



Committee of the Whole Excerpts
July 9, 2024

CSO SEWER CHARGE CREDIT – FOR CSO EVENTS ON AND INTO PRIVATE PROPERTIES EXCERPT

Correspondence was received identifying and requesting credit for sewer base and consumption charges incurred over the course of the last 3 years (July 27 to date). It was identified that a rebate program existed based on income level as well as a prevention program with the new flood prevention initiative. The issue remains that a solution to prevent combined sewer overflow on the affected properties is not going to be available in the short-term.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DIRECT STAFF TO PREPARE A REPORT OUTLINING THE CRITERIA AND PROCESS FOR THE ISSUANCE OF A NO-FAULT CREDIT, EQUAL TO BUT NOT TO EXCEED THE ANNUAL SEWER CHARGES FOR EACH YEAR AN AFFECTED PROPERTY HAS BEEN IMPACTED BY A CSO EVENT (OVER-THE-CURB /ONTO THE PROPERTY), FROM JULY 2021 TO DATE AND FOR FUTURE CSO EVENTS THAT MAY OCCUR.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☒	Decision Request ☒	Councillor Activity ☐
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To: Committee of the Whole, West Hants Regional Municipality

Submitted by: Jim Ivey, Councillor Windsor South District 11

Date: July 9, 2024

Subject: CSO Sewer Charge Credit – For CSO Events on and into Private Properties

LEGISLATIVE AUTHORITY

Meeting and Committee Procedural Policy, Councillor Reports

MGA 30 (1-4), CAO and Council Relationship

MGA 65, Power to Expend Money

RECOMMENDATION or DECISION REQUEST

Council direct staff to prepare a report outlining the criteria and process for the issuance of a no-fault credit, equal to but not to exceed the annual sewer charges for each year an affected property has been impacted by a CSO event (over-the-curb /onto the property), from July 2021 to date and for future CSO events that may occur.

BACKGROUND

The issue of combined sewer overflows resulting from flooding events over the past 3 years has been abundantly discussed. The flood study commissioned in November 2021 was completed and presented to Council in December 2023. The initial study resulted in a further study (Phase 2) being commissioned to better quantify the possible solutions and costing for the Municipality. It is estimated the Phase 2 Flood Study will take approximately 6 - 8 months to complete. In the interim, properties located in flood-prone areas of the community continue to be susceptible to combined sewer overflows onto or into their properties. The key point being that while these events are triggered by rainfall, when significant enough, they trigger overflow of sewer and storm water from the system onto the properties.

Property ☒	Public Opinion ☒	Environment ☒	Social ☐	Economic ☒	Councillor Activity ☐
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DISCUSSION

At the last Council meeting correspondence was received identifying and requesting credit for sewer base and consumption charges incurred over the course of the last 3 years (July 27 to date). (Attached)

In discussion, it was identified that a rebate program existed based on income level as well as a prevention program with the new flood prevention initiative.

The issue however remains that a solution to prevent combined sewer overflow on the affected properties is not going to be available in the short-term. The request identified in the correspondence is not an unreasonable request in light of the charges incurred for service that was to be provided.

NEXT STEPS

To be determined based on discussion of Council.

FINANCIAL IMPLICATIONS

Prior years, based on average base and consumption costing \$132.06 per quarter per household (\$528 per year). Number of qualifying / affected households to be determined.

ALTERNATIVES

N/A

ATTACHMENTS

Correspondence from A Dunfield "Utility Account"

CHIEF ADMINISTRATIVE OFFICER REVIEW

In response to the letter provided in the attachment and to comments from Councillor Ivey I provide the following administrative comments.

The letter can be summarized as including two matters. A request to have an existing credit within Amanda Dunfield's accounts and services provided by the municipality applied to the outstanding balances associated with sewer services and a request for the municipality to apply a credit or to wave sewer related charges from July 27, 2021, to current.

The first matter has been carried out and completed administratively. The Parks and Recreation credit has been applied to the outstanding sewer related account.

With regards to the request for a credit for sewer services from July 2021 to current, I encourage Council to reflect upon the legal advice provided by our solicitor regarding liability associated with aging infrastructure. Generally, the municipality is protected by the Municipal Government Act (MGA) and states, "where an overflow of water from a sewer, drain, ditch or watercourse is a consequence of snow, ice or rain, a municipality, village or intermunicipal corporation created

pursuant to Section 60 is not liable for a loss as a result of the overflow.” These comments are not meant to be insensitive toward the impacts Amanda has felt and others, as a result of the extreme weather events, but to provide a broader policy perspective provided to municipalities within the MGA when faced with decision making surrounding such requests in relation to infrastructure.

I encourage Council to reflect upon the following:

- The overall service level provided to the resident over the three (3) year period (uninterrupted and interrupted services). The municipality strives to have uninterrupted sewer and storm water services with the exception of uncontrollable extreme weather events.
- Precedent setting for other customers experiencing the same interruption of sewer services or an interruption of any other utility or services of the municipality.
- Homeowner responsibilities with respect to flood prevention and protection of their own properties. As noted in the report the municipality has recently approved the Home Flood Protection Pilot Program (HFPPP). This program will help to assess the current conditions of applicant’s property’s and home, provide improvement options and funding to assist with the recommended improvements.

I have expressed inherent concerns from the administrative level but recognize Council may provide direction as requested in the report or other alternatives. I await direction from Council.

Report Prepared by: **Jim Ivey, Councillor Windsor South District 11**

Report Reviewed by: 
Mark Phillips, Chief Administrative Officer