

## By-Law No. 06

## Greater Moncton Wastewater Commission Procedural By-Law

A By-law amending By-law No. 06, a By-law respecting the establishment of a General Capital Reserve Fund and a General Operating Reserve Fund on the behalf of the GREATER MONCTON WASTEWATER COMMISSION, a body corporate.

BE IT ENACTED as a By-Law of the Greater Moncton Wastewater Commission (hereinafter referred to as the Commission) as follows:

### **A. General Capital Reserve Fund**

Pursuant to the Reserve Fund Regulation – Municipalities' Act, being Regulation 97-145 under Section 192 (1) (k) of the Municipalities' Act (RSNB 1973, c.M-22) (the "Act"), the Greater Moncton Wastewater Commission (the "Commission") enacts as follows:

1. Pursuant to Section 189(7) (b) of the Act, the Commission hereby establishes a Capital Reserve Fund to be called the General Capital Reserve Fund (the "Capital Fund"), to be managed and contributed to as hereinafter set forth.
2. The purpose of the Capital Fund shall be for the payment of capital expenses and money held in the fund shall be used for no purpose other than the payment of capital expenses; namely, any expenditure for a tangible asset that confers a benefit on the Commission for a period exceeding one (1) year, and including without limitation, the purchase of new, or replacement of existing, machinery, equipment, plant or infrastructure. Money held in this fund shall not be used for the purposes of funding municipal cost-sharing projects.
3. The Capital Fund shall be unlimited in amount and amounts transferred to the Capital Fund shall be established by a resolution of the Commission. Every resolution respecting a contribution made to the Capital Fund in respect of any calendar year shall identify the amount to be contributed to the Capital Fund.
4. All money transferred to the Capital Fund shall be invested or reinvested in accordance with the Trustees' Act, RSNB 1973, c.T-15 and as outlined in the GMWC Investment Policy.
5. Interest earned by the Capital Fund shall be credited to the Capital Fund.
6. The General Manager and Director of Finance and Administration under the direction of the Commission shall manage and administer the Capital Fund and ensure that proper books of account are maintained in accordance with the Act, the *Trustees' Act* and the provision of this By-law.
7. All expenditures made from the Capital Fund shall be authorized by resolution of the Commission specifying the amount and the purpose of the expenditure.

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### **B. General Operating Reserve Fund**

Pursuant to the Reserve Fund Regulation – Municipalities' Act, being Regulation 97-145 under Section 192 (1) (k) of the Municipalities' Act (RSNB 1973, c.M-22) (the "Act"), the Greater Moncton Wastewater Commission (the "Commission") enacts as follows:

1. Pursuant to Section 189(7) (a) of the Act, The Commission hereby establishes an Operating Reserve Fund to be called the General Operating Reserve Fund (the "Operating Fund"), to be managed and contributed to as hereinafter set forth.
2. The purpose of the Operating Fund shall be for the payment of contingency expenses, capital expenditure and money held in the fund shall be used for no purpose other than the payment of contingency expenses and capital expenditures; namely, any emergency expenditure for the replacement of existing, machinery, equipment, plant, infrastructure or extraordinary operating costs incurred due to unforeseen events or disasters.
3. The Operating Fund shall be unlimited in amount and amounts transferred to the Operating Fund shall be established by a resolution of the Commission. Every resolution respecting a contribution made to the Operating Fund in respect of any calendar year shall identify the amount to be contributed to the Operating Fund.
4. All money transferred to the Operating Fund shall be readily accessible in an account with a Chartered Canadian Bank and Credit Union and their subsidiaries with a local presence and office.
5. Interest earned by the Operating Fund shall be credited to the Operating Fund.
6. The General Manager and Director of Finance and Administration under the direction of the Commission shall manage and administer the Operating Fund and ensure that proper books of account are maintained in accordance with the Act, the *Trustees' Act* and the provision of this By-law.
7. All expenditures made from the Operating Fund shall be authorized by resolution of the Commission specifying the amount and the purpose of the expenditure.
8. Any requirement to draw funds from the Operating Fund shall be reimbursed within three (3) annual budgetary cycles.

The Provisions of this By-law shall be effective forthwith.

These By-laws may be altered, amended, or repealed in whole or in part at any duly organized meeting of the Commission, by a two-thirds majority vote of the voting Commissioners. Any proposal to amend these By-laws shall be included with the Notice of Meeting at which the amendment is to be considered.

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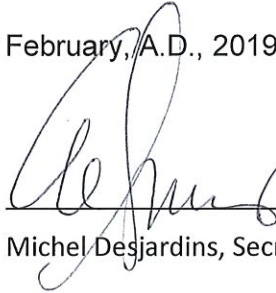
All amendments shall be consistent with the purposes of incorporation and with the Clean Environment Act.

The foregoing By-Law 06 was passed and enacted by the Commissioners at the Meeting of the Greater Moncton Wastewater Commission on the 21<sup>st</sup> day of February, 2019

ENACTED this 21<sup>st</sup> day of February, A.D., 2019



David Muir, Chair



Michel Desjardins, Secretary

The original By-law No. 06 was passed on December 6, 2010.

An amendment to By-law No. 6 was passed and enacted on July 21, 2016.