

FULL AUTHORITY

MEETING MINUTES

Wednesday, February 19, 2019

9:30 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:** B. Johnson (Chair)

S. Beattie

R. Brady

D. Bylsma (departed 12:43 p.m.)

B. Clark

D. Cridland

L. Feor

R. Foster

J. Hellinga

D. Huson

J. Ingrao

B. Mackenzie

J. Metcalfe

W. Rapley

R. Shirton

E. Smith

M. Woodhouse

B. Wright

**MEMBERS ABSENT:** D. Coon-Petersen

K. Kawall

B. Steele

**STAFF PRESENT:** C. Sharma, CAO / Secretary – Treasurer

G. Bivol, Executive Co-ordinator to the C.A.O./Board

R. Bisson, Manager, Communications and Public Relations

A. Christie, Director, Operations and Strategic Initiatives

J. Culp, Supervisor, Permits and Compliance

D. Deluce, Senior Manager, Planning and Regulations

M. Ferrusi, Manager, Human Resources

L. Gagnon, Director, Corporate Services

B. Lee, GIS Administrator

D. MacKenzie, Director, Watershed Management

S. Miller, Senior Manager, Water Resources

E. Navarro, Communications Specialist

R. Petrullo, Multimedia Specialist

K. Royer, Co-ordinator, Community Outreach and Volunteer Outreach

G. Verkade, Senior Manager, Integrated Watershed Planning and Information Management

**OTHERS:** K. Jull, Gardiner Roberts, LLP

J. Bacher

L. Benneian

L. Manson

The Chair called the meeting to order at 9:31 a.m..

1. APPROVAL OF AGENDA

Resolution No. FA-21-20

Moved by Board Member Clark

Seconded by Board Member Bylsma

**THAT** Section 10.7 of the Administrative By-law **BE WAIVED** to permit an additional delegation to appear before the Board.

**CARRIED**

Resolution No. FA-22-20

Moved by Board Member Brady

Seconded by Board Member Bylsma

**THAT** the agenda **BE ADOPTED** as presented.

**CARRIED**

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF MINUTES

1. Approval of the Minutes of the Full Authority meeting dated December 18, 2019

1. Approval of the Closed Session Minutes of the Full Authority meeting dated December 18, 2019 (under separate cover)
2. Approval of the Minutes of the Full Authority Annual General Meeting dated January 15, 2020
3. Approval of the Closed Session Minutes of the Full Authority Annual General Meeting dated January 15, 2020 (as provided under separate cover)

Resolution No. FA-23-20

Moved by Board Member Bylsma

Seconded by Board Member Metcalfe

**THAT** the following minutes **BE ADOPTED** and the recommendations therein **APPROVED:**

1. Minutes of the Full Authority meeting dated December 18, 2019;

b) Closed Session Minutes of the Full Authority meeting dated December 18, 2019;

1. Minutes of the Full Authority Annual General Meeting dated January 15, 2020; and
2. Closed Session Minutes of the Full Authority Annual General Meeting dated January 15, 2020.

**CARRIED**

4. CORRESPONDENCE

1. Correspondence from Conservation Ontario to the Honourable John Yakabuski, Minister of Natural Resources and Forestry dated January 17, 2020 RE: Ontario’s Special Advisor on Flooding Report to Government: An Independent Review of the 2019 Flood Events in Ontario

Resolution No. FA-24-20

Moved by Board Member Clark

Seconded by Board Member Cridland

**THAT** the correspondence from Conservation Ontario to the Honourable John Yakabuski, Minister of Natural Resources and Forestry dated January 17, 2020 RE: Ontario’s Special Advisor on Flooding Report to Government: An Independent Review of the 2019 Flood Events in Ontario **BE RECEIVED**.

**CARRIED**

1. i) Resolution from the Municipality of Dutton Dunwich dated January 15, 2020

ii) Resolution from the City of Quinte West dated January 15, 2020 RE: Funding of Conservation Authorities

Resolution No. FA-25-20

Moved by Board Member Cridland

Seconded by Board Member Brady

1. **THAT** the resolutions from the Municipality of Dutton-Dunwich and the City of Quinte West dated January 15, 2020 **BE RECEIVED**;
2. **THAT** NPCA staff **BE DIRECTED** to coordinate a joint request for municipal letters of support with other CA’s that share jurisdiction within the City of Hamilton and Haldimand;
3. **THAT** staff **BE DIRECTED** to reach out to Niagara Region and Lower Tier municipalities, where appropriate, to seek letters of support.

