

**GREATER MONCTON WASTEWATER COMMISSION  
APPROVED MINUTES OF REGULAR MEETING**

**DATE:**                      **Thursday – October 21, 2021 at 6:56 pm  
Virtual Meeting**

**PRESENT:**                      Michel Desjardins, Chair  
Jennifer Dingman, Commissioner  
Brenda Dore Kidney, Secretary  
Yves Gagnon, Commissioner  
Gerald Lundquist, Commissioner  
JP Ouellette, Treasurer  
Kevin Rice, General Manager

**REGRETS:**

**INVITED:**

**1. Chairman’s remarks and approval of Agenda**

Motion:

That the agenda be approved as amended to add Item 4.2 from the Private Meeting to the agenda at Item 9.

**Moved by:** Brenda Dore Kidney

**Seconded by:** JP Ouellette

**MOTION CARRIED**

**2. Approval of Meeting Minutes**

2.1      Minutes of Regular Meeting – September 23, 2021

Motion: That the Minutes be approved as amended to reflect Commissioner Desjardins as being against the Motion in Section 1 and Commissioner Gagnon’s comments regarding the addition of Commissioner submissions at the beginning of the meeting to the Public Meeting Agenda.

**Moved by:** Gerald Lundquist

**Seconded by:** Jennifer Dingman

**MOTION CARRIED**

Commissioner Gagnon - ABSTAIN

Commissioner Gagnon indicated it is important for an organization to have unbiased and complete Meeting Minutes that reflect the discussion. The Meeting Minutes should not be perceived as a conflict of interest when dealing with sensitive issues. The Meeting Minutes should be developed by an independent Commissioner.

Motion: That all Minutes of TransAqua meetings be prepared and written by the Secretary of the Commission as specified by Robert's Rules of meetings and Article 5.7 of By-law #1 of TransAqua.

**Moved by:** Yves Gagnon

**Seconded by:** No Seconder

MOTION DEFEATED

## 2.2 Procès-verbal de la réunion ordinaire du 23 septembre 2021

Motion: That the French Minutes be approved as amended to reflect the same changes that were made in the English version.

**Moved by:** JP Ouellette

Commissioner Gagnon indicated that, from his recollection of Robert's Rules, the Chair can leave his chair and second this motion. The Chair is not aware of this Rule. By consensus, the Board agrees that the Chair can second the motion.

**Seconded by:** Michel Desjardins

MOTION CARRIED

Commissioner Gagnon - ABSTAIN

## 3. **Disclosure of Conflict of Interest**

None

## 4. **Consent Agenda**

K. Rice briefly reviewed the General Manager Report for October 2021. Discussion followed and various questions asked were clarified.

- 4.1 Matters arising from the Public Meeting of September 23, 2021
- 4.2 General Manager Report – October 2021
- 4.3 September YTD Budget Forecast
- 4.4 September YTD Safety Update

Motion: That the Commission receive and file all Reports in the Consent Agenda.

**Moved by:** JP Ouellette

**Seconded by:** Brenda Dore Kidney

MOTION CARRIED

## 5. Submissions by Commissioners

### 5.1 Time for the start of the Public Meetings in the Minutes (Commissioner Gagnon)

The Minutes of the Public Meetings start time do not reflect the actual start time since at least January 2020. The actual start time needs to be recorded in the Meeting Minutes according to Robert's Rules and GMWC By-law #1. Reflection is needed around this issue. It is important to understand how much time has been spent discussing Private Meeting issues. The Chair stated that the record shows when the Private Meeting ended. It is not necessary to go back and correct the Minutes. The GM stated that he could go back and review the person recording the Meeting Minutes to check for consistency. The GM can go back to the time he began recording Meeting Minutes and change the Public Meeting start times to accurately reflect the record.

