

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 24, 2020

Subject: Capital Drains Levying By-law – 2020 Final Tax Levy

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 2020 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), may 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 that are applied for by drainage staff and deducted from the gross assessment for each individual property.

The four capital drainage projects listed on the attached by-law were certified complete in 2019 and have met the engineered design standards.

The drainage assessments are to be levied and collected on the final 2020 tax roll.

Areas of Strategic Focus and Critical Success Factors

The recommendation in this report supports 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

The recommendation in this report supports the following critical success factors:

- 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 \$23,180.34.

The total drainage assessment to Chatham-Kent Roads for the four projects listed in Appendix A is \$1,003.23 and is provided for in the Infrastructure and Engineering Services base budget.

Administrative fees totalling \$586.44 are included in the assessments to be levied on the 2020 final tax roll. The fees have been charged according to the amount established by Council in By-law #19-2020, being a By-law to Establish Certain User Fees. This amount is a budget revenue item for the Drainage Division.

Prepared by:

Reviewed by:

Ann Ford
Drainage Analyst
Drainage Division

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

Reviewed by:

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

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

Matt Torrance, MBA, CPA, CGA
Director, Financial Services

c: Director, Financial Services

Attachment: Appendix "A" – Complete Capital – 2020 Taxes

p:\rtc\infrastructure and engineering\i & es\2020\4257- capital drains report to council 2020 tax levy.docx

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 _____, 2020.

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 _____, 2020

Mayor – Darrin Canniff

Clerk - Judy Smith

Appendix 'A' – Complete Capital – 2020 Taxes

Original By-law No.	Community	Name of Drain	Engineer's Estimate	Actual Cost	OMAF Subsidy	Admin. Fee	Roads
136-2019	Camden	Gotheyn	15,182.00	16,125.91	5,095.58	65.16	1,003.23
56-2018	Chatham	Kennedy	48,480.00	42,101.32	13,457.31	195.48	0.00
21-2019	Chatham	Townline Extension Culvert	40,100.00	39,281.47	4,627.45	293.22	0.00
127-2018	Harwich	Ingram	17,700.00	18,810.64	0.00	32.58	0.00
		Total of Drains Above	121,462.00	116,319.34	23,180.34	586.44	1,003.23