

# **Hamilton Region Conservation Authority**

## **Minutes**

### **Board of Directors Meeting**

**November 4, 2021**

Minutes of the Board of Directors meeting held on Thursday, November 4, 2021, at 7.p.m., by videoconference and livestreamed via YouTube.

**PRESENT:**

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

**Graham Reid – Foundation Vice-Chair**

**REGRETS:** None

**STAFF PRESENT:** Lisa Burnside, Grace Correia, Gord Costie, Matt Hall, Neil McDougall, Scott Peck, Jaime Tellier, and Nancy Watts

**OTHERS:** None

#### **1. Call to Order**

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

#### **2. Declarations of Conflict of Interest**

The Chair asked members to declare any conflicts under the Board's Governance Policy. Brad Clark declared a conflict of interest regarding any items relating to 140 Garner Road East.

#### **3. Approval of Agenda**

The Chair requested any additions or deletions to the agenda. Lisa Burnside advised there were three reports circulated to the members in advance of the meeting as an addendum to the agenda regarding tender results for three items on the agenda.

They were added as items 10.2.1, 10.3.1, and 10.4.1 on the agenda. Lisa also advised of a verbal update regarding a personnel matter to be added as item 12.1.

**BD12, 2954**

**MOVED BY: Maria Topalovic  
SECONDED BY: Brad Clark**

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

**CARRIED**

#### **4. Delegations**

There were none.

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

The following consent items were adopted:

- 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 5.2. Approval of Board of Directors Minutes – October 7, 2021
- 5.3. Approved September 16, 2021 Budget & Administration Committee Minutes – for receipt only

#### **6. Foundation Briefing**

Graham Reid reported on the following:

##### ***Donations***

The Foundation received a total of **\$2,601** in new donations from October 1 to 31. They break down as follows:

- \$1,150 for Area of Greatest Need Fund
- \$300 for the Fifty Point CA Fund
- \$250 for the Planting Fund through our Tribute Tree Program
- \$250 for the Dundas Valley Trails Fund
- \$230 for the Christie Lake CA Fund
- \$110 for the Land Securement Fund
- \$100 for the Stewardship Fund

- The remaining \$211 was donated to the Westfield Heritage Village, the Species at Risk Fund, Dundas Valley and the Step Into Nature Fund.

This brings the fiscal year-to-date (Dec 2020 to Oct 2021) fundraising total to **\$227,380**.

### **Fall Appeal**

The Foundation's Fall Appeal will be mailed later this month. The appeal invites past donors and members of the Conservation Advisory Board as well as both the HCA and Foundation Boards to make a gift to the Foundation's Area of Greatest Need Fund.

### **Legacy Giving Webinar**

The Foundation hosted a webinar on October 12<sup>th</sup> highlighting how individuals can benefit both a charity and their families in their will. Graham thanked the members who were able to attend.

The Chair thanked Graham and acknowledged the fund raising efforts of the Foundation, particularly for the Environmental Education Program.

**BD12, 2955**

**MOVED BY: Santina Moccio  
SECONDED BY: Susan Fielding**

**THAT the Foundation Briefing be received.**

**CARRIED**

## **7. Member Briefing**

### 7.1. Conservation Authorities Act – Phase 1 Regulations

Lisa Burnside presented on three new provincial regulations made to implement recent changes to the Conservation Authorities Act and answered the members' questions.

Lisa noted the mandatory programs and services regulation outlines the categories that will be considered mandatory moving forward and CAs are pleased to see the inclusion of passive recreation. Potential changes to HCA's current funding model resulting from the new legislation were discussed. Lisa advised the new regulations do not appear to be intended to change any of our programs and services directly; the intent is to clarify who will be responsible to fund the activities, be it the Province, the Municipality or through self-generated revenue. Senior staff will be working to complete an inventory of HCA's programs and services in the coming weeks,

incorporating the requirements of the regulations. Additional specific deliverables set out by the regulation are to be completed by December 31, 2024 in regard to various plans and inventories, with the transition plan concluding by January 1, 2024, unless an extension has been requested.

Conservation Authorities are required to complete and publish transition plans outlining the steps and timeframes that will be followed to comply with the new regulatory requirements.

The Rules of Conduct in Conservation Areas regulation consolidates the current individual conservation authority 'Conservation Area' regulations made under Section 29 of the *Conservation Authorities Act* into one Minister's regulation. There are no significant updates to the regulation and does not change HCA's current operations.

