

**FULL AUTHORITY MEETING
ON-LINE VIDEO CONFERENCE
Friday, December 17, 2021
9:30 A.M.**

A G E N D A

CALL TO ORDER – ROLL CALL / STAFF INTRODUCTIONS

The Niagara Peninsula Watershed is located on the traditional territory of Indigenous peoples dating back countless generations. We want to show our respect for their contributions and recognize the role of treaty-making in what is now Ontario.

The Niagara Peninsula Conservation Authority (NPCA) grieves with Indigenous people and communities across the country on the tragic loss of so many children to the Residential School System. We acknowledge that with this difficult history comes the responsibility to honour those who were lost, and to strive to better understand how we can support affected communities. The NPCA stands committed to improving our relationships with Indigenous peoples, and working with them to ensure an equitable and meaningful future for all.

1. APPROVAL OF AGENDA

2. DECLARATIONS OF CONFLICT OF INTEREST

3. CLOSED SESSION

- a) Litigation or Potential Litigation - Verbal Update on Enforcement and Compliance Issue regarding Riverfront Community Property
- b) Personal matters about an identifiable individual including NPCA employees – C.A.O. Performance Evaluation (Verbal)

4. APPROVAL OF MINUTES

- a) Minutes of the Full Authority Meeting dated November 19, 2021 (For Approval)

Page # 1

5. CORRESPONDENCE

- a) Correspondence dated November 18, 2021 to Brenda Johnson, NPCA Chair and Chandra Sharma, NPCA CAO-Secretary/Treasurer from the Honourable David Piccini, Minister of the Environment, Conservation and Parks RE: Application Seeking Exception under the Conservation Authorities Act Relating to Chair and Vice-Chair Appointments (For Receipt)

Page # 8

6. PRESENTATIONS

7. DELEGATIONS

8. CONSENT ITEMS

- a) Report No. FA-67-21 RE: 2022 Forests Ontario Planting Delivery Agent Agreement (For Receipt)

Page # 10

9. DISCUSSION ITEMS

- a) Report No. FA-71-21 RE: 2022 Children's Charity Third Party Fundraiser Event at Ball's Falls (For Approval)

Page # 12

- b) Report No. FA-74-21 RE: Board of Directors' 2022 Meeting Schedule (For Approval)

Page # 17

- c) Report No. FA-75-21 RE: Award of Community Partnership at St. Johns Valley Centre Conservation Area (For Approval – to be provided under separate cover)

10. COMMITTEE REPORTS

10.1 PUBLIC ADVISORY COMMITTEE

- a) Minutes of the Public Advisory Committee meeting dated November 25, 2021 (For Receipt)

Page # 21

- b) Report No. FA-72-21 RE: Draft NPCA Public Advisory Committee Meeting Plan 2022 (For Approval)

Page # 25

- c) Report No. FA-73-21 RE: NPCA Public Advisory Committee Member Re-Appointments (For Approval)

Page # 28

10.2 GOVERNANCE COMMITTEE

- a) Minutes of the Governance Committee Meeting dated December 10, 2021 (For Receipt)

Page # 30

- b) Report No. GC-10-21 RE: Amendments to the Administrative By-law (For Approval)

Page # 34

11. MOTIONS

12. NOTICES OF MOTION

13. NEW BUSINESS

- a) Niagara Peninsula Conservation Foundation Update – Verbal

14. ADJOURNMENT

**FULL AUTHORITY
ONLINE VIDEO CONFERENCE
MEETING MINUTES**

**Friday, November 19, 2021
9:30 A.M.**

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*

MEMBERS PRESENT: B. Mackenzie (Chair)
S. Beattie (departed 11:29 a.m.)
R. Brady
D. Cridland
R. Foster
J. Hellinga
D. Huson (departed 11:15 a.m.)
J. Ingrao
K. Kawall
J. Metcalfe
W. Rapley
R. Shirton
E. Smith
B. Steele
M. Woodhouse (arrived 9:41 a.m.)
B. Wright

MEMBERS ABSENT: B. Clark
D. Coon-Petersen
L. Feor
B. Johnson

OTHERS PRESENT: S. Bauer, Friends of Twelve Mile Creek
G. Graveline, Friends of Twelve Mile Creek
S. Stephen, Watson and Associates Economists Ltd.

STAFF PRESENT: C. Sharma, CAO / Secretary – Treasurer
G. Bivol, Clerk
A. Christie, Director, Land Operations
C. Coverdale, Business and Financial Analyst
J. Culp, Manager, Compliance and Enforcement
D. Deluce, Senior Manager, Planning and Regulations
M. Ferrusi, Manager, Human Resources
K. Frohlich, Ecologist
L. Gagnon, Director, Corporate Services
E. Gervais, Procurement Specialist
S. Gillis, Restoration Project Lead
B. Lee, GIS Administrator
L. Lee-Yates, Director, Watershed Management

S. Miller, Senior Manager, Water Resources
K. Royer, Coordinator, Community Outreach
G. Shaule, Administrative Assistant
G. Verkade, Senior Manager, Integrated Watershed Planning / Information Management

In the absence of the Chair, Vice Chair Mackenzie called the meeting to order at 9:31 a.m.. The Board was introduced to the Land Operations Department staff.

1. APPROVAL OF AGENDA

Resolution No. FA-185-2021

Moved by Member Huson

Seconded by Member Brady

1. **THAT** a delegation **BE ADDED** to the agenda Guy Graveline, Friends of Twelve Mile Creek RE: Unnecessary destruction of the 12 Mile Creek valleylands for the cutting of new trails and man-made developments for the purpose of building a mountain bike racecourse for the Niagara 2022 Canada Summer Games.
2. **THAT** Closed Session **BE REMOVED** from the agenda.
3. **THAT** agenda for the Full Authority Meeting agenda dated November 19, 2021 **BE APPROVED** as amended.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

By virtue of his volunteer position with Niagara 2022 Canada Summer Games, Member Foster declared a conflict of interest during the discussion on item 6. a) being the Delegation by Guy Graveline, Friends of Twelve Mile Creek RE: Unnecessary destruction of the 12 Mile Creek valleylands for the cutting of new trails and man-made developments for the purpose of building a mountain bike racecourse for the Niagara 2022 Canada Summer Games.

3. APPROVAL OF MINUTES

- a) Minutes of the Full Authority Meeting dated October 15, 2021

Resolution No. FA-186-2021

Moved by Member Woodhouse

Seconded by Member Huson

THAT the minutes of the Full Authority Meeting dated October 15, 2021 **BE APPROVED**.

CARRIED

4. CORRESPONDENCE

- a) Correspondence dated October 18, 2021 from Alisa Mahrova, Clerk and Manager, Policy, Toronto and Region Conservation Authority RE: TRCA Wetland Water Balance Modelling Guidance Document - C.A.O. Chandra Sharma spoke to the document. Discussion ensued. Staff were requested to bring forward a report to adopt the same modelling criteria.

Resolution No. FA-187-2021

Moved by Member Hellinga

Seconded by Member Smith

1. **THAT** the correspondence dated October 18, 2021 from Alisa Mahrova, Clerk and Manager, Policy, Toronto and Region Conservation Authority RE: TRCA Wetland Water Balance Modelling Guidance Document **BE RECEIVED**.
2. **AND THAT** the document **BE REFERRED** to staff for a report back to the Board in January, 2022 addressing the inclusion of the modelling criteria within the procedural manual on planning policies.

CARRIED

- b) Correspondence dated October 21, 2021 from David Quartermain Director, Real Property Management Air, Marine and Environmental Programs, Transport Canada RE: Establishment of an Eco Park on Transport Canada's Surplus Land Site in Niagara-on-the-Lake – Discussion ensued.

Resolution No. FA-188-2021

Moved by Member Cridland

Seconded by Member Metcalfe

THAT the correspondence dated October 21, 2021 from David Quartermain Director, Real Property Management Air, Marine and Environmental Programs, Transport Canada RE: Establishment of an Eco Park on Transport Canada's Surplus Land Site in Niagara-on-the-Lake **BE RECEIVED**.

