

The Corporation of the City of Kawartha Lakes
Council Report

Report Number ENG2018-018

Date: September 25, 2018

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: All wards

Title: Drainage Task Force Recommendations

Author and Title: Juan Rojas
Director of Engineering and Assets

Recommendation(s):

RESOLVED THAT Report ENG2018-018 Drainage Task Force Recommendations be received.

THAT the recommendations contained in Report ENG 2018-018 be presented to the new Council through consideration of the revised terms of reference and appointments for the City's Drainage Board.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of August 22, 2017 Council adopted the following resolution:

CR2017-703

RESOLVED THAT Report ED2017-007, Farm Drainage, be received; and

THAT staff develop a Terms of Reference for Council approval of a Drainage Issues Task Force to review the City's municipal drain program and recommend potential improvements and efficiencies to that program for Council's consideration.

The report that preceded this resolution was ED2017-007, and it outlined the recommendations of the Agricultural Development Advisory Board as seen below.

THEREFORE BE IT RESOLVED THAT ADAB recommends that Council strike a Drainage Issues Task Force with representation from Council, the Drainage Board, the Agricultural Development Advisory Board, and staff from the Engineering Department, including the Drainage Superintendent, and from the Kawartha Region Conservation Authority to review the current drainage program, policies and industry best practices to develop recommendations for council to reduce costs and shorten timelines for delivery of the program and services.

Based on the Council resolution of August 22, 2017 the terms of reference for the Taskforce were developed and brought forward on January 30, 2018 (see appendix A) for Council review and adoption through report ED2018-002. The following resolution was passed at the January 30th, 2018 meeting.

10.3.16 ED2018-002

Recommended Terms of Reference City of Kawartha Lakes Drainage Task Force

Kelly Maloney, Agriculture Development Officer

CR2018-031

That Report ED2018-002, **Recommended Terms of Reference City of Kawartha Lakes Drainage Task Force**, be received; and

That the Terms of Reference for the City of Kawartha Lakes Drainage Task Force in the form attached as Appendix A to Report ED2018-002 be approved and adopted by Council.

CARRIED

Based upon the above approved resolution and terms of reference for the Drainage Taskforce , the Clerk's office advertised for the following composition for members.

- one (1) member of City Council (maximum of three (3));
- one (1) member representing the Drainage Board
- one (1) member representing the Agriculture Development Advisory Board
- one (1) member representing the Kawartha Region Conservation Authority;
- one (1) member from the drainage industry (maximum of two (2)); and
- one (1) member of the public (maximum of three (3)).

The based on the applications that were submitted to the Clerk's office the following individuals were selected to be members of the Drainage Taskforce.

- Jim Oriotis
- Ron Warne
- Paul Brown (Chair)
- Craig McGill
- Dale Hamilton
- John Pollard
- Andrew Veale

Staff resources consisted of the following individuals

- Juan Rojas
- Mike Farquhar
- Paul Herlihey
- Ashley Webster (Recording Sectary)

Over the course of 4 months from May 23rd to August 13th the Taskforce met 5 times to review information provided by staff and discuss the objectives that were laid out in the Taskforce terms of reference.

- Review the existing policies, procedures and operating processes for establishing and maintaining municipal drains and providing outlets to tile drains relative to the Drainage Act and other legislated mechanisms with a goal to reduce time and cost to landowners and the municipality;
- Improving the drain establishment and maintenance processes would include reviewing practices in other municipalities with similar drainage systems in Ontario to identify a set of best practices for adoption.
- Process improvements should be focused on the customer (landowner) with time and cost as the key factors.

Rationale:

Based on, the information provided by staff and the discussions held within the Taskforces 5 meetings, a list of recommendations were developed by the Taskforce to help facilitate the City's existing process's when implementing the Drainage Act as well as update the terms of reference for the Drainage Board.(see attached appendix B).

The recommendations of the Drainage Task Force can be summarized in the following 11 points.

1. Maintain current Drainage Board Composition (2 Councillors and 5 appointed members of the public). **(Staff's recommendation would be to have 3 members of the public appointed to the Board)**
2. Maintain the function of Council appointing 5 members of the public to the Drainage Board every 4 years. **(Staff's recommendation would be appointing 3 members of the public to the Drainage Board for a 4 year term)**
3. Increase the thoroughness of the interview process prior to appointing members to the Drainage Board. **(Staff recommendation would be to include Council appointees in interview process)**
4. Change the Drainage Board from an advisory board to an authority board. Council would give the Drainage Board the authority to make final decisions.
5. Continue to have related drainage by-laws go to Council for approval and budgeting.
6. The Drainage Superintendent be required to assist and monitor the progress of new drain construction and bring progress updates back to the Drainage Board for their information.
7. Direct the Engineering department in collaboration with the Purchasing division and the Clerk's Office to design a standard tender template for new drain construction with consistent expectations and general conditions for all drainage construction work within the City of Kawartha Lakes.
8. Engineering staff should prepare a very rough cost estimate for each new drain project using the calculation of water shed size multiplied by the City's average cost per hectare to provide to petitioners and include in the selection process for hiring the engineer. It should be made clear that this is a very rough estimation provided for reference only and that actual costs will vary widely depending on the project.

