



Subject: Billing of the Oil Mill Creek Municipal Drain Maintenance

To: Council

From: Public Works Department

Report Number: 2023-183

Meeting Date: September 26, 2023

Recommendation:

That Corporate Services Department Report 2023-183 be received; and

That the billing for the Oil Mill Creek Municipal Drain 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 Oil Mill Creek 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 Oil Mill Creek 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 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 Oil Mill Creek Drain are outlined in By-law 3904/49/00, dated April 10, 2000, which adopted the new report prepared by Wiebe Engineering Group Inc.

Discussion:

The unbilled works have taken place between 2015-2022. The maintenance works, performed both by contractors and Public Works staff, consist of typical maintenance on the outlet structure and at the outlet structure, 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 M33217, M33218, M33220, and M33232 are consecutively as follows:

Oil Mill Creek Main Branch

2015	\$	68.94		
2017	\$	361.70		
2019	\$	20,013.11		
2020	\$	3,089.33		
2022	\$	398.61	=	\$23,931.69

Oil Mill Creek West Branch

2019	\$	4,261.82		
2022	\$	54.98	=	\$4,316.80

Oil Mill Creek E-1

2019	\$	17,173.60	=	\$17,173.60
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Oil Mill Creek E-2

2019	\$	3,656.26	=	\$3,656.26
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Oil Mill Creek Outlet Structure

2015	\$	1,026.78		
2016	\$	2,427.38		
2018	\$	65.25		
2019	\$	1,508.01		
2020	\$	8,852.35		
2021	\$	4,208.62		
2022	\$	5,072.98	=	<u>\$23,161.37</u>

\$72,239.72

The total outstanding amount is \$72,239.72. The amount of \$5,702.94 has or will be funded through Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) grants and the City's portion is \$13,233.16 for roads and owned parcels within the drains. The

remaining amount of \$53,303.62 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 \$13,233.16 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:

- City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
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Conclusion:

Staff would like to proceed with the passing of the by-law as defined in Section 61(1), a Levy by-law, of the *Drainage Act R.S.O. 1990* to complete the billing of the drainage work. If these funds are not collected from property owners within the watershed, the City would need to absorb these costs. Approval of this 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 Oil Mill Creek Municipal Drain

Respectfully submitted,

Alana Vander Veen
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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.