**BD12, 2956**

**MOVED BY: Jim Cimba**

**SECONDED BY: Dan Bowman**

**THAT the presentation entitled Conservation Authorities Act – Phase 1 Regulations be received.**

**CARRIED**

Esther Pauls entered the meeting.

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

### **8.1. Conservation Authorities Act Amendments - HCA Transition Plan**

Lisa Burnside provided a summary of the report and answered the members' questions.

**BD12, 2957**

**MOVED BY: Cynthia Janzen**

**SECONDED BY: Susan Fielding**

**THAT the Board of Directors approve the attached HCA Draft Transition Plan dated November 4, 2021, subject to and including any further revisions as noted during the November 4, 2021 meeting.**

**CARRIED**

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

9.1. Budget and Administration Committee – October 21, 2021  
(Recommendations)

9.1.1. BA 2137      2022 Operating Budget

Santina Moccio provided an overview of the staff memorandum and introduced Neil McDougall to provide an overview of the operating budget. The 3% cost of living increase for staff wages in contrast to the 2% levy increase was discussed. Neil advised that staff are comfortable with the surplus to be able to provide the wage increase. The recent increase to minimum wage was also raised. Neil advised that the increase was unexpected but can be accommodated in the budget. The increase in membership pass sales was also highlighted. The value of the pass and societal change to greater appreciation of green spaces were noted.

**BD12, 2958                      MOVED BY: Santina Moccio**  
**SECONDED BY: Dan Bowman**

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

**THAT the 2022 Operating Budget, as presented, be**  
**approved.**

**CARRIED**

9.1.2. BA 2138      Amendments to Conservation Authorities Act  
Section 28 Hearing Guidelines

Santina Moccio introduced the report which ensures the document is current and provides guidance on hearings associated with a Minister's Zoning Order (MZO).

**BD12, 2959                      MOVED BY: Santina Moccio**  
**SECONDED BY: Jim Cimba**

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

**THAT the *Section 28(3) Conservation Authorities Act***  
***Hearing Guidelines*, as contained in the HCA**  
**Administrative By-Law, be adopted as revised.**

**CARRIED**

## 10. Other Staff Reports/Memoranda

### 10.1. Natural Heritage Offsetting Policy

Lisa Burnside provided introductory remarks on the report, noting the recommended policy approach retains HCA's existing policy framework, but with an amendment for two specific exceptions to incorporate and address offsetting. It acknowledges Provincial directive in the event of an MZO when the decision to offset has already been made by the Minister. It also provides for and recognizes environmental assessment projects that require the removal of a natural heritage feature.

Scott Peck presented a detailed summary of the report including comments from our municipal partners, stakeholders and the public, as well as results of a natural heritage mapping analysis within the HCA watershed. Scott answered members' questions after his presentation. Following remarks by members, including concluding comments from the Chair, the staff recommendation was endorsed.

**BD12, 2960**

**MOVED BY: Brad Clark  
SECONDED BY: Maria Topalovic**

**THAT the Board of Directors receive the report titled "Natural Heritage Offsetting Policy Review", dated November 4, 2021;**

**THAT the existing policy framework for natural heritage features as outlined in Section 3 of the HCA's Planning & Regulation Policies and Guidelines, October 2011, be maintained; and,**

**THAT offsetting/compensation be incorporated in the policy but be limited to address issues associated with Ministerial Zoning Orders and other Provincially and municipally led environmental assessment projects and to that end, the following policy amendment should be added to Section 3.1 General Policies, Natural Heritage of the HCA's Planning & Regulation Policies and Guidelines, October 2011.**

**"Section 3.1 i) – In the instance of a Ministerial Zoning Order (MZO) being issued by the Province of Ontario or a Provincially or municipally led environmental assessment that requires the removal or partial removal of a designated or regulated natural heritage feature, offsetting/compensation can be utilized to provide for "net gain" or at a minimum, "no net loss".**

**CARRIED****10.2. Lake Ontario and Hamilton Harbour Shoreline Management Plan Tender****10.2.1. Lake Ontario and Hamilton Harbour Shoreline Management Plan – Tender Results**

Scott Peck presented a summary of the report.