CARRIED

- c) Correspondence dated November 5, 2021 from Nicholas Fischer, Policy and Planning Officer RE: Conservation Ontario's Comments on "Minister's Order for Temporary Suspension of Protection Upon the Listing of Black Ash Under the Endangered Species Act" (ERO#019-4278) and "Amendments to Ontario Regulation 242/08 (General Regulation – Endangered Species Act, 2007) Relating to Upcoming Changes to the Species at Risk in Ontario List" (ERO#019-4280) - Geoff Verkade, Senior Manager, Integrated Watershed Planning / Information Management provided comments.

Resolution No. FA-189-2021

Moved by Member Brady

Seconded by Member Foster

THAT the correspondence dated November 5, 2021 from Nicholas Fischer, Policy and Planning Officer RE: Conservation Ontario's Comments on "Minister's Order for Temporary Suspension of Protection Upon the Listing of Black Ash Under the Endangered Species Act" (ERO#019-4278) and "Amendments to Ontario Regulation 242/08 (General Regulation – Endangered Species Act, 2007) Relating to Upcoming Changes to the Species at Risk in Ontario List" (ERO#019-4280) **BE RECEIVED**.

CARRIED

5. PRESENTATIONS

- a) PowerPoint presentation by Sean-Michael Stephen, Manager, Watson & Associates Economists Ltd. RE: Niagara Peninsula Conservation Authority Parks and Recreation Services Fee Review - Agenda Item 8. a) being Report No. FA-64-2021 RE: 2022

Conservation Area Fees was addressed in conjunction with this presentation. Sean-Michael Stephen, Manager, Watson & Associates Economists Ltd. presented. A. Christie presented Report No. FA-64-2021 RE: 2022 Conservation Area Fees. Lengthy discussion ensued. Members suggested investigation of partnership options and that Finance Committee input be sought on the diversification of revenue streams.

Resolution No. FA-190-2021

Moved by Member Huson

Seconded by Member Rapley

THAT the PowerPoint presentation by Sean-Michael Stephen, Manager, Watson & Associates Economists Ltd. RE: Niagara Peninsula Conservation Authority Parks and Recreation Services Fee Review **BE RECEIVED**.

CARRIED

Resolution No. FA-191-2021

Moved by Member Steele

Seconded by Member Shirton

1. **THAT** Report No. FA-64-2021 RE: 2022 Conservation Area Fees **BE RECEIVED**.
2. **AND THAT** the 2022 Conservation Area Rates outlined in Appendix 1 of Report No. FA-64-21 **BE APPROVED**.

CARRIED

The Chair called for a brief recess from 11:24 a.m. until 11:31 a.m..

6. DELEGATIONS

- a) Delegation by Guy Graveline, Friends of Twelve Mile Creek RE: Unnecessary destruction of the 12 Mile Creek valleylands for the cutting of new trails and man-made developments for the purpose of building a mountain bike racecourse for the Niagara 2022 Canada Summer Games – Mr. Graveline presented a video recording. Leilani Lee-Yates, Director, Watershed Management provided detail and background on the NPCA's involvement in the matter. Members posed questions to staff, to the delegation and also to Mr. Steve Bauer who was in attendance as a representative of Friends of 12 Mile Creek. By virtue of his volunteer position with Niagara 2022 Canada Summer Games, Member Foster declared a conflict of interest during the discussion of this item. Lengthy discussion ensued.

Resolution No. FA-192-2021

Moved by Member Brady

Seconded by Member Metcalfe

THAT the video presentation and written materials submitted from Guy Graveline, Friends of Twelve Mile Creek **BE RECEIVED**.

CARRIED

Resolution No. FA-193-2021

Moved by Member Smith

Seconded by Member Kawall

THAT a letter **BE SENT** to the Niagara 2022 Canada Summer Games from the Board seeking a dialogue on the present trail and future condition of the site for the bike race course located at the 12 Mile Creek.

CARRIED

Page | 4

Recorded Vote:	Yea	Nay
Rick Brady		X
Donna Cridland		X
Rob Foster	-----	-----
Jack Hellinga	X	
John Ingrao	X	
Ken Kawall	X	
Bruce Mackenzie	X	
John Metcalfe	X	
Bill Rapley	X	
Rob Shirton		X
Ed Smith	X	
Bill Steele	X	
Mal Woodhouse	X	
Brian Wright	X	

7. CONSENT ITEMS

- a) Report No. FA-63-2021 RE: Comfort Maple Tree Assessment

Resolution No. FA-194-2021

Moved by Member Ingrao

Seconded by Member Metcalfe

THAT Report No. FA-63-2021 RE: Comfort Maple Tree Assessment **BE RECEIVED.**
CARRIED

8. DISCUSSION ITEMS

- a) Report No. FA-64-2021 RE: 2022 Conservation Area Fees – This report was addressed during item 5. a) PowerPoint presentation by Sean-Michael Stephen, Manager, Watson & Associates Economists Ltd. RE: Niagara Peninsula Conservation Authority Parks and Recreation Services Fee Review.

- b) Report No. FA-65-2021 RE: Wainfleet Bog Advisory Committee Terms of Reference

Resolution No. FA-195-2021

Moved by Member Wright

Seconded by Member Cridland

1. **THAT** Report No. FA-65-2021 RE: Wainfleet Bog Advisory Committee Terms of Reference **BE RECEIVED.**
2. **THAT** the Board **APPROVE** the NPCA Wainfleet Bog Advisory Committee Terms of Reference attached as Appendix 1.
3. **AND THAT** this report **BE CIRCULATED** to the City of Port Colborne and the Township of Wainfleet.

CARRIED

- c) Report No. FA-68-2021 RE: NPCA Transition Plan in Accordance with Section 21.1.4 of the Conservation Authorities Act

Resolution No. FA-196-2021

Moved by Member Steele

Seconded by Member Foster

1. **THAT** Report No. FA-68-2021 RE: NPCA Transition Plan in Accordance with Section 21.1.4 of the Conservation Authorities Act **BE RECEIVED**.
2. **AND FURTHER THAT** the NPCA Transition Plan, as appended, **BE APPROVED** and **SUBMITTED** to the Ministry of Environment and Parks (MECP) with a copy to NPCA funding municipalities and posting on the NPCA website.

CARRIED

9. COMMITTEE ITEMS

9.1 FINANCE COMMITTEE

- a) Minutes of the Finance Committee Meeting dated November 4, 2021

Resolution No. FA-197-2021

Moved by Member Metcalfe

Seconded by Member Rapley

THAT the minutes of the Finance Committee Meeting dated November 4, 2021 **BE RECEIVED**.

CARRIED

- b) Report No. FA-69-21 RE: Financial Report – Q3 – 2021 – Lise Gagnon, Director of Corporate Services addressed questions.

Resolution No. FA-198-2021

Moved by Member Smith

Seconded by Member Kawall

THAT Report No. FA-69-21 RE: Financial Report – Q3 – 2021 **BE RECEIVED**.

CARRIED

- c) Report FA-70-2021 RE: 2022 Draft Budgets and Municipal Levies – Ms. Gagnon addressed questions.

Resolution No. FA-199-2021

Moved by Member Woodhouse

Seconded by Member Cridland

1. **THAT** Report No. FA-70-21 RE: Draft Budgets and Municipal Levies **BE APPROVED**.
2. **THAT** the 2022 Draft Budgets and Municipal Levies **BE APPROVED** for discussion with participating municipal staff, in accordance with Board approved Budget Assumptions.
3. **THAT** Staff **CONTINUE** to discuss the possibility of reinstating the Land Acquisition Reserve contributions with municipal funding partners.

4. **THAT** the list of 2022 unfunded pressures **BE APPROVED** and **PROVIDED** to partner municipalities for any future opportunities outside the 2022 budget through collaborative projects or external funding.
5. **AND FURTHER THAT** the final 2022 Budget **BE BROUGHT** back to the Finance Committee and Board of Directors meetings for approval.

CARRIED

10. NOTICES OF MOTION

None

11. MOTIONS

None

12. NEW BUSINESS

- a) C.A.O. Updates – Verbal – In the interest of time, Ms. Sharma opted to forego a verbal update. She spoke briefly on the printing of the Strategic Plan.
- b) Niagara Peninsula Conservation Foundation Update – Member Foster indicated that an update on the upcoming Niagara Peninsula Conservation Foundation Meeting would be forthcoming.
- c) Member Shirton spoke on the return to in-person meetings.

