



**NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA)
FULL AUTHORITY
MEETING MINUTES**

Wednesday, April 17, 2019
9:58 a.m.
Ball's Falls
Centre for Conservation – Glen Elgin Room
3292 Sixth Avenue, Jordan, ON

NOTE: The archived recorded meeting is available on the NPCA website. The recorded video of the Full Authority meeting is not considered the official record of that meeting. The official record of the Full Authority meeting shall consist solely of the Minutes approved by the Full Authority Board. NPCA Administrative By-law Section 14.5

MEMBERS PRESENT: D. Huson (Vice-Chair)
S. Beattie
P. Chiocchio
R. Foster
B. Greenwood (departed 1:00 p.m.)
B. Heit (departed 1:00 p.m.)
T. Insinna
B. Johnson
J. Jordan (departed 12:44 p.m.)
J. Metcalfe
B. Steele
R. Shirton
B. Wright

MEMBERS ABSENT: D. Bylsma (Chair)
B. Clark
K. Gibson
T. Whalen
G. Zalepa

OTHERS PRESENT: S. Plugers, KPMG

STAFF PRESENT: G. Wood, CAO / Secretary – Treasurer
G. Bivol, Interim Clerk
R. Bisson, Community Engagement Manager
A. Christie, Acting Senior Manager, Operations and Special Projects
M. Ferrusi, Human Resources Consultant
D. MacKenzie, Director, Watershed Management
E. Navarro, Communications Specialist
T. Proks, Source Protection Project Manager
S. Miller, Senior Manager, Water Resources and Restoration
J. Wallace, Finance Manager
G. Verkade, Manager, Information Management and Technology Systems

The Board Vice Chair called the meeting to order at 9:58 a.m.

1. ADOPTION OF AGENDA

1.1 Addition of Items

Resolution No. FA-93-19

Moved by Board Member Foster

Seconded by Board Member Heit

THAT the following items be added to the agenda as Item 4.3.4 - Correspondence dated April 12, 2019 from the Ministry of Natural Resources and Forestry regarding Notification of 2019-2020 Transfer Payment Funding.

CARRIED

1.2 Change in Order of Items

None.

1.3 Adoption of Agenda

Resolution No. FA-94-19

Moved by Board Member Heit

Seconded by Board Member Foster

THAT the agenda be adopted as amended.

CARRIED

2. DECLARATION OF CONFLICT OF INTEREST

None declared.

3. PRESENTATIONS (and/or Delegations)

3.1 Presentations

3.1.1 KPMG Audit Report- Presentation by Scott Plugers, KPMG on the Audited 2018 Financial Statements (Draft) Audit Findings Report for the year ended December 31, 2018 – The Board heard discussion on the estimated costs of a forensic audit. It was requested that Ms. Wood report back to the Board on the status of the OPP investigation undertaken in the fall of 2018. Ms. Wood also spoke to the pending retirement of the NPCA Manager of Finance, John Wallace and the exemplary performance he exhibited throughout his career in the function of his duties.

Resolution No. FA-95-19

Moved by Board Member Foster

Seconded by Board Member Heit

THAT the Audited 2018 Financial statements (Draft) and the Audit Findings Report for the year ended December 31, 2018 presented by Scott Plugers, KPMG be approved.

3.2 Delegations

None.

4. ADMINISTRATIVE BUSINESS

4.1 Approval of Draft Minutes

4.1.1 Full Authority Board Minutes – March 20, 2019

4.1.2. Full Authority Closed Session – March 20, 2019

Resolution No. FA-96-19

Moved by Board Member Wright

Seconded by Board Member Heit

THAT the Full Authority Minutes of March 20, 2019 be amended to reflect a deferral of Resolution No. FA-82-19;

AND THAT the word ‘withdraw’ be removed from Resolution No. FA. 83-19 within said minutes.

CARRIED

Resolution No. FA-97-19

Moved by Board Member Heit

Seconded by Board Member Foster

THAT the following meeting minutes be adopted:

- Full Authority meeting minutes dated March 20, 2019 as amended; and
- Full Authority Closed Session Meeting minutes dated March 20, 2019 to remain private and confidential.

CARRIED

4.2 Business Arising from Minutes

There was no business arising from the minutes.

