



Board of Directors Meeting Agenda

Thursday, September 3, 2020



Board of Directors Meeting

Thursday, September 3, 2020 at 7:00 p.m.

**This meeting will be held in person for Board members and designated staff only.
The public may access the meeting by teleconference.
To access the meeting, please dial 1-866-219-8638.
Please then enter the conference access code: 4987945 and the # key.**

- 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 4, 2020
 - 5.3. Thank you letter from the Honourable Lisa McLeod, Minister of Tourism, Culture and Sport to Lisa Burnside for hosting her visit at Westfield Heritage Village – July 17, 2020
 - 5.4. HCA Low Water Advisory Media Release – July 27, 2020
 - 5.5. Wild Waterworks River Ride Resurfacing Tender Email Poll Results – July 29, 2020
 - 5.6. Letter from Honourable John Yakabuski, Minister of Natural Resources and Forestry to Conservation Ontario Regarding Client Service and Streamlining Initiative – August 11, 2020
 - 5.7. Email from Reuven Dukas, dated August 16, 2020, and response from Lisa Burnside, dated August 18, 2020
- 6. Member Briefing**

6.1. Covid-19 – Verbal Update

– Burnside

7. Business Arising from the Minutes

7.1. Enbridge Gas Inc. Proposed Pipeline Expansion Environmental Impact Study Process and Timeline

8. Reports from Budget & Administration Committee, Conservation Advisory Board, and the Foundation

8.1. Budget and Administration Committee – August 20, 2020
(Recommendations)

– Moccio

BA 2008 Governance Review – Revisions to 2019 approved
Administrative by-laws

BA 2009 Minimum Wage Increase for Casual Wage Rates

8.2. Foundation Chairman's Remarks

– Margaret Reid

9. Other Staff Reports/Memorandums

9.1. Development, Interference with Wetlands, Alterations to
Shorelines and Watercourses - Permit Timeline Reporting

– Peck

9.2. Current Watershed Conditions as of August 18, 2020

– Peck

9.3. Conservation Areas Experiences – Verbal Update

– Costie

10. New Business

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

12. Next Meeting – Thursday, October 1, 2020 at 7:00 p.m.

13. Adjournment



Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer

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

DATE: September 3, 2020

RE: Summary Enforcement Report – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses
Regulation 161/06 Applications for September 3, 2020

HCA Regulation applications approved by staff between the dates of June 19, 2020 and July 31, 2020 are summarized in the following Summary Enforcement Report (SER-6/20).

RECOMMENDATION

THAT the Board of Directors receive this Summary Enforcement Report SER-6/20 as information.

HAMILTON REGION CONSERVATION AUTHORITY

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

August 18, 2020

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, September 03, 2020

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

SUMMARY ENFORCEMENT REPORT SER 6/20

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
SC/F,C,A/20/26	16-Mar-20	19-Jun-20	81		7 Lakegate Dr Lot 22, Concession BF Stoney Creek	Alteration of a shoreline consisting of the re-enforcement of an existing shorewall groyne in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions
SC/F,C,A/20/06V	22-Jan-20	26-Jun-20	18		12 Lakeside Dr Lot 13, Concession BF Stoney Creek	Alteration of a shoreline consisting of the re-enforcement/repair of an existing shorewall and to recognize completion of additions and renovations to an existing residence in a regulated area of the Lake Ontario shoreline.	Issued to resolve an outstanding violation.
SC/F,A/20/47	01-Jun-20	26-Jun-20	25		Pt Lts 2 and 3, Con 2 and 3, Fifty Rd between Ridge Rd and Hwy 8 Lot 2,3, Concession 2,3 Stoney Creek	Alteration of a watercourse and fill removal related to ditch cleanouts in a regulated area of Fifty Creek.	Approved subject to standard conditions
F/F,A/20/51	23-Jun-20	26-Jun-20	5		560 Orkney Rd Lot 25, Concession 3 Flamborough	Alteration of a watercourse consisting of the removal/replacement of existing driveway culverts in a regulated area of West Spencer Creek and the Hayesland-Christie Provincially Significant Wetland complex.	Approved subject to standard conditions
SC/F,C/20/43	01-May-20	17-Jul-20	33		Pt Lts 15-19, Con 1, Seaman St between Fruitland Rd and Millen Rd Lot 15-19, Concession 1 Stoney Creek	Installation of new cable conduit by directional bore in a regulated area of Stoney Creek Watercourse No. 5.	Approved subject to standard conditions
SC/F,C/20/44	01-May-20	17-Jul-20	29		Pt Lts 20 and 21, Con 1, South Service Rd to Green Rd Lot 20,21, Concession 1 Stoney Creek	Installation of new cable conduit by directional bore in a regulated area of Stoney Creek Watercourse No. 1.	Approved subject to standard conditions
SC/F,C,A/20/05	20-Jan-20	17-Jul-20	47		34 Lakeshore Dr Lot 11, Concession BF Stoney Creek	Completion of shorewall improvements in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions

HAMILTON REGION CONSERVATION AUTHORITY

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

August 18, 2020

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, September 03, 2020

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

SUMMARY ENFORCEMENT REPORT SER 6/20

D/F,C,A/20/46	08-May-20	22-Jul-20	36		1241 Governors Rd Lot 1, Concession 1 Dundas	Alteration of a watercourse and fill placement and grading consisting of the replacement of an existing driveway culvert and driveway rehabilitation in a regulated area of Spring Creek.	Approved subject to standard conditions
H/F,C,A/20/56	15-Jul-20	24-Jul-20	10		6075 Twenty Rd E Lot 13, Concession 12 Hamilton	Alteration of a watercourse consisting of installation of a new gas service by directional bore in a regulated area of Hannon Creek.	Approved subject to standard conditions

Hamilton Region Conservation Authority

Minutes

Board of Directors Meeting

June 4, 2020

Minutes of the Board of Directors meeting held on Thursday, June 4, 2020, at 7:00 p.m, by videoconference.

PRESENT: **Lloyd Ferguson – in the Chair**

Dan Bowman	Jim Cimba
Brad Clark	Susan Fielding
Tom Jackson	Cynthia Janzen
Santina Moccio	Esther Pauls
Maria Topalovic	

Margaret Reid – Foundation Chair

REGRETS: Chad Collins

STAFF PRESENT: Lisa Burnside, Grace Correia, Gord Costie, Bruce Harschnitz, Neil McDougall, Scott Peck, Jaime Tellier and Nancy Watts

OTHERS: Jeff Laskey, Mark Osborne and Michelle Stuck

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. Esther Pauls declared a conflict of interest for the delegations and item 7.1, stating that her son is a resident of the Greensville community.

3. Approval of Agenda

The Chair requested any additions or deletions to the agenda. The Chair advised a letter of support for Conservation Authorities from the Township of Puslinch would be added as an item of correspondence on the consent agenda.

BD12, 2782

MOVED BY: Santina Moccio

**SECONDED BY: Maria Topalovic
THAT the agenda be approved, as amended.**

CARRIED

4. Delegations

Mark Osborne and Michelle Stuck of Preserve and Protect Webster's and Tew's Falls Greensville presented concerns with the number of visitors to the Spencer Gorge Conservation Area and related traffic and safety issues in the community. Challenges with walk-in visitors were also discussed and a no walk-in policy requested. They noted relationship with HCA has been strained and requested to collaborate with HCA for a transparent cap on numbers as it is not sustainable for more buses and people in the area. While the shuttle is working, the Halton Conservation Authority reservation system was noted and asked HCA commit to a reservation system. It was noted social media expertise is required to reach Toronto visitors.

Jeff Laskey, a Greensville resident, and part of the initial third party shuttle operation with Think Greensville, also presented concerns with the reoccurring issues in regard to number of visitors to the Spencer Gorge Conservation Area and related issues in the community. He suggested diverse representation from the community needs to be involved in the development of solutions, including integration of sustainable visitation. He suggested the area remain closed for the rest of the year due to the COVID pandemic, and the time be used to develop a plan for the 2021 season and beyond.

The Chair thanked each delegate for their presentation and advised of a staff report later on the agenda proposing a reservation system for Spencer Gorge that addresses concerns noted.

BD12, 2783

**MOVED BY: Cynthia Janzen
SECONDED BY: Susan Fielding**

THAT the presentations from Mark Osborne, Michelle Stuck and Jeff Laskey be received as information.

CARRIED

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 – May 7, 2020

5.3. Association of Ontario Municipalities letter to Ministry of Environment, Conservation and Parks re Conservation Authorities Act – May 19, 2020

5.4. Telling Tales Virtual Announcement Notice for 2020 Event

5.5. City of Hamilton Press Release noting HCA Escarpment and Waterfall Areas Remain Closed – May 21, 2020

5.6. Township of Puslinch Council resolution in support of Conservation Authorities – June 3, 2020

6. Member Briefing

6.1. Greenbelt Foundation Business Case for Saltfleet CA Wetland Project

Scott Peck presented an economic analysis of the benefits of the Saltfleet Conservation Area wetland project, funded by the Greenbelt Foundation. It was determined the costs of the green infrastructure project will be recovered through economic benefits and will also have many intangible benefits. Staff will be able to use the business case to leverage funding opportunities.

The members were pleased with the report, adding that it will be helpful in communicating the benefits of the project to other levels of government. The members inquired if the report is able to be shared publicly. Scott advised the report is available on the Greenbelt Foundation website and will provide the members with a link to its location.

BD12, 2784

MOVED BY: Brad Clark

SECONDED BY: Maria Topalovic

THAT the verbal briefing on the Greenbelt Foundation Business Case for Saltfleet CA Wetland Project be received as information.

CARRIED

7. Business Arising from the Minutes

7.1. Reservation Service 2020 - Spencer Gorge Conservation Area

Lisa Burnside introduced the report. She thanked the delegates for their comments and shared that there was an increase in visitation in 2019, during the October Fall colours, as Dundas Peak was promoted on social media as the most iconic area to view the Fall colours in southern Ontario which directed visitors to the area rather than the shuttle at Christie Lake. She advised that staff were working on ways to address the visitation when the coronavirus pandemic occurred and that staff are now determining how to safely reopen the area in an equitable way.

Gord Costie presented a summary of the amended report. Covid-19 created challenges with closing 11,000 acres of lands, and in reopening showed how valuable these areas are to the public. Staff are working toward re-opening Spencer Gorge in Phase 4 of its reopening plan. In the interim, the area remains closed and the public is being directed to visit our other areas.

