



Administration and Operations Committee Report

To: To the Chair and Members of the Administration and Operations Committee
From: Greg Demers, Director of Roads and Fleet
Date: December 20, 2022
Report #: RPT-0526-22
Subject: Appointment of an Engineer for the Harley Municipal Drain under section 76 of the Drainage Act
Purpose: For Approval

Recommendation

Whereas Section 76 of the *Drainage Act* (the Act) prescribes that “*the council of any local municipality liable for contribution to a drainage works in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the assessment for maintenance and repair of the drainage works may make an application to the Tribunal, of which notice has been given to the head of every other municipality affected by the drainage works, for permission to procure a report of an engineer to vary the assessment, and, in the event of such permission being given, such council may appoint an engineer for such purpose and may adopt the report but, if all the lands and roads assessed or intended to be assessed lie within the limits of one local municipality, the council of that municipality may procure and adopt such report without such permission.*”;

And whereas all of the lands and roads assessed into the Harley Municipal Drain lie within the County of Brant;

And whereas the Harley Municipal Drain, Branches 2, 4, 4₂, 4₃, 4₄, 5, 6, 7, 7A, 8, 10, 10A, 10B Northwest and Northeast, were last improved under a report prepared by Karl E. Weselan, dated March 29, 1974, and adopted by By-Law 1858-74 of the former Township of Burford;

And whereas the Harley Municipal Drain, Branches A and B, were last improved under a report prepared by Karl E. Weselan, dated October 9, 1974, and adopted by By-Law 1891-74 of the former Township of Burford;

And whereas the Harley Municipal Drain, Branches 1, 3, 6A, 9, 11, and 12 were last improved under a report prepared by Jno. F. La Plant, dated August 3, 1954, and adopted by By-Law 1382 of the former Township of Burford;

And whereas the Harley Municipal Drain, Main Drain was last improved under a report prepared by Lee and Nash, dated September 4, 1931;

And whereas some of the Harley Municipal Drain assessment schedules used for future maintenance are no longer deemed reasonable or workable.

Be it hereby resolved that in accordance with Section 76 of *the Act*, the County of Brant (the County) hereby appoints R. J. Burnside & Associates Limited as the engineer to prepare a report for council's consideration in accordance with the requirements of *the Drainage Act*.

Executive Summary

A request for maintenance of the Harley Municipal Drainage system was received by a property assessed into the drain in October 2021. During investigation and public consultation, it was determined by the Drainage Superintendent that the current assessment schedules as adopted by various By-Laws were not workable for the proposed maintenance projects. Before maintenance can be undertaken on the Main Drain, a new schedule must be developed by an engineer, filed with the County of Brant, considered by the County of Brant Council, and adopted by By-Law. The process for the maintenance project has since been put on a temporary hold, while an engineer is appointed to complete the report. Once an engineer is appointed, timing of the filing of the report will be determined and the process for the proposed maintenance can resume.

Strategic Plan Priority

Strategic Priority 4 - Reliable Infrastructure

Impacts and Mitigation

Social Impacts

The updated report will provide fair and usable assessment schedules for future maintenance of the Harley Municipal Drain and its various branches. This will positively impact the rate payers of the County of Brant who own property within the Harley Municipal Drain watershed and are financially responsible for the maintenance of the drain. The process to create the updated assessment schedule will involve direct public engagement, as well as provide each assessed property owner the opportunity to appeal their assessment if they are not satisfied with the report of the engineer.

Environmental Impacts

None.

Economic Impacts

All costs associated with this work are assessable under the provisions of *the Drainage Act*.

Report

Background

The County of Brant (the County) received a request for maintenance of parts of the open portion of the Harley Municipal Drain on August 22, 2021, (Branch 2) and October 12, 2021

(Northeast Branch). The maintenance schedules in the 1974 report were reviewed and determined to be fair for Branch 2 and the Northeast Branch. The repair to the drain was completed in 2022. A landowner requested that the remaining drainage scheme be cleaned out. The Drainage Superintendent investigated the request in June 2022 and determined that a cleanout and brushing of the Harley Municipal Drain- Main Drain in Lot 15 Concession nine (9) & 10 was required to provide a sufficient outlet prior to maintenance of the other branches.

An onsite meeting was held on October 12, 2022, with property owners in the Harley Municipal Drain watershed. Only property owners that have property abutting the main drain (and would have physical work done on their property) were invited to attend the meeting. The purpose of the meeting was to notify property owners of the upcoming work, to gather additional information from property owners regarding the state of the drain on their property, and to provide information regarding the maintenance process under *the Drainage Act*. At this meeting, questions regarding costs arose.

The Drainage Superintendent provided a percentage of the total cost that each property would be responsible for. At this time, it was noted that the assessment schedule was out of date and no longer workable.

Analysis

The 1956 report reviews the drain reports from 1931 and 1938. The 1931 report includes a blanket assessment against all lands and roads for all the drains forming the original Harley Drain, while the report of 1938 shows two separate maintenance assessment schedules on Drain "C" as well as one on Drain "D". The engineer identified a maintenance assessment overlap between these reports. The 1956 and 1974 reports addressed most of the overlap, but the recommendation of the 1956 report was to obtain a new report with separate schedules of assessment when maintenance works are required on the Main Drain.

Summary and Recommendations

There have been considerable changes in properties since 1931, and as each separate report only addressed a portion of the Harley Drainage watershed, the likelihood for overlap between schedules is high.

As some of the existing assessment schedules are not workable, and chances for overlap between assessment schedules has been identified, a new assessment schedule should be developed using section 76 of *the Act*.

An engineer should be appointed under section 76 of the Act to review the entire Harley Drainage Works and prepare a report with new assessment schedules for future maintenance for each branch of the Harley Drainage system.

Public Works staff have confirmed the availability of Paul MacIntyre, L.E.L, C.E.T. of R. J. Burnside & Associates Limited to complete the required report.

Municipal Drain projects do not lend themselves naturally to the RFP process for selecting consultants. The reasons for this are the small number of firms that are competent in this

work and the fact that the scope of work and project complexity is never fully known at the start of the project. Recently the County has been awarding drain projects (mostly on a rotation basis) between three firms.

Attachments

None.

Reviewed By

R. Walton, General Manager of Operations

Copied To

R. Walton, General manager of Operations
J. DeMunck, Road Operations Manager
L.L. Rouse, Purchaser
S. Tweedle, County Drainage Superintendent

By-law and/or Agreement

By-law Required	No
Agreement(s) or other documents to be signed by Mayor and /or Clerk	No