

NO: **R010**

COUNCIL DATE: **January 23, 2012**

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **January 19, 2012**

FROM: **General Manager, Engineering**

FILE: **5225-40 (SDD)
5225-40(CDD)**

SUBJECT: **Management of Dyking Districts in the City of Surrey with the
Repeal of the Drainage, Ditch and Dike Act**

RECOMMENDATION

The Engineering Department recommends that Council:

1. Receive this report as information; and
2. Authorize staff to establish a Lowlands Dyking Stakeholder Committee to provide advice to the Dyke Superintendent in relation to the operation and maintenance of the dykes that are located within the Colebrook Dyking District and the Surrey Dyking District.

INTENT

The purpose of this report is to advise Council of the pending dissolution of the Colebrook Dyking District and Surrey Dyking District and the actions that are being taken by staff in relation to this matter.

BACKGROUND

At its Regular meeting on January 19, 2009 Council considered Corporate Report No. R003;2009, a copy of which is attached as Appendix I, which noted that the Province had enacted legislation that would act to repeal the Drainage, Ditch and Dike Act [RSBC 1996] Chapter 102 (the "Act") on December 31, 2010. The report noted that the repealing of this legislation would result in the dissolution of six dyking districts across the Province, two of which (Colebrook Dyking District and Surrey Dyking District) are within the City of Surrey. Neither the City of Surrey or the Colebrook Dyking District or the Surrey Dyking District was consulted before the repealing legislation was enacted. Subsequently, at the request of local government, the Province extended the repeal of the Act by two-years to December 31, 2012.

The dissolution of the Colebrook Dyking District and the Surrey Dyking District will result in the assets of these Dyking Districts including their operation and maintenance responsibilities being transferred to the City of Surrey.

The Mud Bay Dyking District, which is also located in the City of Surrey, is not affected by the repealing legislation as this District was incorporated as an Improvement District under different legislation.

Under Corporate Report No. R003; 2009 staff committed to:

1. work with Provincial officials toward a further extension to the Act beyond December 31, 2012;
2. study potential operating partnerships or cooperatives with each Dyking District with a view to determining the most appropriate approach to provide dyking services after the Dyking Districts are dissolved; and
3. establish how operation and maintenance responsibilities related to each District can continue in the shorter term if any District finds that it is not able to fulfill its obligations.

DISCUSSION

Staff has worked with the City of Coquitlam and Metro Vancouver, both of which are also impacted by the repealing of the Act, to obtain a further extension to the Act beyond December 31, 2012.

In addition, at 2011 Convention of the Union of British Columbia Municipalities (UBCM) the delegates endorsed Resolution No. B12 – “Dyking Districts”, which stated:

WHEREAS the Province desires to transfer responsibility of operating and maintaining diking district assets to local government;

AND WHEREAS the cost of operating and maintaining diking district asset, and the associated liabilities of operating and maintaining the assets are undefined:

THEREFORE BE IT RESOLVED that UBCM request that the Province of BC undertake a full cost, operating and condition assessment of diking district assets to determine the most appropriate and cost effective delivery of flood protection to property owners;

AND BE IT FURTHER RESOLVED that if local government-provided flood protection is deemed to be in the best interests of property owners, the Province of BC be asked to provide adequate funding for the operation, maintenance and rehabilitation of the diking district assets.

The Province has yet to respond to the UBCM Resolution and has not agreed to extend the date on which the repealing legislation takes effect, being December 31, 2012.

As an alternative, staff has discussed with Provincial staff the option of converting each of the Colebrook and Surrey Dyking Districts, respectively, to an Improvement District similar to the Mud Bay Dyking District. The Province has advised that they would not approve the formation of any new Improvement Districts as they are not practical in established communities such as Surrey. Upon further analysis, staff agrees with the Province’s conclusion on the practicality of this approach.

Staff has had discussions with the members of the Surrey Dyking District with a view to developing a potential operating partnership or cooperative as a means to provide dyking services after the Dyking District is dissolved. Neither the Colebrook Dyking District nor the Surrey Dyking District has taken any steps to establish either District as an independent entity or to establish a partnership with the City for the purpose of maintaining their respective dykes. Engineering staff are making the necessary arrangements to assume the operation of the dykes in both of these Districts. The following sections summarize the actions that are being taken.

Operation and Maintenance of the Dykes

As a means to ensure the proper operation and maintenance of the dykes, including dyke inspections during/after significant runoff events, a new position of “Dyke Superintendent” is being established in the 2012 budget process. This position will be responsible for determining and overseeing the operation and maintenance of the dykes by the City and by the ex-Dyking District staff or others.

Public Consultation

The Colebrook Dyking District and the Surrey Dyking District operated with the benefiting property owners acting as commissioners. Each Dyking District elected three property owners as commissioners, who meet regularly to establish operation and maintenance priorities within available funding. Each Dyking District also hosts an annual general meeting where they present their yearly work program to the owners of the properties located within the Dyking District.

To provide for regular consultation with representatives of the owners of the properties located within the respective Dyking Districts after the Districts are dissolved, staff is recommending that a Lowlands Dyking Stakeholder Committee be established. This Committee will provide advice and input to the new Dyke Superintendent regarding opportunities and concerns with respect to the dykes. It is proposed that this Committee be comprised of three to five owners of properties across a variety of agricultural interests and locations from within the areas covered by the Dyking Districts. Engineering staff will also host an annual Public Information Meeting at which information regarding the dyke and drainage work undertaken over the prior year within the benefiting areas would be communicated along with information regarding the work plan for the coming year.

Funding Operation and Maintenance of the Dykes

The Dyking Districts currently receive funding for their operations from two sources; these being:

- a dyking tax against the benefiting properties in each District (which tax delivers approximately half of the respective District’s operating budget); and
- the City, by way of an operating agreement with each District, covering the remaining half of each Dyking District’s operating budget.

With the repeal of the Act, the Dyking Districts will lose their ability to charge a tax. Therefore, to fund the operation and maintenance of the dykes, staff is reviewing opportunities to adjust the drainage parcel tax to address this funding requirement. A further report complete with recommendations regarding this matter will be forwarded to Council later in 2012.

CONCLUSION

Based on the above discussion, it is recommended that Council authorize staff to establish a Lowlands Dyking Stakeholder Committee to provide advice to the Dyke Superintendent in relation to the operation and maintenance of the dykes that are located within the Colebrook Dyking District and the Surrey Dyking District. A further report complete with recommendations regarding funding for dyke maintenance and operations will be forwarded to Council later in 2012.

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General Manager, Engineering

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Appendix I - Corporate Report No. R003; 2009

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