

Chatham-Kent Drainage Board Terms of Reference

Mandate

The Drainage Environmental Task Force envisioned that a special body of non-elected officials could be appointed for the purpose of making decisions on matters under the Drainage Act. This would include all legislated powers and duties with the exception of the passage of by-laws or resolutions. The appointment of such a Drainage Board (Board) would both free up Council's time to deal with other issues and engage the expertise of members of the Community possessing experience in drainage matters.

As a result, Private Member's Bill P.R. 19 was created which established, among other things, Council's right to appoint such a Board. The delegation of responsibilities to a Board of non-elected officials circumvents Council's involvement in the mandated public process of the Drainage Act. As a result, Council's unwavering support of the Board is critical to its success and viability.

In assuming the role as the "facilitators" of the Drainage Act, the Board is responsible for dealing with matters formally brought before a constituted quorum at a scheduled Meeting to Consider the Engineer's report or Court of Revision. It does not however, have the responsibility for making decisions on routine matters, including operational decisions and directing staff.

Periodically, specific drainage matters or concerns may be identified to members of the Board by individual ratepayers. These types of occurrences should be handled with caution and Board members should refrain from commenting on individual drainage concerns, unless in support of a Board decision.

The Board serves the following CKPlan 2035 Council Priorities and Areas of Strategic Focus:

Council Priorities:

- Environmental Sustainability – Acting Today for a Better Tomorrow
 - Promote growth while protecting the environment

Areas of Strategic Focus:

- Environmental Sustainability - Within one generation Chatham-Kent will be recognized as a Provincial leader in the management of natural and built resources and energy conservation
 - 4.1 Management of our natural resources: Our community protects and enhances our natural heritage and water resources.

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Composition of the Board

The Board shall consist of six members and be structured as follows:

- a) One Chair – to be appointed “at large”.
- b) One Vice-Chair – to be appointed “at large”.
- c) Four members to be appointed “at large”.

‘Chair’ means the elected head of the Board who shall preside (unless absent) at all meetings of the Committee.

‘Vice-Chair’ means the elected Board member who assumes the duties of the Chair if the Chair is absent.

‘Member’ means a Member of the Board appointed.

Membership Eligibility, Term and Succession Plan

Bill P. R. 19 defines that membership on the Board is restricted to individuals eligible to be elected to Council or who are current members of Council. While it is not mandatory for any member of Council to sit on the Board, such presence does provide a link between the Board and its delegating body. It is important that any Councillor appointed to the Board have knowledge or experience in matters of drainage and fulfill the role from their relevant electorate ward.

The term of the appointment of members of the Drainage Board shall be four (4) years. In order to ensure continuity and consistent leadership, no more than three (3) members of the Board shall be replaced during any new term of the Board. It is recommended that individuals interested in serving as Chair or Vice Chair have previous board experience.

Prior to the end of the current term, the existing Board, assisted by Administration, shall review the list of new applicants and make recommendations to Council for the next term. Applicants shall be considered based upon a series of factors including:

- Geographic representation
- Tenure on the Board
- Relevant previous experience
- Knowledge of rural drainage issues
- Combination of experienced versus new members

All individuals, including incumbents are required to reapply for future terms.

Role of the Board and Members

The Board shall fulfill the legislated requirements of Council in all matters under the auspices of the Drainage Act. This includes acting as the Court of Revision. Decisions of the Board when acting as the Court of Revision do not require the endorsement of Council.

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All Drainage Board Meetings shall be of a public nature for which all assessed parties will have received written notification as set out in the Drainage Act. Board members are encouraged to be mindful of the public nature of the Drainage Act and as such, its legislated requirements to openly discuss matters in a group setting. Where possible, the Board should endeavour to remain in open session. Occasionally however, it may be necessary to adjourn to a closed session environment.

Site visits to drainage report locations should not normally be required. When complications arise or idiosyncrasies exist, members of the Board may choose to personally view the site. Caution should be exercised however in these instances and Board members should refrain from discussing specifics with individual property owners. Board members should remind landowners of the public process and encourage them to bring forward their concerns at the Consideration of the Report or Court of Revision meetings.

Meeting Procedures

The Board shall meet monthly or as required. Meetings shall be arranged in recognition of all legislated timeframes as laid out in the Drainage Act.

Public Meetings convened for the purpose of Considering the Engineer's Report shall:

- Ask the audience if there is anyone present interested in the report.
- Allow the Engineer the opportunity to present his report in detail.
- Ask the Manager, Drainage Services if there are any appeals.
- Allow any landowners or other effected parties to speak or question the Engineer.
- Allow the Engineer an opportunity to respond.
- Allow the Board an opportunity to question ratepayers or the Engineer.
- Allow the Engineer the final opportunity to speak.

Following the completion of the above steps, the Board may adopt the report, refer the report back to the Engineer for reconsideration or not adopt the report. In situations where the report is not adopted, the Board must address the issue of any costs incurred and how they shall be dispersed.

Public Meetings convened for the purpose of the Court of Revision shall:

- Ask the Manager, Drainage Services if there are any appeals.
- Ask the audience if there is anyone present who wishes to speak.
- Allow the Engineer the opportunity to address any appeals.
- Allow the Board an opportunity to question ratepayers or the Engineer.

Following the completion of the above steps, the Board may close the Court of Revision or adjourn the Court of Revision. Closure of the Court means there are no further assessment changes and the report may enter into the final reading stage. Adjournment of the Court is mandatory in most cases where alterations to the assessment schedule are made. The altered schedule is then circulated to all assessed owners and considered at the next sitting of the Court of Revision.

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Compensation

All members (except Councillors, if appropriate) are to be paid a per diem. The provision for per diems shall be established as follows:

- Meetings of four (4) hours duration or less - \$250
- Meetings of four (4) hours duration or greater - \$350

Members of the Board are entitled to re-imbursement for mileage driven for the purpose of attending meetings or visiting drainage sites as appropriate. Compensation for mileage shall be in accordance with the current "municipal" rate as set by Council.

Staff Support

The Board shall be supported through Drainage Services, Municipality of Chatham-Kent. The Manager or his/her designate shall attend all meetings serving as the senior administrative representative. Administrative staff shall record minutes of all meetings which shall be made available to inquiring parties.

Reports to Council

Following each meeting of the Board, administrative staff shall prepare the "Recommendations of the Drainage Board" which are forwarded to Council at their next meeting.

The recommendations shall include provision for recently adopted new Engineer's reports to receive first and second readings. The report is provisionally adopted at this stage. Following the Court of Revision decision and a subsequent 21 day appeal period, a recommendation is forwarded to Council for third and final reading of the bylaw. At this point, the report is finally adopted.

Other Information

Chatham-Kent was the first Ontario Municipality to successfully implement a Drainage Board. Although similar to various other "Committees of Council", there is clearly a visible degree of autonomy.

Directly as a result of the Chatham-Kent model, the Drainage Act has now been modified allowing Ontario Municipalities to appoint Drainage Boards. Accordingly, several other Municipal Councils in Ontario have seized the opportunity and established Drainage Boards.

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