4.3 Correspondence

4.3.1 Email from the City of Hamilton dated March 29, 2019 RE: Conservation Authorities’ Reserves

4.3.2 Environmental Registry Posting - Ministry of the Environment, Conservation and Parks dated April 5, 2019 RE: Modernizing conservation authority operations – Conservation Authorities Act

4.3.3 Environmental Registry Posting - Ministry of the Environment, Conservation and Parks dated April 5, 2019 RE: Focusing conservation authority development permits on the protection of people and property

Resolution No. FA-98-19
Moved by Board Member Foster
Seconded by Board Member Heit

THAT the following items be received for information:

- Email from the City of Hamilton dated March 29, 2019 RE: Conservation Authorities' Reserves;
- Environmental Registry Posting - Ministry of the Environment, Conservation and Parks dated April 5, 2019 RE: Modernizing conservation authority operations – Conservation Authorities Act; and
- Environmental Registry Posting - Ministry of the Environment, Conservation and Parks dated April 5, 2019 RE: Focusing conservation authority development permits on the protection of people and property.

CARRIED

- 4.3.4 Correspondence dated April 12, 2019 from the Ministry of Natural Resources and Forestry regarding Notification of 2019-2020 Transfer Payment Funding – Staff was directed to prepare correspondence to member municipalities expressing concern for impacts of this most recent cut to the provincial transfer payment.

Resolution No. FA-99-19
Moved by Board Member Heit
Seconded by Board Member Foster

THAT the correspondence from the Ministry of Natural Resources and Forestry dated April 12, 2019 regarding Notification of 2019-2020 Transfer Payment Funding be received.

CARRIED

4.4 Chair's Remarks

Vice Chair Huson spoke on NPCA's presence at the recent Conservation Ontario meeting.

4.5 Chief Administrative Officer Comments

The CAO spoke of her recent meetings with staff regarding the organizational structure and the resulting feedback, comments and insight garnered. She also spoke on the upcoming Board meeting with the Auditor General slated for May 3, 2019 at the Meridian Centre in Fonthill.

5. BUSINESS FOR INFORMATION

- 5.1 Report No. FA-38-19 RE: Watershed Management Status Q1 Report – Staff was requested to review the Fort Erie permits.
- 5.2 Report No. FA-39-19 RE: Niagara Region Tree and Forest Conservation By-law Q1 (2019)
- 5.3 Report No. FA-40-19 RE: NPCA Tree and Forest Conservation By-law – 2018 Annual Report

- 5.4 Report No. FA-41-19 RE: Q1 Strategic Initiatives / Operations / Ecology Status Report
- 5.5 Report No. FA-42-19 RE: 2019 Capital Projects Update
- 5.6 Report No. FA-43-19 RE: Communications, Community Engagement, Outreach and Volunteers 2019 Q1 Report
- 5.7 Report No. FA-44-19 RE: Financial Results – Year to Date ending March 31, 2019
- 5.8 Report No. FA-45-19 RE: 2019 – Q1 Status Report Human Resources
- 5.9 Report No. FA-46-19 RE: Media Coverage Report for March-April 2019

Acting Vice Chair Steele assumed the Chair for the following vote:

Resolution No. FA-100-19

Moved by Board Member Heit

Seconded by Board Member Foster

THAT the following Reports be received for information:

- Report No. FA-38-19 RE: Watershed Management Status Q1 Report – Staff was requested to review the Fort Erie permits;
- Report No. FA-39-19 RE: Niagara Region Tree and Forest Conservation By-law Q1 (2019);
- Report No. FA-40-19 RE: NPCA Tree and Forest Conservation By-law – 2018 Annual Report;
- Report No. FA-41-19 RE: Q1 Strategic Initiatives / Operations / Ecology Status Report;
- Report No. FA-42-19 RE: 2019 Capital Projects Update;
- Report No. FA-43-19 RE: Communications, Community Engagement, Outreach and Volunteers 2019 Q1 Report;
- Report No. FA-44-19 RE: Financial Results – Year to Date ending March 31, 2019;
- Report No. FA-45-19 RE: 2019 – Q1 Status Report Human Resources; and Report No. FA-46-19 RE: Media Coverage Report for March-April 2019.

