



# COUNCIL REPORT

## Water and Wastewater Utility Exclusivity Bylaw C-8662-2025 – Second and Third Reading

Electoral Division: All

File: 1007-850

Date:	April 28, 2026
Presenter:	Mason Austen, Manager
Department:	Utility Services

### REPORT SUMMARY

Rocky View County is seeking Council approval of Bylaw C-8662-2025, a Water Wastewater Utility Exclusivity Bylaw under Section 33 of the *Municipal Government Act*, to establish a clear and coordinated framework for how public water and wastewater utility services operate across the County. The bylaw applies to providers of public utility services primarily franchised utilities and does not affect water co-operatives, which operate private member-based systems under the *Rural Utilities Act* and are legally outside the bylaw's scope. Council is asked to approve second and third readings of the amended bylaw, which has been refined through extensive engagement to explicitly protect existing franchise rights and confirm co-operative independence.

The County currently operates within a fragmented water delivery system, including approximately 70 water co-operatives and several franchised utilities, and faces significant future infrastructure needs. Engagement with franchisees and co-operatives, including two open houses, one-on-one meetings, 22 participants, 107 comments, and five letters, directly informed refinements to the bylaw. These revisions focus on clearer definitions, explicit exclusions, and strengthened protection of existing rights.

Council is now asked to approve second and third readings of the amended bylaw, as presented in Attachment B, with a track changes version provided in Attachment A.

### ADMINISTRATION'S RECOMMENDATION

THAT Bylaw C-8662-2025 be amended in accordance with Attachment A.  
 THAT Bylaw C-8662-2026 be given second reading, as amended.  
 THAT Bylaw C-8662-2026 be given third and final reading, as amended.

### BACKGROUND

At the July 22, 2025 Council meeting regarding the proposed Water and Wastewater Utility Exclusivity Bylaw, franchise utilities and a resident speaking on behalf of a neighbourhood distribution system raised concerns. They highlighted issues with the clarity of the bylaw's language, potential government overreach, and limited early communication.

Administration also acknowledges that water co-operatives were not included in the initial June 17, 2025 distribution, as they were not anticipated to be directly affected. This contributed to confusion and concern among stakeholders and was a key factor in the feedback received regarding communications and engagement.

In response, Council directed Administration to undertake additional engagement with both franchisees and water co-operatives before bringing back a revised bylaw.

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MOVED by Councillor Schule that Council postpones consideration of second reading of Bylaw C-8662-2025;

AND THAT Council directs Administration to engage with all water and wastewater utility providers and return to Council with Bylaw C-8662-2025 for consideration of second and third readings, once the consultations are complete.

Between September and November 2025, Rocky View County hosted two open houses (September 18 and November 20) and conducted one-on-one meetings with interested parties. Participants included representatives from the Alberta Federation of Rural Water Co-ops, North Springbank Water Co-op, Langdon Water Co-op, Rocky View Water Co-op, Emerald Bay Water and Sewer Co-op, Westridge Utilities, EPCOR, Aquatech, Highpoint Estates Ltd., and other Stakeholders.

The project team received 107 comments and five letters. The attached *What We Heard Report: Water and Wastewater Utility Exclusivity Bylaw* (Attachment C) provides a detailed breakdown of engagement themes and stakeholder feedback.

### ANALYSIS

Engagement feedback was grouped into four main themes, with approximate proportions based on the 107 comments and letters received:

Theme	Indicative Quotes
Bylaw language and definition (40%)	<p><i>"The immediate concern is that in the text, you don't explicitly say co-ops are exempt."</i></p> <p><i>"General dissatisfaction with how the bylaw was written."</i></p>
Autonomy concern and the bylaw reach (21%)	<p><i>"This appears to be encroaching upon us."</i></p> <p><i>"10 years from now, there could be some pressure on us with this bylaw."</i></p>
Communication and engagement (16%)	<p><i>"When you send out the notification for engagement, attach the bylaw so we can read it and not hunt for it."</i></p> <p><i>"Thanks for holding this forum. I had a lot of concern from the previous forum as there was no info."</i></p>
General comment (12%)	<p><i>"Good to see the County concerned about long term water planning."</i></p> <p><i>"The concept makes sense from a public perspective. Better coordination, financial benefit."</i></p>

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Stakeholders, particularly co-ops, emphasized that the bylaw text needed to “Explicitly say co-ops are exempt” and clearly define how their operations would remain independent. A consistent concern across engagement was that the bylaw could, over time, be used to pressure co-ops or private utilities into franchise agreements or increased County control, underscoring the need for strong and explicit protection of existing rights.

To address these concerns, it is important to clarify that Bylaw C-8662-2025:

- **Does not** require water co-operatives to enter into franchise agreements;
- **Does not** give the County authority to take over or dissolve existing co-operatives or franchise operations; and
- **Does not** change the day-to-day operations of existing water service providers.

The engagement findings led directly to several key amendments of Bylaw C-8662-2025 as seen in Attachment D with the highlights listed below.

- Enhanced Definitions (Section 2) – Responding to language/definition concerns
  - These definitions directly address the 40% of feedback seeking clarity on co-op status, service areas, and the nature of franchise rights
- New Exclusions Section (Section 5) – Responding to exemption and autonomy concerns
  - This language confirms that existing franchisees and co-ops remain able to operate as they do today and are not forced into franchise agreements or taken over by the County.
- Protection of Existing Rights and Bylaws (Sections 6–7) – Responding to long-term security concerns
  - These provisions respond to concerns that the bylaw might be used in future to encroach on utilities’ autonomy or alter existing contracts

### COMMUNICATIONS / ENGAGEMENT

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Following Council’s decision, Administration will notify all water co-operative and franchise contacts of the outcome and provide plain-language materials summarizing how the bylaw affects, and does not affect, their operations.

### IMPLICATIONS

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#### Financial

No financial implications identified at this time.

### ALTERNATE DIRECTION

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#### Alternate Direction 1

THAT Council refers Bylaw C-8662-2025 to Administration to prepare further amendments for Council’s consideration at a future Council meeting.

#### *Benefits*

Further amendments to the bylaw to align with Council’s direction and intent.

#### *Disadvantages*

Requiring further engagement and legal advice to make additional amendments to the Bylaw would add time and possible uncertainty to the exclusivity bylaw.

### ATTACHMENTS

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Water and Wastewater Utility Exclusivity Bylaw C-8662-2025 – Second and Third Reading

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- Attachment A: Bylaw C-8662-2025 redlined version
- Attachment B: Bylaw C-8662-2025
- Attachment C: What We Heard Report, Water and Wastewater Utility Exclusivity Bylaw
- Attachment D: Summary of Key Amendments

**APPROVALS**

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Manager:	Mason Austen, Manager, Utility Services
Executive Director/Director:	Brian Henderson, Chief Operating Officer
Chief Administrative Officer:	Reegan McCullough, Chief Administrative Officer

