Budget and Financial Plan are not both approved by majority vote as aforesaid, the SEO shall, as soon as reasonably practicable thereafter, deliver to each Member a revised Budget and Financial Plan for approval in accordance with this paragraph and such process shall continue until the Budget and the Financial Plan for the relevant financial year have both been approved.

8.9. Subject to the Act, the SEO may, during any financial year, present to the Members amendments to the Budget and the Financial Plan for the then current financial year. Any amendments to the Budget and the Financial Plan shall be made in accordance with the procedure for approval of the Budget and the Financial Plan set forth in paragraphs 8.5, 8.6 and 8.7, herein.

8.10. The Commission shall set out in the annual Budget and Financial Plan, the rate to be charged by the Commission for providing Solid Waste Services to the Members and customers. The rate to Members shall be their percentage of the total population of the Commission multiplied by the estimated operation and capital costs of the Commission less the anticipated revenue from other customers.

9. CUSTOMERS AND RESTRICTIONS IN USE

9.1. The Commission may terminate the supply of services to any Member for failure to pay for the solid waste services received from the Commission.

10. CHANGE IN MEMBERSHIP

10.1. The Board may agree to the addition of a municipality as a Member of the Commission.

10.2. A new Member shall be required to pay an amount to be calculated at the time of application.

10.3. A Member may withdraw from membership of the Commission upon at least (1) one year's notice. The withdrawing Member will lose any equity contributed made by the Member during the Member's term of membership of the Commission and no compensation will be provided.

11. AMENDMENTS

11.1. An amendment to this Bylaw may be passed by the Board upon a three quarters majority (75%) of the Directors of the Board.

11.2. Written notice of a proposed amendment to the Bylaw shall be provided to each Director and each Member not less than thirty (30) days in advance of the meeting at which the amendment is to be considered.

12. SEVERABILITY

12.1 If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw is deemed valid.

This bylaw will come into force on the date of third and final reading.

Read a first time this 13th day of May, 2020

Read a second time this 13th day of May, 2020

Read a third time this 13th day of May, 2020



CHAIR –



SEO –



APPENDIX A

Each Member of the Commission shall be responsible for the operating and capital costs associated with their percentage of the total population as outlined below:

Member	Population	Percentage of Operating and Capital Costs
Blood Reserve	8587	0.2788
Cardston County	4481	0.1454
Town of Raymond	4252	0.1380
County of Warner No.5	3947	0.1281
Town of Cardston	3909	0.1269
Town of Magrath	2435	0.0790
Village of Stirling	1269	0.0412
Town of Milk River	827	0.0268
Village of Warner	373	0.0121
Village of Glenwood	316	0.0102
Village of Coutts	245	0.0080
Village of Hill Spring	162	0.0052
Total	30803	1.00

Populations taken from 2018 Municipal Affairs Population List