In light of changes to operations resulting from Covid-19, staff amended the previous report tabled by the Board to pivot from a shuttle operation based out of Christie Lake by reservation to a direct parking reservation system on site at Spencer Gorge. It was felt that due to Covid-19, shuttle buses cannot form part of the operation this year with challenges to put in place sanitization, physical distancing and diminished public confidence in getting on and off a shuttle bus multiple times. A “driveway to driveway” reservation system proposed by staff is similar to that being used by other conservation areas and national parks. The reservation system aligns HCA to meeting community expectations of less people which will arrive in a managed way, and eliminates walk-ins as a reservation is required. An identified challenge with the shuttle service is that dogs were not permitted on the bus which resulted in traffic in the area and walk-ins.

The reservation system will include scheduled two-hour visit time slots based on the number of parking spaces available on gravel parking lots (approximately 50). Due to the lack of a trail connection, a separate reservation and time slot will be required for both Dundas Peak and Webster Falls. The system will come in to effect September 1, 2020. Staff are analysing the parameters of the system for its development over the coming weeks. The implementation of the pilot this Fall will be evaluated over the winter.

Community input into the system was discussed. Gord advised that community input is received from Ward Councillor VanderBeek, and that HCA works collaboratively with the City of Hamilton Waterfalls Motion Working Group which was formed to address concerns in the area. Lisa advised that comments are received from the community through delegations and letters to the Board and that staff have previously met with residents earlier this year to hear their concerns.

Tom Jackson commented on the popularity of all waterfall areas within the City of Hamilton and associated challenges. Physical barriers, visitor management and enforcement measures have been implemented. He empathized with local residents and expressed support for the proposed cautious, phased approach.

Lisa added that other Conservation Authorities, municipalities and tourism destinations are experiencing the same issues with increased visitation. She cited examples of other Conservation Authorities and organizations that are implementing and considering similar reservation systems. It was noted that due to Covid-19, the shuttle service is not a viable option and there is momentum for reservation systems as a result of the pandemic.

Visitors accessing the areas during the closure were also discussed. The members clarified the intent of the system is to create a long-term solution to limit the number of visitors to the area. Lisa noted that Covid-19 accelerated HCA's next evolutionary step to address visitor pressures.

The proposed September 1st started date was discussed. Staff clarified the area remains closed until that date so that the reservation system can be built, and the area made operationally ready. There is currently no date to open other waterfalls areas at this time.

Esther Pauls abstained from the vote due to a previously declared conflict of interest.

BD12, 2785

MOVED BY: Tom Jackson

SECONDED BY: Cynthia Janzen

WHEREAS the current COVID-19 pandemic has caused the Spencer Gorge Conservation Area to remain closed due to the difficulty in maintaining physical distancing on narrow one-way trails and viewing platforms;

WHEREAS the shuttle bus service for Spencer Gorge Conservation Area has been part of the ongoing operation based out of Christie Lake Conservation Area for the past two years to help address visitor management;

WHEREAS staff believe that shuttle buses will be fundamentally changed by the COVID-19 pandemic with challenges to put in place measures to help keep customers and operators safe with sanitization measures, ensure physical distancing and diminished public confidence is getting on and off a shuttle bus multiple times

THEREFORE, be it resolved

THAT Staff be directed to implement the following recommendations in place of the recommendations

outlined in the report titled “Shuttle Bus Service 2020 – Spencer Gorge Conservation Area”;

Recommendation #1 - THAT staff initiate a pilot reservation program for Tew Falls and Webster Falls to control and monitor the number of people in the parks where visitors will be required to book a reservation time slot prior to their visit and park or walk in on site; and further

Recommendation #2 - THAT the reservation system operates 7 days per week for both Tew and Webster Falls from approximately September 1 to November 15, 2020; and further

Recommendation #3 - THAT the number of visitors permitted to reserve a visitation time slot be based on Provincial directives and public health guidelines on maximum size of gatherings permitted and taking into consideration the maximum number of parking spots on site; and further

Recommendation #4 - THAT staff be directed to undertake permit applications with the Ministry of Transportation Ontario to obtain permission for road side signage along Highway #5 to inform visitors of the new reservation system; and further

Recommendation #5 - THAT staff evaluate the effectiveness of these measures and report back regarding their ongoing potential during the regular operation system from April to mid November 2021 when the shuttle bus would have been part of operations.

CARRIED

7.2. Enbridge Gas Pipeline Easement Request – Status Update

Scott Peck presented a summary of the memorandum and answered the members questions.

The process for the peer review of the EIS was discussed. Scott advised that HCA is developing the terms of reference for the assessment and will select the consultant. Enbridge has requested to be circulated the list of consultants that will be considered to undertake the work.

The members indicated they were pleased with the outcome of their earlier motion regarding the completion of the EIS and peer review prior to a decision on the expansion application and that Enbridge and Ontario Energy Board (OEB) have agreed to address the recommendation.

It was clarified that HCA's course of action remains the same as decided at the February board meeting. Scott affirmed there has been no change; that Enbridge has agreed to the request for a peer reviewed EIS. The need for the easement will be determined by the outcome of the application to the OEB.

BD12, 2786

MOVED BY: Brad Clark

SECONDED BY: Maria Topalovic

**THAT the memorandum entitled Status Update -
Easement Request – Enbridge Gas Inc. (Union Gas)
Kirkwall Hamilton Project be received as information.**

CARRIED

Esther Pauls left the meeting due to a conflicting appointment.

7.3. COVID-19 – Verbal Update

Lisa Burnside provided a verbal update on HCA's activities since the previous board meeting. Lisa and Neil McDougall presented a recommendation to City of Hamilton Council, jointly with City staff, to not operate Wild Waterworks for the 2020 season due to the COVID-19 pandemic. The recommendation was endorsed for safety concerns due to the difficulty of physical distancing in a wave pool and the projected deficit that facility would run if it were permitted to open. The operational change will result in a shortfall of \$300,000 that must be covered through our operating reserve. However, the closure is allowing for capital improvements required to be undertaken by the Hamilton Public Health Department.

In mid-May, parking lots and trails at HCA's major conservation areas successfully reopened for passive use. HCA has received a very positive response from annual pass holders and the community with regard to the reopening. With easing of provincial restrictions, the marina and seasonal camping at Fifty Point Conservation Area have also re-opened.

Watershed Planning and Engineering continues to issue permits, has completed repairs and upgrades at the Christie Lake dam, are working on finalizing the design for the Saltfleet wetlands, and are continuing floodplain mapping for Battlefield and Stoney Creeks.

While some aspects of the organization have been able to re-open, there are no immediate plans to phase-in any re-opening of the main office to full staff or the public and all events and programs remain suspended. Best practices from the Province and other organizations indicate continued work from home, and that virtual and teleconference meetings remain in place as standard protocol. The Provincial state of emergency has been extended until June 30.

It is possible that further easing of restrictions could be announced and for HCA, it is anticipated this could relate to permitting regular overnight camping.

Our Waterfall and Escarpment Areas remain closed and were noted to re-open only in the final phase of HCA's re-opening plan (phase 4). These areas present significant challenges for physical distancing.

Staff will continue to closely monitor our finances and revenue projections, and bring a year end projection to the Budget & Administration Committee later this month. Lisa advised that HCA has been approved for the Federal Canada summer jobs Service wage subsidy for 30 students that will offset \$100,000 of casual summer wages for our operations.

Lisa concluded by recognizing staff's resilience and flexibility to ensure our business continuity and support received from the Board of Directors and Chairman.

The Chair thanked staff for their efforts, leading Conservation Authority re-openings in the province and without incident. HCA's areas are proving to be very popular, with positive reports for day-use activities.

8. Reports from Budget & Administration Committee, Conservation Advisory Board, and the Foundation

8.1. Foundation Chairman's Remarks

Margaret Reid thanked staff for their efforts to support the Foundation over the past few months and reported on the following:

Donations

We received a total of **\$4,829** in donations from May 1 to 31. They break down as follows:

- \$2,400 to support native tree and shrub plantings at the Hermitage Ruins
- \$1,226 for the Area of Greatest Need Fund
- \$500 for the Tribute Tree Fund
- \$335 for Land Securement
- \$236 for the Saltfleet CA Wetland Project

- The remaining \$132 came in donations to Outdoor Environmental Education, the Dundas Valley Trails Fund and Westfield Heritage Village

This brings our **Fiscal Year-to-Date (Dec 1, 2019 to May 31, 2020) total to \$136,344.**

Staff and Foundation Board members continue to engage with donors and shifting project priorities to raise funds needed for priority projects.

One of the Foundation's Strategic Goals for this year is to create a pro-active legacy giving program; during this down time, we have been focusing our efforts on creating effective communication and outreach messaging around legacy giving to be in a position to actively promote this to our donors, friends, and professional contacts.

The Foundation has been successful in receiving a Canada Summer Jobs grant that will allow us to hire a student to assist with a full review and cataloguing of our tribute and memorial benches.

9. Other Staff Reports/Memoranda

9.1. Current Watershed Conditions as of May 21, 2020

Scott Peck presented a summary of the memorandum and answered the members questions. Flows in local watercourses are at base flows, with no flooding observed. Lake Ontario levels remain at 75.35 masl, 26cm above average, however better than the record high levels in 2019. High volumes of water are still coming into Lake Ontario from the upper lakes. Lake Ontario appears to be going into a seasonal decline at this time

The Christie Lake dam gates were installed in the weeks prior; the reservoir is filling to summer operating levels. Valens Lake is at its summer levels.

9.2. Upcoming HCA and Partner Events

Bruce Harschnitz presented verbal update on HCA operations as the Conservation Areas reopen. HCA is transitioning from Phase 2 to Phase 3 of the reopening plan. Passive day-use areas have reopened. All parks report high day-use visitation. Seasonal camping and the marina at Fifty Point have also reopened. Most boats are in the water at Fifty Point, however some opted to keep boats in storage this year. Gate houses have been retrofitted with plexiglass safety barriers. Day-use washrooms are set to open this weekend. Campground washrooms remain closed per provincial direction. Waterfall and escarpment areas remain closed. Membership pass sales have been strong, having sold nearly 800 passes in the past three weeks, just 90 less than the entire month of May In 2019.

HCA and third-party events have been cancelled, for example Tough Mudder, Christie Lake Antique and Vintage Show, and Summer YMCA camps. Telling Tales is transitioning to a fully virtual platform.

10. New Business

There was none.

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

BD12, 2787

MOVED BY: Cynthia Janzen

SECONDED BY: Maria Topalovic

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

CARRIED

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

11.1. Confidential Memorandum – BD/June 01-2020

Scott Peck provided a summary of the memorandum regarding a property matter and answered the members' questions.

