



# Board of Directors Meeting Agenda

Thursday, September 5, 2019





## **Board of Directors Meeting**

**Thursday, September 5, 2019 at 7:00 p.m.**

**HCA Main Office, 838 Mineral Springs Road, Ancaster, Ontario**

- 1. Call to Order** – Ferguson
- 2. Declarations of Conflict of Interest**
- 3. Approval of Agenda**
- 4. Delegations**
- 5. Consent Items for Applications, Minutes, and Correspondence**
  - 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
  - 5.2. Approval of Board of Directors Minutes – June 6, 2019
  - 5.3. Approved April 18, 2019 Budget and Administration Committee Minutes and Approved June 13, 2019 Conservation Advisory Board Minutes – for receipt only
- 6. Member Briefing**
  - 6.1. Hamilton Conservation Foundation – Grace Correia / Margaret Reid
  - 6.2. FOTEK Cheque Presentation – Margaret Reid
- 7. Business Arising from the Minutes**
- 8. Other Correspondence**
  - 8.1. August 16, 2019 letter from the Minister of the Environment, Conservation and Parks re. the More Homes, More Choice Act, 2019 and Conservation Ontario Media Release response, dated August 19, 2019

## **9. Reports from Budget & Administration Committee, Conservation Advisory Board, and the Foundation**

### **9.1. Conservation Advisory Board – June 13 & August 8, 2019** – Topalovic

CA1922 Cootes to Escarpment Update and Management Plan Report

### **9.2. Budget and Advisory Committee – August 22, 2019** – Moccio

BA1923 Governance Review

BA1927 Budget & Administration Committee Vacancy

### **9.3. Foundation Chairman's Report** – Margaret Reid

## **10. Other Staff Reports/Memorandums**

10.1. Designation of Provincial Offences Officers

– Costie

10.2. Client Service Standards

– Mike Stone

10.3. Request for Quotation

Christie Dam Lead Paint and Corrosion Removal

– Jonathan Bastien

10.4. Current Watershed Conditions as of August 26, 2019

– Jonathan Bastien

10.5. 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 3, 2019**

## **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:** Darren Kenny, Watershed Officer

**DATE:** August 23, 2019

**RE:** Summary Enforcement Report – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses  
Regulation 161/06 Applications for September 5, 2019

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HCA Regulation applications approved by staff between the dates of May 18, 2019 and August 23, 2019 are summarized in the following Summary Enforcement Report (SER-6/19).

## RECOMMENDATION

THAT the Board of Directors receive this Summary Enforcement Report SER-6/19 as information.



**HAMILTON REGION CONSERVATION AUTHORITY**

**DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO SHORELINES AND WATERCOURSES APPLICATIONS**

August 26, 2019

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, September 05, 2019

The proposed works are subject to Ontario Regulation 161/06, and in particular Section 2, Subsection (1).

**SUMMARY ENFORCEMENT REPORT SER 6/19**

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
D/C/19/31	14-May-19	23-May-19	3		55 Newcombe Rd Lot 8, Concession 1 Dundas	Repair of an existing deck and construction of a screen roof covering over the existing deck in a regulated area of Middle Spencer Creek.	Approved subject to standard conditions
H/F,A/19/23	17-Apr-19	23-May-19	22		Pt Lt 7, BF Con, 386 Wilcox St Lot 7, Concession BF Hamilton	Completion of maintenance dredging for a water intake pipe in a regulated area of the Hamilton Harbour.	Approved subject to standard conditions
SC/F,C,A/19/28	25-Apr-19	24-May-19	9		301 Frances Ave Lot 20, Concession BF Stoney Creek	Completion of amendments to an existing shorewall and replacement of an existing staircase in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions
SC/F/19/07	01-Feb-19	28-May-19	36		Pt Lts 22 and 23, BF Con, North Service Rd at Drakes Dr Lot 22, 23, Concession BF Stoney Creek	Completion of intersection improvements at Confederation Beach Park Entrance and Drakes Drive at North Service Road in a regulated area of Stoney Creek and Stoney Creek Watercourse No. 0.3.	Approved subject to standard conditions
F/F,C/19/26	23-Apr-19	30-May-19	26		1033 6th Con Rd W Lot 2, Concession 6 Flamborough	Completion of a pipeline integrity dig in a regulated area of the Sheffield-Rockton Provincially Significant Wetland.	Approved subject to standard conditions

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**SUMMARY ENFORCEMENT REPORT SER 6/19**

A/C,A/19/21	29-Mar-19	31-May-19	43		Pt Lts 44, 45 and 49-52, Con 4, Garner Rd E and Hwy 6/Between Kitty Murray Lane and Springbrook Ave/ Lot 44,45,49-52, Concession 4 Ancaster	Installation of new conduits on Garner Road East associated with the Garner Road Overbuild (181-16418-00-C3, C7, C8) in a regulated area of Ancaster Creek and Tiffany Creek.	Approved subject to standard conditions
D/C/19/29	27-Apr-19	04-Jun-19	23		85 Robinhood Dr Lot 51, Concession 1 Dundas	Construction of a minor addition (front porch enclosure) and interior renovations to an existing single family residence in a regulated area of Sulphur Creek.	Approved subject to standard conditions
F/F,C/19/30	03-May-19	04-Jun-19	28		1384 4th Con Rd W Lot 29, Concession 3 Flamborough	Like-for-like replacement of an existing driveway culvert in a regulated area of Westover Creek and the Hayesland Christie Provincially Significant Wetland Complex.	Approved subject to standard conditions
A/F,C/19/33	21-May-19	05-Jun-19	15		180 Brookview Crt Lot 40, Concession 2 Ancaster	Installation of an in-ground pool and associated walkway/servicing in a regulated area of Sulphur Creek.	Approved subject to standard conditions
D/C/19/36	28-May-19	12-Jun-19	17		20 Dundas St Lot 52, Concession 1 Dundas	Construction of a two tiered deck in a regulated area of Lower Spencer Creek	Approved subject to standard conditions



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**SUMMARY ENFORCEMENT REPORT SER 6/19**

SC/F,C,A/19/22	08-Apr-19	17-Jun-19	33		29 Ben Navis Dr Lot 16, Concession 3 Stoney Creek	Completion of upgrades to the Ben Nevis and Dewitt Water Pumping Station (HD08A) in a regulated area of Stoney Creek Watercourse No. 4.	Approved subject to standard conditions
A/C/19/37	31-May-19	19-Jun-19	8		128 Rembrandt Crt Lot 41, Concession 3 Ancaster	Construction of a partial second storey addition to an existing single family residence in a regulated area of Sulphur Creek.	Approved subject to standard conditions
SC/F,C/19/41	06-Jun-19	19-Jun-19	14		62 Windemere Rd Lot 1, Concession BF Stoney Creek	Construction of a second storey addition, attached garage, foundation repair and first floor renovations to an existing single family residence in a regulated area of the Lake Ontario shoreline and Stoney Creek Watercourse No. 11.	Approved subject to standard conditions
D/F,C/19/34	24-May-19	19-Jun-19	17		18 Tally Ho Dr Lot 49, 50, Concession 1 Dundas	Removal of an existing single family residence and swimming pool and construction of a new single family residence and associated grading in a regulated area of Spring Creek.	Approved subject to standard conditions

**HAMILTON REGION CONSERVATION AUTHORITY****DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO SHORELINES AND WATERCOURSES APPLICATIONS**

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**SUMMARY ENFORCEMENT REPORT SER 6/19**

H/F,C,A/18/96	29-Oct-18	19-Jun-19	110		700 Woodward Ave Lot 29, 30, Concession BF Hamilton	Completion of required modifications to Redhill Creek associated with upgrades to the Woodward Wastewater Treatment Plant in a regulated area of Redhill Creek and the Van Wagners Marsh Provincially Significant Wetland complex.	Approved subject to standard conditions
SC/F,C,A/18/45	13-Jun-18	26-Jun-19	61		4 Winona Park Rd Lot 5, 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
SC/F,C,A/18/46	13-Jun-18	26-Jun-19	61		531 Winona Rd Lot 5, Concession BF Stoney Creek	Repair of an existing shoreline retaining wall in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions
D/F,C,A/17/79	12-Sep-17	04-Jul-19	80		40 Parkside Ave Lot 16, Concession 1 Dundas	Alteration of a watercourse, construction of a new single family residence and associated grading and landscaping/restoration in a regulated area of Sydenham Creek.	Approved subject to standard conditions
SC/F,C/19/53V	09-Jul-19	17-Jul-19	9		64 Seabreeze Cres Lot 9, Concession BF Stoney Creek	To recognize the construction of a concrete patio slab, stairway and concrete shoreline decking in a regulated area of the Lake Ontario shoreline.	Permit issued to resolve an outstanding violation.

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A/F,C,A/19/40	31-May-19	17-Jul-19	34		Pt Lt 43, Con 3, Fiddlers Green Rd Lot 43, Concession 3 Ancaster	Installation of 2 or 4 inch gas service line extensions in a regulated area of Ancaster Creek.	Approved subject to standard conditions
A/F,C,A/19/45	12-Jun-19	18-Jul-19	36		1096 Sulphur Springs Rd Lot 41, Concession 1 Ancaster	Like-for-like replacement of an existing driveway entrance culvert in a regulated area of Spring Creek.	Approved subject to standard conditions
SC/F,C,A/19/47	17-Jun-19	18-Jul-19	31		552 Fifth Rd E Lot 14, Concession 4 Stoney Creek	Extension of an existing driveway, drainage culvert installation and septic system installation in a regulated area of Stoney Creek.	Approved subject to standard conditions
SC/F,C,A/19/46	12-Jun-19	19-Jul-19	25		1119 Barton St E Lot 7, Concession 1 Stoney Creek	Installation of a new 4 inch natural gas pipeline to service new industrial development in a regulated area of Stoney Creek Watercourse No. 9.	Approved subject to standard conditions
H/F,C,A/19/42	10-Jun-19	19-Jul-19	27		Pt Lts 4 and 5, Con 1 Lot 4, 5, Concession 1 Hamilton	Installation of an 8 inch gas line in a regulated area of Upper Davis Creek and the Eramosa Karst.	Approved subject to standard conditions

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**SUMMARY ENFORCEMENT REPORT SER 6/19**

F/F,C/19/48	19-Jun-19	23-Jul-19	36		1271 Hwy 5 W Lot 32, Concession 3 Flamborough	Removal of an existing rear addition and construction of a new two storey addition with deck in a regulated area of Middle Spencer Creek and the Hayesland Christie Provincially Significant Wetland complex.	Approved subject to standard conditions
F/C/19/24	17-Apr-19	23-Jul-19	34		1294 8th Con Rd W, (55 Hillside Cres) Lot 32, Concession 7 Flamborough	Construction of a new concrete pad, trailer installation and construction of two decks in a regulated area of Upper Spencer Creek and the Beverly Swamp Provincially Significant Wetland complex.	Approved subject to standard conditions
F/F,C/19/50	02-Jul-19	24-Jul-19	24		590 Orkney Rd Lot 25, Concession 3 Flamborough	Construction of a detached garage and armourstone retaining wall in a regulated area of West Spencer Creek and the Sheffield-Rockton Provincially Significant Wetland complex.	Approved subject to standard conditions
SC/F,C,A/19/03	11-Jan-19	25-Jul-19	40		1093 North Service Rd Lot 7, Concession 1 Stoney Creek	Construction of a new shoreline retaining wall in a regulated area of the Lake Ontario Shoreline.	Approved subject to standard conditions
H/F,C/19/55	05-Jul-19	31-Jul-19	22		76 Chedoke Ave Lot 19, Concession 4 Hamilton	Construction of a two-storey rear addition to an existing residence in a regulated area of Chedoke Creek.	Approved subject to standard conditions

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**SUMMARY ENFORCEMENT REPORT SER 6/19**

A/F,C/19/35	24-May-19	02-Aug-19	12		22 Queen St Lot 44, 45, Concession 2 Ancaster	Construction of a single detached dwelling and associated fill placement and grading in a regulated area of Sulphur Creek.	Approved subject to standard conditions
F/F,C,A/19/13	15-Feb-19	02-Aug-19	84		Pt Lt 12, Con 3, Clappison Ave bridge over Borers Creek Lot 12, Concession 3 Flamborough	Construction of a pre-cast arched bridge structure at the proposed crossing over Borer’s Creek in order to extend Clappison Avenue from the south side of the creek to the north side of the creek, being within a regulated area of Borer’s Creek.	Approved subject to standard conditions
F/F,C,A/19/38	05-Jun-19	07-Aug-19	65		Pt Lt 5, Cons 4 and 5 Lot 5, Concession 4, 5 Flamborough	Removal of an existing culvert (Asset #1979) and relocation of the culvert approximately 110m to the East in a regulated area of Middle Spencer Creek and the Hayesland-Christie Provincially Significant Wetland Complex.	Approved subject to standard conditions
F/C/19/39	06-Jun-19	09-Aug-19	28		1252 5th Con Rd W Lot 33, Concession 4 Flamborough	Construction of minor additions to two existing storage buildings for plenum space in a regulated area of Westover Creek and the Hayesland-Christie Provincially Significant Wetland Complex.	Approved subject to standard conditions

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**SUMMARY ENFORCEMENT REPORT SER 6/19**

F/F/19/58	11-Jul-19	09-Aug-19	24		76 Macbean Cres Lot 9, Concession 4 Flamborough	Completion of a stormwater management pond forebay cleanout in a regulated area of Borer's Creek.	Approved subject to standard conditions
SC/F,C/19/56	19-Jul-19	13-Aug-19	12		743 Green Mountain Rd E Lot 11, Concession 5 Stoney Creek	Construction of a new single family residence, septic system, barn, driveway and associated grading in a regulated area of Forty Mile Creek.	Approved subject to standard conditions
H/F,C,A/19/54	05-Jul-19	14-Aug-19	39		Pt Lts 32 and 33, Con 5, NW from Glen Castle Dr Lot 32, 33, Concession 5 Hamilton	Completion of a pipeline integrity dig (NK- 33.03-2019) in a regulated area of Redhill Creek next to Glen Castle Park.	Approved subject to standard conditions

## Hamilton Region Conservation Authority

### Minutes

#### Board of Directors Meeting

**June 6, 2019**

Minutes of the Board of Directors meeting held on Thursday, June 6, 2019, at Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario at 7:00 p.m.

**PRESENT:**

<b>Lloyd Ferguson – in the Chair</b>	
<b>Dan Bowman</b>	<b>Jim Cimba</b>
<b>Brad Clark</b>	<b>Chad Collins</b>
<b>Susan Fielding</b>	<b>Tom Jackson</b>
<b>Cynthia Janzen</b>	<b>Santina Moccio</b>
<b>Maria Topalovic</b>	

**REGRETS:**           None

**STAFF PRESENT:** Lisa Burnside, Grace Correia, Gord Costie, Matt Hall, Bruce Harschnitz, Sara Kinnear, Stacey McConnell, Scott Peck, Bob Saccomano, Jaime Tellier, Nancy Watts

**OTHERS:**

**Conservation Ontario - JoAnne Rzadki**  
**Media - Richard Leitner**  
**Members of the Public**

#### **1. Welcome**

Jo-Anne Rzadki welcomed everyone to the Annual General Meeting of the Hamilton Conservation Authority Board of Directors and indicated she would serve as Acting Chair of the Board of Directors to facilitate the Election of Officers. Jo-Anne then recited an acknowledgment of Indigenous Territory.

