



The Six Nations Water Commission

THE SIX NATIONS BAND COUNCIL

WHEREAS, the Department of Indian Affairs is constructing a water treatment and water distribution system on the Six Nations Indian Reserve No. 40.

AND WHEREAS, when these initial undertakings are completed, it is incumbent on the Six Nations Band Council to maintain and control the systems thereafter.

AND WHEREAS, it is deemed advisable to entrust the management and control of the systems to a commission to be known as "THE SIX NATIONS WATER COMMISSION".

NOW, THEREFORE, The Six Nations Band Council in pursuance of Section 80 (f) and (1) of The Indian Act, hereby enacts as follows:

1. Interpretation.

- (a). 'Council' means The Six Nations Band Council.
- (b). 'Commission' means The Six Nations Water Commission.
- (c). 'Secretary' means The Six Nations Band Council Secretary.
- (d). 'Highway' means a common and public highway, and includes a street and a bridge forming part of a highway or on, over or across which a highway passes.

2 (1). The Commission may construct and maintain, in, and upon the land acquired by or for it, such reservoirs, water and other works, plants, and machinery as may be requisite for the undertaking, and may, by pipes or otherwise, convey the water thereto and therefrom, in, upon, and through any land lying between the reservoirs and water works and the lake, pond, well, spring or stream of water from which the water is procured or between them or any of them.

(2). The Commission and its servants may for such purposes enter and pass upon and over such intermediate land, and may, if necessary, cut and dig up the same and lay pipes through it, and in, upon, through, over and under the highways, lanes, and other public communications.

(3). All such highways, lands, or other public communications and all land, not being the property of the Commission shall be restored to their original condition without unnecessary delay.

3. For the purpose of distributing the water, the Commission may sink and lay down pipes, tanks, reservoirs, and other conveniences, and may, from time to time, alter their location or construction as the commission may deem advisable.

4 (1). The service pipe shall be laid down from the main line to the line of the highway by the Commission and the Commission is responsible for keeping the same in repair.

(2). Where a vacant space intervenes between the outer line of the highway and the wall of a building or other place into which the water is to be taken, the Commission may, with the consent of the owner, lay the service pipe across the vacant space to the interior face of the outer wall and the charge the cost thereof to the consumer, or the consumer may himself lay the service pipe, if it is done to the satisfaction of the Commission.

5 (1). The service pipes from the line of a highway or street to the interior face of the outer wall of the building supplied, together with all branches, couplings, stopcocks, and apparatus placed therein by the Commission are under its control, and if any damage is done to that portion of the service pipe or its fittings, the owner or occupant of the building shall forthwith repair the same to the satisfaction of the Commission, and in default of his doing so, whether notified or not, the Commission may enter upon the land where the service pipe is, and repair the same, and charge the cost thereof to the owner or occupant of the premises, (and the cost may be collected in the same manner as water rates).

(2). The stopcock placed by the Commission inside the wall of the building shall not be used by the water taker, except in case of accident, or for the protection of the building or the pipe and to prevent the flooding of the premises.

(3). Persons supplied with water by the Commission may be required to place only such taps for drawing or shutting off the water as are approved by the Commission.

6. The Commission may regulate the distribution and use of the water in all places where and for all purposes for which it may be required, and fix the prices for the use thereof, and the times of payment, and may erect such number of public hydrants and in such places as it may see fit, and may direct in what manner and for what purposes the

same shall be used, and to fix the rate or rent to be paid for the use of the water hydrants, fireplugs and public buildings,

7. The Commission is not liable for damages caused by the breaking of any service pipe or attachment, or for shutting off of water to repair or tar mains if reasonable notice of the intention to shut off the water is given.

8. No pipes shall be carried in, upon, through, over or under any highway, lane, public communication, without the consent of the Council.

9(1). Any person authorized by the Commission for that purpose has free access, at all reasonable times, and upon reasonable notice given and request made, to all parts of every building or other premises to which water is supplied for the purpose of inspecting or repairing or of altering or disconnecting any service pipe, within or without the building, or for placing meters upon any service pipe or connection within or without the building as he may deem expedient and for that purpose or for the purpose of protecting or regulating the use of the meter, may set it or alter the position of it, or of any pipe, connection or tap and may alter or disconnect any service pipe.

(2). The Commission may fix the price to be paid for the use of the meter, and the times, when, and the manner in which the price shall be payable and may recover the expense of such alterations, and such price and the expense of such alterations may be collected in the same manner as rents or rates for the supply of water.

(3). Where a consumer discontinues the use of the service, or the Commission lawfully refuses to continue any longer to supply it, the officers and servants of the Commission may, at all reasonable times, enter the premises, in, or upon which the consumer was supplied, for the purpose of cutting off the supply or of making an inspection from time to time to determine whether the service has been or is being unlawfully used or for the purpose of removing therefrom any fitting, machine, apparatus, meters, pipes, or other things being the property of the Commission in or upon the premises, and may remove the same therefrom, doing no unnecessary damage.

