



# Board of Directors Meeting Agenda

Thursday, October 7, 2021





## **Board of Directors Meeting**

**Thursday, October 7, 2021 at 7:00 p.m.**

**This meeting will be held by WebEx videoconference.**

**The meeting can be viewed live on HCA's You Tube Channel:  
<https://www.youtube.com/user/HamiltonConservation>**

- 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 – September 2, 2021
  - 5.3. Approved June 17, 2021 Budget & Administration Committee Minutes – for receipt only
- 6. Foundation Briefing** Foundation Chair – Stebbing
- 7. Member Briefing**
  - 7.1. Westfield Heritage Village Virtual Tour Experience – Verbal Presentation – Cripps
- 8. Business Arising from the Minutes**
- 9. Reports from Budget & Administration Committee and Conservation Advisory Board**
  - 9.1. Budget & Administration Committee – September 16, 2021 (Recommendations) – Moccio

- 9.1.1. BA 2129 Capital Budget 2022
- 9.1.2. BA 2130 HCA 2022 Fee Schedule
- 9.1.3. BA 2131 Governance Review –  
revisions to 2020 Administrative by-laws

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

- 10.1. Watershed Conditions Report – Bastien
- 10.2. Conservation Areas Experiences Update – Costie

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

#### **12. In-Camera Items**

#### **13. Next Meeting – Thursday, November 4, 2021 at 7:00 p.m.**

#### **14. 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

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

**DATE:** October 7, 2021

**RE:** Summary Enforcement Report – Development, Interference with  
Wetlands and Alterations to Shorelines and Watercourses  
Regulation 161/06 Applications for October 7, 2021

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HCA Regulation applications approved by staff between the dates of August 23, 2021 and September 21, 2021 are summarized in the following Summary Enforcement Report (SER-8/21).

## RECOMMENDATION

THAT the Board of Directors receive this Summary Enforcement Report SER-8/21 as information.



**HAMILTON REGION CONSERVATION AUTHORITY**

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

September 21, 2021

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, October 07, 2021

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

**SUMMARY ENFORCEMENT REPORT SER 8/21**

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
SC/F,C/21/59	26-Jul-21	02-Sep-21	33		1097 North Service Rd Lot 7, Concession BF Stoney Creek	Demolition of an existing dwelling and construction of a new dwelling in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions.
F/F,C,A/21/62	15-Jul-21	07-Sep-21	27		Pt Lt 8, Con 5, 619 Centre Rd Lot 8, Concession 5 Flamborough	Realignment of Borer's Creek involving the removal of the existing 900 mm diam. CSP and the installation of a new 6000 x 1800 mm box culvert (sized to accommodate eco-passage) measuring 57.1 m in length under Centre Road; the decommissioning of the temporary stormwater management pond and the construction of a new permanent stormwater management facility; the placement of engineered fill, and servicing and grading activities associated with the development of the Place Phase 2 subdivision 25T-201003, located within a regulated area of Borer's Creek and the Logies Creek Parkside Drive Provincially Significant Wetland.	Approved subject to standard conditions.

**HAMILTON REGION CONSERVATION AUTHORITY**

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

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**SUMMARY ENFORCEMENT REPORT SER 8/21**

F/F,A/21/61	30-Jul-21	10-Sep-21	19		Pt Lt 9, Con 2, Culvert FLA 3008 on Old Brock Rd Lot 9, Concession 2 Flamborough	Removal of an existing culvert and installation of a new culvert under Old Brock Road in a regulated area of Spencer Creek.	Approved subject to standard conditions.
H/F,C/21/68	08-Sep-21	13-Sep-21	6		Pt Lts 29 and 30, BF Con, 700 Woodward Ave Lot 29, 30, Concession BF Hamilton	Completion of construction of a new Electrical Power Centre, expansion of an existing dewatering building and upgrades to the existing electrical and chlorination systems as part of Phase II upgrades to the Woodward Wastewater Treatment Plant in a regulated area of Redhill Creek.	Approved subject to standard conditions.



# Hamilton Region Conservation Authority

## Minutes

### Board of Directors Meeting

**September 2, 2021**

Minutes of the Board of Directors meeting held on Thursday, September 2, 2021, at 7.p.m., by videoconference and livestreamed via YouTube.

**PRESENT:**            **Lloyd Ferguson – in the Chair**  
                          **Dan Bowman**                            **Jim Cimba**  
                          **Brad Clark**                                **Susan Fielding**  
                          **Cynthia Janzen**                           **Santina Moccio**

**Jennifer Stebbing – Foundation Chair**

**REGRETS:**            **Chad Collins, Tom Jackson, Esther Pauls, Maria Topalovic**

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

**OTHERS:**            **None**

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

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

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

The Chair asked members to declare any conflicts under the Board's Governance Policy. There were none.

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

The Chair requested any additions or deletions to the agenda. Scott Peck advised there is an addendum to item 10.1 on the agenda to provide the results of the Wild

Waterworks West Slide Refurbishment Tender, to be added as item 10.1.1. The Chair also noted item 10.4 was added to an amended agenda.

**BD12, 2930**

**MOVED BY: Santina Moccio**

**SECONDED BY: Susan Fielding**

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

**CARRIED**

#### **4. Delegations**

There were none.

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

The following consent items were adopted:

- 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 5.2. Approval of Board of Directors Minutes – July 8, 2021
- 5.3. Correspondence from Marc Broe-Vayda regarding the closure of the Bruce Side Trail at Sydenham Road, dated July 21, 2021, and staff response, dated July 30, 2021

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

##### **Donations**

The Foundation received a total of **\$83,328** in donations from July 1 to Aug 31, 2021. They break down as follows:

- A sailboat valued at \$50,000 which has been auctioned off with the proceeds allocated to the Fifty Point CA Fund (Thank you to staff at Fifty Point CA for facilitating the donation and sale!)
- \$28,197 for the Step Into Nature Fund supporting Outdoor Environmental Education
- \$2,500 for Tribute Benches
- \$1,875 for the Area of Greatest Need Fund
- \$1,003 for the Land Securement Fund
- \$550 for the Dundas Valley CA Fund

- The remaining \$1,202 was donated to the Species at Risk Fund, Christie Lake CA Fund, Saltfleet CA Fund, Westfield Heritage Village and the Stewardship Fund.

This brings the fiscal year-to-date (Dec 2020 to Aug 2021) fundraising total to **\$209,514.**

**BD12, 2931**

**MOVED BY: Santina Moccio**

**SECONDED BY: Dan Bowman**

**THAT the Foundation Briefing be received.**

**CARRIED**

## **7. Member Briefing**

### **7.1. Saltfleet Conservation Area Update**

Scott Peck provided a verbal update on the Saltfleet Conservation Area and answered the members' questions.

Scott reviewed the objectives of the Conservation Area, including flooding and erosion mitigation and low flow augmentation in Stoney and Battlefield Creeks, restoration of natural features and functions of watercourses in the area, and to provide recreational linkages within and between conservation area lands, using the Dofasco Trail. Scott also showed the wetland design plans for BC-1, the first wetland prioritized for construction between First and Second Roads East, and discussed archaeological assessments and approvals completed in preparation for construction. The design work is being finalized. Construction on BC-1 is anticipated to begin in December. Staff will also continue with design work for SC-8, the second wetland identified in the series for construction, and will continue with land acquisition for the overall project. Scott also showed a video produced by Marketing and Communications staff, promoting the Saltfleet Conservation Area project. A media release was also presented to the members, anticipating a soft opening of the Conservation Area for the middle of September, with access to temporary trails, for the Fall season. The area will be closed during construction over the Winter with a formal opening anticipated in Spring, 2022.

The members congratulated Scott and staff on the progress of the project.

Potential impacts to agricultural operations on-site were discussed. Scott advised that a large portion of the area planned for BC-1 is forested. There were six agricultural fields, both in the north and south portions of the property. HCA has been leasing two fields at the south end of the property to a tenant. Ultimately HCA would like to plant all of the fields. The northern fields will become part of the wetland and

the southern fields will remain in agriculture for the short-term, with a transition to natural lands to be addressed through the master planning process next year.

ATV use in the area was also discussed. Scott commented that ATV's have been an issue. However, staff have a stronger presence in the area with new staff allocated to the Hamilton Mountain Conservation Areas. In addition, physical barriers have been put in place. Staff will look at fencing the Conservation Area in the long-term.

Brad Clark commented on the chronology of the project from concept through to this stage. He noted that early financial contributions from the City of Hamilton, through royalties from the Terrapure landfill facility, from Heritage Green Community Trust, and the Hamilton Conservation Foundation, made the land acquisition for the project possible. He also commented on the unique legacy of the project for subsequent generations and thanked the trustees of the Heritage Green Community Trust, City Council, Board members, and staff for their support for the project from the beginning.

Scott noted the project has received provincial recognition, including through the Greenbelt economic return assessment, and that HCA is being recognized as an example for this type of project.

**BD12, 2932**

**MOVED BY: Brad Clark**

**SECONDED BY: Jim Cimba**

**THAT the verbal update on the Saltfleet Conservation Area be received.**

**CARRIED**

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

There was none.

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

There were none.

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

### **10.1. Wild Waterworks West Slide Refurbishment**

Matt Hall presented a summary of the project background report and tender results summary and answered the members' questions. Access to additional contingency funds to cover the additional costs was discussed. Neil advised that as Wild Waterworks is owned by the City of Hamilton, the request for additional funds would need to be raised with the City of Hamilton Public Works department. The reasons for the additional costs were also discussed. Matt reported that specific materials are difficult to acquire at this time and the work requires additional labour.

The members discussed reissuing the tender for the work to be completed in the Spring.

**BD12, 2933**

**MOVED BY: Santina Moccio**

**SECONDED BY: Brad Clark**

**THAT the West Slide Refurbishment at Wild Waterworks contract not be awarded at this time;**

**THAT staff be directed to contact City of Hamilton staff to determine if additional funds are available; or**

**THAT staff prepare a new tender to be put out in the Spring.**

**CARRIED**

10.2. Watershed Conditions Report

Scott Peck presented a summary of the memorandum, noting that while there has been quite a bit of rain, HCA's watershed remains in a Level 1 low water condition; the criteria for the levels are based on three-month averages. Scott also noted that the Christie reservoir levels are slightly lower than normal operating levels as staff are managing the outflows to maintain flows downstream. The Valens reservoir remains at summer operating levels. Lake Ontario is at its long-term average level, Lake Erie continues to have higher levels than normal.

Brad Clark inquired about the dry conditions possibly contributing to overland flooding and flooding up through the sewer that some have observed in Ward 9. Scott indicated that dry conditions might contribute to flooding but would verify with staff.

**BD12, 2934**

**MOVED BY: Jim Cimba**

**SECONDED BY: Susan Fielding**

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

**CARRIED****10.3. Conservation Areas Experiences Update**

Gord Costie provided a verbal update, highlighting the Conservation Areas have been busy with daily operations. He noted that high visitation to the parkette conservation areas is contributing to the strong numbers. Staff anticipate a busy Fall colour season.

**BD12, 2935****MOVED BY: Santina Moccio  
SECONDED BY: Susan Fielding****THAT the verbal update on Conservation Areas Experiences be received.****CARRIED****10.4. HCA Mandatory Covid-19 Vaccination Verification and Testing Policy**

Neil McDougall introduced the report. Nancy Watts provided a further detailed summary of the report and answered the members' questions.

Brad Clark clarified for staff and volunteers that HCA is not mandating vaccinations; the policy is following the Occupational Health and Safety Act, as well as complying with the Health Care Consent Act, for informed consent, and the Personal Health Information Act, not obligating anyone to disclose their vaccination status, and providing alternative options. He commented on this as a balanced approach.

**BD12, 2936****MOVED BY: Santina Moccio  
SECONDED BY: Dan Bowman****THAT the HCA Board of Directors endorse that the HCA draft and implement a Mandatory COVID 19 Vaccination Verification and Testing Policy requiring employees (and others as defined below) to either provide proof of vaccination, or undergo regular testing and education for those unvaccinated staff as noted in the policy outline in this report; and further****THAT the Policy applies to all HCA employees, including full time, contract, casual, volunteers, students, membership of the Board of Directors, and citizen members appointed to the Conservation Advisory Board.****CARRIED**

**11. New Business**

There was none.

**12. In-Camera Items****BD12, 2937****MOVED BY: Santina Moccio  
SECONDED BY: Susan Fielding****THAT the Board of Directors moves *in camera* for matters of law, personnel and property.****CARRIED****During the *in camera* session, one two property matters were discussed.****12.1. Confidential Report - BD/Sep 01-2021**

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

**BD12, 2938****MOVED BY: Jim Cimba  
SECONDED BY: Brad Clark****THAT the confidential report entitled BD/Sep 01-2021 be approved and remain in camera.****CARRIED****12.2. Confidential Report - BD/Sep 02-2021**

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

**BD12, 2939****MOVED BY: Santina Moccio  
SECONDED BY: Dan Bowman****THAT the Board of Directors approve the demolition of the existing vacant building located at 60 Arbour Road, and;****THAT the Board of Directors authorize HCA staff to proceed to obtain the appropriate building demolition**

**permit and engage a contractor to undertake the demolition and disposal of the subject building.**

**CARRIED**

**BD12, 2940**

**MOVED BY: Jim Cimba**

**SECONDED BY: Susan Fielding**

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

**CARRIED**

### **13. Next Meeting**

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

### **14. Adjournment**

On motion, the meeting adjourned.

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Neil McDougall  
Secretary-Treasurer



# **Hamilton Conservation Authority**

## **Minutes**

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### **Budget & Administration Committee**

**June 17, 2021**

Minutes of the Budget & Administration Committee meeting held on Thursday, June 17, 2021 at 6:00 p.m., at the HCA main office, 838 Mineral Springs Road, in Ancaster, and by teleconference.

