

**FULL AUTHORITY MEETING**  
Wednesday March 29, 2017 9:30 am  
Ball's Falls Centre for Conservation – Glen Elgin Room  
3292 Sixth Avenue, Jordan, ON

## **A G E N D A**

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*9:30 am*

*Closed Session*

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1. Legal update ----- Verbal
2. Appraisal of Cave Springs Parcel of Land ----- Report No. CR-35-17

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*10:30 am*

*Public Session*

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- ◆ **DECLARATION OF CONFLICT OF INTEREST**
- ◆ **ADOPTION OF AGENDA**
- ◆ **DELEGATION / PRESENTATIONS**
  - Staff Presentation – NPCA Achievement Awards – Kerry Royer
- ◆ **BUSINESS**
  - (1) Resolutions resulting from Closed Session
  - (2) **A. Approval of Draft Minutes**
    1. ***Full Authority Meeting*** held February 15, 2017
    2. ***Special Full Authority Board Meeting*** held March 8, 2017
  - B. Draft Committee Minutes**
    1. ***CAO Selection Committee Meeting*** held March 8, 2017
  - (3) Business Arising from Minutes
  - (4) Correspondence
  - (5) Chairman's Remarks
  - (6) Chief Administrative Officer Comments

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*Reports for Information*

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- (7) Financial & Reserve – Month end February 28, 2017 ----- **Report No. 28-17**

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*Reports for Consideration*

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- (8) Great Lakes Water Quality Agreement - IJC Progress Report ----- **Report No. 29-17**
- (9) DRAFT Records Retention & Disposition Policy ----- **Report No. 30-17**
- (10) Re-allocation of Approved Capital Project Funds ----- **Report No. 31-17**
- (11) Re-authorization of the Binbrook Fish Study----- **Report No. 32-17**
- (12) Approval of Jordan Harbour Agreement Lease ----- **Report No. 33-17**
- (13) Request to release funds for Long Beach CA Stairs ----- **Report No. 34-17**
- (14) Other Business

◆ **ADJOURNMENT**

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# CORRESPONDENCE

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❖ **David Austin Renshaw (SWP)** dated March 20, 2017

March 29, 2017 Full Authority Meeting

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**DAVID AUSTIN RENSHAW, M.Eng., P.Eng., CD.**

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20 March 2017

Sandy Annunziata  
Source Protection Authority Chair  
Niagara Peninsula Conservation Authority,  
250 Thorold Road West, 3rd Floor,  
Welland, ON L3C 3W2


DATE: _____ MAR22 '17 PM 1:58
To: _____
<input checked="" type="checkbox"/> CAO OFFICE <input type="checkbox"/> CHAIR, NPCA
<input type="checkbox"/> WATERSHED <input type="checkbox"/> CORP. SERVICES
<input type="checkbox"/> OPERATIONS

Re: Resignation – Niagara Peninsula Drinking Water Source Protection Committee  
– David A. Renshaw

Dear Mr. Annunziata

It is with considerable sadness that I find it necessary to resign from the Niagara Peninsula, Drinking Water Source Protection Committee [SPC] due to continuing health obstacles.

I would like to express my gratitude to the members of the Source Protection Committee and the Niagara Peninsula Conservation Authority Staff for their friendship, best wishes and consideration over the past many years and in particular during my more recent illness.

I have always had a strong interest in the challenges involved in the provision of safe and palatable drinking water during my military, public service and municipal engineering career; and was very pleased to be a member of the SPC in the development of Niagara's Drinking Water Source Protection Plan. Although my health prevents me from continued active participation, I will follow with continued interest the progress of the SPC in the implementation of the Source Protection Plan. I wish the SPC every success in ensuring Niagara's drinking water sources are protected.

My very best wishes to all;



David A. Renshaw

cc: Jayme Campbell, Supervisor Special Projects

# REPORTS FOR INFORMATION

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❖ *Report No. 28-17 Financial and Reserve Report*

March 29, 2017 Full Authority Meeting

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**Report To: Board of Directors**

**Subject: Financial and Reserve Report – Month Ending Feb. 28, 2017**

**Report No: 28-17**

**Date: March 29, 2017**

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**RECOMMENDATION:**

That Report No. 28-17 be **RECEIVED** for information.

**DISCUSSION:**

To provide the Board a summary of operations & capital expenditures versus revenues and to provide a comparison of actual results to the budget as approved by the Board.

The report confirms the general financial oversight and compliance with Public Sector Accounting Board standards.

**FINANCIAL IMPLICATIONS:**

The lines of business are within budget allocations identified during the budget preparation and approval cycle.

**RELATED REPORTS AND APPENDICES:**

**Appendix 1 – Budget Status Report: month ending Feb. 28, 2017 (consolidated)**

**Appendix 2 - Statement of Reserves for month ending Feb. 28, 2017**

**Prepared by:**

**David Barrick  
Director of Corporate Services**

**Submitted by:**

**Peter Graham;  
Acting CAO/Secretary Treasurer**

***This report was prepared in consultation with John Wallace, Manager of Finance.***

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NIAGARA PENINSULA CONSERVATION AUTHORITY  
CONSOLIDATED NON CAPITAL  
JANUARY 1, 2017 - FEBRUARY 28, 2017

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>ANNUAL BUDGET</u>	<u>% OF BUDGET</u>
MNR TRANSFER PAYMENTS	-	174,496.00	0.0%
PROVINCIAL GRANTS - MOE	3,538	99,500	3.6%
PROVINCIAL GRANTS - OTHER	41,912.29	212,000.00	19.8%
FEDERAL GRANTS	55,635	190,000	29.3%
MUNICIPAL LEVY - GENERAL	-	5,638,972	0.0%
LEVY - SPECIAL - NIAGARA	-	1,729,488	0.0%
LEVY - SPECIAL - HAMILTON	-	19,897	0.0%
ADMINISTRATION FEES	61,867	360,325	17.2%
USER FEES /OTHER REVENUES	193,222	1,612,279	12.0%
RESERVE FUNDS	-	-	0.0%
LAND OWNER CONTRIBUTION	3,000	-	100.0%
MISCELLANEOUS	9,797	106,435	9.2%
	<b>368,971</b>	<b>10,143,392</b>	<b>3.6%</b>

EXPENDITURES

CAO/BOARD & CORPORATE SERVICES	467,367	4,028,507	11.6%
WATERSHED	320,968	3,013,598	10.7%
OPERATIONS	318,387	3,101,287	10.3%
	<b>1,106,722</b>	<b>10,143,392</b>	<b>10.9%</b>

NIAGARA PENINSULA CONSERVATION AUTHORITY  
CAO/BOARD AND CORPORATE SERVICES  
JANUARY 1, 2017 -FEBRUARY 28, 2017

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>ANNUAL BUDGET</u>	<u>% OF BUDGET</u>
MNR TRANSFER PAYMENTS	-	75,796	0.0%
PROVINCIAL GRANTS - OTHER	16,547	110,000	15.0%
MUNICIPAL LEVY - GENERAL	-	2,640,783	0.0%
LEVY - SPECIAL - NIAGARA	-	1,113,893	0.0%
INTEREST INCOME	4,151	60,000	6.9%
MISCELLANEOUS	15	-	100.0%
RESERVE FUNDS		-	-
CONSERVATION FOUNDATION	5,632	28,035	20.1%
	<b>26,344</b>	<b>4,028,507</b>	<b>0.7%</b>
 <u>EXPENDITURES</u>			
<b>CAO &amp; BOARD EXPENSES</b>	<b>17,253</b>	<b>365,723</b>	<b>4.7%</b>
 <u>CORPORATE SERVICES</u>			
CORPORATE MANAGEMENT	164,926	1,783,738	9.2%
OFFICE SERVICES	57,185	487,600	11.7%
FINANCIAL SERVICES	36,609	270,246	13.5%
HUMAN RESOURCES	32,772	114,120	28.7%
INFORMATION TECHNOLOGY	118,225	526,504	22.5%
CORPORATE COMMUNICATIONS	40,397	480,576	8.4%
	<b>450,114</b>	<b>3,662,784</b>	<b>12.3%</b>