(4). The Commission, before supplying water to any person or to any building or premises, or as a condition of continuing to supply the service, may require any consumer to give reasonable security for the payment of the proper charges therefor or for carrying the service into the building or premises.

10. No action shall be brought against any person for anything done in pursuance of this by-law, but within six months after the act was committed or in case there is a continuation of damage, within one year after the original cause of action arose.

11. Every person who,

(a). wilfully hinders or interrupts or causes or procures to be hindered or interrupted the Commission or any of its officers, contractors, agents, servants or workmen, in the exercise of any of the powers conferred by this by-law;

(b). without lawful authority wilfully opens or closes any hydrant, or obstructs the free access to any hydrant, stopcock, chamber, pipe, or hydrant chamber, by placing on it any building material, rubbish, or other obstruction;

(c). throws or deposits any injurious, noisome, or offensive matter into the water or waterworks, or upon the ice, if the water is frozen, or in any way fouls the water, or commits any wilful damage, or injury to the works, pipes, or water, or encourages the same to be done;

(d). wilfully alters any meter placed upon any service pipe or connected therewith, within or without any building or other place, so as to lessen or alter the amount of water registered; or

(e). lays or causes to be laid any pipe or main to connect with any pipe or main of the waterworks or in any way obtains or uses the water without the consent of the Commission,

is guilty of an offence and on summary conviction, is liable to a fine not exceeding one hundred dollars or imprisonment for a term not exceeding thirty days or both fine and imprisonment.

12. Where there is a sufficient supply of water, the Commission shall supply all buildings situate upon land lying along the line of any supply pipe upon the request in writing of the owner, occupant or other person in charge of any such building,

13. The Commission may hire such personnel and workmen as is ~~required to effectively carry on its undertakings, and to fix~~ the remuneration or wages for such personnel or workmen.

14 (a). The Commission shall not sell, lease, or otherwise dispose of any portion of the property acquired or held for it in connection with its undertaking without the assent of the ~~electors~~ qualified to vote.

(b). The Council shall, upon the request of the Commission, submit to qualified electors, a by-law to authorize any sale, lease, or other disposition of the undertaking or the whole, or any part of the property acquired, held or used in connection therewith that under this section is required to be assented to by the electors.

15. No extension, addition, enlargements, or improvements or alterations, in, of, or to the systems shall be undertaken by the Commission, without the consent of the Council, ~~if the cost or any part of the cost is intended to be provided for out of any other than its own funds.~~

16. Upon the repeal of this by-law, the control and management of the water treatment and distribution systems are vested in the Council and the Commission ceases to exist. - C

17. The Commission may pass ~~by-laws~~ ^{rules} for regulating the time, manner, extent, and nature of the supply of water, the building or persons to which and to whom the water shall be furnished, the price to be paid therefor, ~~and every other matter or thing related to or connected therewith that it may be necessary or proper to regulate,~~ in order to secure to the inhabitants of the Reserve, a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds upon the Commission with regard to the water so supplied.

18. (1). The Commission may ~~pass by-laws~~ ^{make rules} for the maintenance and management of the works and the conduct of its officers and others employed in connection with it, and may also ~~by by-law or resolution~~ fix the rates or charges for supplying of water and service done and the rent and charges for fittings, apparatus, meters and other things leased or furnished to consumers and provide for the collection of such rates, charges and rents, and the times and places when and where they shall be payable, and for allowing for prepayment or punctual payment such discount as may be deemed expedient.

(2). In fixing the rents, rates or prices to be paid for the supply of water, the Commission may use its discretion as to the rents, rates or prices at which water shall be supplied for the different purposes for which it may be supplied or required.

(3). In default of payment, the Commission may shut off the supply but the rents or rates in default are nevertheless recoverable.

- (4). The amount payable to the Commission is a debt and may be recovered by action in a court of competent jurisdiction and until such debt is paid, it shall be a charge against the land to which the water was supplied. ~~_____~~
19. The Commission shall consist of five members of whom the head of the Council shall be one ex officio, and the others shall be elected at the same time and place and in the same manner as the head of the Council, and the elected members shall hold office for 2 years and until their successors are elected and the new Commission is organized.
20. The members of the Commission shall be elected by general vote and in counting the names of the voters, the name of the same person shall not be counted more than once.
21. It is the duty of the Secretary, at least six (6) days before the day fixed for holding the meeting for the nomination of candidates for the Commission, to post up in his office, the list of electors eligible to vote.
22. Where after the voters list has been posted, the Secretary is satisfied that the name of a person entitled to be entered thereon has by error been omitted therefrom, he may, authorize the Director or Officer or proper Deputy Director or Officer to enter the name of such person on the Voters List to entitle him to vote as if his name had been entered thereon at the time the list was posted.
23. Where after the list has been posted the name of a person entitled to be entered thereon by reason of being the wife or husband of a person entitled to be on the Voters List, the Secretary may issue a certificate authorizing the Director or Officer or proper Deputy Director or Officer to enter the name of such wife or husband on the Voters List to entitle him or her to vote as if her or his name had been entered thereon at the time the list was posted.
24. Every person is qualified to vote or be elected as a member of the Commission who is a householder and is a user of water, or is the wife or husband of the householder.
- 'Householder' means the person who occupies and is assessed for water as owner or tenant of a dwelling, or apartment house or part of a dwelling or apartment house separately occupied as a dwelling. If two or more persons own and occupy such dwelling or apartment house and are assessed for water jointly and not severally, each is classified as a householder.

