WHEREAS Sections 10 and 11 of the Municipal Act, 2001, S.O. 2001, c. 25, (the “Act”) authorize a municipality to pass by-laws to regulate matters relating to various purposes and spheres of jurisdiction, which includes public utilities and systems used to provide services to the public, including water and wastewater services.

AND WHEREAS the former public utility commissions established under the Public Utilities Act were deemed to continue as municipal service boards pursuant to s. 195 of the Act. A municipality is authorized to establish a municipal service board pursuant to s. 196 of the Act.

AND WHEREAS the Council of the Town of Collingwood enacted By-law 04-29 to establish a municipal service board, Collingwood Public Utilities Service Board, to provide for the supply of water, to appoint its members and to regulate its operations.

AND WHEREAS the Council desires to repeal By-law 04-29 and re-establish the Collingwood Public Utilities Service Board to extend the scope of services that the Collingwood Public Utilities Service Board shall be responsible to provide to include sewage or wastewater services in addition to water services.

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:

1. DEFINITIONS


(b) “Auditor” means the auditor appointed by Council;

(c) “Board” means the Collingwood Public Utilities Service Board;

(d) “Business Plan” shall have the meaning set forth in Paragraph 7.3 hereeto;

(e) “CAO” means the Chief Administrative Officer of the Town of Collingwood;

(f) “CFO” means the Chief Financial Officer of Collus PowerStream

(g) “COO” means the Chief Operations Officer of Collingwood Public Utilities

(h) “Council” means the Council of the Town of Collingwood;

(i) “Collingwood” means the Corporation of the Town of Collingwood;

(j) “Fiscal Year” means the fiscal year of the Town of Collingwood;

(k) “Treasurer” means the Treasurer of the Town of Collingwood;

(l) Utilities initially means Water and Wastewater Services but may include such further services as Council may by further by-law delegate to the Board as are permitted within the powers granted to municipal service boards pursuant to sections 10 and 11 of the Act;

(m) “Water and Wastewater Services” means generally the services to supply potable water and collect wastewater to and from the water and sewer users of Collingwood and other municipalities for which express authority has been given or will be given by Council and without restricting the generality thereof includes:
the drawing, treating, and distribution of water; the provision, operation, maintenance, repair and replacement of water treatment plants, reservoirs, pressure booster stations, trunk water mains, distribution water mains, hydrants and water service connections;

ii) the collection, treatment and discharge of effluent; the provision, operation, maintenance, repair and replacement of wastewater treatment plants, sewage pumping stations, trunk sewers, sewers, and sewer service connections;

iii) the use of lands and buildings, equipment, vehicles, and other facilities reasonably required for these purposes;

iv) establishing bank accounts, hiring staff, entering into contracts, purchasing materials and services as required for administrative activities and regular maintenance of its facilities; and

v) such other services related to water and wastewater which Council may determine that the Collingwood Public Utilities Service Board shall be responsible to provide.

2. ESTABLISHMENT, AUTHORITY, PURPOSE AND RESPONSIBILITIES

2.1 The Council of the Corporation of the Town of Collingwood hereby re-establishes a municipal service board to be known as the Collingwood Public Utilities Service Board or commonly referred to as the "Collingwood Public Utilities" under the authority of the Municipal Act, 2001, S.O. 2001, c.25, as amended.

2.2 The Collingwood Public Utilities shall have the authority and be responsible:
   (a) to execute the day to day operation of Collingwood Public Utilities in accordance with the Act, this By-law, the Business Plan and any other direction approved by the Council;
   (b) to ensure compliance with the requirements of the Province of Ontario as to the services of Collingwood Public Utilities and without restricting the generality thereof in connection with the delivery of Water and Wastewater Services, the Board shall fulfill all requirements of the Sustainable Water and Sewage System Act, 2002 and the Safe Water Drinking Act, 2002;
   (c) to foster long-term maintenance, development and financial viability of Collingwood Public Utilities;
   (d) to seek out and promote opportunities for the mutual benefit to and cost sharing with those municipalities which are within such distances of Collingwood as would result in savings from economies of scale; and
   (e) to carry out such other duties as may be otherwise assigned to it by the Council.