CARRIED

6. BUSINESS FOR CONSIDERATION

6.1 Standing Committee Reports

- 6.1.1. Minutes of the CAO Selection Committee Meeting – March 20, 2019 – Member Steele updated the Board on the activities of the Committee.
- 6.1.2. Minutes of the CAO Selection Committee Closed Session Meeting – March 20, 2019
- 6.1.3. Minutes of the Governance Committee Meeting – March 27, 2019 – Lengthy discussion ensued.
- 6.1.4 Minutes of the Audit and Budget Committee – April 15, 2019 (as tabled)

Resolution No. FA-101-19

Moved by Board Member Steele

Seconded by Board Member Foster

THAT the following Committee reports be adopted and any recommendations therein approved:

- Minutes of the CAO Selection Committee Meeting dated March 20, 2019;
- Minutes of the CAO Selection Committee Closed Session Meeting dated March 20, 2019; and
- Minutes of the Audit and Budget Committee – April 15, 2019 (as tabled).

CARRIED

Resolution No. FA-102-19

Moved by Board Member Steele

Seconded by Board Member Foster

THAT the Governance Committee Meeting report and minutes dated March 27, 2019 be adopted and any recommendations therein be approved save and except Recommendation No. GC-13-2019 to be withdrawn and voted on separately.

CARRIED

Recommendation No. GC-13-2019 (From the Governance Committee Meeting of March 27, 2019):

Resolution No. FA-103-19

Moved by Board Member Steele

Seconded by Board Member Foster

1. **THAT** Report No. GC-04-19 respecting the correspondence from Niagara Region dated March 1, 2019 regarding Niagara Region representation on the NPCA be received.
2. **THAT** the NPCA inform the Region that appointment of Members to the Board exceeds the jurisdiction of the NPCA under the *Conservation Authorities Act*.
3. **THAT** the NPCA decline to comment on member municipality appointments to the Board.
4. **AND THAT** a general list of skills and competencies required for Board Members be prepared and circulated to member municipalities for consideration.

DEFEATED

Resolution No. FA-104-19

Moved by Board Member Steele

Seconded by Board Member Foster

THAT Report No. GC-04-19 respecting the correspondence from Niagara Region dated March 1, 2019 regarding Niagara Region representation on

the NPCA be received.

CARRIED

The proceedings recessed from 11:43 am to 12:01 p.m.

***A further resolution (Resolution No. FA-113-2019), was subsequently enacted in respect of this matter as New Business Item 9.4.*

6.2 Reports

6.2.1 Report No. FA-47-19 RE: Appointment / Reappointment of NPCA Compliance / Regulations Officers

Resolution No. FA-105-19

Moved by Board Member Heit

Seconded by Board Member Foster

1. **THAT** Report No. FA-47-19 respecting Appointment / Reappointment of NPCA Compliance/ Regulations Officers be received; and
2. **THAT** the Board appoint / re-appoint the following NPCA staff enforcing Section 29 of the Act as Regulation Officers pursuant to Section 30.1 of the Conservation Authorities Act, R.S.O 1990 Chapter C.27 for the term of their employment with the NPCA:

BOYKO, Michael
CHRISTIE, Adam
DEVOS, Nathaniel
FAZEKAS, Jeffery
FROHLICH, Kim
GERMAIN, Michel

HAYSLIP, Robert
KURET, Robert
MACINTYRE, Michael
PERESSOTTI, Roberto
SHOALTS, Robert
TEMPEST, Moriah

3. **THAT** the Board **APPOINT / RE-APPOINT** the following NPCA staff enforcing Section 28 of the Act and Ontario Regulations 155/06 (or as amended) as Regulation Officers pursuant to Section 30.1 of the Conservation Authorities Act, R.S.O 1990 Chapter C.27 for the term of their employment with the NPCA.

DELUCE, David
DRENNAN, Daniel

MACKENZIE, Darren

CARRIED

6.2.2 Report No. FA-48-19 RE: NPCA Administrative By-law – Proposed Change Section 4, Sub-section 4.5 Chair and Vice Chair Appointments to Standing Committees

Resolution No. FA-106-19

Moved by Board Member Foster

Seconded by Board Member Shirton

1. **THAT** Report No. FA-48-19 respecting NPCA Administrative By-law - Proposed Change to Section 4, Sub-section 4.5 - Chair and Vice Chair Appointments to Standing Committees be received; and

2. **THAT** the Board of Directors approve a change to Section 4, Sub-section 4.5 of the NPCA Administrative By-law to appoint the Chair and Vice Chair as ex-officio, non-voting members to Authority Standing Committees.
3. **THAT** Section 4, Sub-section 4.5 of the Administrative By-law be changed to reflect that standing committees will have a minimum of three members, with the Chair and Vice Chair being ex officio, non-voting members.

