

# Hamilton Region Conservation Authority

## Minutes

### Board of Directors Meeting

**February 3, 2022**

Minutes of the Board of Directors meeting held on Thursday, February 3, 2022 at 7.p.m., by videoconference and livestreamed via YouTube.

**PRESENT:**                **Lloyd Ferguson – in the Chair**  
                                 **Dan Bowman**                                **Jim Cimba**  
                                 **Tom Jackson**                                **Cynthia Janzen**  
                                 **Santina Moccio**                                **Esther Pauls**  
                                 **Maria Topalovic**

**Jennifer Stebbing – Foundation Chair**

**ABSENT:**                **Brad Clark, Susan Fielding, Russ Powers**

**STAFF PRESENT:** **Madolyn Armstrong, Jonathan Bastien, Lisa Burnside, Grace Correia, Gord Costie, Matt Hall, Neil McDougall, Scott Peck, Kathy Smith, Mike Stone, Jaime Tellier, and Nancy Watts**

**OTHERS:**                **Jo-Anne Rzadki**

#### **1. Welcome**

Lisa Burnside welcomed everyone to the meeting and advised Neil McDougall, Secretary-Treasurer would be reading a statement from members Brad Clark, Susan Fielding and Russ Powers. The statement read as follows:

Absence from HCA Board Meeting

To HCA Board Members:

We regret to advise that the three (3) of us have chosen to absent ourselves tonight from this HCA Board meeting which includes the election of the 2022-23 HCA table officers.

To date, we and you have received over two hundred (200+) emails from conservation and environmental allies, donors including major donors, who have expressed their lack of confidence in the current Chair and his continuance in that capacity.

Collectively, we polled Board members, and they have indicated their desire to acclaim the current Chair. While we respect their position, we do not wish to be complicit in the acclamation of a Chair with whom our conservation allies, Foundation donors and several past HCA Board and Foundation Chairs have lost confidence. For that reason, we have personally decided to not participate in this evening's action.

With our greatest respect;

Brad Clark  
Susan Fielding  
Russ Powers

Lisa Burnside then introduced Jo-Anne Rzdaki, Business Development and Partnerships Manager for Conservation Ontario, as the Acting Chair for the purposes of the election of officers.

## 2. Election of Officers

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

- Nominations only require a “mover”;
- Nominations will be called 3 times for each office;
- Closing of nominations will require a “mover” and a “seconded”;
- Each nominee will be asked if they are willing to serve;
- If more than one person is nominated and willing to serve, there will be a vote by anonymous electronic poll;
- Each nominee will be allowed to speak in support of his/her nomination with a time limit of 5 minutes;
- A vote will be held by the electronic polling feature within the Webex videoconferencing application. No member may vote by proxy.

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

### 2.1. Appoint Scrutineers

**BD12, 2981**

**MOVED BY: Maria Topalovic  
SECONDED BY: Dan Bowman**

**THAT, if more than one person is nominated, Jaime Tellier be appointed scrutineer; and further**

**THAT all electronic polling results be closed and not saved after each polling is concluded.**

**CARRIED**

## 2.2. Election of 2022 Chair

Jo-Anne Rzaszki called for nominations for the 2022 Chair for the Hamilton Conservation Authority.

**Nominated: Lloyd Ferguson**

**By – Mover: Dan Bowman**

Jo-Anne called for nominations twice more. Having no further nominations, the office of Authority Chair for 2022 was declared closed with the following resolution.

**BD12, 2982**

**MOVED BY: Jim Cimba**

**SECONDED BY: Santina Moccio**

**THAT nominations for the 2022 Chair of the Hamilton Conservation Authority be closed.**

**CARRIED**

Jo-Anne asked Lloyd Ferguson if he would serve. Mr. Ferguson indicated he would. Jo-Anne declared Lloyd Ferguson as Chair of the Board of Directors for 2022 by acclimation.

**BD12, 2983**

**MOVED BY: Esther Pauls**

**SECONDED BY: Jim Cimba**

**THAT Lloyd Ferguson be confirmed as Chair of the Hamilton Conservation Authority Board of Directors for 2022.**

**CARRIED**

## 2.3. Election of 2022 Vice-Chair

Jo-Anne Rzaszki called for nominations for the 2022 Vice-Chair for the Hamilton Conservation Authority.