3. BOARD COMPOSITION

3.1 The composition of the Collingwood Public Utilities shall be as described in sections 3.2 and 3.3.

3.2 Voting members shall consist of:
   - Mayor (or his/her designate) and one Council member, as appointed by Council
   - President & CEO of Collus PowerStream
   - Two (2) other persons who are qualified to be elected as a member of Council

3.3 Non-voting members shall not be included to establish quorum, and shall consist of:
   - Chief Operations Officer of Collingwood Public Utilities
   - Recording Secretary

3.4 Appointment Process
   The citizen appointments will occur in accordance with the corporate policy known as "Recruitment and Selection – Committee/Local Board Appointments"

3.5 Key Qualifications & Eligibility Requirements of Citizen Members include:
   - Must be qualified to be elected to the Town of Collingwood Council;
   - Knowledge and interest in water and or waste water services, finance, marketing and promotion;
   - demonstrated leadership (mandatory for chair); and
   - good communication skills, demonstrate initiative, and positive attitude.
4. MEETING PROCEDURES

4.1 Meetings shall be conducted in accordance with the current enacted Procedural By-law of the Town of Collingwood governing the proceedings of Committees and Boards of Council, except as modified herein.

4.2 The Council shall appoint a Chairperson and Vice-Chairperson from amongst its voting members to serve a term of one year, after which time the Board shall annually elect its own Chairperson and Vice-Chairperson or to fill any vacancy during the term.

4.3 The term of office of a member of the Board shall not be more than four years and further to not exceed the term of the Council that has appointed the member. Members may be eligible for appointment for more than one term.

4.4 Despite Section 5.3, the term of office of a member continues until his or her successor becomes a member of the board.

4.5 Meetings of the Board shall generally be held monthly or at the call of the Chair, with the provision that at least four meetings shall be held per year. The Board shall generally establish a regular meeting schedule as determined by the Board that may be reviewed from time to time.

4.6 At all meetings of the Board, every question shall be decided by a majority of votes cast. In the case of an equality of votes, the Chair of the meeting shall not be entitled to a second or tie-breaking vote.

5. QUORUM

5.1 A quorum shall consist of a simple majority of the voting members of the board, and shall not be less than three (3) members.

5.2 Non-voting members are not considered when establishing quorum.

6. BUDGETARY PROCESS

6.1 The Board will deliver to the Treasurer of Collingwood, as soon as it is practical and in any event within 120 days after the end of each fiscal year, a financial statement for the previous year in form approved by the Treasurer.

6.2 Unless specifically approved by Council, the Board shall govern itself and be limited as follows:

a) At the request of the Chief Administrative Officer, or not later than ninety (90) days prior to the end of each fiscal year of the Council, the Board will approve and submit to Council a Business Plan for the next three (3) years of the Public Utilities operations and capital requirements which contains not less than the following:

I. An operating and capital expenditure budget supported by notes, explanation and assumptions on which the budget was prepared;
II. Amount of any funds, if required, from the Town;
III. The strategic direction and any new business initiatives which the Board will undertake;
IV. Pro forma financial statements for each Fiscal Year, including projected provision of reserves or payment of surplus funds to the Town;
V. A statement as to compliance with municipal policies respecting human resources, budgeting, purchasing, conservation, environmental matters, requirements of the Ontarians with Disabilities Act, and the provisions of the Municipal Act respect the operation of municipal service boards.

b) Upon approval of the Business Plan as evidenced by resolution of Council, the Board shall thereupon be authorized to proceed for the year in accordance with the Business Plan and any other conditions or provisions as set forth in the authorizing resolution.
c) Provided that the powers of the Board are limited as follows:
   i. Not to enter into contractual undertakings for a period longer than the calendar year approved in the Business Plan; and
   ii. Not to borrow money, mortgage, charge or grant a security interest or encumber the real property or other assets of the Municipality.