#### **2. Election of Officers**

##### **2.1. Election Procedures**

Jo-Anne Rzadki reviewed the election procedures to be as follows:

- A motion to appoint scrutineers and the destruction of ballots will be required
- Nominations only require a “mover”;
- Nominations will be called 3 times for each office;
- Closing of nominations will require a “mover” and a “seconder”;
- Each nominee will be asked if they are willing to serve;
- If more than one person is nominated and willing to serve, there will be a vote:
  - Each nominee will be allowed to speak in support of his/her nomination with a time limit of 5 minutes;
  - A vote will be held by secret ballot and no member may vote by proxy;

Jo-Anne asked if there were any questions, and hearing none, declared all offices vacant.

## 2.2. Appoint Scrutineers

**BD12,2647**

**MOVED BY: Chad Collins**  
**SECONDED BY: Susan Fielding**

**THAT, if more than one person is nominated, Scott Peck and Matt Hall be appointed scrutineers; and further**

**THAT all voting ballots (AGM Election Procedure) be destroyed after the meeting is concluded.**

**CARRIED**

## 2.3. Election of 2019 Chair

Jo-Anne Rzaeki called for nominations for the 2019 Chair for the Hamilton Conservation Authority.

**Nominated: Lloyd Ferguson**

**By – Mover: Tom Jackson**

Jo-Anne called for nominations twice more. Having no further nominations, the office of Authority Chair for 2019 was declared closed with the following resolution.

**BD12,2648**

**MOVED BY: Tom Jackson**  
**SECONDED BY: Maria Topalovic**



**THAT nominations for the 2019 Chair of the Hamilton Conservation Authority be closed.**

**CARRIED**

Jo-Anne asked Lloyd Ferguson if he would serve. Lloyd Ferguson indicated he would. Jo-Anne declared Lloyd Ferguson Chair of the Board of Directors by acclamation.

**BD12,2649**

**MOVED BY: Susan Fielding  
SECONDED BY: Jim Cimba**

**THAT Lloyd Ferguson be confirmed as Chair of the Hamilton Conservation Authority Board of Directors for 2019.**

**CARRIED**

**2.4. Election of 2019 Vice-Chair**

Jo-Anne Rzaadki called for nominations for the 2019 Vice-Chair for the Hamilton Conservation Authority.

**Nominated: Susan Fielding**

**By – Mover: Brad Clark**

**Nominated: Santana Moccio**

**By – Mover: Tom Jackson**

Jo-Anne called for nominations a second and third time. Having no further nominations, Jo-Anne declared the office of Authority Vice-Chair for 2019 closed with the following resolution:

**BD12,2650**

**MOVED BY: Chad Collins  
SECONDED BY: Dan Bowman**

**THAT nominations for the 2019 Vice Chair of the Hamilton Conservation Authority be closed.**

**CARRIED**

Jo-Anne asked Susan Fielding and Santina Moccio if they would serve; both accepted.

As there were two nominees, Jo-Anne advised a vote would be held. She instructed each nominee they would have five minutes to speak for the office of Vice-Chair.

Nominee #1: Susan Fielding thanked the members for their consideration and highlighted her employment and volunteer experience that would be of benefit to the Board of Directors and HCA.

Nominee #2: Santina Moccio thanked the members for their consideration and highlighted her employment and volunteer experience that would be of benefit to the Board of Directors and HCA.

Jo-Anne thanked the nominees for their comments and requested the ballots be distributed to the Board members for the purpose of placing their vote.

Scrutineers, Scott Peck and Matt Hall, distributed and collected the ballots, and left the meeting room to count the ballots. Upon returning, the scrutineers provided the results to Jo-Anne who announced:

**BD12,2651**

**MOVED BY: Tom Jackson**

**SECONDED BY: Lloyd Ferguson**

**THAT Santina Moccio has been declared Vice Chair of the Hamilton Conservation Authority Board of Directors for 2019.**

**CARRIED**

2.5. Election of Three (3) Members to the Budget & Administration Committee

Jo-Anne Rzadki advised that the Budget & Administration Committee (B&A) consists of five (5) Board of Director members; the Chair, Vice Chair, and three (3) members elected at large, and that the Vice Chair of the Board serves as Chair of B&A.

Jo-Anne indicated the nomination procedures were the same as for the Chair and Vice Chair, and called for nominations.

Santina Moccio nominated Jim Cimba and Dan Bowman.

Jo-Anne called for nominations twice more and having none further, declared the membership on the Budget & Administration Committee for 2019 closed with the following resolution.

**BD12,2652                      MOVED BY:              Brad Clark  
    SECONDED BY:        Lloyd Ferguson**

**THAT nominations for the 2019 Budget & Administration Committee be closed, with one position declared vacant.**

**CARRIED**

Jo-Anne asked Dan Bowman and Jim Cimba if they accepted their nominations. Both Dan Bowman and Jim Cimba accepted their nominations. Jo-Anne declared their acclimation to the office.

**BD12,2653                      MOVED BY: Chad Collins  
    SECONDED BY: Maria Topalovic**

**THAT Dan Bowman and Jim Cimba be confirmed as members of the Hamilton Conservation Authority Budget & Administration Committee for 2019 and the remaining position be declared vacant.**

**CARRIED**

## **2.6. Election of Chair to Conservation Advisory Board**

Jo-Anne Rzaeki called for nominations for the 2019 Chair for the Conservation Advisory Board.

**Nominated: Maria Topalovic**

**By – Mover: Santina Moccio**

Lloyd Ferguson moved the nominations be closed.

**BD12,2654                      MOVED BY:              Lloyd Ferguson  
    SECONDED BY:**

**THAT nominations for the 2019 Chair of the Conservation Advisory Board be closed.**

**CARRIED**

Jo-Anne asked Maria Topalovic if she would accept the nomination. Maria accepted the nomination. Jo-Anne declared Maria as Chair by acclamation.

**BD12,2655**

**MOVED BY: Dan Bowman**

**SECONDED BY: Chad Collins**

**THAT Maria Topalovic be confirmed as Chair of the Conservation Advisory Board for 2019.**

**CARRIED**

**2.7. Board Representatives to Conservation Advisory Board**

Jo-Anne Rzaicki explained the Chair and Vice Chair of the Board of Directors are ex-officio of the Conservation Advisory Board and up to two additional directors may join the newly elected CAB Chair as sitting members of CAB.

Jo-Anne asked the members if they are interested in sitting on the Conservation Advisory Board to declare as such by raising their hand. Cynthia Janzen raised her hand. Brad Clark then nominated Cynthia.

Jo-Anne remarked that in addition to the Chair of CAB, Maria Topalovic, board member Cynthia Janzen had expressed interested in sitting on the Conservation Advisory Board. The matter of Board representatives to the Conservation Authority Board was closed with the following resolution.

**BD12,2656**

**MOVED BY: Susan Fielding**

**SECONDED BY: Santina Moccio**

**THAT, Cynthia Janzen be confirmed as a member of the Conservation Advisory Board for 2019 and the remaining position be declared vacant.**

**CARRIED**

**3. Call to Order for Normal Course of Business**

Lloyd Ferguson assumed the Chair. He thanked the members for their confidence in his abilities to serve as Chair of the Board of Directors. He congratulated Susan for an admirable job serving as Acting Chair for the past six months. He also welcomed Cynthia and Jim to the Board, indicated they both bring unique skill sets to the Board that will be beneficial, and congratulated the returning citizen members, Dan, Santina and Maria. He shared that there were many applications

to serve on the HCA Board. Fellow Selection Committee members, Chad Collings and Brad Clark, affirmed the interest in serving on this Board.

Lloyd shared that he first sat on the HCA Board of Directors in the early 80's, before returning in 2007. He served as Chair of Police Services Board for many years and looks forward to now serving as Chair of the HCA Board. He praised HCA staff and cited his desire to work with staff as one of the reasons for his interest in serving as Chair. Lloyd then called the meeting to order.

#### **4. Declarations of Conflict of Interest**

There were none.

#### **5. Approval of Agenda**

The Chair indicated that there will be two items added to the agenda. A verbal update on Bill 108 was added as item 9.1 under Business Arising from the Minutes. A walk-on addendum to item 12.5 Saltfleet Wetland Design Request for Proposal (RFP) Results.

**BD12,2657**

**MOVED BY: Jim Cimba**

**SECONDED BY: Susan Fielding**

**THAT the agenda be approved as amended.**

**CARRIED**

#### **6. Delegations**

There were none.

#### **7. Consent Items for Applications, Minutes, and Correspondence**

The following consent items were adopted. Brad Clark thanked staff for the comprehensive response to the Province regarding item 7.3.

7.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses

7.2. Approval of Board of Directors Minutes – May 2, 2019

7.3. HCA and Conservation Ontario comment letters regarding ERO #013-4992 and #013-5018

#### 7.4. Press Release – Safety Near Escarpment Areas

### 8. Member Briefing

There were none.

### 9. Business Arising from the Minutes

#### 9.1. Bill 108 – The More Homes, More Choice Act

Lisa Burnside provided the members with a verbal update on the passage of Bill 108 by the Ontario Legislature late in the afternoon on June 6<sup>th</sup>. Lisa indicated the original bill outlined four core areas of focus for Conservation Authorities; natural hazards, conservation and management of lands, drinking water source protection and the protection of Lake Simcoe, but that Conservation Ontario was successful in having a fifth area of focus added to the bill, related to conserving natural resources. She noted this area is important to address monitoring, water quality and restoration; that without these items, the legislation is leaving a large gap in the watershed management approach. Lisa advised the new category of mandatory programs and services would be prescribed within one year of the other mandatory programs and services being enacted.

She added that the Province has not yet issued any regulations related to the legislation to fully understand the implications of the changes. The members thanked Lisa for the update and inquired about Conservation Ontario's plans moving forward as the legislative changes are borne out. Lisa responded that Conservation Ontario will continue to strategize and advocate on behalf of Conservation Authorities.

**BD12,2658**

**MOVED BY: Santina Moccio**

**SECONDED BY: Tom Jackson**

**THAT the Verbal Update on Bill 108 – The More Homes, More Choice Act, be received as information.**

**CARRIED**

### 10. Other Correspondence

There were none.

## **11. Reports from Budget & Administration Committee, Conservation Advisory Board, and the Foundation**

### **11.1. Foundation Chairman's Report**

Grace Correia advised that the Chair of the Foundation Board is taking a leave of absence and the Vice-Chair was unable to attend the meeting and therefore presented the report on behalf of the Foundation. Grace indicated elections will be held for the Chair and Vice-Chair of the Foundation Board on Monday, June 10.

Grace reported the Foundation received a total of **\$2,836** in donations in May, with the following details:

- \$1,645 for the Area of Greatest Need Fund
- \$556 for the Dundas Valley CA Fund
- \$250 for Tree and Shrub plantings
- \$235 for Land Securement
- The remaining \$150 came in donations for Education, Westfield Heritage Village and Turtle Fencing.

Grace advised the total for the current fiscal year (Dec 2018 to Apr 2019) is now \$150,409.00.

Grace also shared that the Foundation held its Appreciation Evening on Monday, May 13, at the Dundas Valley Golf & Curling Club. The event was attended by 75 donors, volunteers, and Watershed Stewards who heard Lisa Burnside speak about HCA's work and how donations to the Foundation help improve HCA's positive impact on the Hamilton watershed.

**BD12,2659**

**MOVED BY: Chad Collins**

**SECONDED BY: Dan Bowman**

**THAT the Foundation Chairman's Report be received as information.**

**CARRIED**

## **12. Other Staff Reports/Memorandums**

### **12.1. Voting Representatives to Conservation Ontario**

Lisa Burnside presented the report, providing members with a brief summary of Conservation Ontario, its vision and mission, and role in coordination of

Conservation Authority programs and services. Lisa advised that each year the member Conservation Authorities appoint voting delegates to the Conservation Ontario Council and provided a staff recommendation for HCA's 2019 voting designate and alternates.

**BD12,2660**

**MOVED BY: Brad Clark**

**SECONDED BY: Susan Fielding**

**THAT the following members be appointed to Conservation Ontario for 2019:**

**Designate: Chair**

**Alternate: Vice Chair**

**Second Alternate: Chief Administrative Officer**

**Third Alternate: Deputy Chief Administrative Officer; and further**

**THAT Conservation Ontario be advised of these appointments.**

**CARRIED**

## **12.2. Consent Agenda**

Lisa Burnside presented the report, providing a brief history on HCA's adoption of consent agenda items and the requirements set out in the HCA Administrative By-law to reconsider the adoption of the consent agenda at the Annual General Meeting. The members discussed putting forward a change to the Administrative By-law during an upcoming governance review, to only revisit the use of the consent agenda if a member requests a change to the practice, rather than revisiting the practice annually.

**BD12,2661**

**MOVED BY: Jim Cimba**

**SECONDED BY: Susan Fielding**

**THAT the current consent agenda items for applications, approval of minutes and correspondence be continued until the next AGM in 2020; and further**

**THAT staff be directed to revise the Administrative By-law to provide for use of a consent agenda until a member requests a change to the practice.**

**CARRIED**



### 12.3. Appointment of the Auditor

Lisa Burnside presented the report, advising that HCA's Administrative By-Law requires the auditor for the upcoming year be appointed by the Board at the Annual General Meeting each year. Lisa provided a summary of HCA's history working with Grant Thornton and the services they provide each year. Staff have a good working relationship with Grant Thornton staff and have found their work to have been undertaken in a very competent and professional manner. Lisa advised there are two years remaining on an existing contract between HCA and Grant Thornton, with a predetermined fee.

**BD12,2662**

**MOVED BY: Chad Collins**

**SECONDED BY: Tom Jackson**

**THAT the audit firm of Grant Thornton is appointed as the auditors Hamilton Conservation Authority for the year 2019.**

**CARRIED**

### 12.4. Board meeting schedule for 2019

Lisa Burnside presented the memorandum confirming the Board meeting dates for 2019, as required in HCA's Administrative By-Law to be undertaken annually at the Annual General Meeting. The ten meetings were also previously approved by the members at a meeting in December, 2018.

**BD12,2663**

**MOVED BY: Dan Bowman**

**SECONDED BY: Susan Fielding**

**THAT the memorandum entitled 2019 Schedule for Board of Directors Meetings be received as information.**

**CARRIED**

### 12.5. Request for Proposal - Saltfleet Conservation Area Wetland Restoration Project

Scott Peck presented the report providing a summary of the Saltfleet Conservation Area Wetland Restoration Program, including the goals and objectives of the project, and details of land acquisition that has taken place to-

date to facilitate the project. Scott then outlined the details of a Request for Proposals for engineering, natural heritage and archeological consulting services to complete additional studies and prepare the detailed design for a second wetland, to be constructed on a newly acquired parcel that will come into HCA ownership on June 14, 2019. A previous Request for Proposal was approved by the Board of Directors for another component of the larger Conservation Area project, located on First Road East.

Scott advised that funds are available to complete this work and are within the 2019 approved budget. Specifically, funding has been obtained through the National Disaster Mitigation Fund with a deadline for project completion of March 31, 2020.

**12.5.1. Addendum for Request for Proposal - Saltfleet Conservation Area Wetland Restoration Project**

Scott presented an addendum report to the Request for Proposal - Saltfleet Conservation Area Wetland Restoration Project outlining the results of the Request for Proposals. Thirty parties retrieved the request from the Bid n' Go site, and five proposals were submitted prior to the May 31, 2019, 4:00 p.m. deadline. Staff recommended accepting the proposal from Water's Edge Environmental Solutions Team, citing their experience with natural channel and wetland design, experience working with the Ministry of Natural Resources and Forestry, the level of detail included in the submission and the low quote, as support for the recommendation. Scott also highlighted that Water's Edge is also undertaking the design work for the Saltfleet Conservation Area Wetland Restoration Project wetland located at First Road East and the Stoney Creek & Battlefield Creek Flood Plain Mapping Study project, which allows for streamlined project management.

