

SUMMARY OF KEY AMENDMENTS

WATER AND WASTEWATER UTILITY EXCLUSIVITY BYLAW – ROCKY VIEW COUNTY

This summary has been prepared to assist in understanding the amendments to the proposed Exclusivity Bylaw (version 3). Accordingly, this sets out and comments on, in a digest form only, the material amendments to the Bylaw. It does not contain a summary of all the provisions of the Bylaw, and the reader should review the Bylaw. We listened to your comments and concerns and propose amending the Bylaw to incorporate your key concerns.

No.	Provision	Section No.	Comment
Concern: Bylaw Wordings and Definitions			
1.	Existing Service Area (definition)	2(c)	This new term defines the scope of service area.
2.	Franchise Agreement (definition)	2(d)	The definition of franchise agreement has been revised for clarity and consistency with section 45 of the Municipal Government Act. It now expressly includes any renewal or amendment of an agreement and confirms that a franchise agreement grants a person the right to provide utility services within all or part of the County.
3.	Rural Utility (definition)	2(g)	This is a new defined term. It includes water co-operatives and other private utility providers, such as associations, societies and non-profit corporations that provide water or wastewater services to their members or shareholders. Rural utilities are not “public utilities” since they provide water or wastewater services only to their members and shareholders, not the general public.
Concern: Scope of Bylaw and Exclusions			
4.	Exclusions	5	A new exclusion provision has been added to clarify that the prohibition in section 3 of the Bylaw does not apply to public utilities operating under a franchise agreement or to rural utilities providing water or wastewater services within their existing service area. This ensures that existing franchisees, water co-operatives, and similar service providers are not affected.
Concern: Protection of Existing Rights			
5.	Existing Franchise Agreements	6	These new provisions clarify that the bylaw does not alter or change any existing franchise agreement, including:

			<ul style="list-style-type: none"> • the rights and obligations to provide utility services in an exclusive or non-exclusive service area, and • the right to renew the agreement.
6.	Existing Franchise Bylaws	7	<p>The Bylaw also does not affect any County bylaw under Section 46 of the <i>Municipal Government Act</i> that governs the existing franchise arrangements.</p> <p>As a matter of procedural clarity, the Bylaw does not itemize each existing franchise agreement or related bylaw. Including them would make future updates cumbersome, as any new franchise agreement or bylaw would necessitate an amendment to this Bylaw, leading to duplication and administrative inefficiency.</p>