BD12, 2788

MOVED BY: Tom Jackson

SECONDED BY: Cynthia Janzen

THAT the confidential memorandum entitled BD/June 01-2020 be received and remain in camera.

CARRIED

BD12, 2789

MOVED BY: Santina Moccio

SECONDED BY: Susan Fielding

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

CARRIED

12. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, July 2, 2020 at 7:00 p.m., location to be determined.

13. Next Meeting Adjournment

On motion, the meeting adjourned.

Neil McDougall
Secretary-Treasurer

**Ministry of Heritage,
Sport, Tourism and
Culture Industries**

Minister

6th Floor
438 University Avenue
Toronto, ON M5G 2K8
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**Ministère des Industries du
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Ministre

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AUG 06 2020



5.3

391-2020-524-144

July 17, 2020

Ms. Lisa Burnside
Chief Administration Officer
Hamilton Conservation Authority
838 Mineral Springs Road
Hamilton, Ontario L9H 5E3

Dear Ms. Burnside,

Thank you for hosting me on my recent visit to the City of Hamilton.

These have been difficult days in Ontario as we battle COVID-19 on three fronts – the healthcare, economic and social crises, however spending time at Westfield Heritage Village certainly, was a bright spot for me as I promote Ontario's heritage, sport, tourism and cultural attractions and industries.

Lisa, as you know this ministry works with sector and industry leaders to grow a spectacular double bottom line – enhancing Ontario's rich cultural fabric while fueling \$75 Billion in economic activity. Our sectors have been hit first, hardest and will take the longest to recover post COVID-19 which is why it is important for us to continue to work together as we eye what recovery looks like for your organization and your community.

COVID-19 may have tested us as Ontarians but our creators, athletes, artists and community builders continue to bring out the best in us and as we slowly and gradually begin to reopen the economy and resume our daily routines, their work is ever more important.

Lisa, I also understand that we are yet to be able to return to some activities that we have cherished throughout the years that is why the Ministry has created www.Ontario.Live to curate an online and virtual heritage, sport, tourism and culture experience. I encourage you to take advantage of this online hub – it's impressive.

.../2

- 2 -

Thank you once again, Lisa, for taking some time with us. Your ideas and suggestions are always welcome so please consider sending me your thoughts at Minister.MacLeod@ontario.ca.

Kindest regards,

A handwritten signature in black ink, appearing to read 'Lisa', with a stylized, flowing script.

Honourable Lisa MacLeod, MPP (Nepean)
Minister of Heritage, Sport, Tourism and Culture Industries

From: [Burnside, Lisa](#)
To: [Ferguson, Lloyd](#); [Santina Moccia](#); [REDACTED]; [Collins, Chad](#); [Jackson, Tom](#); [Clark, Brad](#); [Pauls, Esther](#); [REDACTED]; [Maria Topalovic](#); [REDACTED]; [Cynthia Janzen](#); [James Cimba](#); [Susan Fielding](#); [REDACTED]
Cc: [Tellier, Jaime L.](#)
Subject: HCA Low Water Advisory
Date: July 27, 2020 3:55:47 PM
Attachments: [Level 1 Low Water Con Factsheet.pdf](#)
[Water conservation urged within the Hamilton Conservation Authority watershed.pdf](#)

To Board Members,

Due to ongoing dry conditions, I wanted to advise you that HCA has declared a Level 1 Low Water Advisory as of today. The Grand River Conservation Authority has also entered into a Level 1 Low Water Advisory.

A Level 1 Low Water Advisory is declared when three-month precipitation totals are below 80% of long-term averages, and/or when 30-day average stream flows are below 70% of the minimum average summer month flow. Watershed Planning & Engineering staff monitor our watershed stream flow and rain gauges and based on that review, watershed conditions have met the above noted criteria. It is noted that there is a Low Water Response Team comprised of local water users and the Level 1 advisory has been reviewed with this group.

Level 1 results in a request for a voluntary 10 per cent reduction in water consumption by all surface and groundwater users. The last time we declared a Level 1 advisory was 2016.

Please see the attached media release and factsheet for more information. Conditions will continue to be monitored with updates provided on a bi-weekly basis to local surface and groundwater users and the public in general. I will keep the Board of Directors updated as conditions warrant.

Sincerely,

Lisa Burnside CHRL

Chief Administrative Officer
 Hamilton Conservation Authority
 838 Mineral Springs Road PO Box 81067
 Ancaster, ON L9G 4X1
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 Email: lisa.burnside@conservationhamilton.ca



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please notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever. Thank you.

For Immediate Release: Monday, July 27, 2020

Water conservation urged within the Hamilton Conservation Authority watershed

Due to ongoing dry conditions, water users of surface and groundwater sources within the watershed are encouraged to reduce their water use by 10 percent. In addition, it is encouraged that water users share this request with other water users. Strategies for reducing water use can be found on the attached Level 1 Low Water Condition Factsheet.

Reducing the use of surface and groundwater sources at this critical time will avoid more serious shortages in the watershed, and lessen the impact of reduced water availability on our environment. Water users reliant on the municipal water system are asked to follow any active municipal water use bylaws.

Rainfall in the last three months has been well below normal with extended dry periods, resulting in reduced flows in area watercourses. Three-month precipitation totals for mid April to mid July were 52 to 78 percent of long-term averages, and the majority of stations had 3-month precipitation totals less than 70 percent of long-term averages. In addition, 30-day average streamflows have fallen below 70 percent of the minimum average summer month flow, at the majority of monitored stations.

As a result, as of July 27 the Hamilton Low Water Response Team has declared a Level 1 Low Water condition for the entire HCA watershed, which includes Spencer Creek, Chedoke Creek, Redhill Creek, Stoney Creek and Battlefield Creek, Stoney Creek Numbered Watercourses, as well as all of their tributaries and other minor watercourses.

The Hamilton Low Water Response Team is made up of water users in the watershed including agricultural representatives, golf courses, nursery operators, quarry operations, and industrial users as well as provincial and municipal representatives. HCA staff act as co-chair for this team, and are responsible for regular evaluation of watershed conditions which provides evidence to support declaring low water conditions.

A Low Water condition is declared when precipitation amounts and / or streamflow rates fall below pre-determined thresholds, set by the provincial government under its Low Water Response Program. Level 1 is declared when three-month precipitation totals are below 80 percent of long-term averages, and / or when 30-day average streamflows are below 70 percent of the minimum average summer month flow. Level 1 results in a request for a voluntary 10 per cent reduction in water consumption by all surface and groundwater users.

It is important that we all do our part to reduce water use within the watershed.

Media Contact:

Jonathan Bastien
Water Resources Engineering / Co-Chair - Hamilton Low Water Response Team
905-525-2181, ext. 138
Email jbastien@conservationhamilton.ca

This media release has been formatted to be an accessible document. Should you require this information in an alternate format, please contact the Hamilton Conservation Authority at 905-525-2181 and we will be happy to assist you.

Level 1 Low Water Condition Declared

What does that mean?

A Low Water condition is declared when precipitation amounts and/or streamflow rates fall below pre-determined thresholds.

These thresholds are set by the provincial government in its Low Water Response Program. Low Water condition levels range from Level I to Level III, representing progressively more severe water supply shortages and restrictions on water use.

HCA and the Hamilton Low Water Response Team are responsible for evaluating watershed conditions and declaring Low Water conditions for the HCA watershed.

Current Declaration

A Level 1 Low Water Condition has been declared for the entire HCA watershed. This includes Spencer Creek, Chedoke Creek, Redhill Creek, Stoney Creek and Battlefield Creek, Stoney Creek Numbered Watercourses, as well as all of their tributaries and other minor watercourses.

Level 1 is declared when three-month precipitation totals are below 80% of long-term averages, and/or when 30-day average streamflows are below 70% of the minimum average summer month flow. Level 1 results in a request for a voluntary 10 per cent reduction in water consumption by all surface and groundwater users.

Current Conditions

Three-month precipitation totals for mid April to mid July were 52 to 78 percent of long-term averages, at eight rain gauge stations throughout the watershed. Five of the eight gauges had 3-month precipitation totals less than 70 percent of long-term averages.

30-day average streamflows have fallen below 70 percent of the minimum average summer month flow, at four of the five flow stations throughout the watershed.

Details of the Ontario Low Water Response Program are available at: www.ontario.ca/page/low-water-response-program

What can you do to help?

At this time, the Hamilton Low Water Response Team is encouraging water users of surface and groundwater sources within the watershed to reduce their water use by 10 percent, and share this request with other water users.

Reducing the use of surface and groundwater sources at this critical time will avoid more serious shortages in the watershed, and lessen the impact of reduced water availability on our environment. Water users reliant on the municipal water system are asked to follow any active municipal water use bylaws.

It's important we all do our part to reduce water use in our watershed.

At Home

- Follow local lawn watering restrictions in your area
- Water your gardens in the morning or evening rather than the heat of the day (where permitted)
- Use a broom to clean paved surfaces instead of water
- Install toilet dams
- Use rain barrels water you need around the yard
- Repair leaky faucets
- Reduce non-essential water use (car washing, lawn watering)

Municipal Users

- Actively encourage compliance with outdoor water use by-laws.
- Reduce water withdrawals for park and public lands irrigation by scheduling withdrawals, use of storage.

Golf Course Users

- Make use of water storage on the course
- Withdraw water more slowly over a longer period of time (i.e. reduce pumping rate)
- Schedule surface water withdrawals with neighbouring golf courses.

Agricultural Users

- Mobilize a local agricultural water users group
- Withdraw water more slowly over a longer period of time (i.e. reduce pumping rate)
- Schedule surface water withdrawals with neighbouring water takers

Aggregate Users

- Reduce non-essential water use (e.g. landscape watering) and use efficient equipment for washing and dust suppression
- Aggregate operations with washing plants increase surveillance of wash operations to identify and correct any water losses (e.g. leaky pipes)
- Recycle washing water and augment from dewatering effluent
- Closely monitor operating levels and permit conditions (e.g. pond levels) where applicable
- Withdraw surface water slowly over a longer period of time (i.e. reduce pumping rate)

Want more information on Low Water Conditions?
Call 905-525-2181, ext. 138



A Healthy Watershed for Everyone

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

PREPARED BY: Matt Hall, Director; Capital Projects & Strategic Services

DATE: July 23, 2020

RE: Tender Results for Wild Waterworks River Ride Resurfacing project

STAFF RECOMMENDATION

THAT HCA staff recommends to the Board of Directors:

That the tender for resurfacing works of the Wild Waterworks River Ride be awarded to PPL Aquatic, Fitness & Spa Group Inc. at a total cost of \$197,868.42 (including contingency & taxes).

