

# Report to Council



**Date:** March 13, 2023  
**To:** Council  
**From:** City Manager  
**Subject:** Sewer Permit Agreement between Kelowna, Okanagan Indian Band and Canada  
**Department:** Infrastructure

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**Recommendation:**

THAT Council receives, for information, the report from the Infrastructure Division dated March 13, 2023, with respect to a sewer permit agreement between Kelowna, the Okanagan Indian Band, and the Government of Canada;

AND THAT the Mayor and City Clerk be authorized to execute the agreement on behalf of the City of Kelowna.

**Purpose:**

To secure the right of way of a City owned and operated sewer via an agreement with the Okanagan Indian Band and the Government of Canada.

**Background:**

In 2021 City of Kelowna staff entered negotiations with the District of Lake Country and Okanagan Indian Band (OKIB) staff to craft agreements on mutually shared services that would benefit each Community which culminated in the Memorandum of Understanding between the parties.

Over the past year, negotiation of several legal agreements has been conducted between the three partners as well as the Government of Canada. The parties are actively working on six separate legal agreements with the following subjects:

MOU Ref #	Description
1	Water supply agreement between Kelowna and Lake Country
2 & 3	Water and sewer agreement between Kelowna and OKIB
4a	<b>Sewer Permit Agreement between Kelowna, OKIB and Canada</b> <i>(subject of this report)</i>
4b	Rail Trail agreement between Kelowna and OKIB
4c	Commonwealth Road permit between Kelowna and OKIB

5	Sewer Agreement between Kelowna and Lake Country
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**Discussion:**

The sewer permit agreement (4a) is ready for execution. The sewer permit agreement protects the existing sewer main that is located within a section of the rail corridor on OKIB Reserve #7. This sewer main routes wastewater from the Beaver Lake Service Area and is necessary to allow the City to service OKIB lands (agreement 2 & 3) as well as allow for some treated wastewater effluent from Lake Country to be processed at the City's wastewater treatment plant (agreement 5).

By entering into the sewer permit agreement, the Government of Canada is positioned to transfer the former rail corridor lands to OKIB which is necessary before the Rail Trail (4b) and Commonwealth Road (4c) agreements between Kelowna and OKIB can be completed. It should be noted that similar agreements are underway between OKIB and other private utilities within the rail corridor. All are necessary before the land transfer can occur.

The sewer permit requires the City of Kelowna to maintain the utility in good condition, being sensitive to the environment and surrounding properties. The agreement is included as Attachment 1.

**Conclusion:**

The sewer permit agreement protects critical wastewater infrastructure located on OKIB lands and is essential to executed before the other related agreements can be completed and the MOU commitments can be realized.

**Internal Circulation:**

Communications  
Financial Planning

**Considerations applicable to this report:**

**Financial/Budgetary Considerations:**

Operations and maintenance of the subject section of sewer main is already funded by the wastewater utility. There is no financial impact related to this agreement.

**Communications Comments:**

Appropriate public recognition of these agreements will occur with completion of some of the other agreements which is expected in the coming weeks.

**Considerations not applicable to this report:**

Existing Policy:  
External Agency/Public Comments:  
Legal/Statutory Authority:  
Legal/Statutory Procedural Requirements:

**Submitted by:** M. Logan, Infrastructure General Manager

**Approved for inclusion:** D. Gilchrist, City Manager

Attachment 1 - Sewer Permit

Attachment 2 - Presentation - Sewer Permit Agreement

cc: Divisional Director, Corporate Strategic Services  
Division Director, Financial Services