NIAGARA PENINSULA CONSERVATION AUTHORITY  
WATERSHED  
JANUARY 1, 2017 - FEBRUARY 28, 2017

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>ANNUAL BUDGET</u>	<u>% OF BUDGET</u>
MNR TRANSFER PAYMENTS	-	98,700	0.0%
PROVINCIAL GRANTS - MOE	3,538	99,500	3.6%
PROVINCIAL GRANTS - OTHER	25,366	102,000	24.9%
FEDERAL GRANTS	55,635	190,000	29.3%
MUNICIPAL LEVY - GENERAL	-	1,642,501	0.0%
LEVY - SPECIAL - NIAGARA	-	482,275	0.0%
LEVY - SPECIAL - HAMILTON	-	19,897	0.0%
ADMINISTRATION FEES	61,867	360,325	17.2%
RESERVE FUNDS	-	-	0.0%
LAND OWNER CONTRIBUTION	3,000	-	100.0%
MISCELLANEOUS	-	18,400	0.0%
	<b>149,406</b>	<b>3,013,598</b>	<b>5.0%</b>
 <u>EXPENDITURES</u>			
WATERSHED MANAGEMENT	69,263	434,861	15.9%
PLAN REVIEW AND REGULATIONS	150,775	1,143,552	13.2%
WATERSHED PROJECTS	100,930	1,435,185	7.0%
	<b>320,968</b>	<b>3,013,598</b>	<b>10.7%</b>

NIAGARA PENINSULA CONSERVATION AUTHORITY  
OPERATIONS  
JANUARY 1, 2017 -FEBRUARY 28, 2017

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>ANNUAL BUDGET</u>	<u>% OF BUDGET</u>
MUNICIPAL LEVY - GENERAL	-	1,355,688	0.0%
LEVY - SPECIAL - NIAGARA	-	133,320	0.0%
USER FEES/OTHER REVENUES	193,222	1,612,279	12.0%
RESERVE FUNDS	-	-	0.0%
	<b>193,222</b>	<b>3,101,287</b>	<b>6.2%</b>
 <u>EXPENDITURES</u>			
OPERATIONS MANAGEMENT	74,741	570,177	13.1%
STRATEGIC INITIATIVES	66,954	724,103	9.2%
LAND PROGRAMMING	157,340	1,648,507	9.5%
VEHICLES AND EQUIPMENT	19,351	158,500	12.2%
	<b>318,387</b>	<b>3,101,287</b>	<b>10.3%</b>

NIAGARA PENINSULA CONSERVATION AUTHORITY  
CONSOLIDATED CAPITAL  
JANUARY 1, 2017 - FEBRUARY 28, 2017

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>
FEDERAL GRANTS	-	-	0.0%
MUNICIPAL LEVY - GENERAL	-	902,615	0.0%
LEVY - SPECIAL - NIAGARA	-	500,000	0.0%
LEVY - SPECIAL - HAMILTON	-	100,000	0.0%
RESERVE FUNDS	-	-	0.0%
MISCELLANEOUS/OTHER	-	271,000	100.0%
	-	<b>1,773,615</b>	<b>0.0%</b>
<u>EXPENDITURES</u>			
CORPORATE SERVICES	9,202	129,871	7.1%
WATERSHED	-	46,000	0.0%
LAND DEVELOPMENT	-	1,166,000	0.0%
NIAGARA DIFFERENTIAL (RESERVE)	-	431,744	0.0%
	<b>9,202</b>	<b>1,773,615</b>	<b>0.5%</b>

NIAGARA PENINSULA CONSERVATION AUTHORITY  
CORPORATE SERVICES - CAPITAL  
JANUARY 1, 2017 - FEBRUARY 28, 2017

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>
MUNICIPAL LEVY - GENERAL	-	29,871	0.0%
MISCELLANEOUS/OTHER	-	100,000	0.0%
	-	<b>129,871</b>	<b>0.0%</b>
<u>EXPENDITURES</u>			
CORPORATE SERVICES	-	29,871	0.0%
GIS	9,202	100,000	9.2%
	<b>9,202</b>	<b>129,871</b>	<b>7.1%</b>

NIAGARA PENINSULA CONSERVATION AUTHORITY  
WATERSHED CAPITAL  
JANUARY 1, 2017 - FEBRUARY 28, 2017

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>	
MUNICIPAL LEVY - GENERAL	-	46,000	0.0%	
	<hr/>	<hr/>	<hr/>	
	-	46,000	0.0%	<hr/>
	<hr/>	<hr/>	<hr/>	
<u>EXPENDITURES</u>				
STREAM GUAGE & MONITORING NETWORK	-	46,000	0.0%	
	<hr/>	<hr/>	<hr/>	
	-	46,000	0.0%	<hr/>
	<hr/>	<hr/>	<hr/>	

NIAGARA PENINSULA CONSERVATION AUTHORITY  
CONSERVATION LAND DEVELOPMENT - CAPITAL  
JANUARY 1, 2017 - FEBRUARY 28, 2017

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>
FEDERAL GRANTS	-	-	100.0%
MUNICIPAL LEVY - GENERAL	-	395,000	0.0%
LEVY - SPECIAL - NIAGARA	-	500,000	0.0%
LEVY - SPECIAL - HAMILTON	-	100,000	0.0%
RESERVE FUNDS	-	-	0.0%
MISCELLANEOUS/OTHER	-	171,000	100.0%
	-	<b>1,166,000</b>	<b>0.0%</b>
<u>EXPENDITURES</u>			
LAND ACQUISITION (RESERVE)	-	600,000	0.0%
BALL'S FALLS	-	120,000	0.0%
BINBROOK	-	-	0.0%
CHIPPAWA CREEK	-	-	0.0%
LONG BEACH	-	245,000	0.0%
ECOLOGICAL PROJECTS	-	21,000	100.0%
GAINSBOROUGH CENTRAL WORKSHOP	-	180,000	0.0%
	-	<b>1,166,000</b>	<b>0.0%</b>

**NIAGARA PENINSULA CONSERVATION AUTHORITY  
STATEMENT OF CONTINUITY FOR CAPITAL & OPERATING RESERVES  
FOR THE YEAR ENDED DECEMBER 31, 2016 & FORECAST FOR 2017**

	Balance 31-Dec <u>2015</u>	Restated Balance 31-Dec <u>2015</u>	Appropriations From <u>Operations</u>	Appropriations To <u>Operations</u>	Balance 31-Dec <u>2016</u>	Authorized Appropriations <u>2017</u>	Forecasted Balance 31-Dec <u>2017</u>
	\$	\$	\$	\$	\$	\$	\$
<b>Unexpended Capital Reserves</b>							
<b>Equipment</b>	349,842.41	349,842.41	33,555.18		383,397.59	(102,582.13)	280,815.46
<b>General Capital</b>	1,754,566.72	1,754,566.72	104,847.28	575,876.95	1,283,537.05	(619,407)	664,129.69
<b>Flood Protection Services</b>	483,978.64	483,978.64		79,627.82	404,350.82	0.00	404,350.82
<b>Niagara Levy Differential</b>	347,000.00	347,000.00	427,469.00		774,469.00	431,744.00	1,206,213.00
<b>Land acquisition-Hamilton</b>	800,000.00	800,000.00	100,000.00		900,000.00	100,000.00	1,000,000.00
<b>Land acquisition-Niagara</b>	298,176.04	298,176.04	500,000.00		798,176.04	500,000.00	1,298,176.04
	3,683,721.40	3,683,721.40	1,132,316.28	655,504.77	4,160,532.91	412,336.64	4,572,869.55
	4,033,563.81	4,033,563.81	1,165,871	655,504.77	4,543,930.50	309,754.51	4,853,685.01
<b>Operating Reserves</b>							
<b>General Operating Reserve</b>	540,132.11	740,503.93	75,996.91	257,011.71	559,489.13	0	559,489.13
<b>Tree Bylaw Agreement</b>	82,370.76	82,370.76			82,370.76	0	82,370.76
	622,502.87	822,874.69	75,996.91	257,011.71	641,859.89	0	641,859.89
	622,502.87	822,874.69	75,996.91	257,011.71	641,859.89	0	641,859.89
<b>Grand Total Reserves</b>	4,656,066.68	4,856,438.50	1,241,868.37	912,516.48	5,185,790.39	309,754.51	5,495,544.90
<b>Deferred Revenue - I OPG</b>	1,906,616.31	1,906,616.31	0	169,635.65	1,736,980.66	(358,000.00)	1,378,980.66

\* Note , authorized approvals for outflows in 2017 include \$104,847.28 for Beach Access Stairs at Long Beach.

