



**Subject: Billing of the Bearss, Bearss WBE and Wm Michael
Municipal Drain Maintenance**

To: Council

From: Public Works Department

Report Number: 2023-182

Meeting Date: September 26, 2023

Recommendation:

That Corporate Services Department Report 2023-182 be received; and

That the billing of the Bearss, Bearss West Branch East, and the William Michael 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 the Bearss, Bearss West Branch East, and the William Michael 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 Bearss, Bearss West Branch East, and the William Michael 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 Oil Mill Creek 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 Bearss, Bearss West Branch East, and the William Michael Municipal Drains are outlined in By-law 3429/11/97, dated September 15, 1997, which adopted the new report prepared by K. Smart Associates Ltd.

Discussion:

The unbilled works have taken place between 2017-2022. The maintenance works, performed both by contractors and Public Works staff, consist of typical maintenance on the outlets, 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 M33219, M33233, and M33235 are consecutively as follows:

Bearss Drain West Branch East

2019	\$ 8,944.38	=	\$8,944.38
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William Michael Drain

2020	\$ 24,384.11		
2021	\$ 4,128.80		
2022	\$ 54.98	=	\$28,567.89

Bearss Drain

2017	\$ 419.60		
2018	\$ 896.65		
2019	\$ 429.41		
2020	\$ 5,844.52		
2021	\$ 1,128.43		
2022	\$ 18,208.20	=	<u>\$26,926.81</u>

The total outstanding amount is \$64,439.08. The amount of \$8,245.36 is funded through Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) grants and the City's portion is \$3,997.02 for roads and owned parcels within the drains. The remaining amount of \$52,196.70 will be collected from the benefiting property owners as per the respective assessment schedule.

Internal Consultations:

Discussions were held with the finance department to ensure the accuracy of the amounts prepared for billing.

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 \$3,997.02 of the assessment will be paid through the City's levy budget reserve allocation.

Public Engagement:

Maintenance of the drain is a requirement as per the *Drainage Act*, and notification of such maintenance is not a requirement. At the time of maintenance, the properties directly abutting the drain were contacted for permission to enter.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Sustainable and Resilient Infrastructure
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Conclusion:

Staff recommend that the Levy by-law as defined in Section 61(1) of the *Drainage Act R.S.O. 1990* to complete the billing of the drainage work be approved. Approval of the recommendations contained within the report will allow staff to proceed with the billing of these works to the assessed property owners.

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 Bearss, Bearss WBE and WM. Michael Municipal Drains

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.