### 5.2 Contract awarding process for the wastewater treatment facility project (Commissioner Gagnon)

Summary Tables for various contracts awarded have been requested. Requests for data has been requested. A historical evolution of how contracts have been awarded has been requested to better understand how contracts were awarded. There is a concern about the amount of work the GM currently has considering the Director of Finance and Administration is on sick leave and the Budget requires immediate attention. The Chair stated that several reports have been prepared and presented to the Board in the past few months. There must be a willingness of the Board as a whole to request that the staff continue providing this information. The Chair believes, at this stage given the audit request sent to the Auditor General, that this request will place an unreasonable demand on staff. Commissioner Gagnon believes this is an issue of accountability and transparency. This relates to the Code of Business Ethics and Confidentiality. The Chair requested if a motion should be brought forward to reflect the opinion of the Board as a whole. Commissioner Gagnon indicated that he was not going to issue a motion and would give staff time to fulfill his request for information in the format requested. The Chair indicated that a motion be brought forward to ensure the Board indicate where they stand. Commissioner Gagnon indicated that a RTIPPA request could be submitted and the information would have to be provided. Commissioner Gagnon brought forward the following motion:

Motion: That on the basis on the principles of transparency and accountability, I request the following data related to all contracts awarded in the new treatment facility project, for every vendor/contractor that have received contracts in the construction of the new facility. This data includes:

- TransAqua project number
- Title of the project/contract
- Date that the contract has been awarded (contract data presented sequentially in time)
- Specify if it is a contract awarded through public open tender or with direct negotiations
- Indication if the contract relates to additional work in a specific project or if it is for a new project
- Value of the contract
- Engineering estimates
- Proportion of the contract in comparison to the engineering estimates
- Histogram that will show the evolution of the contract information for every vendor as a function of time
- For every vendor/contractor, the total number and amount of contracts received; the total number and amount of contracts received through public open tender; the total number and amount of contracts received through direct negotiations; and relevant proportions for each category of data.

**Moved by:** Yves Gagnon

**Seconded by:** No Seconder

MOTION DEFEATED

5.3 Process regarding the AG study on the contract awarding process at TransAqua (Commissioner Gagnon)

Commissioner Gagnon has a series of questions for the Chair to answer regarding the mandate and expectations from the Auditor General regarding the contract award process. The Letter to the Auditor General was received by all Commissioners.

Q: What will be the cost of this Study?

A: The Chair understand that the Auditor General is a public organization that conducts audits as a public service.

Q: Will the Auditor General be given the reasons of dissention within the Commission in regards to the contract award process?

A: The Chair understands that the Auditor General will come in and conduct an audit. The Chair does not know the exact methodologies that the Auditor General will use but assumes a thorough investigation and audit will be conducted.

Q: Will the Auditor General provide summary data for all contracts awarded and also the evolution in time of the contracts awarded to single vendors and contractors?

A: I don't know that information. The Chair does not know the exact methodologies that will be used but assumes any investigation will be thorough.

Q: Will the Auditor General look at contracts to determine if excluding an open tender process was relevant and necessary?

A: The Commission asked the Auditor General to do an audit to determine if ratepayers received good value for money. I don't know what information the Auditor General will want to look at. I know that if the Auditor General comes in, we will as an organization do absolutely whatever we can to provide him or her with the information required to make a determination.

Q: Will the Auditor General consult the Commission as a whole and individual Commissioners to inquire about their views on the contract award process at TransAqua?

A: I don't know

Q: Will the Auditor General take a position in terms of observance of our procurement policy?

A: I don't know

Q: Will the Auditor General take a position in regards to the observance of our Code of Business Ethics and Confidentiality signed by all Commissioners?

A: I don't know exactly the methodologies that will he or she will use.

Q: What is the timeline to receive that Report?

A: We have had no direct conversations with the Auditor General. We have no knowledge of her or his timeline so it is impossible for me to answer the question at this stage.

Q: Will my Questions and Answers be recorded in the Minutes of this Meeting?

A: If you want it?

AA: Yes.

## 6. Business Matters

6.1 No items this month

## 7. Consideration of Issues Separated from the Consent Agenda

No items this month

## 8. Supplemental Agenda

No items this month

## 9. Items arising from the Private Meeting

Motion: That Item 4.2 being the Motion from the Private Meeting be ratified.

**Moved by**: Jennifer Dingman

**Seconded by**: Brenda Dore Kidney

MOTION CARRIED

## 10. Information Items

10.1 Municipal Letter informing of the Commission vote on the 2021 GMWC Operating and Capital Budget

10.2 October 2021 GMWC Newsletter

10.3 News Release: Request for NB Auditor General to review GMWC's Project procurement process

10.4 T&T Article: Stench lingers, complaints mount (October 9, 2021)

10.5 T&T Article: TransAqua calls in auditor general to examine \$90.4M upgrades (October 14, 2021)

## 11. Adjournment

Motion: That the Public Meeting be adjourned.

**Moved by**: JP Ouellette

The meeting adjourned at 7:38 pm

**Next meeting – November 17, 2021**