

# HAMIOTA MUNICIPALITY

## BY-LAW NO. 4 /2015

BEING A BY-LAW of Hamiota Municipality (the "Municipality"), in Manitoba, to authorize the granting of a franchise to Centra Gas Manitoba Inc. ("Centra") to supply and deliver natural gas to the Municipality.

WHEREAS the Village of Hamiota entered into a franchise agreement ("Existing Village of Hamiota Franchise Agreement") with the Hamiota Gas Company Limited dated March 8, 1956, pursuant to By-law No. 290;

AND WHEREAS the Existing Village of Hamiota Franchise Agreement was approved by The Municipal and Public Utility Board of Manitoba by Order 286/56;

AND WHEREAS Hamiota Gas Company Limited assigned all its rights, responsibilities, duties and liabilities under the Existing Village of Hamiota Franchise Agreement to Inter-City Gas Limited by virtue of an assignment dated April 30, 1957, which assignment was approved by The Municipal and Public Utility Board of Manitoba by Order 207/57;

AND WHEREAS Inter-City Gas Limited assigned all of its rights, responsibilities, duties and liabilities under the Existing Village of Hamiota Franchise Agreement to Intercity Gas Utilities Ltd. by virtue of a certain assignment, which assignment was approved by The Municipal and Public Utility Board of Manitoba by Order 81/65;

AND WHEREAS the Existing Village of Hamiota Franchise Agreement was renewed by agreement between the Village of Hamiota and Inter-City Gas Ltd. dated March 8, 1977 for a ten year period ending March 8, 1986;

AND WHEREAS the Existing Village of Hamiota Franchise Agreement has auto-renewed every five years since March 8, 1986 according to paragraph 12 therein;

AND WHEREAS Centra Gas Manitoba Inc. ("Centra") is the successor company to Inter-City Gas Ltd.;

AND WHEREAS the Village of Hamiota became the Town of Hamiota on March 20, 1998;

AND WHEREAS the Rural Municipality of Hamiota entered into a franchise agreement ("Existing RM of Hamiota Franchise Agreement") with Centra dated August 13, 2003, pursuant to By-law 5/2002;

AND WHEREAS the Existing RM of Hamiota Franchise Agreement was approved by The Public Utilities Board of Manitoba ("PUB") by Order 121/03;

AND WHEREAS the RM of Hamiota entered into a Crossing Agreement (the "Existing RM of Hamiota Crossing Agreement") with Centra dated June 14, 2006, pursuant to By-law 3/2005;

AND WHEREAS the Town of Hamiota and the Rural Municipality of Hamiota amalgamated and established Hamiota Municipality (the "Municipality") on January 1, 2015;

AND WHEREAS Section 232(1)(1) of The Municipal Act provides that a Council may pass by-laws for municipal purposes respecting public utilities;

AND WHEREAS Section 250(2) of The Municipal Act provides that a municipality may for municipal purposes:

- (a) acquire, establish, maintain and operate services, facilities and utilities; and
- (b) enter into agreements with another party to do on behalf of the municipality anything the municipality has the power to do within the municipality;

AND WHEREAS the PUB has approved a new form of generic franchise agreement ("2011 Generic Franchise Agreement") by Order 159/11;

AND WHEREAS the Municipality has agreed that it is in its interest to grant Centra a new franchise for the supply and distribution of natural gas to the Municipality;

AND WHEREAS it is deemed expedient and in the public interest that the Municipality enter into a new franchise agreement ("Franchise Agreement") in the form of the 2011 Franchise Agreement to replace the Existing Village of Hamiota Franchise Agreement, the Existing RM of Hamiota Franchise Agreement and the Existing RM of Hamiota Crossing Agreement, to supply and deliver natural gas to the Municipality pursuant to said Section 250(2);

NOW THEREFORE the Council of the Municipality in regular session assembled enacts as follows:

1. THAT the Municipality enter into a an agreement in the form attached hereto as Schedule "A" to this By-law, with Centra for the purpose of granting a franchise to supply and deliver natural gas to the Municipality.
2. THAT the Reeve and Chief Administrative Officer of the Municipality shall be authorized to execute said agreement with Centra, in the form attached hereto as Schedule "A" to this By-law, on behalf of Hamiota Municipality.
3. THAT this By-law shall, after being read a first time by the Council be submitted to or receive the authorization or approval of The Public Utilities Board of Manitoba.
4. THAT Centra be authorized to represent the Municipality in applying to The Public Utilities Board of Manitoba for approval of the Franchise Agreement.
5. THAT this By-law shall not take effect until it has received approval of The Public Utilities Board of Manitoba and third reading.
6. THAT this By-law shall supersede all previous By-laws granting natural gas franchises in the Municipality, or agreements granting the authority to construct, lay and maintain a pipeline for the conveying of gas across highways or lands for the purpose of distributing and selling natural gas to the Municipality.

DONE AND PASSED by the Council of Hamiota Municipality, in Manitoba, in regular session assembled this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
REEVE

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER

Read a first time this 18<sup>th</sup> day of February, 2015.

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Read a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2015.