Members inquired if the proposal was under budget. Scott replied that it was. Members requested an update regarding available funds for land securement or any additional funds. Scott advised the Board that a status report regarding available funds and potential funding sources for this project such as the Heritage Green Community Trust would be prepared for a fall Board of Directors meeting. Lloyd Ferguson suggested the project site be included on the upcoming watershed tour for Board members.

**BD12,2664**

**MOVED BY: Brad Clark**

**SECONDED BY: Santina Moccio**

**THAT HCA staff recommends to the Board of Directors:**

**THAT the report entitled Request for Proposals for Wetland Design - Saltfleet Conservation Area**

**Wetland Restoration Project be received for information; and further**

**THAT the associated Request for Proposals submitted for the project be provided for approval at the June 6, 2019 Board of Directors meeting; and further**

**THAT the proposal for the Wetland Design - Saltfleet Conservation Area Wetland Restoration Project submitted by Water's Edge Environmental Solutions Team be accepted at a cost not to exceed \$ 90,940.00 plus HST.**

**CARRIED**

**12.6. Current Watershed Conditions as of May 23, 2019**

Scott Peck presented the report. He advised that riverine flooding in the watershed is not a concern as levels are within expected ranges for the amount of precipitation received. However, Lake Ontario water levels continue to be significantly above normal, due to record inflows from Lake Erie and continuing flooding in the St. Lawrence River. As of today, the static levels are 2cm higher than the highest level recorded in May of 2017 (75.88 masl).

There are no observations, reports, or expectations of significant shoreline flooding or erosion at this time, however, localized flooding has been reported for low-lying sections of the Desjardin Recreation Trail and Cootes Paradise. Localized flooding of low-lying sections and/or localized shoreline erosion has also been reported along waterfront trails in the Confederation Park and Beach Blvd areas.

Of particular concern are the flooding and erosion hazards associated with wave action when the water levels are this high. Winds of 20-25 km/hr or greater from the north, northeast and east can cause significant wave action. HCA staff are monitoring the situation daily and issue watershed conditions statements, as appropriate. Scott also reported that agencies responsible for monitoring the Great Lakes water levels have indicated Lake Ontario may reach its seasonal peak by the end of June.

Lloyd Ferguson inquired about effectiveness of stormwater management facilities and HCA's dams in preventing flooding in our watershed. Scott responded that HCA has a strong flood forecasting program; that Valens Lake, Beverly Swamp and Christie Lake offer flood attenuation.

Tom Jackson shared that the City of Hamilton has approved \$31 million dollars for waterfront restoration, with Public Works leading the project and in consultation with HCA. A Lakeshore Management Plan is being developed to provide better guidance for the proposed work. Scott indicated HCA staff have met with City staff recently and are working cooperatively on the project.

**BD12,2665**

**MOVED BY: Santina Moccio  
SECONDED BY: Chad Collins**

**THAT the memorandum entitled Current Watershed Conditions as of May 23, 2019 be received as information.**

**CARRIED**

**12.7. Upcoming HCA and Partner Events**

Gord Costie shared with the members that 6800 people attended the Christie Lake Antique and Vintage Show, despite inclement weather in the morning and late afternoon. He acknowledged staff efforts on the day of to assist with challenges related to the weather. Gord also acknowledged staff at Wild Waterworks for working long hours to train new staff, complete maintenance, and set up for opening day. He highlighted that there are a number of options to celebrate Father's Day at HCA facilities. He also reported that all areas are open and operational and staff anticipate high attendance as usual for Canada Day.

**BD12,2666**

**MOVED BY: Chad Collins  
SECONDED BY: Santina Moccio**

**THAT the memorandum entitled Upcoming HCA and Partner Events be received as information.**

**CARRIED**

**13. New Business**

There was none.

**14. In-Camera Items for Matters of Law, Personnel and Property**

**BD12,2667**

**MOVED BY: Santina Moccio  
SECONDED BY: Dan Bowman**

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

**CARRIED**

**14.1. Confidential Memorandum – BD/Jun 01-2019**

Lisa Burnside and HCA legal counsel provided a verbal update regarding property matter and answered the member's questions.

**BD12,2668**

**MOVED BY: Chad Collins**

**SECONDED BY: Santina Moccio**

**THAT the confidential memorandum entitled BD/Jun 01-2019 be received as information and remain in camera.**

**CARRIED**

**BD12,2669**

**MOVED BY: Susan Fielding**

**SECONDED BY: Maria Topalovic**

**THAT the Board of Directors moves out of *in camera*.**

**CARRIED**

**15. Next Meeting – Thursday, July 4, 2019**

**16. Adjournment**

On motion, the meeting adjourned.



# Hamilton Conservation Authority

## Minutes

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### Budget & Administration Committee

**April 18, 2019**

Minutes of the Budget & Administration Committee meeting held on Thursday, April 18, 2019 at Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario, at 4:00 p.m.

**Present:** Susan Fielding, in the Chair  
Dan Bowman  
Lloyd Ferguson  
Santina Moccio

**Regrets:** None

**Staff Present:** Lisa Burnside, Bruce Harschnitz, Neil McDougall, Scott Peck, and Jaime Tellier

**Others Present:** Melanie Dugard

**1. Chairman's Remarks**

Susan Fielding welcomed members and staff.

**2. Declarations of Conflicts of Interest**

Lloyd Ferguson indicated his family owns Crossroads Equipment and should they appear on the vendor reports he may have to declare a conflict of interest. Staff indicated they did not recognize the company name.

**3. Approval of Agenda**

The Chair requested any additions or deletions to the agenda. The Chair indicated there is one new agenda item under New Business. The item relates to two pieces of correspondence received from the Ministry of Natural Resources and Forestry regarding Notification of 2019 – 2020 Transfer Payment Funding and Summer Employment Opportunities.

**BA1901**

**MOVED BY: Dan Bowman**

**SECONDED BY: Santina Moccio**

**THAT the April 18, 2019 Budget & Administration Committee meeting agenda be approved as amended.**

**CARRIED**

**4. Chairman's Report on Board of Directors Actions**

There was none.

**5. Delegations**

There was none.

**6. Minutes of Previous Meeting (October 18, 2018)**

**BA1902**

**MOVED BY: Santina Moccio**

**SECONDED BY: Dan Bowman**

**THAT the minutes of the Budget & Administration Committee meeting held on October 18, 2018 be approved as written.**

**CARRIED**

**7. Business Arising from the Minutes**

There was none.

**8. Staff Reports/Memorandums**

**8.1 2018 Report by the Auditors**

Susan Fielding introduced Melanie Dugard from Grant Thornton (GT).



Melanie Dugard provided a presentation on the audit of the 2018 Audited Financial Statements.

Melanie indicated GT has completed their audit of the financial statements of the Hamilton Conservation Authority and Confederation Beach Park. The results of the audit are that there were no areas of concern or adjustments or corrections required; that it was a clean audit.

Melanie spoke to changes to accounting standards, however indicated there were none that affected the 2018 audit or that will affect 2019. One format change to Appendix A is applicable to all audits in Canada which now requires the opinion be the first paragraph of the report.

Melanie answered member's questions. Susan thanked Melanie for attending the meeting and providing a review on the financial statements.

Neil McDougall also thanked Melanie and indicated HCA staff enjoy working with GT. Neil provided an update and explained the differences between the quarterly operating results and the annual financial statements. He then answered member's questions.

Neil indicated City of Hamilton Council has requested details of the reserve funds for each of the Conservation Authorities within its jurisdiction. Neil provided a list of HCA's reserves funds as of December 31, 2018 and answered member's questions. The members discussed the merits of separating allocated funds from true reserves. Staff requested direction with regard to preparing a response to City Council. Members recommended the request for the information be brought to the next Board of Directors meeting.

Confederation Beach Park is owned by the City of Hamilton and managed by the Hamilton Conservation Authority. The audit also reviewed the financials for Confederation Beach Park. Due to increased revenues, there is a net surplus at Wild Waterworks and Confederation Beach Park. The surplus is to be returned to the City.

**BA1903**

**MOVED BY: Santina Moccio**

**SECONDED BY: Lloyd Ferguson**

**THAT the Report by the Auditors be approved.**

**CARRIED**

## **8.2    2018 – 12 Month Financial Results – Audited Financial Statements**

The 12 Month Financial Results – Audited Financial Statements were discussed under item 8.1.

Neil advised that a necessary step to complete the audit is having the Board officially approve the financial statements as they appear in the accompanying package by motion.

### 8.3 2018 – 12 Month Financial Results – Operating

Neil McDougall presented the report and answered member's questions. The results show no changes from the year end statements. 2018 saw good summer weather and with raised admission rates, the budget was able to absorb the minimum wage increase and record approximately \$1 million in surplus.

Neil highlighted that there are several differences between the audited statements and the operating statements presented quarterly, the most significant of which are the charges for the central fleet system, the \$2 million capital block funding for levy, and transfer of reserves. Members requested quarterly capital and WIPs (Works in Progress) reports.

**BA1905**

**MOVED BY: Santina Moccio  
SECONDED BY: Dan Bowman**

**THAT 2018 – 12 Month Financial Results - Operating be received.**

**CARRIED**

### 8.4 2018 – 12 Month – Vendor Report

Neil McDougall provided details of the 12 Month vendor listing report for 2018. Neil reviewed the major expenses for the year and answered member's questions.

**BA1906**

**MOVED BY: Santina Moccio  
SECONDED BY: Dan Bowman**

**THAT the 2018 – 12 Month – Vendor Report be received.**

**CARRIED**

### 8.5 2019 – 1<sup>st</sup> Quarter Financial Results - Operating

Neil McDougall provided an update and indicated the first quarter is typically the quietest in terms of revenue generation. The \$400,000.00 shortfall is due to the timing of receipt of levy funds.

**BA1907****MOVED BY: Santina Moccio  
SECONDED BY: Lloyd Ferguson****THAT the 2019 – 1<sup>st</sup> Quarter Financial Results –  
Operating be received.****CARRIED****8.6    2019 – 1<sup>st</sup> Quarter – Vendor Report**

Neil McDougall provided an update on the 1<sup>st</sup> quarter vendor listing report for 2018. Neil highlighted the top three expenditures were the Knopf mobile marine list, a major bulk purchase of lumber for the Dofasco Boardwalk and low flow valve installation for Christie Lake Dam.

**BA1908****MOVED BY: Dan Bowman  
SECONDED BY: Lloyd Ferguson****THAT the 1<sup>st</sup> Quarter Vendor Report be received.****CARRIED****8.7    2020 Casual Wage Rates**

Lisa presented the report outlining a proposal to reinstate steps in the casual wage rate categorization scheme. HCA had previously utilized steps in the wage rate scheme however removed the steps in 2018 due to the increase in minimum wage. However, staff are proposing to reinstate some steps to assist with recruitment and retention of returning staff.

A \$0.25 step increase will cost HCA approximately \$15,000.00. Due to a larger amount of staff and an additional step for lifeguards, the step increase will cost Wild Waterworks approximately \$18,000.00. Wild Waterworks is having difficulty recruiting lifeguards because of higher salaries elsewhere. Lisa reported there is also a shortage of lifeguards nationwide.

**BA1909****MOVED BY: Santina Moccio  
SECONDED BY: Lloyd Ferguson****THAT the Budget & Administration Committee  
recommends to the Board of Directors:****THAT the revised 2020 Casual/Seasonal wage grids for  
Hamilton Conservation Authority and Confederation**

**Beach Park/Wild Waterworks as outlined in the April 5, 2019 report be approved.**

**CARRIED**

**8.8     Records Management Policy and Draft Records Retention Schedule**

Jaime Tellier presented the report. Staff propose to formalize a corporate records management program, beginning with development of a records management policy for HCA and inventory of current records holdings. Lisa Burnside added that the development and implementation of a records management program is a multi-year project and any future requests for proposals for consultants or software purchases will be brought to B&A.

**BA1910**

**MOVED BY: Dan Bowman**

**SECONDED BY: Santina Moccio**

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

**THAT the Records Management Policy and Draft Records Retention Schedule as outlined in the April 5, 2019 report be approved.**

**CARRIED**

**8.9     Workplace Safety & Insurance Board (WSIB) First Quarter Report for 2019**

Lisa Burnside presented a report on the WSIB Injury Statistics from January 1, 2019 to March 31, 2019 and answered member's questions. Lisa indicated one incident is under review as staff are not certain the incident occurred at work. The member's inquired about a rebate for organizations with a good health and safety record. Lisa advised that based on the first quarter results, HCA is on track to qualify for a rebate and that next year's rates will be adjusted using more 'real time' data rather than a rebate system.

**BA1911**

**MOVED BY: Santina Moccio**

**SECONDED BY: Lloyd Ferguson**

**THAT the Workplace Safety & Insurance Board First Quarter Report for 2019 be received.**

**CARRIED**

**8.10 External Health and Safety Audit**

Bruce Harschnitz presented the report. As HCA does not have a staff person dedicated to Health and Safety, staff felt an audit would be a prudent demonstration of due diligence. The audit will include interviews with staff and physical site inspections. A prioritized action plan will be developed for identified opportunities. The proposed cost for the audit is \$6,500.00, and has been included in the 2019 operating budget. Staff anticipate the majority of the work will be completed by the end of the summer.

**BA1912                      MOVED BY: Lloyd Ferguson  
                                    SECONDED BY: Santina Moccio**

**THAT the External Health and Safety Audit be received.**

**CARRIED**

**9.      New Business****9.1      MNRF Letters**

Lisa Burnside presented members with correspondence received from the Ministry of Natural Resources and Forestry April 18, 2019, regarding Notification of 2019 – 2020 Transfer Payment Funding and Summer Employment Opportunities. The first letter indicated HCA's Section 39 Transfer Payment from the Province will be reduced by 50%. The reduction results in an 85,000.00 loss from HCA's budget. However, staff advised the loss of funds will not diminish flood forecasting and protection, or operations of HCA's dams. The funds will be covered using WP&E reserves. Members discussed public messaging with regard to the strain the funding cuts will have on HCA's programming in the long-term.

The second letter indicated funding will not be available for summer students through the Summer Employment Opportunities – Youth Employment program for 2019 – 2020. Staff hadn't budgeted for Ecology summer students but will be able to absorb. Staff will pursue other grants for hiring summer students.

Staff will be preparing a report to the Board of Directors for the upcoming meeting.

**BA1913                      MOVED BY: Santina Moccio  
                                    SECONDED BY: Dan Bowman**

**THAT the correspondence from the Ministry of Natural Resources and Forestry regarding 2019 – 2020 Transfer Payment Funding and Summer Employment Opportunities be received.**

**CARRIED****10. In-Camera Items for Matters of Law, Personnel and Property**

**BA1914**                      **MOVED BY: Santina Moccio**  
                                    **SECONDED BY: Dan Bowman**

**THAT the Budget & Administration Committee moves *in camera* for matters of law, personnel and property.**

**CARRIED**

There was one legal matter discussed during the *in camera* session.

**10.1 Confidential Correspondence BA/Apr 01-2019**

Neil McDougall presented the memorandum and answered member's questions.