**BD12, 2961**

**MOVED BY: Brad Clark  
SECONDED BY: Cynthia Janzen**

**THAT the proposal for the Lake Ontario and Hamilton Harbour Shoreline Management Plan submitted by Zuzek Inc. be accepted at a cost not to exceed \$199,605.00 plus HST.**

**CARRIED****10.3. Red Hill Creek Floodplain Mapping Study Tender****10.3.1. Red Hill Creek Floodplain Mapping Study – Tender Results**

Scott Peck presented a summary of the report and answered the members' questions. The scale of storms included in the study were discussed. Scott advised the study includes the 2 to 100 year and regional storms. Modelling for climate change was raised. Scott noted incorporating climate change into modelling is very difficult. In addition, the Province has not issued any new regulatory flooding standards for climate change. The study is for the current Regulatory storm and will include comments on climate change.

The tender submissions were discussed. Those that followed the request for proposals closely were being evaluated for selection. Any companies that did not address specific requirements in the request for proposals were advised of the oversights.

**BD12, 2962**

**MOVED BY: Jim Cimba  
SECONDED BY: Dan Bowman**

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

**THAT the proposal for the Red Hill Creek Floodplain Mapping Study submitted by Aquafor Beech be accepted at a cost not to exceed \$106,030 plus HST.**

**CARRIED**

10.4. Design, Supply and Installation of Permanent Public Safety Boom at Christie Lake Dam Tender

10.4.1. Design, Supply and Installation of Permanent Public Safety Boom at Christie Lake Dam – Tender Results

Scott Peck presented a summary of the report and answered the members' questions. Supply chain issues were raised. Scott responded that staff have not been advised of any supply chain issues. He noted there may be some delays but the contractor can complete the work within the timeframe.

**BD12, 2963**

**MOVED BY: Brad Clark  
SECONDED BY: Cynthia Janzen**

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

**THAT the proposal for the Design, Supply and Installation of a Permanent Public Safety Boom Including Onshore and In-Water Anchors at Christie Lake Dam submitted by Geniglace Engineering be accepted at a cost not to exceed \$346,202.32 plus HST.**

**CARRIED**

10.5. Watershed Conditions Report

Scott Peck presented a summary of the memorandum, noting a flood watch had been issued for possible storm surges on Lake Ontario but had since been lifted with no issues. There were no significant watercourse flooding or erosion issues within our watercourses or along our shorelines. Watercourse levels are higher than normal, but not of concern. The Christie Lake reservoir remains at summer operating levels; the winter gates will be removed in the coming weeks. Staff are working toward winter operating levels for the Valens Lake reservoir.

**BD12, 2964**

**MOVED BY: Tom Jackson  
SECONDED BY: Susan Fielding**



**THAT the memorandum entitled Watershed Conditions Report be received.**

**CARRIED**

10.6. Conservation Areas Experiences Update

Gord Costie provided the members with a verbal update, highlighting the start of the 11<sup>th</sup> annual Haudenosaunee Wildlife and Habitat Authority deer harvest, running from November 8<sup>th</sup> to December 2<sup>nd</sup>, on weekdays only. All relevant agencies have been informed. He also advised the Spencer Gorge Reservation System for the 2021 season will end November 14<sup>th</sup> and commented on the success of the initiative in addressing visitation issues in the Greenville area. Staff recommendations for the 2022 reservation system will be brought forward to an upcoming Conservation Advisory Board meeting. He also called attention to new and updated parking lots at the Saltfleet CA and Chippewa Trail/Mount Albion CA; they are open and increasing in use. Trail improvements have also been completed on Spring Valley Trail off of Jerseyville Road.

**BD12, 2965**

**MOVED BY: Esther Pauls  
SECONDED BY: Santina Moccio**

**THAT the verbal update on the Conservation Areas Experiences be received.**

**CARRIED**

**11. New Business**

There was none.

**12. In-Camera Items**

**BD12, 2966**

**MOVED BY: Maria Topalovic  
SECONDED BY: Susan Fielding**

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

**CARRIED**

**During the *in camera* session, one personnel matter was discussed.**

### 12.1. Confidential Verbal Update – BD/Nov 01-2021

Lisa Burnside provided a verbal update regarding a personnel matter and answered the members' questions.

**BD12, 2967**

**MOVED BY: Santina Moccio  
SECONDED BY: Tom Jackson**

**THAT the confidential verbal update entitled BD/Nov 01-2021 be received and remain in camera.**

**CARRIED**

**BD12, 2968**

**MOVED BY: Esther Pauls  
SECONDED BY: Cynthia Janzen**

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

**CARRIED**

### 13. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, December 2, 2021 at 7:00 p.m.

### 14. Adjournment

On motion, the meeting adjourned.



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Neil McDougall  
Secretary-Treasurer