

Village of Hines Creek Council Request for Decision (RFD)

Meeting:	Regular Council Meeting
Meeting Date:	June 12, 2018
Originated By:	Leanne Walmsley, Acting Chief Administrative Officer
Title:	New Business – Electric Distribution System Franchise Agreement Between Village of Hines Creek and ATCO Electric Ltd.
File:	0406

BACKGROUND/PROPOSAL:

The last Franchise Agreement was signed on July 8, 2008.

ATCO Electric Ltd. is looking for another 10 year term agreement.

Attached is the following:

1. Bylaw No. 525
2. Letter of Franchise Renewal.
3. Village of Hines Creek – Electricity Service Franchise Renewal June 5, 2018.
4. Electrical Distribution System Franchise Agreement

Amendments to the Agreement are as follows:

(These are really not amendments but have been added to the Table of Contents as their own definitions).

29. Amendments – Page 28

This Agreement may only be amended by written agreement of the Parties, such amendments to be subject to regulatory approvals as required by law.

30. Dissolution – Page 28

In the event that the Municipality intends or resolves to dissolve:

- a) This Agreement shall be assigned to the successor governing authority to the Municipal Service Area;*
- b) subject to an agreement to the contrary between the Company and the successor party, the Municipal Service Area of the Municipality as at the date of dissolution shall thereafter be the Municipal Service Area of the successor party for the purposes of this Agreement; and*
- c) The rights and obligations contained herein shall otherwise continue and shall be binding upon the Company and the successor party.*

31. Waiver – Page 29

A waiver of any default, breach or non-compliance under this Agreement is not effective unless in writing and signed by the Party to be bound by the waiver. No waiver will be inferred from or implied by any failure to act or delay in acting by a Party in respect of

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any default, breach or non-observance or by anything done or omitted to be done by the other Party. The waiver by a party of any default, breach or non-compliance under this Agreement will not operate as a waiver of the Party's rights under this Agreement in respect of any continuing or subsequent default, breach or non-compliance under this Agreement (whether of the same nature or any other nature).

32. Confidentiality – Page 29

The Company acknowledges that the Municipality is governed by the provisions of the Freedom of Information and Protection of Privacy Act (Alberta).

Also added to the Agreement are

Schedules “A”, “B”, and “C” Pages 30, 33, and 34.

DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES

Article 11 – Streetlights

- Conversion of “no investment” to “investment”
Changed to single formula
- Standard street lighting listed in catalogue
- Manufacturer discontinuations will be provided in writing and acceptable replacements will be determined together
- Detailed street light patrols notification to Municipality and AUMA
- Annual street lighting information sharing and mapping with option to mark municipality-owned street lights.

COSTS/SOURCE OF FUNDING (if applicable)

Hines Creek’s current franchise fee is 2.25%.

RECOMMENDED ACTION:

That this Council schedule a delegation with ATCO Electric to discuss options on Streetlight Conversion and franchise rate fees.

Initials show support- Reviewed by:	Manager:	C.A.O. <i>JW</i>
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BYLAW NO. 525

A BYLAW OF THE VILLAGE OF HINES CREEK, IN THE PROVINCE OF ALBERTA, TO AUTHORIZE THE MAYOR AND CHIEF ADMINISTRATIVE OFFICER TO ENTER INTO AN AGREEMENT GRANTING ATCO ELECTRIC LTD. THE RIGHT TO PROVIDE DISTRIBUTION ACCESS SERVICES WITHIN THE VILLAGE OF HINES CREEK.

COPY

WHEREAS pursuant to the provisions of the Municipal Government Act S.A. 1994 c. M-26-1, as amended (the "Act"), the Village of Hines Creek desires to grant and ATCO Electric Ltd. desires to obtain, an exclusive franchise to provide distribution access services within the Village of Hines Creek for a period of ten (10) years subject to the right of renewal as set forth in the said agreement and in the said Act;


WHEREAS the Council of the Village of Hines Creek and ATCO Electric Ltd. have agreed to enter into an Electric Distribution System Franchise Agreement (the "Agreement"), in the form annexed hereto;

WHEREAS it is deemed that the Agreement would be to the general benefit of the consumers within the Village of Hines Creek.

NOW THEREFORE the Council of the Village of Hines Creek enacts as follows:

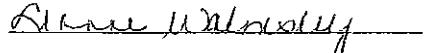
1. THAT the Electric Distribution System Franchise Agreement, a copy of which is annexed hereto as Schedule "A", be and the same is hereby ratified, confirmed and approved, and the Mayor and Chief Administrative Officer are hereby authorized to enter into the Electric Distribution System Franchise Agreement for and on behalf of the Village of Hines Creek, and the Chief Administrative Officer is hereby authorized to affix thereto the corporate seal of the Village of Hines Creek.
2. THAT the Electric Distribution System Franchise Agreement annexed hereto as Schedule "A" is hereby incorporated in, and made part of, this Bylaw.
3. THAT the Council consents to the exercise by ATCO Electric Ltd. within the Village of Hines Creek of any of the powers given to ATCO Electric Ltd. by the Water, Gas and Electric Companies Act, R.S.A. 1980 c. W-4, as amended.
4. THAT this Bylaw shall come into force upon the Electric Distribution System Franchise Agreement being approved by the Alberta Energy and Utilities Board and upon being given third reading and finally passed.

READ a first time in Council assembled this 25 day of March, 2008.


Susan Hansen, Mayor




COPY


Leanne Walmsley, Chief Administrative
Officer

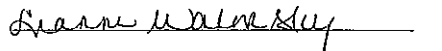
READ a second time in Council assembled this 8 day of July, 2008.

READ a third time in Council assembled and passed this 8 day of July,
2008.

SIGNED by Mayor and Chief Administrative Officer this 8 day of July,
2008.


Susan Hansen, Mayor




Leanne Walmsley, Chief Administrative
Officer