25. An elector is entitled to vote
 - (a). Once only for as many candidates for any office as there are offices to be filled, and once only for each of them.
 - (b). The votes shall be given by ballot.
26. Every nomination shall be in writing and state the name, residence, and occupation of the candidate and the residence and occupation of the proposer and seconder and shall be signed by the proposer and seconder, both of whom shall be electors and be present at the nomination.
27. When a proposed candidate is not present, his nomination papers is not valid unless there is evidence satisfactory to the Returning Officer that he consents to be so nominated.
28. If no more candidates are nominated than the number to be elected, the Returning Officer shall forthwith after the expiry of the time, declare the candidates duly elected.
29. When from any cause, the requisite number of persons is not elected, the Secretary shall cause a new election to be held as soon as practicable to fill the vacancies, and until such election is held, or sufficient members to exceed one-half thereof when complete, is elected, the Commission of the preceding year shall continue in office.
30. If a candidate for office dies or become ineligible for office before the close of the polls, the Returning Officer shall fix a new day for the nomination of candidates for such office as well as a new date for the election.
31. The members of the Commission shall hold office until their successors are elected and the new Commission organized.
32. The sections of this by-law relating to the election of members of the Commission shall not come into effect until the election for the head of the Council in December of 1969.
33. The Council shall forthwith appoint the members of the Commission from those persons, or from the wives or husbands of such persons, who have signed an undertaking to take water when it becomes available, and such appointees shall have full powers to carry on the business of the Commission as if they were elected by the electors.

34. The seat of a member of the Commission becomes vacant if he,
(a). is undergoing imprisonment under sentence for a criminal offence; if
(b). absents himself from the meetings of the Commission for three successive months, without being authorized so to do by a resolution of the Commission entered upon its minutes; or
(c). files his resignation with the Secretary; or
(d). is elected to fill a vacancy in the office of Chief or Councillor of the Band.

35. If a member of the Commission forfeits his seat or right to it or becomes disqualified to hold it and does not forthwith resign his seat, the Council shall declare it vacant.

36. Where a vacancy occurs.

(a) the unsuccessful candidate who received the highest number of votes at the next preceding election is entitled to the office and the order of succession shall be determined by the number of votes received at the next preceding election providing such candidates are qualified at the time of such vacancy.

(b). The Secretary shall immediately after the vacancy occurs give notice in writing to the candidate who is first in succession that he is entitled to such vacant office and such candidate shall within one week after the giving of the notice either accept or disclaim the office.

(c). If a candidate fails to accept or disclaim the office within the prescribed time, the Secretary shall forthwith give notice in writing to the candidate next in succession in the same terms to the first candidate, until the vacant office has been filled or the list of candidates entitled to take it is exhausted.

(d). The notice may be served personally or may be sent by registered mail addressed to the candidate, and a record of the service or of the mailing and of the address shall be preserved by the Secretary.

(e). If all the members of the Commission were elected by acclamation, or if no candidate takes the vacant office under the preceding provisions of this section, the Council shall forthwith appoint an elector to fill the vacancy for the remainder of term of the member whose seat has become vacant.

37. Notwithstanding that a seat or seats on the Commission become vacant, the meetings of the Commission may be held if a majority of the full number of members of the Commission is present.
38. The validity of the election or the right of any member of the Commission to hold his seat shall be determined by the Council.
39. Where the validity of the election or the right of any member of the Commission to sit is contested on the ground that the member has become disqualified or has forfeited his seat since election, an elector entitled to vote at the election may be the relator.
40. The salary, ^(how much voted by commission) if any, of the Commissioners shall from time to time be fixed by the Council, and no member of the Council, except the head thereof, shall at the same time be a member of the Commission.
- 41 (1) The first meeting of the Commission shall be held on the first Thursday in January of each year.
- (2). No business shall be proceeded with at the first meeting until after a declaration of office has been made by all the members who present themselves for that purpose.
- (3). The Commission shall be deemed to be organized within the meaning of this by-law when the declaration of office has been made by a majority of the members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declaration.
- 42 (1). The first meeting of the Commission shall be held at the Council House.
- (2). The subsequent meetings of the Commission shall be held at such place as the Commission from time to time appoints.
43. A Majority of the whole number of members required to constitute the Commission is necessary to form a quorum.
44. The ordinary meetings of the Commission shall be open and no person shall be excluded therefrom except for improper conduct.
45. In each year at the first meeting at which a majority of all members is present, they shall organize as a Commission, and elect one of the members to be Chairman.
- 46 (1). The Chairman of the Commission shall preside at all meetings of the Commission.
- (2). The Chairman of the Commission may at any time summon a special meeting, and upon receipt of a petition of the majority of the members of the Commission,