**Present:**                **Santina Moccio, in the Chair**  
                              **Dan Bowman – by telephone**  
                              **Lloyd Ferguson**  
                              **Maria Topalovic – by telephone**

**Regrets:**                **Jim Cimba**

**Staff Present:**        **Lisa Burnside, Scott Peck, and Jaime Tellier**  
  
                              **Matt Hall, Bruce Harschnitz, Neil McDougall, and Nancy Watts –**  
                              **by telephone**

**Others Present:**     **None**

#### **1. Chairman's Remarks**

The Chair called the meeting to order and welcomed everyone present. The Chair advised she attended the Hamilton Conservation Foundation meeting, where the new Chair, Vice-Chair and Secretary-Treasurer were introduced.

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

The Chair asked the members to declare any conflicts under the HCA Administrative By-law. There were none.

### 3. Approval of Agenda

The Chair requested any additions or deletions to the agenda. There were none.

**BA 2120**

**MOVED BY: Lloyd Ferguson**

**SECONDED BY: Maria Topalovic**

**THAT the agenda be approved.**

**CARRIED**

### 4. Delegations

There were none.

### 5. Consent Items

The following consent items were adopted:

5.1. Approval of Budget & Administration Committee Minutes –  
May 20, 2021

5.2. WSIB Injury Statistics from January – June 2021

### 6. Chair's Report on Board of Directors Actions

The Chair advised the following reports were approved by the Board of Directors at the June 3, 2021 meeting.

BA 2113 Cootes to Escarpment Memorandum of Understanding

BA 2114 Request for Quote – Job Evaluation and Market Survey Services

### 7. Business Arising from the Minutes

#### 7.1 MECP Minister Exceptions Response Letters

Lisa Burnside advised of a letter of correspondence from the Minister of Environment, Conservation and Parks (MECP) on HCA's exception requests for the Chair and Vice Chair provisions of the CA Act. The Minister has granted the exception; however, it is time limited to this term of municipal council. This is consistent with exceptions that have been approved for other Conservation Authorities. HCA will need to apply for these exceptions again in the future. The

response has provided that the Board of Directors AGM can now be held at the July 8<sup>th</sup> meeting. It was confirmed that the 2022 AGM will take place in the month of February as documented as the usual date in our administrative bylaws now that these exceptional circumstances have been addressed.

Lisa also reported on a second letter from MECP to the City of Hamilton in regard to their exception request for the new legislative requirement that 70 percent of the Board of Directors be comprised of elected officials. The letter advises the request is premature as the current non-elected members can continue to serve out their existing terms and that the municipality will need to reapply closer to the end of the citizen representatives' terms on the Board. The Township of Puslinch has submitted a similar exception request. Staff expect they will receive the same response.

**BA 2121**

**MOVED BY: Dan Bowman**

**SECONDED BY: Maria Topalovic**

**THAT the response letters from the Ministry of the Environment, Conservation and Parks, to the City of Hamilton and HCA, be received for information.**

**CARRIED**

## **8. Staff Reports/Memoranda**

### **8.1. Minimum Wage Increase to Casual Wage Rates**

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

**BA 2122**

**MOVED BY: Maria Topalovic**

**SECONDED BY: Dan Bowman**

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

**THAT the revised October 1, 2021 Casual/Seasonal wage grids for Hamilton Conservation Authority, Confederation Beach Park/Wild Waterworks and Construction/Millgrove as outlined in the June 17, 2021 report be approved.**

**CARRIED**

## **9. New Business**

### 9.1. Board Agenda and Meeting Time – Verbal Discussion

The Chair suggested moving the Foundation Update and Report earlier on the Board of Directors agenda, as the Foundation is a separate board and entity from the HCA Conservation Advisory Board and HCA Budget & Administration Committee and their associated reports. The members all supported the proposed change. The Foundation Chair Update and Report will be a standing item immediately following the Consent Items.

Changing the Board of Directors meeting time to begin at 6:00 p.m. was discussed. It was decided the meeting time should remain at 7:00 p.m. as scheduling earlier on a regular basis may be difficult for municipal councillors.

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

**BA 2123**

**MOVED BY: Lloyd Ferguson**

**SECONDED BY: Maria Topalovic**

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

**CARRIED**

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

### 10.1. Confidential Verbal Update – BA/Jun 01-2021 Legal Matter

Scott Peck provided a verbal update regarding a legal matter and answered the members' questions.

**BA 2124**

**MOVED BY: Dan Bowman**

**SECONDED BY: Maria Topalovic**

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

**CARRIED**

### 10.2. Confidential Verbal Update – BA/Jun 02-2021 Legal Matter

The Chair provided a verbal update regarding a legal matter and answered the members' questions.

**BA 2126**

**MOVED BY: Lloyd Ferguson**

**SECONDED BY: Dan Bowman**

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

**CARRIED**

### **11.Next Meeting**

The next meeting of the Budget and Administration Committee will be held on Thursday, August 19, 2021 at 6:00 p.m.

### **12.Next Meeting Adjournment**

On motion, the meeting adjourned.



# Report

**TO:** Budget & Administration Committee

**FROM:** Lisa Burnside, Chief Administrative Officer

**RECOMMENDED &  
PREPARED BY:** Neil McDougall, Secretary-Treasurer  
Matt Hall, Director, Capital Projects and Strategic  
Services

**MEETING DATE:** September 16, 2021

**RE:** Capital Budget 2022

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## STAFF RECOMMENDATION

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

**THAT the 2021 Capital Budget request as presented herein be submitted to the City of Hamilton for consideration and be included in their block funding budget of 2022.**

## BACKGROUND

Funding for capital projects and major maintenance will again be requested from the City of Hamilton under their block funding program. In each fiscal year since 2009, \$2.0 million as has been provided by the City to address the asset needs of the Authority. Much has been accomplished with these funds but new challenges arrive every year so the need is ongoing. Inflation affects how much can be done with the funds as each year the purchasing power of the dollar diminishes. The \$2.0 million today is the equivalent of \$1.63 million in 2009 when the program started or conversely it can be said that what cost \$100 in 2009 now costs \$123 (based on data for Ontario from [Inflationcalculator.ca](http://Inflationcalculator.ca)).

## STAFF COMMENT

The budget is composed of two areas; the first being Special Projects and the second being Major Maintenance. Specific Projects make up 83% of the budget in 2022, well up from the 49% of last year. These projects are further broken down into four distinct groups. The four groups are 1) Safety and Legislation, 2) Revenue Increase / Cost Reduction 3) Maintenance of Viability and 4) Development. The Major Maintenance spending is directed to multiple groups such as Parking, Roads and Trails, Bridges, Forestry, etc. which are identified in full detail on the numeric sheet which follows.

### Specific Projects

In 2022, the **Safety and Legislation** subgroup is garnering 11% of the specific project funds; and contains funds for some very important initiatives. Ongoing issues regarding trespassing incidents and encroaching by neighbouring property owners has created the environment that requires us to firmly establish and protect our property through additional fencing. This will also help our defence against legal actions when trespassers come on our property, get hurt and sue us under the Occupiers' Liability Act. Secondly, this summer we have been made aware of the potential for small children to fall between the guardrails of some styles of bridges and platforms. This awareness has caused us to initiate a new program to evaluate our bridges and platforms from this safety perspective. It will be a multiyear effort. The third safety/legal project will be installation of safety fencing at Felkers Falls, similar to that installed at the Dundas Peak; protecting the public against accidental falls.

The **Revenue Increase / Cost Reduction** subgroup totals 24% of the 2022 project program and is also spread over three projects:

1. Over half of the funds in this group are dedicated to the design of the campground expansion at Valens Lake Conservation area. As identified in the recently completed Master Plan, the demand for premium camp sites is high and this location is ideal for this growth.
2. Each year we see a further increase in attendance to our recreational areas which drives the need for additional parking sites to keep cars off the city streets as much as possible. This year, with the anticipated completion of EIS studies, design and permit applications will begin for the expansion of the Artaban Parking Lot to help with the growth seen in this part of Dundas Valley.
3. the need for proper autogates, similar to those at Tew Falls, and a proper gatehouse for staff has become essential with increased offseason visitation to this area to secure and support the operations of the property and provide for additional seasonal reservation system operational considerations.

Under the **Maintenance of Viability** subgroup, which is the largest group this year garnering 65% of project funds, there are always needs caused by aging infrastructure



and high usage. The largest single project of the year will be the full reconstruction of the Christie Lake entrance and roadway into the heart of this conservation area. Also, a substantial tar and chip program will again be conducted this year to address many other driveways, parking lots and lanes in need of such repair. The marina channel is again in need of dredging; sand accumulates in the channel each year and requires removal on average every four years to keep the channel deep enough for the draft required by today's boaters. Several area entrance signs need replacement due to deterioration of the existing material and also to be updated with our new logo. The fifth project is the replacement of the popular lookout platform at Valens Lake as identified in the recently completed master plan.

Normally we have a fourth subgroup for **Development**, but with the newly completed Master Plans identifying key areas to be addressed there is less need for the one-off projects that came up in the past and there are none in 2022.

### General Projects - Major Maintenance

The General Projects group of major maintenance make up 17% of the Block funds and are spread across multiple geographic areas and work disciplines. Several years ago we introduced the budget process of pooling the primary categories of major maintenance to address the issue of having not enough funds in one conservation area to do a necessary upgrade while having work of lesser priority completed in areas that had an allocation and felt compelled to use it. With the pooled approach the funds are held centrally and distributed to the areas that are of highest priority.

In 2022, the largest subgroup is Forestry which funds hazard tree removal, invasive species removal and replanting, The Emerald Ash Bore continues to decimate the ash forest, creating hazardous environments and the increase in short, intense storms brings with them a related increase in broken limbs that are equally dangerous to trail users.

The tar and chip major project will address the bulk of the road and parking lot upgrades required for 2022 so the general budget for that work is significantly reduced in the coming year.

As a testament to the success of this approach to major maintenance there is a trend to the reduction in the level of needed expenditures as the major items have been getting addressed.

## **STRATEGIC PLAN LINKAGE**

The capital budget 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
- **Strategic Priority Area - Conservation Area Experience**
  - Initiatives – Update and develop master and management plans and implement priorities to further enhance conservation areas for current and future generations
  - Initiatives – Continue to expand installation of automatic gates across our conservation areas
  - Initiatives - Identify and act upon revenue generation/cost reduction and investment in visitor services opportunities in our conservation areas

## **AGENCY COMMENTS**

n/a

## **LEGAL/FINANCIAL IMPLICATIONS**

Approval of the capital budget will be incorporated into the Capital Projects and Strategic Services work plan for 2022.

## **CONCLUSION**

HCA management is confident that with the 2022 block funding of \$2.0 million necessary work can be accomplished to move forward with its mandate and provide a safe and enjoyable visitor experience.

## CAPITAL BUDGET 2022

<u>Specific Projects</u>				<u>Subtotal</u>	<u>Percent</u>	<u>Percent</u>
<u>#</u>	<u>Location</u>			<u>By</u>	<u>of</u>	<u>of</u>
				<u>Type</u>	<u>Projects</u>	<u>Total</u>
<b>Safety and Legislation</b>						
1	VAR.	Property line fencing	\$ 75,000			
2	VAR.	Bridge Guardrail Enhancements	50,000			
3	HM	Felkers Falls Fencing	50,000			
				\$ 175,000	10.5%	
<b>Revenue Increase / cost reduction</b>						
4	VL	Campground Expansion	\$ 250,000			
5	DV	Artaban Parking Expansion	80,000			
6	CL	Webster Autogate & Gatehouse	75,000			
				405,000	24.4%	
<b>Maintenance of Viability</b>						
7	CL	Entrance Road Rebuild & Resurfacing	\$ 400,000			
8	VL	Lookout Platform Replacement	200,000			
9	VAR.	Entrance Sign Refurbishment (4)	180,000			
10	VAR.	Tar & Chip	150,000			
11	FP	Marina Channel Dredging	150,000			
				1,080,000	65.1%	
				<b>\$ 1,660,000</b>	<b>100.0%</b>	<b>83.0%</b>
<b><u>General Projects - Major Maintenance</u></b>						
		Forestry (incl. replanting & invasive removal)	\$ 200,000			
		Building Maintenance	75,000			
		Masterplans	40,000			
		Parking, roads & trails	25,000			
				340,000	100.0%	17.0%
<b>Total Capital and Major Maintenance</b>				<b>\$ 2,000,000</b>	<b>100.0%</b>	



# Report

**TO:** Budget & Administration Committee

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

**RECOMMENDED AND PREPARED BY:** Neil McDougall, Secretary Treasurer  
Gord Costie, Director, Conservation Areas Services  
T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer / Director, Watershed Planning & Engineering

**MEETING DATE:** September 16, 2021

**RE:** HCA 2022 Fee Schedule

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## STAFF RECOMMENDATION

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

**THAT the 2022 Fee Schedule as presented herein be approved.**

## BACKGROUND

The Hamilton Conservation Authority (HCA) administers a fee schedule for a wide variety of services offered through its many program areas and Conservation Area locations. The Fee Schedule has been reviewed and updated with input from staff from Conservation Area Services (CAS), Watershed Planning and Engineering (WPE), and the HCA Executive Team.

Important considerations for the 2022 Fee Schedule include the general inflationary increases on HCA's cost structure, the recognition that there have been significant financial pressures to many of our valued customers and, in the positive, there has been a noteworthy increase in attendance numbers in the activities HCA has been able to make available.

## **STAFF COMMENT**

The CAS recommendations for 2022 recognize that although there have been additional costs for cleaning and disinfecting public areas there has been significant growth in visitors to help defray these costs. It is unknown how many of our new patrons will continue enjoying the HCA's offerings when the alternatives of malls, cinemas and sporting activities return. Consequently, many prices have remained as in 2021 and the few that have increased are limited to inflationary growth, always with an eye to what neighbouring offers are priced at for similar value.