13. CLOSED SESSION

None.

14. ADJOURNMENT

Resolution No. FA-200-2021
Moved by Member Ingrao
Seconded by Member Steele

THAT the Full Authority Meeting **BE ADJOURNED** at 12:58 p.m..

CARRIED

Brenda Johnson, Chair
Niagara Peninsula Conservation Authority

Chandra Sharma, MCIP, RPP
Chief Administrative Officer / Secretary-
Treasurer,
Niagara Peninsula Conservation Authority

**Ministry of the Environment,
Conservation and Parks**

Office of the Minister

777 Bay Street, 5th Floor
Toronto ON M7A 2J3
Tel.: 416-314-6790

**Ministère de l'Environnement,
de la Protection de la nature et
des Parcs**

Bureau du ministre

777, rue Bay, 5^e étage
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Tél.: 416.314.6790



Ontario

November 18, 2021

357-2021-2916

Brenda Johnson, Chair
Niagara Peninsula Conservation Authority
bjohnson@npca.ca

Chandra Sharma, Chief Administrative Officer-Secretary Treasurer
Niagara Peninsula Conservation Authority
csharma@npca.ca

Dear Brenda Johnson and Chandra Sharma,

Thank you for your application submitted on August 20, 2021 on behalf of the Niagara Peninsula Conservation Authority (NPCA), seeking a Minister's exception under the *Conservation Authorities Act* (CAA) relating to chair and vice-chair appointments.

After carefully considering your application regarding the appointment of the chair and vice-chair, I have decided to not grant the NPCA an exception to subsections 17 (1.1) and (1.2) of the CAA pursuant to my authority under clauses 17(1.3) (a) and (b).

Allowing the NPCA to re-appoint members to the role of chair and vice-chair beyond two consecutive one-year terms does not meet the intent of the changes made through Bill 229, the *Protect, Support and Recover from COVID-19 Act (Budget Measures)*, 2020, to section 17 of the CAA, which was to encourage fuller representation and varying perspectives from participating municipalities in a conservation authority. With three participating municipalities in the NPCA, there is opportunity for rotation of the chair and vice-chair amongst the municipalities. Should you have any questions regarding the rotational provisions, please contact the Ministry of the Environment, Conservation and Parks Conservation Authority Office (ca.office@ontario.ca).

In this instance, I think it is important for the NPCA to comply with these requirements and it is not appropriate to grant an exception. As a result, I would request that the NPCA ensure that the necessary steps are taken so that at the 2022 annual general meeting, a chair and vice-chair can be elected in compliance with the requirements of subsections 17 (1.1) and (1.2) of the CAA. I would ask that once a new chair and vice-chair have been elected, that you confirm in writing to the Ministry of the Environment,

...2

Brenda Johnson and Chandra Sharma
Page 2

Conservation and Parks Conservation Authority Office (ca.office@ontario.ca) that the NPCA has taken the necessary steps to comply with these provisions.

I would ask that you share this correspondence with all members of the NPCA.

I appreciate the dedication of the NPCA for your continued work and contributions to protecting people and property from natural hazards, the conservation and management of conservation authority-owned lands, and your role in drinking water source protection. I look forward to continuing to work with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Piccini', with a stylized flourish at the end.

David Piccini
Minister of the Environment, Conservation and Parks

C: Chloe Stuart, Assistant Deputy Minister, Land and Water Division, MECP
Kirsten Corrigan, Director, Conservation and Source Protection Branch, MECP

Report To: Board of Directors

Subject: 2022 NPCA and Forest Ontario Planting Delivery Agent Agreement

Report No: FA-67-21

Date: November 19th, 2021

Recommendation:

THAT Report No. FA-67-21 RE: 2022 Forests Ontario Planting Delivery Agent Agreement **BE RECEIVED.**

Purpose:

The purpose of this report is to inform the Board of Directors of the NPCA about Planting Delivery Agent agreement with Forests Ontario to implement tree planting restoration projects in 2022.

Background:

Forests Ontario (FO) is recognized as a reputable agency in providing funding to partner agencies to help achieve their goal of planting 50 million trees in Ontario. Since 2013, FO and the Niagara Peninsula Conservation Authority (NPCA) have been working informally to partner with landowners to implement tree planting restoration projects across the NPCA watershed. In 2021, FO invited the NPCA to apply to be a Planting Delivery Agent. The two organizations share a mutual interest in forest conservation for the benefit of wildlife habitat, water quality, and the overall health of the watershed.

Discussion:

In keeping with the Guiding Principles of the Restoration Program, staff continue to engage with several significant partner organizations. Partnerships with organizations such as FO allow the NPCA to leverage funds for financial efficiencies, collective impact, and enhanced outcomes.

Projects with more than 500 trees will be considered by Forests Ontario for funding in 2022. These funds will help subsidize tree planting projects selected by the NPCA's Restoration Grant Program. The FO Planting Delivery Agent Agreement will provide the NPCA with \$1.41/tree for eligible projects. Funds paid to the NPCA are meant to help reduce the total cost of projects including project plan development, plant material, delivery, cold storage, plant installation, monitoring and administration.

The NPCA will be responsible for all aspects of project delivery including project assessments, developing planting plans, approving planting plans through a Registered Professional Forester, project implementation, monitoring post-planting and associated project reporting.

In addition to their financial support, Forests Ontario will refer submissions collected through their website to the NPCA for consideration. This additional advertising effort will complement the NPCA's current efforts in soliciting projects for the Restoration Grant Program.

Financial Implications:

For 2022, Forests Ontario has allocated 12,000 trees to the NPCA for a total of \$16,920 in funding. This funding will be applied to 2022 Restoration Grant Program projects. Currently the NPCA is evaluating applications for the 2022 Restoration Grant Program. Once projects are selected for the Restoration Grant Program, eligible tree planting projects with more than 500 trees may receive additional funding from FO. These funds will help reduce NPCA and Landowner contributions to the project, allowing the NPCA to take on additional projects. If the NPCA does not have sufficient projects to account for the 12,000 trees, the NPCA must relinquish those allocated funds by February 1st, 2022. Additional funds may be available on a waiting list basis with Forests Ontario.

Links to Policy/Strategic Plan:

Goal 1.3: Restore and enhance natural habitat, water resources, and forest cover.

Goal 4.2 Foster relationships with the community, non-government organizations, businesses, agriculture, industry, and academic institutions for collective outcomes and impact.

Goal 6.2 Optimize self-generating revenue using innovative approaches.

- Explore varied funding sources and innovative partnerships to diversify funding.

Authored by:

Original Signed by:

Stuart McPherson
Restoration Specialist

Reviewed by:

Original Signed by:

Geoff Verkade
Senior Manager, Integrated Watershed
Planning / Information Management

Reviewed by:

Original Signed by:

Lise Gagnon, CPA, CGA
Director, Corporate Services

Submitted by:

Original Signed by:

Chandra Sharma, MCIP RPP
CAO/Secretary-Treasurer

Report To: Board of Directors

Subject: 2022 Children's Charity Third Party Fundraiser Event at Ball's Falls

Report No: Report No. FA-71-21

Date: December 17, 2021

Recommendation:

1. **THAT** Report No. FA-71-21 RE: 2022 Children's Charity Third Party Fundraiser Event at Ball's Falls **BE RECEIVED.**
2. **AND THAT** the 2022 Fundraiser Event in support of Make-a-Wish Foundation outlined in Appendix 1 of Report No. FA-71-21 **BE APPROVED.**

Purpose:

The purpose of this report is for the NPCA Board to consider and approve the proposed 2022 Third Party Fundraiser Event at Ball's Falls Conservation Area in support of Make-a-Wish Foundation.

