

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 Consulting Engineer and Drainage
Superintendent By-Law Update Under the Drainage Act

Date: July 26, 2022

Recommendation

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

- (a) Spriet Associates London Ltd. **BE APPOINTED** consulting engineers to be named as the Drainage Superintendent for the City of London to carry out the duties imposed upon Spriet Associates London Ltd. pursuant to the Drainage Act, R.S.O. 1990 in accordance with the estimate, on file, which will be administratively awarded in accordance with Section 15.2 (c) of the City of London's Procurement of Goods and Services Policy.
- (b) the attached proposed by-law (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting to be held on August 2, 2022, to appoint a Drainage Superintendent pursuant to the Drainage Act, R.S.O. 1990, c. D.17, and to repeal By-law No. A.-5339-123 entitled "A by-law to appoint a Drainage Superintendent pursuant to the Drainage Act, R.S.O. 1990".
- (c) the financing for this project **BE APPROVED** as set out in the Sources of Financing Report attached, hereto, as Appendix 'A'.
- (d) the Civic Administration **BE AUTHORIZED** to undertake all the administrative acts that are necessary in connection with this project.
- (e) the approval given, herein, **BE CONDITIONAL** upon the Corporation entering into a formal contract; and
- (f) the Mayor and City Clerk **BE AUTHORIZED** to execute any contract or other documents, if required, to give effect to these recommendations.

Linkage to the Corporate Strategic Plan

This recommendation supports the following 2019-2023 Strategic Plan areas of focus:

- Building a Sustainable City:
 - London's infrastructure is built, maintained, and operated to meet the long-term needs of our community by replacing aged and failing infrastructure with new materials and sizing new infrastructure to accommodate future development; and
 - Londoners can move around the city safely and easily in a manner that meets their needs by incorporating cycling infrastructure and safety enhancements.

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

2.0 Discussion and Considerations

2.1 Purpose

This report recommends the appointment of Spriet Associates London Ltd. to be named as the Drainage Superintendent for the City of London and to update the By-Law to reflect Spriet Associates London Ltd. as the Drainage Superintendent for the City of London, pursuant to the Drainage Act, R.S.O. 1990.

2.2 Context

After serving as the City of London's Drainage Superintendent for over 29 years, the existing Drainage Superintendent officially retired on June 10, 2022. The incumbent had a wealth of specialized knowledge and expertise and it was anticipated that replacing him could be a challenging process.

After a thorough recruitment process, both internally and externally, the City was unable to find a candidate to fill the Drainage Technologist position who had the experience and the required Municipal Drainage Act course. This course is required for the individual to be named and perform the duties as a Drainage Superintendent, pursuant to the Drainage Act.

City Staff worked with People Services to develop an agreed upon letter of understanding with CUPE Local 101. In this letter of understanding, it is acknowledged that an engineering consultant will be appointed and act on behalf of the City as the Drainage Superintendent pursuant to the Drainage Act for a period of one year or until such time as the identified replacement for the Drainage Technologist position is eligible and certified to be named in the By-Law as the Drainage Superintendent for the City of London.

Since the Municipal Drain Superintendent course is only offered once in March of every year, Spriet Associates London Ltd. will be providing training to the new candidate over the course of the year and will be working closely with the City. The consultant will be engaging the staff member in all aspects and responsibilities under the Drainage Act.

2.3 Municipal Drain Systems

A municipal drain is a system to move water, separate from the storm sewer system, and primarily located in rural and agricultural areas. Most municipal drains are ditches or closed systems such as pipes or tiles buried in the ground. They may also include structures such as dikes or berms, pumping stations, buffer strips, grassed waterways, storm water detention ponds, culverts, and bridges.

Municipal drains are identified and created pursuant to a bylaw passed by the local municipality. The by-law adopts 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 has oversight on more than 350 municipal drains in the City of London which represents over 700 km of drainage systems.

The Drainage Superintendent has specific rights and responsibilities under the Drainage Act which include, but not limited to, the following:

- (a) inspect every drainage works 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).

2.4 Work Description

This assignment includes Spriet Associates London Ltd. 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 for one year or until such time as a permanent City of London staff member completes and passes the required Drainage Course granting them the certification to be named in the By-Law as the City of London Drainage Superintendent.

3.0 Financial Impact/Considerations

3.1 Procurement Process

This engineering consultant was selected due to their knowledge of the Drainage Act and history with providing past consulting services under the Drainage Act to the City. Also, Spriet Associates London Ltd. has been named and performed Drainage Superintendent duties for other municipalities, namely Strathroy-Caradoc. The procurement of these consultant services will be awarded administratively in accordance with Section 15.2(c) of the Procurement of Goods and Services Policy for consultant services of less than \$100,000.

Conclusion

Spriet Associates London Ltd. was found to provide the best value to the City of London through past Drainage Act project assignments for the City of London. The Spriet Associates London Ltd. team has demonstrated a solid understanding and ability to complete the duties under the Drainage Act that is required for this assignment. It is recommended that the By-Law be updated to name Spriet Associates London Ltd. as 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' – Draft By-Law

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

Bill No.
2022

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.-5339-123 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. Armin Kruspel of Spriet Associates London Ltd. 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.-5339-123 passed on April 5, 1993, entitled "A by-law to appoint a Drainage Superintendent pursuant to the *Drainage Act*, R.S.O. 1990" is hereby repealed.
4. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on [insert date]

Ed Holder
Mayor

Michael Schulthess
City Clerk

First Reading – insert date
Second Reading – insert date
Third Reading – insert date