

1. Purpose

The purpose of the Town of Tecumseh Drainage Board is to administer drainage matters under the *Drainage Act, 1990, c.D.17* (“Act”) and exercise all legislated powers associated therein as delegated by Council, including the delegation to the Drainage Board to convene and act as a Court of Revision for such drainage matters and appeals.

The Drainage Board (“Board”) aligns with the following Strategic Priority identified in the 2023-2026 Strategic Plan:

- **Service Experience:** Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

Specifically, the Board’s purpose is to hear from affected landowners and to make decisions based on the Engineer’s report and any appeals, as submitted.

2. Scope

The Board shall exercise Council’s powers and duties under the Act, with the following exceptions:

- a. Council’s power to create, repeal or quash by-laws;
- b. Council’s right to appeal to the Tribunal;
- c. Council’s obligations, duties or requirements for accepting petitions and requests, reviewing environmental appraisals and benefit cost statements, and the appointment of Engineers
- d. Council’s obligations, duties and requirements dealing with raising payment or imposing levies or assessments, or payments of costs;
- e. Council’s obligations, duties and requirements dealing with the provision of payment of fees or other remuneration for the services performed by any municipal employees or consultants.
- f. Council’s obligations, duties and requirements as specified in sections 65(2) and Section 65(4) of the Act.

In particular, the mandate of the Board is to:

- a. Address matters formally brought before a constituted quorum at a scheduled Meeting to Consider the Engineer's report or Court of Revision but shall not make operational decisions regarding the Town's Drainage Division.
- b. At a Meeting to Consider the Board shall review the Engineer's report, consider public delegations and make recommendations to Council with respect to the adoption of said report and the provisional adoption of the appropriate by-law.
- c. Sit as a Court of Revision to hear appeals on assessments as outlined in the Act and make final decisions as a Court of Revision.
- d. Report to Council with recommendations, when required or requested, and provide the minutes of its meetings to Council for adoption.
- e. Upon request, provide recommendations about the creation and/or revision of drainage policies and procedures for consideration and approval by Council.
- f. If the contract price for improving or repairing a drain exceeds 133% of the Engineer's assessment, the Board shall consider the tender submission and provide a recommendation to Council on how to proceed.

3. Membership

The Board will be comprised of five (5) members and be structured as four (4) members and one (1) Chair. The Chair is elected by resolution at the first meeting of the Board for the term of the Board. If desired, the Board can appoint a Vice-Chair through resolution to act during the term of the Board as Chair when the Chair is absent.

The Chair will support the Board by leading members in an efficient manner and adhering to the Town's Procedural By-Law.

The term of membership will coincide with the term of Council of four (4) years. For each term of Council, all individuals including incumbents are required to apply for membership as permitted and subject to the terms and conditions of the Town's Committee's and Board Policy No. 4, as amended from time to time.

Members of the Board shall be:

- a. Of geographic representation;
- b. At least 18 years old; and

c. Available and willing to attend meetings.

Preference will be given to persons with knowledge of the Act or who have demonstrated experience working on committees, task forces or similar working groups. Employees or officers of the Town of Tecumseh will not be permitted membership on the Board.

Appointments to the Board will further be considered based upon a series of factors including but not limited to:

- Ward representation;
- Relevant previous experience;
- Knowledge of rural drainage issues;
- Tenure on the Board.

The remuneration for Board membership is \$175.00 per meeting, and members are not eligible under the Town's Travel Policy No. 127 for mileage to attend meetings.

4. Meeting and Reporting

The Board will be administered by the Director Public Works and Engineering Services in consultation with the Director Legislative Services and Clerk.

Meetings shall be monthly or at the call of the Chair. The scheduling of meetings will be coordinated through the Public Works and Engineering Services Department. Meeting notice, circulation of agendas and minutes, and meeting procedures will adhere to the Town's Procedural By-Law.

Board meetings shall be held in public open session. A Board meeting may be closed to the public or proceed into closed session if the subject matter being considered is one of the exceptions permitted by Section 239(2) and (3) of the *Municipal Act*, 2001, as amended. To determine if an agenda item is to be discussed in closed session, consultation with the Clerk prior to the meeting is required.

Members shall comply with the *Municipal Conflict of Interest Act*, the Town's Code of Conduct Policy and Procedural By-Law.

Board member attendance at site meetings is not required.

Meeting to Consider a Drainage Engineer's Report

Public meetings for the purpose of considering the Engineer's report shall:

- Allow the Drainage Superintendent and/or the Engineer the opportunity to present the report. Ask the Drainage Superintendent if there are or have been any affected landowner objections to the project.
- Ask the audience present at the meeting interested in the report if they wish to provide comment on the project.
- Allow the Drainage Superintendent and/or the Engineer an opportunity to respond to questions or comments from affected landowners.
- Allow the Board an opportunity to question affected landowners, Drainage Superintendent, or the Engineer.

Following the completion of the steps outlined above, the Board shall decide whether to adopt, refer, or not adopt the Engineer's report which is to be noted in the minutes as a resolution of the Board. In instances where the Board does not adopt the report, the Board shall address the issue of any costs incurred and how they will be disbursed; and/or direct the Engineer to reconsider the report with any specific amendments noted in the resolution.

Meeting for Court of Revision

Public meetings for the purpose of sitting as a Court of Revision shall:

- Ask the Drainage Superintendent if the Clerk has received any appeals from affected landowners.
- Allow the Engineer to address any received appeals.
- Ask any person in attendance at the meeting if they wish to speak to the Court.
- Allow the Board an opportunity to question affected landowners or the Engineer.

Following the completion of the above steps, the Board shall decide on each appeal whether it is accepted or denied, and the reasons thereof which are to be noted in the minutes as a resolution. If the appeal is accepted, the Court shall direct the Engineer to revise the schedule with the noted amendments, recirculate the altered schedule to all affected landowners and schedule a second sitting of the Court of Revision.

If all appeals are denied, the Court shall pass a resolution confirming the Engineer's report and schedule of assessment, as presented to the Court, and recommend the third and final reading of the provisional by-law, once the appeal period has expired.

In accordance with Section 97(3) of the Act, where drainage works are initiated by the Town and includes another municipality, the Court of Revision will consist

of two (2) Board members from the Town and one (1) municipal representative from the affected municipality.

As an affected Municipality of drainage works in other municipalities, the Chair or alternate, Vice Chair, will be appointed by by-law as the municipal representative for these proceedings. When notified, the Municipal Clerk will provide a letter of the municipal appointment to the initiating Municipality.

5. Staff Resources

The Board will be administered through the Public Works and Engineering Services Department. The Department will provide administrative assistance through the Drainage Superintendent with the preparation of the Board's agendas and minutes, and general record keeping. A copy of the final agenda and minutes will be circulated to the Legislative and Clerk Services Department and the minutes to be included on an upcoming Council meeting for Council's adoption.

6. Review of Terms of Reference

These terms of reference take effect as of November 15, 2026, and shall be reviewed and updated from time to time by the Board on the advice of the Director Legislative Services and Clerk.