Background:

Each year the Niagara Peninsula Conservation Authority (NPCA) carefully considers and enters into single- and multi-day site use agreements with approved third party agencies and event operators who apply to the NPCA to host their event or program within a conservation area. Site use agreements may be structured as short term (single event, single year), or longer-term (single event, multi-year). Site use agreements are structured to detail whether the event or program is a public or private event, the type of site infrastructure or staff resources required, and whether the event requires exclusive site access. When considering applications for site use, NPCA staff review the ecological, social and financial impacts of the program, and prioritize review of programs that have reduced site and staffing impacts, little to no ecological impacts, are open to the public for participation, promote conservation and recreation, and generate revenue for the Authority. Such programs are often recommended to take place in active conservation areas, such as Binbrook Conservation Area, which are supported by master plans which encourage active recreation and programming. Due to high public demand for greenspaces during the peak operating season

(Victoria Day – Labour Day), the NPCA recommends third party events and programs take place during the shoulder season, or ensure that event operations to not impede regular site use.

The NPCA approves 1 or more site use agreements for events and programming on an annual basis. These agreements help support strategic objectives of connecting people with nature through increased awareness and access to conservation areas to new demographics and promote active recreation and conservation principles.

Site use agreements for third party events are common among Conservation Authorities across Ontario, where active-use conservation areas make for ideal and desirable settings for the delivery of small- to large-scale public events and programs which align with conservation authority values.

An example of a site use agreement and third party operated event at an NPCA conservation area includes the MudGirl event, an obstacle course designed for women and girls to raise awareness for women's issues. This event is hosted at Binbrook Conservation Area by Canadian sporting event agency, Sportera, which delivers community sporting events with the goal of preserving the environment.

Discussion:

In early 2020, Ontario-based sporting event agency, 365 Sports Inc. approached the NPCA regarding the opportunity to seek a site use agreement for the delivery of their recreational fundraising event at Ball's Falls Conservation Area. The proposed event, 5K Foam Fest, is a family-oriented fun run, accessible to diverse abilities and ages that supports the Make-a-Wish Canada Foundation and raises awareness of children's illnesses. This event is held at venues across Canada and Australia annually and is hosted each year within a Niagara-based venue. The last year that the event was delivered was 2019, where it was held on the Brock University Campus, and along the Bruce Trail. 365 Sports Inc. deliver events and programming following a detailed emergency action plan and following thorough health and safety guidelines and event practices that align with regional public health guidelines and municipal by-laws.

Event organizers are seeking a new location for this program, which can provide a more natural setting and experience for participants. Ball's Falls Conservation Area offers an ideal location for this fundraising event in 2022. NPCA staff met with event organizers to discuss the event and course and assisted in recommending a safe, accessible, and low-impact course route (Appendix 1).

Ecological Considerations:

The proposed event presents minimal ecological concern and has been designed by the organizers with ecological sensitivities in mind. 365 Sports Inc. has considerable experience programming events in natural areas, including Wasaga Beach, an ecologically significant area, as well as other conservation areas in Ontario including Albion Hills and Claireville Conservation Areas through partnership with Toronto and Region Conservation Authority (TRCA).

The proposed course route at Ball's Falls avoids ecologically and culturally sensitive areas, such as the heritage village, along escarpment trails, and the Twenty Mile Creek. This event does not involve significant site modifications, but rather uses inflatable obstacles, and water- and foam-based elements to ensure accessibility and inclusivity, and to accommodate participants with of various abilities as a family-friendly event.

The MSDS for the foam product has been reviewed by NPCA ecologist and watershed staff, who have no concerns with the use this product in the designated obstacle areas. It should be noted that this product has been approved and used for the same event at Wasaga Beach.

365 Sports Inc. anticipates approximately 2,500-4,000 participants at the Niagara event. Participants arrive and participate in the event in two-hour heats over an eight-hour period. This is approximately half of the number of visitors observed at the Thanksgiving Festival daily. Parking will be accommodated in the field designated for event and Festival parking.

Conservation Area Operations Considerations:

Event organizers are flexible and can adapt the program to the NPCA's site needs and operations at Ball's Falls Conservation Area. The proposed event timeline has been designed to accommodate regular site use, including day-use visitation, Bruce Trail access, educational programming, and wedding venue rentals. This will ensure that regular area operations and revenue-generating activities at Ball's Falls will not be significantly affected. All site security and Management will be covered by the third-party.

Alignment with Ball's Falls Master Plan:

The 2002 Ball's Falls Master Plan recommends that in addition to the Thanksgiving Festival, several additional moderate (~2,000 people per day) events on site per year, to no events greater in size than the Thanksgiving Festival (up to over ~6,000 people per day). As per the Master Plan, additional events should be themed to the site and its features, in promoting the natural area, conservation, recreation and heritage. Additional events are recommended in the Master Plan to supply additional revenue for the conservation area, as well as promoting local tourism and support within the local economy.

NPCA staff recommend the approval of this program at Ball's Falls Conservation Area as it aligns with master planning for the area, will create a minimal impact on the site and operations, will raise the profile of NPCA and Balls Falls through this charity event aligned with Make-a-Wish Foundation., and create new interest and support of inclusive and accessible active recreation.

Links to Policy/Strategic Plan:

The NPCA 2021-2031 Strategic Plan includes the objective "Connecting People to Nature" which seeks to improve "access to and connections with nature for the health and wellbeing of all people." Through this Strategic Plan, the NPCA will prioritize opportunities to improve the accessibility of NPCA conservation areas, promote active recreation including camping, and promote equitable access to the natural and cultural heritage uniquely located within NPCA conservation areas. The recommended event provides an opportunity to connect new visitors and special-interest groups to NPCA conservation areas, and provides a sustainable, meaningful and memorable experience while supporting a renowned charitable foundation.

Financial Implications:

There are no new additional costs for NPCA to host this third party event. A net revenue of approximately \$12,000 plus HST in site rental fees is anticipated through this agreement in addition to non-tangible benefits such bringing new potential community members to the Balls Falls Conservation Area as well supporting children's health issues.

Related Reports and Appendices:

Appendix 1: 2022 Fundraiser Event at Ball's Falls Proposed Course Map

Authored by:

Original Signed by:

Alicia Powell, PhD
Manager, Conservation Area Services

Reviewed by:

Original Signed by:

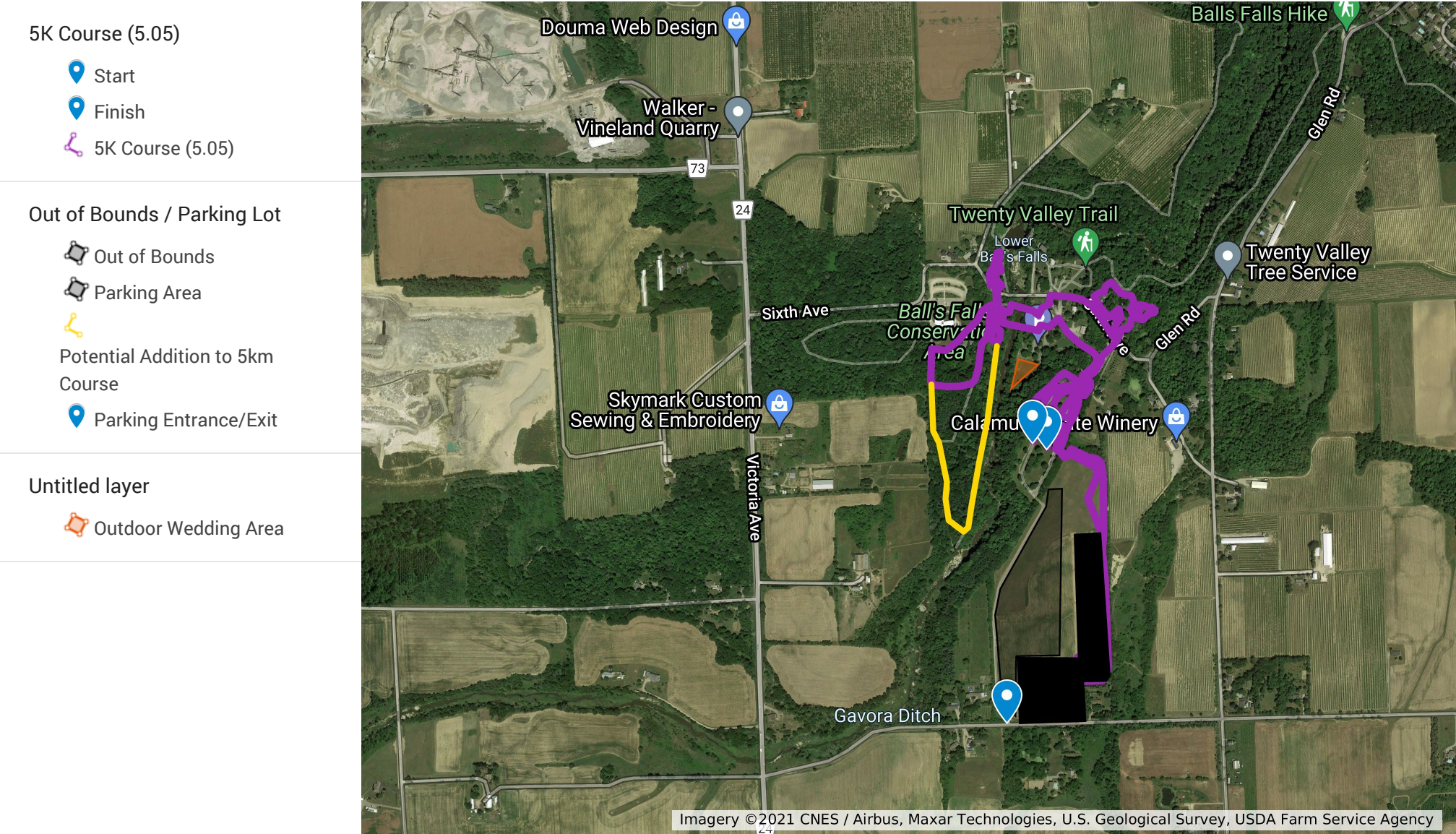
Adam Christie
Director, Operations and Strategic Initiatives

