



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: June 27, 2023

Report Number: PWES-2023-47

Subject: Amendment to Drainage Assessment Schedules for Works Completed under Section 78 of the Drainage Act in 2022

Recommendations

It is recommended:

That the Report PWES-2023-47 titled “Amendment to Drainage Assessment Schedules for Works Completed under Section 78 of the Drainage Act in 2022” **be received**;

And that By-law 2023-071 being a Capital Drain Levying By-law to provide for the collection of construction drainage assessments for the McLean-Hergott Drain, approved by By-law 2021-77, **be given** first, second, third and final reading.

Background

McLean-Hergott Drain

Council, at their meeting on December 14, 2021, adopted the engineer’s drainage report by Gerard Rood, P.Eng., of Rood Engineering Inc., dated August 25, 2021, under By-law No. 2021-77, for repair and improvement to the McLean-Hergott Drain (Drain) in accordance with Section 78 of the Drainage Act, R.S.O. 1990 (Act). Construction was substantially completed on November 9, 2022, and consisted of the construction of a new bridge, with ancillary work, for the Town Water Division over the Drain.

Comments

Municipal Drainage Works Procedures

Section 4 and 78 of the Act provides that the Town can construct, repair or improve municipal drains in response to a request or petition from an affected landowner, in the Town, experiencing drainage issues. Appointed engineer reports proceed through required meetings and appeal opportunities as legislated under the Act. Assessments are established for each affected property and are legislated by by-law after the timelines for any appeals have expired (Drainage By-Law).

Once a drainage report has been adopted as a provisional by-law, construction, repair or improvement works for the Drain are tendered according to the Town's Procurement By-Law and Purchasing Policy.

After the contract for the drainage works is awarded and following substantial completion of the construction of the recommended works in the adopted drainage report, the Town applies to the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) for grant funds for eligible agricultural lands. These properties must be classified at the Farm Tax Rate to receive the grant monies which are applied for by the Drainage Superintendent and deducted from the gross assessment for each individual property.

Section 62(1) of the Act requires the municipality to adopt a by-law to assess the actual costs of the drainage works proportionately to the affected landowners, excluding any non-pro-ratable special benefit costs. The non-pro-ratable costs are assessed to the affected landowners and roads as determined by the drainage engineer in accordance with Section 24 and 26 of the Act. The by-law for the drain referenced in this report provides for assessing the actual costs of the drainage works proportionately to the affected landowners.

Consultations

Financial Services

Financial Implications

Original By-Law	Drain Name	Engineer's Estimate	Actual Costs			OMAFRA Grant
			Total Project Cost	Pro-Rateable Costs	Non-Pro-Rateable Costs	
2021-77	McLean-Hergott	\$37,000	\$44,952.94	\$44,952.94	\$0	\$0

The total project cost listed in the above table includes construction, engineering, environmental monitoring, eligible administrative expenses, permit fees, interest and non-recoverable HST. The project costs are 100% recoverable as detailed in the adopted assessment schedule.

The total drainage assessment to the Town is \$44,952.94 funded from the Town Watermain Reserve Fund.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh’s current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh’s plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town’s “continuous improvement” approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town’s leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Alessia Mussio, E.I.T.
Drainage Superintendent

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
None	None