

**EVERGREEN REGIONAL WASTE
MANAGEMENT SERVICES COMMISSION**

BYLAW NO. 12

A By-law respecting the administration of the Evergreen Regional Waste Management Services Commission

WHEREAS the Evergreen Regional Waste Management Services Commission has been established by Alberta Regulation 31/2000, and

WHEREAS the first Board of Directors and Chairperson of the Evergreen Regional Waste Management Services Commission were appointed through Ministerial Order L:011/00 in accordance with the *Municipal Government Act*, and

WHEREAS Bylaw No. 1-2000 was adopted and portions rescinded through Bylaw No. 11 and the Board wishes to rescind the remainder of that bylaw.

WHEREAS Bylaw No. 2-2000 was adopted and the Board wishes to rescind that bylaw.

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

1. DEFINITIONS

- 1.1 "Act" means the *Municipal Government Act*, R.S.A. 2000, c M-26;
- 1.2 "Board" means the Board of Directors of the Commission;
- 1.3 "Chair" means the chairperson of the Board;
- 1.4 "Commission" means the Evergreen Regional Waste Management Services Commission;
- 1.5 "Director" means a person appointed to the Board of Directors of the Commission in accordance with this Bylaw
- 1.6 "Manager" shall mean a person or persons duly appointed by the Commission who shall hold office at the pleasure of the Board
- 1.7 "Member" or "Members" means the member municipal authorities as set out in the regulation;

2. REPEAL

- 2.1 Bylaw 1-2000 and Bylaw 2-2000 are repealed and replaced by this Bylaw.

3. BOARD MEETINGS

- 3.1 Except as otherwise provided, the business of the Board shall be conducted at Board meetings.

- 3.2 The Chair may convene a special meeting of the Board.
- 3.3 A quorum of the Board, at all meetings of the Board, shall consist of five Directors.
- 3.4 The Organizational Meeting of the Commission shall be attended by the incoming and continuing Directors of the Commission.
- 3.5 The Chair shall present to the Annual Meeting, if held, a report on the previous year's operation of the Commission.
- 3.6 The Manager of the Commission shall present to the Annual Meeting, if held, the previous year's Audited Financial Statement and the proposed Budget for the upcoming year.
- 3.7 General meetings of the Commission shall be held not less than four times per year (including the Annual Meeting), for the Officers of the Commission to present progress reports on the operation of the Commission. Special meetings may be called, as deemed necessary by the Chair.
- 3.8 Each Director shall have a weighted vote consisting of the following:

Board Representation with Weighted Vote	Weighted Vote Percentage
County of St. Paul	36%
Town of St. Paul	21%
Smoky Lake County	21%
Town of Smoky Lake	6%
Town of Elk Point	6%
Village of Vilna	5%
Village of Waskatenau	5%

- 3.9 The Chair shall preside at all Board meetings and, in the absence of the Chair, the Vice-Chair. In the absence of the Chair and Vice-Chair, the Directors may elect a Chair from amongst their quorum.

4. OFFICERS

- 4.1 The Officer of the Commission shall include:
 - (a) Chairman
 - (b) Vice-Chairman
 - (c) Manager
- 4.2 The Chairman shall:
 - (a) Preside over all meetings of the Commission
 - (b) Vote as a Director of the Commission
 - (c) Approve budgeted payables for payment
- 4.3 The Vice-Chairman shall:
 - (a) Preside over all meetings of the Commission in the absence of the Chairman

- (b) Assist the Chairman in all duties, as required
- (c) Approve budgeted payables for payment in the absence of the Chairman

5. FINANCING

- 5.1 All capital and administrative expenses required to develop and construct the Regional Waste Management System in excess of any assistance provided by the Provincial Government shall be provided by the participating Municipalities.

The Capital Cost Sharing Formula is as follows:

County of St. Paul	40.7%
Town of St. Paul	23.4%
Smoky Lake County	22.4%
Town of Smoky Lake	4.8%
Town of Elk Point	6.6%
Village of Vilna	1.1%
Village of Waskatenau	1.0%

- 5.2 By May 1st of each year, the Commission shall submit to the Members an Audited Financial Statement of the previous years' operation. By October 1st of each year, the Commission shall submit to the Members the projected budget of estimated revenues and expenditures for the next financial year.
- 5.3 Each Member is responsible for the remuneration and expenses of the Directors appointed by them who attend to Commission related business; Regular, Committee and Annual Meetings.