Submitted by:

Original Signed by:

Chandra Sharma, MCIP RPP
CAO/Secretary-Treasurer

Balls Falls Rough Work (D1)



Report To: Board of Directors

Subject: Board of Directors' 2022 Meeting Schedule

Report No: FA-74-21

Date: December 17, 2021

Recommendation:

1. **THAT** Report No. FA-74-21 RE: Board of Directors' 2022 Meeting Schedule **BE RECEIVED**.
2. **THAT** Appendices 1 and 2 to Report No. FA-74-21 RE: Board of Directors' 2022 Meeting Schedule **BE APPROVED**.
3. **AND THAT** the meeting schedule **BE MADE** available on the NPCA website and **PROVIDED** to the participating and local area municipalities.

Purpose:

The purpose of this report is to establish the NPCA Board of Directors' 2022 meeting schedule for internal business planning purposes and public awareness, accessibility and transparency.

Background:

The Administrative By-law provides that the calendar of regular Board meetings for the year is approved at the Annual General Meeting (AGM). However, with the AGM formally slated for February and a proposed cancellation of the January 2022 Board meeting, it is prudent to establish the 2022 annual schedule at the December 17, 2021 Board of Directors' meeting.

The schedule attached as Appendix 1 maintains the practice established in 2021 for convening Board meetings at 9:30 a.m. on the third Friday of the month. In 2022, it is proposed that the Board forego meeting in the months of December and August.

Discussion:

The regular March and April Board meetings are moved from the third Friday of the month to the fourth Friday, being March 25, 2022 and April 22, 2022 to avoid conflict with the March Break and Good Friday respectively. Efforts were made to give regard to meeting schedules of the participating municipalities. but occasional conflicts may exist with individual Members' other meeting commitments.

Financial Implications:

There are no new or additional financial implications posed by adoption of the Board of Directors' 2022 Meeting Schedule as presented.

Links to Policy/Strategic Plan:

Approving and publicizing the Board of Directors' 2022 Meeting Schedule supports the Strategic Plan's Core Value of conducting business with transparency to achieve high quality Customer Service.

Related Reports and Appendices:

Appendix 1: NPCA Board of Directors' 2022 Meeting Schedule

Appendix 2: NPCA Board of Directors' 2022 Meeting Calendar

Authored by:

Original Signed by:

Grant Bivol
Clerk / Board Secretariat

Submitted by:

Original Signed by:

Chandra Sharma, MCIP, RPP
Chief Administrative Officer / Secretary-Treasurer

NPCA Board of Directors' 2022 Meeting Schedule

Full Authority Board Meetings (9:30 a.m.): Friday, February 18,
Friday, March 25
Friday, April 22
Friday, May 20
Friday, June 17
Friday, July 15
Friday, September 16
Friday, October 21
Friday, November 18

There will be additional Source Protection Authority Board meetings scheduled for the Spring and Fall of 2022 to co-incide with a regular Full Authority Board meeting.

Committee Meetings:

Finance Committee (9:30 a.m.): Wednesday, January 26
Wednesday, April 27
Wednesday, July 27
Wednesday, October 26

Governance Committee (9:30 a.m.): Thursday, March 31
Thursday, June 30
Thursday, September 29
Thursday, December 15

Public Advisory Committee (5:00 p.m.): Thursday, February 24
Thursday, June 2
Thursday, September 22
Thursday, December 1

Wainfleet Bog Advisory Committee: To Be Determined

NPCA BOARD OF DIRECTORS' 2022 MEETING CALENDAR

JANUARY						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

FEBRUARY						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

MARCH						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

APRIL						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

MAY						
S	M	T	W	T	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

JUNE						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

JULY						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						







AUGUST						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

SEPTEMBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

OCTOBER						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

NOVEMBER						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

DECEMBER						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

	Board Meeting		Public Advisory (PAC)
	Finance		March Break
	Governance		Stat Holiday/Office Closure



**PUBLIC ADVISORY COMMITTEE
ONLINE VIDEO CONFERENCE
MEETING MINUTES**

**Thursday, November 25, 2021
5:00 p.m.**

MEMBERS PRESENT: J. Oblak (Committee Chair)
C. Ecker-Flagg
E. Furney
K. Huxley
D. Kelly
H. Korosis
B. Mackenzie, NPCA Board Vice Chair
J. Musso
J. Schonberger
N. Seniuk
D. Speranzini

MEMBERS ABSENT: J. Ariens
M. Kauzlaric

STAFF PRESENT: G. Bivol, Clerk
R. Hull, Manager, Strategic Business Planning and Public Relations
K. Royer, Coordinator, Community Outreach
G. Verkade, Senior Manager, Integrated Watershed Planning / Information Management

OTHERS PRESENT: G. Ford, Niagara Coastal Community Collaborative

Chair Oblak called the meeting to order at 5:02 p.m..

1. APPROVAL OF AGENDA

Recommendation No. PAC-30-2021

Moved by Member Musso

Seconded by Member Furney

THAT the agenda for the November 25, 2021 NPCA Public Advisory Committee meeting **BE ADOPTED** as amended with the deferral of agenda item 10. a) C.A.O. Update – Status of NPCA's Climate Change Response and Plans for Next Year.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

Member Speranzini stated for the record that her opinions as expressed are her own and not that of her employer.

3. APPROVAL OF MINUTES

- a) Minutes of the Public Advisory Committee Meeting dated October 5, 2021

Recommendation No. PAC-31-2021

Moved by Member Schonberger

Seconded by Member Korosis

THAT the minutes of the NPCA Public Advisory Committee meeting dated October 5, 2021 **BE APPROVED**.

CARRIED

- b) Minutes of the Watershed Floodplain Sub-Committee Meeting October 5, 2021

Recommendation No. PAC-32-2021

Moved by Member Schonberger

Seconded by Member Korosis

THAT the minutes of the NPCA Watershed Floodplain Sub-Committee Committee meeting dated October 5, 2021 **BE APPROVED**.

CARRIED

4. CORRESPONDENCE

None

5. PRESENTATIONS

- a) Presentation by Gregary Ford, Niagara Coastal Community Collaborative RE: VAST – Visual Assessment Survey Tool - Geoffrey Verkade, the NPCA's Senior Manager, Integrated Watershed Planning / Information Management highlighted the partnership with Niagara Coastal Community Collaborative and introduced Gregary Ford who spoke and presented via PowerPoint and a subsequent a short video. Discussion ensued.

