

BOARD OF DIRECTORS MEETING AGENDA

THURSDAY, SEPTEMBER 6, 2018

Hamilton Conservation Authority

Vision

HCA works to ensure healthy streams and healthy communities in which human needs are met in balance with the needs of the natural environment, now and in the future.

Mission

To lead in the conservation and sustainable management of our watershed's natural environment.



**Hamilton
Conservation Authority**

Healthy Streams...Healthy Communities!

Christie Lake Conservation Area

AGENDA FOR BOARD OF DIRECTORS MEETING

Thursday, September 6, 2018 at 7:00 p.m.

- 1. CALL TO ORDER** ~ Conley
- 2. DECLARATIONS OF CONFLICT OF INTEREST**
- 3. APPROVAL OF AGENDA**
- 4. DELEGATIONS**
- 5. CONSENT ITEMS**
 - 5.1 Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
 - 5.2 Approval of Board of Directors Minutes – July 5, 2018
- 6. MEMBER BRIEFING**
- 7. BUSINESS ARISING FROM THE MINUTES**
 - 7.1 Update re: 60 Arbour Road, Part of Mt. Albion Conservation Area ~ Peck
- 8. OTHER CORRESPONDENCE**
- 9. REPORTS**
 - 9.1 Budget & Administration Committee – August 16, 2018 ~ Fielding
(Recommendations and Minutes)
 - 9.2 Conservation Advisory Board – August 9, 2018 ~ Topalovic
(Recommendations and Minutes)
 - 9.3 Foundation Chairman's Report ~ Wauben
- 10. OTHER STAFF REPORTS/MEMORANDUMS**
 - 10.1 Current Watershed Conditions as of August 22, 2018 ~ Bastien
 - 10.2 Upcoming HCA and Partner Events ~ Costie
- 11. NEW BUSINESS**
- 12. IN-CAMERA ITEMS FOR MATTERS OF LAW, PERSONNEL AND PROPERTY**
- 13. NEXT MEETING - Thursday, October 4, 2018**
- 14. ADJOURNMENT**

Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer

RECOMMENDED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer/Director, Watershed Planning and Engineering

PREPARED BY: Jaime Tellier, Watershed Officer

DATE: August 23, 2018

RE: Summary Enforcement Report – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses
Regulation 161/06 Applications for September 6, 2018

HCA Regulation applications approved by staff between the dates of June 22, 2018 and August 23, 2018 are summarized in the following Summary Enforcement Report (SER-6/18).

RECOMMENDATION

THAT the Board of Directors receive this Summary Enforcement Report SER-6/18 as information.

HAMILTON REGION CONSERVATION AUTHORITY
DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO SHORELINES AND WATERCOURSES APPLICATIONS
August 23, 2018
Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, September 06, 2018
The proposed works are subject to Ontario Regulation 161/06, and in particular Section 2, Subsection (1).

SUMMARY ENFORCEMENT REPORT SER 6/18

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
D/F,C/18/38	28-May-18	26-Jun-18	30		13 Broad Oak Crt Lot 46, Concession 1 Dundas	Removal and filling of an existing in-ground swimming pool and associated deck, in a regulated area of Spring Creek.	Approved subject to standard conditions
D/F,C/18/53	19-Jun-18	27-Jun-18	9		10 Cootes Dr Lot 16, Concession 1 Dundas	6.5 square metre freeze box addition to the rear of the existing restaurant and the construction of a second drive-through lane in a regulated area of Lower Spencer Creek.	Approved subject to standard conditions
SC/F,C/18/44	07-Jun-18	28-Jun-18	37		288 Glover Rd Lot 10, Concession 2 Stoney Creek	Grading activities associated with a minor cut and fill operation in a regulated area of Stoney Creek Watercourse No. 7.	Approved subject to standard conditions
A/F,C,A/18/54	28-Jun-18	29-Jun-18	3		Pt Lt 50, Con 3 Lot 50, Concession 3 Ancaster	Alteration of a watercourse and grading activities within a regulated area of Tiffany Creek.	Approved subject to standard conditions
A/F,C,A/18/55	28-Jun-18	29-Jun-18	4		Pt Lt 50, Con 3 Lot 50, Concession 3 Ancaster	Alteration of a watercourse and grading activities within a regulated area of Tiffany Creek.	Approved subject to standard conditions
SC/F,A/18/24	24-Apr-18	04-Jul-18	29		444 Seaman St Lot 18, Concession 1 Stoney Creek	Placement and grading of fill material and alteration to a watercourse, in a regulated area of Watercourse No. 2.2.	Approved subject to standard conditions

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SUMMARY ENFORCEMENT REPORT SER 6/18

SC/C/18/50	15-Jun-18	05-Jul-18	21		57 Lakeview Dr Lot 15, Concession BF Stoney Creek	Construction of an elevated deck in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions
H/F,C/18/33	22-May-18	09-Jul-18	43		145-167 Cline Ave N Lot 57, Concession 1 Hamilton	Construction of two rain gardens, recreational trails and associated grading and infrastructure in a regulated area of Lower Spencer Creek.	Approved subject to standard conditions
SC/F,C,A/18/35	18-May-18	09-Jul-18	25		Pt Lt 2, BF Con, Easement between 25 and 29 Lochside Dr Lot 2, Concession BF Stoney Creek	Replacement of an existing stormwater outfall pipe and associated protection works in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions
D/F,C,A/18/58	13-Jun-18	11-Jul-18	30		28 Alma St Lot 16, Concession 1 Dundas	Construction of a deck and cabana in a regulated area of Sydenham Creek.	Approved subject to standard conditions
SC/F,C,A/18/27	25-Apr-18	12-Jul-18	74		18 Lakeside Dr Lot 13, Concession BF Stoney Creek	Retrofit of an existing shoreline retaining wall in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions
SC/F,C,A/17/99	12-Dec-17	16-Jul-18	28		45 Windemere Rd Lot 1, Concession BF Stoney Creek	Construction of a new shoreline retaining wall in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions

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H/F,C/18/13	14-Mar-18	17-Jul-18	75		150 Pritchard Rd Lot 1,37, Concession 7 Hamilton	Placement of fill, grading activities and culvert installations to facilitate construction of a paved multi-use trail in a regulated area of Non-Provincially Significant Wetland and Red Hill Creek.	Approved subject to standard conditions
H/F,C/18/30	11-May-18	25-Jul-18	28		Hamilton Beach Strip between Dynes Park and Fletcher Ave Lot , Concession Hamilton	Completion of three pipeline integrity digs in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions
A/C/18/60	10-Jul-18	25-Jul-18	17		11 Butternut Grove Lane Lot 49, Concession 3 Ancaster	Construction of an addition in a regulated area of Non-Provincially Significant Wetland.	Approved subject to standard conditions
SC/F,C,A/18/65	27-Jul-18	31-Jul-18	10		Pt Lt 28, Con 5 Lot 28, Concession 5 Stoney Creek	Alteration of a watercourse and construction and grading activities within a regulated area of Upper Davis Creek.	Approved subject to standard conditions
A/F,C,A/18/68	01-Aug-18	03-Aug-18	4		961, 969, 975 and 989 Garner Rd E Lot 51,52, Concession 3 Ancaster	Alteration of a watercourse and grading activities within a regulated area of Tiffany Creek.	Approved subject to standard conditions
F/F,C/18/66	23-Jul-18	08-Aug-18	17		1277 4th Con Rd W Lot 32, Concession 4 Flamborough	Installation of an in-ground swimming pool in a regulated area of Provincially Significant Wetland and Westover Creek.	Approved subject to standard conditions

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SC/F,C/18/57	06-Jul-18	10-Aug-18	32		870 Queenston Rd Lot 26, Concession 3 Stoney Creek	Construction of a fourteen storey residential building and associated grading and services in a regulated area of Battlefield Creek.	Approved subject to standard conditions
SC/F,C,A/17/100V	11-Dec-17	20-Aug-18	35		Municipal Rd Allowance W of 528 Jones Rd Lot 12, Concession BF Stoney Creek	Construction of a new shoreline retaining wall and parkette development associated with Plan of Subdivision 25T-2011-10 in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions

HAMILTON REGION CONSERVATION AUTHORITY

MINUTES

Board of Directors Meeting

July 5, 2018

Minutes of the Board of Directors meeting held on Thursday, July 5, 2018 at Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario at 7:00 p.m.

PRESENT:

Susan Fielding, in the Chair	
Dan Bowman	Chad Collins
Lloyd Ferguson	Brad Gautreau
Aidan Johnson	Santina Moccio
Robert Pasuta	Maria Topalovic

REGRETS:

Doug Conley

Ine Wauben, Foundation Chair

STAFF PRESENT: Jonathan Bastien, Lisa Burnside, Grace Correia, Matt Hall, Bruce Harschnitz, Paul Karbusicky, Darren Kenny, Sara Kinnear, Judy Love, Neil McDougall, Colin Oaks, Sheila O’Neal, Jonathan Roberts, Mike Stone, and Nancy Watts - HCA Staff

OTHERS: Media – Not Present

1. CALL TO ORDER

The Chair called the meeting to order and welcomed everyone present.

Susan indicated that Premier Doug Ford announced his new cabinet on June 29, 2018 and Conservation Ontario has made all Conservation Authorities aware that the newly named Ministry of Environment, Conservation and Parks will assume responsibilities for Conservation Authorities.

Conservation Ontario will be reaching out to the Province to try and learn more about how these changes will affect the Conservation Authorities and how the changes will be implemented.

The donation will be used towards the buffer planting behind the new survey at Highland and Second Road.

SECONDED BY: Santina Moccio

THAT the Board of Directors approve the following recommendation:

THAT the minutes of the Board of Directors meeting held on May 3, 2018 be approved.

CARRIED

8. BUSINESS ARISING FROM THE MINUTES

There was none.

9. PRE-DISTRIBUTED CORRESPONDENCE

The following correspondence was received:

9.1 Email from Rob Brown – re Withdrawal of Police Protection for Short and Fallsview Roads

Susan Fielding indicated that Lisa and she went out to Webster's Falls on the first weekend with no police at top of Short Road and did not see any problem. The shuttle is running well with very few issues. Lisa indicated that we are still having paid duty police on long weekends and we have added more signage in the area.

BD12,2561

MOVED BY: Robert Pasuta

SECONDED BY: Brad Gautreau

THAT the pre-distributed correspondence be received.

CARRIED

10. OTHER CORRESPONDENCE

There was none.

11. REPORTS

11.1 Budget & Administration Committee (Minutes – June 23, 2018)

Susan Fielding presented the minutes of the Budget & Administration Committee meeting held on June 23, 2018.

Resolution Number from Budget & Administration Committee Minutes – BA1821
– Governance Review – Use of a Consent Agenda

BD12,2562

MOVED BY: Santina Moccio
SECONDED BY: Aidan Johnson

THAT the Board of Directors approve the following recommendations:

THAT the use of a consent agenda be discussed at the upcoming Board of Directors and if there is consensus, adopt as a trial to provide input at the Board of Directors 2019 AGM meeting.

CARRIED

Open discussions took place in regards to the use of a consent agenda. Lisa Burnside indicated that the governance policy is under review and the use of consent agenda was addressed.

The topics that would be considered for a consent agenda are:

- Board of Directors minutes from the previous meeting
- Pre-Distributed Correspondence
- Enforcement Report

The consent agenda is a condensed version of agenda items that can be passed in a bundle without any discussions. At the approval of the agenda, a board member can ask for an agenda item to be pulled out of the consent agenda for discussion.

The consent agenda would require approval each year at the AGM. It was agreed to start the consent agenda for the next Board meeting as a trial and obtain experience with it until the AGM in 2019.

BD12,2563

MOVED BY: Santina Moccio
SECONDED BY: Lloyd Ferguson

THAT the Board of Directors approve the following recommendations:

THAT the use of a consent agenda be adopted as a trial by the Board of Directors and reviewed at the AGM to consider its use in 2019.

CARRIED

CA1814**MOVED BY: Lydia Cartlidge
SECONDED BY: Morgan Pirie****THAT the Conservation Advisory Board recommends to the Board of Directors:****THAT staff be directed to undertake a project feasibility study for the work required to transition the Fifty Point pond to a self-sustaining fishery; and further,****THAT, subject to the findings of the feasibility study, staff be directed to complete the design and implement the transition of the pond to a self-sustaining fishery.****NOT CARRIED**

After discussions took place, CAB members recommended that the motion should take place in two stages. The members would like staff to provide an update on the feasibility study for the work required to transition the pond to a self-sustaining fishery and to be able to provide comment on the design prior to the implementation of the work.

BD12,2566**MOVED BY: Maria Topalovic
SECONDED BY: Chad Collins****THAT the Board of Directors approve the following recommendations:****THAT staff be directed to undertake a project feasibility study for the work required to transition the Fifty Point pond to a self-sustaining fishery; and further,****THAT staff provide an update to CAB on the findings of the feasibility study.****CARRIED**Motion to Receive the Minutes

It was noted that Susan Fielding was present and the minutes to be amended.

BD12,2567**MOVED BY: Maria Topalovic
SECONDED BY: Robert Pasuta****THAT the minutes of the Conservation Advisory Board meeting held on June 14, 2018 be approved as amended.****CARRIED**

11.3 Foundation Chairman's Report

Grace Correia reported on the following:

- Total Donations for May and June \$30,187 as follows:
 - \$15,000 for improvements to the Eramosa Karst Conservation Area and Feeder Lands
 - \$7,000 for Memorial Benches
 - \$5,831 for the Area of Greatest Need Fund
 - \$1,221 for Westfield Heritage Village
 - the remaining \$1,135 came in donations for Land Securement, Stewardship, Dundas Valley CA, and Outdoor Environmental Education
- Year-to-Date:
 - This brings our cumulative fiscal-year (December 2017 to June 2018) donations to \$162,269
- Events:
 - The Foundations' Donor Appreciation Event took place Monday, May 14, and featured Ellen Schwartzel, Deputy Environmental Commissioner of Ontario as the guest speaker. 66 donors attended the event which honoured 19 donors who reached new milestones with their giving.

12. **OTHER STAFF REPORTS/MEMORANDUMS**

12.1 Fifty Point Marina Channel Dredging – Tender Results

Matt Hall presented the report and answered member's questions.

The last maintenance dredge for the Fifty Point Conservation Area marina channel was completed in 2013. Recent surveys over the past 12 months have verified that sediment levels have increased to the point where dredging should take place to ensure appropriate boating access is maintained.

Project documents and specifications were drawn up to dredge approximately 1900 cubic metres of sediment and deposit it back in a low lying area within Lake Ontario. Due to the timing of in-water works, the MNRF and DFO have given permission for all works to be completed prior to September 30, 2018 to ensure minimal impact to local fisheries.

A public tender was prepared and advertised online through Biddingo, a public tender web service, and sent to a variety of specific contractors who specialize in this type of work.

Sufficient funding for this work has been allocated in the approved 2018 Capital Projects budget. It is recommended that this contract be awarded to The Ontario Construction Company Ltd. Located in Niagara-on-the-Lake. They are fully qualified and bonded, contracting firm that specializes in marina and in-water construction services.

BD12,2568

MOVED BY: Brad Gautreau

SECONDED BY: Dan Bowman

THAT the Board of Directors approve the following recommendations:

THAT the tender for dredging the marina channel at Fifty Point Conservation Area be awarded to The Ontario Construction Company Ltd., for a total cost of \$182,218.15, which includes a contingency sum and HST.

CARRIED

12.2 Valens Lake Carp Die-Off

Mike Stone, Colin Oaks, and Paul Karbusicky provided a presentation and answered member's questions.

Mike Stone indicated during the week of June 18, staff at Valens Lake Conservation Area noticed a number of dead carp floating in the reservoir. By the weekend, the number of dead carp had grown considerably and was estimated to be in the hundreds.

Lisa Burnside and Scott Peck met Valens staff on site on Sunday, June 24 to observe the situation. An email was sent to the Board of Directors Sunday evening providing them an update on the situation and a call was made to notify the Ministry of Natural Resources and Forestry (MNRF).

Beginning Monday, June 25, HCA staff initiated a clean-up effort to remove dead carp from the lake in order to reduce the potential for nuisance impacts (odour, visual, fish on the beach). Over the course of two days staff from Valens Lake and HCA Ecology, with support from all our Conservation Areas, removed an estimate 2,000 dead carp.

HCA staff expect the cause of the carp die-off is the Koi Herpes Virus (KHV). MNRF attended the site to collect a fish sample to be tested to try and confirm the cause. Test results are expected to take 4 to 8 weeks. The virus is not known to affect other fish species or be a threat to human health.

Common Carp is an invasive species, which is known to negatively impact native aquatic environments. With the removal of a large number of Common Carp from Valens reservoir, HCA staff anticipate this will result in some improvement in fish habitat conditions and water quality in the lake.

Regular monitoring carried out by HCA Ecology staff as part of the Aquatic Resources Monitoring Program will help to confirm any changes that may result.

Colin Oaks and Paul Karbusicky provided a PowerPoint presentation of the process of removing the dead carp.

The Board members thanked all staff for their tremendous effort.

12.3 Current Watershed Conditions as of June 21, 2018

Jonathan Bastien provided an update on the current conditions. Based on data from HCA stream gauges, water levels and flow are currently near baseflow conditions. Lake Ontario water levels remain above normal. There is no significant watercourse flooding or drought responses required.

12.4 Upcoming HCA and Partner Events

Bruce Harschnitz provided an update of the upcoming events that are included in the agenda package.

13. **NEW BUSINESS**

There was none.

14. **IN-CAMERA ITEMS FOR MATTERS OF LAW, PERSONNEL AND PROPERTY**

BD12,2569 MOVED BY: Maria Topalovic
SECONDED BY: Lloyd Ferguson

THAT the Board of Directors moves *in camera* for matters of law, personnel and property.

CARRIED

During the *in camera* session, two legal matters were discussed.