# REPORTS FOR CONSIDERATION

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- ❖ **REPORT 29-17** *Great Lakes Water Quality Agreement – IJC  
Draft Triennial Assessment of Progress Report*
- ❖ **REPORT 30-17** *DRAFT-Records Retention & Disposition Policy*
- ❖ **REPORT 31-17** *Re-allocation of approved Capital Project Funds*
- ❖ **REPORT 32-17** *Re-authorization of the Binbrook Fish Study*
- ❖ **REPORT 33-17** *Approval of Jordan Harbour Lease Agreement*
- ❖ **REPORT 34-17** *Request to release funds for Long Beach CA Stairs*

March 29, 2017 Full Authority Meeting

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**Report To: Board of Directors**

**Subject: Great Lakes Water Quality Agreement – IJC Draft Triennial Assessment of Progress Report**

**Report No: 29-17**

**Date: March 29, 2017**

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**RECOMMENDATION:**

**That Report No. 29-17 regarding the Great Lakes Water Quality Agreement Draft Triennial Assessment of Progress Report be approved and forwarded to the International Joint Commission for their consideration.**

**PURPOSE:**

To provide the Board with:

- 1) An overview of the International Joint Commission (IJC) and its involvement in Watershed Management of Nutrients in Lake Erie
- 2) A summary of the draft Triennial Assessment of Progress report and its public consultation process;
- 3) A summary of the draft Triennial Assessment of Progress report's conclusions and recommendations;
- 4) Draft NPCA comments regarding the draft Triennial Assessment of Progress report.

**BACKGROUND:**

*IJC and Watershed Management of Nutrients in Lake Erie*

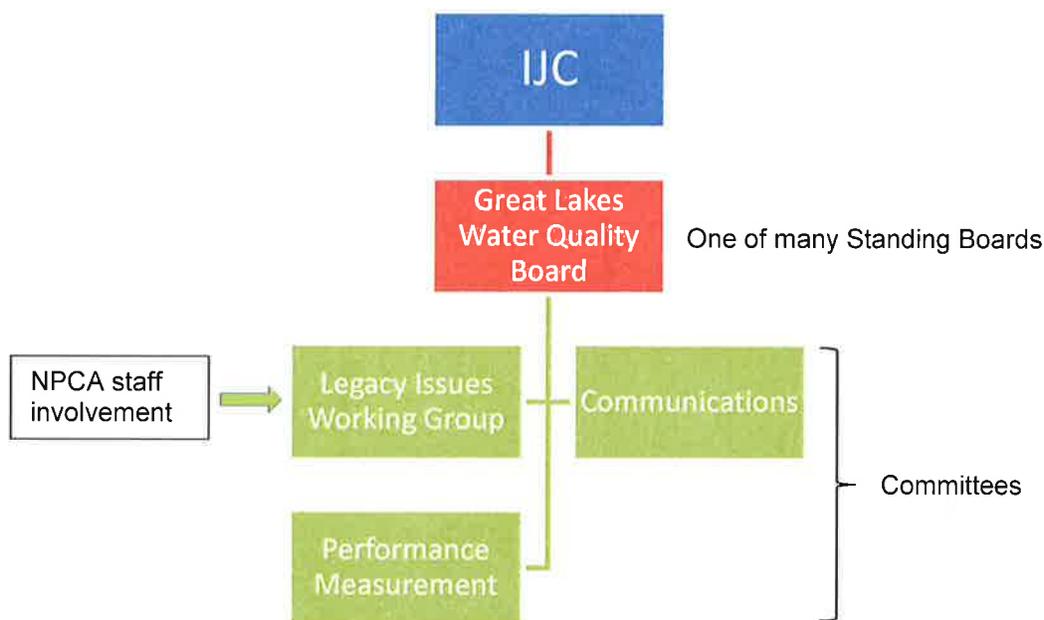
Canada and the United States created the International Joint Commission (IJC), because they recognized that each country is affected by the other's actions in lake and river systems along the border. The IJC is typically comprised of six (6) members; 3 appointed by the President of the United States and 3 appointed by the Prime Minister of Canada. The two countries cooperate to manage these waters wisely and to protect them for the benefit of today's citizens and future generations. As part of its role under the renewed Great Lakes Water Quality Agreement, the IJC prevents and resolves disputes over boundary waters of the United States and Canada, including the Great Lakes, and is served in an advisory capacity by the Great Lakes Water Quality Board (WQB).

Created by the Great Lakes Water Quality Agreement, the Great Lakes Water Quality Board has broad responsibilities for assisting the International Joint Commission with the exercise of the functions, powers and responsibilities assigned to it in the Agreement.

In 2015 the WQB formed the Legacy Issues Working Group (LIWG), which undertook a project to assess the state of watershed management plans for nutrient management in the Lake Erie basin. Figure 1 below illustrates the basic organizational structure of the IJC which includes about 20 standing boards.

In August 2016, the Great Lakes Water Quality Board released a report “*Evaluating Watershed Management Plans-Nutrient Management Approaches in the Lake Erie Basin and Key Locations Outside of the Lake Erie Basin*” that includes recommendations on how watershed management plans should be used to manage nutrient pollution in Lake Erie and identifies key success factors necessary for watershed management plans to achieve meaningful nutrient load reductions.

Figure1 – Basic Organizational Structure of IJC



On February 1<sup>st</sup> and 2<sup>nd</sup> 2017, the LIWG convened a binational workshop that brought together approximately 30 experts (including NPCA staff), to build support for the findings of the working group report and by defining and developing standard components that should be part of watershed management plans, including key factors critical to the successful development and implementation of watershed management plans.

*Draft Triennial Assessment of Progress Report and Public Consultation*

Under the 2012 Great Lakes Water Quality Agreement, Canada and the United States have been working together to restore and maintain the chemical, physical, and biological integrity of the waters of the Great Lakes. Under this Agreement, the International Joint Commission (IJC) is charged with submitting a triennial assessment of progress to the governments of Canada and the United States regarding Great Lakes water quality.

The IJC recently released its draft Triennial Assessment of Progress (TAP) report. The IJC is currently soliciting comments from the public regarding the draft TAP report’s conclusions and recommendations. These public comments will be used to help write the final report and its associated recommendations.

Comments on the IJC’s [draft TAP report](#) are welcome until April 15, 2017 via email to [ParticipateIJC@ottawa.ijc.org](mailto:ParticipateIJC@ottawa.ijc.org) and online at [ParticipateIJC.org](http://ParticipateIJC.org). Public meetings which focus on local topics of concern have been held in various locations with the last session scheduled in Niagara Region as follows:

**March 29, 2017: St. Catharines, Ontario** - Alumni Hall, St. Catharines Rowing Club, Henley Island (1:30 – 4:30pm)

Key local topics for discussion are: sustainable agriculture, harmful algal blooms, Great Lakes nutrient reduction, Chemicals of Mutual Concern and human health, and the status of the Areas of Concern.