9. The Drainage Board and Drainage Superintendent consult with the Communications, Advertising and Marketing division to develop a new and improved communication and public education processes.
10. Engineering department staff begin the pre-scoping process immediately upon the filing of a petition and prioritize the completion of a proper pre-consultation process on each new drain construction project with the consent of the petitioner.
11. Council create a grant reserve for new drain construction and update Council Policy 2017-004 Credit Granting Policy in order to allow residents with a lot size of 1 acre or less to be eligible to claim a rebate of up to \$500.00 towards their assessed cost for new drain construction provided they are receiving no other grants or rebates from any other source.

With the exception of points 4 and 11 all of the recommendations can be implemented administratively. Points 4 and 11 will need a Council resolution in order to implement.

Point 4 recommends that the Drainage Board become an approval board in order to facilitate quicker review of petitions and drainage issues. Currently the Drainage Board is an advisory board in accordance with CKL By-Law 2007-186, A by-law to establish the City of Kawartha Lakes Drainage Board, the role of the drainage board is to act as an advisory body in regards to municipal / agricultural drainage matters (within the procedures of the Drainage Act) and to provide recommendation to Council regarding such matters. Prior to 2004 the Drainage Board was an approval board with powers laid out under Section 6 of the City of Kawartha Lakes Act, 2000

Section 6 of the *City of Kawartha Lakes Act, 2000* deals with drainage matters and states that:

- (1) *The council may by by-law,*
 - (a) *establish a drainage board;*
 - (b) *delegate to the drainage board any of the council's powers and duties under the Drainage Act, except for its power to make by-laws and resolutions; and*
 - (c) *require the drainage board to exercise the council's powers and duties with respect to any matter under the Drainage Act in which the council is required by law to hold hearings or afford an opportunity to be heard.*
- (2) *The council shall appoint the members of the drainage board from among person who are,*
 - (a) *members of the council; or*
 - (b) *eligible to be elected as members of the council.*
- (3) *Members of the drainage board shall be paid the remuneration and expenses authorized by the council and those payments shall be deemed not to form part of the cost of the drainage works.*
- (4) *The council may impose conditions in the by-law with respect to any matters delegated to the drainage board.*

(5) Section 252 of the Municipal Act, 2001 applies to the drainage board as if it were a committee of the council.

The format and terms of reference had been previously reviewed in 2010 under report CAO 2010-007, which had recommended the current structure of the Drainage board.

Point 11 recommends that costs associated with residential lots 1 acre or less that are within the drainage shed area of a **new petition drain** and associated to the costs of **construction** be borne by the City to a upset limit amount of \$500. The committee by doing this would help eliminate any unnecessary delays with the petition process for a new drain as well as help lessen any appeals to the Court of Revision due to assesment of costs to residential lots.

Finance looked to an average of three previous drain assessment schedules, looking at 1 acre lots or less and the cost that were levied out to these lots. Finance found that the average cost per drain over the selected sample to be a total of \$6000. In order to implement Point 11 the City could increase its capital contribution by \$6000 to the Municipal Drains program (RD1813). This would bring the total capital contribution for the program from \$40,000 to \$46,000. The current program is used for the City's right of way contribution costs only. This program is currently funded by the general tax levy.

Other Alternatives Considered:

All recommendations with the exception of Point 4 and 11 could be implemented administratively. Council could choose to maintain the status quo with regards to Points 4 and 11.

Financial/Operation Impacts:

If Point 11 is implemented it would mean a yearly additional cost of \$6,000 to the capital program RD1813 Municipal Drains Program.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The recommendations of this report align with the following goals of the Corporate Strategic Plan:

Section 3.1.7 of the Strategic Plan recognizes the protection of prime agricultural land by including policies in the Official Plan and working with the agricultural community to identify opportunities to support the sector.C05

Consultations:

Finance

Drainage Board Task Force

Attachments:

Appendix A  Drainage Task Force
Terms of Reference.pdf

Appendix B  Task Force Minutes
August 13 Accessible.

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Department Head: Juan Rojas, Director of Engineering and Corporate Assets