In the Watershed Planning & Engineering division, an extensive analysis was undertaken in 2020 by a consulting firm hired by HCA to determine the appropriate levels for planning and permit fees. While the Board approved cost recovery targets of 80% for permit applications and 100% for planning applications, and these remain as the ultimate goal, it is felt that this is not the appropriate time to make substantive changes as HCA has not had the opportunity to undertake appropriate consultation with affected parties and stakeholders to review fees and strategic direction on increases, particularly given that changes to the CA Act have yet to be finalized by MECP. As such, for 2022, changes are recommended to be restricted to the current 3% cost of living increase.

### **Highlights 2022 Fee Schedule**

#### **Daily Admission Fees to Conservation Areas**

- Day use fees at major conservation areas are to be held as is for the vehicle; and individual's entrance fee also remains the same.
- The HCA Membership Pass also remains unchanged for 2022 at the price of \$115 which has been held since 2020. It is priced very competitively compared to many other Conservation Authorities making it a great value. For example, Halton Ca is priced at \$150, Grand River is priced at \$140 and Credit valley is price at \$135. Two new parking areas were added in 2021, those being the parking area for Chippewa Trail and Saltfleet, which adds even greater value to the membership pass.
- While the pass price will not be increased, there will be adjustments to the accompanying rewards program. The rewards represent a cost and require administrative resources and experience has shown that the rewards are utilized by a small portion of the card holders. Moreover, the pandemic has demonstrated that the value and utilization of the annual pass itself is the greatest reward and incentive. As pass sales have reached new levels, breaking 10,000 for the first time in HCA history, rather than raise the general price to all card members the rewards system will be adjusted and streamlined to be less burdensome on HCA but still offer value.

- The Pay and Display/Auto Gate system continued to be installed across the watershed in 2021 and will near completion in 2022. The new bar code/scan access tickets will soon become universal at the gate systems at which time the value-added increases even more. Until that feature is activated the rates will remain as is.
- For a long time the “trail only access pass” has been a little used alternative to the full membership. The pass had very limited uptake and was intended as an offering for those not requiring parking and as an affordable low cost option. It only covered entry for one person and would not open auto gate systems. Given its limitations and low utilization, the recommendation is to discontinue the trail pass and, to acknowledge that a few purchases may have been made due to financial constraints, in its stead the HCA will provide 50 membership cards to the public at no cost by loan through area public libraries.

## **Pavilions**

- Daily rental fees remain unchanged at Valens and Christie Lake at the 2020 rate.

## **Camping Fees – Valens Lake and Fifty Point**

- Campsites are proposed to increase \$1.00 per night for tenting and electric campsites respectively. Rates for the new roofed accommodation, expected to be made available in the Spring/Summer of 2022, are priced competitive with similar accommodations at nearby Conservation Authorities and Ontario Parks.

- 2022 Rates: Regular Cabin – \$135.00 / Deluxe Cabin – \$160.00

## **Marina Fees – Fifty Point**

- Increases have been recommended by the area manager to reflect increases in fees where applicable.

## **School Groups**

The full impacts of the pandemic on our school system remain unknown as the school year is just beginning and the idea of extra curricular activities are furthest from school boards’ minds at this time. Only small changes are considered for 2022.

- School groups visiting conservation areas for field trips, cross country runs, and other events will see an increase of \$0.13 per student to \$4.20 per student for all ages.

- Most of the significant or returning school groups enter into HCA User Agreements which are managed through the Marketing Department.

## **Watershed Planning and Engineering**

For the reasons discussed earlier, a 3% inflationary cost of living adjustment is proposed for the planning and regulations programs fee schedule for 2022.

## **STRATEGIC PLAN LINKAGE**

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

- **Strategic Priority Area – Organizational Excellence**
  - Initiatives – Continue to pursue new funding relationships and opportunities
- **Strategic Priority Area – Conservation Area Experience**
  - Initiatives – Identify and act upon revenue generation/cost reduction and investment in visitor services opportunities in our conservation areas

## **AGENCY COMMENTS**

Not applicable.

## **LEGAL/FINANCIAL IMPLICATIONS**

Due to the very few proposed fee increases for 2022 listed in this report, in the case of the conservation areas, revenues will be reliant on the continued levels of attendance and for the Watershed Planning and Engineering division, the impact of the inflationary increase is not expected to have a significant impact on revenues received for the administration of the planning and regulations programs.

## **CONCLUSION**

The revenues obtained from the customers and permit holders of the Conservation Areas for our services are important to the sustainability of the Hamilton Conservation Authority. HCA staff fully support the above fee recommendations for 2022 to remain competitive, viable, and attractive to the marketplace.



# Hamilton Conservation Authority

## 2022 Draft Fee Schedule



A Healthy Watershed for Everyone

## Hamilton Conservation Authority

### Definitions and Clarifications

#### Senior

Individuals 65 years and up. Proof can be shown by drivers license, health card or seniors card.

#### Disabled

Individuals who have a long term or recurring physical, mental, sensory, psychiatric or learning impairment. Attendant for person with disabilities are free of charge (except at Wild Waterworks).

#### Second Vehicles

Second vehicle membership passes are available to households who require 2 vehicle passes for the same household - second pass does not come with reward.

#### Additional Vehicles - Camping

Additional vehicles camping at Fifty Point or Valens Lake Conservation Areas require a camp permit to be displayed in the vehicle window for night security. Additional vehicles fees are posted under camping fees for Fifty Point or Valens Lake Conservation Areas for regular and passholder rates.

Mobile home towed vehicle is normally "No Charge".

Seasonal Campers at Fifty Point Only require a second membership pass for additional vehicles without additional charge as outlined above.

#### Bruce Trail Conservancy Members

All parking fees apply; if member(s) get dropped off or walk in, the admission fee does not apply. Reservation fees and restrictions may apply.

#### Catering Fees

Private caterers must pay 10% of gross sales in advance of date to gain entry. Insurance of \$2 - \$5 million is required 2 weeks before event date from catering company listing Hamilton Conservation Authority (plus City of Hamilton, if at Confederation Beach Park or Wild Waterworks) as "additional insured".

#### Fees

Fees subject to change.

## Hamilton Conservation Authority

### HCA Annual Membership Passes

- Passes are valid for 12 months from the purchase date.
- Passes can be purchased at all major HCA Conservation Areas, online or over the phone.
- Membership passes allow for up to 6 people per vehicle. Each passenger after 6 will pay the per passenger fee.
- Vehicle access at all autogates.
- Membership pass allows up to 6 people into Westfield with a maximum of 2 adults. Excluding special events.

			Draft 2022	Draft 2022
<b>Passes that come with a reward</b>	<b>Before HST</b>	<b>After HST</b>	<b>Before HST</b>	<b>After HST</b>
Regular Annual Membership Pass	\$115.00	\$129.95	\$115.00	\$129.95
Senior/Disabled Pass - New or Renewal	\$95.00	\$107.35	\$95.00	\$107.35
Renewal Pass	\$105.00	\$118.65	\$105.00	\$118.65
2 Year Pass - New or Renewal (comes with 2 rewards)	\$210.00	\$237.30	\$210.00	\$237.30
2 Year Senior/Disabled Pass (comes with 2 rewards)	\$190.00	\$214.70	\$190.00	\$214.70
<b>Passes that do NOT come with reward   **Must be same date as original**</b>				
Second Vehicle Pass	\$60.00	\$67.80	\$60.00	\$67.80
Lost/Stolen Replacement Pass	\$25.00	\$28.25	\$25.00	\$28.25

### Ancaster Well Access Card

One time initial fee	\$8.85	\$10.00	\$8.85	\$10.00
Replacement pass if original is lost	\$4.43	\$5.00	\$4.43	\$5.00

\*Ancaster Well Access Cards can ONLY be purchased at our Main Office and a waiver MUST be signed annually.

## Hamilton Conservation Authority

### Film/Photo Shoot Location/Equipment/Building Rentals

Contact Sarah Gauden, Marketing & Events Manager, 905-525-2181, Ext 151

Some general guidelines:

1. Daily location fee applies
2. Liability Insurance of \$2 million or \$5 million and must include 3rd party coverage (HCA named as additional insured plus City of Hamilton if event held at Confederation Beach Park/Wild Waterworks)
3. Staff required are chargeable at hourly rate, plus benefits and transportation +15%
4. Preparation and site restoration if by Authority forces at labour, materials, equipment plus benefits +15%
5. A security Deposit is required prior to the location shoot based on estimates
6. Daily rates range from \$1800.00 - \$10,000.00 + HST

### Administration for Returned Cheques

	Before HST	After HST		
Administration fee per cheque	\$51.33	\$58.00	\$53.10	\$60.00

### Permit to Cross Authority Lands for Construction & Similar Purposes

Contact Matthew Hall, Director of Capital Projects & Strategic Services, 905-525-2181, Ext 188

Min. User Fee As determined by CaPSS

Security deposit for damage (refundable certified cheque) based on Scope of Works

Administration fee (non refundable)	\$250.00	\$282.50	\$250.00	\$282.50
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Christie Lake Conservation Area				
1000 Hwy #5 West Dundas, Ontario L9H 5E2 <b>Phone:</b> 905-628-3060 <b>Fax:</b> 905-628-1316 <b>Email:</b> christie@conservationhamilton.ca				
			Draft 2022	Draft 2022
Entrance (Attended Gate)	Before HST	After HST	Before HST	After HST
Per Vehicle and Driver	\$13.72	\$15.50	\$13.72	\$15.50
Per Vehicle and Senior/Disabled Driver Discount	\$11.95	\$13.50	\$11.95	\$13.50
Per Passenger over 5 yrs of age	\$4.42	\$5.00	\$4.42	\$5.00
Walk In's/Drop Off's	\$4.42	\$5.00	\$4.42	\$5.00
Equestrians - Includes one horse, truck and trailer	\$17.70	\$20.00	\$17.70	\$20.00
Each additional horse with same trailer			\$1.77	\$2.00
Auto Gate (No Attendant)	\$13.72	\$15.50	\$13.72	\$15.50
<b>Middletown Road Parking Lot</b>				
Pay and Display (per day)	\$13.72	\$15.50	\$13.72	\$15.50
<b>Crooks Hollow Conservation Area - 756 Crooks Hollow Road</b>				
Pay and Display (per day)	\$13.72	\$15.50	\$13.72	\$15.50
<b>Special/School Rates</b>				
School Events, Cross Country, Field Days, Track Meets, etc.				
Students - All ages	\$4.07	\$4.60	\$4.20	\$4.75
Spectator vehicle (Events)	\$4.42	\$5.00	\$4.42	\$5.00
Bus Entry (15+ passengers) School Groups	\$175.00	\$197.75	\$177.00	\$200.01
Non School Groups	\$250.00	\$282.50	\$265.00	\$299.45
<b>Area Rentals (Regular gate entrance fees apply)</b>				
Group Picnic Areas	\$75.00	\$84.75	\$75.00	\$84.75
Beach Pavilion Whole	\$300.00	\$339.00	\$300.00	\$339.00
Half	\$200.00	\$226.00	Remove	Remove
Beach Pavilion II	\$235.00	\$265.55	\$235.00	\$265.55
Lakeside Pavilion	\$235.00	\$265.55	\$235.00	\$265.55
McCoy Pavilion	\$235.00	\$265.55	\$235.00	\$235.00
Marina Pavilion	\$235.00	\$265.55	\$235.00	\$235.00
<b>Additional Picnic Fees</b>				
Token Rate (minimum 25 prepurchased)	\$18.14	\$20.50	\$18.14	\$20.50
BBQ's/Volleyball Nets (included with pavilion rental)	\$30.00	\$33.90	\$31.00	\$35.03
<b>Cancellation Fee for Rental Areas</b>				
Pavilions	\$115.00	\$129.95	\$115.00	\$129.95
Group Picnic Areas	\$40.00	\$45.20	\$40.00	\$45.20

<b>Christie Lake Conservation Area</b>
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<b>Boat Rentals</b>				
	<b>Before HST</b>	<b>After HST</b>		
1 Hour Rental (Weekends and Holidays)	\$17.70	\$20.00	\$17.70	\$20.00
Half Day Rentals (2hrs or Less, weekdays excluding holidays)	\$26.55	\$30.00	\$26.55	\$30.00
Full Day Rentals (2hrs or more, weekdays excluding holidays)	\$53.10	\$60.00	\$53.10	\$60.00
Late Returns (per half hour)	\$13.27	\$15.00	\$13.27	\$15.00
Boat Safety Deposit (Refundable)		\$30.00		\$30.00
<b>Additional Rentals (without boat rental)</b>				
Paddle/Jackets/Oars	\$13.28	\$15.00	\$13.28	\$15.00
Paddle/Jackets/Oars Deposit (Refundable)		\$10.00		\$10.00
<b>Camper/Overnight Fees</b>				
<b>Organized Youth/Specialty Groups</b>				
Per person per night	\$6.75	\$7.63	\$6.75	\$7.63
Minimum fee per group	\$85.00	\$96.05	\$88.50	\$100.00
<b>Organized Adults (min. 20 people)</b>				
Per person per night	\$11.35	\$12.83	\$11.50	\$13.00
Minimum fee per group	\$175.00	\$197.75	\$230.00	\$259.90
<b>**All other Camping needs please refer to Valens Lake Conservation Area**</b>				
<b>Miscellaneous</b>				
Fishing Derby		TBD		TBD
Wedding Pictures (admission included, reservation required)	\$300.00	\$339.00	\$310.00	\$350.30
Family/Engagement Photo Permit	\$100.00	\$113.00	\$102.00	\$115.26

