



P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 7.2.1**  
**Halifax Regional Council**  
**April 2, 2020**

**TO:** Mayor Savage and Members of Halifax Regional Council

**SUBMITTED BY:** Original Signed  
\_\_\_\_\_  
Russell Walker, Chair, Audit and Finance Standing Committee

**DATE:** March 11, 2020

**SUBJECT:** Agreement between HRM & HRWC re: HRWC's payment of (i) grants in lieu of certain taxes, and (ii) dividends from the surplus of HRWC's undertakings HRM

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**ORIGIN**

Audit and Finance Standing Committee March 11, 2020 meeting, Item No. 12.2.1

**LEGISLATIVE AUTHORITY**

Administrative Order One, Schedule 2, Audit and Finance Standing Committee, Terms of Reference, section 8(c), Other Duties states:

'The Audit and Finance Standing Committee shall review and make recommendations on proposals coming to the Council outside of the annual budget or tender process including:  
(c) proposed changes in any operating or project budget items;

**RECOMMENDATION**

The Audit & Finance Standing Committee recommend to Halifax Regional Council, for its approval:

1. The proposed three-year Agreement between HRM and Halifax Regional Water Commission (HRWC), shown in draft at Attachment 1 of the staff recommendation report dated February 25, 2020 and as may be further negotiated to the reasonable satisfaction of the Chief Administrative Officer (CAO), subject to the review and approval of certain amounts payable thereunder by the Nova Scotia Utility and Review Board ("NSUARB"); and
2. That at least one-year prior to the renewal of the three-year Agreement HRM staff, in collaboration with HRWC staff, commence with the development of a long-term policy framework and formula to calculate payments of dividends and grants in lieu of taxes beyond the fiscal year 2022/2023.

**BACKGROUND**

A staff recommendation report dated February 25, 2020 pertaining to the agreement between HRM & HRWC re: HRWC's payment of (i) grants in lieu of certain taxes, and (ii) dividends from the surplus of HRWC's undertakings HRM was before the Audit and Finance Standing Committee for consideration at its March 11, 2020 meeting.

For further information, please refer to the attached staff recommendation report dated February 25, 2020.

### **DISCUSSION**

The Audit and Finance Standing Committee considered the request and approved the staff recommendation to Halifax Regional Council as outlined in this report.

### **FINANCIAL IMPLICATIONS**

Financial implications are outlined in the attached February 25, 2020 staff report.

### **RISK CONSIDERATION**

Risk consideration is outlined in the attached February 25, 2020 staff report.

### **COMMUNITY ENGAGEMENT**

The Audit and Finance Standing Committee meetings are open to public attendance, a live webcast is provided of the meeting, and members of the public are invited to address the Committee for up to five minutes at the end of each meeting during the Public Participation portion of the meeting. The agenda, reports, minutes, and meeting video of the Audit and Finance Standing Committee are posted on Halifax.ca.

### **ENVIRONMENTAL IMPLICATIONS**

Not identified.

### **ALTERNATIVES**

The Audit and Finance Standing Committee did not discuss alternative recommendations.

### **ATTACHMENTS**

Staff recommendation report dated February 25, 2020.

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Robyn Dean, Legislative Assistant, Office of the Municipal Clerk, 902.490.6521

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P.O. Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

**Item No. 12.2.1**  
**Audit & Finance Standing Committee**  
**March 11, 2020**

**TO:** Chair and Members of Audit & Finance Standing Committee

- Original Signed -

**SUBMITTED BY:** \_\_\_\_\_  
Jane Fraser, Director, Finance, Asset Management & ICT/CFO

- Original Signed -

\_\_\_\_\_  
Jacques Dubé, Chief Administrative Officer

**DATE:** February 25, 2020

**SUBJECT:** Agreement between HRM & HRWC re: HRWC's payment of (i) grants in lieu of certain taxes, and (ii) dividends from the surplus of HRWC's undertakings HRM

**ORIGIN**

The existing five-year Agreement between the HRM and the Halifax Regional Water Commission (HRWC) expires on March 31, 2020.

**LEGISLATIVE AUTHORITY**

Section 92 of the *Halifax Regional Municipality Charter*:

**Taxation of property and assets of Regional Water Commission**

92 (1) For greater certainty, the Council may levy commercial and business occupancy taxes against the property and assets of the Halifax Regional Water Commission situated within the geographical boundaries of the Municipality.