**Nominated: Santina Moccio**

**By – Mover: Tom Jackson**

Jo-Anne called for nominations a second and third time. Having no further nominations, Jo-Anne declared the office of Authority Vice-Chair for 2022 closed with the following resolution:

**BD12, 2984            MOVED BY: Esther Pauls  
                              SECONDED BY: Dan Bowman**

**THAT nominations for the 2022 Vice Chair of the  
Hamilton Conservation Authority be closed.**

**CARRIED**

Jo-Anne asked Santina Moccio if she would serve. Ms. Moccio indicated she would. Jo-Anne declared Santina Moccio as Vice-Chair of the Board of Directors for 2022 by acclamation.

**BD12, 2985            MOVED BY: Tom Jackson  
                              SECONDED BY: Maria Topalovic**

**THAT Santina Moccio be confirmed as Vice-Chair of the  
Hamilton Conservation Authority Board of Directors for  
2022.**

**CARRIED**

#### 2.4. Election of Chair to Conservation Advisory Board

Jo-Anne Rzadki called for nominations for the 2022 Chair for the Conservation Advisory Board.

**Nominated: Dan Bowman**

**By – Mover: Maria Topalovic**

Jo-Anne called for nominations a second and third time. Having no further nominations, Jo-Anne declared the office of Chair of the Conservation Advisory Board for 2022 closed with the following resolution:

**BD12, 2986            MOVED BY: Cynthia Janzen  
                              SECONDED BY: Lloyd Ferguson**

**THAT nominations for the 2022 Chair of the Conservation  
Advisory Board be closed.**

**CARRIED**

Jo-Anne asked Dan Bowman if he would accept the nomination. Mr. Bowman accepted the nomination. Jo-Anne declared Dan Bowman as Chair of the Conservation Advisory Board by acclamation.

**BD12, 2987            MOVED BY: Santina Moccio  
                              SECONDED BY: Maria Topalovic**

**THAT Dan Bowman be confirmed as Chair of the  
Conservation Advisory Board 2022.**

**CARRIED**

#### 2.5. Board Representatives to Budget & Administration Committee

Jo-Anne Rzadki advised that the Budget & Administration Committee consists of five (5) Board of Director members; the Chair, Vice Chair, and up to three (3) additional directors may join the Chair and Vice-Chair as sitting members of B&A.

Jo-Anne asked for a show of hands for members interested in sitting on the Budget & Administration Committee.

Following the call for expressions of interest, Jo-Anne announced that in addition to the Chair of B&A, Santina Moccio, board members Jim Cimba, Maria Topalovic and Dan Bowman were interested in sitting on the Budget & Administration Committee.

**BD12, 2988            MOVED BY: Cynthia Janzen  
                              SECONDED BY: Santina Moccio**

**THAT Jim Cimba, Maria Topalovic and Dan Bowman be  
confirmed as members of the Budget & Administration  
Committee for 2022.**

**CARRIED**

#### 2.6. Board Representatives to Conservation Advisory Board

Jo-Anne Rzadki explained that up to two additional directors may join the newly elected CAB Chair as sitting members of CAB and asked for a show of hands for members interested in sitting on the Conservation Advisory Board.

Jo-Anne announced that in addition to the Chair of CAB, Dan Bowman, board member Cynthia Janzen was interested in sitting on the Conservation Advisory Board.

**BD12, 2989**

**MOVED BY: Tom Jackson  
SECONDED BY: Jim Cimba**

**THAT Cynthia Janzen be confirmed as a member of the Conservation Advisory Board for 2022.**

**CARRIED**

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

The Chair called the meeting to order and thanked Jo-Anne for her assistance with the elections.

The Chair also thanked the Board members for their acclimation, adding he takes the position very seriously. He addressed recent media articles and letters sent to the Board members regarding the Board leadership. He acknowledged environmental concerns raised with regard to the proposed development and associated wetland relocation along Garner Road and natural heritage offsetting policy, reiterating the Board's decisions to not support either. He acknowledged past statements in regard to jobs and tax revenue and noted he would not apologize for saying that we needed tax relief and jobs for Hamilton, however noted he would not compromise conservation as Chair of the HCA. He commented on the many positive achievements of HCA in the past two years, including record attendance at Conservation Areas, 177 acres of newly acquired lands, and the successful implementation of the Spencer Gorge Reservation System, among others. He expressed his sincere appreciation and admiration for staff and thanked them for their efforts.