**CARRIED**

1. Correspondence RE: Thundering Waters (as distributed to Members electronically under separate cover) from the following individuals as of the date of agenda publication:

Tam Maiuri, Marcie Jacklin, Shirley Welstead, Linda Mancuso Abbott, Liz Duchene, Jun-Etta Chnard, Leslie Edell, Julia Blushak, Desmond Sequeira, Julia Blushak, Carla Rienzo, Phil Bergen, Linda Manson, Win Laar, Lorna Anstruther, Joyce Sankey, Judy Doerr, Michelle Konigshaus, Max Magee, Lee Say Lor, Bronwyn Hildebrandt, Renee Crossan, Linda Babb, Christa Barette, Robert Carson, Joseph White, Dr. John Bacher, Pat Robertson, Christine Knighton, Lorna Anstruther**,** Ivan and Deanna House, Julia Lucas, Dorothy J. Brandt, Victoria Brecht, Miriam H. Richards, Phil Bergen, Annette Gibbons, Paulette (no last name provided), Donna Mongeri, Mike Baldasio, Jennifer Hay, Karen Gerritsma, Marya Buckingham, Cassandra Buunk, Leslie Curry, Leanna Villella, Shannon Duggan and one unsigned document.

Resolution No. FA-26-20

Moved by Board Member Metcalfe

Seconded by Board Member Foster

**THAT** the correspondence, emails and materials regarding Thundering Waters from individuals as noted in the agenda and as provided electronically to the Board Members **BE RECEIVED**.

**CARRIED**

5. PRESENTATIONS

1. Presentation by David Deluce, Senior Manager of Planning and Regulations RE: Roles and Responsibilities of the NPCA in Planning, Permitting and Compliance – Mr. Deluce presented via PowerPoint. Ms. Sharma offered additional comments. Members posed questions and discussion ensued.
2. Update by David Deluce, Senior Manager of Planning and Regulations RE: Chronology of Events - Thundering Waters – This matter and the resultant motion were referred until after the Delegation Section of the meeting.

6. BUSINESS – IN CAMERA

1. Advice that is subject to Solicitor – Client privilege, including communications necessary for that purpose
2. Litigation or potential litigation, including matters before administrative tribunals affecting the NPCA

Resolution No. FA-27-20

Moved by Board Member Ingrao

Seconded by Board Member Metcalfe

**THAT** the meeting of the Board of Directors of the Niagara Peninsula Conservation Authority CONVENE in closed session at 10:32 a.m. in accordance Section 11.1 of the NPCA Administrative By-law for the discussion on:

1. Advice that is subject to Solicitor – Client privilege, including communications necessary for that purpose;
2. Litigation or potential litigation, including matters before administrative tribunals affecting the NPCA.

**CARRIED**

Resolution No. FA-28-20

Moved by Board Member Huson

Seconded by Board Member Hellinga

**THAT** the meeting of the Board of Directors of the Niagara Peninsula Conservation Authority **RECONVENES** in open session at 11:46 a.m..

**CARRIED**

7. DELEGATIONS

1. Delegation by Liz Benneian RE: How the NPCA is contributing to the loss of PSWs in Niagara – Ms. Benneian presented a PowerPoint and spoke on the proposed Southwood Development and the need for the NPCA to review and reform its policies and practices. The C.A.O. and Chair offered to meet with the delegate to discuss her concerns in person.
2. Delegation by: Dr. John Bacher RE: Thundering Waters – Dr. Bacher spoke on defining provincially significant woodlots. He spoke on downgrades to lands identified as Wetland #1 within the Thundering Waters project and the Niagara Falls provincial slough forest and on a previously unidentified watercourse thought to be the former Warren Creek. He conducted a slide presentation and named various species of plants and animals in the area of the development.
3. PowerPoint by Linda Manson RE: Thundering Waters: How to Restore Public Trust Lost – Ms. Manson spoke on issues such as proposed 30m buffers, provincial significant wetlands, biodiversity offsetting, site history, NPCA development comments, Official Plan Amendments. She requested that NPCA policies be revised prior to any further review or comment on this file.

