

# The Corporation of the City of Kawartha Lakes

## Council Report

Report Number WWW2019-004

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**Date:** January 15, 2019  
**Time:** 2:00 p.m.  
**Place:** Council Chambers

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**Ward Community Identifier:** All

**Title:** High Water Bill Appeals Committee Terms of Reference Amendment

**Description:** An amendment to the High Water Bills Committee Terms of Reference to include Mandatory Service Connection Appeals

**Author and Title:** Amber Hayter, Supervisor, Water & Wastewater Operations

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### Recommendation(s):

**That** Report WWW2019-004, **High Water Bill Appeals Committee Terms of Reference Amendment**, be received;

**That** the title of Section 24.00 of By-law 2018-039 be amended to read: "Section 24.00: High Water Bill Adjustment and Mandatory Service Connection Appeals Committee";

**That** Section 24.01 of By-law 2018-039 be amended to read: "**High Water Bill Adjustment and Mandatory Service Connection Appeals Committee:** A High Water Bill Adjustment and Mandatory Service Connection Appeals Committee is established to hear and rule on appeals pertaining to high water bill adjustments and the requirement for mandatory service connection (required by Sections 2.01, 2.02 and 2.03 of By-law 2014-255, as amended).";

**That** Section 24.02 of By-law 2018-039 be amended to read: "**Authority:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee may recommend to Council approval of high water bill adjustments or exemptions from mandatory service connections without prejudice or precedent to any other similar matter.";

**That** Section 24.03 of By-law 2018-039 be amended to read: "**Composition and Appointment:** The High Water Bill Adjustment and Mandatory Service

**Department Head:**\_\_\_\_\_

**Financial/Legal/HR/Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

Connection Appeals Committee shall be comprised of three members of Council appointed by Council.”;

**That** Section 24.04 of By-law 2018-039 be amended to read: “**Term:** The Term of the Appointment of the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee shall be the same as the term of Council.”;

**That** Section 24.05 of By-law 2018-039 be amended to read: “**Administration:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee shall ensure that a member of City staff is assigned the role of secretary to the Committee with duties and obligations required in accordance with the Municipal Act.”;

**That** Section 24.06 of By-law 2018-039 be amended to read: “**Governance:** The High Water Bill Adjustment and Mandatory Service Connection Appeals Committee shall be governed by the City’s Procedural Water and Wastewater By-Law as amended from time to time by Council. With respect to Mandatory Service Connection appeals, appeals/exemptions to requirements of Sections 2.01, 2.02 and 2.03 of By-law 2014-255 “A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes” (as amended), shall be considered by the Committee.”;

**That** the proposed terms of reference for the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee, as outlined in Appendix C to Report WWW2019-004 be approved; and

**That** the necessary amending By-law be brought forward for adoption.

## **Background:**

At the Council Meeting of May 22, 2018 Council adopted the following resolution:

11.1.11 CORP2018-009

### **High Water Bill Adjustment Appeals Committee**

Jennifer Stover, Director of Corporate Services

**CR2018-340**

**Moved By** Councillor James

**Seconded By** Councillor Yeo

**That** Report CORP2018-009, **High Water Bill Adjustment Appeals Committee**, be received; and

**That** Councillor James, Councillor Veale and Councillor Breadner be appointed to the High Water Bill Adjustment Appeals Committee, in accordance with By-law 2018-039, for the remainder of this term of Council;

**That** the Terms of Reference for the Committee be amended to include both High Water Bill Adjustment and Mandatory Connection Appeals; and

**That** the necessary by-law amendments and revised terms of reference be brought forward to Council.

**Carried**

Further to that, at the Council Meeting of September 25, 2018 Council adopted the following resolution:

**CR2018-592**

**Moved By** Councillor James

**Seconded By** Councillor Veale

**That** a revised Terms of Reference for the High Water Bills Appeal Committee, to include Mandatory Connection Appeals, be brought forward to Council by end of Q1 2019.