(2) Notwithstanding subsection (1) and the Assessment Act, the Municipality may enter into agreements with the Halifax Regional Water Commission providing for the payment of grants in lieu of commercial and business occupancy rates and taxes against the property and assets of the Halifax Regional Water Commission within the geographical boundaries of the Municipality in such amounts annually as shall be agreed upon between the Council and the Halifax Regional Water Commission. *2008, c. 39, s. 92.*

Section 20 of the *Halifax Regional Water Commission Act*:

**Annual report and payment from surplus**

20 (3) The amount or amounts to be paid by the Commission from the surplus of the Commission's undertaking or undertakings to the Regional Municipality for the general purposes of the Regional Municipality shall be such amount or amounts as are agreed upon by the Commission and the Council, and may be based on an amount denominated as a percentage of the Commission's rate base allocated to one or more of water, wastewater and stormwater systems or by reference to any other formula agreed to by the Commission and the Council.

**RECOMMENDATION ON PAGE 2**

- (4) The amount or amounts in an agreement made pursuant to subsection (3) must be paid as
- (a) a grant in lieu of taxes on taxable assets pursuant to Section 92 of the Charter regardless of whether the amount is calculated by reference to a formula that includes non-taxable assets; or
  - (b) a dividend.
- (5) Any amount payable pursuant to subsection (3) is subject to review and approval by the Board. 2007, c. 55, s. 20; 2012, c. 60, s. 8.

### **RECOMMENDATION**

It is recommended that the Audit & Finance Standing Committee recommend to Regional Council, for its approval:

- 1) the proposed three-year Agreement between HRM and HRWC, shown in draft at Attachment 1 of this report and as may be further negotiated to the reasonable satisfaction of the CAO, subject to the review and approval of certain amounts payable thereunder by the Nova Scotia Utility and Review Board ("NSUARB");
- 2) that at least one-year prior to the renewal of the three-year Agreement HRM staff, in collaboration with HRWC staff, commence with the development of a long-term policy framework and formula to calculate payments of dividends and grants in lieu of taxes beyond the fiscal year 2022/2023.

### **BACKGROUND**

Prior to April 1, 2007, HRM received an annual dividend payment from the HRWC based on HRWC revenues from the prior year. In May 2006, the NSUARB approved that the dividend formula reflect the Commission's asset base and directed that the agreement be reviewed. The result of the review was a formula based on the HRWC "rate base" for water infrastructure. A three-year agreement was approved by the NSUARB in 2007. Since then, the Dividend Agreement has been renewed twice, each for a five-year period, April 1, 2010 to March 31, 2015 and April 1, 2015 to March 31, 2020. To date, HRM has received a dividend for the water assets but not the wastewater or stormwater assets.

The current dividend formula, in place for the past 13 years, is based on a dividend rate times the asset base. The rate of \$1.56 per \$100 of value is specific to this agreement, i.e. the formula does not use the annual property tax rates approved by Regional Council. And the asset base is not determined by the Property Valuation Services Corporation, but reflects the "rate base" in the prior-year financial statements of the HRWC, as reviewed annually by the NSUARB. The current "rate base" used in the dividend formula reflects only water infrastructure assets and not the wastewater or stormwater assets of the HRWC.

Currently HRWC has a rate application before the NSUARB for Water and Wastewater. (A Stormwater Rate application is expected to also be filed in the Fall of 2020). In support of their application, the HRWC has filed a five year business plan with the NSUARB. The rate application is subject to approval by the NSUARB and dividends would be paid in a manner consistent with the NSUARB decision.

### **DISCUSSION**

The Halifax Regional Water Commission has proposed a new five-year dividend agreement. The dividend proposal is briefly described by HRWC staff in their 2020 Water and Wastewater Rate Application report to the HRWC Board on January 30, 2020 (Item 4.4):

*Halifax Water's current proposal is to continue to pay a dividend on water assets at a rate of 1.56% (\$1.56/\$100) and to add additional dividends of 0.25% (\$0.25/\$100) on Wastewater assets and a further 0.25% (\$0.25/\$100) on Stormwater assets. To reduce the increase in the dividend/grant in lieu as a result of the investment in infrastructure, and smooth the impact on future rate, Halifax Water has proposed a cap to the annual increase dividend of 1%.*

