EXECUTIVE SUMMARY:

Mr. Gord Donovan of McCormick Rankin Corporation (MRC) has been the appointed Drainage Superintendent for the City of Kingston under Section 93 of the Drainage Act, R.S.O. 1990 since January 2002. Mr. Donovan has recently announced his intention to retire and will not be able to fulfill the requirements of this position. Staff recommends the appointment of Mr. James English of the City Engineering Department to fill this vacant position.

RECOMMENDATION:

THAT By-Law 98-8 “A By-Law to Appoint Statutory Officials of the Corporation of the City of Kingston” be amended by deleting Gord Donovan of McCormick Rankin Corporation and replacing his name with James English of the City Engineering Department as the Drainage Superintendent for the City of Kingston.

AUTHORIZING SIGNATURES:

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<tr>
<th>ORIGINAL SIGNED BY PRESIDENT &amp; CEO, UTILITIES KINGSTON</th>
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<tr>
<td>Jim Keech, President &amp; CEO Utilities Kingston</td>
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<th>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</th>
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<td>Gerard Hunt, Chief Administrative Officer</td>
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CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

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<tr>
<th>Name</th>
<th>Status</th>
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<tr>
<td>Cynthia Beach, Sustainability &amp; Growth</td>
<td>N/R</td>
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<tr>
<td>Terry Willing, Community Development Services</td>
<td>N/R</td>
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<tr>
<td>Denis Leger, Corporate Services</td>
<td>N/R</td>
</tr>
<tr>
<td>Jim Keech, President and CEO, Utilities Kingston</td>
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*(N/R indicates consultation not required)*
OPTIONS/DISCUSSION:

In January 2002, Kingston City Council appointed Mr. Gord Donovan of McCormick Rankin Corporation (MRC) to the position of Drainage Superintendent in compliance with Section 93 of the Drainage Act, R.S.O. 1990. The Drainage Superintendent has a number of responsibilities related to the major municipal drains (i.e. Central Pittsburgh Drain, Pierce Blasko Drain, and Cochrane Drain) located within the municipality. These responsibilities include inspection of the municipal drains; initiation and supervision of maintenance and repair works; and assistance in the construction and/or improvement of any associated drainage works.

MRC has provided recent correspondence to the City announcing the intention of Mr. Donovan to retire and further indicating that MRC is not able to continue providing this service to the City of Kingston. As a result, staff recommends that Council approve the appointment of Mr. James English to the position of Drainage Superintendent. Mr. English, who is a Stormwater and Pollution Prevention Specialist with the City Engineering Department has recently undertaken and completed the necessary course work to qualify as a Drainage Superintendent in accordance with the provisions of Section 93 of the Drainage Act, R.S.O. 1990.

EXISTING POLICY/BY LAW:
By-Law 98-8, “A By-Law to Appoint Statutory Officials of the Corporation of the City of Kingston”.

NOTICE PROVISIONS: N/A

ACCESSIBILITY CONSIDERATIONS: N/A

FINANCIAL CONSIDERATIONS:
The Engineering Department has assessed both the amount and nature of the work being undertaken by the Drainage Superintendent and have determined that there is sufficient capacity and capability to undertake this work “in-house”.

A review of invoices received from MRC and paid by the City for services of the Drainage Superintendent average to approximately $4,000 per year. The Province of Ontario provides the municipality with a grant that covers 50% of the annual cost of the Drainage Superintendent. As a result, the City will realize an ongoing operating budget saving of approximately $2,000 per year (i.e. 50% of annual cost of the Drainage Superintendent).

CONTACTS:
Mark Van Buren, Director, Engineering Department

OTHER CITY OF KINGSTON STAFF CONSULTED:
Alan McLeod, Senior Legal Counsel, Legal Services
James English, Pollution Prevention Specialist

EXHIBITS ATTACHED:
Exhibit “A” – Draft By-Law
A BY-LAW TO AMEND BY-LAW 98-8, “A BY-LAW TO APPOINT STATUTORY OFFICIALS OF THE CORPORATION OF THE CITY OF KINGSTON” (TO APPOINT JAMES ENGLISH AS DRAINAGE SUPERINTENDENT AND DELETE GORD DONOVAN)

PASSED: 2009

The Council of the Corporation of the City of Kingston enacts as follows:

1. By-Law No. 98-8 of the Corporation of the City of Kingston entitled, "A By-Law To Appoint Statutory Officials of the Corporation of the City of Kingston", as amended, is hereby further amended as follows:

2. Section 12 shall be amended by deleting “Gord Donovan of McCormick Rankin Corporation” effective June 30, 2010 and adding “James English” so that Section 12 shall read as follows:

12. James English is hereby appointed as Drainage Superintendent effective , 2010 in accordance with the provisions of Section 93 the Drainage Act, R.S.O. 1990.

3. This By-Law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READINGS , 2010

GIVEN THIRD READING AND PASSED , 2010