14.1 Confidential Verbal Update BD/Jul 01-2018

Lisa Burnside provided a verbal update and answered member's questions.

On motion, the meeting adjourned.



Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED & PREPARED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer (DCAO)/Director, Watershed Planning & Engineering

DATE: August 2, 2018

RE: Update re: 60 Arbour Road, Part of Mt. Albion Conservation Area

BACKGROUND

The property known as 60 Arbour Road has previously serviced the HCA as a rental residence, outdoor recreation centre and field office for conservation area maintenance. Currently, the facility is vacant and unused from a conservation area operations perspective. At the April 2, 2015 Board of Directors meeting, the following motion was approved.

THAT the Board of Directors approve the following recommendations:

THAT staff be directed to undertake a request for proposals to determine community interest in utilizing a portion of the Mt. Albion Conservation Area known as 60 Arbour Road; and further

THAT the results of the proposal call be returned to the Board of Directors for consideration.

The Board of Directors also provided direction regarding the need to have planning approvals in place to facilitate the request for proposals.

Based on this direction, Hamilton Conservation Authority (HCA) staff contacted the Niagara Escarpment Commission to consider requirements to obtain planning approvals. The following is provided for the Board's information and to highlight the steps taken to implement Board direction.

STAFF COMMENT

As noted, this overview is provided to the Board of Directors for their information regarding the status of this issue.

Since the board motion and direction in 2015, staff have met with Niagara Escarpment Commission staff and submitted a Niagara Escarpment Plan Amendment application for the subject lands to change the designation of the site from Escarpment Protection to Urban, remove the lands from the Niagara Escarpment Parks and Open Space System and to allow the severance of the subject lands. While NEC staff were not supportive of the application, it was ultimately recommended for approval by the NEC to the Minister of Natural Resources (MNRF) in 2017.

The NEC recommendation to the Minister regarding the Niagara Escarpment Plan Amendment was not accepted and not included in the new Niagara Escarpment Plan. However, the MNRF has allowed several applications to be considered flowing from the NEP Review. The MNRF is now responsible for the review of the application and the decision to approve the Niagara Escarpment Plan Amendment now rests with Cabinet. In mid-2017, HCA received a letter advising of additional technical matters for the amendment to proceed. The MNRF also outlined that the parcel to be acquired with the funds from the sale of the subject lands, assuming the amendment is approved, must be located in the Niagara Escarpment Plan area.

Staff have been working to complete the materials requested by the MNRF and the completed terms of reference to facilitate their review. The HCA submission must be provided to the MNRF by October 15, 2018. An environmental impact study (EIS) is being completed by HCA staff and this will form part of our submission. The EIS will be considered by the City's environmental significant areas impact evaluation group on September 20, 2018.

It is important to note that the review of the Niagara Escarpment Plan Amendment is being processed by the Ministry of Natural Resources and Forestry (MNRF). Cabinet will make the decision to approve or deny the HCA's application. There are no appeal mechanisms.

The MNRF has indicated that all submissions will be reviewed and a recommendation made to Cabinet in the winter of 2018. Cabinet will make a final decision on the amendment applications in the spring of 2019.

Assuming Cabinet approves the amendment for the Niagara Escarpment Plan Amendment, further efforts will be needed to address the city Official Plan and zoning amendment requirements.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2014-2018:

- **Strategic Goal #3 – Conservation Area Experience**
 - Strategic Objective – maintain and enhance the financial sustainability of our conservation areas.
- **Strategic Goal #5 – Organizational Excellence**
 - Strategic Objective – lead by example in the environmentally sustainable management and maintenance of the organization.

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

Not applicable.

CONCLUSIONS

This report is provided as an update to the Board of Directors. HCA staff will keep the Board advised as to the decision of Cabinet once it is made in the spring of 2019.

HAMILTON CONSERVATION AUTHORITY

MINUTES

Budget & Administration Committee

August 16, 2018

Minutes of the Budget & Administration Committee meeting held on Thursday, August 16, 2018 at Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario, at 7:00 p.m.

PRESENT: Susan Fielding, in the Chair
Dan Bowman
Lloyd Ferguson
Santina Moccio by conference call

REGRETS: Doug Conley

STAFF PRESENT: Lisa Burnside, Neil McDougall, Scott Peck, Nancy Watts, Matt Hall, Bruce Harschnitz

GUEST: David Outerbridge

1. CHAIRMAN'S REMARKS

Susan Fielding welcomed members, staff, and David Outerbridge. Susan thanked David Outerbridge for attending our meeting.

2. DECLARATIONS OF CONFLICT OF INTEREST

There was none.

3. APPROVAL OF AGENDA

The Chair requested that agenda item 8.5 become 8.1 and that 8.3 become 8.2 in order to accommodate our guest and ensure that all would be present to hear the Capital Plan discussion.

BA1823 **MOVED BY:** **L. Ferguson**
 SECONDED BY: **D. Bowman**

THAT the August 16, 2018 Budget & Administration Committee meeting agenda, as amended, be approved.

CARRIED

4. CHAIRMAN'S REPORT ON BOARD OF DIRECTORS ACTIONS

Susan Fielding reported that both recommendations from the June 23, 2018 Budget & Administration Committee meeting, being Use of a Consent Agenda and reviewing the CAB Terms of Reference, were approved by the Board of Directors.

5. DELEGATIONS

There was none.

6. MINUTES FROM THE PREVIOUS MEETING (June 23, 2018)

BA1824 **MOVED BY:** **L. Ferguson**
 SECONDED BY: **D. Bowman**

THAT the minutes of the Budget & Administration Committee meeting held on June 23, 2018 be approved as written.

CARRIED

7. BUSINESS ARISING FROM THE MINUTES

There was none.

8. STAFF REPORTS/MEMORANDUMS (appear in original order, not as presented)

8.1 6 Month Financial Results

Neil McDougall provided an update and indicated that the operations are close to or better than last year in all areas, even after adjusting for early receipt of the

third operating levy funds. The early receipt of funds distorts the year to year comparison. Excluding that variance, 2018 has performed slightly better than 2017 and the Operating Budget for the year had made an allowance for a small decline. Consequently, HCA is in a good position. In addition, Neil reported that early indications are that the month of July was also positive. Neil then answered member's questions.

BA1825 **MOVED BY:** **D. Bowman**
 SECONDED BY: **L. Ferguson**

THAT the 6 month financial results for 2018 be received.

CARRIED

8.2 2018 – 2nd Quarter Vendor Listing Report

Neil McDougall provided an update on the 2nd quarter vendor listing report for 2018. Neil answered member's questions.

BA1826 **MOVED BY:** **S. Moccio**
 SECONDED BY: **L. Ferguson**

THAT the Vendor Listing report for the 2nd quarter in 2018 be received.

CARRIED

8.3 2019 Preliminary Capital Budget

Neil McDougall presented the report and answered member's questions. The block funding of \$2 Million will once again be sought from the City of Hamilton. Capital support from the City of Hamilton has been provided in each fiscal year since 2009.

The Specific Projects portion of the capital budget has been broken down into four categories:

- safety, health, and legal
- revenue increasing or cost reducing
- maintenance of viability
- development

Revenue increasing category is garnering 46% of the specific project funds which include the following projects:

- Valens Cabins Project

- almost half of the funds will be used for this project
- this project was originally planned to be phased in over several years
- environmental assessments have delayed the construction, so in order to stay on track with the end date, it makes sense to do all the construction together
- building additional pavilions
- installation of autogates

Maintenance of viability category are projects that are needed to keep us in business but do not change the nature of the operations. The largest project that will be completed in 2019:

- Ontario shoreline repair at Fifty Point
 - Fifty Point generates the most income amongst the conservation areas
 - in order to ensure the channel remains safe the shoreline needs to remain stable
- Member Bowman asked what this covered and Neil responded that it was limited to the Fifty Point shoreline only, not the work at Confederation Beach Park*

Development work is focused on Westfield Heritage Village:

- new masterplan – trail developments and improvements

The Watershed Planning and Engineering division will also access the block funding for project work which includes:

- floodplain mapping
- dam structure assessment and repairs
- stream flow equipment being added to Fifty Point

Several years ago we introduced the budget process of pooling the primary categories of major maintenance to address all the conservation areas. Some of the projects that will be completed are:

- trails and trail safety
- tree management
- roads and parking
- fencing

Councilor Ferguson asked about the Ash removal program. Neil explained how HCA was removing hazard trees that are near the trails for safety and then having that wood split and sold as firewood at the Valens Lake conservation Area, which minimizes waste and improves revenue.

HCA management is confident that with the 2019 block funding of \$2 Million all necessary work can be accomplished to move forward with its mandate, provide accurate regulation and a safe visitor experience.

BA1827 **MOVED BY: L. Ferguson**
SECONDED BY: D. Bowman

THAT the 2019 preliminary capital budget be received.

CARRIED

8.4 WSIB Injury Statistics

Nancy Watts provided a PowerPoint presentation on the WSIB Injury Statistics from April 14 to August 1, 2018. Nancy answered member's questions.

Nancy indicated between April 14 and August 1, 2018, WSIB approved 6 Medical Aid Claims:

- cut thumb
- 2 claims of embedded ticks
- Twisted knee
- Ear injury
- Allergic reaction

Claims were made by both full time and casual/contract employees.

Between April 14 and August 1, 2018, WSIB approved 4 Lost Time Claims:

- 2 claims of wrist injuries, both lost 1 day or shift
- hit head on window frame, lost 1 day or shift
- chipped tooth, lost 1 day or shift

Claims were made by both full time and casual/contract employees.

Year over Year Comparison:

At August 1 last year, HCA experienced:

- 6 Medical Aid claims in 2017 vs 7 claims in 2018
- 2 Lost Time claims in 2017 vs 3 claims in 2018

Claims in 2017 were bruising from a seatbelt, slip and fall, bug bite, embedded tick, rolled ankle, scraped arm, eye injury, and back injury.

BA1828 **MOVED BY:** **D. Bowman**
 SECONDED BY: **S. Moccio**

THAT the presentation on the WS&IB Overview and HCA Accident Statistics be received.

CARRIED

8.5 Governance Review

Lisa Burnside introduced David Outerbridge. Mr. Outerbridge provided an update, highlighting the changes made as result of the Budget & Administration Committee meeting on June 23. The main changes were to clarify *B.4 Maximum Time as Chair and Vice-Chair* and also simplifying the language of *B.11 Signing Officers*. One minor administrative change was also made replacing the term “Minister of Natural Resources and Forestry” with “Minister responsible for enforcement of the Conservation Authorities Act” which will allow the HCA to avoid changing the by-law should there be another Ministry change.

A Board committee was formed at the last meeting to undertake a comprehensive review of the Conservation Advisory Board terms of reference. The recommended Terms are currently circulating for comment and if there are no major changes, Lisa Burnside will circulate this version via email poll to B&AC for approval so it can be included as the final version going to the Board of Directors at the September 6th meeting.

The new administrative by-law document reflects both the new model that Conservation Ontario recommends all conservation authorities adopt as well as current HCA practices and is compliant with Section 19.1 of the Conservation Authorities Act.

BA1829 **MOVED BY:** **L. Ferguson**
 SECONDED BY: **D. Bowman**

THAT the Budget & Administration Committee recommends to the Board of Directors:

THAT Board Resolution BD12, 1864 from July 4, 2013 approving the current HCA Administrative Regulations and Governance Policies, last amended by Board Resolution BD12,2356 is hereby repealed; and further

THAT the Board of Directors approve the new Administrative By-Law which shall come into force effective the day of approval, September 6, 2018.

CARRIED

9. NEW BUSINESS

There was none.

10. IN-CAMERA ITEMS FOR MATTERS OF LAW, PERSONNEL AND PROPERTY

There were no in-camera items.

11. NEXT MEETING

The next meeting will be scheduled for Thursday, September 20, 2018 at 7:00 p.m. at Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

12. ADJOURNMENT

On motion, the meeting adjourned.

MOVED BY: S. Moccio
SECONDED BY: D. Bowman

Hamilton Region Conservation Authority
Financial Statements Summary
For the Six Months Ended June 30, 2018

(\$'000) () = deficit or less than	Actual Last Year		\$ Variance	2018	2017	\$ Variance
	6 mos	6 mos	('18 vs '17)	Budget	12 mos	(Bud vs '17)
Watershed P & E	\$ 761	\$ 597	\$ 164	\$ -	\$ -	\$ -
Conservation Areas	\$ 449	\$ 124	\$ 325	\$ 141	\$ 630	\$ (489)
Westfield	\$ 264	\$ 53	\$ 211	\$ 55	\$ 98	\$ (43)
Corporate support	\$ 828	\$ 224	\$ 605	\$ -	\$ (53)	\$ 53
Operation surplus	\$ 2,302	\$ 998	\$ 1,305	\$ 196	\$ 675	\$ (479)
Loan Principal	\$ -	\$ -	\$ -	\$ 196	\$ 302	\$ (106)
Net surplus	<u>\$ 2,302</u>	<u>\$ 998</u>	<u>\$ 1,305</u>	<u>\$ -</u>	<u>\$ 373</u>	<u>\$ (373)</u>

Overall, first half results were inflated relative to last year due to receiving the third levy payment within the June period. This represents \$1,178K of the total \$1,305K.

Operations individually, are close or better than last year and with a budget that anticipated some retraction, the HCA is in a good position after half the year.

Watershed Planning and Engineering

	Actual 6 mos	Last Year 6 mos	\$ Variance ('18 vs '17)	2018 Budget	2017 12 mos	\$ Variance (Bud vs '17)
(\$'000)						
Revenues						
City Levy	\$ 895	\$ 567	\$ 327	\$ 1,353	\$ 1,213	\$ 139
City Levy - Special	14	38	(24)	56	66	(10)
Federal & Provincial Grants	115	107	8	392	466	(73)
Fees	199	204	(5)	301	386	(85)
Other	588	561	27	95	582	(487)
Total Revenues	1,812	1,478	334	2,197	2,713	(515)
Expenses						
Staff	781	668	113	1,690	1,537	153
Consultants & Contractors	171	144	27	158	224	(67)
Supplies	31	27	4	31	27	4
Other	67	42	25	319	925	(606)
Total Expenses	1,050	881	169	2,197	2,713	(515)
Net surplus / (deficit)	\$ 761	\$ 597	\$ 165	\$ -	\$ -	\$ -

Revenues

Levy receipts came earlier than last year resulting in a significant year over year variance. Permit fees, after a slow 1st qtr which was \$42K under last year, gained ground and almost equalled 2017. Other is up with carry over funding for projects underway

Expenses

Staffing expenses rose with the inflationary increases and also the timing of salary pays. No threat to the budget anticipated at this time.
Consultants cost are related to funded projects so again, no budget variance threat.
Supplies variance came back from 1st qtr position to be on Budget

Net

No issues have surfaced in the first quarter of the year to cause budget concerns. All projects are appropriately funded and operating costs are well within acceptable ranges.

Conservation Areas

(\$'000)	Actual 6 mos	Last Year 6 mos	\$ Variance ('18 vs '17)	2018 Budget	2017 12 mos	\$ Variance (Bud vs '17)
Revenues						
Admissions	\$ 695	\$ 616	\$ 79	\$ 1,952	\$ 1,997	\$ (46)
Concessions	54	59	(5)	255	260	(5)
Camping	386	329	57	983	996	(13)
Marina	1,002	947	55	1,352	1,257	95
Events	104	104	(1)	207	198	8
Other	163	165	(2)	278	519	(241)
Total Revenues	2,403	2,219	184	5,026	5,227	(201)
Expenses						
Staff	1,104	1,045	59	2,671	2,389	282
Materials & Supplies	92	75	17	236	237	(1)
Utilities	93	137	(44)	295	318	(23)
Equipment	233	351	(118)	665	616	50
Contracts & Consultants	67	113	(47)	232	370	(138)
Other	366	374	(8)	783	668	115
Total Expenses	1,954	2,095	(141)	4,882	4,597	286
Net (deficit) / surplus	\$ 449	\$ 124	\$ 325	\$ 144	\$ 630	\$ (486)

Revenues

Admissions from day use were up reflecting the increase in rates which became effective January 1st of this year. The cool damp Spring slowed camp usage in the 1st qtr but the 2nd qtr saw a complete rebound. Total revenue now exceeds last year by \$184K which is a \$146K improvement over the March 31st position

Expenses

Staffing remained within its expected growth range and makes up half of all expenses. Expenses reflecting the higher minimum wage will become more evident over the summer months when the full compliment of seasonal staff are working and this will be evident in the 3rd quarter. Other expenses are tracking under budget but timing of invoice receipts can be a contributing factor to temporarily suppress expenses.

Net

The weather is the primary driver of our conservation areas revenue and in the first half 2018 wasn't much different than 2017. However, if July continues as it has started the 3rd qtr may provide very healthy results. Expenses reflecting the higher minimum wage will become more evident over the next summer months so increased revenue will be appreciated.

Westfield Heritage Village

	Actual 6 mos	Last Year 6 mos	\$ Variance ('18 vs '17)	2018 Budget	2017 12 mos	\$ Variance (Bud vs '17)
(\$'000)						
Revenues						
Admissions/Concessions	\$ 43	\$ 33	\$ 11	\$ 86	\$ 94	\$ (8)
Events	70	43	28	103	106	(3)
School Programs	52	44	8	68	64	4
City Levy	426	281	146	582	573	9
Other	43	42	1	78	96	(18)
Total Revenues	634	441	193	917	934	(17)
Expenses						
Staff	234	224	10	535	507	28
Materials & Supplies	15	35	(20)	60	67	(8)
Utilities	25	26	(1)	56	44	12
Equipment	20	26	(6)	50	53	(4)
Advertising & Promotion	37	24	13	72	58	14
Other	38	53	(15)	90	106	(16)
Total Expenses	370	388	(18)	862	836	26
Net surplus	\$ 264	\$ 53	211	\$ 55	\$ 98	\$ (43)

Revenues

Maple Syrup events had a huge year this year driving revenues above last year. No events in the 2nd qtr. The 3rd levy payment arrived early this year, the variance will correct next qtr. Film revenues stayed strong and accounted for most of the other income.