BACKGROUND

HCA manages Confederation Beach Park, which includes Wild Waterworks on behalf of the City of Hamilton. Within Wild Waterworks, there is an existing river ride attraction known as the “Eazy River”. The basin of this attraction requires resurfacing in order to meet recent Hamilton Public Health orders, which state that submerged surfaces of the ride be changed to white or light in colour, prior to public re-opening in 2021.

HCA Capital Projects staff retained a consultant to aid in scoping the project and to develop specifications for construction tender purposes. The scope of the project is to prepare the existing surfaces, complete necessary concrete repairs, caulking & mechanical improvements, in addition to painting the walls & basin of the Eazy River Ride.

STAFF COMMENT

On June 17, 2020, HCA staff issued public tender and specification documents for firms to consider in their bids. This has been advertised publicly through the online Biddingo public tender web service and sent to a variety of specific contractors who specialize in

this type of work. A recommended site meeting for bidders was held on June 25, 2020 to go over project specifics and address any questions the contractors had, and four contractors were present for this site meeting. Tenders officially closed on July 16, 2020 @ 1:00 p.m. with two packages officially received. A total of 18 firms picked up tender packages online.

A two-stage tender opening process followed in order to pre-qualify suitable contractors for the specialized work involved. Step 1 Qualification Packages were opened on July 16, 2020 @ 1:05 p.m. Step 2 Cost Packages were opened on July 23, 2020 @ 1:00 p.m.

A summary of the final public tender results is as follows:

Company	Necessary Bonding	Final Price (Inc. Taxes & Contingency)	Notes
PPL Aquatic, Fitness & Spa Group Inc.	Y	\$197,868.42	Low Bid
Ontario Pool Coatings Inc.	Y	\$311,315.00	

STAFF COMMENT

Staff are satisfied that the low bid is a qualified and suitable contractor and recommend that the contract be awarded to PPI Aquatic Fitness & Spa Group Inc.

The anticipated schedule for this project is to award the contract by the end of July 2020 and commence work in August

It is anticipated that the project will be substantially completed on or before October 23, 2020.

STRATEGIC PLAN LINKAGE

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

- **Strategic Priority Area – Organizational Excellence**
 - Initiatives – support the capital development and major maintenance program to enhance our facilities and ensure they are safe, functional and current

AGENCY COMMENTS

Non-applicable.

LEGAL/FINANCIAL IMPLICATIONS

This work is necessary in order to comply with current City of Hamilton Public Health orders. Funding for this project has been requested from existing Wild Waterworks operational reserves and was approved through City of Hamilton's General Issues Committee meeting of Friday, March 20th, 2020 Agenda Item 10.8 (Public Works report PW20014).

CONCLUSIONS

It is recommended to proceed with this project in order for HCA staff to adequately prepare for an anticipated re-opening of the waterpark in 2021. The contractor is a fully qualified company, specializing in commercial pool construction and maintenance, located in Mississauga, Ont.

Board of Directors Report

Tender Results for Wild Waterworks River Ride Resurfacing Project

Email Poll

July 23, 2020

Dan Bowman	in favour
Jim Cimba	in favour
Brad Clark	in favour
Chad Collins	in favour
Lloyd Ferguson	in favour
Susan Fielding	in favour
Tom Jackson	in favour
Cynthia Janzen	in favour
Santina Moccio	in favour
Esther Pauls	in favour
Maria Topalovic	in favour

**Ministry of Natural
Resources and Forestry**

Office of the Minister

Room 6630, Whitney Block
99 Wellesley Street West
Toronto ON M7A 1W3
Tel: 416-314-2301

**Ministère des Richesses
naturelles et des Forêts**

Bureau du ministre

Édifice Whitney, bureau 6630
99, rue Wellesley Ouest
Toronto (Ontario) M7A 1W3
Tél.: 416-314-2301



AUG 11 2020

354-2020-1243

Mr. Wayne Emmerson
Chair
Conservation Ontario
chair@conservationontario.ca

Dear Mr. Emmerson:

Wayne

Thank you for providing me with an update on Conservation Ontario's Client Service and Streamlining Initiative. I am pleased to see the progress and success since its launch.

As you are aware, Ontario has committed to modernizing the regulations under the *Conservation Authorities Act* to focus conservation authorities on their core mandate of protecting people and property from flooding and other natural hazards following recommendations from the Special Advisor on Flooding's Report, and also in support of the government's Housing Supply Action Plan.

This work, along with the success of the Client Service and Streamlining Initiative, complements the broader work led by the Ministry of the Environment, Conservation and Parks (MECP). Both my ministry and the MECP are working together to define the conservation authorities mandatory natural hazard management program; ensure that other recent changes to the Act increase transparency; and help to focus conservation authorities' ability to deliver on their core mandate.

As proposals for new changes are developed, I assure you that opportunities for further consultation will be available for stakeholders to provide their feedback. I look forward to continuing to work together to protect people, property and communities from flooding and other natural hazards.

Thank you again for writing.

Sincerely,

[Signature]

John Yakabuski
Minister of Natural Resources and Forestry

- c. The Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks
The Honourable Steve Clark, Ministry of Municipal Affairs and Housing
Kim Gavine, General Manager, Conservation Ontario

From: Tellier, Jaime L.
To: [Brad Clark \(Brad.Clark@hamilton.ca\)](mailto:Brad.Clark@hamilton.ca); [Chad Collins \(Chad.Collins@hamilton.ca\)](mailto:Chad.Collins@hamilton.ca); [Cynthia Janzen](mailto:Cynthia.Janzen@hamilton.ca); [Dan Bowman](mailto:Dan.Bowman@hamilton.ca); [Esther Pauls \(Esther.Pauls@hamilton.ca\)](mailto:Esther.Pauls@hamilton.ca); [James Cimba](mailto:James.Cimba@hamilton.ca); [Lloyd Ferguson \(Lloyd.Ferguson@hamilton.ca\)](mailto:Lloyd.Ferguson@hamilton.ca); [Maria Topalovic](mailto:Maria.Topalovic@hamilton.ca); [Santina Moccio](mailto:Santina.Moccio@hamilton.ca); [Susan Fielding](mailto:Susan.Fielding@hamilton.ca); [Tom Jackson](mailto:Tom.Jackson@hamilton.ca)
Cc: [Burnside, Lisa](mailto:Burnside.Lisa@hamilton.ca)
Subject: FW: Environmental destruction by Hamilton Conservation Authority
Date: August 19, 2020 5:04:00 PM

Sent on behalf of Lisa Burnside

To Board of Directors:

Please see the email below from Reuven Dukas regarding the fencing at Dundas Peak as well as HCA's response sent yesterday afternoon.

Thank you,

Jaime Tellier

Executive Assistant / Records Management Coordinator

Hamilton Conservation Authority

Phone: 905-525-2181 Ext. 112

The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged and confidential. If you have received this message in error or are not the named recipient(s), please notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever. Thank you.

From: Burnside, Lisa
Sent: August 18, 2020 5:15 PM
To: 'dukas@mcmaster.ca' <[REDACTED]>
Cc: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>
Subject: Re: Environmental destruction by Hamilton Conservation Authority

Dear Mr. Rukas,

The fencing is to address visitor safety as visitors continue to venture to cliff edges of the Dundas Peak. It is not uncommon to see people sitting or standing at or on the brink of the rock outcrops. This behaviour poses a risk management challenge, as should a visitor fall from this escarpment area, a rope rescue by the Hamilton Fire Department is required and rescues continue to be required annually, even during the current closure of the area. The stone wall that was on site was constantly bypassed by visitors to venture out to the edges and was a persistent target for graffiti, degrading the visual appearance. The fencing that is being installed at the Dundas Peak was endorsed by the HCA Conservation Advisory Board at their February 13, 2020 meeting and approved by the HCA Board of Directors at their April 2, 2020 meeting. The HCA Board agreed that the addition of fencing is a reasonable safety enhancement which is consistent throughout the conservation area. The picket style of fencing will continue to permit views of the Gorge and the fence portions around the official viewable area will be 4ft high. The fencing matches the metal picket fencing previously installed at the other two main features of the Spencer Gorge; Webster and Tew Falls.

The fencing was reported in the media following the Conservation Advisory Board meeting, and I have included one example below.

<https://www.cbc.ca/news/canada/hamilton/hca-fencing-1.5467510>

I have copied the HCA Chairman, Councillor Lloyd Ferguson, on this reply.

Sincerely,

Lisa Burnside

CAO

From: Dukas, Reuven <[REDACTED]>

Sent: 16 August 2020 14:04

To: Nature; HRCA - Christie

Subject: Environmental destruction by Hamilton Conservation Authority

Ms. Lisa Burnside, Chief Administrative Officer and Hamilton Conservation Authority Board members

Dear Ms. Burnside and Hamilton Conservation Authority Board members,

I have been informed of a significant damage done to Dundas Peak, one of our dearest local treasures and a key focal point along the Niagara Escarpment, an internationally recognized UNESCO Biosphere Reserve. Apparently, the Hamilton Conservation Authority is constructing a tall, 5-6 foot black fence at the peak. While I appreciate the need for some safety measures at Dundas Peak, I expect them to take into consideration the highly sensitive nature of this special place.

I ask that the Hamilton Conservation Authority immediately halt the fence construction. The importance and delicate nature of Dundas Peak require careful consideration from experts who should be able to come up with a solution that is respectful to the environment and local nature lovers. An example for a wise solution would be a much lower barrier that blends well with the surrounding dolostone, in addition to education and fines for people who cross that barrier.

I and others have received the attached photo from a whistle blower who wishes to remain anonymous but asks that you distribute the photo widely. The photo illustrates how views from Dundas Peak looking westbound towards Spencer Creek will be obstructed by the offending fence.