CARRIED

6.2.3 Report No. FA-49-19 RE: Update on Memorandums of Understanding with Watershed Municipalities

Resolution No. FA-107-19

Moved by Board Member Shirton

Seconded by Board Member Foster

THAT Report No. FA-49-19 respecting an Update on the Memorandums of Understanding (MOU) with Watershed Municipalities be received for information.

CARRIED

6.2.4 Report No. FA-37-19 RE: Revitalizing the NPCA Restoration Program

Resolution No. FA-108-19

Moved by Board Member Heit

Seconded by Board Member Shirton

1. **THAT** Report No. FA-37-19 regarding revitalizing the NPCA Restoration Program be received.
2. **THAT** the proposed Restoration Program be approved for implementation as outlined in Report No. FA-37-19.

CARRIED

7. BUSINESS – IN CAMERA

7.1 Motion to move into Closed Session:

7.1.1 Personal matters about an identifiable individual(s) including NPCA employees (Organizational Review)

7.1.2 Labour relations, human resources or employee negotiations (Q1 Legal Update)

Resolution No. FA-109-19

Moved by Board Member Shirton

Seconded by Board Member Wright

THAT the meeting of the Board of Directors of the Niagara Peninsula Conservation Authority convenes in closed session at 12:16 p.m. in accordance with Section 11.1 of the NPCA Administrative By-law for the discussion of matters relating to:

- Personal matters about identifiable individuals including NPCA employees (Organizational Review); and
- Labour relations, human resources, employee negotiations (Q1 Legal Update).

CARRIED

7.2 Motion to reconvene in to Open Session and report progress:

Resolution No. FA-110-19

Moved by Board Member Wright

Seconded by Board Member Shirton

THAT the meeting of the Board of Directors of the Niagara Peninsula Conservation Authority reconvenes in open session at 1:12 pm.

CARRIED

7.3 Business Arising from Closed Session

Resolution No. FA-111-19

Moved by Board Member Shirton

Seconded by Board Member Wright

THAT the Organizational Review documents presented in closed session be received and endorsed to remain private and confidential.

CARRIED

Resolution No. FA-112-19

Moved by Board Member Shirton

Seconded by Board Member Wright

THAT the Q1 Legal update document presented in closed session be received to remain private and confidential.

CARRIED

8. NOTICE OF MOTION

There were no notices of motion.

9. NEW BUSINESS

9.1 Member Steele requested a reconfigured seating arrangement for the proceedings to better facilitate the Board / staff interaction.

9.2 Member Johnson spoke to agenda distribution requested revisions to the agenda numbering to simplify the agendas.

9.3 Member Metcalfe requested the development of an 'employee whistle blower' policy.

9.4 Follow-up to Item 6.1.3 - Resolution falling out of Recommendation No. GC-13-2019 (From the Governance Committee Meeting of March 27, 2019):

Resolution No. FA-113-19

Moved by Board Member Steele

Seconded by Board Member Foster

WHEREAS the Region of Niagara requested the NPCA, in their March 1st, 2019 letter, for comment regarding the NPCA Board composition and qualifications; and

WHEREAS the Auditor General of Ontario provided recommendations regarding Board skills, experience and training in her September 14th, 2018 report on the NPCA; and

WHEREAS Province of Ontario is currently reviewing regional governments, which could impact the future Board of the NPCA; and

WHEREAS the City of Hamilton appeal regarding the NPCA levy is under review; and

WHEREAS the City of Hamilton, Haldimand County and the Niagara Region agreed to address the composition of the NPCA Board after the NPCA levy review is complete;

THEREFORE, BE IT RESOLVED THAT the NPCA request to the Niagara Region that the twelve temporary members' (or their replacements') terms be extended, until such time as the appeal by the City of Hamilton is complete, and the agreement between the three municipalities is finalized.

FURTHER THAT the NPCA Board and Staff recommend a list of competencies, modelled from the Alberta Public Agencies matrix, to the Region of Niagara in order that the Region can forward the competencies to their municipalities regarding whether they wish to recommend to the Region to appoint an elected or citizen appointees.

CARRIED

10. ADJOURNMENT

Resolution No. FA-114-19
Moved by Board Member Shirton
Seconded by Board Member Wright

THAT the meeting of the Board of Directors of the Niagara Peninsula Conservation Authority be hereby adjourned at 1:20 p.m.

CARRIED

Diana Huson
Board Vice Chair
Niagara Peninsula Conservation Authority

Grant Bivol
Interim Clerk
Niagara Peninsula Conservation Authority