1.0 General Business

1.1 Welcome Call to Order and Attendance

Chairman Tony Peralta called the meeting to order at 7:30p.m. and welcomed everyone.

Sign in sheets were on the tables. The following was received:

<table>
<thead>
<tr>
<th>Jacob Rooke</th>
<th>Curtis Macintyre</th>
<th>Halliday Pearson</th>
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<tbody>
<tr>
<td>Dukota Dumont</td>
<td>Adam Hall</td>
<td>David Basilious</td>
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<td>Edison Peel</td>
<td>Stephen Brickman</td>
<td>Jacob Hunter</td>
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<td>Trevor Kuefer</td>
<td>John Kuntze</td>
<td>Monica Shade</td>
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<td>Paul Courey</td>
<td>Bill Dietrich</td>
<td>Paul Matzinger</td>
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<td>Paul Marsh</td>
<td>Adam Degier</td>
<td>Joanne Sadler</td>
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<td>Caitlin Ferguson</td>
<td>James Harmer</td>
<td>Imran Mahboob</td>
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<td>Tim Brook</td>
<td>Garth Noecker</td>
<td>Joel Miller</td>
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<td>Shannon Tweedle</td>
<td>Alex Pasley</td>
<td>Lorne Franklin</td>
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<td>Chris Thompson</td>
<td>Brent Clutterbuck</td>
<td>Jeff Dickson</td>
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<td>Thomas Jackson</td>
<td>Brendon Schlamp</td>
<td>Sid Vander Veen</td>
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<td>Mike Gerrits</td>
<td>Dan Krutsch</td>
<td>Steve Cobean</td>
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<td>Chris Allen</td>
<td>Gerard Rood</td>
<td>David Montigny</td>
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<tr>
<td>Jill Fiorito</td>
<td>Alessia Mussio</td>
<td>Matt Shiha</td>
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<tr>
<td>Kiara Kirkland</td>
<td>Brandon Widner</td>
<td>George Vereyken</td>
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<td>Andy Kester</td>
<td>Carla Coveart</td>
<td>Neil Morris</td>
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<td>Jason Brunt</td>
<td>Michel Terzian</td>
<td>Oliver Moir</td>
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<tr>
<td>Sam Kirwin</td>
<td>Valerie M’Garry</td>
<td>Danielle Anders</td>
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1.2 Indigenous Acknowledgement

Chairman Tony Peralta delivered the indigenous acknowledgement.

1.3 Approval of Agenda

Motion to accept the agenda was moved by Gerard Rood seconded by Bill Dietrich. Carried.

1.4 Minutes of the Last Meeting – November 10, 2022

Motion to adopt minutes from last meeting, dated November 10, 2022, was moved by John Kuntze seconded by Jeremy Taylor. Carried.

1.5 Business Arising from the Minutes (review Action items, if any)

No action items.

1.6 Correspondence (if any)

Correspondence – none.

2.0 Chairman’s Report – Presented by Tony Peralta, P.Eng.

Committee had 3 formal meetings over the past year: January, June and October.

Conference:
- Hopeful that Delta in Guelph will be location moving forward
- Over 100 participants and 8 exhibitors
- Conference topics:
  - Approaches to flood risk management
  - Creative Solutions to Existing Urban Stormwater Systems
  - How to deal with gas and pipeline crossings
  - 3 Case studies presentations tomorrow.

Tony provided an update on the railway issues:
- Railway Sub-Committee formed to assist with addressing this matter.
  - The LDC is part of this sub-committee, and Tony is the current representative.
- Back in May 2023, ROMA has intervened on a Canadian Transportation Agency Dispute in Sarnia. No new update that we are aware of.
- More recently, the Municipality of Chatham-Kent has filed an appeal to the Referee.
- With these 2 appeals, this is likely the first step in some kind of resolution.

OMAFRA Landowners Guide (Similar to Super’s & Eng):
- OMAFRA has approached the LDC to help with a new Landowner’s Guide to the Drainage Act.
▪ The guide is intended to be similar to the superintendent’s guide and Engineer’s Guide.

 o Resilient Agricultural Landscape Program (RALP):
   ▪ LDC to be apart of subcommittee to develop the green infrastructure program

 o MFIPPA: The matter of MFIPPA (Municipal Freedom and Protection of Privacy Act) continues to be a growing concern throughout the province as it restricts the contents (Landowner names, Roll #’s, etc.) that can be provided in drainage reports. It was a matter that was brought forward a couple of years ago but has not gone anywhere. The committee is therefore re-engaging conversations with OMAFRA to hopefully come to a resolution.

 o Drainage Course: Committee is looking at the possibility of developing an engineer’s course through OMAFRA and Ridgetown College, similar to the Drainage Superintendent’s Course.

3.0 Drainage Referee, Agriculture, Food and Rural Affairs Appeal Tribunal, O.M.A.F.R.A. Reports – Presented by Tim Brook

  • No update from the Agriculture, Food and Rural Affairs Appeal Tribunal.

Soils regulation EBR posting

  • MECP has posted a new regulatory change under the Excess Soils Regulation from Oct. 17, 2023 to Dec. 1, 2023. I have taken a quick look at it and am not sure of the impact on the industry. There is 1 bullet in the proposal that may have an impact on activities under the Drainage Act.

  • Enable storage of sediment and soil near waterbodies for projects excavating in or adjacent to that waterbody.