Expenses

Staff expense has increased as expected with the new year. All other expenses were low due to timing of receipt of invoices. Marketing while above last year is trending to be on budget.

Net

Operations had a good first half. Many special events come in the second half of the year so revenue should be secure for the year.

Corporate Support

	Actual 6 mos	Last Year 6 mos	\$ Variance '18 vs '17)	2018 Budget	2017 12 mos	\$ Variance (Bud vs '17)
(\$'000)						
Revenues						
City Levy	\$ 1,976	\$ 1,271	\$ 705	\$ 2,622	\$ 2,595	\$ 27
Management Fees	162	158	4	409	426	(17)
Other	<u>812</u>	<u>876</u>	<u>(.64)</u>	<u>1,695</u>	<u>1,749</u>	<u>(55)</u>
Total Revenues	2,950	2,305	645	4,726	4,770	(45)
Expenses						
Staff	1,336	1,317	19	2,834	2,793	42
Promotional Expense	11	4	7	21	15	5
Contracts & Consultants	49	82	(33)	98	386	(288)
Supplies	45	39	6	147	98	49
Other	<u>681</u>	<u>639</u>	<u>42</u>	<u>1,427</u>	<u>1,532</u>	<u>(106)</u>
Total Expenses	2,122	2,081	40	4,726	4,824	(98)
Net	\$ 828	\$ 224	\$ 605	\$ -	\$ (53)	\$ 53
Land Activity						
Land related donations/reserves	34	870	(836)	-	2,050	(2,050)
Land related acqu/ reserve	<u>38</u>	<u>872</u>	<u>(834)</u>	<u>200</u>	<u>1,962</u>	<u>(1,762)</u>
	(4)	(2)	(2)	(200)	88	(288)

Revenues

The third City levy fund payment arrived earlier than last year creating the division's variance. Other income, primarily internal equipment rentals were lower.

Expenses

Staffing expenses were tracking according to budget.

Last year's contract expense was higher reflecting the security project work at Millgrove yard.

Other expense reflects earlier arrival of Conservation Ontario membership and also timing of insurance premiums.

Net

No unusual variances to start the year. Budget targets should be accomplished.

Land Activity

Last year had the final contribution from the Heritage Green Community Trust of \$625 destined for the East Mountain project. Not much activity as yet this year.

Hamilton Conservation Authority

Vendor Summary for Payments April - June, 2018

HAMILTON, CITY OF	\$ 199,980	Principal payments on loans (2)
MARSH CANADA LIMITED	172,682	Commercial insurance
BGL CONTRACTORS CORP	164,784	WWW slide restoration
FAIRWAY ELECTRICAL SERVICES	118,256	Woodend backup generator & install
BENNETT CHEVROLET CADILLAC BUICK GMC LTD	64,786	Two GMC Sierra pickups
FREW ENERGY INC	62,663	Diesel & gas
HAMILTON, CITY OF, TAX SECTION	62,272	Property tax
ROY-AL RENTALS LIMITED	34,576	Tent rental for Antique Show
ZIMMER AIR SERVICES INC.	34,093	Gypsy moth spray
GRANT THORNTON LLP	29,945	Year-end audit services
CHKX FM (KX 94.7)	26,544	Advertising, WWW & HCA
AUDCOMP GROUP INC.	25,191	IT server, memory, service
DIRECT FACTORY SALES LIMITED	24,257	WWW life jacket inventory
CONSERVATION HALTON	24,044	Grant sharing disbursement
MARCOS ROMERO	23,956	Exterior painting, 50 pt.
CORUS RADIO SALES INC. RE CING-FM	19,442	Advertising, WWW & HCA
SUMMIT FOOD SERVICE	19,183	Product for resale
BROWN LAWYERS PROFESSIONAL CORPORATION	19,000	Land purchase deposit
STRICKLAND'S	18,382	Chevrolet SUV
FLOAT	17,287	Christie Lake CA
FLOAT	16,000	WWW
SOURCE OFFICE FURNISHINGS	13,940	Board room furniture
DUFFERIN AGGREGATES	13,541	Crushed stone
NOBLE CORPORATION	12,868	Hot water tanks, toilets, sinks
LAFARGE CANADA INC	12,398	Crushed stone
4 IMPRINT, INC.	12,045	WWW backpacks, Antique pens, pads
KEY WEST INDUSTRIES INC.	11,436	Autogate systems hardware
CAMIS INC	11,353	Reservation system fees
APC AUTO PARTS CENTRES	11,020	Garage supplies
WASTECORP PUMPS INC.	10,887	Waste pump at 50 Pt dock
WOOD ENVIRONMENT & INFRASTRUCTURE	10,466	EA study at Stoney Creek
AIRTIME COMMUNICATIONS	10,335	Portable radios Cas
HAMILTON POLICE SERVICE	10,283	Paid duty police
AMPRO GROUP INC	10,125	Exterior painting Valens
GOLDEN HORSESHOE WHOLESALE INC.	9,984	Product for resale
WEIRFOULDS LLP	9,968	Legal services
INSTA INSULATION	9,684	Attic insulation at workshop
NET ACCESS SYSTEMS INC	9,548	Tower failure service call
LAND USE RESEARCH ASSOCIATES INC.	9,507	Strategic Plan facilitator
BRENNTAG CANADA INC	9,454	WWW chlorine

Vendor Summary for Payments April - June, 2018 (cont'd)

CANADIAN TODS LTD.	9,263	Highway directional signage
CERTIFIED LABORATORIES	9,190	Garage supplies - oil
IRONSTONE ENTRANCE TECHNOLOGIES INC.	9,023	Accessible door openers Woodend
MEDICAL TECHNOLOGY (WB)	8,872	Wristbands
HAMILTON SPECTATOR	8,812	Notices
HAMILTON TIGER-CATS FOOTBALL CLUB (2007) CC	8,800	Marketing
MODERN LANDFILL INC.	8,734	Waste and recycle
HAMILTON STORE FIXTURES LTD	8,628	WWW chaise loungers
MARK'S COMMERCIAL	8,605	Uniforms
OPEN AIR PROJECTIONS INC.	8,478	Films in the forest rentals
CHAMELEON DUPLICATION SERVICES	8,468	Brochures
COURTNEY'S DISTRIBUTING INC.	8,431	Product for resale
SWEERS MASONRY INC	8,362	Lakeview pool repairs
GRAND RIVER SHEDS INC	8,350	Tew and Webster gate buildings
EASTERN PARTITIONS	7,808	Christie Lake washroom upgrades
COCA-COLA BOTTLING LTD	7,781	Product for resale
GUILLEVIN INTERNATIONAL CO.	7,631	Electrical supplies
PITNEY BOWES	7,295	Postage & machine rental
CORPORATE EXPRESS CANADA INC.	7,265	Janitorial supplies
BINBROOK PLUMBING & HEATING	7,090	Pump repairs - Valens
SUPERIOR PROPANE INC	6,860	Propane
MATRIX SOLUTIONS INC.	6,792	Environmental consultants - Lwr Spencer
POSTMEDIA	6,531	Advertising
BEATTIES BASICS OFFICE PRODUCTS	6,467	Office materials & supplies
DURHAM RADIO INC.	6,407	Advertising
COOPER EQUIPMENT RENTALS	6,259	Skidster, roller rentals
WATER'S EDGE ENVIRONMENTAL SOLUTIONS TE/	6,204	Christie Lake pond decommissioning
MARSH BROS TRACTOR INC	6,040	Forestry log wagon
APS ARTISTIC PRINTING SERVICES	5,745	Embroidered uniform hats
GEORGIAN COLLEGE	5,553	Lift training at 50 Pt.
MAIN EVENT	5,534	WWW Children entertainment
CENTRE LINE SIGNS	5,482	Signage within Cas
RONA INC	5,258	Construction supplies
HAMILTON BULLDOGS	5,085	Marketing
FLANAGAN FOODSERVICE INC.	5,027	Product for resale
CRAWFORD & COMPANY (CANADA) INC.	5,000	Insurance deductible
ALL OTHER LESS THAN \$5,000	330,369	
	<u>\$ 1,977,661</u>	

CAPITAL FUNDING 2019

Block capital funding will once again be requested of the City of Hamilton at the same level of \$2 Million as has been provided in each fiscal year since 2009. Much has been accomplished with these funds but new challenges arrive every year so the need is never ending. In addition, inflation gnaws away at the purchasing power of the dollar each and every year, such that what cost \$100 in 2009 now costs \$118 (based on data for Ontario from [Inflationcalculator.ca](http://inflationcalculator.ca)).

Specific projects make up the half of the budget and they are broken down into four groups. The four groups are 1) Safety, Health and Legal, 2) Revenue increasing or Cost reducing, 3) Maintenance of Viability and 4) Development. In 2019 the Revenue Increasing group is garnering 46% of the specific project funds and of those funds almost half is going to the Valens cabins project. This project was originally planned to be phased in over several years. However, environmental assessments have delayed the construct so in order to stay on track with the end date it makes sense to do all construction together. There is one huge advantage to this approach as it only disrupts the area once and we won't have the situation where there is building going on at the same time as renting which wouldn't be good for either visitors or constructors. Other revenue opportunities come from building additional pavilions to rent and installation of autogates. Autogates both collect entrance fees, where previously it was on the honour system for payments, and also reduce the cost of staff opening and closing the gates. Maintenance of Viability projects are those that are needed to keep us in business but do not change the nature of the operations. The largest project, which uses a third of the monies in this section, is for Ontario shoreline repair at Fifty Point. Fifty Point generates the most income amongst the conservation areas and the marina is key to that performance. In order to ensure the channel remains safe the shoreline needs to remain stable. Fortunately there aren't any other major projects and the smaller ones are easily accommodated with in this year's envelope. Development work is focused on Westfield Heritage Village and Conservation Area. Here, with the help of the new Masterplan, proper use will be made of both the original property as well as the properties added in the past few years.

The Watershed Planning and Engineering (WP&E) division also access the block funding for project work that betters the watershed. Floodplain mapping, which is essential for WP&E to carry out its permitting and regulation duties, is continuing and within three years the updating of the more urban parts of the watershed will be completed. Dam structure assessments and repairs are a regular activity as those facilities are essential to community safety. The Fifty Point area will be putting alterations in place as a result of the environmental study conducted in 2017 and to provide better data of our watershed, more stream flow equipment is being added.

In general, major maintenance work has consumed in the neighbourhood of half the budget for the last few years as buildings and infrastructure age and trails and trail safety issues increase. Several years ago we introduced the budget process of pooling the primary categories of major maintenance to address the issue of having not enough funds in one conservation area to do a necessary upgrade while having work of lesser priority completed in areas that had an allocation and felt compelled to use it. With the pooled approach the funds are held centrally and distributed to the areas that are of highest priority. This way, as an example, the roof in most need of repair was the first job on the roofing list. Roofing, as a case in point, is no longer a separate category as roofing had been the major focus over the last several years and has now been substantially addressed.

This year the largest allocation is in support of tree management; the impact of the Emerald Ash Borer continues and the resultant hazard trees have to be addressed for visitor and staff safety. In the first

half of 2018 almost 400 trees have been removed and there is no end in sight. The next largest allocation goes to Roads and Parking. Continued healthy attendance has pressured the existing infrastructure so repairs and upgrades are necessary across the watershed. Expansion where possible is planned and further options are under investigation. Roads also includes ditches and culvert repairs. Trails have felt the pressure of both increased usage and the impact of more intense and damaging weather which cause washouts and rutting on the trails. The Authority has a combined 140 kilometres of trails. Costs to replace, if new, can go from \$77 per metre if stone to \$92 if asphalt and up to \$615 if it is boardwalk. Next in need is bridges, of which we have 89, all of which must be kept in proper repair as these structures must safely handle, depending on the allowed usage, everything from pedestrians, mountain bikes and horses. Fencing has also become more of an issue from both perspectives of our neighbours wanting to partner with HCA in a sharing of a build for their privacy and safety to the Authority initiating the build of fencing for protection of our lands from intrusion and irresponsible usage.

HCA management is confident that with the 2019 block funding of \$2 Million all necessary work can be accomplished to move forward with its mandate, provide accurate regulation and a safe visitor experience.

PROJECT DESCRIPTIONS

Project No.	Type		WHV	\$	30,000	Subtotal By Type	Percent of Projects
1	S	Accessibility Ramps	WHV	\$	30,000	\$ 30,000	2.9%
2	R	Cabins	VL	\$	200,000		
3	R	Staff Parking & Access Area Improvements	WHV		75,000		
4	R	Karst Autogates	DV		75,000		
5	R	Group Area Picnic Structures	FP		30,000		
6	R	Woodend Autogates	DV		30,000		
7	R	Pullthru Site Drainage Improvements	VL		25,000		
8	R	Group Area Picnic Structures	CL		20,000		
9	R	Canoes	VL		10,000	465,000	45.6%
10	MV	Shoreline Repairs	FP	\$	100,000		
11	MV	Beach House Trellis Replacement	FP		25,000		
12	MV	Workshop Office Repair & Improvements	CL		25,000		
13	MV	Boat Launch & Marina Wall Review & Repair	CL		25,000		
14	MV	Polebarn Addition	CL		25,000		
15	MV	Traincar Stairs & Improvements	WHV		25,000		
16	MV	Train Car Improvements	DV		25,000		
17	MV	Marina Pavilion Floor Improvement	CL		10,000		
18	MV	Park Flagpoles	DV		10,000	270,000	26.5%
19	D	Trail Development & Improvements	WHV	\$	75,000	75,000	7.4%
20	WPE	Flood Plain Mapping		\$	100,000		
21	WPE	Christie Dam Review & Repair			30,000		
22	WPE	50PT Watercourse & Pond Improvements			25,000		
23	WPE	Stream Monitoring Equipment			15,000		
24	WPE	Valens Dam Review & Repair			10,000	180,000	17.6%
						\$ 1,020,000	100.0%

CAPITAL FUNDING 2019

POOLED SPECIAL MAINTENANCE ACTIVITIES

Tree Management	\$	300,000
Roads & Parking		215,000
Trails		175,000
Bridges		75,000
Fencing		75,000
Utilities and services		45,000
Building Maintenance		35,000
Masterplans		30,000
Gates		25,000
Signage		5,000
	\$	980,000

INDIVIDUAL PROJECTS (details on next page)

1,020,000

TOTAL BLOCK FUNDING

\$ 2,000,000



Report

TO: Budget & Administration Committee

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

DATE: June 30, 2017

RE: Governance Review

STAFF RECOMMENDATION:

THAT the Budget & Administration Committee recommends to the Board of Directors:

THAT Board Resolution BD12,1864 from July 4, 2013 approving the current HCA Administrative Regulations and Governance Policies, last amended by Board Resolution BD12,2356 is hereby repealed; and further

THAT the Board of Directors approve the new Administrative By-Law which shall come into force effective the day of approval, September 6, 2018.

BACKGROUND

HCA Administrative Regulations and Governance Policies (the “Governance Policies”) in their current form have been in place for five years and were drafted in consultation, and with considerable assistance from, the law firm Torys. HCA has been very fortunate to work with David Outerbridge in this regard who has also assisted the Budget & Administration Committee in their annual review of policies.

For 2018, HCA will be required to undertake a comprehensive review of the governance policies due to changes to the Conservation Authorities Act (the “Act”). The Act, as amended by the Building Better Communities and Conserving Watershed Act, 2017, received royal assent December 12, 2017 and provides direction for Conservation Authorities to make required by-laws according to new requirements by December 12, 2018.

STAFF COMMENT

In order to assist Conservation Authorities with meeting the new requirements and to ensure a high level of consistency among Conservation Authorities with respect to governance, Conservation Ontario formed a working group to create a model document which complies with Section 19.1 of the Act.

The document has been approved by Conservation Ontario and underwent a legal review and additionally, incorporated comments from MNRF staff and the insurer.

Several Conservation Authorities by-laws were reviewed during the creation of the new model by-law, including HCA's. HCA, along with several other authorities with modern governance policies, were largely in compliance with the new requirements, but would still need to make revisions to meet all components of Section 19.1 of the Act.

Conservation Ontario recommends that all Conservation Authorities adopt the Administrative by-laws based on this single model to ensure consistency across the province. The model does provide for many areas where the document can be customized to incorporate individual conservation authority specific practices.

As such, HCA staff in consultation with David Outerbridge, have taken the model by-law and incorporated HCA practices to reflect aspects of our current governance policies.

The model by-law contains an introduction similar to what HCA had structured and then lays out four sections:

1. Definitions
2. Governance
3. Meeting Procedures
4. Appendices

The definition section is new for HCA, while the governance and meeting procedures are similar albeit with some language and layout changes and also being reflective of the new requirements. The appendices section is expanded from HCA's previous document to include codes of conduct, conflict of interest (based on the Municipal Conflict of Interest Act) and election procedures. HCA previously only had hearing guidelines contained as an appendix.

The Budget and Administration Committee reviewed this document at their June 23, 2018 meeting and directed staff to make additional revisions which have now been included in this latest revision. A Board committee has been formed to undertake a comprehensive review of the Conservation Advisory Board terms of reference and revisions will be taken to the Board of Directors later this year.

STRATEGIC PLAN LINKAGE

The governance review initiative refers directly to the HCA Strategic Plan 2014-2018:

- **Strategic Goal #5 – Organizational Excellence**
 - Strategic Objective – promote the leadership, mandate and responsibilities of the Board of Directors, their committee and advisory boards.
 - Strategic Objective – promote the role and mandate of the Hamilton Conservation authority and the services we provide to the public and our partner organization.

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

Each conservation authority will have until December of 2018 to have Section 19.1 compliant by-laws in place. Due to timing of the 2018 municipal elections (October 22, 2018), it would be prudent to have the new by-laws adopted by the Board of Directors in the late summer or early fall of 2018.