Dundas Valley Conservation Area				
650 Governors Road Dundas, Ontario L9H 5E3 <b>Phone:</b> 905-627-1233 <b>Fax:</b> 905-627-9722 <b>Email:</b> dvalley@conservationhamilton.ca				
			Draft 2022	Draft 2022
Entrance (Attended Gate)	Before HST	After HST	Before HST	After HST
<b>Dundas Valley Conservation Area</b>				
<b>Main Entrance - 650 Governors Road</b>				
Per Vehicle	\$9.73	\$11.00	\$9.73	\$11.00
Per Vehicle and Senior/Disabled Driver Discount	\$7.96	\$9.00	\$7.96	\$9.00
Walk In's/Drop Off's	n/a	n/a	n/a	n/a
Equestrians - Includes one horse, truck and trailer	\$17.70	\$20.00	\$17.70	\$20.00
Each additional horse with same trailer			\$1.77	\$2.00
Bus Entry (15+ passengers)	\$175.00	\$197.75	\$177.00	\$200.01
School Groups	\$250.00	\$282.50	\$265.00	\$299.45
Non School Groups				
Auto Gate (No Attendant)	\$9.73	\$11.00	\$9.73	\$11.00
<b>Hermitage Parking Lot - 621 Sulphur Springs Road</b>				
Auto Gate (per entry)	\$9.73	\$11.00	\$9.73	\$11.00
<b>Merrick Orchard Parking Lot - 380 Lions Club Road</b>				
Auto Gate (per entry)	\$9.73	\$11.00	\$9.73	\$11.00
<b>Artaban Road Parking Lot - 720 Artaban Road</b>				
Pay and Display (per day)	\$9.73	\$11.00	\$9.73	\$11.00
<b>Tiffany Falls Parking Lot - 900 Wilson Street East</b>				
Pay and Display (per day)	\$9.73	\$11.00	\$9.73	\$11.00
<b>Monarch Trail Parking Lot - 855 Old Dundas Road</b>				
Pay and Display (per day)	\$6.64	\$7.50	\$6.64	\$7.50
<b>Summit Bog Parking Lot - 525 Highway #52, Jerseyville</b>				
Pay and Display (per day)	\$6.64	\$7.50	\$6.64	\$7.50
<b>Special/School Rates - School Events, Cross Country, Field Days, Track Meets, etc.</b>				
Students (all ages)	\$4.07	\$4.60	\$4.07	\$4.60
Spectator vehicle (Events)	\$4.42	\$5.00	\$4.42	\$5.00

## Dundas Valley Conservation Area

Area Rentals (Regular gate entrance fees apply)	Before HST	After HST		
Group Picnic Area (non school groups)	\$88.50	\$100.00	\$93.00	\$105.09
Group Picnic Area (school group)	\$84.08	\$95.00	\$84.08	\$100.00
Fire Pit with wood	\$39.83	\$45.00	Service no longer provided	

Stacey Meadow Pavilion	\$274.34	\$310.00	\$283.00	\$319.79
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### Bruce Trail Overnight Rest Stop - Superintendent Approval & Permit Required

* Available to Bruce Trail Members Only - Restrictions Apply	\$44.25	\$50.00	\$44.25	\$50.00
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\*Regular entrance fees apply - Tokens are not sold at DVCA

### Wedding Picture and Photography Permit

\* Fee per session (Admission not included, reservation required)

Dundas Valley Conservation Area (natural settings)	\$300.00	\$339.00	\$310.00	\$350.30
Hermitage Ruins Location	\$376.11	\$425.00	\$385.00	\$435.05
Family/Engagement Photo Permit	\$100.00	\$113.00	\$102.00	\$115.26

### Wedding Ceremonies and Receptions - Restrictions Apply

Dundas Valley Conservation Areas (Trails, Wooded Areas)				
Outdoor Natural Setting Wedding Ceremony (2 Hour time allotment)	\$442.48	\$500.00	\$455.00	\$514.15

Stacey Meadow Pavilion				
Outdoor Ceremony (2 Hour time allotment)	\$442.48	\$500.00	\$460.00	\$519.80
Pavilion Reception	\$752.21	\$850.00	\$770.00	\$870.10
Outdoor Ceremony and Pavilion Reception	\$1,194.69	\$1,350.00	\$1,220.00	\$1,378.60

Hermitage Ruins				
Outdoor Ceremony	\$1,327.43	\$1,500.00	\$1,354.00	\$1,530.02
On Site Reception	\$1,327.43	\$1,500.00	\$1,354.00	\$1,530.02
Outdoor Ceremony and On Site Reception	\$2,433.63	\$2,750.00	\$2,478.00	\$2,800.14

### Trail Centre

Trail Centre Rental by special arrangement				
Per day	\$575.22	\$650.00	\$590.00	\$667.70



## Dundas Valley Conservation Area - Environmental Education

650 Governors Road  
Dundas, Ontario L9H 5E3  
**Phone:** 905-627-1233, ext. 3  
**Fax:** 905-627-9722  
**Email:** hcaenvd@conservationhamilton.ca

### Environmental Education For Schools

Refer to the HCA website: [www.conservationhamilton.ca/environmental-education-home/](http://www.conservationhamilton.ca/environmental-education-home/)  
or contact the education team at: [hcaenvd@conservationhamilton.ca](mailto:hcaenvd@conservationhamilton.ca)

			Draft 2022	Draft 2022
Public Educational Programs	Before HST	After HST	Before HST	After HST
<b>Youth Programs March Break and Summer (Destination Conservation)</b>				
Half day Program ( 2 hrs, 30 person max.)	\$350.00	\$395.50	\$350.00	\$395.50
Additional person over the 30 max.	\$6.19	\$7.00	\$6.19	\$7.00
Additional person over the 30 max. for full day program (2 x 2hr programs)	\$10.00	\$11.30	\$10.00	\$11.30
<b>Cancellation Fees (Destination Conservation)</b>		\$150.00		\$150.00
If cancelled less than 15 business days (3 weeks) in advance of date and not rescheduled within 4				
<b>Professional Activity Days, Workshops, Teen and Adult Programs, Hikes</b>				
Staff lead specialty programs - fees based on type of program.				
<b>Children's Day Camps</b>				
Per child (ages 7 - 11) per session				
HCA Member	\$135.00	\$135.00	\$135.00	\$135.00
Non-Member	\$150.00	\$150.00	\$150.00	\$150.00
<b>Leader In Training Camp (4 Day Program)</b>				
Per Child (ages 12 - 14) per session				
HCA Member	\$200.00	\$200.00	\$200.00	\$200.00
Non-Member	\$215.00	\$215.00	\$215.00	\$215.00

Hamilton Mountain Conservation Areas				
Email: <a href="mailto:Hamilton.Mountain@conservationhamilton.ca">Hamilton.Mountain@conservationhamilton.ca</a>			Draft 2022	Draft 2022
Entrance (No Attendant)	Before HST	After HST	Before HST	After HST
<b>Eramosa Karst Conservation Area - 86 Upper Mount Albion Road</b>				
Pay and Display (per entry)	\$6.64	\$7.50	\$6.64	\$7.50
<b>Devil's Punchbowl Conservation Area - 185 Ridge Road</b>				
Auto Gate (per entry)	\$6.64	\$7.50	\$6.64	\$7.50
<b>Saltfleet Conservation Area - 444 First Road East</b>				
Pay and Display (per entry)	\$6.64	\$7.50	\$6.64	\$7.50
<b>Chippewa Rail Trail Parking Lot - 55 Dartnall Road</b>				
Pay and Display (per entry)	\$6.64	\$7.50	\$6.64	\$7.50
<b>Wedding Picture and Photography Permit</b>				
* Fee per session (Admission not included, reservation required)				
Natural settings	\$300.00	\$339.00	\$310.00	\$350.30
Family/Engagement Photo Permit	\$100.00	\$113.00	\$102.00	\$115.26
<b>Wedding Ceremonies and Receptions - Restrictions Apply</b>				
Hamilton Mountain Conservation Areas (Trails, Wooded Areas)				
Outdoor Natural Setting Wedding Ceremony (2 Hour time allotment)	\$442.48	\$500.00	\$442.48	\$500.00

Fifty Point Conservation Area				
1479 Baseline Road Winona, Ontario L8E 5G4 <b>Phone:</b> 905-525-2187 <b>Fax:</b> 905-643-1668 <b>Email:</b> fiftypt@conservationhamilton.ca				
			Draft 2022	Draft 2022
Entrance (Attended Gate)	Before HST	After HST	Before HST	After HST
Per Vehicle and Driver	\$13.72	\$15.50	\$13.72	\$15.50
Per Vehicle and Senior/Disabled Driver Discount	\$11.95	\$13.50	\$11.95	\$13.50
Per Passenger over 5 yrs of age	\$4.42	\$5.00	\$4.42	\$5.00
Walk In's/Drop Off's	\$4.42	\$5.00	\$4.42	\$5.00
After 5pm Max Vehicle Rate (Labour Day - Nov.30th)	\$13.72	\$15.50	\$13.72	\$15.50
Weekday Boat Launch (Monday to Thursday)	\$13.72	\$15.50	\$13.72	\$15.50
Auto Gate (No Attendant)	\$13.72	\$15.50	\$13.72	\$15.50
Weekend Boat Ramp (Friday to Sunday Including Holidays)				
Vehicle with boat on trailer, minimum	\$25.00	\$28.25	n/a	n/a
Vehicle with commercial trailer, minimum	\$44.25	\$50.00	\$53.10	\$60.00
Launch Ramp Annual Pass				
Annual boat ramp pass	\$140.00	\$158.20	\$150.00	\$169.50
Renewal boat ramp pass	\$130.00	\$146.90	\$140.00	\$158.20
Senior/Disabled boat ramp pass	\$120.00	\$135.60	\$130.00	\$146.90
Triaxle/Hydraulic	\$177.00	\$200.01	\$190.00	\$214.70
Ramp sticker for annual pass	\$30.00	\$33.90	\$40.00	\$45.20
Weekend extra fee (Friday to Sunday Including Holidays)	\$6.00	\$6.78	n/a	n/a
Special/School Groups				
For school groups special event x-country, field days, track meets etc.				
Per student (all ages)	\$4.07	\$4.60	\$4.20	\$4.75
Picnic Tokens (minimum 25 prepurchased)	\$18.14	\$20.50	\$18.14	\$20.50
Bus Entry (15+ passengers) School Groups	\$175.00	\$197.75	\$177.00	\$200.01
Non School Groups	\$250.00	\$282.50	\$265.00	\$299.45
Trailer Dump	\$20.00	\$22.60	\$21.25	\$24.01

Fifty Point Conservation Area				
RV/Trailer Storage (October 1 - May 1)				
	Before HST	After HST		
Daily Rate	\$13.00	\$14.69	\$13.75	\$15.54
Monthly Storage				
- Must Hold a Valid Annual Membership Pass				
Minimum	\$50.00	\$56.50	\$53.00	\$59.89
25 ft or More - Per Foot	\$2.00	\$2.26	\$2.10	\$2.37
RV/Boat Launch Ramp				
Subject to availability and in addition to RV site fee, docking may be arranged separately at the marina office at an additional charge per night fee. Boat and trailer to be stored in the secure compound when not in the water. No on-site boat or trailer storage permitted.	\$13.27	\$15.00	\$13.27	\$15.00
Area Rentals (Regular gate entrance fees apply)				
Group Picnic Areas	\$75.00	\$84.75	\$75.00	\$84.75
Winona Pavilion	\$250.00	\$282.50	\$250.00	\$282.50
Lakeside Pavilion ( Fridge,stove,microwave and serving area)	\$350.00	\$395.50	\$350.00	\$395.50
* Additional fees may apply depending upon the level of service required				
Cancellation Fee for Rental Areas				
Pavilions	\$100.00	\$113.00	\$100.00	\$113.00
Group Picnic Areas	\$40.00	\$45.20	\$40.00	\$45.20
Miscellaneous				
Wedding Photos (admission included, reservation required)	\$300.00	\$339.00	\$310.00	\$350.30
Family/Engagement Photo Permit	\$100.00	\$113.00	\$102.00	\$115.26
Camping				
Recreational Vehicle Site Fee (Individual)				
Changes or Cancellation (more than 24hrs before arrival)	\$8.50	\$9.61	\$8.50	\$9.61
Changes or Cancellation (less than 24hrs before arrival)	No Refund		No Refund	
Reservation fee (Non-refundable)	\$13.27	\$15.00	\$13.27	\$15.00
Electric/Water/Sewer 30 amp	\$50.00	\$56.50	\$51.00	\$57.63
Electric/Water/Sewer 50 amp	\$53.00	\$59.89	\$54.00	\$61.02
Additional Vehicle	\$13.50	\$15.26	\$13.50	\$15.26

<b>Fifty Point Conservation Area</b>
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**R/V Sites - Seasonal Campers****Before HST    After HST**

SEASONAL CAMPING MAY 1, 2022 TO OCTOBER 31, 2022, 6 MONTHS INCLUDES WATER, SEWER AND ELECTRICAL SITE AND VEHICLE PASS. DEPOSIT OF \$300.00 REQUIRED BY DEC. 1, 2021. BALANCE DUE BY MAY 1, 2022 OR BEFORE TRAILER MOVED ONTO THE SITE. ADDITIONAL VEHICLE PASS \$110.00. ADDITIONAL FEES APPLY TO: STORAGE TRAILERS, BOATS/PERSONNEL WATER CRAFT, DAY USE VISITORS, OVERNIGHT VISITORS. NOTE UNDER MARINA SERVICES ITEMS 2,3,4 & 5 WILL APPLY TO CAMPING SITES #50 TO #80. WATER AND SEWER MAY NOT BE AVAILABLE AT THE SITE.

Electric/Water/Sewer 30 amp	\$5,380.00	\$6,079.40	\$5,440.00	\$6,147.00
Electric/Water/Sewer 50 amp	\$5,750.00	\$6,497.50	\$5,800.00	\$6,554.00

\*\*Seasonal campers are not permitted to become permanent.