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

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

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

The Chair requested any additions or deletions to the agenda. Lisa Burnside advised of 52 additional items of correspondence respecting the 2022 Election of Officers to be added as items 7.4.1 fp) through hn) on the agenda. In addition, a new item will be added under New Business as item 13.1.

**BD12, 2990**

**MOVED BY: Tom Jackson  
SECONDED BY: Cynthia Janzen**

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

**CARRIED**

## **6. Delegations**

There were none.

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

The following consent items were adopted:

- 7.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 7.2. Approval of Board of Directors Minutes – December 2, 2021
- 7.3. Letter from Ministry of the Environment, Conservation and Parks to Township of Puslinch respecting exception to subsection 14(1.1) of the Conservation Authorities Act, dated January 13, 2022
- 7.4. 171 Items of correspondence respecting the 2022 Election of Officers, labelled a) to fo)
  - 7.4.1. 52 Items of correspondence respecting the 2022 Election of Officers, labelled fp) to (hn)
- 7.5. Email from Ministry of the Environment, Conservation and Parks regarding Regulatory and Policy Proposals under the Conservation Authorities Act, dated January 26, 2022

## **8. Foundation Briefing**

Jennifer Stebbing reported on the following:

### ***Donations***

The Foundation received a total of **\$61,780** in new donations from December 1, 2021 to January 31, 2022, including:

- \$28,906 for the Area of Greatest Need Fund, and

- \$22,055 for Westfield Heritage Village
- \$2,500 for Tribute Benches
- \$2,100 for Trail Development
- \$2,025 for the Planting Fund
- \$1,960 for the Land Securement Fund
- The remaining \$2,234 includes donations to Stewardship, and the Dundas Valley Conservation Area

The Foundation is finalizing its strategic priorities for 2022, with anticipated growth in donations. The fundraising focuses for next year include continuing to fully fund the Environmental Education Program, funding future work at Saltfleet Conservation Area, and starting to build the Education Endowment to a level where it will generate sufficient income to fully fund the annual operating needs of the education program.

The Foundation is also excited to report that Heritage Green Community Trust has confirmed a \$2 million contribution through the Foundation directed to the construction of the first Saltfleet wetland. The Foundation is looking forward to finalizing the terms of the donation with the Trustees.

**BD12, 2991**

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

**THAT the Foundation Briefing be received.**

**CARRIED**

8.1. Naming Approval at Saltfleet Conservation Area

Grace Correia provided a summary of the report recommending that in recognition of Heritage Green Community Trust's donation to the Saltfleet wetland, the main trail within the Conservation Area be name the Heritage Green Community Trust Trail.

**BD12, 2992**

**MOVED BY: Jim Cimba  
SECONDED BY: Maria Topalovic**

**THAT the Hamilton Conservation Foundation's Board of Directors recommend to the Hamilton Conservation Authority Board of Directors:**

**THAT in recognition of the Heritage Green Community Trust's leadership donation to the Saltfleet Conservation Area Wetland Restoration project, the naming of the main trail in Saltfleet Conservation Area be offered as the Heritage Green Community Trust Trail;**



**THAT the name recognition, once approved by the HCA Board, be incorporated into the gift agreement between Hamilton Conservation Foundation and Heritage Green Community Trust.**

**CARRIED**

**9. Member Briefing**

There was none.

**10. Business Arising from the Minutes**

There was none.

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

**11.1. Conservation Advisory Board – December 9, 2021  
(Recommendations)**

**11.1.1. CA 2126 Fifty Point Conservation Area & Marina Master Plan**

Dan Bowman introduced the report, highlighting that Fifty Point has become an urban conservation area and has experienced a significant rise in use and attendance. He noted that strategies for improving visitor, site, and operational management to accommodate increasingly high visitation and anticipated growth in the area were discussed as well as the significant natural features of the conservation area, when the plan was presented to CAB.

Kathy Smith presented a full summary of the master plan. Kathy acknowledged Ecology staff and Conservation Area staff, as well as all other staff stakeholders for their contributions to the master plan. The members thanked Kathy and all staff for the tremendous work and resulting document.