**BA1915**                      **MOVED BY: Santina Moccio**  
                                    **SECONDED BY: Dan Bowman**

**THAT the Confidential Memorandum BA/April 01-2019 be received and remain in-camera.**

**CARRIED**

**BA1916**                      **MOVED BY: Lloyd Ferguson**  
                                    **SECONDED BY: Dan Bowman**

**THAT the Budget & Administration Committee moves out of *in camera*.**

**CARRIED****11. NEXT MEETING**

The next meeting will be scheduled for Thursday, June 20, 2019 at 7:00 p.m. at HCA Main Office, Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

**12. ADJOURNMENT**

On motion, the meeting adjourned.

# HAMILTON CONSERVATION AUTHORITY

## Conservation Advisory Board

## MINUTES

# June 13, 2019

Minutes of the Conservation Advisory Board meeting held on Thursday, June 13, 2019  
at HCA's Woodend Administration Building commencing at 4:00 p.m.

**PRESENT:** Maria Topalovic, Chair  
John Barkovic  
Cynthia Janzen  
Duke O'Sullivan

Joanne Di Maio  
Cheryl Larocque  
Wayne Terryberry

**REGRETS:** Lydia Cartlidge, Lloyd Ferguson, Chris Michels, John Shaw

**STAFF PRESENT:** Lisa Burnside, Grace Correia, Gord Costie, Devon Kleinjan, Matt Hall, Bruce Harschnitz, Joel Konik, Scott Peck, Jeff Stock, Jaime Tellier, and Rick Woodworth – HCA Staff

**OTHERS:** Media – Not Present

## 1. Chairman's Remarks

Maria Topalovic welcomed everyone to the meeting. She advised that she was elected Chair of the Conservation Advisory Board (CAB) at the Board of Directors meeting the previous week. She added that she is honoured to be the Chair again and to work with all of the CAB members. Maria also introduced Cynthia Janzen, a new citizen appointee to the Board of Directors who has joined CAB. Cynthia added that she works with advisory committees in a professional capacity and looks forward to the different perspective being on the board will bring. Maria also advised there is one vacant position for a board member to join CAB and she will be canvassing members to fill the seat.

## **2. Election of Vice Chair**

Elections for the Vice-Chair of CAB were undertaken. Maria called for nominations. Duke O'Sullivan nominated Wayne Terryberry. Maria called for nominations twice more before closing the nomination period. Maria asked Wayne if he would serve. Wayne indicated he would. Maria declared Wayne Terryberry Vice-Chair of CAB by acclimation and congratulated him. Wayne indicated he is honoured to fill the position.

**CA 1918                      MOVED BY:                      Duke O'Sullivan**  
**SECONDED BY:                      Jo-Anne Di Maio**

**THAT Wayne Terryberry be confirmed as Vice-Chair of the  
Hamilton Conservation Authority Conservation Advisory  
Board for 2019.**

**CARRIED**

## **3. Declaration of Conflict of Interest**

There were none.

## **4. Delegations**

There were none.

## **5. Approval of Agenda**

The Chair requested any additions or deletions to the agenda.

**CA1919                      MOVED BY: Jo-Anne Di Maio**  
**SECONDED BY: John Barkovic**

**THAT the agenda be approved.**

**CARRIED**

## **6. Member Briefing**

### **6.1. Cootes to Escarpment EcoPark System**



David Galbraith introduced himself as the Head of Conservation Science at Royal Botanical Gardens. He added that he has been Chair of the Cootes to Escarpment (C2E) project for approximately 10 years. He acknowledged Mall Hall and Wayne Terryberry as representatives on C2E for HCA and McMaster University, respectively.

David provided a history on the concept and formation of the C2E EcoPark System. The project was formed as a partnership between major landholders in the area. There is a memorandum of understanding, governing council, management team and secretariat for the project. Partner funds maintain the secretariat. The program is funded through third party grants, totalling approximately \$8.5 million to date.

The C2E system is not a contiguous park because of fragmentation, however, is a group of major landholders working collaboratively. HCA lead the way with a York Road acquisition in Pleasant View. Other partners have been active with land securement as well, including Conservation Halton and the City of Burlington. David emphasized that each partner brings something different to the project. Stewardship and community engagement are also core areas of the project.

The project partners are also currently working to develop and finalize management plans for the project area. Fundraising was undertaken to hire consultants to complete management plans to better understand the natural and cultural heritage of the landscape, to inform ideas, and for incorporation into a framework that is compatible with the Niagara Escarpment Parks and Open Space System (NEPOSS). The management plans are separated into six natural heritage areas. Five of the six plans have been completed. Lower Grindstone Creek is underway and set to be completed by next year.

The existing strategic plan for C2E is ten years old. Consultation for the next iteration of the strategic plan is going well. The new timeline for the strategic plan is to 2030, which coincides with the United Nations Sustainable Development goals. The strategic plan will be brought to the governing council for approval.

Maria thanked David for a very informative and comprehensive presentation. Members recalled the start of the initiative and congratulated David on its success.

The members discussed with David what the role of CAB may be for driving engagement. David indicated each partner agency determines how their staff, advisory boards and boards are engaged in the process. Matt Hall added that the C2E group has been discussing engaging partner internal committees and that now that the two management plans that incorporate HCA lands are complete, they will be reviewed by HCA's boards and the boards will likely be engaged more often. Lisa Burnside also added that staff sit on various committees for the project. For example, she is on the governing council. She also advised that early purchases of

lands in the project area were submitted through HCA's boards. Wayne Terryberry suggested that some of the strategic plan details may be brought to CAB for engagement.

**CA1920            MOVED BY: Cynthia Janzen  
                      SECONDED BY: Cheryl Larocque**

**THAT the Cootes to Escarpment EcoPark System Verbal Update be received as information.**

**CARRIED**

## **7. Chairman's Report on Board of Directors Actions**

Maria advised all recommendations from April CAB were approved by the Board at the May meeting.

## **8. Approval of Minutes of Previous Meeting**

### **8.1. Minutes – Conservation Advisory Board (April 11, 2019)**

**CA1921            MOVED BY: Duke O'Sullivan  
                      SECONDED BY: Jo Anne Di Maio**

**THAT the minutes of the April 11, 2019 Conservation Areas Advisory Board meeting be approved.**

**CARRIED**

## **9. Business Arising from the Minutes**

## **10. Staff Reports/Memorandums**

### **10.1. Cootes to Escarpment Update and Management Plan Report**

Building on David's earlier presentation, Matt Hall presented a report on the C2E Management Plans, particularly as they relate to HCA. Matt highlighted details of the Borer's Falls Rock Chapel and Cootes Paradise management plan areas which contain significant HCA land holdings. HCA is the majority land holder in the Borer's Falls Rock Chapel area and owns 30 ha of lands in the Cootes Paradise area.

Matt noted that the management plans have not been developed to drive or encourage new activities, rather were completed to gain a more detailed understanding of the lands and highlight issues and opportunities. HCA staff were involved in the development of the management plans throughout 2018 and have benefitted a great deal from the information that has been derived.

Matt outlined key topics included in each management, including those related to natural and cultural heritage resources, pressures and issues of concern, infrastructure, recreation, education and outreach, and ongoing monitoring and evaluation. The report also outlines six high priority management tasks that have been assigned to HCA for the two relevant management plan areas.

The Chair thanked Matt for the presentation. Staff responded to member inquiries about the plans, the popularity of the areas and relationships with private landowners in the areas. Matt shared that Conservation Authority stewardship programs are available to assist private landowners with management of their lands. Outreach has assisted with conveying the intent of the management plans to private landowners.

**CA1922**

**MOVED BY: Wayne Terryberry**

**SECONDED BY: Duke O'Sullivan**

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

**THAT the “Borer’s Falls-Rock Chapel Management Plan” and “Cootes Paradise Management Plan” be endorsed, and further;**

**THAT Hamilton Conservation staff be directed to work with the Cootes to Escarpment EcoPark System partners to implement the objectives of these plans.**

**CARRIED**

#### **10.2. Valens Master Plan Update Memorandum**

Matt Hall introduced Devon Kleinjan, a Landscape Architecture student from the University of Guelph who has been assisting Matt and Kathy Smith with the Valens Master Plan and surrounding area management plans management plans that are currently underway. Devon delivered a presentation outlining the project and details of the project schedule. Devon also highlighted methods for public consultation that are currently being implemented, indicating that staff are also seeking input from CAB members. Members will be invited to the upcoming Public Information Centres

(PIC's) and were encouraged to complete the survey online. Draft plans will be circulated to CAB for comments.

Maria thanked Devon and Matt for their presentation, indicating it is helpful to understand the process and that she is looking forward to the opportunities for the members to participate.

John Barkovic inquired about status of the proposed cabins at Valens. Matt advised that the latest submission for the building permit is with the City. Staff anticipate the approvals will be received very shortly. Staff have received approvals for some aspects of the project, however are waiting for all approvals at the same time. Matt added that the weather over the past few months would have also delayed construction so the project has not been affected by the delays. The work will be completed using staff resources.

**CA1923                    MOVED BY: Cheryl Larocque  
                                 SECONDED BY: Wayne Terryberry**

**THAT the memorandum entitled Valens Lake Conservation Area Master Plan and Management Plans Public Consultation Overview be received as information.**

**CARRIED**

#### 10.3. Smoking and Vaping Restrictions in Conservation Areas

Bruce Harschnitz presented the report and answered members' questions. The report included an overview of recent legislative changes related to smoking which led to a review of practices at HCA facilities. Staff reviewed and compared policies of similar agencies. There are generally not issues with smoking in Conservation Areas, however this policy helps to define areas where people can and cannot smoke. The policy is a measured approach that is intended to be reasonable for compliance. Staff will continue to observe other Conservation Authorities' practices. The members and staff discussed challenges associated with enforcement of smoking policies, including that no outside agency would be able to assist.

**CA1924                    MOVED BY: John Barkovic  
                                 SECONDED BY: Jo Anne Di Maio**

**THAT the memorandum entitled Smoking and Vaping Restrictions in Conservation Areas be received as information.**

**CARRIED**

#### 10.4. HCA Volunteer Program

Joel Konik presented a summary of the memorandum, including general information around volunteering and how this knowledge is informing volunteerism with HCA.

In the Fall, HCA began developing a volunteer program, including the development of an internal committee on the subject. Joel has been assigned as the coordinator of the program. He is the point of contact for volunteers, manages a database of contacts, and assists with engaging volunteers for HCA events. Since the start of the coordinated approach to managing volunteers and volunteer opportunities, the number of volunteers and events has continued to grow. The goal for this year is to increase our community engagement and collect relevant statistics to guide subsequent years.

Jeff Stock, from the Hamilton Watershed Stewardship Program, provided examples of events held since the program began, including corporate group activities, tree plantings, turtle nesting bed creation and 'Eco-cise' events that highlighted the benefits of exercising in nature while assisting with invasive species removal.

Lisa Burnside added that HCA is excited about expanding our opportunities to engage volunteers and the community. This program aligns with many parts of the organization's strategic plan. The intent is to start small with a view to future growth. Lisa also shared that HCA provides its staff with one paid volunteer day, an acknowledgment of the importance of volunteers to organizations. For example, Lisa highlighted the importance of volunteers to the success of Westfield Heritage Village.

Staff answered members' questions regarding learning from other volunteer groups or HCA business areas. Joel indicated the committee has staff representation from a number of different areas of the organization who are sharing their knowledge. Joel also noted that linkages to other volunteer groups and HCA business units have also been identified. Maria inquired about partnership opportunities with organizations with similar goals and offered to share some resources. Staff were appreciative of the assistance. The members also inquired about insurance requirements for volunteers. Staff advised that volunteers sign waivers for incidents and photos, and that volunteers are covered by HCA's general liability insurance.

Maria thanked staff for the presentation and indicated the members look forward to hearing more as the program develops.

**CA1925**

**MOVED BY: Jo Anne Di Maio**

**SECONDED BY: Duke O'Sullivan**

**THAT the memorandum entitled Update on Volunteer Activities at HCA be received as information.**

**CARRIED**

#### 10.5. Upcoming Events

Gord Costie presented the report, advising that all areas are open and gearing up for the summer season. He also highlighted that membership pass sales are almost on pace with 2018 which was an all time high. Gord referenced the many upcoming events at HCA's facilities, including those for Father's Day weekend, at Westfield Heritage Village, and at Wild Waterworks.

The members expressed pleasure with the membership pass sales, however also inquired about the day use audience based on the public consultation information outlined during the earlier Valens master plan presentation. Staff noted that statistics resulting from the master plan consultation are very preliminary. Staff will continue to review the statistics to ensure a relevant sample. The members also inquired about sharing of information with member pass holders. Staff advised members receive regular updates from marketing and are circulated for public consultation initiatives, such as for master plans and strategic plans.

Referencing the new volunteer engagement program, members also noted the potential opportunities to recruit volunteers at events and through the membership program. Staff expressed appreciation for the suggestions.

**CA1926                      MOVED BY: John Barkovic  
                                    SECONDED BY: Cheryl Larocque**

**THAT the verbal update on Upcoming 2019 HCA & Partner Events be received as information.**

**CARRIED**

#### **11. New Business**

John Barkovic advised he had met with a member of the Greenville community who is also associated with the volunteer firefighters for the area. He relayed challenges in finding people in need of rescue on trails and requested consideration for installation of trail markers at regular intervals. Lisa Burnside thanked John for relaying the request. She advised there are some grid marking systems for the Dundas Valley but not Spencer Gorge. Staff have taken note of the request.

**12. Next Meeting – Thursday, August 8, 2019 at 4:00 p.m.**

The next meeting of the CAB is scheduled for Thursday, August 8, 2019 at 4:00 p.m. Maria advised the intent is to hold the next meeting off-site if the agenda is suitable.

**13. Adjournment**

On motion, the meeting was adjourned.





Ministry of the Environment,  
Conservation and Parks

Ministère de l'Environnement,  
de la Protection de la nature et des  
Parcs

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August 16, 2019

To whom it may concern:

As you know, on June 6, 2019, our government passed the *More Homes, More Choice Act, 2019*, which updated the *Conservation Authorities Act*. We made these legislative changes to improve public transparency, consistency, and accountability in conservation authority operations. These changes will give greater control to individual municipalities on conservation authority programs and budgets. These changes will also require conservation authorities to re-focus their efforts on the delivery of programs and services related to their core mandate, such as those related to:

- Risk of natural hazards;
- Conservation and management of CA owned or controlled lands;
- Drinking water source protection;
- Protection of the Lake Simcoe watershed;
- Other programs or services, as prescribed by regulation.

Furthermore, over the coming months, I will be reviewing all of the relevant legislation and regulations that govern Ontario's conservation authorities to explore even more opportunities to re-focus their efforts and to ensure they are best serving the interests of the people of Ontario.

In the meantime, I request that you review and consider your own conservation authority's activities and begin preparations and planning to wind down those activities that fall outside the scope of your core mandate. I also encourage you to refrain from developing new policies that are not aligned with your mandate or with provincial policies. Finally, I ask that while we are undergoing this review and updating the legislation and regulations that you do not proceed with any increases to your fees or levies.

I appreciate the work of conservation authorities and the feedback that was provided on the legislative changes. I look forward to receiving further input and recommendations as we move forward with upcoming regulatory and policy proposals.