Seasonal Camper Deposit	\$300.00			\$300.00
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**Group Camping****Organized groups, must be pre approved by Manager**

Youth per person	\$6.75	\$7.63	\$6.75	\$7.63
Adult per person	\$11.35	\$12.83	\$11.35	\$12.83
Youth minimum fee	\$85.00	\$96.05	\$85.00	\$96.05
Adult minimum fee	\$200.00	\$226.00	\$200.00	\$226.00

<b>Fifty Point Marina</b>
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Mooring	Before HST	After HST		
<b>Seasonal</b>				
Mooring from April 15 - Oct 15 includes 2 HCA membership passes, a seasonal pump out pass (some weekend restrictions apply), and 2 guest passes. Additional guest passes can be purchased. A 5% discount will be applied to all summer mooring fees if paid and received by April 1st by cash, debit, cheque or e-transfer. The Authority offers two plans which incorporate the approximate 20% discount offered on the seasonal mooring rate to those boaters who winter store at Fifty Point Marina.				
Plan "A" For those who winter stored previous winter				
Electric per foot	\$84.00	\$94.92	\$86.50	\$97.75
Non- electric per foot	\$79.00	\$89.27	\$81.40	\$91.98
Requiring more than normal Electric and footage	\$89.00	\$100.57	\$91.50	\$103.40
Plan "B" For those who have not winter stored				
Electric per foot	\$105.00	\$118.65	\$108.00	\$122.04
Requiring more than normal Electric and footage	\$110.00	\$124.30	\$112.00	\$126.56
<b>Overnight</b>				
Over night mooring rate includes day use admission to the area by boat				
Per foot	\$1.68	\$1.90	\$1.75	\$1.98
Minimum Fee	\$37.17	\$42.00	\$40.70	\$45.99
Reciprocal FPYC	\$37.17	\$42.00	\$40.70	\$45.99
<b>Day Time Mooring</b>				
Regular watercraft entry charge applies to boat/driver/passengers (April 1 - Nov 1)				
No discount for restaurant use				
Weekdays	\$13.27	\$15.00	\$13.75	\$15.54
Weekends (Friday, Saturday, Sunday & Holidays)	\$25.00	\$28.25	\$25.50	\$28.82
<b>Monthly Mooring</b>				
Subject to availability, includes trailer parking if required. Per foot Per month.				
June - August	\$26.75	\$30.23	\$27.75	\$31.36
April/May and September/October	\$19.55	\$22.09	\$19.55	\$22.09
<b>Dock "A" non-electric docks min 20ft</b>				
Plan "A"	\$70.15	\$79.27	\$70.15	\$79.27
Plan "B"	\$89.50	\$101.14	\$89.50	\$101.14
Replacement of south parking lot access card	\$15.00	\$16.95	\$15.00	\$16.95
Additional Guest Pass (Entrance ONLY, Not Provided for ramp use)	\$63.00	\$71.19	\$63.00	\$71.19

<b>Fifty Point Marina</b>
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Note: Marine Service\*\*

1. Minimum mooring charges apply as follows: Dock "A"- 18ft, 25ft. With hydro, A48 30ft. Dock "B,C,D,H" - 25ft. min with hydro. Dock "E"- 30ft min with hydro. Dock "F" - 37ft min with hydro. Dock "G"- 32ft min with hydro. Dock "J" - even # 40ft min, odd #'s 37ft min. Boat length is measured from the furthest projection at the bow to the transom.

2. A 5% discount will be applied to all summer moorings paid and received by April 1st with cash, debit, cheque or e-transfer.

3. \$300 deposit is required by December 31st to hold docks for the following year. This deposit is non-refundable after January 31st.

4. For refund application on a seasonal mooring, monthly rate is used to pro-rate charges based on when the dock is re-rented, until August 1st.

5. Pro-rating for dockage will begin if dockage is contracted after July 1st, based on a 100 day season.

6. Boats requiring special docks, price by docking arrangement. Docks requiring additional premium are: A48, B33, E25, F29,30 G37,38, end of C,D and H. Walls 1,2,3,4 and 5.

7. A surcharge of double the price per foot for every foot over 40ft.

8. Pump out pass is only valid to boat to which it was issued.

Storage		Before HST	After HST		
<b>Dry Sailing Summer Storage</b>					
Monohulls on trailer		\$500.00	\$565.00	\$500.00	\$565.00
Triaxle Trailers, Add		\$220.00	\$248.60	\$220.00	\$248.60
Catamarans (over 9ft width) on trailer, Add		\$320.00	\$361.60	\$320.00	\$361.60
Boat on Trailers under 10 Ft		\$250.00	\$282.50	\$250.00	\$282.50
<b>Boat Trailer Storage</b>					
Per Night		\$11.00	\$12.43	\$11.00	\$12.43
Seasonal Rate	Returning Customer	\$175.00	\$197.75	\$175.00	\$197.75
	New Customer	\$326.50	\$368.95	\$326.50	\$368.95
Triaxle Trailers	Returning Customer	\$290.00	\$327.70	\$290.00	\$327.70
	New Customer	\$438.00	\$494.95	\$438.00	\$494.95

## Fifty Point Marina

### Winter Storage (Seasonal Boaters)

Includes haul out, wash and launch, per square foot - Oct 1-May 1. 5% discount will be applied to all winter storage fees if paid and received by Oct 1 with cash, debit, e-transfer or cheque. \$100.00 per week fees applies to any boat in winter storage launched after the normal spring lift in schedule to a maximum of the normal launch fee for the boat. This applies to customers who are renting a dock seasonally. Additional fees may apply for Winter storage for sailboats for mast stepping in fall and spring or leaving the mast lying on the deck. Winter storage only customers will receive a HCA membership pass expiring May 1.

### Winter Storage (Non-Seasonal Boaters)

Includes haul out, wash and launch, per square foot - Oct 1-May 1. 5% discount will be applied to all winter storage fees if paid and received by Oct 1 with cash, debit, e-transfer or cheque. A late launch fee will be applied for the full normal amount for the boat lift-in immediately after the spring lift period is over. Additional fees may apply for sailboats for mast stepping in the fall and spring or leaving the mast lying on the deck. New winter storage sailboat customers will require a cradle that will properly support the boat with the mast standing as we will no longer be taking these masts down. Winter storage only customers will receive a HCA membership pass expiring May 1.

#### Sail Boats

	Before HST	After HST		
Per sq. ft.	\$5.60	\$6.33	\$5.75	\$6.50
Minimum fee	\$1,120.00	\$1,265.60	\$1,150.00	\$1,299.50

(For boats over 6,800 kg, additional rates may apply)

#### Power Boats

Per sq ft	\$4.74	\$5.36	\$4.90	\$5.54
Minimum fee	\$920.00	\$1,039.60	\$977.00	\$1,104.00

(For boats over 6,800 kg, additional rates may apply)

#### Storage only (No haul out or wash, October 1 - May 1)

Per sq. ft.	\$3.80	\$4.29	\$3.90	\$4.41
Minimum	\$760.00	\$858.80	\$776.00	\$876.88
Boat on trailer under 10' length	\$250.00	\$282.50	\$290.00	\$327.70

#### Commercial Operators Pass

\$177.00	\$200.01	\$177.00	\$200.01
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Commercial operators must register with the marina office for registration of insurance and approval of jobs. A season pass issued to commercial operators provides free admission only for when they are working on boats that are renting mooring or in dry land storage. Commercial operators pass is only valid for using the boat ramp when towing boats that rent seasonal mooring space. Commercial operators using the marina to perform work for non-marina mooring or storage clients are subject to normal daily fees.



<b>Fifty Point Marina</b>
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Boat Handling and Miscellaneous Services		Before HST	After HST		
Launch or Lift-out with mobile lift, per foot of boat					
Minimum fee		\$266.25	\$300.86	\$266.25	\$300.86
Up to 35ft.		\$10.65	\$12.03	\$10.65	\$12.03
36-40ft		\$12.65	\$14.29	\$12.65	\$14.29
41ft and over (restrictions may apply)		\$14.65	\$16.55	\$14.65	\$16.55
Late Launch (per week after scheduled date)		\$88.50	\$100.00	\$88.50	\$100.00
Sling Time					
Per Hour		\$150.00	\$169.50	\$150.00	\$169.50
Per Night		\$275.00	\$310.75	\$275.00	\$310.75
Boat Wash		\$60.00 - \$120.00		\$60.00 - \$120.00	
Cradle Storage		\$0 - \$250.00		\$0 - \$250.00	
May - October depends on size and type. Applies to cradles that do not fold and for boats that do not winter store.					
Mast Stepping					
Per foot (min. 25ft)		\$6.20	\$7.01	\$6.20	\$7.01
Minimum extra fee		\$155.00	\$175.15	\$155.00	\$175.15
* For those masts with special handling and/or require additional crane time					
Mast Storage					
Per foot		\$4.00	\$4.52	\$4.00	\$4.52
Minimum		\$100.00	\$113.00	\$100.00	\$113.00
Move Boat (minimum)	Minimum	\$75.00	\$84.75	\$75.00	\$84.75
Dockside Pump out (per tank)					
Weekday		\$13.27	\$15.00	\$13.27	\$15.00
Weekend		\$17.70	\$20.00	\$17.70	\$20.00
Marina Wait List		\$200.00	n/a	\$200.00	n/a

<b>Fifty Point Marina</b>
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		Before HST	After HST		
<b>Cradle Rental</b>	Minimum Fee	\$145.00	\$163.85	\$145.00	\$163.85
Power boats, included in winter storage fee. Sail boat per foot subject to availability. Boat stands do not count as a cradle.(extra charges apply)					
<b>Cradle Feet</b>		\$180.00	\$203.40	\$180.00	\$203.40
<b>Cradle Pick up/Load</b>					
Per hour man/vehicle		\$150.00	\$169.50	\$150.00	\$169.50
Load/Unload	Min.	\$25.00	\$28.25	\$25.00	\$28.25
<b>Hydraulic Trailer Use</b>					
Per hour		\$180.00	\$203.40	\$180.00	\$203.40
Minimum Charge		\$90.00	\$101.70	\$90.00	\$101.70
<b>Labour - Hourly rate</b>					
Standard charge for each staff		\$90.00	\$101.70	\$90.00	\$101.70
Minimum		\$45.00	\$50.85	\$45.00	\$50.85
<b>Boat Towing - Fee Range</b>					
In harbor		\$52.00 to \$85.00		\$52.00 to \$85.00	
<b>Land Storage</b>					
Summer Months - Per sq ft		\$0.95	\$1.07	\$0.95	\$1.07
Summer Seasonal (equal to rate for Winter storage-Storage Only)		\$3.80	\$4.29	\$3.80	\$4.29

<b>Spencer Gorge Conservation Area</b>	
Managed by Christie Lake Conservation Area	
<b>Phone:</b> 905-628-3060	
<b>Fax:</b> 905-628-1316	
<b>Email:</b> christie@conservationhamilton.ca	

			Draft 2022	Draft 2022
<b>Entrance (Attended Gate)</b> Reservations Required During Certain Periods	<b>Before HST</b>	<b>After HST</b>	<b>Before HST</b>	<b>After HST</b>
<b>Admission Fees (Tew Falls and Webster Falls Parking Lot)</b>				
Per Vehicle and Driver	\$13.72	\$15.50	\$13.72	\$15.50
Per Vehicle and Senior/Disabled Driver Discount	\$11.95	\$13.50	\$11.95	\$13.50
Per Passenger over 5 yrs of age	\$4.42	\$5.00	\$4.42	\$5.00
Walk In's/Drop Off's	\$4.42	\$5.00	\$4.42	\$5.00
Auto Gate (No Attendant)	\$13.72	\$15.50	\$13.72	\$15.50
Buses (any vehicle over 15 passengers, must pre-book)	\$250.00	\$282.50	\$265.00	\$299.45
Reservation Fee				
Per Reservation* (reservation period tbd)	\$8.85	\$10.00	\$8.85	\$10.00
* - reservations must be made online in advance				
<b>Miscellaneous</b>				
Wedding Pictures (admission included, reservation required)			\$310.00	\$350.30
Family/Engagement Photo Permit			\$102.00	\$115.26

Valens Lake Conservation Area				
1691 Regional Road 97 Cambridge, Ontario N1R 5S7 <b>Phone:</b> 905-525-2183 <b>Fax:</b> 905-659-1573 <b>Email:</b> valens@conservationhamilton.ca			Draft 2022	Draft 2022
Entrance (Attended Gate)	Before HST	After HST	Before HST	After HST
Per Vehicle and Driver	\$13.72	\$15.50	\$13.72	\$15.50
Per Vehicle and Senior/Disabled Driver Discount	\$11.95	\$13.50	\$11.95	\$13.50
Per Passenger over 5 yrs of age	\$4.42	\$5.00	\$4.42	\$5.00
Walk In's/Drop Off's	\$4.42	\$5.00	\$4.42	\$5.00
Auto Gate (No Attendant)	\$13.72	\$15.50	\$13.72	\$15.50
<b>Fletcher Creek Ecological Preserve - 3921 Concession 7 Road</b>				
Pay and Display (per day)	\$6.64	\$7.50	\$6.64	\$7.50
<b>Additional Fees</b>				
Trailer Dump Fee	\$20.00	\$22.60	\$20.00	\$22.60
Bus Entry (15+ passengers) School Groups	\$175.00	\$197.75	\$175.00	\$197.75
Non School Groups	\$250.00	\$282.50	\$250.00	\$282.50
Token Rate (minimum 25 prepurchased)	\$18.14	\$20.50	\$18.14	\$20.50
<b>Area Rentals (Regular gate entrance fees apply)</b>				
Group Picnic Areas	\$75.00	\$84.75	REMOVE	
Powell Pavilion (Glassed In)				
Whole	\$300.00	\$339.00	\$330.00	\$372.90
<b>Cancellation Fee for Rental Areas</b>				
Pavilions	\$100.00	\$113.00	\$100.00	\$113.00
Group Picnic Areas	\$40.00	\$45.20	REMOVE	
<b>Boat Rentals</b>				
Half Day (2hrs or Less)	\$26.55	\$30.00	\$26.55	\$30.00
Full Day (2hrs or More)	\$53.10	\$60.00	\$53.10	\$60.00
Late Half Hour	\$13.27	\$15.00	\$13.27	\$15.00
Boat Safety Deposit (Refundable)		\$30.00		\$30.00