**Carried**

Prior to making amendments to the terms of reference for the High Water Bill Adjustment Appeals Committee, staff provided a report to Council on September 25, 2018 with an overview of the Mandatory Connection process, an update on the pilot project in Fenelon Falls and recommendations on possible alternative for addressing the physical connection requirements outlined in By-law 2014-255

moving forward. The outcome of the recommendations made at this Council meeting may have had an impact to the amendments of the terms of reference for the Appeals Committee which is the reason the terms of reference were not amended prior to that meeting.

Currently, there is no formal appeal or exemption process for the requirements set out under By-law 2014-255 "A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes". Any request for connection exemption are brought forward to Council through a staff report as they are submitted by individual property owner's, and Council makes a decision based on the information provided. There are no formal criteria or a committee that reviews any of the requests prior to a report being sent to Council.

This report addresses the resolution from Council to amend the terms of reference for the "High Water Bills Adjustment Appeals Committee". The committee will be re-named the "High Water Bill Adjustment and Mandatory Service Connection Appeals Committee" in order to capture the revised responsibilities.

### **Rationale:**

Council requested the terms of reference for the High Water Bill Appeals Committee be amended to include appeals or request for exemptions for the physical connection requirements set out in Sections 2.01, 2.02 and 2.03 of By-law 2014-255 "A By-Law to Require Owners of Buildings to Connect Such Buildings to Drinking Water Systems and/or Wastewater Collection Systems in the City of Kawartha Lakes". The amendments to the By-laws and management directive will outline a formal process that can be followed.

The amendments to Section 24.00 of By-law 2018-039 are included in the recommendations above and a tracked changes version of By-law 2018-039 is attached as Appendix A.

The proposed Terms of Reference for the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee is attached as Appendix C.

Management Directive MD2018-013 was approved on March 6, 2018. This directive establishes a management framework for the High Water Bill Adjustment and Mandatory Service Connection Appeals Committee. This management directive has been updated, attached as Appendix B, to incorporate the revised terms of reference.

A recommendation to make amendments to By-law 2014-255, to incorporate the exemption/appeals process in order to be consistent with the terms of reference being updated in By-law 2018-039 and the management directive is included in

Report WWW2019-003 for Council adoption on January 15, 2019 as well. Other amendments to By-law 2014-255 are being recommended in response to other Council resolutions, but makes sense to keep all amendments to the same by-law in one report.

### **Other Alternatives Considered:**

As the Committee does not have the authority to approve relief, Council could opt to disband the Committee and have any/all high water bill adjustment and mandatory service connection appeals be heard directly to Council.

### **Financial/Operation Impacts:**

As the high water bill adjustments are limited to one per property, the financial implications of providing relief are minimal relative to the total water wastewater revenue.

Since the committee only reviews requests for exemptions to the physical connection requirements, as set out in sections 2.01, 2.02 and 2.03 of By-law 2014-255, the applicable Fixed Rates will still be collected for each property as required. This revenue collected through the Fixed Rate supports the operations and maintenance of the infrastructure that is installed to benefit each property.

### **Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:**

Goal 1 “Vibrant and Growing Economy” – will be met through the proper servicing and collection of appropriate user fees to fund the maintenance, capacity and growth of the municipal water and wastewater systems.

Strategic Enabler – Responsible Fiscal Resource

### **Consultations:**

Director, Public Works  
Director, Corporate Services  
Manager, Environmental Services

### **Attachments:**

Appendix A – By-law 2018-039 “A By-law to Regulate Water and Wastewater Services in the City of Kawartha Lakes” – Amended Tracked Changes



Appendix A -  
2018-039 Bylaw to Re

## Appendix B – MD2018-013 High Water Bill Adjustment Appeals Committee Management Directive – Amended Tracked Changes



Appendix B -  
MD2018-013 High Wat

## Appendix C – Terms of Reference – High Water Bill Adjustment and Mandatory Service Connection Appeals Committee



Appendix C - High  
Water Bill Adjustment

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**Department Head:** Bryan Robinson