Sincerely,

Jeff Yurek

Minister of the Environment, Conservation and Parks



# Media Release

## FOR IMMEDIATE RELEASE

### Province Moves to Constrain Conservation Authorities' Programs and Services

NEWMARKET (August 19, 2019) Conservation authorities and Conservation Ontario are stunned by a letter that the Province circulated recommending that conservation authorities start shutting down any programs not related to their 'core mandate' as described by the Province in the proposed changes to the *Conservation Authorities Act* earlier this year.

Conservation authorities (CAs) and their member municipalities received letters from Jeff Yurek, Minister of Environment, Conservation and Parks (MECP), addressed to 'whom it may concern' on Friday evening (August 16) recommending that CAs start to wind down any programs not directly related to their 'core mandate'.

"This is confusing and extremely disappointing," said Kim Gavine, General Manager of Conservation Ontario, the Association which represents Ontario's 36 conservation authorities. Conservation authorities provide a wide variety of watershed management programs in partnership with all levels of government. These programs help to reduce or prevent the costly and devastating damages of flooding, protect water resources, help to reduce pollution from getting to the Great Lakes and support healthy watersheds.

"We've been caught completely by surprise," Gavine said. "We've been working for months in good faith with the government to make a number of planning and development approvals streamlining changes to support their agenda to eliminate the deficit and implement the Housing Strategy." There was no consultation with Conservation Ontario or the CAs about this letter before it was circulated.

"I can only assume they are trying to avoid criticism about downloading conservation authorities' programs and services to municipalities," she said. Conservation authorities' provincial funding for natural hazards was reduced by 50 percent earlier this year.

Gavine pointed out that what the government is proposing isn't taking into consideration the fact that the CA Act is still a work in progress.

"The changes being proposed by the government to the *Conservation Authorities Act* haven't even been proclaimed and we are only starting discussions about the regulations that go with the legislation which will specify which actual programs and services are mandatory," she said. After mandatory programs and services are agreed upon by the Province and conservation

authorities, then CAs can begin to negotiate the remaining non-mandatory programs with their member municipalities.

“It was a very pre-emptive move that disregards the process and relationship that conservation authorities and municipalities have together.”

30

For more information:

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# Report

**TO:** Conservation Advisory Board

**FROM:** Lisa Burnside, Chief Administrative Officer (CAO)

**RECOMMENDED & PREPARED BY:** Matthew Hall, Director; Capital Projects & Strategic Services  
Kathy Smith, Design Projects Coordinator; Capital Projects & Strategic Services

**DATE:** May 29, 2019

**RE:** Cootes to Escarpment EcoPark System  
Borer's Falls - Rock Chapel and Cootes Paradise Management Plans

## STAFF RECOMMENDATION

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

**THAT** the “Borer’s Falls-Rock Chapel Management Plan” and “Cootes Paradise Management Plan” be endorsed, and further;

**THAT** Hamilton Conservation staff be directed to work with the Cootes to Escarpment EcoPark System partners to implement the objectives of these plans.

## BACKGROUND

In 2018, the Management Plans for two Cootes to Escarpment EcoPark System Heritage Lands were completed under the guidance and direction of the City of Hamilton, Hamilton Conservation Authority (HCA), Royal Botanical Gardens, Hamilton Naturalists’ Club, McMaster University, Bruce Trail Conservancy, and Conservation Halton. The Management Plans, which included public and agency consultation, were developed to provide direction on conserving the natural and cultural features and improve sustainable recreation activities, education, and research opportunities on these public lands.

These are the fourth and fifth out of a total of six Heritage Lands Management Plans to be completed within the EcoPark System. Hamilton Conservation Authority owns and manages land within the Borer's Falls-Rock Chapel study area. The final Heritage Lands scheduled for a management plan is the Lower Grindstone study area.

Working collaboratively with the Cootes to Escarpment EcoPark System, agencies will implement these plans on the properties they manage and assist partner agencies in meeting the plans' objectives.

## **STAFF COMMENT**

### **The Cootes to Escarpment EcoPark System**

The Cootes to Escarpment EcoPark System is a network of 3,900 hectares of significant lands naturally connecting Hamilton and Burlington at the western end of Lake Ontario. It consists of more than 1,900 hectares of permanently protected natural lands and open space, surrounded by 2,000 hectares of privately-owned outreach lands. See attached Vision Map, Appendix 1.0 for more information.

### **The Management Plans**

A primary goal of the Cootes to Escarpment initiative is the development of comprehensive joint Heritage Lands Management Plans for six core Heritage Land areas. Heritage Lands Management Plans provide a consistent framework for the future planning, implementation and management of lands under ownership of the partners. See Appendix 2.0 and 3.0 maps.

A full copy of the documents can be found on the Cootes to Escarpment EcoPark System website:

[www.cootestoescarpmentpark.ca/borer%27s-falls-rock-chapel-plan](http://www.cootestoescarpmentpark.ca/borer%27s-falls-rock-chapel-plan)

<http://www.cootestoescarpmentpark.ca/cootes-paradise-plan>

Completion of Heritage Lands Management Plans, in all six core Heritage Lands includes:

- Identification, protection and sustainable use of natural and cultural heritage resources.
- Identification and documentation of pressures and issues of concern raised by partner organizations, stakeholders, and the public.
- Infrastructure creation, maintenance, and decommissioning.
- Recreation, education and research opportunities that are compatible with preserving and enhancing the natural and cultural heritage of the areas.



- Criteria and indicators to evaluate the implementation and ongoing monitoring program to collect relevant information to gauge success of the management plan.

The plans are intended to complement land use plans or zoning that are currently enacted within the EcoPark System area; including, but not limited to, the Greenbelt Plan, the Niagara Escarpment Plan, and municipal Official Plans. While portions of the EcoPark System fall outside of the Niagara Escarpment Plan Area, the management plan approach utilizes the framework set out in the Niagara Escarpment Parks and Open Space System (NEPOSS) Manual.

The management plans are intended to provide high-level guidance for future management of the Heritage Lands. Detailed site-specific master plans may be prepared at a later date to further refine recommendations and these will need to be submitted (where required) for approval through the NEPOSS process.

Through a competitive bidding process, North-South Environmental Inc. (Environmental Consultants) was retained to develop management plans for the Cootes Paradise Heritage Lands and Borer's Falls–Rock Chapel Heritage Lands, which began concurrently in late 2017.

**The Cootes Paradise Heritage Lands** comprise 762 ha of land and marsh located at the north end of the City of Hamilton (Appendix 3). The majority of the Current EcoPark System Lands are owned by the RBG (582 ha), with smaller areas owned by the City of Hamilton (98 ha) and HCA (30 ha).

**The Borer's Falls - Rock Chapel Heritage Lands** comprise 498 ha of land north of the urban boundary of the City of Hamilton (Appendix 2). Of the 498 ha within the Heritage Lands, 323 ha (65%) are currently owned and managed by partner organizations (the Current EcoPark System Lands). The majority of the Current EcoPark System Lands are owned by HCA (127 ha), Royal Botanical Gardens (124 ha), with smaller areas owned by Conservation Halton (57 ha) and the City of Hamilton (15 ha).

The plans provide recommendations under 23 management themes that are intended to be evaluated annually. The plan also sets out high priority management tasks per responsible agency. Six high priority tasks have been allocated to HCA within the Management Plans are as follows:

1. Addressing wildlife crossing issues
2. Identifying opportunities for visitor access points
3. Addressing invasive species
4. Improving water quality
5. Closing or re-routing trails in proximity to significant natural heritage features
6. Updating communications and publications with Tourism Hamilton on appropriate access to the waterfalls and trails at Borer's Falls.

HCA will work to incorporate the above tasks into our HCA Master and Management plans for these areas as per the approved schedule of Master and Management plan development. Through our work with the C2E committee, opportunities may arise to address some of these tasks sooner.

This multi-agency project demonstrates HCA's partnership for implementing joint initiatives that support land management, habitat restoration, invasive species control, environmental monitoring, education, cultural heritage protection and sustainable recreation.

## **STRATEGIC PLAN LINKAGE**

The initiative refers directly to the HCA Strategic Plan 2019 - 2023:

- **Strategic Priority Area – Organizational Excellence**
  - Initiatives:
    - Communicate both internally and externally about what HCA does and why
    - Collaborate and share services, expertise and resources with neighbouring conservation authorities and Conservation Ontario.
    - Foster strong working relationships with our federal, provincial and municipal partners through regular meetings to discuss issues of mutual interest.
    - Identify opportunities to engage the community, adjacent landowners, and Indigenous Peoples.

## **AGENCY COMMENTS**

Over the course of the development of the Management Plans, there was considerable public consultation that guided the project, including:

- Public Information Meetings (April 4, 2018 and September 27, 2018) – 26 attendees
- Consultation with the Stakeholder Advisory Committee Meetings - nine agencies represented
- Consultation with the Agency Steering Committee – seven agencies represented
- Indigenous Engagement – six attendees from the Six Nations Of The Grand River, Mississaugas of the Credit First Nation and Huron-Wendat Nation.
- Advertisements in the Hamilton Spectator, website, and social media platforms



## **LEGAL/FINANCIAL IMPLICATIONS**

There is no direct financial impact for this report. The six high priority tasks which have been identified for C2E partners to work towards will be undertaken in association with other partnering agencies, as well as be incorporated into HCA Master and Management plans for these areas.

## **CONCLUSIONS**

This report identifies HCA's partnership and support for the EcoPark System natural, cultural and scenic assets. This initiative also supports attracting visitors to our natural areas and connecting our communities with nature through sustainable recreation.



# Report

**TO:** Budget & Administration Committee

**FROM:** Lisa Burnside, Chief Administrative Officer (CAO)

**DATE:** July 22, 2019

**RE:** Governance Review – revisions to September 6, 2018 approved Administrative by-laws

---

## **STAFF RECOMMENDATION:**

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

**THAT the Board of Directors Administrative By-Law approved, September 6, 2018, be amended with the revisions noted in the attached draft, subject to and including any further revisions as noted during the August 22, 2019 meeting.**

## **BACKGROUND**

The Budget & Administration Committee undertakes an annual review of the Administrative Bylaws (the “Governance Policies”).

Appendix 4 in Section 6(J) states:

*Governance: In addition to its other functions, the B&AC will also 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) monitor compliance by the Board of Directors, by the B&AC and by the officers of the HCA with these Administrative Regulations and Governance Policies, and (b) assess whether improvements to existing regulations and policies are warranted, either to address a shortcoming or to reflect best practices in good corporate governance. The B&AC shall report at least annually to the Board of Directors on both aspects of its mandate, and 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.*

HCA Administrative Bylaws have been 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.

In 2018, HCA was 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 provided direction for Conservation Authorities to make required by-laws according to new requirements by December 12, 2018. HCA Board of Directors passed this document September 6, 2018 which was based on a model document compiled by a Conservation Ontario working group to comply with Section 19.1 of the Act and also ensures a high level of consistency amongst Conservation Authorities with respect to governance.

## **STAFF COMMENT**

The Administrative by-laws passed in September 2018 have now been in use for close to a year and have provided the time and opportunity to determine if the document requires any revisions and a general review of whether there has been compliance with the Administration Bylaws in the past year - e.g., do the procedures reflect actual practice and, if not, is the consequence that the document should be changed or that the practices should change.

At this time, only relatively minor administrative and housekeeping amendments have been identified.

The attached document contains the proposed administrative revisions and are itemized as follows:

- Consistent use of the term “Director” rather than Board member throughout the document
- Inclusion of HCA’s new logo and updated vision and mission statements in the introduction section
- Clarification that the Chair of any advisory board or designate may cancel any scheduled meeting in Section C, meeting procedures
- Amending the agenda items for Board meetings, along with AGM approval for the consent agenda to align with the Board motion passed at the June 2019 AGM to make the consent items permanent in Section C, meeting procedures
- Amending the number of days in advance that a delegation must make its request in order to appear on the agenda, in Section C, meeting procedures
- Setting the meeting dates and times for Board meetings and the AGM in Section C, meeting procedures
- Clarification that the Vice Chair of the Board serves as the Chair of the Budget & Administration Committee in Appendix 3, Procedures for Election of Officers

- Amending process for how Board Directors sign up to join the Budget & Administration Committee as well as the Conservation Advisory Board in Appendix 3, Procedures for Election of Officers as well as Appendix 4, Committees and Advisory Boards
- Clarification of items reviewed and received for Budget and Administration Committee in Appendix 4, Budget & Administration Committee
- Clarification to the Hearing Guidelines to ensure all material presented will be included in the agenda package and ensure that the list of hearing procedures aligns with expanded details in Appendix 5, Conservation Authorities Act Hearing Guidelines

## **STRATEGIC PLAN LINKAGE**

The governance review initiative refers directly to the HCA Strategic Plan 2019-2023:

- **Strategic Goal – Organizational Excellence**

## **AGENCY COMMENTS**

Not applicable.

## **LEGAL/FINANCIAL IMPLICATIONS**

None

## **CONCLUSIONS**

The recommendations contained in this report are amendments to align with our new 5-year strategic plan mission and vision, board direction and to reflect current practice to ensure the document remains relevant and current.



# **HAMILTON REGION CONSERVATION AUTHORITY**

## **Administrative By-Law**

[Draft for review at August 2019 B&AC Meeting](#)







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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~~ and connect people to nature.

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~~ a healthy watershed for everyone.

### 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.<sup>1</sup>

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<sup>1</sup> 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.<sup>2</sup>

**“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.<sup>3</sup>

**“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.

<sup>2</sup> 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.

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

## **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.

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.<sup>4</sup>

#### ***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

<sup>4</sup> 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.

- 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;
- 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;<sup>5</sup>
- 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.<sup>6</sup>

#### ***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 ~~&~~and 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

<sup>5</sup> 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.

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



- 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;
  - ii. good corporate governance;
  - iii. ethical conduct by HCA employees and ~~Board members~~ Directors;
  - 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~~Director, 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~~Directors 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, ~~and~~ Vice-Chair, and the election or appointment by acclamation of Committee ~~members~~ and Advisory Board members and Advisory Board chairs shall be held yearly at the ~~annual~~ Annual General Meeting and/or at the first Board meeting after the AGM, in accordance with the Authority's Procedures for Election and Appointment 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 Foundation<sup>7</sup> 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.

<sup>7</sup> 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 (or designate) 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 of the Board, Chair of any respective committee or advisory board, or the Secretary-Treasurer (or designate) 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 scheduled meeting ~~of an Advisory Board or other committee~~ until the next scheduled date for the specific Board, Advisory Board or committee affected.

The Chair or the Secretary-Treasurer (or designate) 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~~ Consent Agenda
  - i. ~~f)~~ Applications
  - ii. ~~g)~~ Approval of Minutes of Previous Meeting
  - iii. Correspondence
- f) Member Briefings
- g) ~~h)~~ Business Arising from the Minutes
- ~~i)~~ ~~Correspondence~~
- h) ~~j)~~ Reports
- i) ~~k)~~ Other Staff Reports/Memorandums
- j) ~~l)~~ New Business
- k) ~~m)~~ In-Camera Items
- l) ~~n)~~ Next Meeting
- m) ~~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~~Directors 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~~Directors) 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~~Directors) 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~~Directors, 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~~**eight** 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. Meeting Schedule and Annual General Meeting

Subject to the right of the Board to set a different meeting schedule or to change the date of a meeting, and the right of the Chair to call a special meeting, the Board will meet 10 times per year beginning at 7:00 p.m. on the first Thursday of the months of February, March, April, May, June, July, September, October, November and December.

