Minute No. 542
Report – Executive Policy Committee – September 23, 2009

Item No. 3 Adoption of Residential Toilet Replacement Credit Program By-law eFile WW-2.3

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the proposed new Residential Toilet Replacement Credit Program By-law be enacted as contained in the report of the Winnipeg Public Service dated September 8, 2009.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Executive Policy Committee – September 23, 2009

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 23, 2009, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and submitted the matter to Council.

ADMINISTRATIVE REPORT

ISSUE: **ADOPTION OF RESIDENTIAL TOILET REPLACEMENT CREDIT PROGRAM BY-LAW**

Critical Path: **Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Griffin, P. Eng. Acting Manager of Engineering	B.D. MacBride, P. Eng. Director, Water and Waste	Mike Ruta	Glen Laubenstein

RECOMMENDATIONS

1. That Council enact the proposed new Residential Toilet Replacement Credit Program By-law, a draft of which is attached as Appendix A.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

IMPLICATIONS OF THE RECOMMENDATIONS

Funding for this program is available from the approved 2009 Current Budget – Waterworks System Utility Fund - Customer Services – Advertising & Purchase Discounts – Account Distribution number 443 526030 201601 999 and 443 538040 201601 999

Council approved $130,000 in 2009:

- $100,000 for purchase discounts and
- $30,000 for advertising.

Additional funding of $ 250,000 is proposed in 2010, 2011 and 2012.

An administrative appeal process is included in the By-law.

HISTORY

Council must adopt all By-laws.

The Mayor's Environmental Advisory Committee (MEAC) concurred with the suggestion from the East Kildonan-Transcona Community Committee that the City establish a dual flush toilet initiative and requested the Water and Waste Department to report back.

In order to meet the proposed "go-live" deadline of the fourth quarter 2009, the recommended By-law proposal must be enacted prior to October 16, 2009.

PROGRAM DESCRIPTION:

The Residential Toilet Replacement Credit Program as proposed in this Report could result in the replacement of 13,750 less efficient toilets with dual flush toilets (4.8 litres per flush) by 2013. A credit of $60 will be applied to the residential water bill of anyone who installs an approved dual flush toilet in a residential dwelling unit and recycles the old toilet it is replacing. The following limitations apply:

- The water bill must be in the name of the resident;
- The water bill must not be in arrears;
- The applicant must have a proof of purchase after October 16, 2009 of a toilet of a make and model that has been approved for the program by the Water and Waste Department;
- The older toilet must be brought to an approved depot for recycling; currently Brady Road Landfill is the only approved depot and under ½ ton tipping fees apply to citizens;
- The new, approved toilet must be installed in their residential unit;
- The application must be made before December 31;
- A maximum of 2 credits per account per year will be issued

The purpose of the program is to promote long term water conservation by reducing both water consumption and wastewater flows into the City's three wastewater treatment plants. By educating and promoting residents to replace inefficient toilets, the City will increase water use efficiency without negatively impacting the quality of life enjoyed by Winnipeggers. Potential water savings of this program once all 13,750 toilets are installed is approximately 800 Mega Litres (ML) annually. Reduced consumption will result in a decline in revenue for the Water Utility. It is anticipated that the reduced consumption will also result in long term savings for the Utility. Infrastructure would not have to be sized to accommodate growth and wear would be reduced possibly prolonging the life of the assets. A typical residential customer could save approximately $180 annually on their water and sewer bill. A toilet is the largest water consuming fixture (>30%) in the home.

This program will be promoted with an advertising budget of $55,000. This four-year plan is in its first year. Kick off for this program is planned for Mid-October 2009.

FINANCIAL IMPACT

The following financial impact statement for this project has been prepared in accordance with the recommendation adopted by Council on December 13, 2000.

Financial Impact Statement **Date:** August 26, 2009

Project Name: **First Year of Program** **2009**

ADOPTION OF RESIDENTIAL TOILET REPLACEMENT CREDIT PROGRAM BY-LAW

	2009	2010	2011	2012	2013
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 130,000	$ 250,000	$ 250,000	$ 250,000	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 130,000	$ 250,000	$ 250,000	$ 250,000	$ -
Less: Existing Budget Amounts	130,000	250,000	250,000	250,000	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Funds in the amount of $130,000 are available in the 2009 budget with additional funding of $ 250,000 proposed in 2010, 2011 and 2012.

"Original signed by D. Capp, C.G.A."