Valens Lake Conservation Area				
Camping	Before HST		After HST	
- Minimum 3 night reservation on Long Weekends (Victoria Day, Canada Day, Civic Holiday, Labour Day)				
Reservation Fees (Non-Refundable)	\$13.27	\$15.00	\$13.27	\$15.00
Shortening Stay on Long Weekend	No Refund		No Refund	
Changes or Cancellation (more than 24hrs before arrival)	\$8.50	\$9.61	\$8.50	\$9.61
Changes or Cancellation (less than 24hrs before arrival)	No Refund		No Refund	
Non-Electric	\$43.00	\$48.59	\$44.00	\$49.72
Electric and Water 15/30 amp	\$50.00	\$56.50	\$51.00	\$57.63
Additional Vehicle	\$13.50	\$15.26	\$13.50	\$15.26
<b>Winter Program (December 1 - April 30)</b>				
Pre Paid 20 Nights - Trailer Storage inclusive (Must Have Valid HCA Annual Pass)	\$891.00	\$1,006.83	\$918.00	\$1,037.34
Reservation Fees (Non-Refundable)	\$13.27	\$15.00	\$13.27	\$15.00
<b>Roofed Accommodations</b>				
- Minimum 2 night reservation (3 nights on Long Weekends)				
- No pets allowed				
Reservation Fees (Non-Refundable)	\$13.27	\$15.00	\$13.27	\$15.00
Shortening Stay	No Refund		No Refund	
Cancellation/Change - minimum 1 week in advance	50% of fee		50% of fee	
Cancellation/Change - less than 1 week in advance	No Refund		No Refund	
Drumlin Cabins (per night)	\$135.00	\$152.55	\$135.00	\$152.55
Drumlin Cabins - Deluxe (per night)	\$160.00	\$180.80	\$160.00	\$180.80
Additional Vehicle	\$13.50	\$15.26	\$13.50	\$15.26

<b>Valens Lake Conservation Area</b>
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Group Sites	Before HST	After HST		
Group Area Fees (Non-Refundable) - Two Night Minimum, plus reservation fee				
Fox Run (maximum 15 people)	\$27.00	\$30.51	\$27.00	\$30.51
Forest Edge	\$45.00	\$50.85	\$60.00	\$67.80
Maplenook			\$120.00	\$135.60
White Tail and Aspen Cove (Electric)	\$55.00	\$62.15	\$75.00	\$84.75
Wilderness Pavilion (no electricity)	\$80.00	\$90.40	\$60.00	\$67.80
Pinegrove Pavilion (electricity)			\$80.00	\$90.40
<b>Organized Groups &amp; Family Groups</b>				
Youth Per Night	\$6.75	\$7.63	\$6.75	\$7.63
Adult Per Night	\$11.35	\$12.83	\$11.50	\$13.00
<b>RV/Trailer Storage</b>				
Daily Storage Rate	\$13.00	\$14.69	\$13.00	\$14.69
Monthly Trailer Storage				
- Must Hold a Valid Annual Membership Pass				
Minimum charge	\$40.00	\$45.20	\$45.00	\$50.85
20 ft or More - Per Foot	\$2.00	\$2.26	\$2.25	\$2.54
<b>Miscellaneous</b>				
Wedding Pictures (admission included, reservation required)	\$300.00	\$339.00	\$310.00	\$350.30
Family/Engagement Photo Permit	\$100.00	\$113.00	\$102.00	\$115.26
School Events (Track and Field, Meets, etc.)				
All ages	\$4.07	\$4.60	\$4.20	\$4.75

### Westfield Heritage Village Conservation Area

1049 Kirkwall Road  
Rockton, Ontario L0R 1X0

**Phone:** 519-621-8851

**Fax:** 519-621-6897

**Email:** westfield@conservationhamilton.ca

The Conservation Area is open year Round. Buildings in the Village may be open from March to October on Sundays and Holidays from 12:30pm - 4:00pm. Special Events held throughout the year\*. Also open for school programs, rentals, weddings, etc.

\* - At additional charge.

* - At additional charge.			Draft 2022	Draft 2022
Entrance (Attended Gate)	Before HST	After HST	Before HST	After HST
No Event Day				
Per Vehicle and Driver	\$13.72	\$15.50	\$13.72	\$15.50
Per Vehicle and Senior/Disabled Driver Discount	\$11.95	\$13.50	\$11.95	\$13.50
Per Passenger over 5 yrs of age	\$4.42	\$5.00	\$4.42	\$5.00
Walk In's/Drop Off's	\$4.42	\$5.00	\$4.42	\$5.00
Auto Gate (No Attendant)	\$13.72	\$15.50	\$13.72	\$15.50
Equestrians - Includes one horse, truck and trailer	\$17.70	\$20.00	\$17.70	\$20.00
Each additional horse with same trailer			\$1.77	\$2.00

#### Signature Series Events

To Be Determined

#### Education Programs

Per Student (under 14)		\$6.00		\$6.00
With Afternoon tour Guide	\$9.73	\$11.00	\$9.73	\$11.00
Full Day program with lunch facilities	\$9.73	\$11.00	\$9.73	\$11.00
Per Student (14+)	\$6.00	\$6.78	\$6.00	\$6.78
With Afternoon Guide	\$11.00	\$12.43	\$11.00	\$12.43
Rental of Ironwood for School Lunch	\$33.00	\$37.29	\$33.00	\$37.29

<b>Westfield Heritage Village Conservation Area</b>
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Special Programs	Before HST	After HST		
	To Be Determined			
Room and Building Reservations, Weddings - 2022				
- if paid before Dec. 31, 2021				
Ironwood Hall (Special occasion permits are required)				
Full Day	\$1,560.00	\$1,762.80		n/a
Weekdays (Mon-Thurs)	\$440.00	\$497.20		n/a
Early Set up (3-7pm)	\$340.00	\$384.20		n/a
Mountsberg Church Rental				
Per 2 hour intervals	\$440.00	\$497.20		n/a
Additional Hour Rental Fee (after 7pm)	\$60.00	\$67.80		n/a
Tour Guides				
Per hour, per guide			\$60.00	\$67.80
Photo Permits				
Wedding Photos Per session (reservation needed if not packaged)	\$300.00	\$339.00	\$310.00	\$350.30
Family/Engagement Photo Permit	\$100.00	\$113.00	\$102.00	\$115.26
Cancellation Policy and Deposits				
A non-refundable reservation deposit of \$250.00 is required. The balance due one month before rental. Special occasion permits and insurance required or personal insurance liability is required and to identify the serving of alcohol. Deposit of \$150.00 is required for a wedding ceremony rental and a deposit of \$400.00 is required for the rental of Ironwood.				
Returned Cheques administration fee	\$50.00	\$56.50	\$50.00	\$56.50
Honorariums				
For use of town crier, etc. (min. fee)	\$106.19	\$120.00	\$106.19	\$120.00



<b>Westfield Heritage Village Conservation Area</b>
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Room and Building Reservations, Weddings - 2022 - if paid after Jan 1, 2022		Before HST	After HST	
<b>Ironwood Hall (Special occasion permits are required)</b>				
Full Day		\$1,700.00	\$1,921.00	n/a
Weekdays (Mon-Thurs)		\$500.00	\$565.00	n/a
Early Set up (3-7pm)		\$370.00	\$418.10	n/a
<b>Mountsberg Church Rental</b>				
Per 2 hour intervals		\$500.00	\$565.00	n/a
Additional Hour Rental Fee (after 7pm)		\$70.00	\$79.10	n/a
Room and Building Reservations, Weddings - 2023 - if paid before Dec. 31, 2022		Before HST	After HST	
<b>Ironwood Hall (Special occasion permits are required)</b>				
Full Day		\$1,770.00	\$2,000.10	\$1,805.00 \$2,039.65
Weekdays (Mon-Thurs)		\$530.00	\$598.90	\$540.00 \$610.20
Early Set up (3-7pm)		\$390.00	\$440.70	\$400.00 \$452.00
<b>Mountsberg Church Rental</b>				
Per 2 hour intervals		\$530.00	\$598.90	\$540.00 \$598.90
Additional Hour Rental Fee (after 7pm)		\$70.00	\$79.10	\$70.00 \$79.10

HCA Plan Review & Permit Fees			Draft 2022	Draft 2022
Plan Review Service Fees	Before HST	After HST	Before HST	After HST
<b>Subdivision and Condominiums</b>				
Minor	\$1,252.21	\$1,415.00	\$1,287.61	\$1,455.00
Intermediate	\$5,008.85	\$5,660.00	\$5,159.29	\$5,830.00
Major	\$9,389.38	\$10,610.00	\$9,672.57	\$10,930.00
Applicant Driven Revision	\$3,137.17	\$3,545.00	\$3,230.09	\$3,650.00
<b>Clearance Fees</b>				
Minor	\$632.74	\$715.00	\$650.44	\$735.00
Intermediate	\$2,504.42	\$2,830.00	\$2,579.65	\$2,915.00
Major initial	\$4,693.81	\$5,304.00	\$4,836.28	\$5,465.00
Per Phase Charge (on top of Major clearance fee above)	\$893.81	\$1,010.00	\$920.35	\$1,040.00
<b>Consents</b>				
Minor	\$725.66	\$820.00	\$747.79	\$845.00
Major	\$1,561.95	\$1,765.00	\$1,610.62	\$1,820.00
<b>Minor Variances</b>				
Minor	\$446.90	\$505.00	\$460.18	\$520.00
Major	\$893.81	\$1,010.00	\$920.35	\$1,040.00
<b>Official Plan Amendments</b>				
Minor	\$725.66	\$820.00	\$747.79	\$845.00
Major	\$3,654.87	\$4,130.00	\$3,765.49	\$4,255.00
<b>Zoning By-law Amendments</b>				
Minor (including H-Zone Removal)	\$725.66	\$820.00	\$747.79	\$845.00
Major	\$3,654.87	\$4,130.00	\$3,765.49	\$4,255.00
<b>Site Plan Approval Application</b>				
Minor	\$1,039.82	\$1,175.00	\$1,070.80	\$1,210.00
Intermediate	\$3,969.03	\$4,485.00	\$4,088.50	\$4,620.00
Major	\$5,207.96	\$5,885.00	\$5,362.83	\$6,060.00
<b>Resubmission (Per hour of review time)</b>	\$106.19	\$120.00	\$106.19	\$120.00
<b>Formal Consultation</b>	\$522.12	\$590.00	\$539.82	\$610.00
<b>Niagara Escarpment Plan Amendments - Applicant-Driven</b>	\$3,137.17	\$3,545.00	\$3,230.09	\$3,650.00
<b>Complex Applications</b>	\$9,393.81	\$10,615.00	\$9,676.99	\$10,935.00
The application fee will be paid at the time of filing an application to the municipality. All subdivisions, vacant land condominiums, major and complex site plans (i.e. Community living projects, golf courses, cemeteries, etc.) continue to be circulated to the Conservation Authority.				
<b>Aggregate Extraction Applications</b>	\$52,101.77	\$58,875.00	\$53,663.72	\$60,640.00
The application fee will be paid at the time of filing an application to the municipality. This fee relates to large aggregate extraction applications.				

## HCA Plan Review & Permit Fees

### Notes and Definitions:

#### 1. Subdivisions/Condominiums/Site Plans:

**Major** – The area is equal to or greater than 4.5 hectares in size and technical studies (i.e. SWM, EIS or Geotechnical) are required.

**Intermediate** – The area is less than 4.5 hectares in size and technical studies (i.e. SWM, EIS or Geotechnical) are required.

**Minor** – In the area of interest to the CA.

#### 2. Other Applications:

**Major** – Technical studies (i.e.. SWM, EIS or Geotechnical) are required.

**Minor** – In the area of interest of the CA.

**3. Area of Interest** – Natural Heritage, Natural Hazard areas on a CA screening map, checklist, OP and/or ZB.

**4. Complex Applications** are Planning Act ( e.g.. OPA/ZBA) and/or Site plan applications for commercial/industrial/residential applications equal to or greater than 4.5 hectares in size, golf courses, trailer parks, campgrounds, and cemeteries, etc., that involve complex policy considerations and/or the review of extensive multi-disciplinary technical studies.

**5. Combined Applications** - Combined applications will be charged at 100% of the highest fee rate and 50% of the combined fee rate for other review categories.

**6. Refunds** may be provided directly to the applicant if it is found that an application charged at the "major" rate only required the level of review normally associated with the minor or intermediate rates. In such cases, the minor or intermediate rate will be retained and the difference refunded.

**7. Additional Fees** may be charged directly to the applicant if it is determined that an application requires a greater level of review effort than normally associated with the application type and fee collected at the time of submission. HCA may also charge additional fees based on current fee schedule rates for applications that have been inactive for two years or more.

**8. Subdivision Revision and Clearance Fees** will be paid directly to the HCA and must be paid prior to issuance of revised draft conditions or the final HCA clearance letter. A draft plan modification fee will be applicable to developer driven amendments to a subdivision or condominium application.

**9. Resubmission Fees** will be charged directly to the applicant for the review of technical studies and plans, drawings, models, etc., beyond the first submission and two resubmissions. A fee will be charged for each resubmission and will be based on total staff review time at the hourly review rate charged by the HCA.

**10. Formal Consultation** fees will be charged to provide preliminary preconsultation comments on all proposed planning applications circulated as part of the City's Formal Consultation process. This fee will be deducted from the application fee when a formal application is submitted.

## HCA Plan Review & Permit Fees

### Development, Interference With Wetlands, Alterations to Shorelines & Watercourses

Pursuant to Hamilton Conservation Authority Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04, within HCA regulated areas, a permit is required for:

- Development
- Interference with Wetlands
- Alteration to Shorelines and Watercourses

#### 1. Minor Development:

Is considered to be minor landscaping works and minor filling and grading activities, (between 0.05 m and 0.3 m in depth) OR minor additions to an existing structure (including decks) that involves less than a 50% increase in size of the original ground floor area or accessory structure to a maximum area of 28m<sup>2</sup>.

