

The following is taken from the June 1974 Final Report of the Select Committee on Land Drainage entitled "Agricultural Land Drainage In Ontario", pages 45 to 48. This report was the basis for the 1975 amendment to the Drainage Act.

X THE DRAINAGE SUPERINTENDENT

Under the present Drainage Act, the council of a local municipality may appoint one or more commissioners to assist the engineer and to supervise the maintenance of any drainage works. The council may require commissioners to report annually on the state of repairs of all drainage works. The commissioner has the same powers to enter land as the engineer. Under Section 55 of the Act, the commissioner has the power to require a person responsible for an obstruction in the drain to remove it.

The Committee believes that the appointment of an officer who reports to the municipal council and is responsible for supervising the construction and maintenance of all drains within the municipality is most worthwhile and should be continued. However, the present Act is deficient in that it does not clearly specify the duties of this officer and makes no mention of any particular qualifications or training he should have. Furthermore, the appointment of such an officer is not mandatory, and many municipalities have not made such appointments.

The Committee therefore recommends that every municipality which undertakes projects under The Drainage Act be required to engage a "Drainage Superintendent." The Committee feels that, while perhaps it is only a matter of preference, the change in name would serve to distinguish this official from the commissioners appointed under the present Section 59 to operate and maintain pumping schemes. In the Committee's opinion, the latter commissioners still would be necessary, although their status would be secondary to the drainage superintendent. The Committee recognizes that some municipalities may find it difficult to justify a full-time superintendent. It would be possible, however, for two or more municipalities to jointly retain a superintendent or for a municipality to engage a part-time superintendent who is capable of becoming qualified.

Duties of the Drainage Superintendent

While the duties of the drainage superintendent must necessarily be somewhat general, they can be divided into two major areas of responsibility:

1. The implementation of new construction of or major improvements to the drainage works; and
2. Maintenance, repairs, and minor improvements to the drainage works

The implementation of new construction and improvements would necessarily be carried out in cooperation with the engineer. The superintendent's duties should include making arrangements for tenders, evaluating the contractor's bids, and submitting recommendations to council, as well as providing on-site supervision of the construction operations including the authorization of progress payments where applicable. These functions would be carried out while maintaining sufficient liaison with the engineer so that the engineer will be in a position to properly sign certificates of completion for making final payment to the contractor and suppliers and for Ministry of Agriculture grants. The superintendent should be given sufficient latitude to make reasonable minor changes in the specifications where field conditions or common sense dictate, provided that such changes do not affect the capacity or effectiveness of the drainage works. He should also be required to maintain liaison with all property owners affected by the construction of or improvement to the drainage works.

It is anticipated that the superintendent would systematically organize and implement programs to maintain and undertake repairs to all the municipal drains under his jurisdiction. In the case of improvements made without the necessity of an engineer's report the drainage superintendent should provide guidance to the council as to the advisability of such a step in addition to subsequently arranging for and supervising the work.

Since the Committee recommends (part XI) that the functions of maintenance, repair, and minor improvements be undertaken within budgetary limitations established by the Ministry of Agriculture and Food, it would be the drainage superintendent's duty to make the necessary submissions to the Ministry so that the proposals could be reviewed and budgets established for grant purposes.

The Committee recommends that the drainage superintendent be required to report to the municipal council periodically on the condition of all drains within the municipality. It would be necessary for the superintendent to maintain contact with landowners as to the condition of local drains, particularly in municipalities where there is a great deal of drainage activity and where it would be impossible for the superintendent to physically inspect all drains.

Qualifications and Training

The superintendent must be capable of interpreting plans, profiles, and other related documents such as the engineer's report and the specifications. He should have a working knowledge of the engineer's level and should be able to set and check grades in the field. He should have some knowledge of financial matters so that he will be able to control costing; that is, he should be able to maintain running totals on expenditures and summarize costs upon completion. He should have or be capable of assimilating a general knowledge of basic drain design, erosion control, and in some cases pumping operations. The Committee

feels that these are the minimum qualifications for a competent drainage superintendent.

The present Act makes no mention of any particular qualifications and does not require any particular course of study to acquire them.

The Committee therefore recommends that the proposed drainage superintendent be required to successfully complete a course of study satisfactory to the Ministry of Agriculture and Food. The Ministry of Agriculture and Food and the University of Guelph should jointly establish a program to develop a suitable course with an examination to initially qualify the superintendents. The Ministry and University should also undertake a continuing program of education in which all drainage superintendents would be required to participate so that they may be kept fully aware of improving techniques, materials, and equipment.

Local municipalities should be required to arrange for the superintendent's attendance and financing at such courses. Expenses incurred for this purpose should be eligible for grants from the Ministry of Agriculture and Food.

Compensation

The Committee has carefully considered the proposition that there is a similarity between a township drainage superintendent and a road superintendent. The road superintendent supervises maintenance and construction programs relating to the roads system throughout the township. The Committee has noted that such road construction projects often benefit only specific areas of a municipality and that the road superintendent's duties involve the implementation of these projects. Similarly the drainage superintendent's responsibilities benefit specific areas in a municipality. Therefore, **the Committee recommends** that the drainage superintendent's salary be borne by the general rate of the municipality. While this could be considered a burden on residential sections of a municipality, it was noted that there are officials in most rural-urban municipalities who are paid out of the general rate of the township while basically providing service only for the urban areas. Since the basic functions of the drainage superintendent are intended to properly implement and prolong the useful life of municipal drains, **the Committee also recommends** that the salary of the superintendent be subject to the normal grant structure and available from the Ministry of Agriculture and Food.