There are two distinct differences – between the new HRWC proposal and the agreement expiring March 31, 2020 – both of which are subject to NSUARB approval:

- HRWC is recommending that due to the improved state of their wastewater and stormwater assets, they be included, partially, in the dividend formula rate base as part of their new water and wastewater rate application. This is expected to become effective on or after September 1, 2020, following approval by the NSUARB of the HW rate application.
- HRWC is recommending that the existing 1.56% water dividend rate be capped at 1% growth starting in 2021/22. This effectively lowers the dividend rate in 2021/22 to 1.48%. Over a potential five year term the dividend rate would effectively decline from 1.56% to 1.16%. The purpose of the rate cap is to avoid “rate shock” due to an increase in the assets of the HRWC.

The dividend from HRWC water service originated shortly after amalgamation in 1997. At the time, the dividend was described as representing “a combination of the following: a grant in lieu of taxes to HRM, a payment to HRM for services rendered, and a return on equity for the Commission’s shareholder, HRM” with the notation that “only the latter payment could be said to represent a true dividend.”

In reviewing the HRWC proposal, it has become clear that the purpose of the dividend and the setting of the annual dividend amount has not been established in HRM or HRWC policy, but has carried forward from payments agreed to in prior years, with only the one policy change, prompted by the NSUARB in 2007. HRM staff feel there is a strong need for a clear policy framework and a supporting rationale for the dividend rate. The introduction of a 1% cap rate to the Water Dividend only increases the need for this framework. As such, HRM staff are recommending that the agreement be only three years in length. The framework is a significant piece of work. The policy framework would include a description of the purpose of the Dividend and the principals that should guide and support the annual Dividend amount. It is important that HRM be clear and transparent as to the purpose of the dividend, regardless of whether that policy leads to increased or decreased revenues. It is expected that this policy work will require approximately one year for the appropriate research and discussions, so preparations for the renewal of the Agreement should begin no later than April 1, 2022. The three-year period will provide the certainty required by the HRWC for their upcoming rate hearing and ample time for policy development.

### **FINANCIAL IMPLICATIONS**

In the February 13, 2020 HRWC water and wastewater rate application to the NSUARB, their Proposed 5-Year Business Plan includes the following dividend costs in their Summary of Estimated Revenues and Expenses:

Fiscal Year	2020/21	2021/22	2022/23
Estimated Dividend	\$6,113,000	\$6,638,000	\$6,705,000

The actual dividend payments will depend upon the final “rate base” in HRWC’s 2019/20 and 2020/21 financial statements and, importantly, approval of the proposed dividend formula by the NSUARB. The HW rate application is for two years.

In its 2020/21 Budget, HRM has budgeted for dividend revenues of \$5,321,900.

### **RISK CONSIDERATION**

The dividend rate is subject to public hearings. The NSUARB could reject all or part of the proposal and could approve a different or amended formula for the HRWC dividend payment. This could result in lower HRM revenues.

### **COMMUNITY ENGAGEMENT**

HRM Council, the HRWC Board and the NSUARB rate hearing agendas and decisions are available to the public, as are the meetings themselves. No additional community consultation is planned.

**ENVIRONMENTAL IMPLICATIONS**

None.

**ALTERNATIVES**

The Audit and Finance Standing Committee may direct staff or recommend to Regional Council to consider changes to the proposed Dividend Agreement.

**ATTACHMENTS**

1. Proposed Dividend Agreement between the HRM and the HRWC, April 1, 2020 to March 31, 2023
2. Approved Dividend Agreement between the HRM and the HRWC, April 1, 2015 to March 31, 2020

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A copy of this report can be obtained online at <http://www.halifax.ca/boardscom/SCfinance/index.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Andre MacNeil, Senior Financial Consultant, Finance, Asset Management and ICT,  
902.490.5529

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**THIS AGREEMENT made as of the Effective Date.**

**BETWEEN:**

**HALIFAX REGIONAL MUNICIPALITY, a body corporate (HRM)**

**OF THE FIRST PART**

**- and -**

**HALIFAX REGIONAL WATER COMMISSION, a body corporate (Halifax Water)**

**OF THE SECOND PART**

**WHEREAS** HRM and Halifax Water entered into an agreement dated the 29<sup>th</sup> day of August 2001, as amended by an agreement dated the 15<sup>th</sup> day of May 2007, on the subject of dividends and grants in lieu of taxes payable by HRWC to HRM. The parties entered into a new five agreement on the 10<sup>th</sup> day of December 2009. On the 23<sup>rd</sup> day of January 2015 the parties entered into the most recent agreement, which will expire on March 31, 2020. Copies of these agreements and any amendments thereto are attached as Schedule "A";