The feedback obtained from these public meetings and written comments will be used as a guide in revising the draft Triennial Assessment of Progress report before it is submitted to the governments of Canada and the United States later in 2017.

Draft Triennial Assessment of Progress Report Conclusions and Recommendations

Some findings in the draft report that the IJC seeks the public’s comment include:

- The conclusion that there has not been sufficient progress toward the achievement of human health objectives. Greater focus is needed to improve the ability to swim, fish, and drink the water of the Great Lakes.
- Significant new government investment has accelerated work to restore the 43 contaminated Areas of Concern (see Figure 3). Prior to 2016, 14 of these Areas of Concern have been remediated and are now being monitored. By 2019, an additional 13 Areas of Concern are anticipated to be delisted (including the Niagara River Area of Concern).

Figure 3 – Canadian and U.S. Great Lakes Areas of Concern.



- An initial list of Chemicals of Mutual Concern has been created. The following eight (8) chemicals are the first set to be so designated:

- 1) Mercury;
- 2) Polychlorinated biphenyls (PCBs);
- 3) Perfluorooctanoic acid (PFOA);
- 4) Perfluorooctanoic sulfonate (PFOS);
- 5) Long-chain perfluorinated carboxylic acids (LC-PFCAs);
- 6) Polybrominated diphenyl ethers (PBDEs);
- 7) Hexabromocyclododecane (HBCD); and,
- 8) Short-chain chlorinated paraffin's (SCCPs).

It is recommended that control strategies be immediately developed by both governments to address these toxic and long-lasting chemicals.

- Water quality in western and central Lake Erie is unacceptable. The commitment to reduce nutrient inputs by 40 percent is laudable but mandatory controls (with respect to the application fertilizers and manure for example) may be required to meet this target.
- Stopping the introduction of aquatic invasive species through ballast water controls and prevention programs has had excellent results. At the same time, existing aquatic invasives and terrestrial invasives such as Phragmites, Asian longhorned beetle, and garlic mustard continue to challenge the entire ecosystem.
- Recognizing that climate change (i.e. warming temperatures, changing precipitation patterns, decreased ice coverage, changing water levels) has an impact on the quality of waters of the Great Lakes, Canada and the United States; hence, the creation of a new Annex in the 2012 Great Lakes Water Quality Agreement to address the issue. Through this new Annex, both governments have committed to coordinate efforts to identify, quantify, understand, and predict climate change impacts on the water quality of the Great Lakes.

#### NPCA Comments Regarding the Triennial Assessment of Progress Report Findings

NPCA staff recommend that the Board consider the following comments to be forwarded to the IJC:

- With respect to the quality of water within the Great Lakes, the NPCA strongly agrees that greater focus is needed to improve the ability to swim, fish, and drink the water of the Great Lakes. At the June 2016 NPCA Board meeting the Board considered the 2016 Annual Water Quality Report (Report 67-16) which noted that there is no direct funding currently available at the NPCA to meaningfully address the significant water quality problems. As such, the NPCA recommends that additional funding and partnerships be undertaken to expand existing water quality monitoring networks within the Great Lakes basin. This would include:
  - Obtaining additional water samples to better understand the scope and nature of nutrients discharging into the Great Lakes via their tributaries,
  - Implementing additional sampling sites to identify and track-down the origin of large phosphorus and nutrient discharges, and
  - Undertaking the monitoring of the Great Lake's nearshore region to better understand the scope, nature, and origin of algal blooms.

The NPCA further recommends that the Government of Canada (through the Province of Ontario) directly leverage the data and information available in the existing Conservation Authority Water Quality Monitoring Networks to help deliver this initiative.

- The NPCA strongly supports the creation of a list of Chemicals of Mutual Concern. The NPCA would urge the IJC to recommend that both governments adopt aggressive control strategies to deal effectively with these specific contaminants.
- In order to meet the phosphorus targets anticipated to be proposed in the 2018 Lake Erie Lakewide Management Plan (LAMP), the NPCA recommends that the Government of Canada (through the Province of Ontario) directly leverage the existing Conservation Authority Stewardship Programs to deliver direct localized actions to reduce non-point phosphorus sources entering the Great Lakes.
- Additional funding be made available to update local sub-watershed plans to identify specific opportunities and actions which would focus on reducing the discharge of phosphorus and nutrients into the Great Lakes. These plans would allow for a more complete understanding of the economic and recreational impacts (of Lake Erie algae blooms, for example) and could help to better quantify the local benefits of addressing these issues.

The NPCA is well positioned to support the management, research, and monitoring goals for Lake Ontario and Lake Erie. The NPCA looks forward to continuing to be a contributing partner in working toward improving the state of the Great Lakes.

#### **RELATED REPORTS AND APPENDICES:**

1. Staff Report 67-16 NPCA 2016 Water Quality Report (referenced only)  
<https://npca.ca/sites/default/files/june2016.pdf>
2. 2016 NPCA Water Quality Report (referenced only)  
<https://npca.ca/sites/default/files/june2016.pdf>

#### **Prepared by:**



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Steve Miller, P.Eng.  
Manager, Water Resources & Restoration

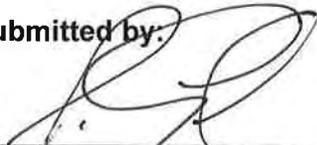
#### **Reviewed by:**



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Suzanne McInnes, MCIP, RPP  
Acting Director, Watershed Management

#### **Submitted by:**



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Peter Graham, P.Eng. MBA  
Acting Chief Administrative Officer /  
Secretary Treasurer

*This report was prepared with consultative input from Josh Diamond, NPCA Water Quality Specialist.*

**Report To:** Board of Directors  
**Subject:** DRAFT Records Retention & Disposition Policy  
**Report No:** 30-17  
**Date:** March 29, 2017

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**RECOMMENDATION:**

1. That Report No. 30-17 be **RECEIVED** for information.
2. That the NPCA Board **APPROVE** the DRAFT Records Retention & Disposition Policy (Appendix 1).

**PURPOSE:**

For the Board to consider formalizing a Records Retention & Disposition Policy. This report aligns with the 2014-2017 Strategic Plan under, 'Transparent Governance & Enhanced Accountability.'

**BACKGROUND:**

The 2014-17 Strategic Plan highlights the importance of reviewing processes and developing improved transparency. A formal Records Retention & Disposition Policy will assist in guiding NPCA staff towards best records management practices and help ensure related legislation is met. This DRAFT policy has been developed to create a standard practice for the retention and disposition of NPCA records, define responsibilities, and establish standard schedules for the retention and disposition of NPCA records. This policy is consistent and aligns with the Mission, Vision and Values of the NPCA and would replace any existing internal protocols.

**DISCUSSION:**

Accountability for records management is reinforced under the *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* which includes:

1. **Measures to ensure the preservation of records** (section 10.1 of FIPPA and section 4.1 of MFIPPA):
2. **New offence for the intentional destruction or alteration of records** (section 61(1)(c.1) of FIPPA and section 48(1)(c.1) of MFIPPA):

If approved, staff will continue to develop an overall Corporate Information Management Strategy that would reference this Policy for the retention of records in business systems. That Strategy would include specific processes and a regular training requirement in the policy for staff. It may also result in amendments to the current draft to fulfill operational requirements.

