



Infrastructure Services Staff Report

Report Number:	IS23-2023
Report Title:	Levying of Maintenance and Report Preparation Costs for Municipal Drain No. 11
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Reviewed By:	Jared Puppe, Director of Infrastructure Services
Final Review:	Senior Management Team

Recommendation:

That the Council of the Township of Woolwich, considering Report IS23-2023 respecting the Levying of Maintenance and Report Preparation Costs for Municipal Drain No. 11, give the attached by-law first, second and final reading.

Background:

Municipal drains are drainage systems constructed in Ontario under the *Drainage Act, RSO 1990*. Municipal drains are community projects and follow a user-pay system – properties within a defined watershed boundary or catchment area that benefit from the drain pay for the initial construction and future maintenance of the drainage system.

The municipality is responsible for maintaining municipal drains, through it's Drainage Superintendent, and levying costs to landowners as specified in the engineer's report and subsequent levying by-law.

After maintenance work is performed on a municipal drain, a levying By-law is required to levy the costs of the work to the assessed landowners and roads. Section 61(1) of the Drainage Act, RSO 1990 states:

“The council of each municipality that is required to raise the whole or any part of the cost of the drainage works shall by by-law impose upon the land assessed for the drainage works the assessment with which it is chargeable...”

A levy schedule forms part of the Levy By-law and is provided as Appendix A. Maintenance costs are levied to the assessed lands and roads as specified in the levy schedule, which is prepared in accordance with the applicable By-law that adopted the engineer's report.

Comments:

- Municipal Drain No. 11 consists of three components, the Main Drain, Branch 'B', and Branch 'C'. The three components total 4.1km in length and serve a watershed of approximately 549 hectares, located north of St. Jacobs. The watershed plan map is provided in Appendix B.
- The first engineer's report was prepared by E.P. Bowman, O.L.S., dated August 26, 1954. This report recommended the construction of a main drain and subsidiary trunk drain, both constructed as open ditches.
- The 1954 report was then succeeded by a second report by Gamsby & Mannerow dated March 31, 1969. This report recommended improvements to the existing open ditch and provided for the construction of Branch 'B'.
- Portions of the 1969 report were then succeeded by a third report by GM BluePlan, dated July 4, 2018. This report recommended improvements to Branch 'B' and provided for the construction of Branch 'C'.
- In the summer of 2019, the Township's Drainage Superintendent received a request for maintenance for Municipal Drain No. 11, starting at New Jerusalem Road extending to Highway 85. The maintenance work was completed in the winter of 2020/2021.
- Upon commencing invoicing for the work, Township Staff became aware of several property boundary and land use changes within the watershed and determined the need for updated maintenance schedules.
- On August 8, 2022 the Township appointed Headway Engineering to prepare a new report under Section 76 of the Drainage Act for the purpose of updating maintenance schedules. The report was completed on April 28, 2023 and was adopted by By-Law number 53-2023.
- Outstanding maintenance costs as well as the actual costs to prepare the April 28, 2023 report may now be levied according to the attached levy schedule, prepared in accordance with the April 28, 2023 report.

Interdepartmental Impacts:

None.

Financial Impacts:

Accounts Receivable at the Township of Woolwich typically does not issue invoices for any Township work totalling \$10 or less. The same methodology will be utilized for any properties that have been assessed maintenance and report preparation costs that total

\$10 or less. It should be noted that given the timeframe for levying costs for drain maintenance, the cost for properties that owe \$10 or less will be absorbed by the Township.

The total cost of maintenance and report preparation work completed is \$57,146.61 and is paid for by landowners within the watershed as outlined per the assessment schedules contained within the Engineer's Report. The Township will be assessed \$10,923.62 for lands owned by the Township within the Municipal Drain No. 11 watershed. There are 7 properties assessed \$10 or less, totalling \$55.37. Therefore, the total Township cost will be \$10,978.99.

Strategic Plan Impacts:

The maintenance of municipal drains supports the Township of Woolwich's strategic direction to "*Manage and maintain all municipal infrastructure with an emphasis on continuous improvement and greater efficiencies*", with a goal to "*Optimize the Use of Municipal Infrastructure*".

Conclusion:

Staff recommend the Council of the Township of Woolwich, considering Report IS23-2023 respecting the Levying of Maintenance and Report Preparation Costs for Municipal Drain No. 11, give the associated by-law a first, second and final reading.

Attachments:

1. Appendix A – A By-law to provide for the levy of drain maintenance and report preparation costs on Municipal Drain No. 11 in the Regional Municipality of Waterloo
2. Appendix B – Watershed plan map