
MEETING TYPE AND DATE: REGULAR COUNCIL MEETING -OCTOBER 19, 2021
AUTHOR: UTILITIES MANAGER
SUBJECT: **MOBERLY LOCAL SERVICE AREA BYLAW REPEAL**

ESSENTIAL QUESTION:

The Moberly Local Service Area re-petition was unsuccessful. Now that this process is concluded, should the bylaws created with the original servicing strategy be repealed?

OPTIONS:

- A. THAT Moberly Local Service Area Repealing Bylaw 1163, 2021 be read a first, second and third time.
- B. THAT Moberly Local Service Area Repealing Bylaw 1163, 2021 be read a first, second and third time;
AND THAT staff be directed to incorporate the Moberly Local Service area into the Carr's Landing Servicing Strategy.

EXECUTIVE SUMMARY:

Key Information:

On March 2, 2021, Council reviewed a revised servicing strategy for the Moberly Local Service Area (LSA). A resolution instructing staff to re-petition this group with the revised servicing strategy was adopted, along with a funding strategy.

After completing further design works for better cost certainty, a revised petition package was sent to all the property owners in mid-June. To fund the required upgrades each property petitioned would have been responsible for \$58,678.

Property owners were given four weeks to submit signed petitions if they were in favor of proceeding. Only one petition was received in favor.

Staff is now looking to complete the administrative process of repealing all bylaws that were created when the Moberly LSA was created in 2017.

Relevant Observations:

Two servicing strategies to supply the Moberly LSA properties with a public water supply have been presented. The first servicing strategy was petitioned successfully in 2017, but due to various land access issues it was not able to proceed.

The second servicing strategy supplied the properties from Carr's Landing Road, but ultimately was not supported by the property owners.

Now that a servicing strategy from both adjacent water systems in that area have failed to proceed, it is prudent to repeal the initial bylaws created related to this LSA in 2017.

Strategic Questions:

Should the Moberly LSA bylaws be repealed thus suspending the process of supplying these properties with a public water source?

Strategic Relevance & Community Sustainability:

Council has a policy to take over private water utilities as they become available. There is also an effort made to connect properties outside of a water system boundary to a public water source if available. In both circumstances the parties seeking to connect must complete any required upgrades to the water system to bring the water system to current standards. This is done so that the onus of the required upgrades are not passed along to the existing water utility rate payers.

The District does not have the ability to “force” these upgrades onto the property owners. When multiple properties are involved, support by way of a petition must be demonstrated. With almost no support received for the revised servicing strategy, it is now time to repeal the two 2017 bylaws that were created in order to facilitate the original servicing strategy.

Key Result:

Moberly Local Service Area Establishment Bylaw 1036 & Loan Authorization (Moberly) Bylaw 1038 will be repealed in their entirety.

Desired Benefit of Key Result:

2017 Moberly LSA bylaws are repealed.

Requisites:

N/A

Unintended Outcomes:

The unintended outcomes are minor in nature. If there is a future Moberly LSA, new bylaws would need to be created.

BACKGROUND/HISTORY

In December of 2015, a water servicing strategy was developed for the Moberly Road Water Society and five lots to the north of their society that were un-serviced (17 properties in total). In 2017 the 17 properties identified in the servicing strategy were petitioned, and the properties voted in favor of expanding the Lake Pine Water system and establishing the Moberly Local Service Area (LSA). The Moberly LSA would be responsible for the infrastructure costs of \$645,000 divided equally amongst each property.

In November of 2017 Council adopted the “Moberly Local Service Area Establishment Bylaw 1036, 2017” and the “Loan Authorization (Moberly) Bylaw 1038, 2017”, which authorized staff to begin the process to design and construct the work required to service the 17 lots with water from the Lake Pine Water System.

The 2015 servicing strategy required large portions of the watermains to be installed on private land that would require protection with Statutory Right of Way (SRW) agreements between the property owners and the District. The District worked unsuccessfully until 2020 trying to establish the SRW agreements with the private land owners.

In 2020 District staff looked at various other methods to service the properties from the Lake Pine water system. All options analyzed ended with the same land issues and cost uncertainty.

In December of 2020, Council passed the following resolution for direction to staff:

*“THAT the existing Moberly Local Service Area servicing strategy be abandoned and the applicable bylaws repealed;
AND THAT staff create a new servicing strategy for the applicable Moberly Local Service Area properties, supplying water from the Beaver Lake Water System
AND THAT this information be declassified from confidential”*

In March 2021 a servicing strategy supplying the properties from the Beaver Lake water system was presented to Council. This servicing strategy required extensive upgrades to watermain along Carr’s Landing Road. Council was also presented with multiple funding options. A resolution was adopted by Council that instructed staff to re-petition the Moberly LSA with the revised servicing strategy. Council also adopted a servicing strategy that would see the District responsible for a large portion of the upstream improvements.

After a more refined cost estimate was completed, the revised petition was sent to the Moberly LSA in June 2021. If successful, the petition would require each property owner to pay \$58,678 to pay for their share of the required upgrades. Only one signed petition was received, thus defeating the petition process.

DISCUSSION/ANALYSIS

Legislation & Applicable Policies

There are policies and legislation related to the creation of a local service area, but this Council decision is to repeal bylaws, thus eliminating the local service area.

Technical Considerations:

- **Impact on Infrastructure and Other Municipal Services**

None

- **Impact on Staff Capacity and Financial Resources (Cost/Benefit Analysis)**

None

Comments from Other Government Agencies, Council Committees and Relevant Stakeholders:

None

Consultation, Public Feedback, and Communication to and from the Public and the Applicant:

Prior to petition a letter from the Moberly Water Users Society was received requesting a servicing strategy that supplied some properties from the Lake Pine water system, and others from the Beaver Lake systems. To do this, and keep with policy, it would have required extensive upgrades on both water systems. A written response to the letter was provided from staff.

ANALYSIS OF OPTIONS FOR CONSIDERATION:

Option A – This option repeals Moberly Local Service Area Establishment Bylaw 1036, 2017 and the Loan Authorization (Moberly) Bylaw 1038, 2017. This option essentially suspends the process of staff trying to determine a public water supply for these properties.

Option B – This option will repeal the bylaws and direct staff to incorporate the Moberly LSA into the Carr’s Landing servicing strategy that was developed as part of the Water Master Plan update.

Respectfully Submitted,

Kiel Wilkie ASCT;
Utilities Manager
Utilities

This report has been prepared with the collaboration of the following individuals:

COLLABORATORS

TITLE	NAME
Director of Corporate Services	Reyna Seabrook

This report has been prepared in consultation with the following departments:

CONCURRENCES	
DEPARTMENT	NAME
Chief Administrative Officer	Tanya Garost
Director of Utilities	
Director of Corporate Services	Reyna Seabrook

ATTACHMENTS:

Attachment A –

Moberly Local Service Area Repealing Bylaw 1163, 2021

DISTRICT OF LAKE COUNTRY

BYLAW 1163

A BYLAW TO REPEAL BYLAWS 1036 AND 1038

The Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. The following bylaws are hereby repealed in their entirety:
 - a. Moberly Local Service Area Establishment Bylaw 1036, 2017; and
 - b. Loan Authorization (Moberly) Bylaw 1038, 2017.
2. This bylaw shall be cited as "Moberly Local Service Area Repealing Bylaw 1163, 2021".

READ A FIRST TIME this ____ day of _____ 2021.

READ A SECOND TIME this ____ day of _____ 2021.

READ A THIRD TIME this ____ day of _____ 2021.

ADOPTED this ____ day of _____ 2021.

Mayor

Corporate Officer