

Hamilton Region Conservation Authority

Minutes

Board of Directors Meeting

January 5, 2023

Minutes of the Board of Directors meeting held on Thursday, January 5, 2023 at 6:00 p.m., at the HCA main office, 838 Mineral Springs Road, in Ancaster, and livestreamed on YouTube.

PRESENT:

| | |
|--------------------------------------|------------------------------------|
| Santina Moccio – in the Chair | |
| Dan Bowman | Craig Cassar |
| Brad Clark | Jim Cimba |
| Susan Fielding | Matt Francis |
| Cynthia Janzen | Maria Topalovic – via Webex |
| Alex Wilson | Maureen Wilson |

Jennifer Stebbing – Foundation Chair

REGRETS: None

STAFF PRESENT: Lisa Burnside, Grace Correia, Gord Costie, Scott Fleming, Matt Hall, Bruce Harschnitz, Scott Peck, Jaime Tellier, and Nancy Watts

OTHERS: None

1. Call to Order

The Chair called the meeting to order and welcomed everyone present. The Chair also welcomed the new City of Hamilton Councillor appointments to HCA's Board of Directors (Councillors Craig Cassar, Matt Francis, Alex Wilson and Maureen Wilson), and congratulated Hamilton Councillor Brad Clark and Township of Puslinch citizen appointment, Susan Fielding, on their reappointments to the Board.

2. Declarations of Conflict of Interest

The Chair asked the members to declare any conflicts under the Board's Governance Policy. Brad Clark declared a conflict of interest for item 12.3 in camera, specific to 140 Garner Road East, as his son has a retail business interest with the principal planner for the appeal for that development application.

3. Approval of Agenda

The Chair requested any additions or deletions to the agenda. Lisa Burnside advised of an additional item related to a property matter to be added as item 12.4 in camera.

BD12, 3121

MOVED BY: Brad Clark

SECONDED BY: Cynthia Janzen

THAT the agenda be approved, as amended.

CARRIED

4. Member Briefing

4.1. Bill 23 More Homes Built Faster Act Update

Lisa Burnside presented an update regarding Bill 23, noting that on December 28th, all Conservation Authorities (CAs) received letters from MNR. The letters outlined that as of January 1, 2023, CAs can no longer provide planning comments beyond Natural Hazards for a number of prescribed Acts and that our planning and permit fees cannot be changed in the 2023 calendar year. Our member municipalities received similar letters. Key points in the update included:

- The legislative changes prohibit CAs from providing comments/reviews for natural heritage impacts; moving forward, CA commenting and review as part of the planning approvals process will focus on natural hazards only
- Given that the Province did not provide any transition time or guidelines, we still have many submissions currently under review on non-hazard-related matters. It is our understanding that those reviews will continue, although how the results will be shared with municipalities is still unclear
- MNR staff have clarified if a CA has approved a fee change prior to the effective date of the direction, there is no concern with using the fee schedule that was already approved, as such, the HCA 2023 fees will move forward as these were approved at the September 1, 2022 Board meeting
- Going forward, and for the term of the Minister's direction from January 1 – 31, 2023, CAs cannot change the amount of the fee it charges or the manner in which it determines the fee for any program or service described in the Minister's direction
- Amendments have been made to require additional information to be provided as part of a required land inventory to be completed by December 31, 2024. The additional information relates to CA lands suitable for housing.

Further legislative changes regarding CA development regulations will come into effect following a new Minister's regulation.

Lisa answered various questions posed by Board members.

BD12, 3122

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

**THAT the verbal update regarding Bill 23 More Homes
Built Faster Act be received.**

CARRIED

5. Delegations

There were none.