**BD12, 2993**

**MOVED BY: Dan Bowman  
SECONDED BY: Cynthia Janzen**

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

**THAT this report and accompanying Master Plan of November 2021 be received as information for project background and general understanding; and further**

**THAT the Fifty Point Conservation Area Master Plan 2020 be approved.**

**CARRIED**

11.1.2. CA 2127 Spencer Gorge Conservation Area Reservation System

Dan Bowman provided a summary of the report, sharing that the reservation system coupled with support from city parking and bylaw, were effective in keeping traffic congestion to a minimum and the reservation system has provided a vastly improved visitor experience. It was added that the 2021 experience demonstrated that HCA parking lots can handle the weekday capacity, and therefore the recommendation for 2022 is that no reservation be required on week days until the Fall colour season which allows for regular day use and membership pass access without reservation.

**BD12, 2994**

**MOVED BY: Dan Bowman**

**SECONDED BY: Maria Topalovic**

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

**WHEREAS the pilot 2020 and 2021 reservation system for Dundas Peak, Tew Falls, and Webster Falls, was highly successful at improving the Conservation Area experience by controlling and regulating the number of visitors, and for reducing vehicle traffic and congestion within the nearby community;**

**WHEREAS staff were directed to evaluate the effectiveness of the pilot reservation system and report back on the operations in 2021;**

**WHEREAS staff were directed to monitor and evaluate the reservation system as a potential and continuous part of the operations in addressing parking and visitor management strategies for the area;**

**THEREFORE, be it resolved**

**THAT the reservation system be integrated as part of the ongoing operation of Spencer Gorge Conservation Area based on the following parameters:**

**THAT future reservation periods for Spencer Gorge Conservation Area continue to reflect the dates of May to November, with specific start and end dates to be determined by staff; and further**

**THAT the reservation period operates based on weekend and Public Holiday reservation requirements in 2022 until mid-September when 7 day a week reservation will be required for Fall colours; while still providing the ability of staff to undertake real time adjustments for reservation system requirements to add additional reservation days if required.**

**CARRIED**

**11.2. Budget and Administration Committee – January 20, 2022  
(Recommendations)**

**11.2.1. BA 2202 HCA Draft Inventory of Programs and Services**

Santina Moccio summarized a staff report on a draft inventory of programs and services, required to remain in compliance with changes to the Conservation Authorities Act. The inventory represents staff's best understanding of the requirements laid out by MECP and how we could best fit HCA's workplans and budget into the template provided by Conservation Ontario. The inventory reflects a status quo budget based on HCA's 2022 trial balance and works within the current levies provided by the City of Hamilton and Township of Puslinch, as well as the capital block funding received from the City of Hamilton. Staff insured that HCA is only undertaking category 2 or 3 programs that support our strategic plan and can be reliably funded. The City of Hamilton and Township of Puslinch will be provided the opportunity to offer feedback during the balance of the transition period. Upon agreement to the inventory HCA will need to enter into formal agreements for any Category 2 and 3 programs and services where municipal funding or levy is proposed to be used.

**BD12, 2995**

**MOVED BY: Santina Moccio  
SECONDED BY: Cynthia Janzen**

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

**THAT the Board of Directors approve the attached HCA Draft Inventory of Programs and Services, subject to and including any further revisions as noted during the January 20th, 2022 meeting.**

**CARRIED**

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

### 12.1. 2022 Schedule of Meetings

Lisa Burnside presented a summary of the memorandum.

**BD12, 2996**

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

**THAT the memorandum entitled 2022 Schedule of Board of Directors Meetings be received.**

**CARRIED**

### 12.2. Appointment of Voting Representatives to Conservation Ontario

Lisa Burnside provided an overview of the report.

**BD12, 2997**

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

**THAT the following members be appointed to Conservation Ontario for 2022:**

**Designate: Chair  
Alternate: Vice Chair  
Second Alternate: Chief Administrative Officer  
Third Alternate: Deputy Chief Administrative Officer;  
and further**

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

**CARRIED**

### 12.3. Appointment of the Auditors

Lisa Burnside presented a summary of the report.

**BD12, 2998**

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

**THAT the audit firm of Grant Thornton is appointed as the auditors Hamilton Conservation Authority for the year 2022.**

**CARRIED**

12.4. Annual Reporting on Conservation Authority Permit Review Timelines

Mike Stone presented a summary of the memorandum on review timelines for Conservation Authority permits issued by HCA in 2021. The annual report is part of Conservation Ontario's Client Service and Streamlining Initiative to track review times for the issuance of Section 28 permits against recommended service level targets and to report the statistics to Conservation Ontario annually. HCA largely met 2010 service standards and continues to work toward fully meeting the new 2019 standards. For clarity, the differences between major and minor permits were explained.

