

**Municipality Of Chatham-Kent**  
**Infrastructure and Engineering Services**  
**Drainage, Asset and Waste Management**

**To:** Mayor and Members of Council

**From:** Tim Dick, C.E.T.  
Director, Drainage, Asset and Waste Management

**Date:** June 4, 2018

**Subject:** Capital Drains Levying By-law – 2018 Final Tax Levy

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**Recommendation**

It is recommended that:

1. Three readings to the Capital Drain Levying By-law be given to provide for the collection of construction drainage assessments on various municipal drains in accordance with Section 4 and Section 78 of the Drainage Act.

**Background**

Section 4 and Section 78 of the Drainage Act, R.S.O. 1990 provide that the Municipality of Chatham-Kent can construct new or improved municipal drains in response to a request or petition from a Chatham-Kent property owner. Appointed engineer reports proceed through required meetings and appeal opportunities as legislated under the Drainage Act process. Assessments are established for each affected property and are legislated by by-law after the timelines for any appeals have expired.

A list of the completed capital drainage projects is attached as Appendix A. The projects included in the by-law require Council's approval to levy the assessed capital costs on the 2018 Final Tax Roll as legislated by Section 61(4) of the Drainage Act, R.S.O. 1990.

**Comments**

After the by-law receives third reading for each capital project, it is tendered according to Chatham-Kent's tendering policy. Assessments to all affected property owners are calculated by drainage staff once the project is certified complete by the appointed engineer. The Province of Ontario, through the Ministry of Agriculture, Food and Rural Affairs (OMAFRA), provide a one-third grant to eligible properties as legislated by the Agricultural Drainage Infrastructure Program (ADIP). The properties must be classified

at the Farm Tax Rate to receive the grant monies which are applied for by drainage staff and deducted from the gross assessment for each individual property.

The 26 capital drainage projects listed on the attached by-law were certified complete in 2017 and have met the engineered design standards.

The drainage assessments are to be levied and collected on the final 2018 tax roll.

### **Areas of Strategic Focus and Critical Success Factors**

The recommendation in this report support the following areas of strategic focus:

- Economic Prosperity:  
Chatham-Kent is an innovative and thriving community with a diversified economy
- A Healthy and Safe Community:  
Chatham-Kent is a healthy and safe community with sustainable population growth
- People and Culture:  
Chatham-Kent is recognized as a culturally vibrant, dynamic, and creative community
- Environmental Sustainability:  
Chatham-Kent is a community that is environmentally sustainable and promotes stewardship of our natural resources
- Financial Sustainability:  
The Corporation of the Municipality of Chatham-Kent is financially sustainable
- Open, Transparent and Effective Governance:  
The Corporation of the Municipality of Chatham-Kent is open, transparent and effectively governed with efficient and bold, visionary leadership
- Has the potential to support all areas of strategic focus & critical success factors
- Neutral issues (does not support negatively or positively)

### **Consultation**

Financial Services was consulted regarding the collection of drainage assessments through the tax system.

### **Financial Implications**

All costs associated with the projects are recovered through property assessments and the one-third grant from OMAFRA.

The total drainage grant recovered through OMAFRA listed on Appendix A is \$556,760.70 which includes grant on three additional projects due to a specific change in the farm tax class from last year's applications.

The total drainage assessment to Chatham-Kent Roads for the 26 projects listed in Appendix A is \$593,684.89 and is provided for in the Infrastructure and Engineering Services base budget.

Administrative fees totalling \$14,976.00 are included in the assessments to be levied on the 2018 final tax roll. The fees have been charged according to the amount established by Council in By-law #27-2018, being a By-law to Establish Certain User Fees. This amount is a budget revenue item for the Drainage Division.

Prepared by:

Reviewed by:

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Ann Ford  
Drainage Analyst  
Drainage Division

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Tim Dick, C.E.T.  
Director  
Drainage, Asset and Waste Management

Reviewed by:

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Thomas Kelly, P. Eng., MBA  
General Manager  
Infrastructure and Engineering Services

Consulted and confirmed the content of the consultation section of the report by:

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Steven Brown, CPA, CMA  
Director, Financial Services

c: Director, Financial Services

Attachment: Appendix "A" – Complete Capital – 2018 Taxes

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Appendix "A" - Complete Capital - 2018 Taxes