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 – November 3, 2022
- 6.3. Approved November 17, 2022 Budget & Administration Committee Minutes – for receipt only
- 6.4. Letter from Minister of the Environment, Conservation and Parks regarding the Review of updated assessment reports and source protection plan for the Halton - Hamilton Source Protection Region, received November 4, 2022
- 6.5. Letter from Ministry of Municipal Affairs and Housing regarding Greenbelt Amendments and Revocation of the Central Pickering Development Plan and O. Reg 154/03, dated December 16, 2022
- 6.6. Letter from Ministry of Natural Resources and Forestry regarding Minister's direction for conservation authorities regarding fee changes associated with planning, development and permitting fees, including Attachment A "Minister's Direction to Not Change Fees", dated December 28, 2022
- 6.7. Letter from Ministry of Natural Resources and Forestry regarding legislative and regulation changes affecting conservation authorities, dated December 28, 2022

For item 6.2, clarification was sought regarding the biodiversity strategy. Scott Peck confirmed this is a City of Hamilton initiative that HCA is assisting with. It was put

forward that the biodiversity strategy may be a Category 2 or 3 service and an opportunity for the City to continue to work with HCA.

Clarification was requested regarding the protocols for the referenced 25% reduction in water takings for Level 2 Low Water Conditions. Scott advised that the reductions in takings are voluntary and are focussed on users that have water taking permits. The Permit to Take Water program is administered by the Ministry of the Environment, Conservation and Parks. The reductions in water takings are not monitored by HCA.

7. Foundation Briefing

Jennifer Stebbing reported on the following:

Donations

The Foundation received a total of \$49,822 in donations in November, which brought the unaudited fiscal year total to \$762,446. November donations included \$25,830 from the Friends of Westfield to be used for the Westfield Locomotive Restoration, and \$14,146 to our General (Unrestricted) Fund, in response to the fall appeal. In December, the Foundation received a total of \$65,344 in donations, which included \$28,355 directed to the Environmental Education Fund and \$18,647 to the General (Unrestricted) Fund in response to the fall appeal and year-end reminders.

2022 Highlights

Jennifer provided an overview on projects funded in 2022 highlighting the first instalment on a \$2 million pledge from Heritage Green Community Trust contributed greatly to the Foundation's fundraising success for the year. As a result, the Foundation contributed \$525,000 toward the construction of the first wetland at Saltfleet Conservation Area, which is now completed, with additional funds to be disbursed over the next few years.

Looking Ahead

Fundraising focuses for 2023 include continuing to fully fund the Environmental Education Program, funding future work at Saltfleet Conservation Area, as well as other projects identified through HCA master plans. The intent is to increase the Education Endowment to a level where it will generate sufficient income to fully fund the annual operating needs of the education program.

In addition, the Foundation will be reviewing governance materials to ensure compliance with the new Ontario Not for Profit Corporations Act and, with HCA staff, reviewing the HCA-Foundation Memorandum of Understanding that is up for renewal later this year.

There was a question regarding the investment policy for the Foundation's endowment fund with regard to ESG investing. It was noted that the Foundation has a diversified portfolio to best manage the fund. Following a question by member Maureen Wilson regarding the Foundation's gift acceptance policy, Grace Correia advised that she will forward the Foundation's gift acceptance policy to the Board members for their information.

BD12, 3123

**MOVED BY: Susan Fielding
SECONDED BY: Jim Cimba**

THAT the Foundation Briefing be received.

CARRIED

8. Business Arising from the Minutes

8.1. HCA Quarterly Report #3 to MNRF

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

BD12, 3124

**MOVED BY: Brad Clark
SECONDED BY: Susan Fielding**

THAT the memorandum entitled HCA Quarterly Report #3 to MNRF be received.

CARRIED

8.2. 2023 Budget – Verbal Update

Scott Fleming provided a verbal update regarding the 2023 capital budget as approved for submission to the City of Hamilton by the Board of Directors in October, 2022. Staff have received notice from the City of Hamilton that a one-time \$300K request for a special collaborative City/HCA project for municipal road improvements, culvert restoration, and retaining wall replacement at the Ancaster Well appears to have been approved. City staff are currently determining how the funding will be distributed, whether through the Public Works block funding or another funding source.

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

9.1. Budget and Administration Committee – November 17 and December 15, 2022
(Recommendations)

9.1.1. BA 2241 2023 Mileage Rate

Santina Moccio provided an overview of the staff report and put forward the recommendation.

BD12, 3125 MOVED BY: Dan Bowman
SECONDED BY: Jim Cimba

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

THAT the mileage rate of 56 cents per kilometre be increased to 58 cents per kilometre effective January 1, 2023.