**FINANCIAL IMPLICATIONS:**

None

**RELATED REPORTS AND APPENDICES:**

Appendix 1: DRAFT Records Retention & Disposition Policy

Prepared by:



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David Barrick  
Director of Corporate Services

Submitted by:



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Peter Graham  
Acting Chief Administrative Officer  
Secretary Treasurer

# Record Retention and Disposition Policy

March 29, 2017

APPENDIX 1

Subject	<b>Record Retention and Disposition Policy</b>
Date of effect	<b>Subject to Board approval</b>
Date of last revision	<b>N/A</b>
Previous policy	<b>N/A</b>
Responsibility for policy and related procedures	<b>Director, Corporate Services</b>

## CONTENTS

This policy covers the following:

- Purpose
- Scope and Accountability
- Definitions
- Principles
- Roles and Responsibilities
- Record Retention and Disposal
- **Table 1: Record Retention and Disposition of Records Requirements**
- **Table 2: Records Retention (Source Water Protection Documents)**

## PURPOSE

The Niagara Peninsula Conservation Authority (NPCA) has developed this policy to:

- Establish standard practice for the retention and disposition of NPCA records, regardless of format (whether paper or electronic, including email)
- Define responsibilities for the creation of policies and standards relating to, and the management of, NPCA records.
- Establish standard schedules for the retention and disposition of NPCA records (**Table 1 and Table 2**)

## SCOPE AND ACCOUNTABILITY

All records created, received, and/or maintained by NPCA employees and those acting as agents in the course of their duties on behalf of NPCA, regardless of physical form or characteristic (including paper, electronic, audiovisual, microform), are considered NPCA property and subject to its control.

The policy, therefore, applies to all staff members of the NPCA and all its direct predecessor organizations or bodies and covers all records regardless of format, medium or age and impacts upon those who:

- create records, including electronic records (e.g. email);
- have access to records;
- have any other responsibilities for records, for example storage and maintenance responsibilities;
- have management responsibility for staff engaged in any these activities.

Accountability requirements are reinforced under the *Freedom of Information and Protection of Privacy Act (FIPPA)* and the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* which includes:

1. **Measures to ensure the preservation of records** (section 10.1 of FIPPA and section 4.1 of MFIPPA):  
Every head of an institution shall ensure that reasonable measures respecting the records in the custody or under the control of the institution are developed, documented and put into place to preserve the records in accordance with any recordkeeping or records retention requirements, rules or policies, whether established under an Act or otherwise, that apply to the institution.
2. **New offence for the intentional destruction or alteration of records** (section 61(1)(c.1) of FIPPA and section 48(1)(c.1) of MFIPPA):

## APPENDIX 1

No person shall alter, conceal or destroy a record, or cause any other person to do so, with the intention of denying a right under this Act to access the record or the information contained in the record.

### DEFINITIONS

#### **Record:**

A "record" is defined in section 2 of both the Freedom of Information and Protection of Privacy Act (FIPPA) and the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) as: *any record of information however recorded, whether in printed form, on film, by electronic means or otherwise, and includes, (a) correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof, and (b) subject to the regulations, any record that is capable of being produced from a machine readable record under the control of an institution by means of computer hardware and software or any other information storage equipment and technical expertise normally used by the institution.*

**Active Record:** A paper or electronic record that is usually less than three years old and to which reference is sufficiently frequent that it must be held in close proximity for operational purposes.

**Inactive Record:** These are records that are no longer referred to on a regular basis, but must be retained for operational or legal reasons

**Electronic Files:** Any electronic record stored either on a personal computer, central computing facility or electronic device. Online storage is usually considered to be records that are located on an active disk or memory device. Offline storage can be any storage medium such as diskette, tape, CD, DVD, etc. or a remote storage facility.

**Transitory Records:** These are "operational", "support", and "service" type records which are considered to be of temporary value to the NPCA (e.g. duplicate copies of correspondence, duplicate copies of records used for short term reference purposes, blank forms, and transitory messages used primarily for the informal communication of information, etc.). Transitory messages do not set policy, establish guidelines or procedure, certify a transaction, or become a receipt. Transitory messages may include but are not limited to e-mail messages with short-lived or no administrative value, voice mail, self sticking notes, document drafts, meeting notes, and telephone messages.

## APPENDIX 1

Transitory messages should be maintained for as long as administratively needed, and the retention schedules do not apply. Transitory records should be discarded when their business use has ended.

**Retention Periods:** The retention periods indicated in the NPCA Record Retention and Disposition Schedule (Appendix I) are to be used as a recommendation concerning the length of time a record should remain in an active records office or online in electronic format.

### PRINCIPLES

Information is a resource of the same importance to good management as other standard resources like people, money and facilities. It represents its collective memory, underpins its daily operation and supports the image it presents to the world outside. The information resources of NPCA must therefore be managed as a valuable asset. Appropriate records management is a vital aspect of maintaining and enhancing the value of this asset.

Records management, through the proper control of the content, storage and volume of records, reduces vulnerability to legal challenge or Financial loss and promotes best practice and value in terms of human and space resources through greater coordination of information and storage systems.

### ROLES AND RESPONSIBILITIES

The **Director of Corporate Services** is ultimately accountable for the record keeping and records management practices of NPCA and ensuring it follows this policy. The **Director of Corporate Services** is committed to enhance accountability, transparency and improvement of service delivery by ensuring that sound records management practices are implemented and maintained.

The **Director of Corporate Services** shall mandate the **NPCA Manager, Information Management & Technology Services** to perform such duties as are necessary to enhance the record keeping and records management practices of NPCA to enable compliance with legislative and regulatory requirements.

All NPCA employees will be responsible for creating and maintaining records in relation to their work that are authentic and reliable.

Staff with specific responsibilities for records management will have these clearly defined in their job descriptions.

## RECORD RETENTION AND DISPOSAL

It is important that disposal of records happens as part of a managed process and is adequately documented. Therefore, the NPCA should have in place clearly defined arrangements for the appraisal and selection of records for disposal, and for documenting this work.

The system should ensure that:

- The appropriate records are reviewed and disposed of / transferred to storage each year in accordance with this policy;
- Documentation of the disposal/transfer of records is completed and retained;
- Records subject to litigation, investigation and/or a Freedom of Information and Protection of Privacy request are not destroyed. Once the case has concluded, the records may be destroyed in accordance with this policy;
- When authorised, destruction of records must be completed securely, either by using an on-site shredder or through a company specialising in secure document destruction;
- Staff will record the date of the disposal of the records, the month, year and means by which they were destroyed. Care should be taken, however, to not retain identifying personal information in these disposal logs;
- Special care should be taken when disposing electronic documents or media that contain electronic documents. An approved data destruction tool must be used to destroy any electronic data on any device or media prior to disposal of the device/media. A typical “reformat” is not sufficient as it does not overwrite the old data;
- ‘Remote’ files to be shredded are to be placed in banker boxes, labelled “SHRED” and brought to Head Office;
- Documents that are being discarded/shredded, document what is being shredded and provide list to the Administrative Assistant supporting Corp. Services.

## Records that may be DESTROYED without specific retention period

The following are considered to have no administrative, legal, financial, or historic requirements for retention. They may be destroyed after they have served their reference purposes.

- **Duplicates:** Extra copies of correspondence, completed forms, bulletins, statistics, reports, hardcopy printouts from databases, electronic files extracted from a master file/database, mailing lists, or other records used only for reference or informational distribution.
- **Document errors:** Incorrect versions of documents, forms or reports that had to be regenerated in order to correct errors in typing, data entry, spelling, grammar, or format.
- **Preliminary Drafts:** Drafts of memos, letters, worksheets, and other records, and those that represent stylistic, spelling or grammatical changes.
- **Copies:** Copies of records that have no further administrative value after the record keeping original is made, unless information has been added to the copy that is pertinent to the record, in which case it will be considered as an original and will be retained for the same period as the original record.

# Record Retention and Disposition Policy



## APPENDIX 1

### Record Retention and Disposition Schedules

The following tables (Table 1 & 2) indicate the minimum requirements for the retention and/or disposal of NPCA records.

