

Hamilton Region Conservation Authority

Minutes

Board of Directors Meeting

September 1, 2022

Minutes of the Board of Directors meeting held on Thursday, September 1, 2022 at 6.p.m., at the HCA main office, 838 Mineral Springs Road, in Ancaster, by an in-person and videoconference hybrid format and livestreamed via YouTube.

PRESENT: **Lloyd Ferguson – in the Chair**
 Brad Clark Jim Cimba
 Tom Jackson Susan Fielding (Township of Puslinch)
 Cynthia Janzen Santina Moccio

Jennifer Stebbing – Foundation Chair (by Webex)

REGRETS: **Dan Bowman, Esther Pauls, Russ Powers, Maria Topalovic**

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

OTHERS: **Raed Al-Rawi, Ahmed Dhaghir (by Webex), Zainab Khudair**

1. Call to Order

The Chair called the meeting to order and welcomed everyone present. He then welcomed Scott Fleming, the new Director of Finance and Central Support Services to HCA and also advised that this would be Neil McDougall's final Board meeting before he retires September 2nd. The members all thanked Neil for his many years of counsel and financial reporting over the past 12 years.

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. Lisa Burnside advised of an additional item of correspondence to be added as item 6.5 on the agenda.

BD12, 3083

MOVED BY: Brad Clark

SECONDED BY: Santina Moccio

THAT the agenda be approved, as amended.

CARRIED

4. Delegations

There were none.

5. Section 28 Hearing

5.1. 6 (10) Governor's Road, Dundas – Permit Application No. D/C/22/50

BD12, 3084

MOVED BY: Santina Moccio

SECONDED BY: Susan Fielding

THAT the Board of Directors sit as the Hearing Board.

CARRIED

The hearing procedures were reviewed.

Elizabeth Reimer presented a summary of the staff report regarding a proposed development to convert an existing convenience store and used car dealership to a medical centre. The proposed changes constitute a change in use and would increase the flood susceptibility of the building. The application proposes development within the Regional flood hazard associated with Middle Spencer Creek, and the proposal does not provide adequate floodproofing. Provincial and HCA policies take a preventative approach to addressing the potential risks and impacts associated with natural hazards by providing a framework to protect people and property from flooding and other natural hazards. As adequate floodproofing cannot be implemented, staff outlined that the policy framework outlined in HCA's *Planning and Regulation Policies and Guidelines (October, 2011)* does not support the proposed development.

Raed Al-Rawi of Professional Floor Plans, presented on behalf of the permit applicant. Mr. Al-Rawi reviewed the floor plans and elevation drawings for the proposed development. It was noted dry floodproofing the building would be impractical as the openings to the building would be greater than 2.3m above street level and difficult to achieve AODA (Accessibility of Ontarians with Disabilities Act) compliance for those with mobility challenges. Retrofitting the building to withstand forces exerted by flood waters was also discussed. It was noted that due to existing openings the building would still be subject to flooding. Therefore, wet floodproofing measures were proposed.

Board members posed questions to both staff and the proponent on various matters related to the proposed development, existing building and HCA policies.

BD12, 3085

MOVED BY: Santina Moccio

SECONDED BY: Cynthia Janzen

THAT Hearing Board moves *in camera*.

CARRIED

During the *in-camera* session, the hearing board deliberated on the application. A motion, BD 3086, was carried culminating in a decision.

BD12, 3087

MOVED BY: Jim Cimba

SECONDED BY: Brad Clark

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

CARRIED

The Chair announced the decision to deny the permit application.

BD12, 3086

MOVED BY: Jim Cimba

SECONDED BY: Susan Fielding

THAT the Board of Directors refuse the application made by Ahmed Ameen (2864335 Ontario Ltd.) for development of a medical centre in an existing commercial building in a regulated area of Middle Spencer Creek at 10 Governor's Road, City of Hamilton as the development does not conform to the requirements of the Hamilton

Conservation Authority's Planning & Regulation Policies and Guidelines (October, 2011) as they relate to the implementation of Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the Conservation Authorities Act, R.S.O. 1990.