**AND WHEREAS** the parties wish to enter into a new agreement (this "Agreement") with respect to

- (i) the payment of grants in lieu of commercial and business occupancy rates and taxes against the property and assets of the Halifax Regional Water Commission within the geographical boundaries of the Municipality (per section 92(2) of the *HRM Charter*), and
- (ii) the payment of dividends from the surplus of Halifax Water's undertaking to HRM for the general purposes of the Municipality (per section 20(4)(b) of the *HRWC Act*).

**NOW THEREFORE WITNESSETH** in consideration of One Dollar (\$1.00) and for other good and valuable consideration as hereinafter set forth the parties do agree as follows:

1. This Agreement will be in effect from the Effective Date to the end of fiscal year 2022/23. A fiscal year runs from April 1 of a year to March 31 of the following year.
2. For each of the fiscal years 2020/21 to 2022/23, Halifax Water shall pay to HRM as a grant made in lieu of commercial tax rates and taxes against Halifax Water property and assets within the geographic boundaries of HRM, an amount equal to 1.56% of Halifax Water rate base allocated to the water system at March 31 of the previous fiscal year.
3. For each of the fiscal years 2020/21 to 2022/23, Halifax Water shall pay to HRM as a dividend from the surplus of Halifax Water's undertakings to HRM an amount equal to 0.25% of Halifax Water rate base allocated to the wastewater system at March 31 of the previous fiscal year, with this amount being subject to the review and approval of the Nova Scotia Utility and Review

Board (“NSUARB”). HRWC will use good faith efforts to disclosure all necessary evidence and present cogent submissions to the NSUARB to obtain approval for the payment of this dividend.

4. For each of the fiscal years 2020/21 to 2022/23, Halifax Water shall pay to HRM as a dividend from the surplus of Halifax Water’s undertakings to HRM an amount equal to 0.25% of Halifax Water rate base allocated to the stormwater system at March 31 of the previous fiscal year, with this amount being subject to the review and approval of the NSUARB. HRWC will use good faith efforts to disclosure all necessary evidence and present cogent submissions to the NSUARB to obtain approval for the payment of this dividend.
5. For 2020/21, the dividends payable pursuant to paragraph 3 and 4 will commence on the same date as new wastewater and stormwater rates approved by the NSUARB.
6. Increase in the grant(s) and dividends payable in 2022/23 will be capped at 1% more than the grant(s) and dividends payable in the preceding fiscal year.
7. Increase in the grant(s) and dividends payable in 2021/22 will be capped at 1% more than the grant(s) and dividends amounts for 2020/21 that would have been payable pursuant to paragraph 5, if the new wastewater and stormwater rates had commenced on April 1, 2020.
8. HRM covenants and agrees, as and when appropriate, to nominate Halifax Water projects for (i) funding programs sponsored by the federal and/or the provincial government that are tailored to water, wastewater and stormwater assets; and, (ii) other funding programs sponsored by the federal and/or provincial government in recognition of the existing infrastructure deficit faced by both HRM and Halifax Water, as part of HRM’s infrastructure list.
9. This Agreement will expire on March 31, 2023. HRM and Halifax Water will use good faith efforts to commence negotiations for a new agreement on or before March 30, 2022, with such agreement to include a formula to set and, as necessary, revise payments of dividends and grants in lieu of taxes beyond the fiscal year 2022/2023.

This Agreement is effective on the date it is executed by the last signatory to affix their signature hereto (the “Effective Date”).