Recommendation No. PAC-33-2021

Moved by Member Seniuk

Seconded by Member Speranzini

THAT the PowerPoint presentation and video presented by Gregary Ford, Niagara Coastal Community Collaborative RE: VAST – Visual Assessment Survey Tool **BE RECEIVED**.

CARRIED

6. DELEGATIONS

None

7. CONSENT ITEMS

- a) Report No. FA-57-21 RE: NPCA Water Well Decommissioning Grant Program – Discussion ensued with Members posing questions to be forwarded to appropriate staff.

Recommendation No. PAC-34-2021

Moved by Member Huxley

Seconded by Member Kelly

THAT Report No. FA-57-21 RE: NPCA Water Well Decommissioning Grant Program **BE RECEIVED**.

CARRIED

8. DISCUSSION ITEMS

- a) Report No. PAC-04-21 RE: Public Advisory Committee Meeting Dates 2022 - Kerry Royer, Coordinator, Community Outreach presented the report.

Recommendation No. PAC-35-2021

Moved by Member Speranzini

Seconded by Member Seniuk

1. **THAT** Report No. PAC-04-21 RE: Public Advisory Committee Meeting Dates 2022 **BE RECEIVED**.

2. **AND THAT** the Public Advisory Committee **APPROVE** the 2022 meeting dates found in Appendix 1.

CARRIED

- b) Report No. PAC-05-21 RE: Draft Public Advisory Committee Meeting Plan 2022 - Ms. Royer presented.

Recommendation No. PAC-36-2021

Moved by Member Seniuk

Seconded by Member Musso

1. **THAT** Report No. PAC-05-21 RE: Draft Public Advisory Committee Meeting Plan 2022 **BE RECEIVED**.

2. **AND THAT** the Public Advisory Committee **ENDORSE** the 2022 Meeting Plan found in Appendix 1.

CARRIED

9. COMMITTEE REPORTS

None

10. NEW BUSINESS

- a) C.A.O. Update (Verbal) – Status of NPCA’s Climate Change Response and Plans for Next Year -This item was deferred to a future meeting.
- b) Members’ Updates (Verbal) – Information / Issues - None

11. ADJOURNMENT

Resolution No. PAC-37-2021

Moved by Member Ecker-Flagg

Seconded by Member Kelly

THAT this meeting of the NPCA Public Advisory Committee **BE ADJOURNED** at 5:56 p.m..

CARRIED

Jackie Oblak
Public Advisory Committee Chair

Chandra Sharma
Chief Administrative Officer / Secretary –
Treasurer

Report To: Board of Directors

Subject: Draft NPCA Public Advisory Committee Meeting Plan 2022

Report No: FA-72-21

Date: December 17, 2021

Recommendation:

1. **THAT** Report No. FA-72-21 RE: Draft NPCA Public Advisory Committee Meeting Plan 2022 **BE RECEIVED**.
2. **AND** That the NPCA Board of Directors **APPROVE** the Draft NPCA Public Advisory Committee 2022 Workplan found in Appendix 1.

Purpose:

The purpose of this report is to get the approval of the NPCA Board of Directors on the NPCA Public Advisory Committee Meeting Plan. The Meeting Plan gives members of the Board of Directors and the Public Advisory Committee a general outline of the projects and items coming forward in the 2022 Public Advisory Committee meetings.

Background:

The NPCA has been providing Public Advisory Committee members with a meeting outline/plan for the past several years to allow for better internal planning and enable members to anticipate what will be coming forward throughout the year. The Coordinator, Community Outreach, met with managers and staff from all divisions in the Niagara Peninsula Conservation Authority to provide input into the Public Advisory Committee Meeting Plan and determine projects and items forthcoming in the 2022 meeting cycle. The proposed schedule is for information purposes, and some projects or items may need to be moved depending on their development.

The Draft NPCA Public Advisory Committee Meeting Plan 2022, attached as Appendix 1, was endorsed by the NPCA Public Advisory Committee at their November 25th 2021 meeting.

Financial Implications:

There are no financial implications associated with this report.

Links to Policy/Strategic Plan:

2021-2031 NPCA Strategic Plan:

Guiding Principles: Diverse experiences and ideas lead to better and stronger collective impact and outcomes.

Strategic Priority: Partner of Choice

Goal 4.2 Foster relationships with the community, non-government organizations, businesses, agriculture, industry, and academic institutions for collective outcomes and impacts.

Goal 4.3 Improve engagement with local First Nations, Métis and Inuit peoples that support shared stewardship

Related Reports and Appendices:

Appendix 1: Draft NPCA Public Advisory Committee Meeting Plan 2022

Authored by:

Original Signed by:

Kerry Royer
Coordinator, Community Outreach

Reviewed by:

Original Signed by:

Rebecca Hull
Manager, Strategic Business Initiatives & Public Relations

Submitted by:

Original Signed by:

Chandra Sharma, MCIP RPP
Chief Administrative Officer/Secretary-Treasurer

2022 DRAFT MEETING PLAN - Public Advisory Committee				
Agenda Item	Targeted Meeting Date	Staff Lead	Outcome	Status
Land Acquisition Strategy	Q1	Natalie	For information	Not started
NPCA Events	Q1	Alicia	For endorsement	Not started
Centre for Conservation Gallery Interpretation	Q1	Alicia	For endorsement	Not started
Fee Schedule - planning, permits and compliance	Q1	David D	For input	Not started
Niagara River Remedial Action Plan progress update	Q2	Natalie	For information	Not started
Fish Consumption Survey	Q2	Natalie	For information	Not started
Restoration Feasibility Study	Q2	Geoff	For information	Not started
Lake Erie Shoreline Hazard Mapping Update and Media Campaign	Q2	Steve M	For endorsement	Not started
Fish & Wildlife Population Assessment	Q3	Natalie	For endorsement	Not started
Restoration Feasibility Study	Q3	Geoff	For endorsement	Not started
Habitat Assessment Results	Q3	Natalie	For endorsement	Not started
Watershed-based Natural Resource Management Framework	Q4	Geoff	For endorsement	Not started
Lake Erie Shoreline Hazard Mapping Update	Q3	Steve M	For information	Not started
Conservation Area Strategies	Q4	Adam	For input	Not started
Ecological Land Classification mapping update	TBD	Geoff	For information	Not started
Digital Terrain Model	TBD	Geoff	For information	Not started
Policy Update (may be multiple touchpoints)	TBD	David D	For endorsement	Not started
Regulations Mapping Update (may be multiple touchpoints)	TBD	David D	For endorsement	Not started
Compliance and Enforcement Education	TBD			Not started

Report To: Board of Directors

Subject: NPCA Public Advisory Committee Member Re-Appointments

Report No: FA-73-21

Date: December 17, 2021

Recommendation:

1. **THAT** Report No. FA-73-21 RE: NPCA Public Advisory Committee Member Re-Appointments **BE RECEIVED.**
2. **THAT** the NPCA Board of Directors **RE-APPOINT** the individuals identified below as the members representing the following sectors of the NPCA Public Advisory Committee for 2022:
 - i. Environmental: Jackie Oblak (Committee Chair)
 - ii. Chamber of Commerce/Tourism: Harry Korosis
 - iii. Public-at-Large/Landowners: Erika Furney
 - iv. Public-at-Large: Donna Speranzini
 - v. Agricultural South: Joseph Schonberger
 - vi. Agricultural North: Michael Kauzlaric

Purpose:

The purpose of this report is to re-appoint six (6) members of the NPCA Public Advisory Committee for the 2022 year to build on established momentum and provide consistency in membership given that some members were starting their term at the beginning of the pandemic in 2020. Members identified above have given their approval to extend their term for another year and have proven to be dedicated and engaged members of the Public Advisory Committee.

Background:

The NPCA Public Advisory Committee (PAC) was created based on recommendations from the NPCA's Strategic Plan 2014-2017. The purpose of the Public Advisory Committee is to provide collaborative local perspective, guidance, and expert advice in the implementation of the NPCA programs, policies, plans and/or other public engagement activities as the Board may request. Members serve in a non-governance capacity with a focus on providing advice and recommendations for consideration by the NPCA Board.

