

BYLAW 2005-01

**A BYLAW TO PROVIDE FOR ENTERING INTO AN AGREEMENT WITH THE
TOWN OF MIDALE TO ESTABLISH AND OPERATE
THE WESTPHALIA CEMETERY ASSOCIATION**

PURSUANT TO SECTION 254(1), (1.1) AND (2) OF THE RURAL MUNICIPALITY ACT, 1989

The Council of the Rural Municipality of Cymri No. 36, in the Province of Saskatchewan,
enacts as follows:

1. The Council of the Rural Municipality of Cymri No. 36 is hereby authorized to enter into agreements with the Town of Midale for the purpose of establishing and operating the Westphalia Cemetery Association.
2. The Reeve and Administrator of The Rural Municipality of Cymri No. 36 are hereby authorized to sign and execute agreements for the purposes of this bylaw, as may be approved or amended by resolution of council.

Reeve

Administrator



Certified a true copy of Bylaw No. 2005-01
adopted by resolution of the council present at the
meeting on the 12th day of May, 2005.

Administrator

EXHIBIT "A"

WESTPHALIA CEMETERY ASSOCIATION

THIS AGREEMENT made in duplicate this 9th day of June, 2005.

BETWEEN:

The Rural Municipality of Cymri No. 36, in the Province of Saskatchewan
(hereinafter referred to as the "RM")

-AND-

The Town of Midale, in the Province of Saskatchewan
(hereinafter referred to as the "Town")

WHEREAS the RM and the Town wish to associate with each other for the purpose of constituting and creating a Board to be known as the "Westphalia Cemetery Association";

AND WHEREAS the RM and the Town wish to set forth the role of the RM Council and the Town Council (hereinafter referred to as the "Councils") in relation to the Westphalia Cemetery Association.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of these premises, covenants, promises and agreements hereinafter set forth, and subject to the terms and conditions hereinafter stated, the parties hereto jointly and severally agree as follows:

ESTABLISHMENT OF THE WESTPHALIA CEMETERY ASSOCIATION

1. Pursuant to the right of delegation given to the RM under Section 172 of *The Rural Municipalities Act, 1989* and to the Town under Section 175 of *The Urban Municipalities Act*, the parties hereto agree to the establishment of the Westphalia Cemetery Association (hereinafter referred to as the Association).

POWERS, RESPONSIBILITIES AND OBLIGATIONS OF THE ASSOCIATION

2. The Association is entrusted with such powers, responsibilities and obligations as are allowed by Section 172 of *The Rural Municipalities Act, 1989* and Section 175 of *The Urban Municipalities Act*, the Association shall have the general power to:
 - a) Manage, operate, maintain and use the mowing equipment;
 - b) To set rates and levy charges for specific services as the Association shall from time to time determine;
 - c) To make expenditures in connection with the operation and maintenance of the Association, equipment and cemetery;
 - d) To enter into fee for service agreements;
 - e) To hire, suspend, or dismiss any employee hired by the Association.

COMPOSITION OF THE BOARD

1. The Association shall consist of (4) members, to be appointed by resolution of the Councils as follows:
 - a) One (1) member from each of the councils;
 - b) Two (2) members at large as appointed by both councils.

TERM OF OFFICE

1. The seat of any member shall become vacant upon the receipt of a written notice of his or her resignation by the Secretary-Treasurer.
2. The Secretary-Treasurer shall bring to the attention of the Councils at their next regular meeting any vacancies as they arise.
3. The Councils shall, by resolution at the first meeting following receipt of the notice of vacancy, fill the vacancy by resolution.
4. The Councils may, by resolution, remove any person appointed and appoint another person to replace him or her. In the case of the two (2) at large appointed members, both Councils must agree to appoint or remove a member.

APPOINTMENT OF CHAIRPERSON AND SECRETARY-TREASURER

5. The Association shall, as soon as possible after its members are appointed and annually thereafter, elect a Chairperson and a Secretary-Treasurer and any other officers as it may deem necessary to properly conduct its business.

QUORUM

6. More than one-half (1/2) of the registered members shall constitute a quorum.

MEETINGS

10. The Association shall meet at least six (6) times per year, at a time and place as set by resolution of the Association.
11. The Secretary-Treasurer shall at the request of the Chairperson or one-third (1/3) of the members, call a special meeting at a date specified in the request.
12. All members of the Association present shall vote on each question.
13. The Chairperson shall preside at all meetings.
14. All actions of the Association shall be entered in the minute book, to be kept for this purpose and signed by the presiding officer and the Secretary-Treasurer.
15. Any items that require action by the Councils shall be taken to the Councils at their next meeting(s).
16. Upon approval of the minutes, at the next regular meeting of the Association, the Chairperson and Secretary-Treasurer shall initial each page.

FISCAL YEAR

17. The fiscal year of the Association shall be January 1 to December 31 of each year.

FINANCIAL RECORDS

18. The Association shall adopt and maintain only banking arrangements and good accounting practices that are acceptable to both the Councils, and shall keep such books of account and submit such statements from time to time as the Councils require. In particular, the Association shall do the following:
 - a) Establish a bank account in a credit union or chartered bank;

- b) designate the Chairperson and the Secretary-Treasurer as the signing officers of the Association;
- c) at each meeting have the Secretary-Treasurer provide a written statement of cash receipts and payments to the Association with respect to the Association's previous month's activities.

FUNDING AND FUNDRAISING

19. The Association will be authorized to raise funds necessary for the carrying on of its functions, by any legal means at its disposal, and all revenues earned by the Association shall accrue to the Association.

APPROVAL OF BUDGET BY COUNCILS

20. The Association shall submit to the Councils for their approval the budget for the current year by May 1.
21. The Association may also, at any time during the year, submit to the Councils for their approval estimates of the Association for extraordinary expenses.
22. The Councils shall provide any sums of money required by the Association to carry out its powers and duties on an equally shared basis.
23. The Association shall expend only those monies included in estimates approved by the Councils.
24. Any surplus of funds held by the Association at the end of the fiscal year shall be retained and administered by the Association.

AUDIT

25. The records of the Association shall be audited annually at the end of each fiscal year in accordance with *The Rural Municipalities Act* and *The Urban Municipalities Act*, by an auditor.
26. On or before May 1 of each year, the Board shall submit the previous years audited financial statement to each Council.

TERM OF AGREEMENT

27. The RM and the Town mutually agree that this Agreement shall be continuous and renegotiation of all terms may be initiated and undertaken at any time on recommendation of the Association and mutual agreement of the Councils.
28. In the event that either party desires to withdraw or otherwise terminate this Agreement, that party shall give at least one year written notice to that effect. Such notice shall be given on or before December 31, to be effective on December 31 in the year following.
29. Should the Association cease to exist or function for any cause whatsoever, any surplus from the operation of the Association shall be distributed to the RM and the Town, in proportion to their direct financial distribution which they made to the Association during its existence.

Paul W. Smith

Reeve – R.M. of Cymri No. 36

David Smith

Administrator – R.M. of Cymri No. 36

Christi L. Lumsden

Mayor – Town of Midale

Linda M. Lumsden

Administrator – Town of Midale