7. MATTERS REQUIRING COUNCIL APPROVAL

7.1 Notwithstanding the generality of the above authorities and responsibilities and the Business Plan in effect for the Fiscal Year, unless specifically approved by Council, the Board shall be limited as follows and it shall not:
   i) Enter into contractual undertakings for a period longer than the term of Council;
   ii) Sell or otherwise dispose of by conveyance, transfer, lease, sale or leaseback, or other transaction any of the real property or other assets of the municipality;
   iii) Borrow money, mortgage, charge or grant a security interest or encumber the real property or other assets of the municipality;
   iv) Make any capital or operational expenditures that will materially change the financial forecast for any budgeted year;
   v) Carry on, solicit, or consider proposals for business activities outside the boundaries of the Town; and
   vi) Make any decision which would materially affect the ability of Collingwood Public Utilities to carry out its Business Plan and protect its assets.

8. ATTENDANCE

8.1 Members that are unable to attend shall notify the Chair, Vice Chair and/or recording secretary to report their absence, prior to the meeting date and/or time.

8.2 If a member is absent for three (3) consecutive regular meetings the Board may recommend to Council to have the member removed from the Board. Council shall have the final decision.

8.3 If a member of the Board resigns, the Board shall report the resignation to the Clerk as soon as practical to initiate the recruitment process to fill the vacancy.

9. REMUNERATION

9.1 The members shall be paid such remuneration and expenses as may be approved by Council in the Business Plan for the Board.

10. REPORTING

10.1 The Board through the COO shall report directly to Council annually for the review and approval of the Business Plan, or from time to time as requested by Council, or deemed expedient by the Board.

10.2 Minutes of the Board shall be circulated and received by Council in accordance with the Municipal Procedural By-law for Committees and Boards.

10.3 The Board will work closely with staff but will not have supervisory authority over any staff.

10.4 Direction from Council to the Collingwood Public Utilities Service Board shall be through the Municipal Clerk and communicated to the Board through the COO.

11. ESTABLISHING SUB-COMMITTEES

11.1 The Board may at its sole discretion appoint sub-committee(s) on an ad hoc basis to deal with specific issues relating to its core mandate. Appointments to any sub-committee shall be only for the duration of the sub-committee’s assignment. Reports of sub-committee(s) shall be forwarded to Council upon request.

12. ESTABLISHED MUNICIPAL POLICIES, RULES AND PROCEDURES

12.1 The Board shall abide by all municipal rules, policies, or procedures unless otherwise authorized.
12.2 The Municipal Act 2001 and the Municipal Conflict of Interest Act shall bind all Board members as it relates to disclosure of any direct, indirect or deemed pecuniary interest, closed meetings procedures, and any other requirements under the Acts, which pertain to the conduct of the member.

12.3 All records, documents, correspondence pertaining to the activity of the Board are considered to be records of the institution, and are subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act, and shall be retained and preserved in accordance with the provisions of the Town of Collingwood Records Retention By-law.

13. CONFIDENTIALITY

13.1 Board members will be required to sign a confidentiality declaration at the beginning of their term.

13.2 Board members may cease to be a member of the Board if they breach confidentiality. The Committee will make a recommendation to Council to remove the member. Items that are to be considered confidential will be so noted.

13.3 Members of the Board are further governed by the Municipal Freedom of Information and Protection of Privacy Act.

14. LIABILITY

14.1 In carrying out the provisions of this By-law, the Board shall at all times be the agent of the Municipal Corporation and while acting bona fide within the limits of the authority of this by-law neither the Board nor any member thereof shall incur any liability by reason of anything done or left undone by the Board; provided however, that nothing in this section contained shall authorize or empower the Board to incur any debt, liability, or obligation for which the Municipal Corporation shall become liable without having previously obtained the consent of Council of the Town of Collingwood.

15. REPEAL

15.1 By-law 04-29 shall be repealed as of the date of enactment of this By-law, except to the extent that the establishment of the Board shall be deemed to have been validly established and hereby continued under this By-law.

16. ENACTMENT

16.1 This By-law shall come into full force and effect on the date of final passage hereof at which time all By-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law.

ENACTED AND PASSED this 13th day of August, 2012.

[Signature]

Mayor

[Signature]

CLERK