~~11. The Annual General Meeting~~~~The Authority shall designate one be the February meeting of the Board of Directors each year as.~~ The date of the annual meeting and meeting may be adjusted to allow for consideration for timing of municipal elections and corresponding municipal and citizen appointments. The Annual General Meeting 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~~ Director sign up for Committees and Advisory Committees

## 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~~12,2577 from ~~July 4, 2013~~September 6, 2018 approving the current HCA Administrative ~~Regulations and Governance Policies, last amended by Board resolution BD12,2356~~By-Law 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~~■ and ■, by the Budget and Administration Committee.

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 and Appointment of Officers

### 1. Voting

~~Voting~~ Except in the case of appointments by acclamation of Directors to sit as members of the Budget and Administration Committee or the Conservation Advisory Board, voting shall be by secret ballot ~~and no~~. 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. Appointment by acclamation of Directors to sit as members of Committees and Advisory Boards

At the Annual General Meeting each year, Directors may nominate themselves to be one of the three Director members of the Budget and Administration Committee or the Conservation Advisory Board. A sign up sheet for Directors wishing to self-nominate shall be available at the Annual General Meeting for this purpose. If more Directors sign up for the Budget and Administration Committee or Conservation Advisory Board than the number of vacancies, there shall be an election for those positions at the next Board meeting following the Annual General Meeting. If the number of Directors who sign up is less than or equal to the number of vacancies, the Acting Chair shall declare those positions filled by acclamation. Any remaining vacancies may be filled by acclamation or election at any subsequent Board meeting.

### 5. ~~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 at the Annual General Meeting shall be conducted in the following order:
  - i. Election of the Chair, who shall be a Director of the Authority and serve as a member of the Budget and Administration Committee.
  - ii. Election of the Vice-Chair, who shall be a Director of the Authority and serve as Chair of the Budget and Administration Committee
  - iii. If applicable, appointment by acclamation of three Budget and Administration Committee members, who shall be Directors of the Authority.
  - iv. ~~iii. Election of three Budget & Administration Committee~~ if applicable, appointment by acclamation of three Conservation Advisory Board members, who shall be Directors of the Authority.

~~v.~~ ~~iv.~~ Election of ~~Chairs~~Chair of the Conservation Advisory Board~~(s)~~, who shall be ~~Directors~~a Director of the Authority.

b) The elections at the Board meeting immediately following the Annual General Meeting (if made necessary as a result of more Directors having self-nominated for the positions than the number of vacancies available on the Budget and Administration Committee and the Conservation Advisory Board), shall be conducted in the following order:

i. Election of up to three Budget and Administration Committee members, who shall be Directors of the Authority.

ii. Election of up to three Conservation Advisory Board members, who shall be Directors of the Authority.

~~c) b)~~ The Acting Chair shall ask for nominations to each position that is to be the subject of an election at the Annual General Meeting or at the Board meeting immediately following;

~~d) e)~~ Only current Directors of the Authority who are present may vote;

~~e) d)~~ Nominations shall be called three (3) times and will only require a mover;

~~f) e)~~ The closing of nominations shall require both a mover and a seconder;

~~g) 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:

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

If More than One Nominee:

~~i) 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.

~~j) 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.

~~k) 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 ~~&~~and 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~~Directors;
- (d) the term of membership;
- (e) the total maximum time period that a person who is not a ~~Board member~~Director 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 voting 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 ~~&and~~ 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 ~~&and~~ Administration Committee

Members: The Budget ~~&and~~ Administration Committee consists of five members of the Board of Directors. The Chair and Vice-Chair of the Board are ~~ex-officio~~ designated members of the B&AC. Three other members of the Board ~~are elected as~~ shall be members of the B&AC. Directors may nominate themselves to be a member of the B&AC, by signing up for the role at the Annual Meeting each year. If more than three members of the Board (in addition to the Chair and Vice-Chair of the Board) sign up, there shall be an election at the Board meeting following the Annual General Meeting.

Functions: The Budget ~~&and~~ 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~~ information memorandums and reports related to topics including but not limited to the following::

- [Expenditure](#) report (Vendor Listing);
  - [WSIB Incidents](#)
  - [Operating budgets](#)
  - [Capital budgets](#)
  - [Mileage rates](#)
  - [Per diems and honorariums](#)
  - [Fee schedules](#)
- (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 [capital and operating](#) 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 voting 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 of CAB: One of the ~~Board members~~Directors 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~~Director.

Ex Officio Members: The Chair and Vice Chair of the Board of Directors are ex-officio non-voting members of CAB. They are invited but not required to attend meetings of CAB. If in attendance they are not counted when determining quorum.

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~~Directors: appointments of Board of Director members to the CAB are for ~~an annual basis and renewed at the AGM~~one year terms and renewed at the Annual General Meeting. Directors may nominate themselves to be a member of CAB, by signing up for the role at the Annual General Meeting. If more than three members of the Board sign up, there shall be an election at the Board meeting following the Annual General Meeting.

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.

**SECTION 28 (3)**  
**CONSERVATION AUTHORITIES ACT**  
**HEARING GUIDELINES**  
**October 2005, Amended 2018**



Ministry of Natural Resources  
Ministère des Richesses naturelles

**SECTION 28 (3)**  
**CONSERVATION AUTHORITIES ACT**  
**HEARING GUIDELINES**  
**October 2005, Amended 2018**

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Peter Krause, Chairman  
Conservation Ontario

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Gail L. Beggs, Deputy Minister  
Ministry of Natural Resources



May, 2018

**Re: Interim Update to the SECTION 28 (3) CONSERVATION AUTHORITIES  
ACT HEARING GUIDELINES**

Subsection 28(15) of the *Conservation Authorities Act* provides that a person who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons may appeal to the Minister of Natural Resources and Forestry. Further to the passage of the *Building Better Communities and Conserving Watersheds Act*, 2017 effective April 3, 2018 this appeal has been assigned to the Mining and Lands Tribunal through Order in Council 332/2018. The Mining and Lands Tribunal is now a part of the Environment and Land Tribunal Cluster (ELTO) of the Ministry of the Attorney General.

By law, the appeal made under subsection 28(15) should be filed directly with the Mining and Lands Tribunal. A copy of the appeal letter to the Minister of Natural Resources and Forestry is unnecessary and can be treated as optional. Conservation authorities should notify appellants that they must file their appeals with the Tribunal within 30 days of their receipt of notice. An appeal may be invalidated if it is not filed with the proper office within that time period. The appellants should also be instructed to copy the conservation authority in their appeal letter.

Further to this updated information, an amendment has been made to **Appendix D “Notice of Decision – Model”** to incorporate the revised contact information for the appeal. Conservation authorities are advised to review their internal Hearing Procedures to incorporate this update. It is anticipated that this “Interim Update to the Section 28(3) Conservation Authorities Act Hearing Guidelines” will provide guidance to conservation authorities related to Section 28 hearings until such time as a new Section 28 regulation is created by the province.

Sincerely,



Leslie Rich  
Policy and Planning Liaison  
Conservation Ontario

## **Section 28 (12), Conservation Authorities Act - Hearing Guidelines**

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## **1.0 PURPOSE OF HEARING GUIDELINES:**

The purpose of the Hearing Guidelines is to reflect the changes to the 1998 Conservation Authorities Act. The Act requires that the applicant be party to a hearing by the local Conservation Authority Board, or Executive Committee (sitting as a Hearing Board) as the case may be, for an application to be refused or approved with contentious conditions. Further, a permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, pollution or conservation of land, and additional erosion and dynamic beaches. The Hearing Board is empowered by law to make a decision, governed by the Statutory Powers Procedures Act. It is the purpose of the Hearing Board to evaluate the information presented at the hearing by both the Conservation Authority staff and the applicant and to decide whether the application will be approved with or without conditions or refused.

These guidelines have been prepared as an update to the October 1992 hearing guidelines and are intended to provide a step-by-step process to conducting hearings required under Section 28 (12), (13), (14) of the Conservation Authorities Act. Similar to the 1992 guidelines, it is hoped that the guidelines will promote the necessary consistency across the Province and ensure that hearings meet the legal requirements of the Statutory Powers Procedures Act without being unduly legalistic or intimidating to the participants.

## **2.0 PREHEARING PROCEDURES**

### **2.1 Apprehension of Bias**

In considering the application, the Hearing Board is acting as a decision-making tribunal. The tribunal is to act fairly. Under general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but also to avoid the appearance or apprehension of bias. The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.

- (a) No member of the Authority taking part in the hearing should be involved, either through participation in committee or intervention on behalf of the applicant or other interested parties with the matter, prior to the hearing. Otherwise, there is a danger of an apprehension of bias which could jeopardize the hearing.
- (b) If material relating to the merits of an application that is the subject of a hearing is distributed to Board members before the hearing, the material shall be distributed to the applicant at the same time. The applicant may be afforded an opportunity to distribute similar pre-hearing material.
- (c) In instances where the Authority (or Executive Committee) requires a hearing to help it reach a determination as to whether to give permission with or without conditions or refuse a permit application, a final decision shall not be made until such time as a hearing is held. The applicant will be given an opportunity to attend the hearing before a decision is made; however, the applicant does not have to be present for a decision to be made.

Individual Conservation Authorities shall develop a document outlining their own practices and procedures relating to the review and reporting of Section 28 applications, including the role of staff,

the applicant and the Authority or Executive Committee as well as, the procedures for the hearing itself. Such policy and procedures manual shall be available to the members of the public upon request. These procedures shall have regard for the above information and should be approved by the Conservation Authority Board of Directors.

## **2.2 Application**

The right to a hearing is required where staff is recommending refusal of an application or where there is some indication that the Authority or Executive Committee may not follow staff's recommendation to approve a permit or the applicant objects to the conditions of approval. The applicant is entitled to reasonable notice of the hearing pursuant to the Statutory Powers Procedures Act.

## **2.3 Notice of Hearing**

The Notice of Hearing shall be sent to the applicant within sufficient time to allow the applicant to prepare for the hearing. To ensure that reasonable notice is given, it is recommended that prior to sending the Notice of Hearing, the applicant be consulted to determine an agreeable date and time based on the local Conservation Authority's regular meeting schedule.

The Notice of Hearing must contain the following:

- (a) Reference to the applicable legislation under which the hearing is to be held (i.e., the Conservation Authorities Act).
- (b) The time, place and the purpose of the hearing.
- (c) Particulars to identify the applicant, property and the nature of the application which are the subject of the hearing.

Note: If the applicant is not the landowner but the prospective owner, the applicant must have written authorization from the registered landowner.

- (d) The reasons for the proposed refusal or conditions of approval shall be specifically stated. This should contain sufficient detail to enable the applicant to understand the issues so he or she can be adequately prepared for the hearing.

It is sufficient to reference in the Notice of Hearing that the recommendation for refusal or conditions of approval is based on the reasons outlined in previous correspondence or a hearing report that will follow.

- (e) A statement notifying the applicant that the hearing may proceed in the applicant's absence and that the applicant will not be entitled to any further notice of the proceedings.

Except in extreme circumstances, it is recommended that the hearing not proceed in the absence of the applicant.

- (f) Reminder that the applicant is entitled to be represented at the hearing by counsel, if desired.

It is recommended that the Notice of Hearing be directed to the applicant and/or landowner by registered mail. Please refer to **Appendix A** for an example Notice of Hearing.

## **2.4 Presubmission of Reports**

~~If it is the practice of the local Conservation Authority to~~The applicant shall submit reports to the Board members in advance of the hearing (i.e., inclusion on an Authority/Executive Committee agenda); ~~the applicant shall be provided with the same opportunity~~. The applicant shall be given two weeks to prepare a report once the reasons for the staff recommendations have been received. Subsequently, this may affect the timing and scheduling of the staff hearing reports.

## **2.5 Hearing Information**

Prior to the hearing, the applicant shall be advised of the local Conservation Authority's hearing procedures upon request.

## **3.0 HEARING**

### **3.1 Public Hearing**

Pursuant to the Statutory Powers Procedure Act, hearings are required to be held in public. The exception is in very rare cases where public interest in public hearings is outweighed by the fact that intimate financial, personal or other matters would be disclosed at hearings.

### **3.2 Hearing Participants**

The Conservation Authorities Act does not provide for third party status at the local hearing. While others may be advised of the local hearing, any information that they provide should be incorporated within the presentation of information by, or on behalf of, the applicant or Authority staff.

### **3.3 Attendance of Hearing Board Members**

In accordance with case law relating to the conduct of hearings, those members of the Authority who will decide whether to grant or refuse the application must be present during the full course of the hearing. If it is necessary for a member to leave, the hearing must be adjourned and resumed when either the member returns or if the hearing proceeds, even in the event of an adjournment, only those members who were present after the member left can sit to the conclusion of the hearing.

### **3.4 Adjournments**

The Board may adjourn a hearing on its own motion or that of the applicant or Authority staff where it is satisfied that an adjournment is necessary for an adequate hearing to be held.

Any adjournments form part of the hearing record.

### **3.5 Orders and Directions**

The Authority is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes. A hearing procedures example has been included as **Appendix B**.

### **3.6 Information Presented at Hearings**

- (a) The Statutory Powers Procedure Act, requires that a witness be informed of his right to object pursuant to the Canada Evidence Act. The Canada Evidence Act indicates that a witness shall be excused from answering questions on the basis that the answer may be incriminating. Further, answers provided during the hearing are not admissible against the witness in any criminal trial or proceeding. This information should be provided to the applicant as part of the Notice of Hearing.
- (b) It is the decision of the hearing members as to whether information is presented under oath or affirmation. It is not a legal requirement. The applicant must be informed of the above, prior to or at the start of the hearing.
- (c) The Board may authorize receiving a copy rather than the original document. However, the Board can request certified copies of the document if required.
- (d) Privileged information, such as solicitor/client correspondence, cannot be heard. Information that is not directly within the knowledge of the speaker (hearsay), if relevant to the issues of the hearing, can be heard.
- (e) The Board may take into account matters of common knowledge such as geographic or historic facts, times measures, weights, etc or generally recognized scientific or technical facts, information or opinions within its specialized knowledge without hearing specific information to establish their truth.

### **3.7 Conduct of Hearing**

#### **3.7.1 Record of Attending Hearing Board Members**

A record shall be made of the members of the Hearing Board.

#### **3.7.2 Opening Remarks**

The Chairman shall convene the hearing with opening remarks which generally; identify the applicant, the nature of the application, and the property location; outline the hearing procedures; and advise on requirements of the Canada Evidence Act. Please reference **Appendix C** for the Opening Remarks model.

### **3.7.3 Presentation of Authority Staff Information**

Staff of the Authority presents the reasons supporting the recommendation for the refusal or conditions of approval of the application. Any reports, documents or plans that form part of the presentation shall be properly indexed and received.

Staff of the Authority should not submit new information at the hearing as the applicant will not have had time to review and provide a professional opinion to the Hearing Board.

Consideration should be given to the designation of one staff member or legal counsel who coordinates the presentation of information on behalf of Authority staff and who asks questions on behalf of Authority staff.

### **3.7.4 Presentation of Applicant Information**

The applicant has the opportunity to present information at the conclusion of the Authority staff presentation. Any reports, documents or plans which form part of the submission should be properly indexed and received.

The applicant shall present information as it applies to the permit application in question. For instance, does the requested activity affect the control of flooding, erosion, dynamic beach or conservation of land or pollution? The hearing does not address the merits of the activity or appropriateness of such a use in terms of planning.

- The applicant may be represented by legal counsel or agent, if desired
- The applicant may present information to the Board and/or have invited advisors to present information to the Board
- The applicant(s) presentation may include technical witnesses, such as an engineer, ecologist, hydrogeologist etc.