Resolution No. FA-29-20

Moved by Board Member Huson

Seconded by Board Member Ingrao

**THAT** the presentations and related material from the following individuals **BE RECEIVED**:

1. Liz Benneian RE: How the NPCA is contributing to the loss of PSWs in Niagara;
2. Dr. John Bacher RE: Thundering Waters; and
3. Linda Manson RE: Thundering Waters: How to Restore Public Trust Lost.

**CARRIED**

Update by David Deluce, Senior Manager of Planning and Regulations RE: Chronology of Events - Thundering Waters – This matter was referred from the Presentation Section of the meeting. Mr. Deluce provided an overview of NPCA’s involvement in the development process from 2015 onward. Members posed questions.

Resolution No. FA-30-20

Moved by Board Member Ingrao

Seconded by Board Member Metcalfe

**THAT** the presentations and related material as follows from David Deluce, Senior Manager of Planning and Regulations the **BE RECEIVED**:

a) Presentation RE: Roles and Responsibilities of the NPCA in Planning, Permitting and Compliance; and

b) Update by David Deluce, Senior Manager of Planning and Regulations RE: Chronology of Events - Thundering Waters.

**CARRIED**

8. CONSENT ITEMS

1. Report No. FA-05-20 RE: Partnerships, Community Engagement and Events
2. Report No. FA-06-20 RE: NPCA Policies
3. Report No. FA-08-20 RE: Spatial Open Data Launch
4. Report No. FA-09-20 RE: Greenbelt Council for the Greater Golden Horseshoe Reports Regarding the Value of Watershed Planning and Management

Resolution No. FA-31-20

Moved by Board Member Metcalfe

Seconded by Board Member Ingrao

**THAT** the following reports **BE RECEIVED**:

1. Report No. FA-05-20 RE: Partnerships, Community Engagement and Events;
2. Report No. FA-06-20 RE: NPCA Policies;
3. Report No. FA-08-20 RE: Spatial Open Data Launch; and
4. Report No. FA-09-20 RE: Greenbelt Council for the Greater Golden Horseshoe Reports Regarding the Value of Watershed Planning and Management.

**CARRIED**

9. DISCUSSION ITEMS

1. Report No. FA-02-20 RE: 2020 Restoration Project Approvals - Q1

Resolution No. FA-32-20

Moved by Board Member Shirton

Seconded by Board Member Ingrao

1. **THAT** Report no. FA-02-20 RE: 2020 Restoration Project Approvals – Q1 **BE RECEIVED**;
2. **THAT** the approved Restoration Program 2020 projects and associated funding, identified in Appendix 1 of Report 2020 and titled ‘Restoration Projects and 2019 Projects Carried Forward’ **BE APPROVED**.

**CARRIED**

1. Report No. FA-03-20 RE: NPCA Public Advisory Committee – New Member Appointment

Resolution No. FA-33-20

Moved by Board Member Woodhouse

Seconded by Board Member Beattie

* + - 1. **THAT** Report No. FA-03-20 RE: NPCA Public Advisory Committee **BE RECEIVED** for information.
      2. **THAT** the NPCA Board of Directors **APPOINTS** the individuals identified in Confidential Appendix 1 to Report FA-03-20 as the members representing the following sectors of the NPCA Public Advisory Committee:
* Public-At-Large
* Agriculture/Value-added agriculture North
* First Nations.

3. **AND THAT** Confidential Appendix 1 to Report FA-03-20 **BE DEEMED** a public document and **RECEIVED** into the record.

**CARRIED**

1. Report No. FA-04-20 RE: 2020 Capital Projects – Binbrook - S. Miller, Senior Manager, Water Resources and Lise Gagnon, Director, Corporate Services addressed questions from the Board.