**SIGNATURE PAGE TO FOLLOW**



**SIGNED, SEALED and DELIVERED**

**HALIFAX REGIONAL MUNICIPALITY**

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Witness  
name:

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for Halifax Regional Municipality  
name:  
title:  
date:

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Witness  
name:

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for Halifax Regional Municipality  
name:  
title:  
date:

**HALIFAX REGIONAL WATER COMMISSION**

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Witness  
name:

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for Halifax Regional Water Commission  
name:  
title:  
date:

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Witness  
name:

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for Halifax Regional Water Commission  
name:  
title:  
date:

Approved as to Form  
and Authority

  
SUNSHOR

THIS AGREEMENT made this 23<sup>rd</sup> day of January, 2015

BETWEEN:

HALIFAX REGIONAL MUNICIPALITY, a body corporate (HRM)

OF THE FIRST PART

- and -

HALIFAX REGIONAL WATER COMMISSION, a body corporate (HRWC)

OF THE SECOND PART

WHEREAS HRM and HRWC did enter into an agreement (the "Agreement") dated the 29<sup>th</sup> day of August, 2001, as amended by an agreement dated the 15<sup>th</sup> day of May, 2007, and as amended by an agreement dated the 10<sup>th</sup> day of December, 2009 copies of which Agreement and which Agreement as amended are attached hereto as Schedule "A";


AND WHEREAS the Agreement as amended will expire on March 31, 2015;

AND WHEREAS the parties wish to enter into a new Agreement.

NOW THEREFORE WITNESSETH in consideration of One Dollar (\$1.00) for other good and valuable consideration as hereinafter set forth the parties do agree as follows:

1. This Agreement shall be in effect for the fiscal years 2015/2016 to 2019/2020.
2. For each of the fiscal years 2015/16 to 2019/20, the HRWC shall pay to HRM as a grant, by way of dividend, made in lieu of commercial tax rates and taxes against its property and assets within the geographic boundaries of HRM, an amount equal to 1.56% of the HRWC rate base allocated to the water system at March 31 of the previous fiscal year.
3. For the fiscal years 2015/2016 to 2019/2020, HRWC shall not be obligated to pay to HRM as a grant, by way of dividend, any monies respecting its wastewater and stormwater system, as the Nova Scotia Utility and Review Board (NSUARB) has previously rejected a proposed wastewater/stormwater dividend. HRWC and HRM shall revisit this issue in future when wastewater and stormwater infrastructure and financial conditions have improved.

4. HRM covenants and agrees to use its best efforts to nominate HRWC projects for funding programs sponsored by the federal and/or the provincial government that are tailored to water, wastewater and stormwater assets. Additionally, HRM covenants to nominate HRWC wastewater and stormwater projects for other funding programs sponsored by the federal and/or provincial government in recognition of the existing infrastructure deficit faced by both HRM and HRWC, as part of HRM's infrastructure list.
5. This Agreement will expire March 31, 2020, and a new agreement shall be negotiated at least ninety (90) days prior to the March 31st 2020 fiscal year end of the HRM.

DATED at Halifax, Province of Nova Scotia this 23<sup>rd</sup> day of January, 2018 

SIGNED, SEALED and DELIVERED

In the presence of:  


Witness  
 

Witness  



HALIFAX REGIONAL MUNICIPALITY

Per: 

MAYOR

Per:  Municipal Clerk

HALIFAX REGIONAL WATER COMMISSION

Per:   
Per: 

# SCHEDULE "A"

THIS AGREEMENT made this 10<sup>th</sup> day of December, 2009.

BETWEEN:

HALIFAX REGIONAL MUNICIPALITY, a body corporate (HRM)

OF THE FIRST PART

- and -

HALIFAX REGIONAL WATER COMMISSION, a body corporate (HRWC)

OF THE SECOND PART

WHEREAS HRM and HRWC did enter into an agreement (the "Agreement") dated the 29<sup>th</sup> day of August, 2001, as amended by an agreement dated the 15<sup>th</sup> day of May, 2007, copies of which Agreement and which Agreement as amended are attached hereto as Schedule "A";

AND WHEREAS the Agreement as amended will expire on March 31, 2010;

AND WHEREAS the parties wish to enter into a new Agreement.

NOW THEREFORE WITNESSETH in consideration of One Dollar (\$1.00) for other good and valuable consideration as hereinafter set forth the parties do agree as follows:

