



**Subject: Billing of the Fred and John Pietz Drain Maintenance**

**To: Council**

**From: Public Works Department**

Report Number: 2022-90

Meeting Date: May 10, 2022

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**Recommendation:**

That Public Works Department Report 2022-90 be received; and

That the billing for the Fred and John Pietz Municipal Drains be invoiced in accordance with the *Drainage Act*, as outlined in Appendix A, B and C of Public Works Department Report 2022-90; and

That the By-law to Amend the Assessment Schedule and to Levy the Actual Costs Incurred for the Maintenance of Drainage Works Known as the Fred and John Pietz Municipal Drain be approved.

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**Purpose:**

This report has been prepared to inform Council of the commencement of billing for the maintenance work completed on the Fred and John Pietz Municipal Drains.

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**Background:**

Once a Municipal Drainage Report has been adopted by Council, it is then the Municipality's responsibility to perform maintenance on said drain. The maintenance of the Fred and John Pietz Municipal Drains was performed under Section 74 of the *Drainage Act*, (R.S.O., 1990). Section 74 of the Act states:

“Any drainage works constructed under a by-law passed under this Act or any predecessor of this Act, relating to the construction or improvement of a drainage works by local assessment, shall be maintained and repaired by each local municipality through which it passes, to the extent that such drainage works lies within the limits of such municipality, at the expense of all the upstream lands and roads in any way assessed for the construction or improvement of the drainage

works and in the proportion determined by the then current by-law pertaining thereto until, in the case of each municipality, such provision for maintenance or repair is varied or otherwise determined by an engineer in a report or on appeal therefrom.”

The most current report for the assessment schedules of the Fred and John Pietz Municipal Drains is outlined in By-law 6495/62/17, dated July 10, 2017, which adopted the new report prepared by K. Smart Associates Limited.

The portion of the work that was constructed in 2015 on the John Pietz Drain is assessed through the previous report as outlined in By-law 435/18/75, dated September 22, 1975. This work was completed prior to the approval of the newest report.

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## Discussion:

The unbilled works have taken place over a number of years, specifically from 2015-2020. The maintenance works, preformed both by contractors and Public Works staff, consisting of brushing and clearing, excavation to design grade and leveling of the spoil.

Breakdown of maintenance costs as detailed in the current financial Ledger for accounts M33201 and M33210 are as follows:

Fred Pietz	-	2020	-	\$ 38,110.17
John Pietz	-	2020	-	\$ 11,467.64
		2019	-	\$ 23,199.32
		2018	-	\$ 17,247.91
		2015	-	<u>\$ 509.33</u>
				\$ 90,534.37

The total outstanding amount is \$90,534.37, which includes \$13,190.28 funded through OMAFRA grants and \$30,511.28 for the City's portion for roads and owned parcels within the watershed inclusive of a culvert replacement on Brookfield Road which is all assessed to the road. The remaining amount of \$46,832.81 will be collected from the affected property owners.

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## Financial Implications:

When the municipality completes work on a municipal drain, the costs are held at the City's expense until the time of billing, at which point those funds can be collected from the owners of property within the watershed.

The City's portion of \$ 30,511.28 of the assessment will be paid through the City's levy budget reserve allocation.

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**Conclusion:**

Staff would like to proceed with the passing of the amendment to the by-law to complete the billing of the drainage work and collect the outstanding amount of \$46,832.81 from the affected property owners. If these funds are not collected from ratepayers, the City would need to absorb these costs.

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**Appendices:**

- a. 2020 Fred Pietz Engineer's assessment schedule, as contained within the currently adopted report (this schedule includes details regarding the roll number, current costs and OMAFRA Grants)
- b. 2018-2020 John Pietz Engineer's assessment schedule, as contained within the currently adopted report (this schedule includes details regarding the roll number, current costs and OMAFRA Grants)
- c. 2015 John Pietz Engineer's assessment schedule, as contained within the preciously adopted report (this schedule includes details regarding the roll number, current costs and OMAFRA Grants)
- d. By-law to Amend the Assessment Schedule and to Levy the Actual Costs Incurred for the Maintenance of Drainage Works Known as the Fred and John Pietz Municipal Drain.

Respectfully submitted,

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**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.