the Secretary shall summon a special meeting for the purpose and at the time mentioned in the petition.

47. A special meeting may be either open or closed as in the opinion of the Commission expressed by resolution in writing, as the public interest requires.

48. In the absence of the Chairman of the Commission, or if his office is vacant, or if he refuses to act, the Commission may, from the members present, appoint a presiding officer, who, during such absence or vacancy or refusal to act, has all the powers of the Chairman of the Commission.

49. If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a presiding officer from among themselves, and he has the same authority as the absent person would have had if present.

50. The Chairman of the Commission, or the presiding officer, except where he is disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions and any question on which there is an equality of votes shall be deemed to be negatived.

51. No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

52. The Commission may adjourn its meetings from time to time.

53 (1). The Commission may appoint a clerk who shall keep minutes of its proceedings, prepare its reports and perform such other duties as may be assigned to him by the Commission or Chairman of the Commission.

(2). A book wherein shall be recorded all the proceedings of the Commission shall be kept and shall be open to inspection by any person appointed for that purpose by the Council.

54 (1). The Commission shall appoint a treasurer.

(2). Separate books and accounts of the revenues shall be kept by the Commission and such books and accounts shall be open to inspection by any person appointed for that purpose by the Council.

(3). The treasurer shall receive and safely keep all money of the Commission, and shall pay out the same to such persons and in such manner as the resolutions of the Commission directs, and every cheque issued by the treasurer shall be signed by the treasurer.

and by some other person designated for the purpose by resolution of the Commission, and such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(4). The Commission may provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the resolution may provide.

delete (5). The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Commission.

55. Subject to Subsection 4 of Section 54, the treasurer shall

(a). open an account or accounts in the name of the Commission in such of the chartered banks or at such other place of deposit as may be approved by the Commission:

(b). deposit all money received by him on account of the Commission and no other money, to the credit of such account or accounts and no other account; and

(c). keep the money of the Commission entirely separate from his own money and from that of any other person, and notwithstanding subsection 3 of Section 54, the Commission shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

56. Where a treasurer is removed from office or absconds, the Commission shall forthwith give notice to his sureties, and his successor may draw any money of the Commission that may have been deposited by the treasurer to his credit.

57. The position of clerk and treasurer may be in one person.

58 (1) Every treasurer and every other officer of the Commission as the Commission may require, before entering on the duties of his office, shall give annually such security as the Commission directs for the faithful performance of such duties and for duly accounting for and paying over all money that comes into his hands belonging to the Commission.

(2)/ The security to be given shall be by bond, policy, or guarantee contract of a guarantee company.

(3) It is the duty of the Commission, at a meeting held not later than the first of February in every year, with respect to those of its officers, who continue in office from year to year and at the

first meeting after his appointment, with respect to any newly appointed officer to require the production before it of every bond, policy, or guarantee contract required under this section.

(4) The Commission shall forthwith after the production thereof direct where and with whom the bonds, policies and guarantee contracts given under this section shall be deposited for safe keeping and where the same shall be available for inspection by the auditors.

(5). The premiums payable in respect of any bond, policy or guarantee contract given under this section is payable by the Commission out of its general funds.

59. No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditures of the Commission.

60. (1) The Commission shall on or before the 1st day of February of each year, furnish to the Council a statement of affairs of its undertaking, and

(a). The number of consumers supplied during the previous calendar year.

(b). A balance sheet of assets and liabilities, including the value of the physical property, the amount of the sinking fund, and the amount of the current assets and liabilities.

(c). A statement of revenue and expenditure, including the amount received from customers and the amount of other revenue, if any, also the amount expended for operation and maintenance, improvements and extensions, and for salaries and other office and management expenses, and the amount paid or set aside for future expansion or extensions.

(2). The Commission shall also furnish such information as may be required by the Council at any time.

(3). The accounts of the Commission shall be audited by the auditors of the Council, and the Commission and its officers shall furnish to the auditors such information and assistance as may be in their power to enable the audit to be made.

(4). The Commission may, if it so desires, appoint auditors to audit the accounts of the Commission, the expense to be borne by the Commission.