**Table 1 - Record Retention and Disposition of Records Requirements**

Type of Document	Minimum Requirement	Recommend	Review
Accounts payable ledgers and schedules	7 years		Finance
Audit reports	Permanently		Finance
Bank reconciliations	2 years		Finance
Bank statements	3 years		Finance
Cheques (for important payments and purchases)	Permanently		Finance
Contracts, mortgages, notes, leases (expired)	7 years		Finance
Contracts (still in effect)	Contract period		Finance
Correspondence (general)	2 years		Corp
Correspondence (legal)	Permanently		Corp
Correspondence (with customers and vendors)	2 years		All
Deeds, mortgages, and bills of sale	Permanently		All
Depreciation schedules	Permanently		Finance
Duplicate deposit slips	2 years		Finance
Employment applications (including job competitions & interview guides)	3 years		HR
Expense reports/ distribution schedules	7 years		Finance
Year-end Financial statements	Permanently		Finance
Insurance records, current claims, policies, etc. (active and expired)	Permanently		All
Inventory records for products, materials, and supplies	3 years		Corp
Invoices (to customers, from vendors)	7 years		Finance
Minute books, bylaws, and administrative procedures	Permanently		Corp
Payroll records and summaries	7 years		Finance
Permits (NPCA)	From 2006 – present*		Watershed
Personnel files	3 years (ESA)	10 years	HR
Planning files	5 years **		Watershed
Retirement and pension records	Permanently	Permanently	HR
Tax returns and worksheets	Permanently		Finance
Timesheets	3 years (ESA)	10 years	HR/Payroll

# Record Retention and Disposition Policy



## APPENDIX 1

Type of Document	Minimum Requirement	Recommend	Review
Trademark registrations and copyrights	Permanently		Corp
Violations	Permanently		Water
Job Positions and Job Evaluation/Classifications	10 years after superseded	10 years	HR
Pay Equity Plans & Reviews		Permanently	HR
Staffing – Unsolicited Applications	1 year after resume rec'd	1 year	HR
Payroll – Reporting, Deductions, Timesheets	10 years after all administrative actions are completed	10 years	HR/Payroll
Grievances and Arbitrations	20 years after grievance is closed	20 years	HR
Collective Agreements and Interpretations, Seniority Lists	20 yrs after end of contract or document is superseded	20 years	HR
Union files	6 years after all administrative actions are completed	5 years	HR
Accident and Incident Reports	10 years after investigation completed	5 years	HR
WSIB – Individual Claims	50 years after termination of employment	7 years	HR
Ministry of Labour Orders	6 years after order expires	5 years after expiry	HR
Human Rights Employee Case Files	10 years after case closed	10 years after case closed	HR
Tendered Purchases (e.g. RFPs, RFQs, tender submissions, etc.)	7 years after expiration of contract		All
Other Purchases: Quotations and PO's	7 years after admin actions are completed		All
Acquisition / Disposal: LAND	20 years after land is disposed of		Ops
Acquisition / Disposal: BUILDINGS	19 years after building disposed of		Ops
Land Easements and Rights of Way	26 years after release of rights		Ops
Moveable Assets	7 years after all administrative actions are completed		Corp
Equipment Management Files	7 years after equipment replaced or disposed of		Corp/Ops
Budgets and Allocations	7 years after all administrative actions are completed		Finance

# Record Retention and Disposition Policy



## APPENDIX 1

Type of Document	Minimum Requirement	Recommend	Review
Source Documents	7 years after all administrative actions are completed		Finance
Accounts Payable & Receivable	7 years after all administrative actions are completed		Finance
Bank Records	7 years after all administrative actions are completed		Finance
Grants	8 years after final receipt or payment of grant		Finance
Purchasing Cards - Administration	7 years after card expires, is replace or cancelled, or after termination of employment		Finance
Information Resource Management	7 years after superseded or project completed		IT/IM
IT/Systems Operating Procedures	7 years after database has been fully decommissioned		IT/IM
Network Management	2 years after all administrative actions are completed		IT/IM
End-User Support	2 years after all administrative actions are completed		IT/IM
FIPPA Case Files	5 years after appeal period and judicial review period have expired		Corp
Mailing and Distribution Lists	Destroy when superseded or obsolete		All
Investigations (H & S, others)	1 year (H & S)	5 years	HR
HR Policies	None	10 years	HR
Training & Development - Completion	3 years after course is replaced or updated	7 years after employee termination	HR
Health & Safety Training - Completion	20 years after training completed	7 years after employee termination	HR
CityView Digital Records	10 years	Permanent	Water/Corp

## Source Water Protection

Regulation 287-07 under the *Clean Water Act* contains specific requirements for records retention of Source Water Protection documents (Table 2).

**Table 2 – Records Retention (Source Water Protection Documents)**

Type of Document	Retention and Disposition	Review
Assessment Reports	A source protection committee shall retain every record that it creates or acquires for the purpose of preparing or updating an assessment report for a period of <b>15 years</b> after the later of the following dates: 1. The date the record is created or acquired. 2. The date the assessment report is approved by the Director under section 17 or 19 of the Act O. Reg. 385/08, s.12; O. Reg. 246/10, s.7(1)	Watershed
Source Protection Plans	A source protection committee shall retain every record that it creates or acquires for the purpose of preparing or amending a source protection plan for a period of <b>15 years</b> after the later of the following dates: 1. The date the record is created or acquired. 2. The date the source protection plan is approved by the Minister under section 29 of the Act. O. Reg. 246/10, s. 12.	Watershed
Risk Management Plans	Shall be retained for <b>15 years</b> from the date the plan ceases to be in effect	Watershed
Notice of Orders	Shall be retained for <b>15 years</b> from the date the notice or order is issued	Watershed
Risk Assessments (incl. Acceptances)	Shall be retained for <b>15 years</b> from the date of acceptance	Watershed

**Report To: Board of Directors**

**Subject: Re-Allocation of Approved Capital Project Funds**

**Report No: 31-17**

**Date: March 29, 2017**

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**RECOMMENDATION:**

1. That Report No. 31-17 be RECEIVED for information.
2. That the \$15,000 previously approved for the undertaking of a study at Jordan Harbour be re-allocated to support the construction of a new accessible walkway at the Binbrook Conservation Area.

**PURPOSE:**

To seek Board approval to re-allocate approved capital project funds.

**BACKGROUND:**

In approving the 2017 Capital Budget, the Board committed \$15,000 to the undertaking of a study at Jordan Harbour. The original plan was that these funds would be matched through the Niagara Region's Waterfront Investment Program. However, the NPCA submission was not approved by the Region, making this project unviable at this time.

In January 2017, the Niagara Peninsula Conservation Foundation was informed that it had been successful in securing a \$22,750 grant through the Canadian Enabling Accessibility Fund (CEAF), to install an accessible walkway at the Binbrook Conservation Area. This CEAF grant requires that the Niagara Peninsula Conservation Authority contribute 35% of the total cost of the project, that amount being \$12,250, for a total project cost of \$35,000..

As such, NPCA staff is recommending that the \$15,000 previously approved for the Jordan Harbour Study be re-allocated to support the construction of a new accessible walkway at Binbrook.

**DISCUSSION:**

The Jordan Harbour Study is no longer viable without the support from the Water Investment Program. The Board could choose to not undertake the construction of an accessible walkway at Binbrook, however, we would have to return the \$22,750 that we have already received for this project from the Federal government.

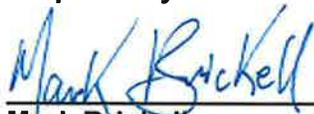
**FINANCIAL IMPLICATIONS:**

The financial implications are minimal as the primary focus of this report is a request to re-allocate monies already approved in the 2017 Capital Budget.

**RELATED REPORTS AND APPENDICES:**

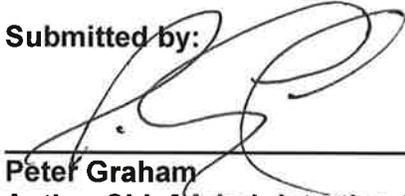
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**Prepared by:**



\_\_\_\_\_  
**Mark Brickell**  
**Director, Operations and Strategic Initiatives**

**Submitted by:**



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**Peter Graham**  
**Acting Chief Administrative Officer**  
**Secretary Treasurer**

**Report To: Board of Directors**

**Subject: Re-Authorization of the Binbrook Fish Study**

**Report No: 32-17**

**Date: March 29, 2017**

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**RECOMMENDATION:**

1. That Report No. 32-17 be RECEIVED for information.
2. That the Board approve the addition of \$30,000 of funding to complete the Binbrook Fish Study, being resourced from the OPG Fund.

