

Bylaw 15478 Amendment to the *Procedures and Committees Bylaw 12300* to Create a Utility Committee

Purpose

To establish a Utility Committee as a Standing Committee of Council.

Readings

Bylaw 15478 is ready for three readings.

This Bylaw is authorized under the *Municipal Government Act*. A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree "That Bylaw 15478 be considered for third reading."

Report Summary

This report recommends approval of Bylaw 15478 and appointment of four Councillors to the Utility Committee.

Previous Council/Committee Action

At the October 28, 2010, City Council meeting, the following motion was passed:

That Administration prepare a bylaw to create a Utility Committee, including four members of Council for the three-year Council term, and based on the Terms of Reference.

Report

The Utility Committee will be established by Bylaw 15478, under the *Municipal Government Act*, which allows Council to establish committees and other bodies.

Highlights of Bylaw 15478

- The Utility Committee will be a Standing Committee of Council and will be comprised of four members of Council.
- Members will sit on the Committee for their three-year term.
- The Committee will meet at least four times per calendar year.
- The Committee will deal with and recommend to Council items relating to policy and rate-setting with respect to Waste Management, Sanitary and Land Drainage Utilities.
- In order for the Utility Committee to have the broadest context on utility operations and finances with which to review budget, policy and rates, Administration will bring reports to the Committee that are directly and indirectly related to budget, policy and rate decisions.
- For example, contract change orders, information reports on major capital programs, and prior year annual reports relative to Drainage Services and Waste Management would be brought forward to the Utility Committee. Reports arising from 2011 Utility Budget deliberations, such as business cases for existing services, and alternative service delivery models would also go forward to the Utility Committee.
- All reports from Drainage Services and Waste Management Branches would be brought to the Utility Committee, except reports regarding

only non-regulated operations. For example, regular updates on Trenchless Projects for Drainage Design and Construction would go to Transportation and Public Works Committee.

- The Committee will not deal with rate-setting matters relating to EPCOR. This is regulated by the EPCOR Rates Procedure Bylaw, Bylaw 12294 and the EPCOR Waterworks Bylaw, Bylaw 12585.
- The Utility Advisor will report to Council through the Utility Committee.

Consecutive Terms

- Bylaw 15478 states that a Councillor may not sit on this Committee for more than six consecutive years.
- No limit on time: If Council wants to place no limit on the amount of time a Councillor may serve on the Utility Committee, Council will need to make the following motion:

That section 8 of Bylaw 15478 be deleted and replaced by:

Section 148(b.1) is added:
(b.1) Councillors appointed to the Utility Committee will serve on the Committee from the time of their appointment until their term of office ends.

- No limit on time, but limit successive terms: If Council wants Councillors to be able to sit on the Utility Committee for more than one term, but not successive terms, Council will need to make the following motion:

That section 8 of Bylaw 15478 be amended by deleting section 148(b.1)(ii), and replacing it with:

(ii) may not be appointed to the Committee for successive terms; and

Chair and Vice Chair

- A Chair and Vice Chair will be elected from the Committee’s members each year at its first meeting after the organizational meeting of Council.
- If Council wishes for the Chair and Vice Chair to sit for the entire three-year term, Council will need to make the following motions:

1. That section 9.1 be added to Bylaw 15478:

Section 161(1) is amended by adding “, Utility Committee” immediately following “Executive Committee”.

AND

2. That section 11 of Bylaw 15478 be amended by adding section 168.6 immediately following section 168.5:

168.6 At the first Utility Committee meeting following the Council meeting at which its members are appointed, the Committee must elect from its members a Chair and Vice Chair who will serve in those roles until their term of office ends.

Membership on Agenda Review Committee

- The current membership of Agenda Review Committee is the Mayor, and the Chairs (or Vice Chair in the absence of the Chair) of Transportation and Public Works Committee and Community Services Committee.
- Section 9 of Bylaw 15478 states that the Chair or Vice Chair of the Utility Committee will be a member of the Agenda Review Committee only when matters relating to the Utility Committee are on the Agenda Review Committee's agenda.
- No attendance at ARC: If Council does not want the Chair of the Utility Committee to attend meetings of the Agenda Review Committee, Council will need to make the following motion:

That section 9 of Bylaw 15478 be deleted and the remainder of the sections renumbered.

Policy

The recommendations in this report comply with the *Municipal Government Act* and the Procedures and Committees Bylaw 12300.

Corporate Outcomes

The Utility Committee responds to Council's Strategic Vision, Conditions of Success, in terms of ensuring organizational capacity and sound management practices and processes.

Legal Implications

Committees of Council must be established by bylaw.

Justification of Recommendation

Creating a Utility Committee will facilitate a consistent governance structure for utilities rate-setting. Councillors should be appointed to the Committee as soon as possible to allow the Committee to meet on a timely basis.

Attachments

1. Bylaw 15478
2. Summary of Proposed Amendments

Others Reviewing this Report

L. Rosen, Chief Financial Officer and Treasurer

M. Koziol, Acting General Manager, Asset Management and Public Works Department