



City of Moose Jaw

COMMUNICATION # EC-2019-0186

TITLE: City Council – Local Improvement Policy

TO: Executive Committee

FROM: Department of Engineering Services

DATE: September 30, 2019

PUBLIC: PUBLIC DOCUMENT

RECOMMENDATION

THAT Council adopt the Local Improvement Policy, substantially, in the form attached as Schedule "A".

TOPIC AND PURPOSE

To provide City Council with information and a Policy to consistently govern the use of Local Improvement Programs (LIP) in the City of Moose Jaw.

BACKGROUND

Local improvements are a mechanism afforded under *The Local Improvements Act 1993*, whereby, municipalities can charge owners for infrastructure improvements adjacent to the property based on the property lot frontage.

The process laid out in legislation is administratively cumbersome. This includes the submission of an application and review by the Saskatchewan Municipal Board and the creation of a Uniform Rates Bylaw by the municipality to support the costing and billing of properties for the associated infrastructure work.

While there are different types of LIP's, one of the key aspects is that they can be 'petitioned out'; meaning that if the majority of affected property owners are not in favour of the infrastructure work, it does not happen (and the associated administrative effort is wasted). The Act does have a provision where the municipality may proceed without the 'opt out'. However, that is in cases where it is believed to be in the best interests of the Community and in practice, generally related to health and safety issues such as watermain.

Municipalities across the Province use, or have used, LIP's for a variety of infrastructure work. Generally, municipalities have moved away from this practice as completing

infrastructure work under this process is administratively cumbersome with no guarantee it will happen.

Moose Jaw in the past has used LIP's. Most recently, the Cast Iron Watermain Replacement considered this as a portion of the funding for this project. In 2016, a referendum was put to vote on the issue and the community overturned the use of that particular LIP funding model. There are also several outstanding LIP requests that have been put on hold while the community and the City determine how to fairly and effectively use this funding mechanism for infrastructure. These include: Coteau Street East from 7th Ave. SE to 9th Ave. NE, 5th Ave. SW from Couteau St. W to Lillooet St. W, 9th Ave. NE from Fairford St. E to Stadacona St. E, and Caribou St. E from 11th Ave. NE to Highway #1.

The strength of the proposed Policy is that it offers a pre-screening opportunity before the lengthy process of petitioning and petitioning out is engaged. The major consideration of most property owners is the individual costs they will bear as a result of proposed work. The initiating petition for a resident proposal for a local improvement, as an example, does not include any reference to costing. Yet the most frequent reason for a subsequent petition against the work being undertaken is the cost it will bear as a result of the work.

Under existing legislation, an initiating petition from residents requires those residents declaring a desire for a particular type of work to be done – paving an unpaved street as an example. When residents are approached to sign such a petition, they often have no idea the cost they might bear as a result. Rather, significant administrative work is completed to scope out the costs, after which residents can then petition against that work taking place.

By providing a pre-screening opportunity to neighbourhoods, in particular, proponents for a particular project will have a realistic view of their individual cost obligations. In this way residents will be in a much better position to provide informed consent when they agree to sign a petition to have work completed. The same would be true in situations where City Council might decide to initiate a project.

DISCUSSION

The goal of the Policy is to outline who, under what conditions, what and when an LIP can be used. Several parameters and considerations that could be used to inform a Policy were considered in the review leading up to this report

- Who can initiate the LIP, options included the City, City Council and/or adjacent property owners?
 - General feedback was that all parties should have the ability to initiate the LIP.
- Should the LIP be used for infrastructure renewal, new infrastructure, or all infrastructure?
 - General feedback was that LIP's should be used for new infrastructure.
- Should the LIP be use for infrastructure that meets current standards? Does not meet standards or exceeds standards?

- General feedback was that LIP's should be used for infrastructure that does not meet current standards.
- Should condition rating of infrastructure be considered in the use of an LIP?
 - General feedback was that condition should not play a role in the use of LIP's.
- How are costs allocated; who pays for the LIP? Should the property owners pay the full costs? Should there be cost sharing with the City or should the City pay its portion for any City-owned frontage?
 - General feedback was that the City should pay its portion for any City frontage.
- What budget should be used for the City's portion of the LIP? New one-time budget? Existing maintenance budget? Land fund budget?
 - General feedback was that new budget should be identified and used.

Given the time-consuming nature of the formal application and the uncertainty about support from adjacent property owners, a pre-screening process was considered. This would allow information exchange with owners and provide a gauge of interest among impacted property owners to determine if the majority would like to see the LIP. This is outlined in the following procedure:

- Submission of scope (description and location) and application.
- Engineering Department review for eligibility.
- Engineering provides estimate and pre-screening petition form.
- Signatures collected from impacted property owners in support of LIP.
- If support for LIP is adequate, the formal LIP process is initiated and included in City budget.

This process would apply to all LIP's; City Council or property owner initiated.

In considering payment options, the Policy includes a financing option on the same terms as a service connection (put on to taxes at 4% over 7 years).

OPTIONS TO RECOMMENDATION

- Do not adopt the Policy and to not pursue the use of LIP's.
- Make changes to the proposed Policy.

PUBLIC AND/OR STAKEHOLDER INVOLVEMENT

Stakeholder communications are outlined in the attached Policy.

COMMUNICATION PLAN

A Public Service Announcement will be issued outlining the particulars of the Policy once City Council approves the Policy.

The Communication Plan on the LIP is included in the attached Policy.

STRATEGIC PLAN

Aligns with infrastructure priorities.

BYLAW OR POLICY IMPLICATIONS

This report creates a new Policy on the use of LIP's for infrastructure.

FINANCIAL IMPLICATIONS

This will vary by year and uptake on the Policy, the timing to coordinate with annual budget, which will impact the delivery schedule for approved LIP's.

OTHER CONSIDERATIONS/IMPLICATIONS

There are no privacy implications, official community plan or other considerations.

PUBLIC NOTICE

Public Notice pursuant to the Public Notice Policy is not required.

PRESENTATION

VERBAL: The Director of Engineering Services will provide a brief overview of the report.

ATTACHMENTS

- i. Council Local Improvement Policy

REPORT APPROVAL

Written by: Josh Mickleborough, Director of Engineering Services
Reviewed by: Tracy Wittke, Assistant City Clerk
Approved by: Jim Puffalt, City Manager
Approved by: Fraser Tolmie, Mayor

To be completed by the Clerk's Department only.

Presented to Regular Council or Executive Committee on _____.

No. _____ Resolution No. _____

Report Approval Details

Document Title:	Council Local Improvement Policy .docx
Attachments:	- Local Improvement Policy_2020.01.22.pdf
Final Approval Date:	Jan 23, 2020

This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Josh Mickleborough was completed by workflow administrator Maureen Latta

Josh Mickleborough



Tracy Wittke



Jim Puffalt



Fraser Tolmie