Original By-law No.	Community	Name of Drain	Engineer's Estimate	Actual Cost	OMAF Subsidy	Admin. Fee	Roads
124-2017	Camden	Dankey Line	36,800.00	36,576.98	4,732.47	64.00	22,612.31
142-2016	Camden	Dawn Mills	61,169.00	55,811.76	5,026.68	128.00	39,418.91
146-2015	Chatham	Benedict Campbell	21,824.00	25,876.31	2,718.06	384.00	1,226.32
110-2016	Chatham	Indian Creek	32,184.00	43,131.61	12,726.95	736.00	1,923.01
129-2017	Chatham	Parrot Upper	26,970.00	30,917.95	8,965.89	1,568.00	1,262.14
77-2014	Dover	Cadotte, Jack's Creek & Gowrie and Smith	633,730.00	669,692.94	168,480.31	2,176.00	156,238.09
61-2015	Dover	Dyer - McKenzie Culvert	17,800.00	17,108.49	5,607.76	256.00	431.37
78-2014	Dover	Hind Pumpworks & Branch	98,000.00	83,194.80	16,804.18	480.00	32,232.36
102-2016	Dover	Hoover Culverts	78,950.00	69,553.99	22,286.63	256.00	2,785.84
165-2014	Dover	Kuri Pumpworks	81,220.00	77,272.51	16,197.71	32.00	23,340.91
103-2014	Dover	Myers Relief & Branches	209,700.00	216,878.93	39,703.94	1,024.00	90,790.56
111-2016	Dover	Porter - Fox Culvert	22,950.00	22,785.83	7,711.96	32.00	0.00
112-2016	Dover	Toulouse Pumpworks	369,000.00	274,283.95	74,614.72	3,392.00	28,739.35
134-2016	Howard	Hunter	63,400.00	78,180.79	0.00	32.00	1,482.58
56-2017	Howard	Leitch	17,500.00	16,320.02	0.00	64.00	0.00
133-2014	Orford	Carey Branch A	24,300.00	22,175.84	3,372.80	64.00	12,070.92
103-2016	Orford	Highgate Outlet Drain	68,000.00	74,286.84	0.00	32.00	0.00
170-2015	Orford	Wylie - Goens Culvert	19,600.00	20,560.22	6,510.43	288.00	792.02
93-2016	Raleigh	Chinnick Scott Culvert	40,320.00	45,014.21	11,288.93	864.00	2,182.62
88-2015	Raleigh	Dyke Drain Pump	197,800.00	278,937.39	73,370.38	320.00	55,924.71
2-2015	Raleigh	Jenner Jacobs and Extension	74,000.00	71,215.78	22,391.20	256.00	1,783.45
3-2015	Raleigh	Russell & Branch	136,500.00	125,854.28	14,108.35	160.00	82,245.01
133-2016	Romney	Stobbs	29,840.00	32,747.03	9,404.35	768.00	2,869.14
132-2016	Tilbury East	Carless	36,220.00	31,116.68	9,427.10	352.00	2,857.04
75-2017	Tilbury East	Hickey	48,950.00	31,250.11	9,810.59	832.00	934.12
113-2016	Zone	Burk Extension	68,900.00	56,872.54	6,387.42	416.00	29,542.11
103-2013	Howard	Boothroyd Tape W Stirling Dempster	0.00	0.00	3,371.35	0.00	0.00
105-2013	Howard	Dilliot Extension South Branch	0.00	0.00	362.52	0.00	0.00
77-2011	Romney	Two Creeks	0.00	0.00	1,378.02	0.00	0.00
	All	Total	2,515,627.00	2,507,617.78	556,760.70	14,976.00	593,684.89

By-law Number \_\_\_\_\_  
Of The Corporation  
of the Municipality of Chatham-Kent

A By-law to amend drainage assessments estimated in engineer reports based on actual costs incurred for the constructing of various drains

Finally Passed the \_\_\_\_ day of \_\_\_\_\_, 2018.

Whereas by-laws have been passed by the Corporation of the Municipality of Chatham-Kent to authorize the construction, repair and/or improvement of certain drainage works.

And Whereas such construction, repair and/or improvement have been completed and the actual costs of construction, repair and/or improvement vary from the estimate previously adopted.

And Whereas under the provisions of the Drainage Act, R.S.O., 1990, Chap. D.17, Section 62(1), the Council of the Corporation of the Municipality of Chatham-Kent shall apply every surplus or deficiency proportionately according to the assessment schedules and the rates imposed by it for the said drainage works.

Be it Therefore Enacted by the Municipal Council of the Municipality of Chatham-Kent as follows:

1. That the Treasurer for the Corporation of the Municipality of Chatham-Kent, is hereby authorized to levy and collect upon such lands as described in the drainage by-laws for the following drains in accordance with the attached amended amounts which reflect actual costs, such rates to be levied and collected in the same manners as taxes.
2. That the actual amounts attached in Appendix A for the above drains form part of this by-law.

This By-law shall come into full force and effect upon the final passing thereof.

Read a First, Second and Third Time this \_\_\_\_ day of \_\_\_\_\_, 2018

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Mayor – Randy R. Hope

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Clerk - Judy Smith