The NPCA Public Advisory Committee is comprised of 12 members. The members represent the public-at-large, Métis Niagara, First Nations, Chamber of Commerce/Tourism, Agriculture,

development, the environment, planning and users/volunteers. Members are appointed by the NPCA Board of Directors and the NPCA Board Chair and Vice-Chair serve as ex-officio members, a direct conduit to the NPCA Board of Directors.

Financial Implications:

Re-appointment of these members will have no financial implications as opposed to starting a recruitment process which typically costs \$1000-2000 in paid advertising, targeted social media posts in addition to staff time.

Links to Policy/Strategic Plan

2021-2031 NPCA Strategic Plan

Guiding Principles: Diverse experiences and ideas lead to better and stronger collective impact and outcomes.

Strategic Priority: Partner of Choice

Goal 4.2 Foster relationships with the community, non-government organizations, businesses, agriculture, industry, and academic institutions for collective outcomes and impacts.

Goal 4.3 Improve engagement with local First Nations, Métis and Inuit peoples that support shared stewardship

Authored by:

Original Signed by:

Kerry Royer
Coordinator, Community Outreach

Reviewed by:

Original Signed by:

Rebecca Hull
Manager, Strategic Business Planning & Public Relations

Submitted by:

Original Signed by:

Chandra Sharma, MCIP RPP
Chief Administrative Officer/Secretary-Treasurer

**GOVERNANCE COMMITTEE
ONLINE VIDEO CONFERENCE
MEETING MINUTES
Friday, December 10, 2021
9:30 a.m.**

MEMBERS PRESENT: R. Foster, Chair
R. Brady
J. Ingrao
B. Mackenzie
M. Woodhouse (arrived at 9:38 a.m.)

MEMBERS ABSENT: B. Clark

STAFF PRESENT: C. Sharma, Chief Administrative Officer / Secretary - Treasurer
G. Bivol, Clerk
A. Christie, Director, Operations
M. Ferrusi, Manager, Human Resources
L. Gagnon Director, Corporate Services
E. Gervais, Procurement Specialist
L. Lee-Yates, Director, Watershed
G. Shaule, Administrative Assistant

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

1. APPROVAL OF AGENDA

Recommendation No. GC-18-2021

Moved by Member Brady

Seconded by Member Ingrao

THAT the Governance Committee agenda dated Friday, December 10, 2021 **BE APPROVED** as presented.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF THE MINUTES

- a) Minutes of the NPCA Governance Committee meeting dated September 23, 2021

Recommendation No. GC-19-2021

Moved by Member Ingrao

Seconded by Member Brady

THAT the minutes of the meeting of the NPCA Governance Committee dated September 23, 2021 **BE ADOPTED**.

CARRIED

4. CORRESPONDENCE

- a) Correspondence dated September 24, 2021 to the Honourable David Piccini, Minister of the Environment, Conservation and Parks College from Andy Mitchell Chair, Conservation Ontario RE: Conservation Ontario's Governance Accountability and Transparency Initiative

Recommendation No. GC-21-2021

Moved by Member Brady

Seconded by Member Ingrao

THAT the correspondence dated September 24, 2021 to the Honourable David Piccini, Minister of the Environment, Conservation and Parks College from Andy Mitchell Chair, Conservation Ontario RE: Conservation Ontario's Governance Accountability and Transparency Initiative **BE RECEIVED**.

CARRIED

- b) Correspondence dated November 18, 2021 to Brenda Johnson, NPCA Chair and Chandra Sharma, NPCA CAO-Secretary/Treasurer from the Honourable David Piccini, Minister of the Environment, Conservation and Parks RE: Application Seeking Exception under the Conservation Authorities Act Relating to Chair and Vice-Chair Appointments

Recommendation No. GC-22-2021

Moved by Member Ingrao

Seconded by Member Brady

THAT the Correspondence dated November 18, 2021 to Brenda Johnson, NPCA Chair and Chandra Sharma, NPCA CAO-Secretary/Treasurer from the Honourable David Piccini, Minister of the Environment, Conservation and Parks RE: Application Seeking Exception under the Conservation Authorities Act Relating to Chair and Vice-Chair Appointments **BE RECEIVED**.

CARRIED

5. PRESENTATIONS

None.

6. DELEGATIONS

None.

7. Consent Items

None.

8. DISCUSSION ITEMS

a) Report No. GC-10-21 RE: Amendments to the Administrative By-law

Recommendation No. GC-23-2021

Moved by Member Brady

Seconded by Member Ingrao

1. **THAT** Report No. GC-10-21 RE: Amendments to the Administrative By-law **BE RECEIVED**.
2. **THAT** the amending by-law attached hereto as Appendix 1 **BE APPROVED** by the Governance Committee and **RECOMMENDED** to the Board of Directors for formal adoption.
3. **AND THAT** the attached By-Law 01-2021 to amend the NPCA Administrative By-Law **BE CIRCULATED** to the Ministry of Environment, Conservation and Parks and **POSTED** on the NPCA website in advance of formal Board adoption in order to comply with legislated deadlines.

CARRIED

b) Report No. GC-11-21 RE: NPCA Election Period Guidelines

Recommendation No. GC-24-2021

Moved by Member Brady

Seconded by Member Ingrao

THAT Report No. GC-11-21 RE: NPCA Election Period Guidelines **BE RECEIVED**.

CARRIED

c) Report No. GC-12-21 RE: Environmental and Sustainability Procurement Guidelines – Eric Gervais, Procurement Specialist provided a PowerPoint presentation. Members posed questions. Discussion ensued.

Recommendation No. GC-25-2021

Moved by Member Brady

Seconded by Member Ingrao

1. **THAT** Report No. GC-12-21 RE: Environmental and Sustainability Procurement Guidelines **BE RECEIVED**.
2. **AND THAT** staff **BE DIRECTED** to revise the guidelines with subsequent presentation to the Board to reflect increased detail and accountability framework for inclusion of environmental and sustainability considerations on procurement and organizational processes and policies.

CARRIED

d) Report No. GC-13-21 RE: Insurance

Recommendation No. GC-26-2021

Moved by Member Ingrao

Seconded by Member Brady

THAT Report No. GC-13-21 RE: Insurance **BE RECEIVED**.

CARRIED

- e) Verbal Update from M. Ferrusi, Manager, Human Resources RE: Bill 27, The Working for Workers Act, 2021

Recommendation No. GC-27-2021

Moved by Member Woodhouse

Seconded by Member Brady

THAT the verbal update from M. Ferrusi, Manager, Human Resources RE: Bill 27, The Working for Workers Act, 2021 **BE RECEIVED**.

CARRIED

9. NEW BUSINESS

None.

10. ADJOURNMENT

Recommendation No. GC-28-2021

Moved by Member Brady

Seconded by Member Woodhouse

THAT the Governance Committee meeting **BE** hereby **ADJOURNED** at 10:22 a.m..

CARRIED

Robert Foster,
Committee Chair

Chandra Sharma, MCIP, RPP
Chief Administrative Officer /
Secretary - Treasurer

Report To: Governance Committee

Subject: Amendments to the Administrative By-law

Report No: GC-10-21

Date: December 10, 2021

Recommendation:

1. **THAT** Report No. GC-10-21 RE: Amendments to the Administrative By-law **BE RECEIVED**.
2. **THAT** the amending by-law attached hereto as Appendix 1 **BE APPROVED** by the Governance Committee and **RECOMMENDED** to the Board of Directors for formal adoption.
3. **AND THAT** the attached By-Law 01-2021 to amend the NPCA Administrative By-Law **BE CIRCULATED** to the Ministry of Environment, Conservation and Parks and **POSTED** on the NPCA website in advance of formal Board adoption in order to comply with legislated deadlines.

Purpose:

The primary purpose of this report and the accompanying by-law attached as Appendix 1 is to provide updates to the Niagara Peninsula Conservation Authority Act (NPCA) Administrative By-Law as mandated by the amendments to the Conservation Authorities (CA) Act.