I look forward to hearing from you,

Sincerely yours,

Reuven Dukas

CC Local media outlets and numerous local nature lovers

Reuven Dukas, Professor

Animal Behaviour Group

Department of Psychology, Neuroscience & Behaviour (PNB)

McMaster University, 1280 Main Street West

Hamilton, Ontario, L8S 4K1 Canada

<http://psych.mcmaster.ca/dukas>

Office: 905-525-9140 ext. 23894

Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

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

DATE: September 3, 2020

RE: Status Update – Easement Request – Enbridge Gas Inc.
(Union Gas) Kirkwall Hamilton Project

BACKGROUND

At the June 4, 2020 Board of Directors meeting, the attached memorandum was presented that highlighted:

1. The status of the pipeline proposal with the Ontario Energy Board as it relates to the February 6, 2020 Board of Directors motion as detailed in the attached memo. The memo outlines that while all of the HCA requests were not addressed, it was noted that the hearing will “examine the need for this proposed pipeline, including alternatives” and environmental effects.
2. The status of the easement request on HCA lands. For this issue, the memo outlines that Enbridge agreed to the site specific environmental impact study (EIS) and the follow-up third party peer review at their costs. Six points were highlighted in the memo to be addressed as part of this process.

STAFF COMMENT

Subsequent to the June 4, 2020 meeting, HCA staff prepared a Terms of Reference for the EIS Peer Review. Staff also prepared a short list of 4 consulting firms that specialize in ecological issues that the tender package would be provided. Prior to the document being sent out for tender to the selected consulting firms, it was reviewed and accepted by Enbridge Gas Inc. The tender package was sent out with a deadline for a proposal submission of August 14, 2020. Three out of the four consultants submitted a proposal and staff are currently reviewing the proposals in order to select a successful

consultant. The EIS is due to be submitted by September 14 and the peer review consultant will be selected and engaged by that time in order to meet the time lines as detailed in the June 4, 2020 memorandum to the Board of Directors.

As part of the EIS and peer review, staff have also been in contact with Enbridge Gas Inc. to address the issue of public involvement in the review of the EIS and peer view. In an email dated August 17, 2020, our contact at Enbridge Gas Inc. detailed that they have “do not have an issue with making the EIS available to the public”. They do note that it is their preference to wait until the peer review is complete prior to releasing the EIS. HCA staff are agreeable with this approach as the EIS and completed peer review could be posted on our website and Enbridge’s prior to the issue being considered by the HCA Board of Directors. This ensures the information is available for public review and comment.

Information relating to the EIS and peer review will be provided to the Board of Directors once completed for their information, though a decision does not have to be made at that time. It is important to note, as per the Board motion of February 6, 2020, that a decision on the easement request is dependent on the outcome of the EIS and associated peer review as well as a decision by the Ontario Energy Board approving the proposed pipeline.

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 what HCA does and why.

AGENCY COMMENTS

N/A

LEGAL/FINANCIAL IMPLICATIONS

N/A

CONCLUSIONS

This memorandum is provided to keep the HCA Board of Directors up-to-date on this issue.



Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

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

DATE: June 4, 2020

RE: Status Update - Easement Request – Enbridge Gas Inc.
(Union Gas) Kirkwall Hamilton Project

BACKGROUND

As a result of a request from Enbridge Gas Inc. for easements on Hamilton Conservation Authority (HCA) lands in the Beverly Swamp Conservation Area, the following motion was passed at the February 6, 2020 Hamilton Conservation Authority Board of Directors meeting.

“THAT the Hamilton Conservation Authority acknowledges our limited mandate as outlined in Section 20 of the Conservation Authorities Act R.S.O. 1990 in regard to gas, oil, coal and minerals;

THAT the Board of Directors direct staff to advise Enbridge Gas Inc. that the HCA opposes the easement request pending the results of an ecological study, independent peer review of the same study and the pending Ontario Energy Board’s decision regarding the proposed natural gas pipeline, specifically a decision approving the project;

THAT staff be directed to advise the Ontario Energy Board that the Hamilton Conservation Authority encourages the Ontario Energy Board to take climate change considerations into account when determining if the natural gas pipeline is in the public interest as they consider Enbridge Gas Inc.’s Leave to Construct Application; and,

THAT the Hamilton Conservation Authority requests that the Ontario Energy Board conduct oral hearings.

THAT the Ontario Energy Board be advised that the Hamilton Conservation Authority supports including within the scope of the Leave to Construct proceeding the following:

- 1. impacts related to the methods of upstream natural gas extraction (such as hydraulic fracturing) for natural gas that will be transported through the pipeline**
- 2. impacts related to the ultimate downstream consumption of the natural gas transported through the pipeline.”**

On February 7, 2020, a letter was sent to the Ontario Energy Board, Enbridge Gas Inc. and the City of Hamilton to convey to those parties the motion approved by the Hamilton Conservation Authority Board of Directors. The purpose of this memorandum is to provide an update on the status of this project.

STAFF COMMENT

These are two separate but related issues. First, the application to the Ontario Energy Board (OEB) for the pipeline expansion and, secondly, the specific request by Enbridge Gas Inc. to the HCA for the required easements on HCA lands to facilitate the pipeline expansion.

OEB Application for Pipeline

The Ontario Energy Board (OEB) has noted that they will hold an oral hearing for this application. The procedural order states “The OEB has concluded that issues related to impacts associated with the extraction and production of natural gas to be delivered, as well as the effects of the consumption of that natural gas in the context of overall national and globally-focused environmental policies, are out of scope. As such, issues associated with those impacts will not be added to the Issues List. As set out elsewhere in this Procedural Order, the OEB has provided in this Issues List for an examination of the need for this proposed pipeline, including pipeline alternatives, an evaluation of financial risks, the specific environmental and safety effects of construction of the pipeline, and the costs proposed to be borne by Enbridge Gas’s ratepayers.” The issues list for the hearing is as follows:

1. Is the proposed Project needed? Considerations may include but are not limited to natural gas demand, reliability of service, security, flexibility and diversity of natural gas supply, and operational risk as well as the OEB’s statutory objectives.
2. What are the alternatives to the proposed Project that would also involve building a new pipeline? Are any of these alternatives preferable to the proposed Project?
3. What are the alternatives to the proposed Project that would not involve building a new pipeline? Are any of these alternatives preferable to the proposed Project?

4. Do the Project's economics meet the OEB's economic tests as outlined in the Filing Guidelines on the Economic Tests for Transmission Pipeline Applications, dated February 21, 2013?
5. Are the costs of the Project and rate impacts to customers reasonable and acceptable?
6. Does the Project's environmental assessment meet the OEB Environmental Guidelines for Hydrocarbon Pipelines?
7. Are the forms of landowner agreements filed pursuant to the application under section 97 of the OEB Act appropriate? Are there any outstanding landowner matters for the proposed Project's routing and construction? For greater clarity, landowners include parties from whom permits, crossing agreements and other approvals are required.
8. Is the proposed Project designed in accordance with current technical and safety requirements?
9. Has there been adequate consultation with affected Indigenous communities?
10. If the OEB approves the proposed Project, what conditions, if any, are appropriate?

While the issues list does not specifically address climate issues or upstream extraction or downstream use, it does specify that the hearing will “examine the need for this proposed pipeline, including pipeline alternatives” and environmental effects. It is staff's opinion that the OEB is endeavouring to address the issues raised by the HCA and other parties within the scope of the OEB's statutory allowances. As it relates to the hearing and application, it is noted that the HCA does not have standing as an intervenor. Of note, a procedural order issued by the OEB dated May 19, 2020 has adjourned this hearing for a maximum of 6 months. This is largely to address timing issues for the hearing related to the COVID 19 pandemic.

Easement Request on HCA Lands

The Board of Directors motion as it relates to the requested easement states “that the HCA opposes the easement request pending the results of an ecological study and independent peer review of the same study”. In this regard, Enbridge Gas Inc. has approached HCA staff and have proposed the following for the completion of this work:

- The detailed ecological study will be conducted through the completion of a scoped Environmental Impact Study (EIS). The EIS to be reviewed by a third-party consultant and will be specific to HCA owned lands where Enbridge Gas Inc. is seeking easements for the Project. Any studies outside of these lands will be

reviewed as required by HCA technical staff specific to the procurement of HCA permits for the Project.

- Stantec Consulting has been retained to complete the scoped EIS for the HCA lands and will complete detailed ecological studies on the subject properties to support the EIS. The field program has been started and will continue with surveys completed during the appropriate timing windows.
- The independent peer review to be conducted by a third-party consultant will be wholly funded by Enbridge Gas Inc.
- HCA will draft the Request for Proposal for the independent peer review, with Enbridge Gas Inc. being afforded the opportunity to review and provide suggestions.
- The Terms of Reference (TOR) for the Ecological Studies Workplan for the pipeline, which has been reviewed, commented on and approved by HCA's ecologist, will form the basis of the EIS, and of the review by the third-party consultant.
- The scoped EIS will be completed and submitted to HCA the week of September 14, 2020. It is proposed that the review of the scoped EIS by the independent reviewer be completed within 4 weeks of providing the document to HCA.

This approach is satisfactory to HCA staff in that it acknowledges completion of scoped EIS for the lands subject of the easement and additionally, the scoped EIS will be peer reviewed by an independent consultant at the expense of Enbridge Gas Inc. This approach meets the intent of the motion passed by the HCA Board of Directors. It is noted that if the OEB does not approve the application for the pipeline, the HCA, as per the Board of Directors motion, would not approve the easement.

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

N/A

LEGAL/FINANCIAL IMPLICATIONS

N/A

CONCLUSIONS

This memorandum is provided for the information of the HCA Board of Directors. HCA staff will continue to update the Board on the status of the overall pipeline application process before the OEB and will bring a report forward in the future regarding the requested easements subject to the final decision of the OEB regarding the pipeline application and the completed scoped EIS and peer review as it relates to the easement(s) request on HCA lands.

Report

TO: Budget & Administration Committee

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

DATE: August 20, 2020

RE: Governance Review – revisions to 2019 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 5, 2019, be amended with the revisions noted in the attached draft, subject to and including any further revisions as noted during the August 20, 2020 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 two years 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.

Similar to 2019, when relatively minor administrative and housekeeping amendments were identified, only modest revisions have once again been noted. These have largely arisen due to the pandemic and a review of best practices amongst conservation authorities in regard to delegations.

Revisions in the attached document:

1. Implementation of recommendations made by Conservation Ontario to address the use of electronic meetings and hearings including:
 - a. Section B(1)(c)(o) footnote 6 (Powers of the Board of Directors) – addition of language permitting hearings under s. 28(3) of the Conservation Authorities Act to be held electronically in an emergency.
 - b. Section C(3) (Meetings Open to Public):
 - i. confirmation that, if a telephone or electronic meeting of the Board of Directors is held, the public will be provided a means of participating in the meeting.
 - ii. Explanation of procedural steps to be taken when holding a closed meeting electronically.
 - c. Section C(9) (Electronic Participation) – explanation of a Board member’s rights when participating in a meeting by telephone or electronically.