The applicant should not submit new information at the hearing as the Staff of the Authority will not have had time to review and provide a professional opinion to the Hearing Board.

### **3.7.5 Questions**

Members of the Hearing Board may direct questions to each speaker as the information is being heard. The applicant and /or agent can make any comments or questions on the staff report.

Pursuant to the Statutory Powers Procedure Act, the Board can limit questioning where it is satisfied that there has been full and fair disclosure of the facts presented. Please note that the courts have been particularly sensitive to the issue of limiting questions and there is a tendency to allow limiting of questions only where it has clearly gone beyond reasonable or proper bounds.

### **3.7.6 Deliberation**

After all the information is presented, the Board may adjourn the hearing and retire in private to confer. The Board may reconvene on the same date or at some later date to advise of the Board's decision. The Board members shall not discuss the hearing with others prior to the decision of the

Board being finalized.

#### **4.0. DECISION**

The applicant must receive written notice of the decision. The applicant shall be informed of the right to appeal the decision within 30 days upon receipt of the written decision to the Minister of Natural Resources.

It is important that the hearing participants have a clear understanding of why the application was refused or approved. The Board shall itemize and record information of particular significance which led to their decision.

##### **4.1 Notice of Decision**

The decision notice should include the following information:

- (a) The identification of the applicant, property and the nature of the application that was the subject of the hearing.
- (b) The decision to refuse or approve the application. A copy of the Hearing Board resolution should be attached.

It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail. A sample Notice of Decision and cover letter has been included as **Appendix D**.

##### **4.2 Adoption**

A resolution advising of the Board's decision and particulars of the decision should be adopted.

#### **5.0 RECORD**

The Authority shall compile a record of the hearing. In the event of an appeal, a copy of the record should be forwarded to the Minister of Natural Resources/Mining and Lands Commissioner. The record must include the following:

- (a) The application for the permit.
- (b) The Notice of Hearing.
- (c) Any orders made by the Board (e.g., for adjournments).
- (d) All information received by the Board.
- (e) The minutes of the meeting made at the hearing.
- (f) The decision and reasons for decision of the Board.
- (g) The Notice of Decision sent to the applicant



## Appendix A

### NOTICE OF HEARING

#### IN THE MATTER OF

The Conservation Authorities Act,  
R.S.O. 1990, Chapter 27

**AND IN THE MATTER OF** an application by

#### **FOR THE PERMISSION OF THE CONSERVATION AUTHORITY**

Pursuant to Regulations made under  
Section 28, Subsection 12 of the said Act

**TAKE NOTICE THAT** a Hearing before the Executive Committee of the Conservation Authority will be held under Section 28, Subsection 12 of the Conservation Authorities Act at the offices of the said Authority (ADDRESS), at the hour of , **on the day of , 2001**, with respect to the application by (**NAME**) to permit development within an area regulated by the Authority in order to ensure no adverse affect on (***the control of flooding, erosion, dynamic beaches or pollution or conservation of land./alter or interfere with a watercourse, shoreline or wetland***) on Lot , Plan/Lot , Concession , (**Street**) in the City of , Regional Municipality of , River Watershed.

**TAKE NOTICE THAT** you are invited to make a delegation and submit supporting written material to the Executive Committee for the meeting of (***meeting number***). If you intend to appear, please contact (**name**) . Written material will be required by (**date**), to enable the Committee members to review the material prior to the meeting.

**TAKE NOTICE THAT** this hearing is governed by the provisions of the Statutory Powers Procedure Act. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the Ontario Evidence Act. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the Canada Evidence Act that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the affect of any evidence that a witness may give.

**AND FURTHER TAKE NOTICE** that if you do not attend at this Hearing, the Executive Committee of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

**DATED** the \_\_\_\_ day of , \_\_\_\_\_ 200X

The Executive Committee of the  
Conservation Authority

Per:  
Chief Administrative Officer/Secretary-Treasurer

## Appendix B

### HEARING PROCEDURES

1. Motion to sit as Hearing Board.
2. Roll Call followed by the Chair's opening remarks.
3. Staff will introduce to the Hearing Board the applicant/owner, his/her agent and others wishing to speak.
4. Staff will indicate the nature and location of the subject application and the conclusions.
5. Staff will present the staff report included in the Authority/Executive Committee agenda.
6. The applicant and/or his/her agent will speak and also make any comments on the staff report, if he/she so desires.
7. The Hearing Board is open to the public and therefore, the Hearing Board will allow others to speak, and, if necessary, the applicant in rebuttal.
8. The Hearing Board will question, if necessary, both the staff and the applicant/agent.
9. The Hearing Board will move into camera.
10. Members of the Hearing Board will move and second a motion.
11. A motion will be carried which will culminate in the decision a resolution advising of the Board's decision and reasons for the decision.
12. The Hearing Board will move out of camera.
13. The Chairman or Acting Chairman will advise the owner/applicant of the Hearing Board decision orally (if present), and in any event by delivery of the Board's written decision to the owner/applicant or the owner/applicant's agent.
14. If decision is "to refuse", the Chairman or Acting Chairman shall notify the owner/applicant of his/her right to appeal the decision to the Minister of Natural Resources within 30 days of receipt of the reasons for the decision.
15. Motion to move out of Hearing Board and sit as Executive Committee.

## Appendix C

### CHAIR'S REMARKS WHEN DEALING WITH HEARINGS WITH RESPECT TO ONTARIO REGULATION 158

We are now going to conduct a hearing under section 28 of the Conservation Authorities Act in respect of an application by \_\_\_\_\_: , for permission to:\_\_\_\_\_

The Authority has adopted regulations under section 28 of the Conservation Authorities Act which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse affect on (the control of flooding, erosion, dynamic beaches or pollution or conservation of land) or to permit alteration to a shoreline or watercourse or interference with a wetland.

The Staff has reviewed this proposed work and a copy of the staff report has been given to the applicant.

The Conservation Authorities Act (Section 28 [12]) provides that:

"Permission required under a regulation made under clause (1) (b) or 8) shall not be refused or granted subject to conditions unless the person requesting permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee."

In holding this hearing, the Authority Board/Executive Committee is to determine whether or not a permit is to be issued. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under Section 5 of the Canada Evidence Act, a witness may refuse to answer any question on the ground that the answer may tend to criminate the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the hearing members.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chair of the board

Appendix D – Amended May 2018

(Date)

**BY REGISTERED MAIL**

(name)

(address)

Dear:

**RE: NOTICE OF DECISION**

**Hearing Pursuant to Section 28(12) of the Conservation Authorities Act  
Proposed Residential Development  
Lot , Plan ; ?? Drive City of  
(Application #)**

In accordance with the requirements of the Conservation Authorities Act, the (name) Conservation Authority provides the following Notice of Decision:

On (**meeting date and number**), the Hearing Board/Authority/Executive Committee refused/approved your application/approved your application with conditions. A copy the Boards/Committee's resolution # has been attached for your records. Please note that this decision is based on the following reasons: (***the proposed development/alteration to a watercourse or shoreline adversely affects the control of flooding, erosion, dynamic beaches or pollution or interference with a wetland or conservation of land***).

In accordance with Section 28 (15) of the Conservation Authorities Act, An applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may refuse the permission; or grant permission, with or without conditions. [Through Order in Council 332/2018 the responsibility for hearing the appeal has been transferred to the Mining and Lands Tribunal](#). For your information, should you wish to exercise your right to appeal the decision, a letter by you or your agent/counsel setting out your appeal must be sent within 30 days of receiving this decision addressed to:

Office of the Mining and Lands Tribunal  
700 Bay Street, 24<sup>th</sup> Floor, Box 2400  
Toronto, Ontario M5G 1Z6

[A carbon copy of this letter should also be sent to this conservation authority](#). Should you require any further information, please do not hesitate to contact (**staff contact**) or the undersigned.

Yours truly,

Chief Administrative Officer/Secretary Treasurer

Enclosure

# Report

**TO:** Board of Directors

**FROM:** Lisa Burnside, Chief Administrative Officer (CAO)

**RECOMMENDED BY:** Gordon R. Costie, Director of Conservation Area Services

**PREPARED BY:** Bruce Harschnitz, Manager of Conservation Area Services

**DATE:** September 5, 2019

**RE:** Designation of Two Conservation Area Staff Members as a Provincial Offences Officers

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## STAFF RECOMMENDATION

**THAT the HCA Board of Directors endorse the designation of Conservation Area Assistant Managers, Lindsey Darling and Stacey McConnell as Provincial Offences Officers to enforce Section 29 of the Conservation Authorities Act.**

## BACKGROUND

In broad terms, Sections 28 and 29 of the Conservation Authorities Act provide Conservation Authorities with the authority to regulate development activity within and adjacent to hazard lands, alterations to watercourses, and interference with wetlands, and to regulate activities on lands owned by Conservation Authorities, respectively. Violations of these sections of the Act are prosecuted according to the Provincial Offences Act. As such, staff responsible for undertaking activities associated with enforcement of these sections are required to be Provincial Offences Officers.

In April of 2010, the Board of Directors adopted as policy, adherence to the Ministry of Natural Resources and Forestry (MNRF) protocol for designation of Provincial Offences Officers. The protocol is as follows:

*The following criteria shall be satisfied when appointing an employee as an “officer” for enforcing Section 28 and / or Section 29 of the Conservation Authorities Act:*

- 1. The officer shall provide proof of a clean criminal record check (immediately prior to their appointment)*
- 2. The officer shall be adequately trained\* in the legislation they are to enforce (i.e. Conservation Authorities Act, and Trespass to Property Act).*

*\*Provincial Regulatory Compliance Foundations Training (or equivalent training) is the most familiar option that has been utilized by Conservation Authorities of Ontario.*

*When the essential requirements are satisfied, the officer shall be appointed as a Provincial Offences Officer by the respective Conservation Authority Board, in order to enforce Section 28 and/or Section 29 of the Conservation Authorities Act for the respective jurisdiction in which the officer has received the appointment. The Conservation Authority and Provincial Offences Officer shall each maintain a file of appointments including proof that the “essential requirements” have been satisfied, to confirm that staff are properly empowered to enforce the legislation respective to their appointment. The file should be updated on a regular basis to include all relevant training.*

Currently, there are ten people on staff that have been designated as Provincial Offences Officers through the above protocol to enforce Sections 28 and 29 of the Conservation Authorities Act.

## **STAFF COMMENT**

Lindsey Darling and Stacey McConnell have successfully met all of the MNRF protocol requirements for designation as Provincial Offences Officers. In addition to on-the-job experience and training, both have successfully completed the formal Provincial Regulatory Compliance Foundations Training Course (5 day course) through Conservation Ontario in March 2018. They have also provided the required 2019 criminal background check with the appropriate Police Services, as directed. Therefore, staff recommend that Lindsey Darling and Stacey McConnell be designated as a Provincial Offences Officers as per the above-noted protocol.

## **STRATEGIC PLAN LINKAGE**

The initiative refers directly to the HCA Strategic Plan 2019-2023:

- **Strategic Goal – Organizational Excellence**
  - Initiative – Support a dynamic and resilient culture of learning, safety and engagement through professional development, training, and ongoing assessment

- Foster strong working relationships with our federal, provincial and municipal partners through regular meetings to discuss issues of mutual interest

## **AGENCY COMMENTS**

Not applicable.

## **LEGAL/FINANCIAL IMPLICATIONS**

HCA's preferred approaches to achieving the objectives of Sections 28 and 29 of the Conservation Authorities Act are public education and voluntary compliance. However, the Provincial Offences Officer designation will enable staff members to conduct enforcement duties, when necessary, including working with other enforcement agencies such as Hamilton Police Service, Ministry Natural Resources and Forestry and City of Hamilton By Law enforcement by giving statements and testimony.

The ability for HCA enforcement staff to be trained and designated as Provincial Offences Officers is considered part of the job requirements for Managers / Superintendents within our Conservation Areas.

## **CONCLUSIONS**

In light of the above, it is appropriate for the Board of Directors to designate Lindsey Darling and Stacey McConnell as Provincial Offences Officers.





# Report

**TO:** Board of Directors

**FROM:** Lisa Burnside, Chief Administrative Officer (CAO)

**RECOMMENDED &  
PREPARED BY:** T. Scott Peck, MCIP, RPP, Deputy CAO/Director,  
Watershed Planning & Engineering

**DATE:** August 21, 2019

**RE:** Hamilton Conservation Authority Client Service  
Standards Commitment

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## STAFF RECOMMENDATION

**THAT the HCA staff recommends to the Board of Directors:**

**THAT the Hamilton Conservation Authority Client Service Standard Commitment, dated August 7, 2019 be approved.**

### BACKGROUND

A volunteer General Managers'/CAO Steering Committee working with Conservation Ontario (CO) staff has reviewed current Conservation Authority (CA) processes and has identified improvements that would support the provincial government's priorities.

To date, all 36 CAs have endorsed and committed to pursuing three key areas for improvement:

- Improve client service and accountability
- Increase speed of approvals
- Reduce regulatory burden

As part of this initiative, all CAs located in high-growth areas, including the Hamilton Conservation Authority (HCA), have been requested to implement a consistent client-centric CA review and approval process checklist which will be publicly accessible through our web page.

## **STAFF COMMENT**

The checklist includes:

1. Having publicly accessible agreements and policies that guide reviews and decision-making, including:
  - i. CA/Municipal MOA's
  - ii. CA plan review and regulation policies/guidelines
  - iii. CA Complete application requirements
  - iv. CA Fee policies and schedules
  - v. CA Client Service Standards Commitment including for example, timelines and identification of a senior CA staff contact serving as a 'client service facilitator' for plan review and/or permit applications issue management
2. CA Online screening maps
3. CA Annual report on review timelines

The HCA has implemented all of the above, except for item v. CA Client Service Standards Commitment and item 3. CA Annual report on review timelines. To fulfill our commitment to make all of the above information available to the public, staff recommend that the attached document for client service related to planning and permitting be approved by the Board of Directors. As it relates to item 3, as outlined in the HCA Strategic Plan, an Annual Report is to be prepared to highlight projects and programs undertaken. As part of this Annual Report, information will be included relating to review timelines for planning and permit applications commencing in the Annual Report for 2019. The Annual Reports will be posted on the HCA webpage.

## **STRATEGIC PLAN LINKAGE**

The initiative refers directly to the HCA Strategic Plan 2019 - 2023:

- **Strategic Priority Area – Organizational Excellence**
  - Initiatives – Communicate both internally and externally about what HCA does and why

## **AGENCY COMMENTS**

Not applicable

## **LEGAL/FINANCIAL IMPLICATIONS**

Not applicable

## **CONCLUSIONS**

The HCA Client Service Standards Commitment provides our clients and stakeholders specific criteria for response requirements and timing. In practice, these standards are already being met by HCA staff but it is important to formalize this information and ensure it is readily available to the public for their information and to ensure transparency in our planning and regulations program



## Hamilton Conservation Authority Client Service Standards Commitment

Board of Directors Approved September 5, 2019

### Background

Under the *Conservation Authorities Act*, the Hamilton Conservation Authority (HCA) has a mandate to protect life and property from natural hazards such as flooding and erosion, to prevent environmental degradation and loss of natural features and their ecological and hydrological functions, and to prevent pollution of natural features and watercourses. To accomplish this, HCA undertakes a wide range of programs and services.

