

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER 48 -2002

A BY-LAW TO ESTABLISH THE KENORA TELEPHONE COMMISSION

Whereas Council of the Corporation of the City of Kenora owns and operates a municipal telephone system known as the Kenora Municipal Telephone System; and

Whereas the Council of the City of Kenora has determined that an effective governance model be established to meet the changes in the telecommunication industry; and

Whereas Part I of the Municipal Act defines local board as established or exercising any power or authority under any general or specific Act with respect to any of the affairs or purposes of a municipality;

Now Therefore the Corporation of the City of Kenora enacts as follows;

Purpose:

1. A Kenora Telephone Commission for the City of Kenora is hereby established.
2. The Kenora Telephone Commission, known hereto as the Commission, shall direct and control on behalf of the City of Kenora, through a General Manager, the business affairs of the Kenora Municipal Telephone System, known hereto as KMTS.

Officers:

3. The Commission shall be comprised of seven (7) members, appointed by Resolution of Council, and with representation as follows:
 - ~ one (1) member of City Council
 - ~ one (1) member of City Administration
 - ~ four (4) members of the KMTS customer base (business and residential)
 - ~ one (1) member being an expert in the telecommunication industry

In case of a vacancy, the position will be filled by Resolution of Council as soon as possible.

Chair:

4. The Commission shall elect a chairperson from its members and in case of absence; the Commission may appoint a chairperson from among its members.

Retain 'Expert' Services

5. The Commission may retain the services of such individuals or industry experts as required to provide guidance and assistance to the Commission in meeting its mandate.

Term:

- 6.a) Council and non-Council members shall be appointed by Resolution approved by Council for the term or the balance of the term of Council;
- b) Council has the authority, by Resolution of Council, to terminate any Commission member's term at any time.

Quorum:

7. At any meetings of the said Commission, the presence of a majority of the members is necessary for a quorum and for the transaction of business.

Reporting:

8. The Commission shall submit to Council, a report of its activities and such other reports as may be required from time to time, as well as minutes and resolutions from meetings.

Duties & Responsibilities:

9. Duties and responsibilities of the Commission shall include the following:
 - a) Responsibility for the operation of the telephone system
 - b) Subject to the approval of Council, the Committee shall formulate policies, rules, and regulations relating to the telecommunication business of KMTS; and shall establish such spending guidelines as considered necessary.
 - c) The Commission may appoint and engage a qualified and competent KMTS General Manager and such other personnel as may be required to carry out the mandate of this Commission, subject to the approval of Council and in accordance with Union Agreements and City Employment policies.
 - d) The Commission shall provide to Council on an annual basis, through the office of the KMTS General Manager, a 3 year strategic business plan for the Kenora Municipal Telephone System which will include the following key components:
 - i) the joint vision, goals and objectives of the key stakeholder of the serviced area of the telephone business
 - ii) major strategic initiatives which include measurable business objectives in terms of revenues, expenditures, profitability, service levels, market share, etc.
 - iii) identify required investments in capital and operating expenditures directly linked to the objectives of the business
 - e) The Commission shall provide to Council on an annual basis,

through the office of the KMTS General Manager, an annual Operating and Capital budget.

- f) The Commission shall provide to Council on a quarterly basis, through the office of the KMTS General Manager, financial statements and a report on business objectives and results. The Commission shall approve any changes in service commitments which vary from the service levels identified in the approved 3 year strategic business plan.

Establish Rates:

10. The Commission may set basic telephone rates in accordance with CRTC regulations, subject to approval of Council.

Meetings:

11. The Commission shall meet at least monthly. Any meeting may be cancelled by authorization of the Chairperson or by two-thirds majority of the Commission members.
12. The Commission may set other KMTS rates in accordance with CRTC regulations and competitive market conditions.

Act in Good Faith:

13. In carrying out the provisions of this By-law, the Commission shall at all times be the agent of the City and while acting in good faith within the limits of the authority of this By-law, the Commission and any member thereof, shall not incur any liability by reason of anything done or left undone by the Commission; provided, however, that nothing in this paragraph shall authorize or empower the Commission to incur any debt, liability, or obligation out of the normal course of business for which the City shall become liable without having previously obtained the consent of Council.

Amendments:

14. Any further changes to this By-law must be approved in a recorded vote by members of the said Commission and referred to City Council for final approval.

Effective Date:

15. This By-law shall come into force and take effect on the date of third and final reading of the Municipal Council.

Repeal:

16. By-law Number 88-2000 is hereby repealed.

BY-LAW READ A FIRST AND SECOND TIME THIS 22ND DAY OF APRIL, 2002.

BY-LAW READ A THIRD AND FINAL TIME THIS 22ND DAY OF APRIL, 2002.

THE CORPORATION OF THE CITY OF KENORA:

..... **MAYOR**
David Canfield

..... **CLERK**
Joanne McMillin