- d. Section C(10) (Delegations) – confirmation that, where a delegation request is made in respect of a telephone or electronic meeting, arrangements will be made to enable the delegation to participate.
2. Addition of provisions dealing with live-streaming or recording Board of Directors meetings (Section C(10) (Delegations) and Section C(17) (Minutes of Meetings))
3. Addition of provision dealing with protocol for delegations (Section C(10) (Delegations))
4. Addition of provision dealing with the filing of confidential minutes of Board meetings (Section C(17) (Minutes of Meetings))
5. Clarification of the minimum and maximum number of citizen members on the Conservation Advisory Board (Appendix 4, Section 8)
6. Miscellaneous editorial changes to address missing words.

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 minor amendments to the Administrative Bylaws to reflect current practice and to ensure the document remains relevant and current.

HAMILTON REGION CONSERVATION AUTHORITY

Administrative By-Law

In force as of September 5, 2019



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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 of our watershed and connect people to nature.

The HCA's vision is 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.¹

¹ This includes the drainage areas of Spencer Creek and its tributaries (Fletcher, Flamborough, Westover, West Spencer, Logie's, Spring, Tiffany, Sydenham, Sulphur and Ancaster creeks), Borer's, Chedoke, Red Hill, Battlefield,

Stoney and Fifty creeks, and the small drainage areas between the Niagara Escarpment and Lake Ontario in the former City of Stoney Creek.

A. Definitions

“**Authority**” means the Hamilton Region Conservation Authority.²

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

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

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

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

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

“**HCA**” means the Hamilton Region Conservation Authority.

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

“**Majority**” means half of the votes plus one.

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

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

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

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

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

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

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

B. Governance

1. Directors

a) Appointments

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

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

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

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

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

b) Term of Director Appointments

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

c) Powers of the Board of Directors

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

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

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

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

d) Responsibilities and Functions of the Board of Directors

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

- a) **Strategic Planning:** The Board will adopt a strategic planning process, approve short-term and long-term strategic plans, and monitor the performance of the HCA against those plans.
- b) **Financial Oversight:** The Board will monitor the HCA's finances, including its future financial viability. The Board will ensure that the HCA is operated in a sound and prudent fiscal manner, and shall undertake short- and long-term financial planning consistent with the HCA's mission, objectives and strategic plan. The Board will do so with the assistance of Staff and the Budget 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
 - iv. regularly scrutinize and investigate all aspects of HCA's finances and, when necessary, determine appropriate actions.

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

⁶ Hearing procedures for hearings under s. 28(3) of the Act are set out in Appendix 5. During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, that may prevent a meeting in person, any hearing or appeal dealt with in this By-law may, at the discretion of the Chair, be conducted electronically with provisions for applicants and their agents to participate if the Authority decides to hold any such hearing or appeal.

Commented [1]: The content of addition to this footnote is recommended by Conservation Ontario

- c) Corporate Policymaking: The Board will ensure the existence of corporate policies to govern the HCA in key areas, including, and 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 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 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 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 and Advisory Board members and Advisory Board chairs shall be held yearly at the 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 [Area](#) Services. Approval of purchases shall be in accordance with the HCA Purchasing Policy. Cheques or other documents effecting payment must be signed by two of the following Officers: Chair, Vice-Chair, CAO and Secretary-Treasurer.

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

12. Executive Committee

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

13. Advisory Boards and Other Committees

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

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

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

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

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

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

14. Remuneration of Directors

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

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

15. Records Retention

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

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

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

16. Records Available to Public

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

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

17. By-law Review

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

18. By-law Available to Public

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

19. Enforcement of By-laws and Policies

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

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

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

20. Indemnification of Directors, Officers and Employees

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

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

21. Role of Hamilton Conservation Foundation

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

Commented [JT2]: The Foundation filed Supplementary Letters Patent in 2007, legally changing its name to Hamilton Conservation Foundation.

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

C. Meeting Procedures

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

1. Rules of Procedure

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

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

2. Notice of Meeting

The Board of Directors shall approve a schedule for regular meetings. 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 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. If a telephone or electronic meeting of the Board of Directors is held, the Authority will provide means for the public to participate in the meeting by telephone or electronically.

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;

Commented [3]: This change was recommended by Conservation Ontario and is required by s. 15(3) of the Conservation Authorities Act.

- 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.

When starting a closed session where Board members are attending by telephone or electronically, the Chair should take the following additional steps:

- a) Retake attendance and confirm that each Board member's connection is working;
- b) Confirm that all Board members are in a private setting where no other person can listen to the proceedings in the closed session; and
- c) Remind Board members that all confidentiality rules apply, and they must treat any documents and information with the same level of care that they would in a regular closed meeting.

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. If a closed meeting is held by telephone or electronically, the Chair or Secretary-Treasurer may direct members to delete documents at the conclusion of the meeting rather than returning them to the Secretary-Treasurer.

Commented [4]: This change was recommended by Conservation Ontario

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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) Consent Agenda
 - i. Applications
 - ii. Approval of Minutes of Previous Meeting
 - iii. Correspondence
- f) Member Briefings
- g) Business Arising from the Minutes
- h) Reports
- i) Other Staff Reports/Memorandums
- j) New Business
- k) In-Camera Items
- l) Next Meeting
- m) Adjournment

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 Meetings and Participation

Electronic meetings are permitted and must follow/accommodate all Section C Meeting Procedures identified in this by-law or in the case of Hearings, the Section 28(3) Conservation Authorities Act Hearing Guidelines in Appendix 5.

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, and shall have the ability to register a vote, be counted towards determining quorum, and participate in any portion of the meeting, including portions closed to the public. 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 an in-person 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 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 Directors) only until the next Board meeting. If the result of a vote (other than a unanimous vote of approval in writing by all 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 Directors, the result of the vote shall

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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 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.

Where appropriate, the Chair may advise those in attendance at a Board of Directors meeting: (a) to respect reasonable rules of decorum in their remarks; and (b) that no endorsement by the HCA of a delegate's statements may be implied or inferred from the communication of the statements during the course of the Board of Directors meeting, or on account of the HCA having granted permission to the delegate to make a presentation at the Board of Directors meeting.

Where a delegation request is made in connection with a meeting that is to be held by telephone or electronically, the Secretary-Treasurer, or designate, ~~the Chair or the Chair's designate~~ should reach out the leader of the delegation to plan for their attendance by telephone or electronically.

The HCA may live stream and/or make video or audio recordings of all or part of its Board of Directors meeting(s) available to the public but is not obliged to do so.

Where in the discretion of the HCA a Board of Directors meeting is live-streamed and/or recorded, notice to this effect, and regarding the purpose of the live streaming or recording, shall be given to those attending the meeting, either at the time of the meeting or in advance of the meeting.

Commented [8]: This change reflects issues that have arisen at NPCA.

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Commented [10]: The giving of advance notice that a person's personal information will be recorded or live-streamed is required by privacy legislation.

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.

The Annual General Meeting shall be the February meeting each year. The date of the 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) 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. [Original copies of confidential minutes are approved and signed by the Chair and filed separately from non-confidential minutes.](#)

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.

[A recording of a Board of Directors meeting, if one exists, is not an official record of that meeting. The official record of the meeting shall consist solely of the Minutes approved by the Board of Directors.](#) [As the purpose of the recording is administrative, the recordings will be disposed of once they have served that purpose, per HCA's Records Retention Schedule.](#)

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.

Commented [11]: There are privacy restrictions on how long the personal information contained in a recording of a Board meeting can be retained, depending upon the purpose for which the recording was created. If the recording is created for archival purposes (i.e., to keep a permanent record) then it is not necessary to dispose of the recordings after a specific period of time, as long as attendees at the Board meetings are told in advance that their comments will be recorded and permanently kept. If, on the other hand, the purpose of the recording is administrative (such as to assist in drafting minutes of Board meetings) then the recordings should be disposed of once they have served that purpose. The deadline to dispose of the recordings doesn't need to be addressed in the By-law necessarily, but should be reflected either in the By-law or in a record retention policy or privacy policy.

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

Board Resolution 12,2577 from September 5, 2018 approving the current HCA Administrative By-Law is hereby repealed;

Board Resolution 12,2676 approving the new Administrative By-law shall come into force on the 5th day of September, 2019.

READ A FIRST TIME August 22, 2019, by the Budget and Administration Committee.

READ A SECOND TIME AND PASSED

September 5, 2019

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

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. 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. 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. If applicable, appointment by acclamation of three Conservation Advisory Board members, who shall be Directors of the Authority.
 - v. Election of Chair of the Conservation Advisory Board, who shall be 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) 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) Only current Directors of the Authority who are present may vote;
- e) Nominations shall be called three (3) times and will only require a mover;
- f) The closing of nominations shall require both a mover and a seconder;
- g) 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) If only one nominee the individual shall be declared into the position by acclamation.

If More than One Nominee:

- i) 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) 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) 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 Directors;
- (d) the term of membership;
- (e) the total maximum time period that a person who is not a 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.

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 designated members of the B&AC. Three other members of the Board 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 General 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 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: up to 8 appointed members of the community at large, with a minimum of 6
- Board of Directors: up to 3 members of the Board

Chair & Vice Chair of CAB: One of the 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 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.
- Directors: appointments of Board of Director members to the CAB are for 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



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

Peter Krause, Chairman
Conservation Ontario

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

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 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 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, 24th 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: Budget & Administration Committee

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

PREPARED BY: Nancy Watts, Director of Human Resources and Wellness

DATE: August 20, 2020

RE: Minimum Wage Increase for Casual Wage Rates

STAFF RECOMMENDATION

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

THAT the revised October 1, 2020 Casual/Seasonal wage grids for Hamilton Conservation Authority and Confederation Beach Park/Wild Waterworks and the 2021 Construction/Millgrove casual wage grid as attached in the August 20, 2020 report be approved.

BACKGROUND

HCA has casual wage grids for seasonal staff hired to assist our owned and managed operations. Effective, October 1, 2020, the Provincial Government has legislated a \$0.25 increase to the general and student minimum wages. The general minimum wage is currently \$14.00/hr and will increase to \$14.25. The student minimum wage (for those under age 18) is currently \$13.15/hr and will increase to \$13.40/hr. Subsequently, all service levels and grids have increased by 0.25 cents.