CARRIED

9.1.2. BA 2246 Annual General Meeting 2023

Santina Moccio provided an overview of the staff report and put forward the recommendation.

BD12, 3126 MOVED BY: Jim Cimba
SECONDED BY: Dan Bowman

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

THAT the HCA Annual General Meeting (AGM) be postponed until the completion of all appointments from HCA's participating municipalities.

CARRIED

9.1.3. BA 2247 Email Voting

Santina Moccio presented a summary of the report and put forward the recommendation.

Brad Clark inquired as to how votes will be recorded for the public record. It was noted the previous clause in the by-law did include a statement that all votes by

telephonic or electronic means shall be minuted in the same way as votes at in-person Board meetings and that this should be added to the new language. A statement was added to the motion and the vote taken as amended.

BD12, 3127

MOVED BY: Brad Clark

SECONDED BY: Alex Wilson

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

THAT the Administrative By-law under Section C - Meeting Procedures related to Electronic Meetings and Participation for electronic votes be revised with the following wording:

The Chair or the Chair's designate may administer a vote on a motion by electronic means if the motion is required on an urgent basis, or for any other reason as deemed necessary by the Chair or the Chair's designate. A deadline will be prescribed within which the votes must be cast, and the motion will pass by a majority vote. All votes by telephonic or electronic means shall be minuted in the same way as votes at in-person Board meetings.; and further

THAT staff be directed to amend the Administrative Bylaw with this update.

CARRIED

10. Other Staff Reports/Memoranda

10.1. 2023 Board of Directors Meeting Schedule

Lisa Burnside presented a summary of the report.

BD12, 3128

MOVED BY: Susan Fielding

SECONDED BY: Craig Cassar

THAT the 2023 scheduled meeting dates for the Board of Directors as noted in this report, be approved.

CARRIED

10.2. Natural Heritage Offsetting Policy Guidelines

Scott Peck presented a summary of the report and answered a number of questions regarding the intent of clauses in the guidelines and how the policies would be applied in specific scenarios.

There was a lengthy discussion regarding the uncertainty for recourse available to HCA should there be an impasse on an offsetting agreement between HCA and the recipient of a Ministerial Zoning Order (MZO). Staff were directed to seek clarification from MNRF and obtain a legal opinion regarding the process should an impasse occur. Staff will also contact other Conservation Authorities who have offsetting guidelines in effect to understand their experiences and procedures in the event of an MZO.

Staff were also directed to review the current guidelines and to strengthen language, if deemed advisable by staff, and to add a section to the guidelines outlining general procedures for implementing offsetting conditions, particularly in the event of an impasse.

It was noted there has been no direction from the Province to develop offsetting guidelines, however Conservation Ontario did encourage all Conservation Authorities to have offsetting guidelines in place should an MZO be issued in their jurisdiction.

BD12, 3129

**MOVED BY:
SECONDED BY:**

THAT the Board of Directors approve the HCA “Natural Heritage Offsetting Guidelines” document dated January 5, 2023 that address issues associated with Ministerial Zoning Orders and other Provincially and Municipally led environmental assessment projects.

TABLED

BD12, 3130

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

THAT the initial motion be tabled;

THAT staff be directed to seek clarification from MNRF with regard to the mediation/arbitration process should there be an impasse on an offsetting agreement per an MZO;

THAT staff be directed to obtain a legal opinion to strengthen our policies should arbitration/mediation for an MZO be required, to understand what is the anticipated impact of an MZO, and what recourse we have should there be an impasse on an offsetting agreement per an MZO;

THAT staff to return with any language they would like to strengthen in the offsetting guidelines as it relates to section 2.2;

THAT staff add language to the offsetting guidelines, new item 5.0, to outline the procedure for implementing offsetting guidelines should there be an impasse; and further

THAT staff return with the results of the MNRF clarification, legal opinion, and revised offsetting guidelines at the February 2, 2023 Board of Directors meeting.

CARRIED

10.3. CA Act Transition Plan (Ice Management Plan)

Scott Peck presented a summary of the report and answered the members' questions. Staff have confirmed with the City of Hamilton that the equipment is available should operational intervention be required to prevent ice and debris jams. Staff are in the field and monitor conditions daily.