6. SERVICES

- 6.1 Customers or Agencies, other than the Members, who wish to obtain services from the Commission shall be required to enter into an agreement with the Commission in order to obtain such service. The Commission may affix a user fee as deemed necessary with regard to such customers.

7. SEAL

- 7.1 The Board shall adopt a Seal of the Commission and the Seal shall be in the custody of the Manager under the control of the Board.
- 7.2 The Seal of the Commission shall not be affixed to any document except by the authority of a Resolution of the Board.

8. FISCAL YEAR

- 8.1 The Fiscal Year of the Commission shall be the calendar year.

9. DUTIES OF THE BOARD

- 9.1 The Board shall formulate programs, policies, procedures, rules and regulations concerning all aspects of the affairs of the Commission in accordance with the Act. The Board shall be at liberty to exercise any or all of the powers granted to it pursuant to *the Act* for the purpose of carrying out the objectives of the Commission.
- 9.2 The Board may appoint such Committees consisting of its Directors or of other persons or any combination thereof as it may deem expedient for the furtherance of the objectives of the Commission and, in so doing, may delegate any of its powers or duties as authorized in Section 602.06 of *the Act* and prescribe such terms of reference as it may deem fit.
- 9.3 The Board, through the Manager, may employ, discipline, terminate, and fix the conditions of remuneration, employee benefits, hours of work and any other matter relating to such employees as may be deemed necessary.
- 9.4 The Board may, from time to time, establish rates for the payment of remuneration and may reimburse its' Members, Directors, employees, or any other person for expenses incurred on behalf of the Board.
- 9.5 The Board may, from time to time, retain services of consultants, engineers, managers, clerks, servants, agents, etc. as the board may deem necessary.

10. BOOKS AND RECORDS

- 10.1 The Board shall keep proper books of account and records and such books of account and records, together with all papers and other documents relating to the Commission, shall be kept at the office of the Commission and shall be open during reasonable business hours to the inspection and examination by every Director of the Board.
- 10.2 The Board shall appoint an auditor or auditors who shall be a member or members of the Institute of Chartered Accountants and who shall audit the accounts and affairs of the Commission in accordance with the requirements of *the Act*.
- 10.3 The Board shall keep minutes and books to be provided for the purpose of recording all Resolutions passed by and all proceedings of any meeting of the Board and shall record the names of all persons present at such meetings.
- 10.4 The Board shall at all times ensure that the requirements of *the Act* relating to the delivery of reports, financial statements and information to the Municipalities from the Commission are met.

11. MANAGER

- 11.1 The Board shall appoint a Manager of the Commission.
- 11.2 The Manager shall manage and direct the affairs of the Commission in accordance with the policies, rules, procedures and directions of the Board and in accordance with *the Act*. The Manager shall conform to all lawful orders and directions given by the Board.
- 11.3 The Manager shall make all necessary arrangements for meetings of the Commission.

12. FEES

- 12.1 The fees charged by the Commission for services provided to Members shall not be less than the amount necessary to cover the estimated expenditures and expenses less any grants, transfer from accumulated surplus funds or reserves, or from any other revenues.
- 12.2 The fees charged by the Commission for services provided to customers that are not Members shall be the amount as determined by the Board.
- 12.3 The fees shall be set annually by the Board at the time the Annual Budgets are approved by the Board.

13. AMENDMENTS

- 13.1 This Bylaw may be amended from time to time, based on weighted vote by the Board in accordance with *the Act* and the Commission bylaws cast at any duly constituted meeting of the Board.

READ A FIRST TIME THIS _____ DAY OF _____ 2013

READ A SECOND TIME THIS _____ DAY OF _____ 2013

READ A THIRD TIME THIS _____ DAY OF _____ 2013

CHAIRPERSON

MANAGER