  • Encourage everything to review and provide any comments as necessary.

  • To view the proposed amendments in greater detail, please see the Environmental Registry proposal notice 019-7636

Federally regulated railways and the Drainage Act

  • A case is before the Court of the Drainage Referee involving CP and Chatham-Kent
  • Drainage Referee will be looking to determine how to get intervenors involved in the case including:
    o Other municipalities that are dealing with similar issues
    o Other railways
    o Government agencies and Organizations such as AMO, ROMA, DSAO, CTA, provincial and federal government agencies, etc.
  • Stay tuned for timing and opportunities (likely late 2023 to early 2024)

Posting of Drainage Referee Decisions and Order to CanLII.org

  • List of cases to be posted is being developed with OMAFRA/Drainage Referees
  • Working to get them posted to CanLII.org as soon as possible.
RALP

- Nothing new to report but stayed for any future updates to be provided on a potential drainage component.
- The DSAO and Land Drainage Committee has previously been engaged and will continue to be in the future, as able/required.
- RALP program for both maintenance and drains under Section 4 and 78 to provide funding for environmental features.

Tim presented the stats. Included total project costs, engineering amounts, engineering percentages, breakdown of drain costs, estimated vs actual project costs, etc.

Presentation included as attachment.

Question – Can percentages for engineering be recorded with the removal of allowances. Tim said he would look into providing this information.

Question – can an appeal category be an option for additional costs. Tim would look into this possibility with Andy Kester.

Property Owners Guide – still being worked on and hope to have it ready for peer review by DSAO board and Land Drainage Committee.

4.0 Presentation of New LDC Terms of Reference for Adoption – Presented by Paul Marsh

Paul presented an overview of the proposed Terms of Reference.

Presentation Attached.

Motion to adopt the new Terms of Reference was moved by Carla Coveart seconded by John Kuntze.

Discussion:

Brandon Widner stated that he felt the definition for Drainage Engineer was too broad and was against the possibility that engineers who are not involved in authoring reports under the Drainage Act could make up the entire committee.

Question - Lore Franklin asked if LEL holders would be eligible for membership as a Drainage Engineer. Tony and Paul stated that they would be eligible for membership under the Drainage Engineer definition included in the proposed Terms of Reference.

Question – Sid Vander Veen asked if only OSPE could approve the terms of reference. Tony and Paul responded with stating that under the current terms of reference technically the OSPE would need to approve a change to the Terms of Reference. It was stated that the proposed Terms of Reference had been sent to the OSPE with no objection to date.

Jeff Dickson stated that he felt the proposed Terms of Reference needed to be reviewed more for grammatical consistency and more time for feedback.
Jeff Dickson put a motion forward to allow current members to submit comments before December 31, 2023 in order to review and reconsider for the January meeting. Seconded by Lorne Franklin.

George Vereyken stated that the decision should be deferred to the 2024 practitioners meeting.

Question - Bill Dietrich asked if committee members could vote on a motion themselves.

A e-voting option was brought forward.

Paul Marsh requested an amendment to the motion to include that the committee should revise the Terms of Reference based on submitted comments and re-circulate to members for e-vote. Jeff Dickson agreed to amendment to the motion.

Motion: Current members shall submit comments before December 31, 2023 in order for the committee to review and re-consider the updated Terms of Reference. The committee shall update the Terms of Reference based on the feedback, circulate the update Terms of Reference and provide a method for e-voting for adoption of the Terms of Reference. Seconded by Halliday Pearson. Passed.

Noted that e-voting shall be included as an acceptable option for voting.

5.0  Election of New Members – L.D.C. Members

Tony noted that each member of the Committee serves a 3-year term. Each year there are two (2) members whose terms have concluded.

Tony stated that Jeremy Taylor and John Kuntze have each completed their 3-year term.

Tim Brook chaired the nominations process. The following nominations were asked for and recorded:

George Vereyken by Sid Vander Veen
John Kuntze by Tony Peralta
Jeremy Taylor by Paul Marsh

Nominations Closed.

All nominees let their name stand. George and Jeremy were elected by vote.

John Kuntze was thanked for his years of service on the committee.

Brandon Widner made a motion to count the number of ballots. Seconded. Motion defeated 11 to 13.

Motion for OMAFRA to destroy the ballots. Passed.

6.0  Presentation on Adjudication of Disputes Under the Drainage Act – Paul Courey

Presentation included as attachment.
Outside of the presentation Paul noted that Municipalities who are not being paid by railway companies should file a claim within 2 years of sending the invoice. Paul also noted that the Tribunal has been awarding costs as part of their decisions.

7.0 New Business

None

8.0 Open Discussion

Question- Jeff Dickson asked if Tribunal and Referee were invited to send representatives. Tony stated that there was a full agenda this year so wanted to minimize speakers in order to maximize time. The Tribunal and Referee were asked for a written summary.

9.0 Adjournment

Motion to adjourn the meeting at 10:05pm was moved by Gerard Rood and seconded Bill Dietrich. Carried.

NOTE:

Subsequent to Practitioners Meeting (2024 roles):

- Paul Marsh to be Chair
  - To be DSAO Representative
- Jeremy to be Vice-Chair
- Josh to remain Secretary
- Carla to be representative for LICO Standards Committee
- Tony to be representative for DAWG and Railway Committee