1. This Agreement shall be in effect for the fiscal years 2010/2011 to 2014/2015.
2. For each of the fiscal years 2010/2011 and 2011/2012 the HRWC shall pay to the HRM a dividend in an amount equal to 1.55% of the HRWC rate base allocated to the water system at March 31 of the previous year.
3. For each of the fiscal years, 2012/2013 to 2014/2015 the HRWC shall pay to the HRM a dividend in an amount equal to the sum of:
  - (a) 1.56% of the HRWC rate base allocated to the water system at March 31 of the previous year; and
  - (b) 0.5% of the HRWC rate base allocated to the wastewater and stormwater systems as at March 31 of the previous year.
4. The dividends payable pursuant to paragraphs 2 and 3(a) of this agreement are grants made in lieu of commercial and business occupancy rates and taxes against HRWC's property and assets relating to the water system within the geographic boundaries of the HRM.
5. HRM covenants and agrees to use its best efforts to nominate HRWC projects for funding programs sponsored by the federal and/or the provincial government that are tailored to water, wastewater and stormwater assets. Additionally, HRM covenants to nominate HRWC wastewater and stormwater projects for other funding programs sponsored by the federal and/or provincial government in recognition of the existing wastewater and stormwater infrastructure deficit.
6. This Agreement will expire March 31, 2015, and a new agreement shall be negotiated at least ninety (90) days prior to the fiscal year of the HRM.

DATED at Halifax, Province of Nova Scotia, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

SIGNED, SEALED and DELIVERED

in the presence of:

Original Signed

HALIFAX REGIONAL MUNICIPALITY  
(Original Signed)

Per. \_\_\_\_\_

Per. \_\_\_\_\_

HALIFAX REGIONAL WATER  
COMMISSION

(Original Signed)

Per. \_\_\_\_\_

Per. \_\_\_\_\_

APPROVED  
Original Signed

Municipal Solicitor

# SCHEDULE "A"

THIS AGREEMENT made this 15 day of <sup>May</sup> ~~March~~, 2007

BETWEEN:

HALIFAX REGIONAL MUNICIPALITY, a body corporate, (HRM)

OF THE FIRST PART

APPROVED AS TO FORM

Municipal Solicitor

- AND -

HALIFAX REGIONAL WATER COMMISSION, a body corporate  
(HRWC)

OF THE SECOND PART

WHEREAS HRM and HRWC did enter into an agreement (the Agreement) dated the 29th day of August, 2001 a copy of which is attached hereto as Schedule "A";

AND WHEREAS HRM and HRWC have agreed that the Agreement which expires on March 31, 2007 should be amended and to provide for a different manner of calculating the annual grants payable there under by HRWC to HRM.

NOW THEREFORE WITNESS in consideration of One Dollar (\$1.00) paid by each party to the other, the receipt whereof is hereby acknowledged and for other good and valid consideration the parties agree as follows:

1. The provisions of the Agreement are rescinded;
2. Commencing with the fiscal year 2007/2008 and continuing through to the year 2009/2010, the HRWC shall pay to the HRM as a grant, by way of dividend, made in lieu of commercial and business occupancy rates and taxes against its property and assets within the geographic boundaries of the HRM, an amount equal to 1.56 percent of the HRWC rate base allocated to the water system at March 31 of the previous year.
3. This Agreement will expire March 31, 2010 and a new agreement shall be negotiated at least 90 days prior to the fiscal year of the HRM.

DATED at Halifax, Halifax Regional Municipality, Province of Nova Scotia, this  
day of May 15, 2007.

SIGNED, SEALED and DELIVERED )

in the presence of: )

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_)

Witness )

\_\_\_\_\_  
\_\_\_\_\_ )

Witness )

\_\_\_\_\_  
\_\_\_\_\_ )

) HALIFAX REGIONAL MUNICIPALITY )

) Per: \_\_\_\_\_ Peter J. Keny )

Mayor )

) Per: \_\_\_\_\_ )

Municipal Clerk )

) HALIFAX REGIONAL WATER )  
) COMMISSION )

) Per: Donald L. Mason, P. Eng MCIP )  
) Chair of the Board )

) Per: Carl D. Yates M.A.Sc, P. Eng )  
) General Manager )

DATED: *15 May*, 2007

BETWEEN:

HALIFAX REGIONAL MUNICIPALITY,  
hereinafter called "HRM"

OF THE FIRST PART

- and -

HALIFAX REGIONAL WATER COMMISSION,  
hereinafter called "HRWC"

OF THE SECOND PART

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AGREEMENT

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RETURN TO:

Paul M. Murphy, Q.C.

McINNES COOPER  
PO Box 730  
5151 George Street, Suite 1600  
HALIFAX NS B3J 2V1

File No:



Schedule A

Grant in Lieu of Commercial and Business Occupancy Rates and Taxes

THIS AGREEMENT made this 29<sup>th</sup> day of August 2000. 2001.