CONCLUSIONS

The new administrative by-law document reflects both the new model that Conservation Ontario recommends all conservation authorities adopt as well as current HCA practices and is compliant with Section 19.1 of the Conservation Authorities Act.

Appendix A – By law sections

Introduction

Defines a Conservation Authority

Describes the process to establish a Conservation Authority

Defines the objects of a Conservation Authority and CA specific vision and mission

Section 1 – Definitions

- Authority
- Act
- Chair
- CAO
- Fiscal Year
- General Membership/Board of Directors
- Levy
- Majority
- Members
- Non Matching Levy
- Officer
- Participating Municipality
- Pecuniary Interest
- Secretary-Treasurer
- Staff
- Vice-Chair

Section 2 – Governance

1. Members
2. Officers
3. Absence of Chair & Vice-Chair
4. Representatives to Conservation Ontario
5. Election of Chair and Vice-Chair
6. Financial Statements and Report of the Auditor
7. Borrowing Resolution
8. Levy Notice
9. Signing Officers
10. Executive Committee
11. Advisory Boards & Other Committees
12. Remuneration of Members
13. Records Retention
14. Records Available to Public
15. By-law review
16. By-law available to Public
17. Enforcement of by-laws and policies
18. Indemnification of members, officers and employees

Section 3 – Meeting Procedures

1. Rules of Procedure
2. Notice of Meeting
3. Meeting open to Public
4. Agenda for Meetings
5. Quorum
6. Order of Business
7. Debate
8. Matters of Precedence
9. Members' Attendance
10. Electronic Participation
11. Delegations
12. Annual Meeting
13. Meeting with Closed "in Camera" sessions
14. Voting
15. Notice of Motion
16. Motion to Reconsider
17. Duties of the Meeting Chair
18. Conduct of Members
19. Minutes of Meetings

Section 4 – Appendices

1. Code of Conduct
2. Conflict of Interest
3. Election Procedures
4. Hearing Guidelines

**HAMILTON REGION CONSERVATION
AUTHORITY**

Administrative By-Law

DRAFT – August 28, 2018

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Introduction

1. The Hamilton Region Conservation Authority

The Hamilton Region Conservation Authority (the “HCA” or the “Authority”) is a non-share corporation, established under Section 3 of the *Conservation Authorities Act*.

Under the Act, municipalities within a common watershed are enabled to petition the province to establish a conservation authority. The purpose of the Act is to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario.

The HCA is comprised of its members (who form the Board of Directors), appointed as representatives by the Participating Municipalities, namely the City of Hamilton and the Township of Puslinch.

2. Statutory objects

The statutory objects of the HCA, as set out in subsection 20(1) of the Act, are: To establish and undertake programs to further the conservation, restoration, development and management of the renewable natural resources within the HCA watershed.

The HCA pursues these programs for the benefit of the people of the Hamilton region and the people of the Province of Ontario.

3. The HCA’s mission and vision

The mission of the HCA is to lead in the conservation and sustainable management of our watershed's natural environment.

The HCA’s vision is to work to ensure healthy streams and healthy communities in which human needs are met in balance with the needs of the natural environment, now and in the future.

4. The HCA’s powers

The HCA must always act within the scope of its powers. As a non-share capital corporation, the HCA has the capacity and, subject to the Act and other applicable legislation, the rights, powers and privileges of a natural person.

The powers of a conservation authority to accomplish its objects are set out in the Act, including those identified under subsection 21(1) of the Act, which states:

Powers of authorities

21 (1) For the purposes of accomplishing its objects, an authority has power,

- (a) to study and investigate the watershed and to determine programs and services whereby the natural resources of the watershed may be conserved, restored, developed and managed;
- (b) for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary;
- (c) to acquire by purchase, lease or otherwise and to expropriate any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired;
- (d) despite subsection (2), to lease for a term of five years or less land acquired by the authority;

- (e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith;
- (f) to enter into agreements for the purchase of materials, employment of labour and other purposes as may be necessary for the due carrying out of any project or to further the authority's objects;
- (g) to enter into agreements with owners of private lands to facilitate the due carrying out of any project;
- (h) to determine the proportion of the total benefit afforded to all the Participating Municipalities that is afforded to each of them;
- (i) to erect works and structures and create reservoirs by the construction of dams or otherwise;
- (j) to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof;
- (k) to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole;
- (l) to use lands that are owned or controlled by the authority for purposes, not inconsistent with its objects, as it considers proper;
- (m) to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof;
- (m.1) to charge fees for services approved by the Minister;
- (n) to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations and individuals;
- (o) to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose;
- (p) to cause research to be done;
- (q) generally to do all such acts as are necessary for the due carrying out of any project or as may be desirable to further the objects of the authority.

5. Area of jurisdiction

The HCA has jurisdiction in all matters provided for in the Act, over the area under the HCA's jurisdiction.

The HCA's area of jurisdiction consists of the watersheds of Spencer Creek and all other streams entering Lake Ontario, including any bays or inlets thereof, from the point where the northeast boundary of the Spencer Creek watershed meets the shore of Lake Ontario to the point where the northwest boundary of the Niagara Peninsula Conservation Authority meets the shore of Lake Ontario.¹

¹ This includes the drainage areas of Spencer Creek and its tributaries (Fletcher, Flamborough, Westover, West Spencer, Logie's, Spring, Tiffany, Sydenham, Sulphur and Ancaster creeks), Borer's, Chedoke, Red Hill, Battlefield, Stoney and Fifty creeks, and the small drainage areas between the Niagara Escarpment and Lake Ontario in the former City of Stoney Creek.

A. Definitions

“Authority” means the Hamilton Region Conservation Authority.²

“Act” means the *Conservation Authorities Act*, R.S.O. 1990, chapter C.27

“Board of Directors” means all of the members of the Authority, collectively.³

“Chair” means the Chairperson as referenced in the Act as elected by the Directors of the Authority.

“Chief Administrative Officer” means the Chief Administrative Officer of the Authority, and which may, by resolution of the Authority, include the responsibilities of the Secretary-Treasurer if so designated by resolution of the Authority.

“Directors” shall mean the members appointed to the Authority by the Participating Municipalities in the Authority’s area of jurisdiction.

“HCA” means the Hamilton Region Conservation Authority.

“Levy” means the amount of costs apportioned to Participating Municipalities in accordance with the Act and Regulations under the Act.

“Majority” means half of the votes plus one.

“Minister” means the Minister responsible for administration of the Act.

“Officer” means an officer of the Authority empowered to sign contracts, agreements and other documents on behalf of the Authority in accordance with section 19.1 of the Act, which shall include the Chair, Vice-Chair, Chief Administrative Officer, Deputy Chief Administrative Officer and the Secretary-Treasurer.

“Participating Municipality” means a municipality that is designated by or under the Act as a participating municipality in a conservation authority. The Participating Municipalities of the HCA are the City of Hamilton and the Township of Puslinch.

“Pecuniary Interest” includes the financial or material interests of a Director and the financial or material interests of a Director or the Director’s immediate family.

“Secretary-Treasurer” means Secretary-Treasurer of the Authority with the roles specified in the Act.

“Staff” means employees of the Authority as provided for under Section 18(1) of the Act.

“Vice-Chair” means the Vice-Chairperson as elected by the Directors of the Authority.

B. Governance

1. Directors

a) Appointments

Participating Municipalities within the jurisdiction of the Hamilton Conservation Authority may appoint Directors in accordance with Section 14 of the Act.

² The formal name of the Hamilton Region Conservation Authority, as set out in subsection 6(1) of the *Conservation Authorities Act*, R.S.O. 1990, c. C.27, is Hamilton Region Conservation Authority, in English, and Office de protection de la nature de la région de Hamilton, in French.

³ The Board of Directors passed a resolution changing its name from “Full Authority” to “Board of Directors” on March 8, 2007.

Appointed Directors must reside in a Participating Municipality within the Authority's area of jurisdiction and may include citizens as well as elected members of municipal councils.

Collectively, the appointed Directors comprise the Authority, and for the purposes of this by-law are referred to as the Board of Directors.⁴

b) Term of Director Appointments

In accordance with Section 14 of the Act, a Director shall be appointed for a term of up to four years at the discretion of the appointing municipal council; such term beginning at the first meeting of the Authority following his or her appointment and ending immediately before the first meeting of the Authority following the appointment of his or her replacement. The Secretary-Treasurer shall notify the appropriate municipality in advance of the expiration date of any Director's term, unless notified by the municipality of the Director's reappointment or the appointment of his or her replacement. A Director is eligible for reappointment. A Director can be replaced by a Participating Municipality at the municipality's discretion prior to the end of their term.

c) Powers of the Board of Directors

Subject to the Act and other applicable legislation, the Board of Directors is empowered without restriction to exercise all of the powers prescribed to the Authority under the Act. In addition to the powers of an Authority under s.21 of the Act for the purposes of accomplishing its objects, as referenced in the introduction of this By-law, the powers of the Board of Directors include but are not limited to:

- a) Approving by resolution, the creation of Committees and/or Advisory Boards, the members thereof and the terms of reference for these Committees and/or Advisory Boards;
- b) Appointing a Chief Administrative Officer and/or Secretary-Treasurer;
- c) Terminating the services of the Chief Administrative Officer and/or Secretary-Treasurer.
- d) Approving establishing and implementing regulations, policies and programs;
- e) Awarding contracts or agreements where the approval of the Authority is required under the Authority's purchasing policy.
- f) Appointing an Executive Committee and delegate to the Committee any of its powers except:
 - i. The termination of the services of the Chief Administrative Officer and/or Secretary-Treasurer,
 - ii. The power to raise money, and
 - iii. The power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the Authority.
- g) Approving by resolution, any new capital project of the Authority;
- h) Approving by resolution, the method of financing any new capital projects;
- i) Approving details on budget allocations on any new or existing capital projects;

⁴ In January 2001, in accordance with the Act, the City of Hamilton and the Township of Puslinch adopted resolutions in accordance with motion FA11,736 dated December 7, 2000 adopted by the Board of Directors. This motion set the membership of the Board of Directors at 11 members: City of Hamilton 10; Township of Puslinch 1.

- j) Approving of the total budget for the ensuing year, and approving the levies to be paid by the Participating Municipalities;
- k) Receiving and approving the Financial Statements and Report of the Auditor for the preceding year;
- l) Authorizing the borrowing of funds on the promissory note of the Authority in accordance with subsection 3(5) of the Act;
- m) Approving by resolution, any proposed expropriation of land or disposition of land, subject to the requirements under the Act;
- n) Approving permits or refusing permission as may be required under any regulations made under Section 28 of the Act, including the delegation of this responsibility to Chief Administrative Officer consistent with such regulations;⁵
- o) Holding hearings required for the purpose of reviewing permit applications, and advising every applicant of their right to appeal the decision to the Minister through the Mining and Lands Tribunal.⁶

d) Responsibilities and Functions of the Board of Directors

The Board of Directors is responsible for the overall management of the Authority, with a focus on five main functions: (a) strategic planning, (b) financial oversight, (c) the development of corporate policy, (d) executive management oversight; and (e) governance and legal compliance.

- a) **Strategic Planning**: The Board will adopt a strategic planning process, approve short-term and long-term strategic plans, and monitor the performance of the HCA against those plans.
- b) **Financial Oversight**: The Board will monitor the HCA's finances, including its future financial viability. The Board will ensure that the HCA is operated in a sound and prudent fiscal manner, and shall undertake short- and long-term financial planning consistent with the HCA's mission, objectives and strategic plan. The Board will do so with the assistance of Staff and the Budget & Administration Committee. Specifically, the Board will:
 - i. review and approval annual budgets, including municipal levies;
 - ii. review and approve budget adjustments during the current budget year;
 - iii. review and approve the annual audit and the auditor's report; and
 - iv. regularly scrutinize and investigate all aspects of HCA's finances and, when necessary, determine appropriate actions.
- c) **Corporate Policymaking**: The Board will ensure the existence of corporate policies to govern the HCA in key areas, including, in addition to those separately identified in this Section:
 - i. the mission, vision and objectives of the HCA;

⁵ In 2013, the Board of Directors delegated approval of HCA permits issued for a 2-year period under the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* to the CAO, Director, Watershed Planning & Engineering, Manager, Watershed Planning Services and Manager, Water Resources Engineering. Monthly summary reports of the permits issued are submitted to the Board for information purposes as part of each monthly meeting package. HCA permit applications for the 2-year time frame that do not comply with HCA policy or permit applications for a period of 5-years are presented to the Board through a Staff report for consideration.

⁶ Hearing procedures for hearings under s. 28(3) of the Act are set out in Appendix 5.

- ii. good corporate governance;
- iii. ethical conduct by HCA employees and Board members;
- iv. equity, diversity, non-discrimination, harassment and abuse;
- v. privacy; and
- vi. health and safety.

In ensuring the existence of these policies, the Board will strive, to the extent reasonably possible, to promote a culture of honesty, integrity, equitable treatment, legal compliance and good governance, in which the purposes of the HCA are realized, employees are protected from occupational injury and disease, and visitors are provided safe and healthy facilities in which to enjoy the natural environment.

The work of the Board in connection with policy development is generally confined to establishing rather than implementing policies. Further development of these policies and implementation is delegated to the CAO, subject to Board oversight.

- d) Executive Management Oversight: The Board will appoint, evaluate and, if necessary, terminate the CAO. The Board will define the duties and limits of authority of senior management. The Board will satisfy itself as to the integrity of the CAO and other senior managers. The Board is responsible for succession planning for the CAO.

The Board's primary connection to the operational organization will be through the CAO or his/her delegate, or through such other person(s) as the Board may designate.

- e) Governance and Legal Compliance: The Board will assess the effectiveness of the Board and its Committees on an ongoing basis. The Board is responsible for assuring that the HCA governs itself in accordance with principles of effective corporate governance, and that the HCA complies with all applicable laws and regulations.

e) Director Accountability

Participating Municipalities appoint Directors to the Authority as their representatives. Directors have the responsibilities of Directors of the corporation that is the Authority. While the administration is responsible for the day-to-day operations, the Board of Directors is responsible for matters of governance, ensuring compliance with applicable legislation, and ensuring appropriate policies are in place and for financial soundness of the Authority.

All Directors have the responsibility to be guided by and adhere to the Code of Conduct (Appendix 1) and Conflict of Interest Policy (Appendix 2), as adopted by the Authority.

Directors are responsible for:

- a) Attending all meetings of the Authority;
- b) Understanding the purpose, function and responsibilities of the Authority;
- c) Being familiar with the Authority's statutory and other legal obligations;
- d) With the administration, setting strategic direction for the Authority.

f) Applicable Legislation

In addition to the Act, the Directors are subject to other legislation including, but not limited to:

- *Municipal Conflict of Interest Act*

- *Municipal Freedom of Information and Protection of Privacy Act*

If any part of the by-law conflicts with any provision of the Municipal Conflict of Interest Act or the Municipal Freedom of Information and Protection of Privacy Act or a provision of a regulation made under one of those acts, the provision of that act or regulation prevails.

g) Relationship Between Directors and Staff

The Board of Directors relies on the Chief Administrative Officer to manage the operations of the organization, including all employees of the Authority. The Chief Administrative Officer is accountable to the Authority, working cooperatively to achieve the goals established by the Authority.

The Board of Directors will ensure that a process exists for regular performance evaluations of the Chief Administrative Officer.

The CAO has the full charge and direction of all employees of the Authority, and is responsible for directing and coordinating the execution of programs, policies and decisions which the Board of Directors approves or adopts. The CAO provides information and serves as liaison to the member municipalities as required by the Chair and the Board of Directors, and conducts the official correspondence of the Authority.

The CAO is accountable to the Board of Directors. The CAO reports to the Chair and brings issues to the Board on a timely basis.

All Board authority delegated to Staff is delegated through, or with notice to, the CAO. The Board will never give instructions to persons who report directly or indirectly to the CAO, without notice to the CAO. Staff are accountable to the CAO. Board decisions and policies, including this Administrative By-Law, as well as long- and short-term planning documents, communicate the intent of the Board, direct the CAO to achieve certain results, and constrain the CAO to act within acceptable boundaries of prudence and ethics. The CAO is authorized to establish all further policies, make all decisions, take all actions and develop all activities as long as they are consistent with or reasonable interpretations of the Board's decisions and policies. The Board will respect and support the choices of the CAO while working the CAO's area of discretion. No individual Board member, Officer or committee has authority over the CAO unless authorized by the Board.

h) Governing Style

Friendly Atmosphere: The Board will continue to foster a friendly and constructive atmosphere, with good rapport among members and between Board members and Staff.

Focus: The Board will govern lawfully, with an emphasis on:

- a) outward vision rather than an internal preoccupation;
- b) encouragement of diversity of viewpoints;
- c) strategic leadership more than administrative detail;
- d) clear distinction of Board and CAO;
- e) collective rather than individual decisions;
- f) future rather than past or present, and;
- g) proactivity rather than reactivity.

Group Responsibility: The Board will cultivate a sense of group responsibility. The Board will be responsible for excellence in governing. The Board will use the expertise of individual members to enhance the ability of the Board as a body rather than to substitute

individual judgments for the HCA's values. The Board will allow no Officer, individual or committee of the Board to hinder or be an excuse for not fulfilling group obligations.

Long-range Planning: The Board's major policy focus will be on the intended long-term effects outside the organization, not on the administrative or programming means of attaining those effects.

Self-Discipline: The Board will enforce upon itself and its members whatever discipline is needed to govern with excellence. Discipline will apply to matters such as attendance, preparation, policy-making principles, respect of roles, and ensuring continuance of governance capability. Although the Board can change its governance policies at any time, it will observe those currently in force scrupulously.

