



## **Staff Report for Council Meeting**

**Date of Meeting:** December 7, 2022

**Report Number:** SRCS.22.15

**Department:** Community Services  
**Division:** Public Works Operation

**Subject:** **SRCS.22.15 - Water and Wastewater Asset Ownership Agreement**

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### **Purpose:**

To obtain authorization for the Mayor and Clerk to execute a Water and Wastewater Asset Ownership Agreement between the Regional Municipality of York and the City of Richmond Hill.

### **Recommendation(s):**

- a) That Staff Report SRCS.22.15 regarding execution of a Water and Wastewater Asset Ownership Agreement be received.
- b) That upon the recommendation of the Commissioner of Community Services, the Mayor and Clerk be authorized to execute a Water and Wastewater Asset Ownership Agreement with the Regional Municipality of York to govern the ownership of water and wastewater assets as described in Staff Report SRCS.22.15.

### **Contact Person:**

Diogo Oliveira, Manager, Water Wastewater and Roads Operations

### **Report Approval:**

**Submitted by:** Tracey Steele, Acting Commissioner of Community Services

**Approved by:** Darlene Joslin, Interim City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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### **Background:**

Ownership of water and wastewater infrastructure, and responsibility for water and wastewater services, is shared between local municipalities and the Regional Municipality of York (the “Region”). In accordance with the Municipal Act, the Region has exclusive jurisdiction over water production, treatment and storage while the Region and local tier municipalities have non-exclusive jurisdiction over water distribution, collection of sanitary sewage and sewage treatment. In 2006 and in consultation with local municipalities, the Region adopted the Regional Jurisdiction Policy for Water and Wastewater Infrastructure as a basis for defining asset ownership based on function; however, this policy does not delineate ownership spatially or geospatially.

The City of Richmond Hill (the “City”) and the Region currently invest resources to determine and field verify spatial ownership and connection points for local and Regional water and wastewater assets. Information is recorded in GIS database systems with data shared between the Region and the City. Execution of an Asset Ownership Agreement is proposed in order to document and formalize the process.

A formal Asset Ownership Agreement will positively impact system operation and mitigate risk by documenting clear processes that provide continuity over time and ensure databases are consistently updated. Other municipalities in York Region have executed, or are in the process of executing, similar agreements with the Region.

### **Discussion:**

The proposed Water and Wastewater Asset Agreement (the “Agreement”) between the Region and the City will formalize protocols that:

- delineate the ownership boundary of water and wastewater infrastructure between the Region and the City,
- establish requirements for the transfer of asset ownership, and
- establish access rights over water and wastewater infrastructure and the lands in which the infrastructure resides.

### **Delineation of Ownership Boundaries**

The Agreement outlines responsibilities of both the City and the Region. Both municipalities acknowledge each has jurisdiction over their assets, and the agreement does not change jurisdiction or ownership of property. The Agreement provides terms for both the City and the Region in delineating asset ownership. Once the demarcation of ownership is agreed upon for each connection location, drawings are signed. All signed drawings will be maintained by the Region and accessible through City and Regional GIS databases. Each municipality shall update and maintain the GIS database identifying assets and ownership boundaries annually.

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### **Requirements for Transfer of Asset Ownership**

The Agreement provides protocols for the transfer of asset ownership, recognizing that the City and Region must mutually agree before any transfer of ownership occurs. The Agreement requires that a thorough review, analysis, and condition assessment of each asset be initiated prior to any asset being considered for transfer. The delineation process will identify assets currently owned by the Region that should be owned by the City, and vice versa. The assets to be transferred will be minor in nature and include for example, a small section of pipe or a sanitary manhole. The proposed transfers will not comprise lengths of watermains or valve chambers. The transfer of assets would have little impact on the overall number of City's assets.

### **Establishment of Access Rights**

The Agreement includes terms and conditions to govern access to City and Regional infrastructure. The City and the Region will both need to enter each other's property to conduct work on their water and wastewater assets. The Agreement therefore provides for reciprocal consent to entering each other's property to fulfill obligations in performing infrastructure repairs and rehabilitation, preventative maintenance, or emergency responses while ensuring that all authorizations and permits are in compliance.

### **Financial/Staffing/Other Implications:**

There are no financial or staff implications arising from the recommendations of this report given that the Agreement formalizes processes which are already in place.

### **Relationship to Council's Strategic Priorities 2020-2022:**

This report aligns with the Strategic Priority of Fiscal Responsibility.

### **Climate Change Considerations:**

Climate change is an emerging risk to drinking water and other infrastructure. Increased frequency of flooding, higher operational and infrastructure costs, and structural damage are possible effects of climate change. Documentation of asset delineation and responsibility protocols provides for improved continuity and the ability to better manage infrastructure repairs and any emergency issues should they arise.

### **Conclusion:**

Ownership of water and wastewater infrastructure, and responsibility for water and wastewater services, is shared between local municipalities and the Regional Municipality of York. A formal Asset Ownership Agreement will positively impact system operation and mitigate risk by documenting clear processes that provide continuity over time and ensure databases are consistently updated. Specifically, the proposed Water and Wastewater Asset Agreement will formalize protocols that delineate asset ownership boundaries, set out requirements for asset ownership transfers and establish reciprocal access rights.

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### **Attachments:**

None

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### Report Approval Details

Document Title:	SRCS.22.15 - Water and Wastewater Asset Ownership Agreement .docx
Attachments:	
Final Approval Date:	Nov 26, 2022

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

**Jeff Stewart - Nov 25, 2022 - 3:36 PM**

**Antonio Dimilta - Nov 25, 2022 - 5:13 PM**

**Tracey Steele - Nov 25, 2022 - 5:17 PM**

**Darlene Joslin - Nov 26, 2022 - 10:01 AM**