CARRIED

6. Consent Items for Applications, Minutes and Correspondence

The following consent items were adopted:

- 6.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 6.2. Approval of Board of Directors Minutes – July 7, 2022
- 6.3. Approved June 16, 2022 Budget & Administration Committee Minutes – for receipt only
- 6.4. Level One Low Water Condition, declared as of July 28, 2022
- 6.5. Email from Ministry of Environment, Conservation and Parks regarding change in Ministry reporting by Conservation Authorities, dated August 30, 2022

7. Foundation Briefing

Jennifer Stebbing reported on the following:

The Foundation received a total of **\$59,496.00** in donations from July 1 to August 31, 2022. They break down as follows:

- \$42,040 to the Environmental Education Fund, which included a \$25,000 donation through a personal Foundation Board contact
- \$6,000 to our Benches Fund for 2 memorial benches to be dedicated at Webster Falls
- \$5,000 in support of the Fifty Point Wetland

The remaining \$6,294 was directed to various projects, including the General Fund, Dundas Valley, Land Securement, Tribute Trees and the Westfield Locomotive Restoration Project. This brings the fiscal year-to-date fundraising total to **\$674,785**, which is 82% of our goal.

The Foundation Board will resume meeting this month after taking a break over the summer, and Directors are looking forward to being back to in-person meetings.

BD12, 3088

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

THAT the Foundation Briefing be received.

CARRIED

8. Member Briefing

There was none.

9. Business Arising from the Minutes

9.1. Trail accessibility to McMaster University

Following up on a delegation at the July Board meeting requesting a steel staircase and bike runnel on HCA lands connecting the University Gardens neighbourhood and McMaster University, Matt Hall presented a staff recommendation to make improvements to an existing nearby alternate trail that would achieve the same result of facilitating access, while being more cost effective and faster to complete in the near-term.

BD12, 3089

**MOVED BY: Cynthia Janzen
SECONDED BY: Jim Cimba**

THAT HCA staff be directed to undertake the necessary improvements to the existing trail pathway leading from Grant Blvd. to McMaster University, in order to bring it in line with other standard HCA trail connections.

CARRIED

10. Reports from Budget & Administration Committee and Conservation Advisory Board

10.1. Budget and Administration Committee – August 18, 2022 (Recommendations)

10.1.1. BA 2230 Application to renew governance exceptions granted by
MECP

Santina Moccio provided an overview of the staff report, summarizing the exceptions to governance provisions of the *Conservation Authorities Act* that HCA applied and received approval for, from the Minister of the Environment, Conservation and Parks, last year.

The first is in regard to the rotation of the Chair and Vice Chair position to rotate amongst participating municipalities given HCA's unique board composition with only two participating municipalities and just one member from the second participating municipality and that the rotation instead, be based on annual democratic election by board members who wish to stand for these positions.

The motion also requested an exception to the maximum two consecutive term limits (a term equals one year) for the position of Chair and Vice Chair for a longer period to align with the appointment timeframe given by the participating municipalities and instead, that a maximum four consecutive terms be permitted and based on annual democratic election by board members who wish to stand for these positions.

As the current exceptions expire at the end of the year, staff brought forward a recommendation to reapply for the exceptions at this time so that there is clarity around the proceedings of the 2023 AGM and HCA's Administrative Bylaws can be updated accordingly.

Staff clarified for the Board that the City of Hamilton must reapply for exceptions to the requirement in the *Conservation Authorities Act* that 70% of appointees be elected officials. While the City of Hamilton did apply in late 2021, it was advised they were too early and to reapply at a later date. The Township of Puslinch applied in early 2022 and was approved for the upcoming municipal term. The City of Hamilton will need to re-submit and staff understand this is under review by the City Manager's office.

It was stated by elected members of the Board that the citizen appointees have excelled on HCA's Board.

Note: given very recent correspondence from MECP regarding changes to the Conservation Authority reporting Ministry, the exception request will now be addressed to the Minister of Natural Resources and Forestry.

BD12, 3090

**MOVED BY: Brad Clark
SECONDED BY: Tom Jackson**

WHEREAS the governance exceptions that HCA has been granted from the Minister of the Environment, Conservation and Parks will be expiring at the end of 2022,

THEREFORE, BE IT RESOLVED

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

THAT Hamilton Conservation Authority reapply to the Minister of the Environment, Conservation and Parks requesting an exception to the rotation of the Chair and Vice Chair position to rotate amongst participating municipalities; and further

THAT an exception also be requested to the maximum two consecutive term limits for the position of Chair and Vice Chair to a maximum of four consecutive terms; and further

THAT the exceptions be based on the rationale as provided in the last exception that was approved by the Minister noting HCA's unique board composition, alignment with four-year municipal appointment terms and process of annual democratic election.