**PURPOSE:**

To seek Board approval for additional funds to complete the Binbrook Fish Study.

**BACKGROUND:**

In 2016, the Board authorized the undertaking of a fish study in Lake Niapenco at the Binbrook Conservation Area. The project was not completed in 2016 and therefore was carried forward into 2017. Earlier preliminary cost estimates valued the project at \$12,000. However, when staff went out for quotes this year, the actual cost came in at just over \$40,000. As such, staff require additional funding to complete this project.

**Binbrook Fish Study Project Overview**

- To further the study in determining the fishery community population, abundance and distribution of the Binbrook Conservation Area Lake Niapenco, for continued efforts in maintaining a healthy, self-sustaining fishery and to enhance sport fishing opportunities.
- The results will further define the Conservation Authority needs for: operational activities, habitat work, angling harvest limits (i.e. quota and size), areas for protection.

**DISCUSSION:**

The Binbrook Fish Study is being funded by the OPG Fund. Currently, there is \$1.378 million remaining in that fund. Should the Board decide to approve the use of additional funds to complete this project, staff recommend that \$30,000 from the OPG Fund be approved for this project.

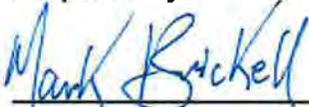
**FINANCIAL IMPLICATIONS:**

Completing this project will cost an additional \$30,000 with monies coming from the OPG Fund.

**RELATED REPORTS AND APPENDICES:**

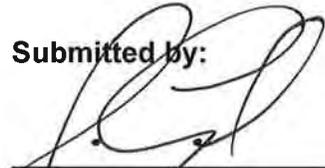
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**Prepared by:**



\_\_\_\_\_  
**Mark Brickell**  
**Director, Operations and Strategic Initiatives**

**Submitted by:**



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**Peter Graham**  
**Acting Chief Administrative Officer**  
**Secretary Treasurer**

*This report was prepared with the consultative input from Ecologist, Kim Frohlich*



**Report To: Board of Directors**  
**Subject: Approval of Jordan Harbour Lease Agreement**  
**Report No: 33-17**  
**Date: March 29, 2017**

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**RECOMMENDATION:**

1. That Report No. 33-17 be RECEIVED for information.
2. That the CAO be authorized to enter into a 4-year Lease Agreement with Niagara Rowing School (1962975 Ontario Ltd.), under the terms and conditions outlined in Appendix 1 of this report.

**PURPOSE:**

To seek Board approval for entering into a lease agreement with Niagara Rowing School, for the use of Jordan Harbour.

**BACKGROUND:**

For the last several years, Mr. Greg Parker has leased Jordan Harbour from the Niagara Peninsula Conservation Authority, for the purpose of operating a rowing school. The program has been very popular, however, Mr. Parker has indicated that he would like to step away from the operation and turn it over to John Murphy. Mr. Murphy is well known in the rowing community and has confirmed his interest in taking over the rowing school operation. Staff have met with Mr. Murphy and negotiated a draft lease agreement. The draft lease agreement is attached as Appendix 1.

**DISCUSSION:**

The draft new agreement raises the annual rent by more than 55% over a four year period. As stated above, Mr. Murphy is well known in the rowing community and it is anticipated the rowing school will continue to thrive.

**FINANCIAL IMPLICATIONS:**

The rent will be gradually increased from its current \$3,200 per year to \$5,000, in year 4 of the Agreement.

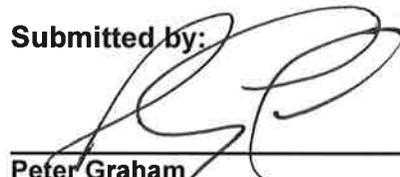
**RELATED REPORTS AND APPENDICES:**

1. Draft Lease Agreement between NPCA and Niagara Rowing School

**Prepared by:**

  
\_\_\_\_\_  
**Mark Brickell**  
**Director, Operations and Strategic Initiatives**

**Submitted by:**

  
\_\_\_\_\_  
**Peter Graham**  
**Acting Chief Administrative Officer**  
**Secretary Treasurer**

*This report was prepared with the consultative input from Operations Supervisor, Gregg Furtney*

THIS LEASE AGREEMENT made pursuant to the SHORT FORM OF LEASES ACT

**LEASE AGREEMENT**

DATED at Welland this 1st day of April, 2017.

**B E T W E E N:**

NIAGARA PENINSULA CONSERVATION AUTHORITY  
(hereinafter called "NPCA")

The Lessor of the FIRST PART

- and -

NIAGARA ROWING SCHOOL (1962975 Ontario Ltd.)  
(hereinafter called the "Tenant")

The Lessee of the SECOND PART

**WHEREAS** NPCA is a registered owner of lands and premises located at 4579 21<sup>st</sup> Street, Lincoln, ON, L0R 2E0, known as Jordan Harbour Conservation Area;

**AND WHEREAS** the Tenant is desirous of leasing the said lands and premises;

**AND WHEREAS** for the purpose of accomplishing the objects of NPCA, the Authority has resolved to lease the lands and premises to the Tenant;

**NOW THEREFORE** this indenture witnesseth that in consideration of the mutual covenants herein contained and other good and valuable consideration the parties hereto agree one with the other as follows:

1. The NPCA hereby agrees to lease to the Tenant the lands and premises located at 4579 21<sup>st</sup> Street, Lincoln, ON, L0R 2E0, known as Jordan Harbour Conservation Area, hereinafter called the "lands and premises" for a term of (4) four years, commencing April 1, 2017. Specifically, the Tenant shall have use of the only building, fenced-in compound, and access water points, including docks at Jordan Harbour Conservation Area. For further certainty, the public shall continue to have access to these lands as per the hours of operation posted and changed from time-to-time, at the sole discretion of NPCA. The Tenant agrees to pay Rent on annual basis as per Schedule "A", attached hereto.
2. That the Tenant shall during the term of this lease be responsible for all taxes, rates, duties, assessments and utility charges whether Municipal, Parliamentary otherwise now or hereafter charged upon the leased lands and premises or upon buildings heron or upon NPCA on account hereof, including Municipal taxes for local improvements. The NPCA will invoice the Tenant for electricity each January of this agreement, the actual amount paid by NPCA, the previous year, for these lands and premises.
3. That the Tenant shall during the term of this lease well and sufficiently keep in repair any structures thereon contained and maintain the leased lands and premises. NPCA and the Tenant agree to specify in writing the Maintenance responsibilities of both parties. The Tenant shall not make or install any Improvements to or conduct any Maintenance Activities on the Leased Lands without the NPCA's written consent, which shall not be unreasonably withheld. Furthermore, NPCA and the Tenant agree to meet twice annually to discuss capital and maintenance issues and the mutual responsibilities associated with the same.
4. That NPCA, its servants and agents shall have the right at all reasonable times during the term of this lease to enter the leased lands and premises to examine the condition of said lands and premises.
5. The Tenant acknowledges that there is to be no alcohol consumed on these lands and premises unless a Special Occasion Permit has been granted and NPCA has given approval, in writing.