Darlene Capp, C.G.A.
Acting Manager of Finance & Administration

je
26-Aug-09

CONSULTATION

In preparing this Report there was consultation with:

City of Winnipeg:

- Legal Services Division

SUBMITTED BY

Department:	Water and Waste
Division:	Engineering Division
Prepared by:	Brent Houle, Water Conservation Coordinator and Duane Griffin, Senior Water Planning Engineer
Date:	September 8, 2009
File No.	020-18-21-05-00

APPENDICES:

Appendix A Residential Toilet Replacement Credit Program By-law



Toilet Credit Program
By-law Proposal 09 0

APPENDIX A

THE CITY OF WINNIPEG

BY-LAW NO. /2009

A By-law of THE CITY OF WINNIPEG to implement a credit program for dual flush toilets in single family residences.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

Short title

1 This By-law may be cited as the Residential Toilet Replacement Credit Program By-law.

Definitions

2 In this By-law

"account" means an account of rates, and fees imposed under the Water Works By-law for, and payments made by, a particular customer;

"approved depot" means a location designated by the Director for depositing toilets for recycling under clause 4(e);

"approved dual flush toilet" means a dual flush toilet of a make and model approved by the Director under clause 5(3)(e);

"customer" means a customer as defined in the Water Works By-law;

"residential unit" means all or part of a building that has been designed for or is being used as a residence by an individual or a single family.

Credit to be applied

3(1) Despite the rates and fees imposed by the Water Works By-law and so long as funding for this purpose is available in any given year, the Director must apply a credit in the amount of $60.00 to the account in respect of a residential unit of any customer who meets the qualifications set out in section 4. The Director shall use funding approved by Council for this purpose.

3(2) The Director must apply the credit referred to in subsection (1) as applications are received and must stop applying the credit as soon as the funding approved by Council for this purpose in any year has been expended.

3(3) Where a customer qualifies for a credit under section 4 but no credit can be applied to his or her account because the funding approved by Council for this purpose in any year has been expended, the Director may consider the customer's application to have been made for any subsequent year in which Council provides funding for this program. In order to have the credit applied to his or her account in the subsequent year, however, the customer must continue to qualify under section 4 in that year.

3(4) Even if a customer qualifies for multiple credits, the Director must not apply more than two credits referred to in section 3 to any single account in one year.

Qualifications

4 A customer qualifies for the credit referred to in section 3 if the customer:

(a) has an account in his or her name for the residential unit he or she owns or rents;

(b) is not in arrears on the account;

(c) provides a proof of purchase demonstrating that he or she has purchased an approved dual flush toilet on or after October 16, 2009;

(d) has installed the approved dual flush toilet in the residential unit referred to in clause (a);

(e) provides evidence acceptable to the designated employee that he or she has deposited a used toilet for recycling at an approved depot;

(f) agrees to provide actual meter readings on a quarterly basis for 12 months following the installation of the approved dual flush toilet; and

(g) no later than December 31 of any year in which Council has provided funding for the program submits an application form which includes evidence of compliance with these requirements and other information reasonably required by the designated employee for the purposes of administering this program.

Powers of designated employees

5(1) The Director and any employee of the City of Winnipeg to whom he or she delegates all or part of his authority under this By-law may conduct inspections and take steps to administer and enforce this by-law or remedy a contravention of this by-law in accordance with *The City of Winnipeg Charter* and, for those purposes, have the powers of a designated employee under *The City of Winnipeg Charter*.

5(2) The authority in subsection (1) includes the authority to take actions to determine the truth of statements made by applicants for the credit referred to in section 3. These actions include, after providing reasonable notice, entering residential units in order to determine if an approved dual flush toilet was installed.

5(3) The authority given to the Director in subsection (1) includes the authority to take actions to administer this By-law including:

(a) appointing employees of the City of Winnipeg to administer and enforce this By-law and, for these purposes, delegating to them some or all of the powers and authority given to the Director;

(b) determining the form of an application for the program;

(c) determining the ways in which an application form for the program may be validly submitted;

(d) determining what constitutes sufficient evidence that the qualifications in section 4 have been met;

(e) determining a list of approved dual flush toilets on the basis of sustainable water savings and customer satisfaction with flushing performance;

(f) designating approved depots.

Appeals

6(1) An appeal against an order to remedy a contravention of this By-law or a decision made by a designated employee that is subject to an appeal under *The City of Winnipeg Charter* may be made to the administrative appeal body consisting of:

(a) the Chief Administrative Officer of the City;

(b) the Deputy Chief Administrative Officer/Chief Financial Officer of the City;

(c) the Deputy Chief Administrative Officers of the City;

or their delegates.

6(2) The Chief Administrative Officer of the City or his or her designate shall serve as the Chair of the hearing body referred to in subsection (1) and the Deputy Chief Administrative Officer/Chief Financial Officer of the City or his or her designate shall be the vice-chairperson.

6(3) The hearing body referred to in subsection (1) shall sit in panels of three members selected by the chairperson.

6(4) Sections 51(10) and 51(11) of the Procedure By-law apply to appeals heard under this section and the hearing body may adopt other rules of practice and procedure.

Coming into effect
7 This By-law comes into effect on October 16, 2009.

DONE AND PASSED, this day of , 2009.

_____
Mayor

_____
City Clerk

Approved as to content:

_____
Director, Water and Waste
Department

Approved as to form:

_____
For Acting City Solicitor/Manager of
Legal Services