STAFF COMMENT

In regular operating years, HCA hires approximately 230 casual/seasonal staff, distributed as follows:

Area	Number of casual staff
HCA conservation areas	80
HCA Millgrove/Construction	6
Confederation Beach Park non wave pool	20

Confederation Beach Park Wild Waterworks	125
--	-----

The majority of staff are hired using rates based on the minimum wage, noted as Service Level 1 in the HCA and Confederation Beach Park/Wild Waterworks grids. Service Level 3 encompasses positions that require some credential or higher levels of skill or qualification such as security.

STRATEGIC PLAN LINKAGE

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

- **Strategic Priority Area – Organizational Excellence**
 - Attracting and retaining a skilled workforce and promoting staff training, mentoring and succession planning

AGENCY COMMENTS

None

LEGAL/FINANCIAL IMPLICATIONS

The minimum wage increase and 0.25 cent increase to all service levels is estimated to have an impact of approximately \$45,000 for casual staffing expenses.

CONCLUSIONS

The change to the 2020/2021 casual/seasonal wage grids will provide for the required increase to minimum wage effective October 1 and maintain a standard \$0.25 step increase for staff to reward their experience and assist with recruitment efforts.

October 1, 2020 / 2021 HCA Hiring Request – Seasonal CA and Office Staff

*** PLEASE ATTACH COMPLETED APPLICATION FORM AND/OR RESUME ***

*** ENSURE THAT AN EMAIL IS NOTED TO RECEIVE E-PAY STATEMENTS ***

EMPLOYEE NAME: _____ Ms. Mr.

EMAIL ADDRESS: _____

POSTAL ADDRESS: _____

FIRST TIME EMPLOYEE? Yes No EXTENSION OF EMPLOYMENT? Yes No

POSITION CATEGORY:

(check appropriate box)

	PROV. MIN. RATES					
HOURLY RATES						
POSITION CATEGORY:	Under 18	2 nd step <18	Minimum Wage	2 nd step	3 rd Step	4 th step
Conservation Area Services Level 1	13.40	13.65	14.25	14.50	14.75	15.00
Includes titles – Park/Grounds Maintenance, Gate/Campground/Marina/Boat Rental Attendants, Food Service, Cashier, Cook, Customer Service						
Conservation Area Services Level 2			15.25	15.50	15.75	16.00
Includes titles – Accounting/Payroll Staff, Historical Interpreter, Team Leader						
Conservation Area Services Level 3			16.25	16.50	16.75	17.00
Includes titles – Conservation Area Worker, Licenced Security						

SPECIFIC POSITION TITLE: _____ SUPERVISOR: _____

WORK LOCATION: (Cons. Area, Workplace) _____

ACCOUNT NO: _____

EMPLOYMENT PERIOD: (Start & Final Date) _____

CRIMINAL RECORDS CHECK REQUIRED (check one box) Yes No

DRIVER'S LICENCE CHECK REQUIRED (check one box) Yes No

REPLACEMENT FOR: (If replacing another employee, give name of employee being replaced and date they left)

REVISION OF EMPLOYMENT: (State revision, i.e. rate of pay/position, supervisor, etc.)

REQUESTED BY: _____
(Name) (Title)

(Signature) (Date)

APPROVAL: _____ (Date): _____
(Director of Conservation Area Services or Human Resources)



October 1, 2020 / 2021 HCA Hiring Request – Confederation Beach Park/WWW

*** PLEASE ATTACH COMPLETED APPLICATION FORM AND/OR RESUME ***

*** ENSURE THAT AN EMAIL IS NOTED TO RECEIVE E-PAY STATEMENTS ***

EMPLOYEE NAME: _____ Ms. Mr.

EMAIL ADDRESS: _____

POSTAL ADDRESS: _____

FIRST TIME EMPLOYEE? Yes No EXTENSION OF EMPLOYMENT? Yes No

POSITION CATEGORY:

(check appropriate box)

	PROV. MIN. RATES					
HOURLY RATES						
POSITION CATEGORY:	Under 18	2 nd step <18	Minimum Wage	2 nd step	3 rd Step	4 th step
Conservation Area Services Level 1	13.40	13.65	14.25	14.50	14.75	15.00
Includes titles – Park / Grounds Maintenance, Food Service, Cashier, Cook						
Conservation Area Services Level 2			15.25	15.50	15.75	16.00
Includes titles – Assistant Plant Operator, Food Concession, Guest Services Representative, Team Leader						
Conservation Area Services Level 3			15.75	16.00	16.25	16.50
Includes titles – NLS Lifeguard and Lifeguard Team Leader, Licenced Security						
Conservation Area Services Level 4			17.25	17.50	17.75	18.00
Includes titles – WWW Maintenance / Cash / Food / Lifeguard Supervisors						

SPECIFIC POSITION TITLE: _____ SUPERVISOR: _____

WORK LOCATION: (Cons. Area, Workplace) _____

ACCOUNT NO: _____

EMPLOYMENT PERIOD: (Start & Final Date) _____

CRIMINAL RECORDS CHECK REQUIRED (check one box) Yes No

DRIVER'S LICENCE CHECK REQUIRED (check one box) Yes No

REPLACEMENT FOR: (If replacing another employee, give name of employee being replaced and date they left)

REVISION OF EMPLOYMENT: (State revision, i.e. rate of pay/position, supervisor, etc.)

REQUESTED BY: _____
(Name) (Title)

(Signature) (Date)

APPROVAL: _____ (Date): _____

(Director of Conservation Area Services or Human Resources)

2021 HCA Hiring Request – Construction/Millgrove Casual Staff

*** PLEASE ATTACH COMPLETED APPLICATION FORM AND/OR RESUME ***

*** ENSURE THAT AN EMAIL IS NOTED TO RECEIVE E-PAY STATEMENTS ***

EMPLOYEE NAME: _____ Ms. Mr.

EMAIL ADDRESS: _____

POSTAL ADDRESS: _____

FIRST TIME EMPLOYEE? Yes No EXTENSION OF EMPLOYMENT? Yes No

POSITION CATEGORY:

HOURLY RATES				
POSITION CATEGORY:	1 st step	2 nd step	3 rd Step	
Level 1: General Labourer	17.25	18.25	19.25	
Includes titles – Labourer for construction, carpentry, electrical, landscaping, forestry and fleet				
Level 2: Semi-Skilled Labourer	19.50	21.00	22.50	
Includes titles – Semi-skilled operator with 2 years of proven experience, certified/trained labourer with 2+ years of experience				
Level 3: Licensed Truck Driver/Heavy Equipment and/or Skilled Operators	22.75	24.75	26.75	
Includes titles – DZ driver, AZ driver or an experienced heavy equipment operator				
POSITION CATEGORY:	1 st step	2 nd step	3 rd Step	4 th step
Apprentice Program	18.25	20.25	22.25	24.25
Skilled Trades (i.e. carpentry, electrical etc.)				

SPECIFIC POSITION TITLE: _____ SUPERVISOR: _____

WORK LOCATION: Millgrove Works Yard, 594 5th Concession Road West, Waterdown ON L8B 1L5

ACCOUNT NO: _____

EMPLOYMENT PERIOD: (Start & Final Date) _____

CRIMINAL RECORDS CHECK REQUIRED (check one box) Yes No

DRIVER'S LICENCE CHECK REQUIRED (check one box) Yes No

REPLACEMENT FOR: (If replacing another employee, give name of employee being replaced and date they left)

REVISION OF EMPLOYMENT: (State revision, i.e. rate of pay/position, supervisor, etc.)

REQUESTED BY: _____
(Name) (Title)

(Signature) (Date)

APPROVAL: _____ (Date): _____

(Director of CaPSS, Secretary Treasurer or Human Resources)

Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

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

Mike Stone, MCIP, RPP, Manager, Planning, Stewardship
& Ecological Services

DATE: September 3, 2020

RE: Annual Reporting on CA Permit Review Timelines

BACKGROUND

In April 2019, Conservation Ontario (CO) Council endorsed the Client Service and Streamlining Initiative (CSSI). This initiative aims to identify actions to be taken by CO and Conservation Authorities (CAs) to help support the Province's strategic objectives as they relate to increasing housing supply, while also protecting public health and safety, and the environment.

The CSSI identifies a variety of actions under the following three areas of focus:

- i) Improve Client Service and Accountability
- ii) Increase Speed of Approvals
- iii) Reduce Red Tape and Regulatory Burden

As part of the CSSI, CO working in close cooperation with CAs has recommended a variety of actions for CAs within each of these three priority areas for improvement. CO has also developed recommended guidelines and template documents to support CAs in their implementation of actions recommended under the CSSI. This has included a Guideline for Client Service Standards for Conservation Authority Plan and Permit Review, which was endorsed by the CO Board of Directors in June 2019 (amended in December 2019). Included in this guideline are service level targets for the review and issuance of CA permits under Section 28 of the *Conservation Authorities Act*.

A report regarding the Client Service Standards Guideline was presented to the HCA Board of Directors at the September 2019 meeting. The report included a staff recommendation, in keeping with recommendations from the Guideline document, that HCA adopt a Client Service Standards Commitment to highlight key service targets related to the planning and regulations programs, and to demonstrate HCA's commitment to providing excellent client service. The Board-approved HCA Client Service Standards Commitment is included as Attachment A to this report.

Related to the implementation of service level targets, CO has asked CAs in high growth areas to track their review times for the issuance of Section 28 permits and to periodically report these to CO. In time, all CAs will complete this reporting. For 2020, reporting is to be completed in April and the end of September. Starting in 2021, reporting will take place annually. CO has produced an Annual Reporting on Timelines Template to assist CAs in recording and reporting on review timelines in a consistent manner. This reporting template, with HCA's permit review timelines for the first two quarters of 2020, are included as Attachment B.

STAFF COMMENT

HCA is committed to providing excellent client service, and we have a strong history of working cooperatively with our watershed municipalities, residents and businesses to ensure efficient and timely planning and regulatory review processes.

HCA has been actively supporting and participating in the CSSI, and is working with CO and other CAs to make improvements within the three key priority areas identified. This has included staff participation in client service training, website improvements to make planning and regulations related information more readily accessible, and the adoption of a Client Service Standards Commitment.

HCA has tracked permit review timelines for many years, based on standards that were set by the province in 2010 (MNRFP, Policies and Procedures for Conservation Authority Plan Review and Permitting Activities, May 2010). HCA will continue to track permit review times under the new service level standards established in the Guideline for Client Service Standards for Conservation Authority Plan and Permit Review (CO, December 2019). The new CO best-practice service standards provide for shorter review and approval time frames in comparison to the previous standards, representing a 52% reduction in the overall timeline for major permit applications and 42% for minor permit applications.