	Before HST	After HST		
Basic applications (no technical studies required)	\$398.23	\$450.00	\$411.50	\$465.00
Applications involving review of technical studies	\$942.48	\$1,065.00	\$969.03	\$1,095.00
Fee for service over first 10 hrs. min. review time per hour	\$106.19	\$120.00	\$106.19	\$120.00

#### 2. Major Development:

Is considered to be the construction, reconstruction, and erection of a new building or structure, OR the construction of an addition to an existing structure that involves a 50% or greater increase in size of the original ground floor area, OR any change to an existing building or structure that would have the effect of altering the use or potential use of the building or structure or increase the number of dwelling units, OR site alterations involving the temporary or permanent placing, dumping or removal of fill material resulting in significant grade changes.

Basic applications (no technical studies required)	\$1,561.95	\$1,765.00	\$1,610.62	\$1,820.00
Applications involving review of technical studies.	\$3,137.17	\$3,545.00	\$3,230.09	\$3,650.00
Fee for service over first 10 hrs. min. review time, per hour	\$106.19	\$120.00	\$106.19	\$120.00

#### 3. Fill Placement:

The temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere, and the placement of material/fill is the primary activity.

<b>Minor</b> - Less than 500 m3 and no technical studies required	\$398.23	\$450.00	\$411.50	\$465.00
<b>Intermediate</b> - Less than 500 m3 and technical studies required	\$2,092.92	\$2,365.00	\$2,154.87	\$2,435.00
	<b>plus \$0.50/m3</b>			
<b>Major</b> - Greater than 500 m3	\$4,172.57	\$4,715.00	\$4,296.46	\$4,855.00
	<b>plus \$0.50/m3</b>			

## HCA Plan Review & Permit Fees

### 4. Interference with Wetlands, Alterations to Watercourses and Shorelines:

**Alteration to Watercourse** includes: straightening, changing, or diverting a watercourse channel, installation or replacement of culverts and bridges, bank re-grading or stabilization.

**Alteration to Shoreline** includes: installation or replacement/repair of retaining walls, other slope stabilization works and bank regarding.

**Interference with Wetlands** includes: buildings and structures to be located within 120 meters of a Provincially Significant Wetland or within 30 meters of all other wetlands; vegetation removal, grading, filling, and hydrological changes.

**Minor** - works not requiring supportive technical studies such as minor repairs or adjustments to existing shoreline protection/watercourse structures, simple culvert replacements, small full-span pedestrian bridges, buildings and structures, fill placement, jack and bore and directional drill activities.

Before HST	After HST		
\$774.34	\$875.00	\$796.46	\$900.00

**Intermediate** - works limited in scope/extent which may require supportive technical studies such as moderate-scale repairs to shoreline protection works, localized watercourse alterations and stream bank stabilization, buildings and structures, fill placement.

\$2,092.92	\$2,365.00	\$2,154.87	\$2,435.00
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**Major** - works requiring supportive technical studies such as channel re-alignments and natural channel design, major shoreline protection works, new large-scale bridge crossings, buildings and structures, fill placement.

\$4,172.57	\$4,715.00	\$4,296.46	\$4,855.00
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### 5. Multi-lot/Unit Development (10 or more lots or units) and Major Infrastructure Works:

Infrastructure works (storm water management ponds, services, roads, bridges, etc.), new golf courses and major alterations to existing golf courses.

\$5,207.96	\$5,885.00	\$5,362.83	\$6,060.00
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### 6. Violation Surcharge

75% surcharge will be applied when activities which require a permit under Regulations are undertaken without a permit.

### 7. Minor Revisions to Permits

\$261.06	\$295.00	\$269.91	\$305.00
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### 8. Expired Permits

\$261.06	\$295.00	\$269.91	\$305.00
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### 9. Letter Of Permission

With Site Visit	\$256.64	\$290.00	\$256.64	\$290.00
No Site Visit	\$176.99	\$200.00	\$176.99	\$200.00

### 10. Resubmissions (per hour of review time)

\$106.19	\$120.00	\$106.19	\$120.00
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## HCA Plan Review & Permit Fees

### NOTES:

- Permits are issued for a two (2) year period. Significant alteration or changed ownership subject to new permit application. All fees are to be made payable to the Hamilton Region Conservation Authority.

- Permit extensions and/or renewals will not be granted. Where a permit has expired and the same applicant re-applies for a new permit within 6 months of the expiry of the original permit, and there have been no changes to the proposed works, HCA may issue a new permit for an administrative fee of \$305.

- Resubmission fees will be charged directly to the applicant for the review of technical studies and plans, drawings, models, etc., beyond the first submission and two resubmissions. A fee will be charged for each resubmission and will be based on total staff review time at the hourly review rate charged by the HCA.

Service/Reforestation/Planning Fees/Misc. Fees	Before HST	After HST		
<b>Natural Areas Inventory Database Private Requests</b>				
Per hour preparation time	\$106.19	\$120.00	\$106.19	\$120.00

### Reforestation Tree Planting Service

The Authority provides a Reforestation Tree Planting Service to private landowners who own a minimum of 2 ha (5 acres) free of buildings. To recover the cost of this service a charge to the private landowner applies. Landowner pays cost of trees in addition to planting costs. Replanting at same terms and conditions. This charge is based on full cost recovery of crew, equipment materials, benefits + 22% administration. Estimates are prepared on request.

### Fees for Seed Collection and Cuttings

All work to be performed by purchaser and must satisfy authority environmental criteria. Volumes for uncleaned seed as collected.

<b>Cuttings per cubic meter</b>	\$17.70	\$20.00	\$18.58	\$21.00
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### Seed Collections by weight per lb.

Grass seed	\$41.99	\$47.45	\$43.23	\$48.85
Wildflower seed	\$60.93	\$68.85	\$62.74	\$70.90
Conifer seed	\$31.15	\$35.20	\$32.08	\$36.25
Walnut, Hickory, Oak seed	\$4.51	\$5.10	\$4.65	\$5.25
Other deciduous tree and shrub seed	\$2.74	\$3.10	\$2.83	\$3.20

### Seed Collections by volume per litre

Conifer cones	\$0.54	\$0.62	\$0.58	\$0.65
Walnut, Hickory, Oak seed	\$1.37	\$1.55	\$1.42	\$1.60
Other deciduous tree and shrub seed	\$0.93	\$1.05	\$0.97	\$1.10

HCA Plan Review & Permit Fees				
		Before HST	After HST	
<b>GIS Mapping</b>				
Colour Printing (includes ortho photo or area fill)	per sq.ft.	\$14.47	\$16.35	\$14.91 \$16.85
Colour printing (no ortho photo or area fill)	per sq.ft.	\$4.96	\$5.60	\$5.09 \$5.75
(any size up to 40" wide)				
Digital files (email)				
2002 Ortho photography 1km X 1km (ecw, jpg or geotiff) per file		\$35.40	\$40.00	\$36.28 \$41.00
Custom maps (including HCA scanned maps) based on size	per sq.ft.	\$5.44	\$6.15	\$5.62 \$6.35
Vector Data (high detail e.g. Contours, dem)	per sq.km.	\$53.98	\$61.00	\$55.62 \$62.85
Vector Data (low detail e.g. Watercourse etc.)	per hour	\$106.19	\$120.00	\$106.19 \$120.00
Create and ship CD		\$33.63	\$38.00	\$34.51 \$39.00
Regulation Mapping per sheet		\$53.98	\$61.00	\$55.75 \$63.00
Custom Map Preparation (plus printing or digital file cost)		\$106.19	\$120.00	\$106.19 \$120.00
<b>Hard Copy Print of Scans &amp; Custom Maps</b>				
Per square foot		\$5.44	\$6.15	\$5.62 \$6.35
<b>Photocopies</b>				
per sheet		\$0.24	\$0.27	\$0.27 \$0.30
<b>Stream Flow/Weather/Fishery Data</b>				
Per hour staff time		\$106.19	\$120.00	\$106.19 \$120.00
Stream flow Discharge measurement, per hour + mileage		\$106.19	\$120.00	\$106.19 \$120.00
Technical Data staff time relates to hourly engineering, Ecology, IT and GIS staff time to prepare data as requested.				
<b>Tables/Charts/Plans/Maps</b>				
Computer Disc		\$33.63	\$38.00	\$34.51 \$39.00
Electronic Files		\$24.78	\$28.00	\$25.66 \$29.00
<b>Solicitor and Real Estate Agent Requests RE:Property</b>				
<b>A. Solicitor, Real Estate, Consultant Request, and Property Reports (requiring a site visit)</b>				
		\$256.64	\$290.00	\$256.64 \$290.00
<b>B. Solicitor, Real Estate, Consultant Request, and Property Reports (no site visit)</b>				
		\$176.99	\$200.00	\$176.99 \$200.00
Property Reports include building permit inquiries and input to general inquiries as to development constraints on a property. All requests are payable in advance. In all cases, this fee includes a written reply to the landowner/agent/consultant. The municipal building department will be copied, when building permits are being sought.				
<b>Administration Fee For Returned Cheques</b>				
Administration fee per cheque		\$51.33	\$58.00	\$53.10 \$60.00
<b>Borrowed Reports</b>				
Deposits are normally held for borrowed reports until returned in good condition. Amount is based on 2 x value of report.				





# Report

**TO:** Budget & Administration Committee

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

**MEETING DATE:** September 16, 2021

**RE:** Governance Review – revisions to 2020 Administrative by-laws

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## **STAFF RECOMMENDATION:**

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

**THAT the Administrative By-Law be amended with the revisions noted in the attached draft, subject to and including any further revisions as noted during the September 16, 2021 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.*

## STAFF COMMENT

While there have been some legislative changes to capture in the governance review this year, the revisions did not require extensive changes to incorporate. Staff have identified the following revisions at this time which include:

- a) adding reference to the initial legislative changes to the Conservation Authorities Act related to the term limits and rotation of the Chair and Vice-Chair and citizen appointments and removal of power to expropriate land as proclaimed by the Province in February 2021
- b) replacing references to the Local Planning Appeal Tribunal (LPAT) with Ontario Land Tribunal (OLT) as the LPAT and four other tribunals were merged into a single tribunal (OLT) effective in June 2021
- c) clarifying detail in regard to timing for receipt and handling of both delegation requests and correspondence to allow for adequate staff time to process and circulate to the Board members following recent experience at the HCA Board and a review of best practices amongst conservation authorities
- d) making a few housekeeping amendments to the name of agenda items, replacing incorrect reference of Executive Committee with Board of Directors etc.

Revisions in the attached document:

- 1. Including update from the CA Act that at least 70% of a municipality's appointees must be selected from among the members of the municipal council unless exception is obtained from the Minister. (Section B 1a) on page 4 with footnote #5).
- 2. Removing reference to approval of proposed expropriation of land (Section B 1c) on page 5).
- 3. Amending maximum time as Chair and Vice-Chair to reflect two consecutive term limits unless exception is obtained from the Minister (Section B4 on page 10 with footnote #8)
- 4. Inserting succession update from the CA Act that the Chair and Vice-Chair shall be appointed by a different municipality to the incumbent, unless an exception is obtained from the Minister (Section B6 on page 10 with footnote #9).
- 5. Clarification on correspondence timeline to be received to allow for circulation to Board members (Section C2 page 14).
- 6. Updating agenda headings for the Board of Directors Meeting Agenda (Section C4 on page 16)
- 7. Clarification on delegation request form timeline to allow for processing by staff (Section C10 page 19).
- 8. Inserting the additional wording of "or for other considerations as may be required" as a housekeeping amendment for why the AGM meeting may be adjusted (Section C 11 on page 19).
- 9. Replacing the word sign-up with participation for greater clarity on Director membership on committee (Section C11 e) on page 20)

10. Replacing reference of Executive Committee with Board of Directors in Appendix B of Hearing Procedures on page 48.
11. Replacing references to LPAT or Mining and Lands Tribunal with OLT on pages 5, 15, 44, 48 and 50.

## **STRATEGIC PLAN LINKAGE**

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

- **Strategic Goal – Organizational Excellence**

## **AGENCY COMMENTS**

Not applicable.

## **LEGAL/FINANCIAL IMPLICATIONS**

None

## **CONCLUSIONS**

The recommendations contained in this report are amendments to the Administrative Bylaws to reflect current practice and to ensure the document remains relevant and current. Additional amendments will be required once further final legislative changes to the CA Act are released in 2021.



# HAMILTON REGION CONSERVATION AUTHORITY

## Administrative By-Law

In force as of ~~September 3, 2020~~



A Healthy Watershed for Everyone

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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, research and investigate the watershed and to support the development and implementation of programs and services intended to further the purposes of this Act
- (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) generally to do all such acts as are necessary for the due carrying out of any project or as may be desirable to further the objects of the authority.

## 5. Area of jurisdiction

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

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

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

## A. Definitions

**“Authority”** means the Hamilton Region Conservation Authority.<sup>2</sup>

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

**“Board of Directors”** means all of the members of the Authority, collectively.<sup>3</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## B. Governance

### 1. Directors

#### a) Appointments

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

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

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

At least 70% of a municipality's appointees must be selected from among the members of the municipal council, unless the municipality obtain permission from the Minister to select less than 70% of its appointees from among the members of the municipal council.<sup>5</sup>

#### b) Term of Director Appointments

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

#### c) Powers of the Board of Directors

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

- a) Approving by resolution, the creation of Committees and/or Advisory Boards, the members thereof and the terms of reference for these Committees and/or Advisory Boards;
- b) Appointing a Chief Administrative Officer and/or Secretary-Treasurer;
- c) Terminating the services of the Chief Administrative Officer and/or Secretary-Treasurer.
- d) Approving establishing and implementing regulations, policies and programs;
- e) Awarding contracts or agreements where the approval of the Authority is required under the Authority's purchasing policy.

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

<sup>5</sup> In 2021, both the City of Hamilton and the Township of Puslinch adopted resolutions in accordance with motion BD12,2857 dated March 4, 2021, adopted by the Board of Directors to retain the current complement of citizen appointments and will be required to make application to the Minister for exception when the current citizen appointments expire following the 2022 municipal election.