BD12, 3131

**MOVED BY: Jim Cimba
SECONDED BY: Craig Cassar**

THAT the Board of Directors approve the Hamilton Conservation Authority Ice Management Plan dated December 1, 2022.

CARRIED

10.4. HCA Comments to the Environmental Registry of Ontario Regarding Bill 23

Scott Peck presented a summary of HCA's comments on the Environmental Registry of Ontario (ERO) postings related to Bill 23. All seven ERO's are now

closed for commenting. Some of the proposed legislation and revisions are now in effect, while others are not.

BD12, 3132

**MOVED BY: Alex Wilson
SECONDED BY: Cynthia Janzen**

THAT the memorandum entitled HCA Comments to the Environmental Registry of Ontario Regarding Bill 23 be received.

CARRIED

10.5. Watershed Conditions Report

Scott Peck provided a summary of the memorandum and answered the members' questions. Conditions have not changed since the report was written on December 16, 2022.

BD12, 3134

**MOVED BY: Alex Wilson
SECONDED BY: Cynthia Janzen**

THAT the memorandum entitled Watershed Conditions Report be received.

CARRIED

10.6. Conservation Areas Experiences

Gord Costie provided a summary of the memorandum and answered the members' questions. The cabins at Valens Lake will be open for Valentine's Day and Family Day weekend. Susan Fielding commended Westfield Heritage Village staff on the Christmas event.

Gord answered questions posed by members related to the recent deer harvest. Staff have not received a report on the number of deer taken by the HWHA at this time.

BD12, 3135

**MOVED BY: Alex Wilson
SECONDED BY: Cynthia Janzen**

THAT the memorandum entitled Conservation Areas Experiences be received.

CARRIED

11. New Business

There was none.

12. In-Camera Items**BD12, 3136****MOVED BY: Susan Fielding
SECONDED BY: Dan Bowman****THAT the Board of Directors moves *in camera* for matters of law, personnel and property.****CARRIED**

During the *in camera* session, two personnel matters, one legal matter, and one property matter were discussed.

12.4. Confidential Verbal Update – BD/Jan 04-2023

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

BD12, 3137**MOVED BY: Jim Cimba
SECONDED BY: Cynthia Janzen****THAT the confidential verbal update entitled BD/Jan 04-2023 be received and remain in camera****CARRIED**

Maria Topalovic declared a conflict of interest for item 12.1 as one of the recommended appointees to the Conservation Advisory Board is a work-related acquaintance.

Maria Topalovic left the meeting.

12.1. Confidential Report – BD/Jan 01-2023

Dan Bowman provided a summary of the staff report regarding a personnel matter and answered the members' questions.

BD12, 3138**MOVED BY: Dan Bowman
SECONDED BY: Alex Wilson****THAT the confidential report entitled BD/Jan 01-2023 be approved and remain in camera.****CARRIED**

Maria Topalovic returned to the meeting.

12.2. Confidential Verbal Update – BD/Jan 02-2023

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

Brad Clark left the meeting as per his declared conflict of interest specific to 140 Garner Road East, as his son has a retail business interest with the principal planner for the appeal for that development application.

12.3. Confidential Memorandum – BD/Jan 03-2023

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

BD12, 3139**MOVED BY: Dan Bowman
SECONDED BY: Alex Wilson****THAT the confidential memorandum entitled BD/Jan 03-2023 be received and remain in camera.****CARRIED****BD12, 3140****MOVED BY: Cynthia Janzen
SECONDED BY: Craig Cassar****THAT the Board of Directors moves out of *in camera*.****CARRIED**

Following the in-camera portion of the meeting, a resolution approving the appointment of six new citizen representatives to HCA's Conservation Advisory

Board (CAB) was read. The following citizens were appointed to CAB under the current terms of reference:

Helena Cousins
Tyler Cunningham
Natalie Faught
Haley McRae
Sherry O'Connor
Courtney Oliver

13. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, February 2, 2023 at 6:00 p.m. at the HCA Main Administration Office – Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

14. Adjournment

On motion, the meeting adjourned.



Scott Fleming
Secretary-Treasurer