RECORDED VOTE:**For:**

**Jim Cimba
Brad Clark
Susan Fielding
Cynthia Janzen
Tom Jackson
Santina Moccio
Lloyd Ferguson**

Absent:

**Dan Bowman
Esther Pauls
Russ Powers
Maria Topalovic**

CARRIED

10.1.2. BA 2231 2023 HCA Fee Guide

Santina Moccio provided an overview of the staff report, highlighting a new requirement under the *Conservation Authorities Act* to formally adopt a written policy with respect to fees charged for programs and services provided.

The fee increases for our HCA conservation areas recommendations for 2023 are intended to offset increases to minimum wage and continued high inflation as well as defray increased costs associated with greater maintenance levels at our

conservation areas. The new rates also reflect enhancements to the visitor experience.

Following a comprehensive fee review by Watson and Associates Economists Inc., the fee guide also includes proposed changes to planning and permit application review fees to reach the Board approved cost recovery targets in two years.

BD12, 3091

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

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

THAT the Fee Policy contained in this report be included with the 2023 Fee Schedule and further;

THAT effective January 1, 2023, HCA staff be directed to implement the revised fee schedule contained in this report and further;

THAT HCA provide an additional 22 annual vehicle passes as part of the ongoing agreement with the Hamilton Public Library System.

CARRIED

11. Other Staff Reports/Memoranda

11.1. 93 Creanona Boulevard, Stoney Creek –
Permit Application No. SC/F/C/22/57

Scott Peck presented a summary of the report, recommending approval of a permit for renovation of a single-family residence within the regulated area associated with Lake Ontario. Staff are unable to issue a permit which does not comply with HCA's Board-approved policy, however staff were of the opinion that the proposed development meets the intent of HCA policy.

BD12, 3092

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

THAT the HCA Board of Directors approve the issuance of a permit under *Ontario Regulation 161/06* (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and

Watercourses) for the renovation of a single- family residence within the regulated area associated with Lake Ontario at 93 Creanona Blvd., Stoney Creek, City of Hamilton.

CARRIED

11.2. Watershed Conditions Report

Jonathan Bastien presented a summary of the memorandum, noting in the past few weeks there were no observations or reports of significant watercourse flooding events or Lake Ontario shoreline flooding events. Currently there are no significant watercourse flooding, public safety concerns, or Lake Ontario shoreline flooding. Current flows are near to slightly above baseflow conditions, and are generally well below long-term average monthly flows for August. The Lake Ontario daily water level is currently about 22 cm below average for this time of year.

Christie Lake water levels are relatively low for this time of year, approximately 1.2 ft. above winter operating levels. Staff are Staff are balancing between reservoir levels and downstream flows in Lower Spencer Creek and will continue to monitor. Valens Lake is also slightly below summer operating levels.

There are currently no significant rainfall events forecasted for the watershed over the next 2 weeks. In the next 9 days, no significant Lake Ontario shoreline flooding is expected.

The Hamilton Low Water Response Team declared a Level 1 Low Water Condition for the entire HCA watershed on July 28th and is expected to continue. The Team is reassessing every two weeks for worsening drought conditions within the watershed, at such time a Level 2 Low Water Condition would be declared.

BD12, 3093

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

THAT the memorandum entitled Watershed Conditions Report be received.

CARRIED

11.3. Conservation Areas Experiences Update

Gord Costie provided a verbal update, highlighting year to date revenues for 2022, compared with 2021. As expected in the months following the pandemic, we are seeing a softening for day use visitation, however camping has increased at both

Valens Lake and Fifty Point. Gord also noted that staff are beginning to prepare for the Fall season. The Spencer Gorge reservation system will return to seven days a week for that period. He highlighted the efforts of staff to open and maintain operations at Wild Waterworks, given a two year pause in operations due to COVID and a national shortage of lifeguards, among the key challenges.

BD12, 3094

**MOVED BY: Brad Clark
SECONDED BY: Jim Cimba**

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

CARRIED

12. New Business

There was none.

13. In-Camera Items

BD12, 3095

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

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

CARRIED

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

13.1. Confidential Report – BA/Aug 03-2022

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

BD12, 3096

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

THAT the confidential report entitled BA/Aug 03-2022 be received and remain in camera.

CARRIED

13.2. Confidential Verbal Update – BD/Sep 01-2022

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

BD12, 3097

MOVED BY: Santina Moccio

SECONDED BY: Cynthia Janzen

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

CARRIED

14. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, October 6, 2022 at 7:00 p.m. at the HCA Main Administration Office – Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

15. Adjournment

On motion, the meeting adjourned.



Neil McDougall
Secretary-Treasurer