BETWEEN:

HALIFAX REGIONAL MUNICIPALITY, a body corporate ("HRM")

OF THE FIRST PART

- and -

HALIFAX REGIONAL WATER COMMISSION, a body corporate ("HRWC")

OF THE SECOND PART

WHEREAS the Halifax Regional Council did, on October 21, 1997, approve the following resolution:

"MOVED by Councillor Hetherington, seconded by Deputy Mayor Greenough that Council:

1. formally endorse the arrangement concluded between the Halifax Regional Water Commission and the Halifax Regional Municipality, namely, that
  - (a) a total of \$2.5 million will be paid annually by the Commission to the Municipality for a five-year period, commencing in 1997/98 and concluding with the fiscal year 2001/2002;
  - (b) in the interim, this arrangement will be reviewed by HRM and a recommendation formulated on the feasibility of its continuance after the initial five-year term has expired;
2. direct staff to arrange for the introduction before the Nova Scotia Legislature of the proposed amendments to the *Halifax Regional Municipality Act*, attached to the staff report as Appendix "A", which will give the Municipality the jurisdiction to enter into the foregoing arrangement."

AND WHEREAS HRM acquired the jurisdiction under Section 532 of the *Municipal Government Act*, S.N.S. 1998, C. 18 (the "Act"), to enter into agreements with HRWC "providing for the payment of grants in lieu of commercial and business occupancy rates and taxes against the property and assets of the Halifax Regional Water Commission within the geographical boundaries

of the Halifax Regional Municipality in such amounts annually as shall be agreed upon between the council and the Halifax Regional Water Commission.";

AND WHEREAS the HRM and the HRWC wish to determine an amended formula for the calculation of future payments beyond the fiscal year 2001/2002, in order to provide a degree of stability to the HRWC in calculating its long-range financial needs and obligations;

AND WHEREAS the HRM and the HRWC have agreed that, in all of the circumstances, a levy of an annual grant equal to ten percent (10%) of the operating revenue of the HRWC, as published in its annual audited statement, would provide a fair and reasonable rate of return to the HRM for the years 2003/2004, and following;

NOW THEREFORE witness in consideration of One Dollar (\$1.00) paid by each party to the other, the receipt whereof is whereby acknowledged, and for other good and valuable consideration, the parties agree as follows:

1. The HRWC shall continue to pay to the HRM an annual payment of \$2.5 million in accordance with the terms of the resolution approved by the HRM on the 21<sup>st</sup> of October, 1997, which payments shall continue to and including the fiscal year 2001/2002.
2. The aforesaid payments are made as grants, by way of dividends, in lieu of commercial and business occupancy rates and taxes against the property and assets of the HRWC within the geographical boundaries of the HRM, and are made in accordance with the provisions of Section 532(2) of the Act.
3. For the fiscal year 2002/2003, the HRWC shall pay to the HRM as a grant, by way of dividend, made in lieu of commercial and business occupancy rates and taxes against its property and assets within the geographic boundaries of the HRM, the sum of \$2,750,000.
4. Commencing with the fiscal year 2003\2004, the HRWC shall pay to the HRM as a grant, by way of dividend, made in lieu of commercial and business occupancy rates and taxes against its property and assets within the geographic boundaries of the HRM, an amount equal to ten percent (10%) of its operating revenue as published in its annual audited statement for the previous fiscal year.
5. This agreement will expire March 31, 2007 and shall continue year to year therefrom until one party gives notice of permanent termination, such notice to be given at least 90 days prior to the fiscal year end of the Halifax Regional Municipality of March 31.
6. During the term of this agreement should the Halifax Regional Water Commission request capital or operating contributions from the Halifax Regional Municipality over and above that as contained in the application for an order approving a schedule of rate changes, September 2001, this agreement may be terminated upon 30 days notice by either party.

IN WITNESS WHEREOF the parties hereto have executed these presents as of the day and year first above written.

SIGNED, SEALED and DELIVERED )

in the presence of: )

[Redacted Signature]

[Redacted Signature]

) HALIFAX REGIONAL MUNICIPALITY

) Per [Redacted Signature]

) Per [Redacted Signature]

) HALIFAX REGIONAL WATER  
) COMMISSION

) Per [Redacted Signature]

) Per [Redacted Signature]