2. Officers

The Officers of the Authority, and their respective responsibilities, shall be:

Chair

- a) Is a Director of the Authority;
- b) Presides at all meetings of the Board of Directors (and Executive Committee if applicable);
- c) Calls special meetings if necessary;
- d) Acts as a public spokesperson on behalf of the Board of Directors;
- e) Serves as signing officer for the Authority;
- f) Ensures relevant information and policies are brought to the Authority's attention;
- g) Keeps the Board of Directors apprised of significant issues in a timely fashion;
- h) Performs other duties when directed to do so by resolution of the Authority.

Vice-Chair

- a) Is a Director(s) of the Authority;
- b) Attends all meetings of the Authority (and Executive Committee if applicable);
- c) Carries out assignments as requested by the Chair;
- d) Understands the responsibilities of the Chair and acts as Chair immediately upon the death, incapacity to act, absence or resignation of the Chair until such time as a new Chair is appointed or until the Chair resumes his/her duties;
- e) Serves as a signing officer for the Authority.

Chief Administrative Officer (CAO)

Responsibilities of the CAO as assigned by the Authority include, but are not limited to the following:

- a) Is an employee of the Authority;
- b) Attends all meetings of the Board of Directors (and Executive Committee if applicable) or designates an acting CAO if not available;
- c) Works in close collaboration with the Chair and Vice-Chair and keeps them apprised of relevant information and significant issues in a timely fashion;
- d) Develops a strategic plan for approval by the Board of Directors and Implements short and long-range goals and objectives;

- e) Is responsible for the management of the operations of the Authority, including all Staff and programs of the Authority;
- f) Ensures resolutions of the Authority are implemented in a timely fashion;
- g) Develops and maintains effective relationships and ensures good communications with Participating Municipalities, federal and provincial government ministries/agencies, Indigenous communities, other conservation authorities, Conservation Ontario, stakeholders, community groups and associations;
- h) Serves as a signing officer for the Authority.

Deputy CAO

- a) Is an employee of the Authority
- b) Attends all meetings of the Board of Directors (and Executive Committee if applicable)
- c) Understands the responsibilities of the CAO and acts as CAO immediately upon the death, incapacity to act, absence or resignation of the CAO until such time as a new CAO is appointed or until the CAO resumes his/her duties
- d) Serves as a signing officer for the Authority
- e) Performs any duty delegated to him or her by the CAO

Secretary-Treasurer

- a) Is an employee of the Authority;
- b) Fulfills the requirements of the Secretary-Treasurer as defined in the Act;
- c) Attends all meetings of the Board of Directors (and Executive Committee, if applicable);
- d) Is the custodian of the Corporate Seal;
- e) Serves as a signing officer for the Authority.

3. Absence of Chair and Vice-Chair

In the event of the absence of the Chair and Vice-Chair from any meeting, the Directors shall appoint an Acting Chair who, for the purposes of that meeting has all the powers and shall perform all the duties of the Chair.

4. Maximum Time as Chair and Vice-Chair

The maximum number of years during which an individual may serve as Chair and/or Vice-Chair of the Board of Directors is a total of eight years. The same maximum time period applies to an individual's role as Chair and/or Vice-Chair of a Committee, and to an individual's role as Chair and/or Vice-Chair of an Advisory Board.

5. Representatives to Conservation Ontario Council

The Authority may appoint up to three Representatives to Conservation Ontario Council ("Council"), designated as Voting Delegate and Alternate(s). Council will consist of the Voting Delegates appointed by each Member Conservation Authority. The Voting Delegate and Alternates shall be registered with Conservation Ontario annually.

6. Election of Chair, Vice-Chair, Committee Members and Advisory Board Chairs

The election of the Chair, Vice-Chair, Committee members and Advisory Board chairs shall be held yearly at the annual meeting, in accordance with the Authority's Procedures for Election of Officers (Appendix 3).

7. Appointment of Auditor

The Board of Directors shall appoint an auditor for the coming year yearly at the annual meeting, in accordance with Section 38 of the Act.

8. Financial Statements and Report of the Auditor

As required by Section 38 of the Act, the Authority shall cause its accounts and transactions to be audited annually by a person licensed under the *Public Accounting Act, 2004*. The Board of Directors shall receive and approve the Audited Financial Statements and Report of the Auditor annually for the previous year yearly at the annual meeting.

No person shall be appointed an auditor of the HCA if the person is or during the preceding year was a member of the Board of Directors, or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the HCA other than for services within his or her professional capacity.

The Authority shall forward copies of the Audited Financial Statements and Report of the Auditor to Participating Municipalities and the Minister in accordance with Section 38 of the Act and will make the Audited Financial Statements available to the public.

9. Borrowing Resolution

If required, the Authority shall establish a borrowing resolution.

10. Levy Notice

The levy due to the Authority from participating municipalities shall be communicated to those municipalities in accordance with the Act and any applicable Regulations.

11. Signing Officers

Any two of the following Officers are designated and empowered to sign contracts, agreements and other documents on behalf of the HCA (with the exception of cheques or other documents effecting payment): Chair, Vice-Chair, Secretary-Treasurer, CAO, Deputy CAO, Director of Watershed Planning & Engineering, Director of Conservation Services. Approval of purchases shall be in accordance with the HCA Purchasing Policy. Cheques or other documents effecting payment must be signed by two of the following Officers: Chair, Vice-Chair, CAO and Secretary-Treasurer.

Signing authority that was authorized by any previous Administration Regulation or By-law is superseded by this by-law.

12. Executive Committee

The Authority may appoint an Executive Committee at the first meeting of the Board of Directors each year in accordance with the Section 19 of the Act and Section B.1(c)(f) of this by-law.

13. Advisory Boards and Other Committees

In accordance with Section 18(2) of the Act, the Authority shall establish such Advisory Boards as required by regulation and may establish such other Advisory Boards or committees as it considers appropriate to study and report on specific matters.

The Board of Directors shall approve the terms of reference for all such Advisory Boards and committees, which shall include the role, the frequency of meetings and the number of members required.

Resolutions and policies governing the operation of the Authority shall be observed in all Advisory Board and committee meetings.

Each Advisory Board or committee shall report to the Board of Directors, presenting any recommendations made by the Advisory Board or committee.

The dates of all Advisory Board and committee meetings shall be made available to all Directors of the Authority.

A list of standing Advisory Boards and committees that must be appointed, along with information about their mandates and proceedings, is contained in Appendix 4.

14. Remuneration of Directors

The Authority shall establish a per-diem rate from time to time to be paid to Directors for attendance at General Meetings and Advisory Board or Committee meetings, and at such other business functions as may be from time to time requested by the Chair, through the Secretary-Treasurer. In addition, an honorarium may be approved by the Authority for the Chair and Vice-Chair as compensation for their additional responsibilities. A single per-diem will be paid for attendance at more than one meeting if they occur consecutively on the same day.

The Authority shall reimburse Directors' reasonable travel expenses incurred for the purpose of attending meetings and/or functions on behalf of the Authority. A per-kilometre rate to be paid for use of a personal vehicle shall be approved by Resolution of the Board of Directors from time-to-time. Requests for such reimbursements shall be submitted within a timely fashion and shall not exceed Canada Revenue Agency guidelines.

15. Records Retention

The Authority shall keep full and accurate records including, but not limited to:

- a) Minutes of all meetings of the Authority, including registries of statements of interests in accordance with the *Municipal Conflict of Interest Act*;
- b) Assets, liabilities, receipts and disbursements of the Authority and Financial Statements and Reports of the Auditors;
- c) Human Resources Files for all employees and Directors as applicable;
- d) Workplace Health and Safety documents including workplace inspections, workplace accidents, investigations, etc.;
- e) Electronic Communications including material emails
- f) Contracts and Agreements entered into by the Authority;
- g) Strategic Plans and other documents providing organizational direction
- h) Projects of the Authority;
- i) Technical Studies and data gathered in support of Programs of the Authority;
- j) Legal Proceedings involving the Authority;
- k) Incidents of personal injury or property damage involving the Authority and members of the public.

Such records shall be retained and protected in accordance with all applicable laws and any Records Retention Policy of the Authority as approved by the Board of Directors from time-to-time.

16. Records Available to Public

Records of the Authority shall be made available to the public, subject to requirements of the *Municipal Freedom of Information and Protection of Personal Privacy Act* (MFIPPA).

The Chair and Vice Chair are designated as head of the Authority for the purposes of MFIPPA.

17. By-law Review

In accordance with the Act, these by-laws shall be reviewed by the Authority at least every three years to ensure the by-laws are in compliance with the Act and any other relevant law. The Board of Directors shall review the by-laws on a regular basis to ensure best management practices in governance are being followed.

18. By-law Available to Public

In accordance with the Act, the Authority shall make its by-laws available to the public on the Authority's website. By-laws shall also be available for review by any member of the public at the Authority's administration centre or provided in alternative formats, in accordance with the *Accessibility for Ontarians with Disabilities Act*, if requested by interested parties.

19. Enforcement of By-laws and Policies

The Directors shall respect and adhere to all applicable by-laws and policies (for example, the Code of Conduct and Conflict of Interest Policy). The Authority may take reasonable measures to enforce its by-laws and policies, including the enforcement mechanisms under the *Municipal Conflict of Interest Act*.

The Board of Directors may enforce its regulations and policies in the following manner:

- a) If a Director is alleged not to have adhered to a by-law or policy, an investigation will be conducted into the alleged breach, unless the breach occurred at a Board of Directors meeting.
- b) The Director will be given a reasonable opportunity to respond to the allegation of breach.
- c) The findings of the investigation and the affected Director's response will be communicated to the Board of Directors in a closed meeting.
- d) The Board may debate the matter with the member present and participating unless, after reasonable notice, the member refuses to attend.
- e) The Board may choose to enforce the regulation or policy following debate by, among other things:
 - i. requesting adherence to the regulation or policy in future;
 - ii. imposing procedures to monitor adherence to the regulation or policy in future;
 - iii. if the member is Chair, Vice-Chair or chair of an Advisory Board or committee, removing the member from that position; or
 - iv. recommending to the municipality that appointed the member that the appointment be revoked and a replacement be appointed.

20. Indemnification of Directors, Officers and Employees

The Authority undertakes and agrees to indemnify and save harmless its Directors, Officers and Employees and their heirs and legal representatives, respectively, from and against all costs, charges and expenses, including all amounts paid to settle an action or satisfy any judgement, reasonably incurred by any such Director, Officer or Employee in respect of any civil, criminal or administrative action or proceeding to which any such Director, Officer or Employee is made a party by reason of being a Director, Officer or Employee of the

Authority (except in respect of an action by or on behalf of the Authority to procure a judgment in its favour) if;

- a) such Director, Officer or Employee acted honestly, in good faith with a view to the best interests of the Authority and within the scope of such Director's, Officer's or Employee's duties and responsibilities, and,
- b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty that such Director, Officer or Employee had reasonable grounds for believing that the conduct was lawful.

21. Role of Hamilton Conservation Foundation

The Hamilton Conservation Foundation⁷ is a charitable corporation that raises awareness, funds and resources for the HCA. The Chair of the Hamilton Conservation Foundation shall occupy a non-voting seat on the Board of Directors of the HCA. The attendance of the Foundation Chair shall not be included in the determination of a quorum. The Foundation Chair shall receive a complete meeting package and shall be eligible to participate in all discussions at the Board of Directors meeting.

⁷ The legal name of the Hamilton Conservation Foundation is the Conservation Foundation of the Hamilton Region.

C. Meeting Procedures

The Meeting Procedures below governing the procedure of the Authority shall be observed in Executive Committee and Advisory Board meetings, as far as they are applicable, and the words Executive Committee or Advisory Board may be substituted for the word Authority as applicable

1. Rules of Procedure

In all matters of procedure not specifically dealt with under the Act and this By-law, the current edition of Robert's Rules of Order shall be binding.

The Authority may choose to conduct its business as a committee of the whole.

2. Notice of Meeting

The Board of Directors shall approve a schedule for regular meetings in advance. The Secretary-Treasurer shall send Notice of regular meetings to all Directors at least seven calendar days in advance of a meeting. Notice of all regular or special meetings of the Board of Directors or its committees shall be made available to the public as soon as possible after its delivery to Board of Directors.

Notice of any meeting shall indicate the time and place of that meeting and the agenda for the meeting.

All material and correspondence to be dealt with by the Authority at a meeting will be submitted to the Secretary-Treasurer at least ten business days in advance of the meeting where it is to be dealt with if the material and correspondence is to be included in the published agenda and at least four business days in advance if it is to be introduced at the meeting.

The Chair may, at his/her pleasure, call a special meeting of the Authority as necessary on seven calendar days' notice in writing or email. That notice shall state the business of the special meeting and only that business shall be considered at that special meeting. Any Director, with 50% support of the other Directors, may also request the Chair to call a meeting of the Authority and the Chair will not refuse.

The Chair or the Secretary-Treasurer may, by notice in writing or email delivered to the Directors so as to be received by them at least 12 hours before the hour appointed for the meeting, postpone or cancel any meeting of an Advisory Board or other committee until the next scheduled date for the specific Advisory Board or committee affected.

The Chair or the Secretary-Treasurer may, if it appears that a storm or like occurrence will prevent the Directors from attending a meeting, postpone that meeting by advising as many Directors as can be reached. Postponement shall not be for any longer than the next regularly scheduled meeting date.

3. Meetings Open to Public

Every meeting of the Board of Directors, Executive Committee and Advisory Boards, if applicable, shall be open to the public as per Section 15(3) of the Act, subject to the exceptions set out below.

Meetings may be closed to the public if the subject matter being considered relates to:

- a) The security of the property of the Authority;
- b) Personal matters about an identifiable individual, including employees of the Authority;
- c) A proposed or pending acquisition or disposition of land by the Authority;
- d) Labour relations or employee negotiations;

- e) Litigation or potential litigation, including matters before administrative tribunals (e.g. Local Planning Appeal Tribunal), affecting the Authority;
- f) Advice that is subject to solicitor-client privilege;
- g) A matter in respect of which the Board of Directors, Executive Committee, Advisory Board or committee or other body may hold a closed meeting under another act;
- h) information explicitly supplied in confidence to the Authority by Canada, a province or territory or a Crown agency of any of them;
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Authority, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) a trade secret or scientific, technical, commercial or financial information that belongs to the Authority and has monetary value or potential monetary value; or
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Authority.

The Authority shall close a meeting if the subject matter relates to the consideration of a request under MFIPPA, and the Authority is the head of an institution for the purposes of MFIPPA.

Before holding a meeting or part of a meeting that is to be closed to the public, the Directors shall state by resolution during the open session of the meeting that there will be a meeting closed to the public and the general nature of the matter to be considered at the closed meeting. Once matters have been dealt with in a closed meeting, the Board of Directors shall reconvene in an open session.

The Board of Directors shall not vote during a meeting that is closed to the public, unless:

- a) the meeting meets the criteria outlined in this by-law to be closed to the public; and
- b) the vote is for a procedural matter or for giving directions or instructions to Officers, employees or agents of Authority.

Any materials presented to the Board of Directors during a closed meeting shall be returned to the Secretary-Treasurer prior to departing from the meeting and shall be treated in accordance with the Authority's procedures for handling confidential material.

A meeting of the Authority, Executive Committee, Advisory Board or other committee may also be closed to the public if:

- a) the meeting is held for the purpose of educating or training the Directors, and
- b) at the meeting, no Director discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Authority, the Executive Committee, Advisory Board or other committee.

4. Agenda for Meetings

Authority Staff, under the supervision of the Secretary-Treasurer, shall prepare an agenda for all regular meetings of the Authority that shall include, but not necessarily be limited to, the following headings:

- a) Call to Order
- b) Declaration re Local Government Disclosure of Interest
- c) Approval of Agenda

- d) Delegations
- e) Member Briefings
- f) Applications
- g) Approval of Minutes of Previous Meeting
- h) Business Arising from the Minutes
- i) Correspondence
- j) Reports
- k) Other Staff Reports/Memorandums
- l) New Business
- m) In-Camera Items
- n) Next Meeting
- o) Adjournment

A consent agenda including the following items may be used if approved by the Board of Directors on an annual basis:

- a) Applications
- b) Approval of minutes
- c) Correspondence

If a consent agenda is adopted by the Board, the Chair will ask under approval of the agenda if any Director would like a consent agenda item moved to a regular discussion heading in the agenda as noted above.

The agenda for special meetings of the Authority shall be prepared as directed by the Chair.

The business of the Authority shall be taken up in the order in which it stands on the agenda unless otherwise decided by a Majority of those Directors present.

No Director shall present any matter to the Authority for its consideration unless the matter appears on the agenda for the meeting of the Authority or leave is granted to present the matter by the affirmative vote of a Majority of the Directors present.

Agendas for meetings shall be forwarded to all Directors at least seven calendar days in advance of the meeting. Such agendas shall be made available to the public on the Authority's website at the same time, unless the meeting is closed to the public in accordance with this by-law. Such agendas shall also be available in alternative formats, in accordance with the *Accessibility for Ontarians with Disabilities Act*, if requested by interested parties.

5. Quorum

At any meeting of the Board of Directors, a quorum consists of one-half of the Directors appointed by the Participating Municipalities, except where there are fewer than six such Directors, in which case three such Directors constitute a quorum. At any Executive Committee (if applicable), Advisory Board or committee meeting, a quorum consists of one-half of the Members of the Executive Committee (if applicable), Advisory Board or committee.

If there is no quorum within one half hour after the time appointed for the meeting, the Chair for the meeting shall declare the meeting adjourned due to a lack of a quorum, or shall

recess until quorum arrives, and the recording secretary shall record the names of the Directors present and absent.

If during an Authority or Advisory Board or Committee meeting a quorum is lost, then the Chair shall declare that the meeting shall stand recessed or adjourned, until the date of the next regular meeting or other meeting called in accordance with the provisions of this by-law.

Where the number of Directors who are disabled from participating in a meeting due to the declaration of a conflict of interest is such that at that meeting the remaining Directors are not of sufficient number to constitute a quorum, the remaining number of Directors shall be deemed to constitute a quorum, provided such number is not less than two.