**BD12, 2999**

**MOVED BY: Cynthia Janzen  
SECONDED BY: Santina Moccio**

**THAT the memorandum entitled Annual Reporting on CA Permit Review Timelines – January 1, 2021 to December 31, 2021 be received.**

**CARRIED**

12.5. Watershed Conditions Report

Jonathan Bastien presented a summary of the memorandum, highlighting there have been no current or recent observations or reports of significant watercourse flooding, public safety concerns, or Lake Ontario shoreline flooding. In the next 2 weeks, no significant watercourse flooding is expected. In the next 9 days, no significant Lake Ontario shoreline flooding is expected. Current and average January flows have been well below long-term averages. The potential for the significant snowfall to result in flooding was discussed. Jonathan noted that rapid melt of the snow pack could be problematic for flooding, however that is not forecasted. Staff monitor the water content in the snow pack in order to forecast the potential for flooding. HCA's reservoirs have available storage should the snow begin to melt.

**BD12, 3000****MOVED BY: Esther Pauls  
SECONDED BY: Maria Topalovic****THAT the memorandum entitled Watershed Conditions Report be received.****CARRIED****12.6. Conservation Areas Experiences Update**

Gord Costie provided the members with a verbal update, highlighting the spectacular winter conditions in the Conservation Areas. Staff are busy with snow removal keeping the areas open and safe. He called attention to the variety of winter recreation opportunities at Valens Lake Conservation Area, including winter camping, ice fishing, pond hockey, etc., commenting it rivals many Ontario Parks. He noted that the smaller parkette Conservation Areas, including those with waterfalls, continue to be busy. Lastly, Gord advised that Devil's Punchbowl CA will reopen very shortly following installation of new fencing at the area.

**BD12, 3001****MOVED BY: Dan Bowman  
SECONDED BY: Cynthia Janzen****THAT the verbal update on the Conservation Areas Experiences be received.****CARRIED****13. New Business****13.1 Comments on Absence from HCA Board Meeting Letter from Brad Clark, Susan Fielding and Russ Powers**

In regard to the statement in the letter that Board members were polled as to their support for the position of Chair for the 2022 Board of Directors, Santina Moccio, Jim Cimba and Dan Bowman each stated they were not contacted or polled by the authors of the letter. These corrections were noted for the record.

**14. In-Camera Items****BD12, 3002****MOVED BY: Dan Bowman  
SECONDED BY: Santina Moccio**

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

**CARRIED**

**During the *in camera* session, one legal/personnel and one legal matter were discussed.**

**14.1. Confidential Verbal Update / Report – BA/Jan 01-2022**

Santina Moccio provided a summary of the report regarding a legal/personnel matter.

**BD12, 3003**

**MOVED BY: Santina Moccio  
SECONDED BY: Cynthia Janzen**

**THAT the confidential report entitled BA/Jan 01-2022 remain in-camera and the following recommendations come out of camera:**

- 1. That the HCA Mandatory Vaccination Verification and Testing Policy be amended to require proof of being fully vaccinated in the workplace for all categories of staff (full time, contract, casual, volunteers, students).**
- 2. THAT the definition of “fully vaccinated” for the purposes of this Policy be defined as having received the full series of a COVID-19 vaccine, subject to change as defined by the Ontario Ministry of Health and Long Term Care.**
- 3. THAT any current unvaccinated staff will have until April 18, 2022 to provide proof of full vaccination or an approved human rights or medical exemption, at which time any failure to do so will result in their termination of employment with HCA.**
- 4. THAT any employees with an approved human rights or medical exemption will continue to follow the previous testing measures.**

**CARRIED**

**14.2. Confidential Verbal Update – BA/Jan 03-2022**

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

**BD12, 3004**

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

**THAT the confidential verbal update entitled BA/Jan 03-2022 be received and remain in camera.**

**CARRIED**

**BD12, 3005**

**MOVED BY: Santina Moccio  
SECONDED BY: Jim Cimba**

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

**CARRIED**

### **15. Next Meeting**

The next meeting of the Board of Directors will be held on Thursday, March 3, 2022 at 7:00 p.m.

### **16. Adjournment**

On motion, the meeting adjourned.



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Neil McDougall  
Secretary-Treasurer