



February 27, 2013

City Council Committee Report

To: Mayor & Council

**Fr: Richard Perchuk, Manager of Operations
Biman Paudel, Water & Sewer Supervisor**

**Re: Councillor's Role and Responsibilities under the Safe Drinking
Water Act (SDWA), 2002**

Recommendation:

That the Council of the City of Kenora hereby receives the Report "Roles and Responsibilities of Councillor's under the Safe Drinking Water Act, 2002" (SDWA), as prepared by Biman Paudel, Water and Sewer Supervisor; and further

That training with regard to the "Safe Drinking Water Act – Statutory Standard of Care" be included in the orientation package for new Council Members to explain Council's role and responsibilities under Section 19, SDWA 2002.

Background:

On January 1, 2013 Section 19 of the Safe Drinking Water Act, 2002 (SDWA) – Statutory Standard of Care came into force extending legal responsibility over municipal drinking water systems to include municipal councils. Under Section 19 of the Act, there is an over-riding provision for liability over the Municipal Act, which limits personal liability of Council.

Councillor Louis Roussin, at a meeting of the Committee of the Whole on January 14, 2013, presented Council with eighteen (18) questions and concerns he wanted addressed regarding his personal liability as a member of Council with respect to this provision.

The attached Report "Roles and Responsibilities of Councillor's under SDWA, 2002", prepared by Biman Paudel, Water and Sewer Supervisor, addresses each question and concern. The MOE, Kenora, were asked to provide comment regarding question number one and their response is included with the Report.

Budget: N/A

Communication Plan/Notice By-law Requirements:

Resolution required.

Distribution: R. Perchuk, B. Paudel, K. Brown, B. Graham, City Solicitor