6. Debate

The Authority shall observe the following procedures for discussion/debate on any matter coming before it:

- a) A Director shall be recognized by the Chair prior to speaking;
- b) Where two or more Directors rise to speak, the Chair shall designate the Director who has the floor, who shall be the Director who in the opinion of the Chair was first recognized;
- c) All questions and points of discussion shall be directed through the Chair;
- d) Where a motion is presented, it shall be moved and seconded before debate;
- e) No Director shall speak more than once to the same question without leave from the Chair, except in explanation of a material part of the speech;
- f) No Director shall speak more than five minutes without leave of the Chair;
- g) Any Director may ask a question of the previous speaker through the Chair;
- h) The Director who has presented a motion, other than a motion to amend or dispose of a motion, may speak again to the motion immediately before the Chair puts the motion to a vote;
- i) When a motion is under debate, no motion shall be received other than a motion to amend, to defer action, to refer the question, to take a vote, to adjourn, or to extend the hour of closing the proceedings;
- j) When a motion is under consideration, only one amendment is permitted at a time.

7. Matters of Precedence

The following matters shall have precedence over the usual order of business:

- a) a point of order;
- b) matter of privilege;
- c) a matter of clarification;
- d) a motion to suspend a rule of procedure or to request compliance with the rules of procedure;
- e) a motion that the question be put to a vote;
- f) a motion to adjourn.

8. Directors' Attendance

The Authority shall provide a listing of Directors' attendance at scheduled meetings of the Authority to the Participating Municipalities at least annually.

Upon a Director's vacancy due to death, incapacity or resignation occurring in any office of the Authority, the Authority shall request the municipality that was represented by that Director appoint a Director replacement.

If a Director is unable to attend any meeting and wishes to bring any additional information or opinion pertaining to an agenda item to the Board of Directors, the Director shall address in writing or email to the Chair or Secretary-Treasurer such correspondence prior to the start of the meeting. The correspondence shall be read aloud by the Secretary-Treasurer without comment or explanations.

9. Electronic Participation

A Director may, if all the Directors consent, participate in a meeting of the Board of Directors by telephonic or electronic means that permits all participants to communicate adequately with each other during the meeting. A Director so participating in a meeting is deemed to be present at the meeting. However, no person so participating shall chair a meeting of the Board of Directors unless the meeting is held in its entirety by telephonic or electronic means.

When the Chair wishes the Board to vote on an urgent motion, and it is impracticable to hold a Board meeting in a sufficiently timely manner, the Chair or his/her designate may administer a vote by telephone or by electronic means (email or otherwise), provided no member of the Board of Directors objects and provided the Chair concludes that it is fair and appropriate to hold such a vote. Unless impracticable, the vote shall be held by telephone conference call or similar method by which all Board members may simultaneously communicate orally with one another. Only in exceptional circumstances should a vote be taken through email. In each case, the Chair shall prescribe the time period within which, and the means by which, the votes must be cast. At the conclusion of the time period, if there are fewer votes cast than are required in order to constitute a quorum at a meeting of the Board of Directors, the vote shall be a nullity. Provided a quorum is achieved, the result of the vote shall be binding, but (except in the case of unanimous votes of approval in writing by all Board members) only until the next Board meeting. If the result of a vote (other than a unanimous vote of approval in writing by all Board members) is not approved at the next Board meeting, or if any Director who did not vote objects at the next Board meeting to the holding of the vote by telephone or by electronic means, or objects to the voting procedure prescribed by the Chair, the vote shall become a nullity, but the same motion may then be voted upon at the meeting in the ordinary course. In the case of unanimous votes of approval in writing by all Board members, the result of the vote shall be binding immediately. All votes by telephonic or electronic means shall be minuted in the same way as votes at in-person Board meetings.

10. Delegations

Any person or organization who wishes to address the Authority may make a request in writing or email to the Secretary-Treasurer, or designate, using the prescribed "Request for Delegation" form. The request should include a brief statement of the issue or matter involved and indicate the name of the proposed speaker(s). If such request is received three business days in advance of a scheduled meeting, the delegation shall be listed on the published agenda.

Any person or organization requesting an opportunity to address the Authority, but not having made a written request to do so in the timelines specified above, may appear before

the meeting if approved by a Majority of Directors present, or shall be listed on the published agenda for the following meeting.

Except by leave of the Chair or appeal by the leave of the meeting, delegations shall be limited to one (1) speaker for not more than 10 minutes.

Speakers will be requested not to repeat what has been said by previous speakers at the meeting. A returning delegation will only be allowed to speak again if new, relevant information has become available since their previous presentation. The Chair may choose to end a returning delegation's presentation if, in the opinion of the Chair, the new information being presented is not relevant to a decision facing the Board of Directors.

11. Annual Meeting

The Authority shall designate one meeting of the Board of Directors each year as the annual meeting and shall include the following items on the agenda, in addition to the normal course of business:

- a) Appointment of the auditor for the upcoming year
- b) Election of Officers
- c) Board meeting schedule
- d) Voting delegates to Conservation Ontario
- e) Consideration to adopt consent agenda

12. Voting

In accordance with Section 16 of the Act:

- a) each Director is entitled to one vote, and
- b) a Majority vote of the Directors present at any meeting is required upon all matters coming before the meeting.

If any Director who is qualified to vote abstains from voting, they shall be deemed to have voted neither in favour nor opposed to the question, which will not alter the number of votes required for a Majority.

On a tie vote, the motion is lost.

Interrelated motions shall be voted on in the order specified in Robert's Rules of Order.

Unless a Director requests a recorded vote, a vote shall be by a show of hands or such other means as the Chair may call. No question shall be voted upon more than once at any meeting, unless a recorded vote is requested.

If a Director present at a meeting at the time of the vote requests immediately before or after the taking of the vote that the vote be recorded, each Director present taken by alphabetical surname with the Chair voting last, except a Director who is disqualified from voting by any Act, shall announce his or her vote openly answering "yes" or "no" to the question, and the Secretary-Treasurer shall record each vote.

Where a question under consideration contains more than one item, upon the request of any Director, a vote upon each item shall be taken separately.

Except as provided in Section B, Paragraph 6 of this By-law (Election of Chair and Vice-Chair), no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

13. Notice of Motion

Written notice of motion to be made at an Authority, Executive Committee, Advisory Board or committee meeting may be given to the Secretary-Treasurer by any Director of the Authority not less than 10 calendar days prior to the date and time of the meeting and shall be forthwith placed on the agenda of the next meeting. The Secretary-Treasurer shall include such notice of motion in full in the agenda for the meeting concerned.

Recommendations included in reports of Advisory Boards or committees that have been included in an agenda for a meeting of the Board of Directors or Executive Committee (if applicable), shall constitute notice of motion for that meeting.

Recommendations included in Staff reports that have been included in an agenda for a meeting of the Board of Directors or Executive Committee (if applicable), shall constitute notice of motion for that meeting.

Notwithstanding the foregoing, any motion or other business may be introduced for consideration of the Authority provided that it is made clear that to delay such motion or other business for the consideration of an appropriate Advisory Board or committee would not be in the best interest of the Authority and that the introduction of the motion or other business shall be upon an affirmative vote of a Majority of the Directors of the Authority present.

14. Motion to Reconsider

If a motion is made to reconsider a previous motion, a two-thirds majority vote shall be required in order for reconsideration to take place. If a motion to reconsider is passed, the original motion shall then be placed on the agenda at a future meeting to be debated and voted upon, and the result of that vote, based on a simple Majority, shall supersede.

15. Duties of the Meeting Chair

It shall be the duty of the Chair, with respect to any meetings over which he/she presides, to:

- a) Preserve order and decide all questions of order, subject to appeal; and without argument or comment, state the rule applicable to any point of order if called upon to do so;
- b) Ensure that the public in attendance does not in any way interfere or disrupt the proceedings of the Directors;
- c) Receive and submit to a vote all motions presented by the Directors, which do not contravene the rules of order or regulations of the Authority;
- d) Announce the results of the vote on any motions so presented;
- e) Adjourn the meeting when business is concluded.

16. Conduct of Directors

Directors shall maintain a high standard for conduct and at all times comply with applicable laws and the Authority's Code of Conduct (Appendix 1).

No Director at any meeting of the Authority shall:

- a) Speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability;
- b) Leave their seat or make any noise or disturbance while a vote is being taken or until the result is declared;

- c) Interrupt a Director while speaking, except to raise a point of order or a question of privilege;
- d) Speak disrespectfully or use offensive words against the Authority, the Directors, Staff, or any member of the public;
- e) Speak beyond the question(s) under debate;
- f) Resist the rules of order or disobey the decision of the Chair on the questions or order or practices or upon the interpretation of the By-laws.

17. Minutes of Meetings

The Secretary-Treasurer shall undertake to have a recording secretary in attendance at meetings of the Authority, the Executive Committee and each Advisory Board or committee. The recording secretary shall make a record in the form of minutes of the meeting proceedings and in particular shall record all motions considered at the meeting.

If a recording secretary is not present in a closed session, the Secretary-Treasurer shall take notes of any direction provided, for endorsement by the Chair and Vice-Chair.

Minutes of all meetings shall include the time and place of the meeting and a list of those present and shall state all motions presented together with the mover and seconder and voting results.

The Secretary-Treasurer or designate shall include draft minutes of the previous meeting available to each Director of the Authority at the same time as agendas for the next meeting are distributed.

After the minutes have been approved by resolution, original copies shall be signed by the Secretary-Treasurer and copies of all non-confidential minutes shall be posted on the Authority's website. Such minutes shall also be available for review by any member of the public at the Authority's administration centre or provided in alternative formats, in accordance with the *Accessibility for Ontarians with Disabilities Act*, if requested by interested parties.

D. Approval of Administrative By-law and Revocation of Previous By-laws

Board Resolution 12,1864 from July 4, 2013 approving the current HCA Administrative Regulations and Governance Policies, last amended by Board resolution BD12,2356 is hereby repealed;

Board resolution approving the new Administrative By-law shall come into force on the _____ day of _____, 20____

READ A FIRST AND SECOND TIME _June 23, 2018 and August 16, 2018

Date

READ A THIRD TIME AND PASSED

Date

Signed:

Chair

Secretary-Treasurer

E. Appendices to the Administrative By-law

Appendix 1 - Code of Conduct

1. Background

The Hamilton Conservation Authority demands a high level of integrity and ethical conduct from its Board of Directors. The Authority's reputation has relied upon the good judgement of individual Directors. A written Code of Conduct helps to ensure that all Directors share a common basis for acceptable conduct. Formalized standards help to provide a reference guide and a supplement to legislative parameters within which Directors must operate. Further, they enhance public confidence that Directors operate from a base of integrity, justice and courtesy.

The Code of Conduct is a general standard. It augments the laws which govern the behaviour of Directors, and it is not intended to replace personal ethics.

This Code of Conduct will also assist Directors in dealing with confronting situations not adequately addressed or that may be ambiguous in Authority resolutions, regulations, or policies and procedures.

2. General

All Directors, whether municipal councillors or appointed representatives of a municipality, are expected to conduct themselves in a manner that reflects positively on the Authority.

All Directors shall serve in a conscientious and diligent manner. No Director shall use the influence of office for any purpose other than for the exercise of his/her official duties.

It is expected that Directors adhere to a code of conduct that:

- a) upholds the mandate, vision and mission of the Authority;
- b) considers the Authority's jurisdiction in its entirety, including their appointing municipality;
- c) respects confidentiality;
- d) approaches all Authority issues with an open mind, with consideration for the organization as a whole;
- e) exercises the powers of a Director when acting in a meeting of the Authority;
- f) respects the democratic process and respects decisions of the Board of Directors, Executive Committee, Advisory Boards and other committees;
- g) declares any direct or indirect Pecuniary Interest or conflict of interest when one exists or may exist; and
- h) conducts oneself in a manner which reflects respect and professional courtesy and does not use offensive language in or against the Authority or against any Director or any Authority Staff.

3. Gifts and Benefits

Directors shall not accept fees, gifts, hospitality or personal benefits that are connected directly or indirectly with the performance of duties, except compensation authorized by law.

4. Confidentiality

The Directors shall be governed at all times by the provisions of the *Municipal Freedom and Information and Protection of Privacy Act*.

All information, documentation or deliberations received, reviewed, or taken in a closed meeting are confidential.

Directors shall not disclose or release by any means to any member of the public, either in verbal or written form, any confidential information acquired by virtue of their office, except when required by law to do so.

Directors shall not permit any persons, other than those who are entitled thereto, to have access to information which is confidential.

In the instance where a Director vacates their position on the Board of Directors they will continue to be bound by MFIPPA requirements.

Particular care should be exercised in protecting information such as the following:

- a) Human Resources matters;
- b) Information about suppliers provided for evaluation that might be useful to other suppliers;
- c) Matters relating to the legal affairs of the Authority;
- d) Information provided in confidence from an Aboriginal community, or a record that if released could reasonably be expected to prejudice the conduct of relations between an Aboriginal community and the Authority;
- e) Sources of complaints where the identity of the complainant is given in confidence;
- f) Items under negotiation;
- g) Schedules of prices in tenders or requests for proposals;
- h) Appraised or estimated values with respect to the Authority's proposed property acquisitions or dispositions;
- i) Information deemed to be "personal information" under MFIPPA.

The list above is provided for example and is not exhaustive.

5. Use of Authority Property

No Director shall use for personal purposes any Authority property, equipment, supplies, or services of consequence other than for purposes connected with the discharge of Authority duties or associated community activities of which the Authority has been advised.

6. Work of a Political Nature

No Director shall use Authority facilities, services or property for his/her election or re-election campaign to any position or office within the Authority or otherwise.

7. Conduct at Authority Meetings

During meetings of the Authority, Directors shall conduct themselves with decorum. Respect for delegations and for fellow Directors requires that all Directors show courtesy and not distract from the business of the Authority during presentations and when others have the floor.

8. Influence on Staff

Directors shall be respectful of the fact that Staff work for the Authority as a whole and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence.

9. Business Relations

No Director shall borrow money from any person who regularly does business with the Authority unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No Director shall act as a paid agent before the Authority, the Executive Committee or an Advisory Board or committee of the Authority, except in compliance with the terms of the *Municipal Conflict of Interest Act*.

10. Encouragement of Respect for the Authority and its Regulations

Directors shall represent the Authority in a respectful way and encourage public respect for the Authority and its Regulations.

11. Harassment

It is the policy of the Authority that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment. Harassment of another Director, Staff or any member of the public is misconduct. Directors shall follow the Authority's Harassment Policy as approved from time-to-time.

Examples of harassment that will not be tolerated include: verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts related to an individual's race, religious beliefs, colour, gender, physical or mental disabilities, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation. The Authority will also not tolerate the display of pornographic, racist or offensive signs or images; practical jokes that result in awkwardness or embarrassment; unwelcome invitations or requests, whether indirect or explicit and any other prohibited grounds under the provisions of the *Ontario Human Rights Code*.

12. Breach of Code of Conduct

Should a Director breach the Code of Conduct, they shall advise the Chair and Vice-Chair, with a copy to the Secretary Treasurer, as soon as possible after the breach.

Should a Director allege that another Director has breached the Code of Conduct, the said breach shall be communicated to the Chair, with a copy to the Secretary-Treasurer, in writing. In the absence of the Chair, or if a Director alleges that the Chair has breached the Code of Conduct, the said breach shall be communicated the Vice-Chair, with a copy to the Secretary-Treasurer, in writing.

Should a member of the public or a municipality allege that a Director has breached the Code of Conduct, the party making the allegation will be directed to follow the notification procedure outlined above.

Any breach, or alleged breach, of the Code of Conduct shall be investigated in accordance with the Enforcement of By-laws and Policies procedure outlined or referred to in the Authority's Administrative By-law.

Appendix 2 - Conflict of Interest

1. *Municipal Conflict of Interest Act*

The Authority Directors commit themselves and the Authority to ethical, businesslike, and lawful conduct when acting as the Board of Directors. The Authority is bound by the *Municipal Conflict of Interest Act*. This appendix to the by-law is intended to assist Directors in understanding their obligations. Directors are required to review the *Municipal Conflict of Interest Act* on a regular basis.

2. *Disclosure of Pecuniary Interest*

Where a Director, either on his or her own behalf or while acting for, by, with or through another, has any Pecuniary Interest, direct or indirect, in any matter and is present at a meeting of the Authority, Executive Committee, Advisory Board or committee at which the matter is the subject of consideration, the Director:

- a) shall, prior to any consideration of the matter at the meeting, disclose the Pecuniary Interest and the general nature thereof;
- b) shall not take part in the discussion of, or vote on any question in respect of the matter; and,
- c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

3. *Chair's Conflict of Interest or Pecuniary Interest*

Where the Chair of a meeting discloses a conflict of interest with respect to a matter under consideration at a meeting, another Director shall be appointed to chair that portion of the meeting by Resolution.

4. *Closed Meetings*

Where a meeting is not open to the public, a Director who has declared a conflict of interest shall leave the meeting for the part of the meeting during which the matter is under consideration.

5. *Director Absent*

Where the interest of a Director has not been disclosed by reason of their absence from the particular meeting, the Director shall disclose their interest and otherwise comply at the first meeting of the Authority, Executive Committee, Advisory Board or Committee, as the case may be, attended by them after the particular meeting.

6. *Disclosure Recorded in Minutes*

The recording secretary shall record in reasonable detail the particulars of any disclosure of conflict of interest or Pecuniary Interest made by Directors and whether the Director withdrew from the discussion of the matter. Such record shall appear in the minutes/notes of that particular meeting of the Board of Directors, Executive Committee, Advisory Board or committee, as the case may be.

7. *Breach of Conflict of Interest Policy*

Should a Director breach the Conflict of Interest Policy, they shall advise the Chair and Vice-Chair, with a copy to the Secretary Treasurer, as soon as possible after the breach.

