

Hamilton Region Conservation Authority

Minutes

Board of Directors Meeting

April 4, 2024

Minutes of the Board of Directors meeting held on Thursday, April 4, 2024 at 6:00 p.m., at the HCA main office, 838 Mineral Springs Road, in Ancaster, and livestreamed on YouTube.

PRESENT:

Brad Clark – in the Chair	
Jeff Beattie - Virtual	Craig Cassar
Lisa DiCesare	Susan Fielding
Matt Francis - Virtual	Brian McHattie
Mike Spadafora - Virtual	Wayne Terryberry
Alex Wilson - Virtual	Maureen Wilson

Jennifer Stebbing – Foundation Chair - Virtual

REGRETS:

STAFF PRESENT: Jonathan Bastien, Lisa Burnside, Grace Correia, Gord Costie, Marlene Ferreira, Scott Fleming, Matt Hall, Colin Oaks, Scott Peck, Mike Stone, Jaime Tellier, and Sandra Wwinner

OTHERS: Martin Keller, Jordan Diacur

For the purposes of clarity, the minutes will follow the order of the Agenda.

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. Lisa Burnside requests item 12.1 (in camera) be moved to following item 6, Foundation Briefing and item 8.1 will be follow 12.1.

BD12, 3332

MOVED BY: Susan Fielding

SECONDED BY: Maureen Wilson

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 – March 7, 2024
- 5.3. Six items of correspondence, labeled a to f, with respect to the Regulation for Protection of People and Property from Natural Hazards in Ontario

6. Foundation Briefing

Jennifer Stebbing reported on the following:

The Foundation received a total of **\$3,520** in new donations from March 1st to March 31st 2024. These funds were directed to various projects including the Area of Greatest Need Fund, Westfield Locomotive 103 Restoration and the Land Securement Fund.

This brings the Foundation's fiscal year-to-date fundraising total to **\$111,275**, which is 14% of the goal and ahead of the same time last year.

The Foundation has started planning for their Annual General Meeting of members to take place in May. Individuals who met the membership donation level for the past fiscal year have been invited to opt-in to membership and participate in the AGM.

BD12, 3333**MOVED BY: Lisa DiCesare
SECONDED BY: Wayne Terryberry****THAT the Foundation Briefing be received.****CARRIED****7. Member Briefing****7.1 HCA 2023 Annual Report**

Lisa provided an verbal overview of the 2023 Annual Report and answered members' questions.

7.2 Fifty Point Wetland Verbal Update

Scott provided an update on the newly constructed wetland at Fifty Point and answered the members' questions.

BD12, 3338**MOVED BY: Brian McHattie
SECONDED BY: Craig Cassar****THAT the Verbal Updates be received****CARRIED****8. Business Arising from the Minutes****8.1. Provincial Regulatory and Legislative Changes: Regulation of Development for the Protection of People and Property from Natural Hazards.**

Following in-camera legal discussion, members agreed on the wording of "Whereas Statements" to highlight their concerns; these are included Amended report, 8.1.

BD12, 3337**MOVED BY: Lisa DiCesare
SECONDED BY: Wayne Terryberry****WHEREAS the Hamilton Conservation Authority Board directed staff to provide various submissions to the Province of Ontario through the Environmental Registry of Ontario and the Minister of Natural Resources and**

Forestry identifying the HCA's concerns regarding the recent changes made to the Conservation Authorities Act and Ontario Regulation 41/24 that took effect on April 1, 2024;

WHEREAS the Hamilton Conservation Authority Board continues to have concerns regarding the ability of Conservation Authorities to assess impacts to natural heritage (i.e. loss of wetlands) due to the removal of "conservation of land" and "pollution" as areas to be addressed when reviewing development proposals;

WHEREAS the HCA values the relationship with First Nations in the watershed and Indigenous leaders have expressed concerns about the failure of the Province's Duty to Consult on these legislative and regulatory changes;

WHEREAS the HCA shares concerns that there may be negative impacts that may adversely affect the rights of First Nations in the watershed;

