

COUNCIL REPORT

M&C No.	2019-220
Report Date	August 27, 2019
Meeting Date	September 09, 2019
Service Area	Transportation and Environment Services

His Worship Mayor Don Darling and Members of Common Council

***SUBJECT: Enbridge Gas New Brunswick Inc. - Municipal Operating Agreement
(Revival and Amending Agreement)***

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Holly Young</i>	<i>Michael Hugenholtz</i>	<i>John Collin</i>

RECOMMENDATION

RESOLVED that Common Council authorizes the Mayor and Common Clerk to execute the revival and amending agreement in the attached form between Enbridge Gas New Brunswick Limited Partnership, as represented by its general partner Enbridge Gas New Brunswick Inc. and the City of Saint John.

EXECUTIVE SUMMARY

Enbridge Gas New Brunswick Limited Partnership, as represented by its general partner Enbridge Gas New Brunswick Inc. has requested to amend their existing Municipal Operating Agreement with the City specifically with respect to the term expiry date.

PREVIOUS RESOLUTION

On August 14, 2000 resolved by Council to approve the Municipal Operating Agreement with Enbridge Gas New Brunswick Inc., and authorize the Mayor and Common Clerk to execute the agreement.

STRATEGIC ALIGNMENT

Sustainable infrastructure investment.

REPORT

In 1999, the City entered into a Municipal Operating Agreement (the “Agreement”) with Enbridge Gas New Brunswick (“EGNB”) which sets the terms for the installation, operation and maintenance obligations respecting their natural gas distribution infrastructure within the bounds of the City. The Agreement’s term came to an end effective August 31st, 2019, and discussions are currently ongoing between EGNB and the City respecting the provisions of a new agreement. To accommodate these ongoing discussions, an interim agreement must be in place. Such interim agreement mirrors the provisions of the Agreement, save and except for an extension of the term from September 1st to December 31st, 2019.

Attached is a copy of such proposed interim agreement for Common Council’s consideration.

As part of the negotiations toward a new agreement, discussions are underway with both Fredericton and Moncton respecting changes that they will be looking to see in their respective agreements based on the experiences of the last 20 years. Before the end of the year, it is anticipated that City staff will be returning to Common Council with a new agreement for its consideration.

SERVICE AND FINANCIAL OUTCOMES

N/A

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Input was provided by the City Solicitor’s Office and Infrastructure Development.

ATTACHMENTS

Proposed revival and amending Agreement that has been reviewed by the City’s Legal Department.