

TO:	CHAIR AND MEMBERS STRATEGIC PRIORITIES AND POLICY COMMITTEE MEETING ON OCTOBER 15, 2018
FROM:	DAVID G. MOUNTEER ASSISTANT CITY SOLICITOR
SUBJECT	DISSOLUTION OF THE PUBLIC UTILITIES COMMISSION

RECOMMENDATION

That, on the recommendation of the Assistant City Solicitor, the attached proposed by-law (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting on October 16, 2018 for the purpose of dissolving the Public Utilities Commission of the City of London.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- Strategic Priorities and Policy Committee – June 25, 2018 – Review of the Function of the Public Utilities Commission of the City of London.

BACKGROUND

Council at its meeting on June 26, 2018 passed the following resolution:

"That on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the Civic Administration **BE DIRECTED** to undertake all the administrative acts that are necessary to dissolve the corporate entity known as The Public Utilities Commission of the City of London and to transfer all of its assets and liabilities to The Corporation of the City of London."

Section 216(1) of the Municipal Act gives a municipality the authority to dissolve or change a local board, which would include the Public Utilities Commission of the City of London. Dissolution is accomplished by passage of a by-law. The effect of a by-law dissolving a local board is that all assets and liabilities of the local board automatically become the assets and liabilities of the municipality.

CONCLUSION

If Council approves the proposed by-law as recommended the effective date of the dissolution of the PUC would be October 16, 2018

Following passage of the by-law dissolving the PUC, Civic Administration will prepare the necessary legal documents to transfer title of the property currently held by the PUC.

PREPARED BY AND RECOMMENDED BY:
DAVID G. MOUNTEER, ASSISTANT CITY SOLICITOR

c.c. A. L. Barbon, City Treasurer, K. Scherr, City Engineer, S. Mathers, Director Water and Wastewater, B. Warner, Manager Realty Services

Bill No.

By-law No.

A By-law to dissolve the Public Utilities Commission of the City of London and to provide for the assumption by the City of London of the assets and liabilities of Public Utilities Commission of the City of London.

WHEREAS section 5(3) of the *Municipal Act, 2001* S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS section 216(1) of the *Municipal Act, 2001* authorizes the municipality to dissolve or change a local board;

AND WHEREAS the Public Utilities Commission of the City of London is a local board;

AND WHEREAS it is deemed expedient to dissolve the Public Utilities Commission of the City of London;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The Public Utilities Commission of the City of London is hereby dissolved.
2. The assets under the control and management of and the liabilities of the Public Utilities Commission of the City of London dissolved under paragraph 1 become the assets and liabilities of the City of London, without compensation.
3. Without limiting the generality of paragraph 2, on and after the effective date:
 - (a) the City of London stands in the place of the Public Utilities Commission of the City of London for all purposes;
 - (b) the powers of the Public Utilities Commission of the City of London vest in the City of London;
 - (c) all rights, claims, undertakings, obligations, assets and liabilities of the Public Utilities Commission of the City of London vest in the City of London;
 - (d) the by-laws and resolutions of the Public Utilities Commission of the City of London,
 - (i) are continued as by-laws and resolutions of the City of London, on the effective date, and
 - (ii) remain in force until repealed or amended;
 - (e) the Public Utilities Commission of the City of London ceases to exist on the effective date.
4. The effective date for the purposes of paragraph 3 is the day the by-law comes into force.

This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council , 2018

Matt Brown

Mayor

Catherine Saunders

City Clerk

First reading -

Second reading –

Third reading –