CO has requested that CAs track permit review times under both the 2010 and 2019 standards. The Annual Reporting on Timelines Template included in Attachment B reports on HCA's permit review times under both standards for the first quarter, January 1 – March 31, 2020 and six-month, January 1 – June 30, 2020 periods. Attachment B also includes a table comparing the 2010 and 2019 review time standards.

HCA issued 6 permits during the first quarter of 2020, all of which met both the 2010 and 2019 review time standards. At the end of June, 38 permits had been issued, with 82% meeting the 2010 standards and two-thirds (66%) meeting the 2019 standards. Variances in meeting review time standards for the 2020 six-month period can generally be attributed to the following:

- Complex applications that required more extensive consultation and review;
- Incomplete information and/or poor quality of technical reports received; and
- Extended staff review/processing times due to Covid-related working conditions.

As part of first quarter tracking CO has reported to CAs that all high-growth CAs were highly successful in issuing permits within both Provincial timelines (2010) and the new Conservation Ontario best-practice timelines (2019). From January 1st – March 31st, 2020 the high-growth CAs issued a combined total of 1077 permissions. During that same period, 12 of the 14 high-growth CAs issued over 96% of all permits within the Provincial timelines, and over 92% within the Conservation Ontario best-practice timelines. CO has not requested second quarter results to allow for a six-month comparison across high-growth CAs

In order to highlight the continuing efforts and successes of CAs in working with the province to achieve its priorities, CO has communicated first quarter permit review timelines to the province, as well as housing and construction industry organizations and partners, including the Association of Municipalities of Ontario (AMO), Building Industry and Land Development Association (BILD) and Residential Construction Council of Ontario (RESCON). The efforts and success of CAs at working towards improved review timelines and in implementing the CSSI was acknowledged by the Minister of Natural Resources and Forestry in a letter sent to CO on August 12, 2020.

STRATEGIC PLAN LINKAGE

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

- **Strategic Priority Area – Organizational Excellence**
 - Initiatives:
 - Continue to update and streamline operational policies and leverage technology to enhance business service delivery
 - Communicate both internally and externally about what HCA does and why

AGENCY COMMENTS

N/A

LEGAL/FINANCIAL IMPLICATIONS

There is no financial impact to the Hamilton Conservation Authority for this initiative.

CONCLUSIONS

HCA is tracking and reporting on its permit review timelines in support of Conservation Ontario's Client Service Streamlining Initiative and towards helping the provincial government meet its policy objectives. On-going tracking and reporting of permit review times for the balance of 2020 and into 2021 will allow HCA staff to identify trends in service delivery and adapt as necessary to ensure continued efficient client service.

Attachment A

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 one business day;
- 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 one business day;
- 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.

Attachment B

Annual Reporting on Timelines for Permissions under Section 28 of the *Conservation Authorities Act*

Hamilton Conservation Authority

January 1 – March 31, 2020

Hamilton Conservation Authority Total Permits 6	Number of Permits Issued Within 2010 Policy and Procedure timeline ⁱ			Number of Permits Issued Outside of 2010 Policy and Procedure Timeline		
	Major	Minor		Major	Minor	
		6				
	Number of Permits Issued Within 2019 CO Guideline timeline			Number of Permits Issued Outside 2019 of CO Guideline timeline		
	Major	Minor	Routine	Major	Minor	Routine
		6				

January 1 – June 30, 2020

Hamilton Conservation Authority	Number of Permits Issued Within 2010 Policy and Procedure timeline ⁱ			Number of Permits Issued Outside of 2010 Policy and Procedure Timeline		
Total Permits 38	Major	Minor		Major	Minor	
	2	29		1	6	
	Number of Permits Issued Within 2019 CO Guideline timeline			Number of Permits Issued Outside of 2019 CO Guideline timeline		
	Major	Minor	Routine	Major	Minor	Routine
	1	24		2	11	

ⁱ Ministry of Natural Resources and Forestry. *Policies and Procedures for Conservation Authority Plan Review and Permitting Activities*. 2010

Comparison of 2010 & 2019 Permit Review Time Standards

Permit Process Step	2010 Standards	2019 Standards
	MNRF Policies & Procedures	CO Client Service Guideline
Notification of Complete Application Requirements (Preconsultation)	All applications - 21 days	Major - 14 days Minor - 7 days
Notification of Complete Application	All applications - 21 days	Major - 21 days Minor - 14 days Routine - 10 days
Application Decision	Major - 90 days Minor - 30 days	Major - 28 days (30 days each resubmission) Minor - 21 days (15 days each resubmission) Routine - 14 days (7 days each resubmission)



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 18, 2020

RE: Current Watershed Conditions as of August 18, 2020

SYNOPSIS

As of August 18, 2020, there are no expectations of significant watercourse flooding, or Lake Ontario shoreline erosion / flooding.

Below normal amounts of rainfall over the last couple of months has resulted in drier conditions, reduced flows in area watercourses, and below normal reservoir levels. Level 1 Low Water conditions were declared by the Hamilton Low Water Response Team (Hamilton LWRT) for the entire HCA watershed on July 27. This included communication with the general public about watershed conditions, and a request that water users of surface and groundwater sources within the watershed voluntarily reduce their normal water use by 10%.

Depending on the actual amount of forecasted rainfall received over the coming weeks, the HCA watershed is expected to remain at Level 1 Low Water conditions, or potentially warrant declaring Level 2 Low Water conditions.

Christie reservoir levels have been declining at a slightly increased rate, to provide additional flows in Lower Spencer Creek. Due to the current lower levels in Christie reservoir, dam outflows are being reduced while continuing to provide some additional flows to Lower Spencer Creek.

CURRENT WATERSHED CONDITIONS – August 18, 2020

Current Water Levels in Major Area Watercourses

Water levels and flows are currently below typical summer baseflows in Stoney Creek at Queenston Road, Upper Spencer Creek at Safari Road, Middle Spencer Creek at Highway 5, and Lower Spencer Creek at Market Street. Levels and flows are presently near typical summer baseflows in Ancaster Creek at Wilson Street and Redhill Creek at Barton Street.

There are no observations, reports, or expectations that significant watercourse flooding or significant public safety concerns are occurring currently.

Current Lake Ontario Water Levels

Currently, the Lake Ontario mean daily water level is approximately 75.05 m IGLD85. This is about 13 cm above average for this time of year, and about 87 cm below last year's historic peak level of 75.92 m (last recorded on June 15, 2019).

There are no observations, reports, or expectations that shoreline flooding or active significant shoreline erosion are occurring currently.

Current Storages in HCA Reservoirs

Based on current reservoir levels at Christie Lake dam (about 766.80 ft), the reservoir is presently 4.2 feet below typical summer operating levels (771.0 to 771.5 ft) and 1.3 feet above typical winter operating levels (765.0 to 765.5 ft). The reservoir is at about 25 percent of its preferred maximum storage capacity (corresponding to a water level of 773 ft).

Based on current reservoir levels at Valens Dam (about 275.13 m), the reservoir is presently slightly below the typical summer operating levels (275.30 to 275.50 m) and is at about 82 percent of its preferred maximum storage capacity (corresponding to a water level of 275.5 m).

Levels in both reservoirs have been gradually declining over the past couple of months due to the dry weather, low inflows and significant evaporation. Also, Christie reservoir levels have been declining at a slightly increased rate due to increased outflows from Christie Dam in order to provide additional flows in Lower Spencer Creek. Due to the current lower levels in Christie reservoir, dam outflows are being reduced while continuing to provide some additional flows to Lower Spencer Creek.

Current Soil Conditions

The surface and root-zone soils are expected to be dry to moist.

RECENT STORM EVENTS

During the period of May 21, 2020 to August 17, 2020, there were no significant watercourse flooding events, or Lake Ontario shoreline erosion / flooding events.

RECENT WATERSHED LOW WATER CONDITIONS

On July 27, the Hamilton Low Water Response Team (Hamilton LWRT) declared Level 1 Low Water conditions for the entire Hamilton Conservation Authority (HCA) watershed, which includes Spencer Creek, Chedoke Creek, Redhill Creek, Stoney Creek and Battlefield Creek, Stoney Creek Numbered Watercourses, as well as all of their tributaries and other minor watercourses.

Level 1 Low Water conditions are indicated by three- or eighteen-month precipitation totals that are 60 to 80% of long-term averages. Level 1 Low Water conditions are also designated when the 30-day average streamflows are 50 to 70% of the lowest historical average summer month flow.

A July 27 news release, HCA website posting, and letters distributed to area water users encouraged that water users of surface and groundwater sources within the watershed voluntarily reduce their normal water use by 10%. In addition, Hamilton LWRT members have been encouraged to share this water conservation message with other water users in their area / sector.

A re-assessment today indicated that Level 1 Low Water conditions continue for the watershed. The July 16 to August 16 (1-month) precipitation totals indicate continuing Level 1 Low Water conditions, The May 16 to August 16 (3-month) precipitation totals also suggest that the watershed remains in Level 1 Low Water conditions. Current 30-day average streamflows further confirm that the watershed is in Level 1 Low Water conditions overall.

FORECASTED WATERSHED CONDITIONS

Watercourse Flooding

There are currently no significant rainfall events (+20 mm) anticipated for the watershed over the next 2 weeks. HCA staff continue to monitor conditions and forecasts routinely.

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

Lake Ontario Shoreline Erosion / Flooding

There is currently no significant Lake Ontario shoreline erosion / flooding anticipated within the watershed over the next 5 days.

According to International Lake Ontario – St. Lawrence River Board information, Lake Erie remains near record-highs, and this will continue to prevent any rapid lowering of Lake Ontario levels. That said, Lake Ontario is expected to generally continue slowly declining in the coming weeks, but weather conditions will primarily determine the rate and magnitude of water level fluctuations throughout the Lake Ontario – St. Lawrence River system.

Watershed Low Water Conditions

Depending on the actual amount of forecasted rainfall received over the coming weeks, it is expected that the HCA watershed may remain at Level 1 Low Water conditions, or become drier warranting a declaration of Level 2 Low Water conditions. Level 2 conditions are designated when one-, three- or eighteen-month precipitation totals are 40 to 60% of long-term averages. In addition, Level 2 conditions are designated when there are 3 or more consecutive weeks with less than 7.6mm of rain. Level 2 conditions are also indicated by a 30-day average streamflow between 30 and 50% of the lowest historical average summer month flow. Level 2 Low Water conditions would result in a request for a voluntary 20% reduction in normal water use.