



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: Tuesday, May 13, 2025

Report Number: PWES-2025-31

Subject: Request to Amend Municipal Drain Assessment Schedules for Improvement (S.78) Projects

Recommendations

It is recommended:

That Report PWES-2025-31 Request to Amend Municipal Drain Assessment Schedules for Improvement (S.78) Projects **be received**;

And that By-Law 2025-074 **be considered** for first, second, third and final readings, to authorize the collection of drainage assessments for the Antaya Drain Improvements (S.78) as approved by By-Law 2023-008;

And further that By-Law 2025-062 **be considered** for first, second, third and final readings, to authorize the collection of drainage assessments for the Hurley Relief Branch Drain & Upper Part of the Hurley Relief Drain Improvements (S.78) as approved by By-Law 2020-07;

And furthermore, that By-Law 2025-063 **be considered** for first, second, third and final readings, to authorize the collection of drainage assessments for the Branch of the South Talbot & Holden Outlet Drain (Meo Bridge) Improvements (S.78) as approved by By-Law 2003-009;

And furthermore, that By-Law 2025-064 **be considered** for first, second, third and final readings, to authorize the collection of drainage assessments for the South Talbot Road Drain East and 12th Line Drain Improvements (S.78) as approved by By-Law 2022-052.

Background

Municipal Drainage Works Procedures

Section 4 and 78 of the *Drainage Act* (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. Drainage 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 by by-law, construction, repair or improvement works for the drain are tendered according to the Town's Procurement By-law and Purchasing Policy.

Following substantial completion of the construction of the recommended works in the adopted drainage report, the Town applies for grant funds for eligible agricultural lands per the Agricultural Drainage Infrastructure Program (ADIP). 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. It should be noted that grants are not guaranteed and are provided at the discretion of the Ontario Ministry of Agriculture, Food and Agribusiness (OMAFRA).

The Town subsequently recovers eligible project costs by invoicing the total cost of the works to the affected landowners in the proportions as shown in the assessment schedule approved in the Drainage By-law, less any grant funding, inclusive of any non-pro-ratable costs determined during construction by the appointed engineer.

Antaya Drain

Council, at their meeting on March 28, 2023, gave third and final reading to By-Law 2023-008 for the adoption of the Engineer's drainage report prepared by Mark Hernandez, P.Eng., of Dillon Consulting Ltd., dated March 16, 2022. This report recommended the drain cleaning and restoration to the original design along with culvert replacements all under Section 78 of the Act. Construction was completed in the summer of 2024. Total project costs were higher than the Engineer's estimate due to increased work for the presence of utilities, increased brushing scope and increased associated Engineer's/Contract Administration fees.

Hurley Relief Branch Drain & Upper Part of the Hurley Relief Drain

Council, at their meeting on March 10, 2020, gave third and final reading to By-Law 2020-07 for the adoption of the Engineer's drainage report prepared by Gerard Rood, P.Eng., of Rood Engineering Inc, dated November 9, 2019. This report recommended the drain cleaning and restoration to the original design along with new culvert installations and existing culvert repairs all under Section 78 of the Act. Construction was completed in the summer of 2024. Total project costs were higher than the Engineer's estimate due to the addition of provisional maintenance works (brushing, flushing and ditching) on the Hurley Relief Drain and the Extension along with increased associated Engineer's/Contract Administration fees.

Branch of the South Talbot & Holden Outlet Drain (Meo Bridge)

Council, at their meeting on March 28, 2023, gave third and final reading to By-Law 2023-009 for the adoption of the Engineer's drainage report prepared by Mark Hernandez. P.Eng., of Dillon Consulting Ltd., dated October 7, 2022. This report recommended the installation of a new farm access bridge under Section 78 of the Act. Construction was completed in the summer of 2023. Total project costs were lower than the Engineer's estimate due to material cost efficiencies and the Landowner's selection of the Contractor. In this situation the Landowner was able to select the preferred contractor as they were assessed 100% of the costs.

South Talbot Road Drain East and 12th Line Drain

Council, at their meeting on January 25, 2023, gave third and final reading to By-Law 2022-052 for the adoption of the Engineer's drainage report prepared by Josh Warner, P.Eng., of R. Dobbin Engineering Inc., dated May 18, 2022. This report recommended the drain cleaning and restoration to the original design along with culvert replacements and buffer strip installations all under Section 78 of the Act. Construction was completed in the spring of 2023. Total project costs were higher than the Engineer's Estimate due to as-built quantities, unforeseen site conditions in bridge installations, conflicts with utilities and increased associated Engineer's/Contract Administration Fees.

Comments

Under Section 62(1) of the Act, any by-law for the assessment upon lands and roads liable to contribute for any drainage works and upon completion of the drainage works where more than sufficient funds, or where insufficient funds have been provided for the completion of the drainage works, shall be amended to raise or lower the funds to pay for such drainage works proportionately according to the assessment in payment of rates imposed.

In all cases, the described work under the adopted by-law is an estimate prepared by the engineer as required by the Act. However, the actual costs of the project vary depending on market conditions and unforeseen conditions during construction. In order to recover costs that have varied from the assessment schedule adopted under the

Drainage by-law, the by-law shall be amended based on actual costs incurred in the same proportions of the assessment schedule excluding any non-pro-ratable special benefit costs as determined by the engineer. Any non-pro-ratable costs are levied and assessed to the affected lands and roads as determined by the engineer in accordance with Sections 24 and 26 of the Act.

Consultations

Legislative Services & Clerk
Financial Services

Financial Implications

Other than the costs to administer the projects (i.e. Administration staff time), the cost of improvements is 100% recoverable by the affected lands and roads including the Town's portion as detailed in Attachment 1.

The total drainage assessment to the Town for drain improvements in Attachment 1 is \$143,612.88. The Town will utilize the Municipal Drain Lifecycle Reserve to pay for its drainage assessments.

Link to Strategic Priorities

Applicable	2023-2026 Strategic Priorities
<input checked="" type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

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:

Matthew Shiha, E.I.T.
Drainage Superintendent

Reviewed by:

John Henderson, P.Eng.
Manager Engineering Services

Reviewed by:

Robert Auger, LL.B.
Director Legislative Services & Clerk

Reviewed by:

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

Reviewed by:

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

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Municipal Drain Improvement Cost Summary