Resolution No. FA-34-20

Moved by Board Member Woodhouse

Seconded by Board Member Beattie

1. **THAT** Report No. FA-04-20 RE: 2020 Capital Projects – Binbrook **BE RECEIVED**;

2. **THAT** the Board **AUTHORIZES** staff to explore financing options with the City of Hamilton, including debenture financing and related future debt servicing commitments;

1. **THAT** the Board **AUTHORIZES** staff to utilize residual capacity within 2019 approved capital projects (from reserves) to initiate the engineering design of the septic system and to facilitate MECP approvals including Municipal Site Plan approval. Once financing is secured, capital reserve will be replenished; and
2. **AND FURTHER THAT** the Board **AUTHORIZES** staff to proceed with next steps/action items outlined in Report No. FA-04-20.

**CARRIED**

1. Motion from Member Kawall RE: List of all Operating and Administrative Policies and all Memoranda of Understanding – This item was withdrawn.

1. Motion from Member Smith RE: Cooperation with the Anticipated Police Investigation – Member Smith spoke to the motion. Lengthy discussion ensued.

Resolution No. FA-35-20

Moved by Board Member Smith

Seconded by Board Member Woodhouse

**WHEREAS** the Ombudsman of Ontario, Mr. Dube, released his report on November 29, 2019, regarding the hiring process of former Regional CAO Carmen D’Angelo;

**AND WHEREAS** the Ombudsman report determined and detailed wrongdoing by several former Regional politicians and staff;

**AND WHEREAS** Niagara Regional Council, at its meeting of December 5, 2019, requested a police investigation into the findings contained in the Ombudsman’s report;

**AND WHEREAS** the prospect of a police investigation has been referred to the Ontario Provincial Police;

**AND WHEREAS** the Niagara Regional Council motion requests that if investigated leads go beyond the contents of the Ombudsman’s Report they should be followed;

**AND WHEREAS** the Ombudsman investigation also involved investigation into files and staff at the NPCA;

**AND WHEREAS** the NPCA Board has signaled its desire and intent to be open and transparent in its dealings through, for example, creating a ‘Whistleblower Policy’ at the NPCA;

**NOW THEREFORE BE IT RESOLVED THAT** the Board of the NPCA **IS COMMITTED** to full cooperation with the anticipated police investigation, including but not limited to providing access to human resources, legal and financial files, to the extent allowable under the law, and that NPCA Board and staff will be expected to fully cooperate with any police investigation.

**DEFEATED**

|  |  |  |
| --- | --- | --- |
| **Recorded Vote:** | **Yea** | **Nay** |
| Dave Bylsma (Chair) |  |  |
| Stewart Beattie |  | X |
| Rick Brady |  | X |
| Brad Clark |  | X |
| Deborah Coon-Petersen |  |  |
| Donna Cridland |  | X |
| Leah Feor |  | X |
| Rob Foster |  | X |
| Jack Hellinga |  | X |
| Diana Huson (Vice Chair) |  | X |
| John Ingrao |  | X |
| Brenda Johnson |  | X |
| Ken Kawall |  |  |
| Bruce Mackenzie |  | X |
| John Metcalfe |  | X |
| Bill Rapley |  | X |
| Rob Shirton |  | X |
| Ed Smith |  | X |
| Bill Steele |  |  |
| Mal Woodhouse |  | X |
| Brian Wright |  | X |

10. BUSINESS – IN CAMERA

There was no closed session at this juncture.

11. NOTICES OF MOTION

None.

12. NEW BUSINESS

Ms. Sharma spoke on the recent government open houses on Bill 108 attended by staff and Members of the Board. Member Mackenzie asked that the related GLO survey be circulated. Members Mackenzie and Woodhouse spoke on the lack of citizen engagement by the public.

R. Bisson, Manager, Communications and Public Relations spoke on the recent NPCA Volunteer Appreciation Night.

13. ADJOURNMENT

Resolution No. FA-36-20

Moved by Board Member Shirton

Seconded by Board Member Ingrao

**THAT** this meeting **BE** hereby **ADJOURNED** at 1:30 p.m..

**CARRIED**

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Brenda Johnson Chandra Sharma

Chair Chief Administrative Officer / Secretary -

Niagara Peninsula Conservation AuthorityTreasurer

Niagara Peninsula Conservation Authority