6. That the Tenant shall use the lease lands and premises to operate a rowing and water sports business and shall promote conservation purposes as provided for under The Conservation Authorities Act.
7. That the Tenant agrees that no permanent building shall be erected on the lands and premises without the consent in writing of NPCA first had and obtained and which consent can be unreasonably refused and, which consent, if given, shall be required for both the location and the type of any such building.
8. That the Tenant and NPCA shall coordinate the use of the pavilion at Jordan Harbour Conservation Area, through the NPCA Customer Service Representative, based at the Ball's Falls Centre for Conservation, in Lincoln.
9. That the Tenant shall not place nor dump fill of any kind on the leased lands and premises, nor shall it change, divert or interfere in any way with any existing channel of a river, creek, stream or watercourse without the consent and approval of the NPCA first had and obtained and which consent can be unreasonably refused.
10. That the Tenant shall not have the right to assign nor sublease the lands and premises covered by this lease without the prior written approval of the NPCA first had and obtained, it being understood that the granting of such approval shall be in the sole discretion of NPCA and may be unreasonably withheld.
11. That the Tenant covenants and agrees to indemnify and save harmless NPCA of and from any and all manner of claims, damages, loss, costs or charges whatsoever occasioned to or suffered by, or imposed upon NPCA or its property, either directly or indirectly, in respect of any matter or thing in consequence of or in connection with or arising out of the Tenant's use, occupancy or maintenance of the lands herein described or any structure thereon or out of any operation connected therewith or in respect of any accident, damage or injury to any person, animal or thing by, from, or on account of the same, notwithstanding the fact that the same may have been approved by NPCA, its servants or agents. It being the understanding of the parties hereto that the intention of this paragraph is to indemnify fully NPCA from all liability with respect to the said lands and premises.
12. That the Tenant shall at all times throughout the term of this Agreement maintain and keep in force Comprehensive General Liability Insurance in an amount not less than two million dollars (\$2,000,000). The Tenant will ensure that NPCA is named as Additionally Insured and will provide proof of said insurance by May 30<sup>th</sup> of each year of the Agreement.
13. That the Tenant shall require all staff, volunteers, associates, agents, customers, members and all other water sport participants to sign a waiver, approved in writing by NPCA, to indemnify and save harmless NPCA of and from any and all manner of claims, damages, loss, costs or charges whatsoever occasioned to or suffered by, or imposed upon NPCA or its property, either directly or indirectly, in respect of any matter or thing of consequence of or in connection with or arising out of the Tenant's use, occupancy or maintenance of the lands herein described or any structure thereon or out of any operation connected therewith or in respect of any accident, damage or injury to any person, animal or thing by, from, or on account of the same, notwithstanding the fact that the same may have been approved by NPCA, its servants or agents.
14. That the Tenant at its sole expense shall require all staff, volunteers, associates and agents to undergo Vulnerable Sector Checks, and maintain records of the same.
15. That the Tenant agrees that it shall not without the approval of NPCA, in writing, erect any signs on the said lands and premises.
16. Despite the general restriction placed by NPCA in regards to launching gas powered water craft from the lands and premises, the Tenant is given express permission by NPCA to launch gas powered water craft, provided such craft does not exceed 14 feet in length and the gas powered motor does not exceed 9.9 H.P. It is understood that any gas powered water craft launched by the Tenant from the land and premises is to be used solely for Tenant business operations and specifically for reasons of safety. NPCA

shall annually provide the Tenant with a "Letter of Permission" for the use of such craft that is to be posted and available for inspection by the public.

17. If any dispute, difference or question shall arise between the parties or any of their legal representatives touching this lease agreement of the construction, meaning or effect of this lease agreement or anything herein contained, or the right or liabilities of the parties or their legal representatives under this lease agreement or otherwise in relation to this lease agreement, then every such dispute, difference or disagreement shall be referred to a single arbitrator, if the parties hereto agree upon one, but should the parties or their legal representatives be unable to agree upon the identity of such single arbitrator, then such dispute, difference or disagreement shall be referred to a single arbitrator to be appointed by a Judge or the County Court in the Judicial district in which the lands and premises are situated, which arbitrator shall conduct the arbitration pursuant to the Arbitration Act, R.S.O., 1980, chapter 25 and amendments thereof shall be final and binding on the parties hereto, their successors and assigns and there shall be no appeal therefrom.
18. Both parties have the right to terminate this Agreement by doing so, in writing, by January 31<sup>st</sup> of each year of this Agreement. NPCA also has the right to terminate this Agreement at any time if the Tenant has caused or permitted a major breach of the terms of this Agreement, provided the breach has been communicated to the Tenant and the Tenant has been given the opportunity to remedy the breach. In the event of termination of this agreement by either party for whatever reason, that the lands and premises and any building or structures contained thereon shall be returned to the NPCA in good repair and shall become the sole possession of the NPCA.

**IN WITNESS WHEREOF** the parties have hereunto affixed their corporate seals attested by the hands of their proper signing officers duly authorized in accordance with their own respective procedure in that behalf.

**NIAGARA PENINSULA CONSERVATION AUTHORITY**

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CAO

**NIAGARA ROWING SCHOOL (1962975 Ontario Ltd.)**

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John Murphy

**SCHEDULE "A"**

**RENT SCHEDULE**

<b>June 30, 2017</b>	<b>\$3,500 + HST</b>
<b>June 30, 2018</b>	<b>\$4,000 + HST</b>
<b>June 30, 2019</b>	<b>\$4,500 + HST</b>
<b>June 30, 2020</b>	<b>\$5,000 + HST</b>

**Note: Rent is to be paid in full by June 30<sup>th</sup> of each year of this Agreement.**

**Report To: Board of Directors**

**Subject: Request to Release Funds for Long Beach CA Stairs**

**Report No: 34-17**

**Date: March 29, 2017**

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**RECOMMENDATION:**

1. That Report No. 34-17 be RECEIVED for information.
2. That the Board approve the release of up to \$89,902.71 from the General Capital Reserve Budget, and earmarked for the completion of the Long Beach stairs and accessible ramp project, thereby, allowing NPCA to maximize the matching dollars received through the Niagara Region's Lakefront Enhancement Strategy Fund.

**PURPOSE:**

To seek Board approval to release up to \$89,902.71 from the General Capital Reserve Budget to be used for the completion of the Long Beach Stairs and Accessible Ramp Project, already approved through the Niagara Region's Lakefront Enhancement Strategy incentive program.

**BACKGROUND:**

In 2015, NPCA successfully applied for matching funds from the Niagara Region's Lakefront Enhancement Strategy Incentive Program. The Region approved matching funds for two NPCA projects, the Master Plan Study for NPCA's Waterfront properties, in Wainfleet, and the Long Beach Conservation Area Improvement Plan.

The Long Beach C.A. Improvement Plan included capital projects valued at \$389,500, with the Region and NPCA each contributing \$194,750 towards the identified projects. To date, approximately \$210,000 worth of work has been completed. The only project still remaining is the installation of 4 replacement staircases to the beach along with the addition of a new beach accessibility ramp. Based on previous request for quotes, the value of this work is estimated to be between \$165,000 and \$180,000. As such, Board approval for the actual work will be required.

**DISCUSSION:**

This project is important for safety reasons and the improvement of beach accessibility. The staircases currently in place are very uneven and sloped. Additionally, beach access is difficult for people who require assistance, or need a wheelchair or scooter.

The Region has indicated that this work must be completed by October 20<sup>th</sup> of this year and that there will be no extensions beyond this date.

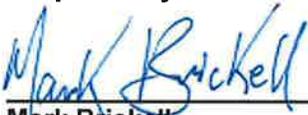
**FINANCIAL IMPLICATIONS:**

If the work is not undertaken now, NPCA will lose the matching dollars already approved through the Niagara Region's Lakefront Enhancement Strategy Incentive Program.

**RELATED REPORTS AND APPENDICES:**

1. N/A

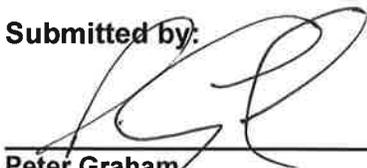
**Prepared by:**



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**Mark Brickell**  
**Director, Operations and Strategic Initiatives**

**Submitted by:**



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**Peter Graham**  
**Acting Chief Administrative Officer**  
**Secretary Treasurer**

*This report was prepared with the consultative input from: Gregg Furtney and John Wallace*