



Subject: Billing of the Wignell Municipal Drain Maintenance

To: Council

From: Public Works Department

Report Number: 2022-84

Meeting Date: May 10, 2022

Recommendation:

That Public Works Department Report 2022-84 be received; and

That the billing for the Wignell Municipal Drain be invoiced in accordance with the *Drainage Act*, as outlined in Appendix A of Public Works Department Report 2022-84; 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 Wignell Municipal Drain be approved.

Purpose:

This report has been prepared to inform Council of the commencement of billing for the maintenance work completed on the Wignell Municipal Drain.

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 Wignell Municipal Drain 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 Wignell Municipal Drain is outlined in By-law 1333, dated August 11, 1969, which adopted the new report prepared by C.J. Clarke.

Discussion:

The unbilled maintenance works have taken place over a number of years, specifically from 2010-2020. The maintenance works, mainly performed by Public Works staff, primarily consisted of maintaining the outlet at Lake Erie by removing sand from the outlet or operating the gate to protect the watershed from extensive flooding in the event of wind or seiche events that caused high water levels.

Breakdown of maintenance costs, as detailed in the current financial ledger for accounts M33205, M33207 and M33230, are as follows:

2010	- \$ 2,430.74
2011	- \$ 2,625.76
2012	- \$ 4,454.38
2013	- \$ 2,804.17
2014	- \$ 1,907.98
2015	- \$ 9,089.57
2016	- \$ 4,898.55
2017	- \$ 2,191.24
2018	- \$ 4,096.58
2019	- \$ 3,013.23
2020	- <u>\$ 16,970.12</u>
	\$ 54,482.32

The total outstanding amount is \$54,482.32, which includes \$1,783.53 funded through OMAFRA grants, \$ 3,408.45 for the City’s portion for roads and owned parcels within the watershed and \$1,701.15 covered from the properties whose assessments are covered from storm sewer budget. The remaining amount of \$47,589.19 will be collected from the affected property owners.

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 the assessment totalling \$3,408.45 will be paid through the City's levy budget reserve allocation. \$1701.15 of the cost will be paid through the City's storm sewer budget.

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 \$47,589.19 from the affected property owners. If these funds are not collected from ratepayers, the City would need to absorb these costs.

Appendices:

- a. 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. By-Law to Amend the Assessment Schedule and to Levy the Actual Costs Incurred for the Maintenance of Drainage Works Known as the Wignell 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 approval is by the Chief Administrative Officer.