

Report to Civic Works Committee

To: Chair and Members
Civic Works Committee

From: Kelly Scherr, P.Eng., MBA, FEC
Deputy City Manager, Environment, and Infrastructure

Subject: Appointment of Drainage Superintendent By-Law Update
Under the Drainage Act

Date: January 9, 2024

Recommendation

That on the recommendation of Deputy City Manager, Environment and Infrastructure, the following actions **BE TAKEN** with respect to the appointment of a Drainage Superintendent pursuant to the Drainage Act, R.S.O. 1990:

- (a) Jessica Trela, C.E.T. **BE APPOINTED** to be named as the Drainage Superintendent for the City of London to carry out the duties imposed upon Jessica Trela pursuant to the Drainage Act, R.S.O. 1990
- (b) the attached proposed by-law (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting to be held on January 23, 2024, to appoint a Drainage Superintendent pursuant to the Drainage Act, R.S.O. 1990, c. D.17, and to repeal By-law No. A.-8287-224 entitled "A by-law to appoint a Drainage Superintendent pursuant to the Drainage Act, R.S.O. 1990, c. D.17, and repeal By-law No. A.-5339-123".
- (c) the Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with this appointment.
- (f) the Mayor and City Clerk **BE AUTHORIZED** to execute any documents, if required, to give effect to these recommendations.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2023-2027 Strategic Plan areas of focus:

- Waterways, wetlands, watersheds, and natural areas are protected and enhanced.
 - Protect the natural environment and avoid natural hazards when building new infrastructure or development.
 - Improve the natural environment and build resiliency when replacing aging infrastructure.

Executive Summary

This report recommends the removal of Spriet Associates as the City of London's Drainage Superintendent in By-law No. A-5339-123 and to update the By-Law to reflect Jessica Trela, C.E.T., as the Drainage Superintendent for the City of London, pursuant to the Drainage Act, R.S.O. 1990.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

- Council – April 5, 1993 – By-Law to appoint a Drainage superintendent pursuant to the Drainage Act, R.S.O., 1990

- Council– August 2, 2022 – Appointment of Consulting Engineer and Drainage Superintendent By-Law Update Under the Drainage Act, pursuant to the Drainage Act, R.S.O., 1990, c. D.17, and repeal By-law No. A.-5339-123.

2.0 Discussion and Considerations

2.1 Purpose

This report recommends the removal of Spriet Associates as the City of London's Drainage Superintendent in By-law No. A-5339-123 and to update the By-Law to reflect Jessica Trela, C.E.T., as the Drainage Superintendent for the City of London, pursuant to the Drainage Act, R.S.O. 1990.

2.2 Context

Spriet Associates London Ltd. (Spriet Associates) was retained to fulfill the role of Drainage Superintendent on behalf of the City of London after the retirement of the City's previous Drainage Superintendent. Spriet Associates were retained to temporarily fill the role in August 2022, until a municipal employee could complete the required Drainage Superintendent Course, which is only offered annually in March.

In March 2023, Jessica Trela, Certified Engineering Technologist (C.E.T.) and the City's Drainage Technologist, successfully completed the Drainage Superintendent course. Jessica Trela is now qualified to perform the duties of a Drainage Superintendent, pursuant to the Drainage Act. Once Jessica Trela is named the Drainage Superintendent, Spriet Associates will stay engaged in their previously awarded assignment to support Jessica Trela over the coming months until such time that the value of the contracted services is spent.

2.3 Additional Background

There are four types of drains in Ontario which include Municipal, Mutual Agreement, Award, and private drainage systems. Most Municipal Drains are ditches, closed systems, such as pipes or tiles buried in the ground, but can also include structures such as dikes or berms, pumping stations, buffer strips, grassed waterways, stormwater detention ponds, culverts, and bridges. Municipal Drains are primarily located in rural agricultural areas.

A Drainage Superintendent is established in accordance with the Drainage Act, R.S.O. 1990 through a municipal by-law. Similarly, a Municipal Drain is created through a municipal by-law to adopt an engineer's report which contain plans, profiles and specifications which define the location, size, and depth of the drain, and how the costs are shared among property owners within the watershed of the drain.

The municipality is responsible for the construction of the drainage system and future maintenance and repair. Costs for these works may be recovered from the property owners within the watershed of the drain.

The Drainage Superintendent currently oversees 350 municipal drains in the City of London, which represents approximately 700 km of drainage systems. The Drainage Superintendent has specific rights and responsibilities under the Drainage Act which includes, but is not limited to, the following:

- (a) inspect every drainage work for which the municipality is responsible and report periodically to Council on the condition of those drainage works;
- (b) initiate and supervise the maintenance and repair of the drainage works for which the municipality is responsible;
- (c) assist in the construction or improvement of the drainage works for which the municipality is responsible; and,
- (d) report to council when required on the Superintendent's activities mentioned in (b) and (c).

The appointment of Jessica Trela, C.E.T. is recommended to perform all the requirements of the Drainage Act, R.S.O. 1990 on behalf of the City of London and be named in the By-Law as the Drainage Superintendent for the City of London.

Conclusion

Jessica Trela, C.E.T. has demonstrated a solid understanding and ability to complete the duties under the Drainage Act and her current job description. It is recommended that the 2022 By-Law be repealed and that a new By-law be passed to name Jessica Trela, C.E.T., as the City's Drainage Superintendent pursuant to the Drainage Act, R.S.O. 1990.

Prepared by: **Shawna Chambers, DPA, P.Eng.**
Division Manager, Stormwater Engineering

Submitted by: **Ashley M. Rammeloo, MMSc., P.Eng.**
Director, Water, Wastewater, and Stormwater

Recommended by: **Kelly Scherr, P.Eng., MBA, FEC**
Deputy City Manager, Environment, and Infrastructure

Appendix 'A' – By-Law

cc: P. Titus
J. Trela
C. Da Silva
S. Holland – CUPE 101 President
M. DeVos – Spriet Associates London Ltd.
A. Kruspel – Spriet Associates London Ltd.

Appendix A

Bill No.
2023

By-law No. A.-

A by-law to appoint a Drainage Superintendent pursuant to the *Drainage Act*, R.S.O. 1990, c. D.17, and to repeal By-law No. A.-8287-224 entitled “A by-law to appoint a Drainage Superintendent pursuant to the *Drainage Act*, R.S.O. 1990”.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS Section 93 of the *Drainage Act*, R.S.O. 1990, c. D.17, authorizes the council of a local municipality to appoint by by-law a drainage superintendent and provide for fees or other remuneration for services performed by drainage superintendents in carrying out their duties under the *Drainage Act*;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Jessica Trela is hereby appointed as Drainage Superintendent for The Corporation of the City of London.
2. The Drainage Superintendent shall carry out the duties as prescribed by the *Drainage Act*, R.S.O. 1990, c. D.17.
3. By-law No. A.-8287-224 passed on August 2, 2022, entitled “A by-law to appoint a Drainage Superintendent pursuant to the *Drainage Act*, R.S.O. 1990” is hereby repealed.

This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on January 23, 2024.

Josh Morgan
Mayor

Michael Schulthess
City Clerk

First Reading – January 23, 2024
Second Reading – January 23, 2024
Third Reading – January 23, 2024