WHEREAS the Conservation Authority is prevented from exercising the powers it used to have in protecting the watershed and there is no direct way for the HCA to challenge the regulation on constitutional grounds and therefore complying with the law is an obligation for both the HCA Board and staff;

NOTWITHSTANDING, concerns remain regarding the impact of these changes to the natural environment and the health of the HCA watershed;

THEREFORE, BE IT RESOLVED

THAT the Board of Directors receive this report as information and further;

THAT the *Interim Policies & Guidelines for the Administration & Implementation of O. Reg. 41/24* and *Transitional Procedures & Guidelines* prepared by Conservation Ontario be adopted as interim direction to support implementation and compliance with the regulatory and legislative changes taking effect April 1, 2024; and

THAT staff be directed to produce or update existing HCA documents, policies and procedures as may be required to ensure compliance with the new regulations and legislative changes, and to report to the Board periodically on these matters.

CARRIED

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

There were not any reports from the Budget & Administration Committee or the Conservation Advisory Board.

10. Other Staff Reports/Memoranda

Reports to be Approved

10.1. Tar and Chip Tender

Matt Hall provided an overview of the report and answered the members' questions.

BD12, 3339

**MOVED BY: Susan Fielding
SECONDED BY: Lisa DiCesare**

HCA Staff recommends to the Board of Directors:

THAT the construction tender for the 2024 Tar and Chip Road Resurfacing project, be awarded to Cornell Construction Limited for a total cost of \$227,898.40 which includes a contingency sum and HST.

CARRIED

10.2 Re-appointment of Enforcement Officers

Mike Stone provided an overview of the report and answered members' questions.

BD12, 3340

**MOVED BY: Maureen Wilson
SECONDED BY: Craig Cassar**

THAT HCA staff recommends to the Board of Directors:

THAT effective April 1, 2024, the HCA staff identified in Attachment A, be re-appointed as Officers under Section 30.1 of the *Conservation Authorities Act*, and designated as Provincial Offences Officers per the Class Designation approved by the Minister of Natural Resources on March 20, 2024, for the purposes of ensuring compliance with the *Conservation Authorities Act* and its regulations, as well as the *Trespass to Property Act*, as more specifically identified in Attachment A.

CARRIED

10.3 Delegation of Powers under the Conservation Authorities Act

Mike Stone provided an overview of the report and answered members' questions.

BD12, 3341

**MOVED BY: Susan Fielding
SECONDED BY: Maureen Wilson**

THAT HCA staff recommends to the Board of Directors:

THAT the Board of Directors approve the delegation of powers outlined in Attachment A, as permitted under Section 28.4 of the *Conservation Authorities Act*.

CARRIED

Memorandums to be Received

10.4 Watershed Conditions Report

Jonathan Bastien presented a summary of the memorandum for members.

BD12, 3342

**MOVED BY: Craig Cassar
SECONDED BY: Brian McHattie**

THAT the memorandum entitled Watershed Conditions Report be received.

CARRIED

10.5. Conservation Areas Experiences Update

Gord Costie provided a summary of the memorandum and answered the members' questions.

BD12, 3343

**MOVED BY: Lisa DiCesare
SECONDED BY: Brian McHattie**

THAT the memorandum entitled Conservation Areas Experiences Update be received.

CARRIED

11. New Business

There was none.

12. In-Camera Items

BD12, 3334

**MOVED BY: Craig Cassar
SECONDED BY: Lisa DiCesare**

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

CARRIED

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

12.1. Confidential Discussion – BD/Apr.01-2024 (Legal Matter)

Brad Clark facilitated the discussion between members and HCA's legal representative.

BD12, 3335

**MOVED BY: Susan Fielding
SECONDED BY: Lisa DiCesare**

THAT the confidential discussion entitled BD/Apr/01-2024 be approved/received and remain in camera.

CARRIED

BD12, 3336**MOVED BY: Lisa DiCesare
SECONDED BY: Brian McHattie****THAT the Board of Directors moves out of closed session.****CARRIED**

Following the closed session, the agreed-upon "Whereas statements" that will be part of the Amended Report, 8.1 were read.

13. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, May 2, 2024 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