In the planning and development process, HCA exercises its roles and responsibilities in accordance with the Province's *Policies and Procedures for Conservation Authority Plan Review and Permitting Activities (2010)*, including:

- a regulatory agency under Section 28 of the *Conservation Authorities Act*;
- a body with delegated authority, under the *Provincial Policy Statement*, to represent the 'Provincial Interest' regarding natural hazards in the review of municipal policy documents and planning applications under the *Planning Act*;
- a public commenting body under the *Planning Act* and other Acts and Provincial Plans;
- a service provider for environmental advice and technical clearance to municipalities in accordance with signed *Memoranda of Agreement*; and
- a resource management agency operating on a local watershed basis.

Pursuant to *Ontario Regulation 161/06*, HCA regulates:

- all development in or adjacent to river or stream valleys, wetlands and surrounding lands where development could interfere with the hydrologic function of the wetland, Lake Ontario shorelines, and hazardous lands such as karst and any prescribed allowances;
- alterations to a river, creek, stream or watercourse; and
- interference with wetlands.

Permission is required from HCA for undertaking any works within regulated areas. Any development, which in the opinion of the HCA does not affect the control of flooding, erosion, pollution, conservation of land, or dynamic beaches may be approved or approved with conditions. Interference to watercourses and wetlands may be approved, approved with conditions or refused. HCA's Board-approved *Planning & Regulation Policies and Guidelines (2011)* document outlines the policies and technical requirements which must be met before permission may be granted. As part of a HCA permit application, an applicant must demonstrate that HCA's Board-approved policies and technical standards can be met.

HCA provides planning advisory services to watershed municipalities through Memoranda of Agreement or Understanding (MOA or MOU). Staff provides technical input regarding potential environmental impacts and advice about how damaging impacts can be avoided or reduced and/or how opportunities for restoring or improving environmental features and functions can be realized. Comments apply to a range of matters including but not limited to natural hazards, natural heritage, and water quality and quantity. Policy documents and planning applications are circulated to HCA for review and input under the *Planning Act*.

These applications typically include:

- Official Plans and Official Plan Amendments
- Secondary/Area Plans and Infrastructure Master Plans
- Zoning By-laws and Zoning By-law Amendments
- Plans of Subdivision and Condominium
- Consents (severances and lot-line adjustments) and Minor Variances
- Site Plans

HCA staff (i.e., environmental planners, regulation officers, ecologists and water resource engineers) work together to deliver timely and comprehensive reviews and advice to provincial agencies, municipalities and landowners across HCA's watershed jurisdiction.

## **Our Commitment**

Our commitment to client service is an important element of the planning and regulations programs.

**For permit applications**, we will:

- Return phone calls and inquiries within 24-48 hours;
- Encourage pre-consultation with applicants and ensure that all HCA application requirements are clear and understood by applicants;
- Provide clear submission guidelines for technical studies and reports;
- Provide regulatory screening maps to the public;
- Keep applicants for permits under Ontario Regulation 162/06 informed regarding the status of their application;
- Provide timely reviews and approvals;
- Track review and approval times for specific permits;
- Work toward on-line permit submissions; and
- Seek continuous process improvements.

Further, our targets are to:

- Notify applicants within 21 days regarding the completeness of their permit application;
- Review technical documents/submissions within 3 - 4 weeks;
- Approve minor permits that meet policy requirements within 30 days; and
- Approve major permits that meet policy requirements within 90 days.

**For planning applications**, we will:

- Return phone calls and inquiries within 24-48 hours;
- Work with municipal staff to streamline plan review processes;
- Participate actively in pre-consultation meetings;
- Provide clear submission guidelines for technical studies and reports;
- Provide timely reviews of applications and technical studies;
- Track files and review times for specific applications; and
- Seek continuous process improvements with municipalities.

Further, our targets are to:

- Review technical documents/submissions within 3 - 4 weeks;
- Provide comments on planning applications according to the to municipalities by the specified date due or within the time frames specified in agreements; and
- Review technical documents/submissions and provide technical comments according to the MOA to municipalities within 4 weeks.

**For public information and transparency**, we will post the following to the HCA website:

- CA/Municipal MOA Agreement
  - City of Hamilton
  - County of Wellington
- CA plan review and regulation approvals policies/guidelines
  - *Planning & Regulation Policies and Guidelines (2011)*
- CA Complete application requirements
- Current CA Fee policies and schedules
- CA Online screening maps
- CA Annual report on review timelines

**For Issue Management** on planning and permit files, we will apply the following protocol:

- The Watershed Planner or Watershed Officer responsible for the file will work to resolve file issues by working with the municipality/ applicant to find solutions which are supported by HCA policies and MOAs;
- If a resolution is not achieved, the Manager, Watershed Planning Services or Deputy Chief Administrative Officer/Director, Watershed Planning and Engineering will act to resolve the issue.
- If a decision on a permit application has not been rendered by the HCA within the appropriate timeframe (i.e., 30 days for minor applications / 90 days for major applications), the applicant can submit a request for administrative review by CAO and then if not satisfied, by the HCA Board of Directors.





# Report

**TO:** Board of Directors

**FROM:** Lisa Burnside, Chief Administrative Officer (CAO)

**RECOMMENDED BY:** T. Scott Peck, MCIP, RPP, Deputy CAO/Director,  
Watershed Planning & Engineering

**PREPARED BY:** Jonathan Bastien, Water Resources Engineering  
Alex Nizhardze, P. Eng, Water Management Specialist

**DATE:** August 28, 2019

**RE:** Request for Quotation – Christie Dam Lead Paint and  
Corrosion Removal

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## STAFF RECOMMENDATION

**THAT** the HCA staff recommends to the Board of Directors:

**THAT** the quotation for the Christie Dam Lead Paint and Corrosion Removal Project submitted by Beton Infrastructure-Construction-Restoration be accepted at a cost not to exceed \$118,200, excluding HST.

## BACKGROUND

The Lakes and Rivers Improvement Act is provincial legislation that governs the design, construction, operation, maintenance and safety of dams. Through this legislation, best management practices have been developed in this regard to address these issues. These best management practices include the requirement for a Dam Safety Review which should be completed every 10 years. In this regard, the engineering firm EXP completed a report titled “Christie Lake Dam Safety Review” in March 2013. This report identified surface corrosion on various items at the dam. In addition, recent dam operator observations have identified corrosion on the two motor covers for the radial gates on the pedestrian walkway. Further, the existing paint on the 2 radial gates and gains used for winter gates was sampled in the fall of 2016 and high concentrations of lead were identified in the paint.

To address the findings of the dam safety review, the HCA has published a request for quotation for the following work to be completed by a qualified contractor:

1. Remove corrosion (scrape, sand / blasting, & clean) on the two radial gates and gains used for winter gates.
2. Completely remove the lead-containing paint from the two radial gates and gains used for winter gates
3. Repaint with rust-inhibiting non-lead-based paint the two radial gates and gains used for winter gates.
4. Remove corrosion (scrape, sand / blasting, & clean), and repaint with rust-inhibiting non-lead-based paint, the two motor covers (for the radial gates) on the pedestrian walkway.
5. Remove corrosion (scrape, sand / blasting, & clean), and apply zinc rich paint or cold galvanizing spray, sections of the galvanized overhead gantry and galvanized handrail on top of the downstream south spillway wall.

The request for quotation notes the presence of lead in the paint requires that the paint removal occur onsite in a contained environment and, further, additional health & safety measures and precautions are required to meet provincial environmental and health and safety requirements.

## STAFF COMMENT

A detailed Request for Quotation (RFQ) as noted above has been completed and published. The deadline for the submission of quotations was Friday August 16, 2019 at 4pm. Six (6) proposals were submitted prior to the deadline which include a budget for the proposal:

Consultant	Budget (excluding HST)
Brampton Painting	\$95,915
Beton Infrastructure-Construction-Restoration	\$118,200
Living Water	\$209,040
Dayson Industrial	\$245,700
Hasting Painting	\$377,386
MacDonald	\$398,583

Based on review of the quotations provided, it is recommended that this project work be awarded to **Beton Infrastructure-Construction-Restoration** for the following reasons:

- Beton's proposed approach addressed the various challenges of this project, including:
  - Protecting against spills of lead into the reservoir or downstream Spencer Creek

- Control of water within the working area, including provisions for emergency flow bypasses should increased inflows to the reservoir occur due to a storm event
- Maintaining HCA's ability to provide augmenting flows to downstream Spencer Creek to support the salmon spawning season.
- Protecting against airborne releases of dust containing lead as sandblasting will not be utilized.
- Providing operational plans to address the above issues.
- The proposed budget is considerably below the secured funding for this project (\$200,000), and is significantly less than all but one of the other quotations

The lowest quotation did not adequately address these above challenges to the satisfaction of HCA engineering staff. Given the potential impacts of a lead release to environment, certainty and confidence in the proposed approach is considered essential.

## **STRATEGIC PLAN LINKAGE**

The initiative refers directly to the HCA Strategic Plan 2019 - 2023:

- **Strategic Priority Area – Water Management**
  - Initiatives – Maintain and enhance our flood control infrastructure to address flooding and work to augment low flow conditions.

## **AGENCY COMMENTS**

N/A

## **LEGAL/FINANCIAL IMPLICATIONS**

\$100,000 was allocated for this project in the 2019 Hamilton Conservation Authority Capital Budget. Further, this project was approved through the Province of Ontario's Water Erosion Control Infrastructure Fund for 50% of the estimated project cost with this equally \$100,000. The total budget for this project is then \$200,000 and the recommended quotation is less than the amount budgeted.

## **CONCLUSIONS**

Maintaining the Christie Lake Dam is a priority from an operational perspective and to prolong the life of this dam. The Christie Lake Dam is critical in the protection of downstream properties, specifically in the community of Dundas from flooding and

erosion issues associated with Spencer Creek and to allow for low flow augmentation. The work to be completed was noted through the Dam Safety Review and through observation in the operation of the dam. The quote recommended is the second lowest quote, is expected to fully address the various challenges associated with this project, addresses the requirements outlined in the request for quotation, and the total cost is within what has been budgeted for this project.

# 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 26, 2019

**RE:** Current Watershed Conditions as of August 26, 2019

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## **CURRENT WATERSHED CONDITIONS – August 26, 2019**

### Current Water Levels in Major Area Watercourses

Water levels and flows are currently near baseflows at all streamflow gauges (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 no concerns regarding watercourse flooding or significant public safety.

### Current Lake Ontario Water Levels

Currently, the Lake Ontario mean daily water level is approximately 75.44 m IGLD85. This is about 58 cm above average for this time of year, and about 48 cm below this year's peak of 75.92 m (last recorded on June 15<sup>th</sup>).

There are currently no observations, reports, or expectations of shoreline flooding or active significant shoreline erosion at this time.

### Current Storages in HCA Reservoirs

Based on current reservoir levels at Christie Lake Dam (approximately 770.95 ft), the reservoir is presently near typical summer operating level (771 ft), and is at about 65 percent of its preferred maximum (summer) storage capacity (corresponding to a water level of 773 ft).

Based on current reservoir levels at Valens Dam (275.35 m), the reservoir is presently near typical summer operating level (275.30 m).

#### Current Soil Conditions

Soil moisture in the surface and root-zone soils are expected to be moist to wet.

### **RECENT STORM EVENTS**

During the period of mid-July to now, there were no occurrences of significant watercourse flooding or significant Lake Ontario Shoreline erosion / flooding.

### **RECENT PRECIPITATION SUMMARY**

The total precipitation amounts received in the HCA watershed over the last few months are considered average, and do not indicate drought conditions.

### **FORECASTED WATERSHED CONDITIONS**

#### Lake Ontario Shoreline Erosion / Flooding

There are currently no significant Lake Ontario shoreline erosion / flooding anticipated within the watershed over the next 1 week.

According to International Lake Ontario – St. Lawrence River Board information, Lake Ontario water levels are expected to generally continue declining over the coming weeks. Lake Ontario levels are expected to continue their seasonal decline through the remainder of summer and into the fall, with the actual rate of decline largely depending on rainfall. However, with record inflows from Lake Erie expected to continue, water levels will remain near seasonal highs for at least the next several weeks.

#### Watercourse Flooding

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

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

## **SYNOPSIS**

As of August 26<sup>th</sup>, 2019, no responses are required concerning significant watercourse flooding, Lake Ontario shoreline erosion / flooding, or watershed drought.





## **Upcoming 2019 HCA & Partner Events**

### **Labour Day Camping**

**August 30- September 2**

**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 [valens@conservationhamilton.ca](mailto:valens@conservationhamilton.ca)

### **Labour Day**

**September 2, 11:00 – 5:00pm**

**Wild Waterworks**

**680 Van Wagners Beach Road, Hamilton, ON L8E 3L8**

Enjoy the last day of summer at Wild Waterworks! Sun down admission rates all day long! For more information, visit [www.wild-waterworks.com](http://www.wild-waterworks.com) , phone 905-547-6141 or email [wildww@conservationhamilton.ca](mailto:wildww@conservationhamilton.ca).

### **Films In The Forest: Secret Life of Pets 2**

**August 31, 8:45pm - 11:00pm**

**Fifty Point**

**1479 Baseline Road, Winona ON L8E 5G4**

Bring your family, friends, chairs and blankets to sit under the stars and enjoy some family classics! For movie listings and details visit [www.conservationhamilton.ca](http://www.conservationhamilton.ca) or call Fifty Point 905-525-2187 or email [fiftypt@conservationhamilton.ca](mailto:fiftypt@conservationhamilton.ca)

### **Ghost Walks**

**August 31**

**Dundas Valley Conservation Area**

**Hermitage Parking Lot, 621 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](http://www.ghostwalks.com) for more information.

**BRIGHT Run****September 7, 9:00 a.m. – 2:00 p.m.****Dundas Valley Conservation Area****650 Governor's Road, Dundas, Ontario**

BRIGHT Run is an annual family friendly 1km/5km walk or run for members of our local breast cancer community to come together to support each other, share stories, celebrate success and remember. Each year, more than 1,000 participants of all ages come together to support local breast cancer research at the Juravinski Cancer Centre.

**Christie Antique & Vintage Show****September 7, 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](http://www.christieshow.ca)

**Autumn Stroll****September 8****Dundas Valley, 385 Jerseyville Rd. W., Ancaster, ON**

Join us as we stroll through the beautiful trails of Dundas Valley Conservation Area, sipping award winning wines and sampling some of the finest cuisine this district has to offer. Tickets are limited! Please order early to secure your spot for this wonderful afternoon enjoying the food, wine, beer and entertainment ... all in the great outdoors!

**Tough Mudder****September 14 & 15, 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](http://www.toughmudder.com) for more information.

**Telling Tales: A Family Festival of Stories****September 15, 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. Take part in the popular Book Swap and Shop. Free parking at Rockton Fairgrounds with complimentary shuttle service to Westfield. (There is no public parking at Westfield.) For more information visit [www.westfieldheritage.ca](http://www.westfieldheritage.ca) or [www.tellingtales.org](http://www.tellingtales.org).

### **Ghost Walks**

**October 5**

#### **Dundas Valley Conservation Area**

##### **Hermitage Parking Lot, 621 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](http://www.ghostwalks.com) for more information.

### **A Taste of Warm Bread**

**October 6, 12:30 – 4:00 pm**

#### **Westfield Heritage Village**

##### **1049 Kirkwall Road, Rockton, ON L0R 1X0**

Come and taste a little 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. Free samples! For more information visit [www.westfieldheritage.ca](http://www.westfieldheritage.ca)

### **Thanksgiving Weekend Campout**

**October 11 – 14**

#### **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

