



## Report to Council

Department: Office of the CAO

Division: Legal and Legislative Services

Date: April 20, 2020

Prepared by: Robert W. Auger, Town Solicitor/Clerk

Report Number: Legal and Legislative Services-2020-05

Subject: Court of Revision for the Bayliss Drain (Bridge Replacements and Maintenance Schedule), Geographic Township of Colchester South, Project REI2016D024, Town of Essex, County of Essex

Number of Pages: 4

### Recommendation(s)

**That** the following three (3) members of the Drainage Board: Kirk Carter, Percy Dufour and Luke Martin be appointed to sit as members of the Court of Revision to be convened for the Bayliss Drain (Bridge Replacements for Maintenance Schedule) Geographic Township of Colchester South, Project REI2016D024, pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Limited, and dated February 18, 2020 (hereinafter the "Report"), such Court of Revision to be scheduled for 4:30 pm on May 21, 2020, via electronic meeting, and

**That** By-Law 1904 being a by-law to provide for the Bayliss Drain (Bridge Replacements and Maintenance Schedule), be read a first and second time and be provisionally adopted on May 21, 2020.

## **Purpose**

A Court of Revision is required in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010 (hereinafter the "Drainage Act").

## **Background and Discussion**

Rood Engineering was instructed by the Town of Essex on or about May 4, 2016 to prepare a report for the above Bayliss Drain: Bridge Replacements and Maintenance Schedule, pursuant to Section 78 of the Drainage Act.

On February 18, 2020 the Report was prepared by Rood Engineering Inc. to provide the details, estimates and assessments therein.

A Consideration Meeting for this Report was held on March 16, 2020. At this meeting the Drainage Board received public correspondence/delegations and heard the various concerns or comments made by those who attended. At this meeting the Drainage Board resolved and recommended that the said Report be adopted and that a provisional By-Law be prepared for Council's consideration (see Drainage Board minutes from the March 16, 2020 consideration meeting, which minutes are included under Item 12 of the April 20, 2020 Regular Council Meeting Agenda).

### **Appointment of Court of Revision Members:**

The Court of Revision is to be comprised of three (3) members of the Drainage Board and so accordingly it is recommended that Court of Revision members when required to be convened shall be appointed on a rotating, alphabetical order basis. If an appointed member is not available then that appointed member shall be replaced by the next available member of the Drainage Board (based on the aforementioned rotating, alphabetical order basis).

It is therefore recommended that Kirk Carter, Percy Dufour and Luke Martin be selected and appointed to sit as the Town of Essex members of the Bayliss Drain: Bridge Replacements and Maintenance Schedule.

It is further recommended that By-law 1904 adopting the recommendations in the Rood Engineering Report dated February 18, 2020 be provisionally adopted so that said Report can proceed to the Court of Revision specified in this report.

The Court of Revision is the next step in the process in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010.

## **Financial Impact**

There is no financial impact.

## **Consultations**

## **Link to Strategic Priorities**

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☒ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.