Should a Director allege that another Director has breached the Conflict of Interest Policy, the said breach shall be communicated to the Chair, with a copy to the Secretary Treasurer, in writing. In the absence of the Chair, or if a Director alleges that the Chair has

breached the Conflict of Interest Policy, the said breach shall be communicated the Vice-Chair, with a copy to the Secretary-Treasurer, in writing.

Should a member of the public or a municipality allege that a Director has breached the Conflict of Interest Policy, the party making the allegation will be directed to follow the notification procedure outlined above.

Any breach, or alleged breach, of the Conflict of Interest Policy shall be investigated in accordance with the Enforcement of By-laws and Policies procedure outlined or referred to in the Authority's Administrative By-law.

Appendix 3 - Procedure for Election of Officers

1. Voting

Voting shall be by secret ballot and no Directors may vote by proxy.

2. Acting Chair

The Board of Directors shall appoint a person, who is not a voting Director, as Acting Chair or Returning Officer, for the purpose of Election of Officers.

3. Scrutineer(s)

The appointment of one or more scrutineers is required for the purpose of counting ballots, should an election be required. All ballots shall be destroyed by the scrutineers afterwards. The Acting Chair shall call a motion for the appointment of one or more persons, who are not Directors of the Authority, to act as scrutineers. A Director, who will not stand for election, may be appointed as an additional scrutineer if requested.

4. Election Procedures

The Acting Chair shall advise the Directors that the election will be conducted in accordance with the Act as follows:

- a) The elections shall be conducted in the following order:
 - i. Election of the Chair, who shall be a Director of the Authority.
 - ii. Election of the Vice-Chair, who shall be a Director of the Authority.
 - iii. Election of three Budget & Administration Committee members, who shall be Directors of the Authority.
 - iv. Election of Chairs of the Advisory Board(s), who shall be Directors of the Authority.
- b) The Acting Chair shall ask for nominations to each position;
- c) Only current Directors of the Authority who are present may vote;
- d) Nominations shall be called three (3) times and will only require a mover;
- e) The closing of nominations shall require both a mover and a seconder;
- f) Each Director nominated shall be asked to accept the nomination. The Director must be present to accept the nomination unless the Director has advised the Secretary-Treasurer in writing or by email in advance of the election of their willingness to accept the nomination.

If one Nominee:

- g) If only one nominee the individual shall be declared into the position by acclamation.

If More than One Nominee:

- h) In the event of an election, each nominee shall be permitted not more than five minutes to speak for the office, in the order of the alphabetical listing by surnames.
- i) Upon the acceptance by nominees to stand for election to the position of office, ballots shall be distributed to the Directors by the scrutineers for the purpose of election and the Acting Chair shall ask the Directors to write the name of one individual only on the ballot.
- j) The scrutineers shall collect the ballots, leave the meeting to count the ballots, return and advise the Acting Chair who was elected with more than 50% of the vote.

A Majority vote shall be required for election. If there are more than two nominees, and upon the first vote no nominee receives the Majority required for election, the name of the person with the least number of votes shall be removed from further consideration for the office and new ballots shall be distributed. In the case of a vote where no nominee receives the Majority required for election and where two or more nominees are tied with the least number of votes, a special vote shall be taken to decide which one of such tied nominees' names shall be dropped from the list of names to be voted on in the next vote.

Should there be a tie vote between two remaining candidates, new ballots shall be distributed and a second vote held. Should there still be a tie after the second ballot a third vote shall be held. Should there be a tie after the third vote, the election of the office shall be decided by lot drawn by the Acting Chair or designate.

Appendix 4 – Committees and Advisory Boards

1. *Creation, Role and Powers*

Establishment by the Board of Directors: Committees and Advisory Boards may be established by the Board of Directors from time to time. They may be permanent or ad hoc.

Role: Committees and Advisory Boards are established by the Board of Directors to help the Board do its job. They assist the Board by:

- (a) investigating, reviewing and making recommendations to the Boards;
- (b) preparing policy alternatives and identifying implications for Board deliberation; and
- (c) considering and recommending details and actions on programs, projects, etc., within their terms of reference.

Powers: Committees and Advisory Boards have advisory powers only unless other powers are specifically delegated to them by the Board of Directors in writing. Committees and Advisory Boards may not speak or act for the Board except when formally given such authority for specific and time-limited purposes. They do not spend funds or approve policy. Powers will be carefully stated in order not to conflict with authority delegated to the CAO. In keeping with the Board's broader focus, Committees and Advisory Boards will normally not have direct dealings with current Staff operations, and will not delegate directly to Staff.

Composition: Committees are composed of sitting members of the Board of Directors. Advisory Boards are composed of sitting members of the Board of Directors and citizens selected by the Advisory Board Chair for their knowledge or expertise in an area of concern to the specific Advisory Board.

2. *Current Committee and Advisory Board Structure*

The HCA currently has one standing Committee and one Advisory Board:

- (a) the Budget & Administration Committee; and
- (b) the Conservation Advisory Board.

3. *Terms of Reference*

Board to Set Terms of Reference: The Board of Directors shall set terms of reference for each Committee and Advisory Board. The terms of reference should describe:

- (a) the name of the Committee or Advisory Board;
- (b) the specific functions, roles and objectives of the Committee or Advisory Board;
- (c) the number of members including, if applicable, the minimum and maximum number of members, and the number of members who must be Board members;
- (d) the term of membership;
- (e) the total maximum time period that a person who is not a Board member may remain a member, if applicable;
- (f) the manner of appointment of members;
- (g) qualifications for membership, if applicable; and
- (h) any details regarding meeting procedure that may differ from the procedures applicable to Board meetings.

4. Meeting Procedure

Board Procedure Applies: The regulations governing the procedure of the Board of Directors shall be observed in Committee and Advisory Board meetings, as far as they are applicable, unless varied by the terms of reference of the Committee or Advisory Board in question.

Calling Meetings: Each Committee and Advisory Board shall meet at such time and place as its Chair shall decide under the general direction of the Board of Directors.

Notice of Meetings: Notice of Committee and Advisory Board meetings shall be conveyed to all members at least 5 days prior to the date of the meeting.

Quorum: A quorum of a Committee or Advisory Board shall not be less than one half of its members. The Chair and/or Vice-Chair of the Board of Directors, where present ex officio, shall be counted in making a quorum of a Committee or Advisory Board.

Meetings Public: All Committee and Advisory Board meetings are open to the public.

In Camera Business: When a Committee or Advisory Board deals with "in camera" items, the chair of that Committee Advisory Board must report back to the next Board of Directors meeting providing background information, a summary of any discussion and any recommendations. The Board of Directors may receive such reports "in camera" as needed.

5. Minutes of Meetings

Minutes to be Recorded: The minutes of all meetings of the Budget & Administration Committee shall be recorded by the Secretary-Treasurer or his/her designate, and the minutes of all other Committee and Advisory Board meetings shall be recorded by HCA Staff members as designated by the CAO.

Circulation of Minutes: The minutes of Committee and Advisory Board meetings shall be circulated by the secretary of the meeting at least five (5) days prior to the next meeting of the Committee or Advisory Board. The minutes, subject to any amendments approved at the meeting, shall be adopted by motion.

6. Budget & Administration Committee

Members: The Budget & Administration Committee consists of five members of the Board of Directors. The Chair and Vice-Chair of the Board are ex officio members of the B&AC. Three other members of the Board are elected as members of the B&AC at the Annual Meeting each year.

Functions: The Budget & Administration Committee is responsible for the following functions:

- (a) Including a "Declaration re Local Government Disclosure of Interest" in its agenda, immediately following the "Chair's Remarks";
- (b) Receiving delegations;
- (c) Reviewing and receiving the quarterly expenditure report (Vendor Listing);
- (d) Recommending the acquisition and/or sale of land;
- (e) Considering matters of Law, Personnel and Property "in camera";
- (f) Investigating, reviewing and making recommendations to the Board of Directors on budget matters, including in particular:
 - (i) Reviewing recommendations of Staff on upcoming budgets and making recommendations on same;

- (ii) Reviewing and making recommendations on procedures for obtaining municipal, provincial, federal and private funding;
 - (iii) Reviewing and making recommendations on alternate financing methods, i.e. the issuance of debentures, mortgages, etc.;
 - (iv) Reviewing and making recommendations on the Auditor's annual report;
 - (v) Where appropriate, receiving delegations on behalf of the Board of Directors, and making recommendations thereon.
- (g) Investigating, reviewing and making recommendations to the Board of Directors on insurance matters, including in particular:
 - (i) Reviewing and making recommendations on current HCA insurance contracts;
 - (ii) Reviewing and making recommendations on insurance claims pertaining to the overall HCA operation and jurisdiction.
- (h) Investigating, reviewing and making recommendations to the Board of Directors on personnel related matters, including in particular:
 - (i) Reviewing Staff requirements and making recommendations on new permanent positions;
 - (ii) Advertising for new permanent positions, interviewing applicants and recommending a final selection for Salary Classification S11 and greater;
 - (iii) Reviewing and making recommendations on step progression or merit increases, and cost of living increases;
 - (iv) Reviewing and making recommendations on overall salary adjustments and reclassifications;
 - (v) Reviewing the HCA Personnel Policy and fringe benefit programs, and making recommendations on any required changes with a budget impact;
 - (vi) Reviewing and making recommendations on members' per diems, honorariums, etc.
- (i) Investigating, reviewing and making recommendations to the Board of Directors on matters pertaining to the negotiation of the various conservation area concession operation contracts and rental agreements.
- (j) Investigating and making recommendations on such other matters as assigned by the Board of Directors, and such matters as may arise from time to time which require some pre-consideration before being brought to the Board of Directors for a final decision.

Governance: The B&AC will oversee and make recommendations to the Board of Directors regarding the good corporate governance of the HCA. For this purpose, the mandate of the B&AC is to: (a) consider and report annually to the Board of Directors on governance issues that have arisen in the past year, including making recommendations, if appropriate, for amendments to this Administrative By-Law, and (b) conduct a comprehensive review of corporate governance every three years and report to the Board of Directors on the results, including making recommendations, if appropriate, for amendments to this Administrative By-Law. The Board shall decide, following receipt of the B&AC's report, whether action is appropriate or required to ensure the continued good corporate governance of the HCA.

7. Executive Committee

Discretion to Create Executive Committee: The Board of Directors may delegate all or any of its power to an Executive Committee (if applicable), except:

- (a) the termination of the services of the Secretary-Treasurer
- (b) the power to raise money, and
- (c) the power to enter into contracts or agreements other than such contracts or agreements as are necessarily incidental to the works approved by the Board of Directors.

No Executive Committee: In 1983, the HCA decided to abandon its Executive Committee. All powers therefore rest with the Board of Directors.

8. Conservation Advisory Board

Functions: The Conservation Advisory Board (CAB) will consider, review and make recommendations on:

- (a) Specific projects as requested annually or as identified by the Board of Directors
- (b) Specific projects and programs identified by HCA staff including but not limited to the following:
 - (i) Conservation area master development plans
 - (ii) Annual membership pass program
 - (iii) Development of new volunteer engagement programs and friends organizations that assist HCA in conservation area programs and projects
 - (iv) Policies, protocols and memorandums of agreement/understanding that do not have a budget impact
 - (v) Long range strategies and plans, watershed and sub-watershed plans and provincial or federal environmental assessments, among other matters.
 - (vi) Large-scale natural heritage enhancement projects, both on Authority owned and managed lands as well as private lands.
 - (vii) Cultural heritage projects for HCA conservation areas and for any buildings or structures owned by the Authority for designation under the terms of the Ontario Heritage Act, R.S.O, 1990.
 - (viii) The continued development and enhancement of the Hamilton Watershed Stewardship Program which includes programs on private and conservation area lands designed to improve the conservation, management and restoration of watershed resources and improvement of water quality.
 - (ix) Large-scale, major private and public sector projects which have the potential for major environmental impacts on watershed resources.
 - (x) HCA reports and studies for engineering and water management projects and for comprehensive watershed and subwatershed management projects and plans, among other matters.
 - (xi) The establishment of subcommittees to the CAB, to deal with specific policy or program matters as appropriate, or to sit as members of HCA-established project Steering Committees and to bring recommendations to the CAB for consideration and final recommendation.

- (c) Information on conservation area operations including annual attendance figures and events

Membership: The CAB shall be composed of up to 11 members as follows:

- Citizens: 8 appointed members of the community at large
- Board of Directors: up to 3 members of the Board (excluding the Chair and Vice Chair as they are Ex Officio Members).

Chair & Vice Chair: One of the Board members shall serve as Chair of the CAB and a Vice-Chair shall be selected by the CAB members which can be a citizen or Board member

Ex Officio Members: The Chair and Vice Chair of the Board of Directors are ex-officio members of CAB

Terms of Appointment:

- Citizen members: citizen appointments to CAB will be for a maximum period of 8 consecutive years, with these positions being noted as 4 year appointments with an option for an additional one 4-year term at renewal. Citizen appointments will be staggered to ensure there is not a significant amount of membership turnover in any given year to ensure continuity and knowledge over time.
- After serving for the two terms noted above, a citizen member with continued interest may apply for future vacancies provided the member has taken a minimum of a one year break.
- Board members: appointment of Board of Director members to the CAB are for an annual basis and renewed at the AGM.

Citizen Recruitment & Selection:

Recruitment & Vacancies for Citizen Members

When new citizen members are required a “Notice of Vacancy” will be prepared by the HCA staff and distributed through HCA communication channels which includes, but is not limited to, posting on the HCA website and social media. This document will include general information regarding committee functions and a link to the terms of reference.

A vacancy occurs when a citizen member resigns, vacates a position at their maximum term length or when their resignation is requested by the Chair.

All applicants must submit an expression of interest which includes a cover page and resume.

Selected applicants must attend an interview. The Chair and Vice chair of CAB (or designate) will form the interview committee along with one HCA staff person as designated by the CAO.

The citizen member(s) selected by the interview committee will be endorsed and approved by a report to the next Board of Directors meeting.

Eligibility for Citizen Members

Appointment to CAB will be made providing adherence with the following eligibility requirements:

- Citizen members must live within the HCA watershed
- Citizen members must possess experience and/or expertise with environmental/natural resource issues and/or outdoor recreation/operations, which may include volunteer experience

- While applicants who meet the above eligibility criteria are encouraged to apply, applicants with demonstrated participation in groups or initiatives with goals relevant to the Conservation Advisory Board will be preferred.

Active participation in the CAB meetings is expected of all citizen members. Active participation may refer to both meeting attendance and/or engagement. Members who miss three consecutive meetings without justified absence may be retired from the committee at the discretion of the CAB Chair.

Meetings: Regular meetings of the CAB will be scheduled on a bi-monthly basis, up to 6 meetings per year (currently meetings are proposed as February, April, June, August, October, and December) or at the discretion of the Chair if additional meetings are required.

Meetings will be held on the second Thursday of each month and will commence as early as 4:00 p.m., or as approved by the Chair. HCA staff will work with the CAB Chair to determine agendas for the meetings, location of meetings for site visits and will also work collaboratively to determine when scheduled meetings are to be canceled due to lack of agenda items, inclement weather, lack of quorum or other circumstances.

HCA Support & Advisory Staff: As designated by the CAO, appropriate HCA staff shall provide administrative support, including the taking of minutes, the distribution of minutes and agendas and the general administrative coordination of meetings including posting of vacancies for citizen members.

Staff from various HCA divisions shall provide support to the CAB, including background information, briefings, site visits and formal memos and/or reports.

HAMILTON CONSERVATION AUTHORITY

Conservation Advisory Board

MINUTES

August 9, 2018

Minutes of the Conservation Advisory Board meeting held on Thursday, August 9, 2018 at HCA's Woodend Administration Building commencing at 7:00 p.m.

PRESENT:

Maria Topalovic, Chair

John Barkovic

Frank Cucullo

Brad Gautreau

Cheryl Larocque

Morgan Pirie

Wayne Terryberry

Kristen Brittain

Susan Fielding

Donna Kydd

Duke O'Sullivan

John Shaw

REGRETS:

Lydia Cartlidge, Doug Conley, Joanne Di Maio, Chris

Michels, Robert Pasuta

STAFF PRESENT:

Lisa Burnside, Gord Costie, Matt Hall, Bruce Harschnitz,

Judy Love, Sheila O'Neal, Scott Peck, Chris Polap, and

Stacey Van Opstal – HCA Staff

OTHERS:

Richard Leitner – Media

1. CHAIR'S REMARKS

Maria Topalovic welcomed everyone and indicated the regrets received for the meeting.

Maria indicated that Premier Doug Ford announced his new cabinet on June 29, 2018 and Conservation Ontario has made all Conservation Authorities aware that the newly named Ministry of Environment, Conservation and Parks will assume responsibilities for Conservation Authorities.

Jeff Yurek has been named Minister of Natural Resources and Forestry and Rod Phillips named Minister of Environment, Conservation and Parks.

Conservation Ontario will be reaching out to the Province to try and learn more about how these changes will affect the Conservation Authorities and how the changes will be implemented.

2. DECLARATION OF CONFLICT OF INTEREST

The Chair asked members to declare any conflicts of interest. There were none.

3. APPROVAL OF THE AGENDA

The Chair requested any additions or deletions to the agenda. The Chair indicated that the report under 9.2 will be moved up and discussed after the agenda review.

CA1816 **MOVED BY: Morgan Pirie**
 SECONDED BY: Donna Kydd

THAT the agenda be approved.

CARRIED

4. DELEGATIONS

There was none.

5. MEMBER BRIEFING

There was none.

6. CHAIRMAN'S REPORT OF BOARD OF DIRECTOR'S ACTIONS

Maria reported that the following items were approved at the April HCA Board of Directors meeting.

