



**Subject: Billing of the Indian Creek, Haun, and Wagner Branch
Drains Maintenance**

To: Council

From: Public Works Department

Report Number: 2022-175

Meeting Date: August 23, 2022

Recommendation:

That Public Works Department Report 2020-175 be received; and

That the billing for the Indian Creek, Haun, and Wagner Branch Municipal Drains be invoiced in accordance with the *Drainage Act*; 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 Indian Creek, Haun, and Wagner Branch Municipal Drains be approved.

Purpose:

This report has been prepared to inform Council of the commencement of billing for the maintenance work completed on the Indian Creek, Haun, and Wagner Branch Municipal Drains.

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 Indian Creek, Haun, and Wagner Branch 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 Indian Creek, Haun, and Wagner Branch Drains area outlined in By-law 3469/50/97, dated April 12, 1999, which adopted the new report prepared by Wiebe Engineering Group Inc.

Discussion:

The unbilled works have taken place over a number of years, specifically from 2018-2021. The maintenance works, performed both by contractors and Public Works staff, consist of beaver trapping, removal of associated dams, brushing and clearing, excavation to design grade and levelling of the spoils.

Breakdown of maintenance costs as detailed in the current financial ledger for accounts M33202, M33222 and M33240 are as follows:

Indian Creek	2018	-	\$	651.88		
	2019	-	\$	799.70		
	2020	-	\$	39,010.53		
	2021	-	\$	1,100.00	=	\$41,562.11
Wagner Branch	2020	-	\$	3,267.94	=	\$ 3,267.94
Haun	2019	-	\$	24,446.86		
	2020	-	\$	9,306.62	=	<u>\$33,753.48</u>
						\$78,583.53

The total outstanding amount is \$78,583.53. The amount of \$14,707.47 has been funded through Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) grants and the City's portion is \$14,878.51 for roads and owned parcels within the drains. The remaining amount of \$48,997.55 will be collected from the benefiting property owners as per the respective assessment schedule.

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 \$14,878.51 of the assessment will be paid through the City's levy budget reserve allocation.

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 \$48,997.55 from the affected property owners. If these funds are not collected from ratepayers, the City would need to absorb these costs.

Appendices:

- a. By-law to Amend the Assessment Schedule and to Levy the Actual Costs Incurred for the Maintenance of Drainage Works Known as the Indian Creek, Haun, and Wagner Branch Municipal Drains.
- b. 2018-2021 Indian Creek Municipal Drain 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. 2020 Wagner Branch Municipal Drain Engineer's assessment schedule, as contained within the previously adopted report (this schedule includes details regarding the roll number, current costs and OMAFRA Grants)
- d. 2019-2020 Haun Municipal Drain Engineer's assessment schedule, as contained within the currently adopted report (this schedule includes details regarding the roll number, current costs and OMAFRA Grants)

Respectfully submitted,

Alana Vander Veen
Drainage Superintendent
905-835-2900 ext 291
Alana.VanderVeen@portcolborne.ca

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.