

# CORPORATE POLICY



Policy Title: **Neighbourhood/Home Association Special Service/Area Levy Implementation and Administration Policy**

Policy Category: **Administration**

Policy No.: A-031

Department: Corporate Services

Approval Date: July 24, 2017

Revision Date:

Author: Julie Scott

Attachments: A: Neighbourhood/Home Association Application for consideration of Special Service/Area Levy

Related Documents/Legislation: *Municipal Act*

Key Word(s): neighbourhood associations, pools, special service levy

## **POLICY STATEMENT:**

The City recognizes that certain recreational services may be provided to a defined geographic area within the municipality by neighbourhood/homes associations that are not being provided to the entire municipality or are being provided at a different level or manner than is generally provided to the entire municipality. Having adopted the concept of utilizing a special service/area levy to provide a stable funding source for these services the City wishes to implement a transparent and consistent process for administering the special service/area levy implementation and administration process.

## **PURPOSE:**

The purpose of the policy is to provide a consistent and clear administrative process relating to implementing a Special Service/Area Levy. This includes all stages from the initial request from a neighbourhood/homes association, the process to seek support from the affected property owners, the minimum threshold required to initiate the process and implement a special service/area levy.

## **DEFINITIONS:**

Neighbourhood/Homes Association: Groups of people who live in the same neighbourhood that come together to initiate and maintain a wide range of programs and activities. These groups operate independently from the City of Waterloo and are managed by their own elected boards with representation from the property owners within the defined geographic area.

**Mandatory Policy, *Municipal Act*: No**  
**Policy Administration Team, Review Date: June 28, 2017**  
**Corporate Management Team, Review Date: July 6, 2017**

For the purposes of this policy Neighbourhood/Homes Associations refers to those groups that have recreational facilities and mandatory membership tied to covenants.

Property Owner Electors: For the purposes of this policy this includes the registered property owner(s) for the subject property. A maximum of one vote can be submitted for each property and tenants are not eligible to vote.

Special Services/Area Levy: A special service/area levy is permitted pursuant to section 325 of the *Municipal Act*. For the purpose of this policy special service/area levy references only those initiated for the provision of recreational services in geographic areas previously covered by covenant. In this policy special service/area levy refers to the to the process whereby the City shall collect funds from those residing in the defined geographic area originally subject to covenants for the collection of direct and indirect costs attributable to the capital improvement, maintenance and operations of the recreational premises and activities carried out at the premises of the Neighbourhood/Homes Association.

#### **SCOPE:**

This policy is applicable to all requests made to the City for consideration of implementing a special service/area levy under Section 326 of the *Municipal Act* for the provision of recreational services within a defined municipal area and does not apply to any other special service/area levies. The defined municipal area must include only those properties previously subject to covenants on title which required participation in the association for the provision of recreational services and must be subject to expiry. This policy does not apply to the initiation of Special Service/Area Levies currently in place at the time of the passing of this policy, but does apply to the ongoing administration of relevant special service/area levies or any requests for changes to the special service/area levy agreement including but not limited to changes to the geographic boundary of the area subject to a levy.

#### **POLICY COMMUNICATION:**

The policy will be provided to staff and all relevant Neighbourhood/Homes Associations and will be made available on the City of Waterloo website.

#### **POLICY:**

1. The City of Waterloo may consider the implementation of a special service/area levy pursuant to the *Municipal Act* for the provision of recreational services that are not being offered or are being provided at a different level or manner than is generally provided throughout the entire municipality at the request of the executive or board of the Neighbourhood/Home Association.
2. A Neighbourhood/Home Association interested in a special service/area levy shall be provided a copy of this policy outlining the process.

3. Prior to the City considering implementing a new or amended special service/area levy a copy of the application attached as **Attachment A** must be submitted to the Office of the City Clerk.
4. Applications for consideration of a special service/area levy shall not be submitted earlier than two years prior to expiration of the covenants requiring association membership or financial participation in neighbourhood recreational services.
5. A special service/area levy shall not be put in place until all covenants have expired on the subject properties.
6. Applications will not be accepted after November 1<sup>st</sup> of the calendar year immediately preceding a municipal election year and shall not be accepted in the year of a municipal election.
7. A complete application must be submitted prior to consideration of a special service/area levy and must include the completed petition form. The petition form must include the name(s) of the registered property owner(s) and addresses of at least 66% of the eligible properties subject to the potential special service levy that have responded that they support the implementation of a special services levy. Each property can count only once towards the 66% of positive support required.
8. The property owner electors shall be comprised of those within the original covenanted area and cannot include associate members. A special service/area levy cannot be applied to an association that will offer associate memberships once the special service levy is in effect.
9. Pursuant to the *Municipal Act*, the area to be considered cannot include an area in which the service is not currently being provided unless the expenditure to provide the additional service had been adopted by the City in its previous budget.
10. Upon receipt of a complete application package the City shall verify that at least 66% of properties within the geographic boundary have indicated they support a special area levy.
11. Upon verification the City Clerk shall begin the process to conduct a vote of the relevant property owners on the question of support relating to the Special Service/Area Levy.
12. The Office of the City Clerk shall establish and make available publicly the Voting Rules and Procedures which shall include but not be limited to the timeline for adding or removing property owner electors from the voting list, the timeline for the vote and the process for opening ballots. A sample lease and operating agreement shall be made available and shall be provided to the designated Neighbourhood/Home Association representative.
13. Notice shall be provided to property owners by regular mail containing a timeline regarding the circulation of the voter information package, revision period for the voters' list, proposed public meeting date(s), voting end date, unofficial and official results presentation.
14. Votes received after the established voting day shall not be read or considered in the calculation of the vote.

15. If a special service/area levy vote fails to reach the minimum threshold of 66% of eligible ballots cast supporting the special service/area levy, the application fails and a new application for consideration can be submitted if desired after 24 months.
16. If 66% of eligible ballots cast respond in the affirmative and are in favour of a special service/area levy, the results shall be presented to Council for consideration of pursuing a special service/area levy including a lease, licence and operating agreement.

**COMPLIANCE:**

In cases of policy violation, the City may investigate and determine appropriate corrective action.