CA1814/CA1815 Fifty Point Conservation Area Pond – Fisheries Management

BD12,2564 Governance Review – CAB – Terms of Reference

Maria indicated that the Board of Directors approved that a Sub-Committee be formed to review the CAB Terms of Reference. The Sub-Committee consists of Board members Susan Fielding, Maria Topalovic, Santina Moccio, Dan Bowman, CAB Vice-Chair Morgan Pirie, and staff members for support are Lisa Burnside, Scott Peck, Gord Costie, and Judy Love.

The board felt timing was appropriate to review CAB terms as HCA is in the process of undertaking the five year comprehensive governance review and also must amend some of its current administrative bylaws to be in compliance with revisions to the CA Act. The intent and goal is to ensure ongoing engagement and clear focus that supports good governance, help HCA achieve its strategic goals and complement the Board of Directors.

The draft terms of reference will be circulated by email to all CAB members for their review and comment.

Donna Kydd asked if this would be conflicting with the revised CA Act. Lisa indicated no details have been released on mandatory advisory committees at this time as noted in the revised Act and that HCA can be seen as being ahead of the legislation with CAB and terms will be reviewed again when details are known.

7. APPROVAL OF THE MINUTES OF PREVIOUS MEETING

7.1 Minutes – Conservation Advisory Board (June 14, 2018)

CA1817 MOVED BY: Donna Kydd
SECONDED BY: Frank Cucullo

THAT the minutes of the June 14, 2018 Conservation Areas Advisory Board meeting be approved.

CARRIED

8. BUSINESS ARISING FROM THE MINUTES

There was none.

9. STAFF REPORTS/MEMORANDUMS

9.1 Confederation Beach Park – Hamilton Marathon Road 2 Hope

Bruce Harschnitz provided a PowerPoint presentation and indicated this is the largest two day event at Confederation Beach Park which takes place on Saturday, November 3 and Sunday, November 4.

This is a fundraiser event which supports over 25 local charities, raising over 2.5 million dollars in 10 years. The event is operated under a full user agreement with HCA/City of Hamilton for the use of the facilities for the weekend.

This is a race for all levels and all ages. On Saturday, there is a 1 km kid's loop race and a 5 km and 10 km race. On Sunday, there is a half and a full marathon that takes place.

Attendance for the weekend over the past three years has been approximately 4,000 with 1,500 registered for the full marathon.

9.2 Proposal for Permanent October 1 Commencement of Rothsay's Annual Discharge Season

Scott Peck presented the report. Scott introduced Greg Cooper and Abraham Mun from Rothsay. Scott indicated that Rothsay has submitted a request for permanent October 1 commencement of Rothsay's annual discharge season. The estimated discharge season would be October 1 to December 31. The request is being made to facilitate efficiencies in the operation of the rendering and wastewater management facilities to avoid operation in cold weather and winter months.

HCA staff support the request for early discharge on a one-year basis, however, monitoring is required to continue to determine the sources of increased TP and DOC during the discharge period.

HCA and Rothsay have been working co-operatively on the monitoring of the discharge over the past 4 years to ensure the requirements of the HCA are addressed while meeting the requirements of Rothsay.

Greg Cooper, Abraham Mun, and Scott answered member's questions.

CA1818

MOVED BY: Duke O'Sullivan

SECONDED BY: John Shaw

THAT the Conservation Advisory Board recommends to the Board of Directors:

THAT, provided the wastewater to be discharged complies with all standards identified in Rothsay's Environmental Compliance Approval (ECA) for wastewater works issued by the Ministry of Environment, Conservation and Parks, the Hamilton Conservation Authority approve the proposal for October 1 Commencement of Rothsay's Annual Discharge Season on a One-Year Basis commencing October 1, 2018; and,

THAT upon the commencement of Rothsay's Early Annual Discharge Season, HCA will continue to monitor water quality; and,

THAT all regular testing of wastewater, along with testing for additional sewage indicators, continue by Rothsay over the One-Year Early Discharge Approval Period; and,

THAT HCA staff continue to work with Rothsay on monitoring the parameters of the wastewater discharge as it relates to the review of water quality in Christie Lake with costs covered by Rothsay as required; and further,

THAT Rothsay report on the results of the early commencement of the normal fall discharge period to the HCA and MOECP staff.

CARRIED

9.3 Water Quality Monitoring Program

Chris Polap and Stacey Van Opstal presented a PowerPoint presentation and indicated the water quality monitoring program is fundamental to understanding watershed health. Chris answered member's questions.

Following is a summary of current monitoring programs:

Groundwater Monitoring:

- Provincial Groundwater Monitoring Network (PGMN)
 - started in 2000 to collect, analyze and report on high quality groundwater level and chemistry conditions
 - support key water management programs
 - recognize emerging issues, correlations and trends

- support adaptation planning associated with potential climate change effects
- share and communicate groundwater information with partners

Surface Water Monitoring:

- Provincial Water Quality Monitoring Network (PWQMN)
 - measures water quality in rivers and streams across Ontario
 - over 400 locations monitored in partnership with CA's, Municipalities and Provincial Parks
 - valuable database for tracking changes in water quality over time
 - main objective is to protect human health and aquatic ecosystems

Hamilton Harbour Remedial Action Plan:

- this program helps to establish water quality targets for watercourses draining into Cootes Paradise

Maria thanked Chris and Stacey for their presentation.

9.4 Watershed Report Card

Sheila O'Neal provided a presentation on the watershed report card and answered member's questions. Watershed report cards are an important tool for Conservation Authorities, municipalities, and other partners to measure environmental change and target resources and program. They provide a better understanding of local environmental issues, focus actions where they are needed the most and track progress over time. The main challenges to healthy watershed continue to be the impacts of urbanization and climate change. Through their monitoring programs, Conservation Authorities will continue to track and report on conditions once every five years.

A press release went out July 6 to inform the public that the report card is available. This has been posted on our website and on social media.

9.5 Upcoming Events

Gord Costie provided an update of the upcoming events that was provided in the agenda package.

10. **NEW BUSINESS**

There was none.

11. NEXT MEETING

The next meeting of the CAB is scheduled for Thursday, September 13, 2018 at 7:00 p.m.

12. ADJOURNMENT

On motion, the meeting was adjourned.

Report

TO: Conservation Areas Advisory Board Members

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer (DCAO), Director, Watershed Planning & Engineering

PREPARED BY: Chris Polap, Water Monitoring Technician

DATE: July 31, 2018

RE: Proposal for Permanent October 1 Commencement of Rothsay's Annual Discharge Season

STAFF RECOMMENDATION

THAT the Conservation Advisory Board recommends to the Board of Directors:

THAT, provided the wastewater to be discharged complies with all standards identified in Rothsay's Environmental Compliance Approval (ECA) for wastewater works issued by the Ministry of Environment, Conservation and Parks, the Hamilton Conservation Authority approve the proposal for October 1 Commencement of Rothsay's Annual Discharge Season on a One-Year Basis commencing October 1, 2018; and,

THAT upon the commencement of Rothsay's Early Annual Discharge Season, HCA will continue to monitor water quality; and,

THAT all regular testing of wastewater, along with testing for additional sewage indicators, continue by Rothsay over the One-Year Early Discharge Approval Period; and,

THAT HCA staff continue to work with Rothsay on monitoring the parameters of the wastewater discharge as it relates to the review of water quality in Christie Lake with costs covered by Rothsay as required; and further,

THAT Rothsay report on the results of the early commencement of the normal fall discharge period to the HCA and MOECP staff.

BACKGROUND

The Rothsay Dundas Plant is a meat rendering facility that renders raw meat material from meat processing plants, farms, grocery stores and restaurants and converts this into products including animal feeds, cosmetics, detergents and other products. As part of the rendering process and operation of the facility, wastewater is produced and treated on-site. The Environmental Compliance Approval (ECA) for Rothsay issued by the Ministry of Environment, Conservation and Parks allows for discharge of the treated wastewater. The discharge is released into a pond located on Rothsay property before being released into a wetland that flows into a watercourse on HCA lands (former Pond 4) and Christie Lake Conservation Area. The approved discharge period is November 1 to March 31. The discharge period is as detailed in the ECA and any variations to the dates specific must be approved by the HCA as per conditions as specified in the ECA.

A request for an early discharge was made in 2011 and was granted subject to the requirement for monitoring the wastewater at locations to be determined by staff on HCA lands. The monitoring work did not take place at that time. In September 2013, Rothsay requested an extension of their fall discharge period and a possible late extension so that wastewater can be discharged a month earlier and two weeks later in the spring. The request for an extension at that time was to facilitate the removal of an existing filter system and the installation of a replacement system. The Board of Directors approved the request for an early discharge period subject to the requested monitoring as detailed in 2011.

The early discharge did take place in 2013 and water quality monitoring based on an approved plan has been taking place downstream of the discharge point and at the expense of Rothsay. This monitoring program took place over a 4-year period and ceased in July 2018. The results in this monitoring report indicate that Rothsay's discharge may be having an impact on downstream water quality, although it is inconclusive if the observed increase in Total Phosphorous and Dissolved Organic Carbon during the discharge period were from Rothsay effluent and/or seasonal wetland patterns. Funds are still available within this program to continue with an Adaptive Monitoring Plan (AMP) in order to determine if the Rothsay effluent is the cause of increased concentrations observed downstream during the effluent discharge period or if this is a natural occurrence.

Rothsay has submitted a request for permanent October 1 commencement of Rothsay's annual discharge season. The estimated discharge season would be October 1 to December 31. The request is being made to facilitate efficiencies in the operation of the rendering and wastewater management facilities to avoid operation in cold weather and winter months.

STAFF COMMENT

As noted similar requests have been made to the HCA in the past and approved. The HCA has undertaken monitoring downstream of the discharge point over the past 4-years and this work has been undertaken at Rothsay's expense. The results from this monitoring program have been reviewed and reported on by an outside consultant and indicate that effluent from Rothsay may be having an impact downstream during the discharge period. Increased concentrations of Total Phosphorous (TP) and Dissolved Organic Carbon (DOC) during the discharge period may be due to effluent inputs from Rothsay or the result of seasonal patterns in the wetland. Wetlands are a common source of TP and DOC and seasonal trends are associated with plant growth and decay within the wetland. An AMP designed to determine the source of these inputs should commence during the 2018 discharge period in order to be able to responsibly conclude whether the effluent or the wetland itself (or both) is the source of these increased concentrations of TP and DOC. A report would be brought back to the HCA Board of Directors in 2019 with the results of the AMP with a recommendation regarding the future of early discharge approval from the HCA on a permanent or temporary basis.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2014-2018:

- **Strategic Goal #1 – Water Management**
 - Strategic Objective – Monitor and enhance surface and groundwater quality from the headwater source to Hamilton and Lake Ontario.
- **Strategic Goal # 2 – Natural Heritage Conservation**
 - Strategic Objective – maintain and enhance environmental monitoring programs for HCA conservation areas and public and private watershed lands.

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

Not applicable.

CONCLUSIONS

HCA staff support the request for early discharge on a one-year basis, however monitoring is required to continue to determine the sources of increased TP and DOC

during the discharge period. This will allow for the AMP to take place and determine the source of elevated inputs during winter months (discharge period). Upon completion of the AMP, HCA staff will be able to make a recommendation in 2019 regarding allowing the early discharge on a permanent basis or maintaining the existing timing as per the ECA. The HCA and Rothsay have been working co-operatively on the monitoring of the discharge over the past 4-years to ensure the requirements of the HCA are addressed while meeting the requirements of Rothsay.



Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer / Director, Watershed Planning & Engineering

PREPARED BY: Jonathan Bastien, Water Resources Engineering

DATE: August 22, 2018

RE: Current Watershed Conditions as of August 22, 2018

CURRENT WATERSHED CONDITIONS – August 22, 2018

Current Water Levels in Major Area Watercourses

Based on data from HCA stream gauges (6), water levels and flows are currently near baseflow conditions to slightly elevated at all locations [Ancaster Creek at Wilson Street, Redhill Creek at Barton Street, Stoney Creek at Queenston Road, Upper Spencer Creek at Safari Road, Middle Spencer Creek at Highway 5, and Lower Spencer Creek at Market Street].

There are currently no watercourse flooding or significant public safety concerns.

Current Lake Ontario Water Levels

Currently, Lake Ontario is at normal water levels. The Lake Ontario mean daily water level is currently approximately 74.90 m IGLD85.

Current Storages in HCA Reservoirs

Based on current reservoir levels at Christie Lake Dam (770.25 ft), the reservoir is presently slightly below its typical summer operating level (771 ft), and is at about 55

percent of its preferred typical maximum summer storage capacity (corresponding to a water level of 773 ft).

Based on current reservoir levels at Valens Dam (275.31 m), the reservoir is presently near its typical summer operating level (275.35 m), and is about 19 cm below its preferred typical maximum summer water level (275.5 m)

Current Soil Conditions

Soil Moisture in surface and root-zone soils are expected to be wet to saturated.

RECENT STORM EVENTS

During the period of mid-June to currently, there were no significant flooding events. However, one potential storm warranted issuing a Flood Outlook message due to the possibility of significant increases in watercourse flows and the potential for localized watercourse flooding of low-lying areas that typically flood during higher water levels (August 20). Slightly elevated flows were observed as a result of this storm, but no watercourse flooding or significant public safety concerns were reported or expected to have occurred.

RECENT PRECIPITATION SUMMARY

Current precipitation totals do not indicate drought conditions.

FORECASTED WATERSHED CONDITIONS

Watercourse Flooding

There are currently no significant rainfall events (+20 mm in a day) anticipated for the watershed over the next 2 weeks.

Resultant water levels and flows from forecasted rain are not expected to pose significant watercourse flooding concerns.

Lake Ontario Shoreline Erosion / Flooding

According to International Lake Ontario – St. Lawrence River Board weekly briefing information, Lake Ontario water levels are expected to generally continue to decline as the summer progresses.

If average inflows to the lake were to continue, water levels would remain near seasonal average values through the summer, whereas wetter or drier conditions would result in higher or lower levels, respectively.

SYNOPSIS

As of August 22, 2018, no significant watercourse flooding or drought responses are required.



UPCOMING HCA AND PARTNER EVENTS

Christie Antique & Vintage Show

September 8, 8:00am - 5:00pm

Christie Lake Conservation Area

1000 Highway 5 West, Dundas, Ontario, L9H 5E2

Canada's favourite antique & vintage show with hundreds of dealers and almost 10 acres of treasures to be discovered. Here you'll find china, jewellery, golf items, tins, scientific instruments, folk art, postcards, native artifacts, Canadiana, fine art, nostalgia items, furniture and much, MUCH more! Food vendors on site for a snack or meal. Rain or shine. Admission fee applies. For more information visit www.christieshow.ca

Tough Mudder

September 15 & 16, 8:00am-5:00pm

Christie Lake Conservation Area

1000 Highway 5 West, Dundas, Ontario, L9H 5E2

Tougher Mudder takes our signature Tough Mudder course and adds a competitive, timed twist. This first start wave of Saturday of event weekend allows Mudders to push themselves to a new level on the classic course, while still maintaining our core values of teamwork and camaraderie. Visit www.toughmudder.com for more information.

10th Anniversary of Telling Tales: A Family Festival of Stories

September 16 -10:00 to 4:00 pm

Westfield Heritage Village

1049 Kirkwall Road, Rockton, ON L0R 1X0

Designated one of the province's "Top 100" by Festivals and Events Ontario, this is a free event celebrating Canada's leading children's writers and illustrators. Meet authors, artists and musicians and take part in the popular Book Swap and Shop. Free parking at Rockton Fairgrounds with complimentary shuttle service to Westfield. (Please note there is no parking at Westfield.) For more information visit www.westfieldheritage.ca or www.tellingtales.org.

Lively Dragon Dragonboat Races

September 22, 8:00am - 6:00pm

Christie Lake Conservation Area

1000 Highway 5 West, Dundas, Ontario, L9H 5E2

Beautiful park, lots of docks, amazing races, If you truly enjoy the sport of dragonboating, this is a race that you must not miss. It is without a doubt like no other!

A Taste of Warm Bread**September 30, 12:30 – 4:00 pm****Westfield Heritage Village****1049 Kirkwall Road, Rockton, ON L0R 1X0**

Come and taste a little bit history! Warm, soft, crusty – bread is the theme of this day. Learn how different types of breads are made in hearths, woodstoves and the bake oven. Samples will be available! For more information visit www.westfieldheritage.ca

Thanksgiving Weekend Campout**October 5 – 8****Valens Lake Conservation Area****1691 Regional Road 97 (R.R.#6), Flamborough, Ontario N1R 5S7**

Reserve your campsite to avoid missing out on this busy weekend. For more information, please call Valens Lake at 905-525-2183 or email

Sticks n' Stones Trail Race**October 6****Christie Lake Conservation Area****1000 Highway 5 West, Dundas, Ontario, L9H 5E2**

This race is based on a 5k loop around Christie Lake. The loop is non-technical and mostly flat making the course fast and runnable. This race is spectator friendly!

Visit www.happytrailsracing.com for more information.

Thanksgiving Weekend**Sunday October 7 and Monday October 8 12:30 – 4:00 pm****Westfield Heritage Village****1049 Kirkwall Road, Rockton, ON L0R 1X0**

Bring the whole family for a wonderful afternoon in the country exploring the people and places of early Ontario. For more information visit www.westfieldheritage.ca

HWDSB Cross Country Days**October 9, 10, 11, 12 & 17****Christie Lake Conservation Area****1000 Highway 5 West, Dundas, Ontario, L9H 5E2****Ghost Walks****October 13****Dundas Valley Conservation Area****Hermitage Parking Lot, Sulphur Springs Road, Dundas**

Walk into the haunted woods at night with the only tour of its kind anywhere! Experience the conflict between calm and fear. A quiet stroll in the forest mixed with dark energy from one of the oldest communities in Ontario. Soon you arrive at a place filled with ghost stories told over generations at this hidden historic gem. It's just your group, alone in the dark with ghosts. Stories of tragic love, cults and the coachman who still walks among the trees. Visit www.ghostwalks.com for more information.