- 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;
- 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~~ acquisition or disposition of land, subject to the requirements under the Act;
- n) Approving permits or refusing permission as may be required under any regulations made under Section 28 of the Act, including the delegation of this responsibility to Chief Administrative Officer consistent with such regulations;<sup>6</sup>
- o) Holding hearings required for the purpose of reviewing permit applications, and advising every applicant of their right to appeal the decision to the ~~Minister through the Mining and Lands Tribunal~~ Ontario Land Tribunal.<sup>7</sup>

#### ***d) Responsibilities and Functions of the Board of Directors***

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

- a) Strategic Planning: The Board will adopt a strategic planning process, approve short-term and long-term strategic plans, and monitor the performance of the HCA against those plans.
- b) Financial Oversight: The Board will monitor the HCA's finances, including its future financial viability. The Board will ensure that the HCA is operated in a sound and prudent fiscal manner, and shall undertake short- and long-term financial planning consistent with the HCA's mission, objectives and strategic plan. The Board will do

<sup>6</sup> In 2013, the Board of Directors delegated approval of HCA permits issued for a 2-year period under the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* to the CAO, Director, Watershed Planning & Engineering, Manager, Watershed Planning Services and Manager, Water Resources Engineering. Monthly summary reports of the permits issued are submitted to the Board for information purposes as part of each monthly meeting package. HCA permit applications for the 2-year time frame that do not comply with HCA policy or permit applications for a period of 5-years are presented to the Board through a Staff report for consideration.

<sup>7</sup> Hearing procedures for hearings under s. 28(3) of the Act are set out in Appendix 5. 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.

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.
- 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.~~

~~The term of office for the Chair and Vice-Chair shall be limited to two (2) consecutive years unless otherwise decided by a resolution of the Board of Directors and approved by the Minister per Section 17 of the Act.<sup>8</sup>~~

~~The same maximum time period applies to an individual's role of Chair and/or Vice Chair of a Committee and to an individual's role as Chair and/or Vice Chair of an Advisory Board, unless otherwise decided by a resolution of the Board of Directors.~~

## **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).

~~Successors to the position of Chair and Vice-Chair shall be a director appointed by a different municipality to the incumbent, unless otherwise decided by a resolution of the Board of Directors and approved by the Minister per Section 17 of the Act.<sup>9</sup>~~

## **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.

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<sup>8</sup> In 2021, in accordance with the Act, motion BD12,2857 dated March 4, 2021, was adopted by the Board of Directors. HCA was granted an exception to this provision by the Minister of the Environment, Conservation and Parks on June 3, 2021 that is valid until the end of 2022.

<sup>9</sup> In 2021, in accordance with the Act, motion BD12,2857 dated March 4, 2021, was adopted by the Board of Directors. HCA was granted an exception to this provision by the Minister of the Environment, Conservation and Parks on June 3, 2021 that is valid until the end of 2022.

## **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 Foundation 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.

## 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 (or designate) at least eight (8) 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. Items of correspondence not received in the timeframe specified above may be introduced at the meeting subject to approval by a majority of Directors present. To allow for circulation to Board members, correspondence should be received by 12pm EST the day before the board meeting or alternatively can be listed on the published agenda for the following 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;
- 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~~ Ontario Land 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.

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) Foundation Chair Update
- ~~f)g)~~ Member Briefings
- ~~g)h)~~ Business Arising from the Minutes
- h)i) Reports from Budget & Administration Committee and Conservation Advisory Board
- ~~i)j)~~ Other Staff Reports/Memorandums
- ~~j)k)~~ New Business
- ~~k)l)~~ In-Camera Items
- ~~l)m)~~ Next Meeting
- ~~m)n)~~ 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 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 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 (8) 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. To allow for processing requirements, the request should be received by 12pm EST the day of the board meeting or alternatively can 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, 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.

## 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, or for other considerations as may be

required. 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 participation on for any~~ 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.

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

Board Resolution 12,~~2676~~2792 from September ~~53~~, ~~2019~~2020 approving the current HCA Administrative By-Law is hereby repealed;

Board Resolution 12,~~2792~~ approving the new Administrative By-law shall come into force on the ~~3rd~~ day of September, ~~2020~~2021.

READ A FIRST TIME ~~August 20, 2020~~, by the Budget and Administration Committee.

READ A SECOND TIME AND PASSED

~~September 5, 2020~~

Date

Signed:

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Chair

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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", as per section C.3 in this by-law;
- (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**

October 2005, Amended 2018 re. MLT, Amended 2020 re.  
Electronic Hearings, Amended 2021, re. Ontario Land Tribunal



**Ministry of Natural Resources**  
**Ministère des Richesses naturelles**

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## 1. 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. 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. These materials can be distributed electronically.
- (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 and on the Authority's website. 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. OR for Electronic Hearings:  
The time, purpose of the hearing, and details about the manner in which the hearing will be held.

Note: for electronic hearings the Notice must also contain a statement that the applicant should notify the Authority if they believe holding the hearing electronically is likely to cause them significant prejudice. The Authority shall assume the applicant has no objection to the electronic hearing if no such notification is received.

- (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/materials 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. HEARING

## 3.1. Public Hearing

Pursuant to the Statutory Powers Procedure Act, hearings, including electronic hearings, are required to be held in public. For electronic hearings, public attendance should be synchronous with the hearing. 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 Chairperson 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. In an electronic hearing, all the parties and the members of the Hearing Board must be able to clearly hear one another and any witnesses throughout the hearing.

### **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. 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 ~~Mining and Lands Tribunal~~Ontario Land Tribunal.

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. 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 ~~Mining and Lands Tribunal~~Ontario Land Tribunal. 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 decisions 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 , 2020**, [for electronic hearings, include details about the manner in which the hearing will be held] 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 [For electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice], 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 , \_\_\_\_\_ 202X

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 Chairperson's opening remarks. For electronic hearings, the Chairperson shall ensure that all parties and the Hearing Board are able to clearly hear one another and any witnesses throughout the hearing.
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 their agent will present their material
7. Staff and/or the conservation authority's agent may question the applicant and/or their agent if reasonably required for a full and fair disclosure of matters presented at the Hearing.<sup>1</sup>
8. The applicant and/or their agent may question the conservation authority staff and/or their agent if reasonably required for full and fair disclosure of matters presented at the Hearing.<sup>2</sup>
9. The Hearing Board will question, if necessary, both the staff and the applicant/agent.
10. The Hearing Board will move into camera. For electronic meetings, the Hearing Board will separate from other participants for deliberation.
11. Members of the Hearing Board will move and second a motion.
12. A motion will be carried which will culminate in the decision.
13. The Hearing Board will move out of camera.
14. The Chairperson or Acting Chairperson will advise the owner/applicant of the Hearing

<sup>1</sup> As per the Statutory Powers Procedure Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

<sup>2</sup> As per the Statutory Powers Procedure Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

Board decision.

15. If decision is "to refuse", the Chairperson or Acting Chairperson shall notify the owner/applicant of his/her right to appeal the decision to the ~~Mining and Lands Tribunal~~Ontario Land Tribunal within 30 days of receipt of the reasons for the decision.
16. Motion to move out of Hearing Board and sit as ~~the Board of Directors/Executive Committee~~.



## Appendix C

### CHAIRPERSON'S REMARKS WHEN DEALING WITH HEARINGS WITH RESPECT TO ONTARIO REGULATION 161/06

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 prepared a staff report, a copy of which has been given to the applicant and the Board. The applicant was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

Under Section 28 (12) of the Conservation Authorities Act, the person requesting permission has the right to a hearing before the Authority/Executive Committee.

In holding this hearing, the Authority Board/Executive Committee is to determine whether or not a permit is to be issued, with or without conditions. 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. Only Information disclosed prior to the hearing is to be presented at the hearing.

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 incriminate 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 Chairperson of the board.

## Appendix D

### NOTICE OF DECISION

(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 Ontario Land Tribunal 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 and/or forms by you or your agent/counsel setting out your appeal must be sent within 30 days of receiving this decision addressed to:

~~Mining and Lands Tribunal~~ Ontario Land Tribunal  
655 Bay Street, Suite 1500  
Toronto, Ontario  
M5G 1E5

Website: olt.gov.on.ca

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





# 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:** October 7, 2021

**RE:** Watershed Conditions Report

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## SYNOPSIS

The Hamilton Conservation Authority watershed continues to be under a Level 1 Low Water Condition, which was declared on June 16. Based on a preliminary review of the total amount of rain received in the last couple of months, the Level 1 Low Water Condition may be cancelled in October.

Current flows are well above the long-term average monthly flows for September in Spencer Creek, due to a recent rain storm (September 22). However, current flows at Ancaster Creek at Wilson Street and Redhill Creek at Barton Street are well below normal for September, as these watercourses have already returned to near pre-storm conditions.

The average monthly flows in September to date have been well above the long-term average September flows.

Christie Lake levels are above typical summer levels but receding moderately, and HCA staff continue to actively manage reservoir levels and downstream flow conditions. Reservoir levels at Valens Lake are not currently available, and staff are actively addressing this gauge communication matter.

During the period of August 22, 2021 to present, there were no observations, reports, or expectations of significant watercourse flooding events or Lake Ontario shoreline flooding events.

However, a rain storm on September 22 resulted in public safety concerns in area watercourses. Water levels and flows in Spencer Creek watercourses were significantly elevated in response to the rain storm. As well, some localized trail flooding occurred in low lying areas around Christie Lake reservoir, as well as at the causeway. Also, localized watercourse flooding of low-lying areas that typically flood during higher water levels likely occurred, particularly in Upper and Middle Spencer Creek areas.

No significant watercourse flooding, public safety concerns, or Lake Ontario shoreline flooding events are expected within the next 1 to 2 weeks.

## **CURRENT WATERSHED CONDITIONS – September 29, 2021**

### Current Water Levels in Major Area Watercourses

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

Current flows are well above the long-term average monthly flows for September at Upper Spencer Creek at Safari Road, Middle Spencer Creek at Highway 5, and Lower Spencer Creek at Market Street, due to a recent rain storm (September 22). Flows at these locations are receding moderately at this time.

Current flows are well below the long-term average monthly flows for September at Ancaster Creek at Wilson Street and Redhill Creek at Barton Street, as these watercourses have already returned to near pre-storm conditions.

The average monthly flows in September to date have been well above the long-term average September flows. The average monthly flows in August were near to slightly below the long-term average August flows. However, the average monthly flows in July were generally significantly above the long-term average July flows, due to received rainfall. For January to June, in general the average monthly flows were significantly below the long-term average monthly flows.

### Current Lake Ontario Water Levels

At this time, there are no observations, reports, or expectations of significant shoreline flooding. The Lake Ontario mean daily water level is approximately 74.79 m IGLD85. This is about 8 cm above the seasonal long-term average (1918-2020).

### Current Storages in HCA Reservoirs

The current reservoir level at Christie Lake dam (about 772.03 ft) is above typical levels (771.0 – 771.5 ft), but is receding moderately at this time. HCA staff continue to actively manage reservoir levels and downstream flow conditions. The reservoir is at 83 percent of its preferred maximum storage capacity (corresponding to a water level of 773.0 ft).

Reservoir levels at Valens Lake are not currently available, and staff are actively addressing this gauge communication matter.

### Current Soil Conditions

The surface and root-zone soils are moist, presently.

## **RECENT STORM EVENTS**

During the period of August 22, 2021 to September 29, 2021, there were no observations, reports, or expectations of significant watercourse flooding events or Lake Ontario shoreline flooding events.

However, a rain storm of September 22 resulted in public safety concerns in area watercourses, which warranted the issuing of flood messages and additional monitoring of conditions.

### Watercourse Public Safety Concerns *September 21 to 27*

The Hamilton area received between 37 and 78 mm of rain on September 21 and 22, with the majority of rain occurring on September 22. Forecasts prior to the storm were quite variable.

Water levels and flows in Spencer Creek watercourses were significantly elevated in response to the rain storm, with public safety concerns. As well, some localized trail flooding occurred in low lying areas around Christie Lake reservoir, as well as at the causeway. Also, localized watercourse flooding of low-lying areas that typically flood during higher water levels likely occurred, particularly in Upper and Middle Spencer Creek areas. However, there were no reports, observations, or expectations of significant watercourse flooding.

Prior, during, and after this storm event, HCA engineering staff closely monitored conditions, and issued the following messages to communicate the potential watercourse flooding and public safety conditions to the City and public:

- Flood Watch – Watercourse Flooding on September 21
- Watershed Conditions Statement (Water Safety) on September 24
- Termination of Watershed Conditions Statement (Water Safety) on September 27

## **RECENT WATERSHED LOW WATER CONDITIONS**

The Hamilton Conservation Authority (HCA) watershed continues to be in a Level 1 Low Water Condition, which was declared on June 16 by the Hamilton Low Water Response Team (Hamilton LWRT).

Accompanying this declaration, the Hamilton LWRT encouraged a 10 percent reduction in water use. This applies to all users of water supplied from watercourses, waterbodies, and groundwater sources within the HCA watershed.

HCA staff continue to monitor drought conditions regularly.

## **FORECASTED WATERSHED CONDITIONS**

### Watercourse Flooding

There are currently no significant rainfall events (+20 mm in a day) forecasted for the watershed over the next 2 weeks. HCA staff continue to monitor conditions and forecasts routinely. Resultant water levels and flows from currently anticipated rain are not expected to result in significant watercourse flooding.

### Lake Ontario Shoreline Flooding

There are currently no significant Lake Ontario shoreline flooding events anticipated within the watershed over the next 9 days.

According to International Lake Ontario – St. Lawrence River Board information, Lake Ontario is expected to resume a slow, seasonal decline over the next several weeks. The rate and magnitude of water level changes will depend largely on received precipitation amounts and temperatures.

### Watershed Low Water Conditions

Drought conditions will be re-assessed at the beginning of October. Based on a preliminary review of the total amount of rain received in the last couple of months, the Level 1 Low Water Condition may be cancelled in October.