



City of Moose Jaw

COMMUNICATION# CC-2019-0260

TITLE: Bylaw No. 5609, SaskPower Contract Execution and Exemption Bylaw, 2020

TO: City Council

FROM: Department of Planning and Development Services

DATE: 20 December 2019

PUBLIC: PUBLIC DOCUMENT

RECOMMENDATION

THAT City Council give 1st, 2nd and 3rd reading to Bylaw No. 5609, SaskPower Contract Execution and Exemption Bylaw, 2020.

TOPIC AND PURPOSE

The purpose of the proposed Bylaw is to provide the exemptions to City policies and bylaws, which are necessary to execute the Infrastructure and Service Agreement between SaskPower and the City of Moose Jaw.

BACKGROUND

At the Special Executive Committee meeting held on December 19, 2018, Executive Committee considered the report entitled Offer to Purchase Land for a Combined Cycle Gas Facility dated December 13, 2018 and subsequently adopted the following motion:

"THAT City Administration be authorized to negotiate any agreements with SaskPower for the purchase of 109.82 acres of Southeast Industrial Park lands for the development of a Combined Cycle Gas Facility, for the sum of \$5,600 per acre, a total of \$614,992."

The terms of the SaskPower Infrastructure and Service Agreement are proposed to be exempt from the specific provisions of the following bylaws, resolutions and policies:

- (a) Section 8.2 of the City of Moose Jaw Purchasing Policy attached as Schedule "B" to the City Administration Bylaw (disclosure of proprietary information). The City is proposing to confidentially share bid information on infrastructure contracts to service SaskPower. This will be identified in all affected bid requests.

- (b) Section 4(3) of Bylaw No. 5152, Sewer and Water Utility Bylaw (requirement to comply with all sections of the Terms and Conditions Policy). The Agreement is proposed to be exempt from the Administrative Review Officer review, because a specific dispute resolution process is proposed within the Agreement;
- (c) Section 14 of Bylaw No. 5152, Sewer and Water Utility Bylaw (fees, rates and charges); A specific sewerage charge equal to 15% of the normal rate is proposed, due to the amount of process water lost to evaporation or discharged directly to City lagoons;
- (d) Paragraph 14 of the Terms and Conditions of Service Policy approved pursuant to Council Resolution #740-2016 and #30-2017 (dispute resolution). The Agreement is proposed to be exempt from the Administrative Review Officer review, because a specific dispute resolution process is proposed within the Agreement;
- (e) The City of Moose Jaw Development Levy Bylaw, in its entirety. The property is required to be exempt according to the accepted Offer to Purchase.

If City Council is inclined to support the Bylaw and clause-by-clause debate is not required, the following motion would be in order, while in Committee of the Whole (Bylaws):

"THAT clause-by-clause consideration of the Bylaw be and is hereby dispensed with and that the said Bylaw be approved in its entirety."

ATTACHMENTS

1. Bylaw No. 5609, SaskPower Contract Execution and Exemption Bylaw, 2020;
2. City of Moose Jaw Infrastructure and Servicing Agreement.

REPORT APPROVAL

Written by: Eric Borge, Assistant City Planner
 Reviewed by: Michelle Sanson, Director of Planning and Development Services
 Tracy Wittke, Assistant City Clerk
 Approved by: Jim Puffalt, City Manager
 Approved by: Fraser Tolmie, Mayor

To be completed by the Clerk's Department only.

Presented to Regular Council or Executive Committee on _____.

No. _____ Resolution No. _____

Report Approval Details

Document Title:	SaskPower Exemption Bylaw, 2020 - CC-2019-0260.docx
Attachments:	- City of MJ Infrastructure Svc Agt (SPC draft Dec 4-19) (002).docx - Bylaw No. 5609 SKP Exemption Bylaw .doc
Final Approval Date:	Jan 6, 2020

This report and all of its attachments were approved and signed as outlined below:

Sue Brabant



Michelle Sanson



Tracy Wittke



Jim Puffalt



Fraser Tolmie