Background:

Revisions to the NPCA Administrative By-law are necessitated by amendments to the CA Act made under Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 and Bill 245, Accelerating Access to Justice Act in 2021. By far, the most significant changes to date centre around Section 28 Hearing Procedures as previously discussed in Report No. FA-62-2021 RE: Update to Niagara Peninsula Conservation Authority (NPCA) Conservation Authorities Act (CA Act) Section 28 Hearing Procedures as presented to the Board on November 19, 2021. Further revisions to align with legislative amendments are proposed including removal of expropriation powers, changes in Board composition and new requirements concerning the terms and criteria for Chair and Vice Chair appointments. Other changes are exclusively of a housekeeping nature such as the inclusion of the Terms of Reference for the Wainfleet Bog Advisory Committee.

Discussion:

Appendix 1 to Report No. GC-10-21 is an amending by-law presented to bring the NPCA Administrative by-law into conformity with the legislation by the December 31, 2021 due date from the Province. With further, more significant revisions and Provincial Regulations forthcoming in 2022, it is being recommended that, as a transitory step, this amending by-law be adopted as opposed to a repeal and replacement of the existing NPCA Administrative By-law in its entirety. To facilitate the review of the amending by-law, the proposed revisions contained in the amending by-law are cross-referenced in red with the corresponding page number of the NPCA Administrative By-Law found at the link embedded below.

Once the Board composition has been established by the participating municipalities and more clarity is provided through additional Provincial Regulation, a whole-scale review of the NPCA Administrative By-law can occur to encapsulate the new governance structure for 2023 and beyond along with any other administrative changes that have been proposed by Members to date.

Financial Implications:

There are no financial implications to the amendment of the Administrative By-Law.

Links to Policy/Strategic Plan:

One of the overarching priorities of the NPCA 2021-2031 Strategic Plan is to ensure organizational excellence. Expedient adoption of revisions to the NPCA Administrative By-law supports this priority by ensuring that the NPCA governance structure and Board oversight and administration functions align with the mandate handed down by the Province through the recent legislative changes.

Related Reports and Appendices:

1. Appendix 1: NPCA By-Law 01-2021 (DRAFT)
2. [Administrative By-Law.pdf \(npca.ca\)](#)
3. Report No. FA-62-2021 RE: Update to Niagara Peninsula Conservation Authority (NPCA) Conservation Authorities Act (CA Act) Section 28 Hearing Procedures
4. Report No. FA-65-21 RE: NPCA Wainfleet Bog Advisory Committee Terms of Reference

Authored by:

Original Signed by:

Grant Bivol
NPCA Clerk / Board Secretariat

Submitted by:

Original Signed by:

C. Sharma, MCIP, RPP
Chief Administrative Officer / Secretary-Treasurer



NIAGARA PENINSULA CONSERVATION AUTHORITY

NPCA By-Law 01-2021 (DRAFT)

Being a By-Law to Amend the NPCA Administrative By-Law governing the calling of the meetings and the procedures to be followed at meetings

WHEREAS Section 19.1 of the Conservation Authorities Act, R.S.O. 1990, c.C.27 in part prescribes that:

An authority may make by-laws,

- (a) respecting the meetings to be held by the authority, including providing for the calling of the meetings and the procedures to be followed at meetings, specifying which meetings, if any, may be closed to the public;*
- e) providing for the composition of its executive committee and for the establishment of other committees that it considers advisable and respecting any other matters relating to its governance;*
- (g) requiring accountability and transparency in the administration of the authority including
 - (ii) establishing a code of conduct for the members of the authority, and*
 - (iii) adopting conflict of interest guidelines for the members of the authority;**
- (j) respecting such other matters as may be prescribed by regulation.*

AND WHEREAS in accordance with the aforementioned Section 19.1, the Niagara Peninsula Conservation Authority did on the 22nd day of October 2020, adopt an Administrative By-Law to govern the calling of the meetings and the procedures to be followed at meetings;

AND WHEREAS the Niagara Peninsula Conservation Authority now deems it expedient to amend its Administrative By-Law to comply with amendments to the Conservation Authorities Act enacted under Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 and Bill 245, Accelerating Access to Justice Act, 2021;

NOW THEREFORE, BE IT RESOLVED:

1. **THAT** the following clause be added as the final statement within Section II. NPCA Administrative By-law – Introduction (page 7):

“An additional member may be appointed to the authority by the Minister as a representative of the agricultural sector.”

2. **THAT** the following clause be inserted into Section II. NPCA Administrative By-law – NPCA Mandate – Section A. Definitions **(page 8)**:

*“**“Participating Municipality”** means a municipality that is designated by or under the Act as a participating municipality in a conservation authority. The Participating Municipalities of the NPCA are the Regional Municipality of Niagara, the City of Hamilton and Haldimand County”.*

3. **THAT** Section II. NPCA Administrative By-law – NPCA Mandate – B. Governance-Subsections 1.1 to 1.4 entitled Board Members **(page 9)** be repealed and replaced with the following:

“1. Board Members

a) Appointments

Participating municipalities within the jurisdiction of the Niagara Peninsula Conservation Authority may appoint Board Members in accordance with Section 14 of the Act. An additional member may be appointed to the authority by the Minister as a representative of the agricultural sector.

Appointed Board Members must reside in a participating municipality within the Authority’s area of jurisdiction and may include citizens as well as elected members of municipal councils.

Collectively, the appointed Board Members comprise the Authority, and for the purposes of this by-law are referred to as the Board of Directors.

At least 70% of a municipality’s appointees must be selected from among the members of the municipal council, unless the municipality obtains permission from the Minister to select less than 70% of its appointees from among the members of the municipal council.

b) Term of Board Member Appointments

In accordance with Section 14 of the Act, a Board Member shall be appointed for a term of up to four years at the discretion of the appointing municipal council; such term beginning at the first meeting of the Authority following his or her appointment and ending immediately before the first meeting of the Authority following the appointment of his or her replacement. The C.A.O./Secretary-Treasurer shall notify the appropriate municipality in advance of the expiration date of any Board Member’s term, unless notified by the municipality of the Board Member’s reappointment or the appointment of his or her replacement. A Board Member is eligible for reappointment. A Board Member can be replaced by a Participating Municipality at the municipality’s discretion prior to the end of their term.”

4. **THAT** Section II. NPCA Administrative By-law – NPCA Mandate – B. Governance-Subsection 2.1 entitled Bound by Conservation Authorities Act, item c) **(page 10)** be repealed and replaced with the following wording:

“(c) to acquire by purchase, lease or otherwise any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired;”

5. **THAT** Section II. NPCA Administrative By-law – NPCA Mandate – B. Governance, 4. Committees (page 16) Subsection 4.1. Current Standing Committees (page 16) be amended to denote the addition of “The NPCA Wainfleet Bog Advisory Committee” and with the Terms of Reference affixed to the Administrative By-Law Appendix 5 to form a part of thereof.
6. **THAT** Section II. NPCA Administrative By-law – NPCA Mandate – C. Meeting Procedures, 3. Annual Meeting, Subsection 3.3 (page 21) be amended with the addition of the following provision:

“The term of office for the Chair and Vice-Chair shall be limited to two (2) consecutive years. unless otherwise decided by a resolution of the Board of Directors and approved by the Minister per Section 17 of the Act. The election or acclamation of the Chair and Vice-Chair shall be held yearly at the Annual General Meeting. Successors to the position of Chair and Vice-Chair shall be a Board Member appointed by a different municipality to the incumbent.”
7. **THAT** the Administrative By-Law Appendix 3 – Hearing Procedures (page 43) be repealed in its entirety and replaced with the Appendix 3 - Hearing Procedures as attached, to hereinafter form a part of the Administrative By-Law.
8. **THAT** this by-law shall come into force and take full effect on the date of passing.
9. **THAT** this by-law shall take precedence over and supersede any other provision of the Administrative By-Law with which it is inconsistent.

READ a first and second time this 17th day of December, 2021.

READ a third time and finally passed this 17th day of December, 2021.

Signed:

December 17, 2021

Chandra Sharna
Chief Administrative Officer/
Secretary-Treasurer

Date

December 17, 2021

Brenda Johnson, Chair

Date

Appendix 3 – Hearing Procedures

1.0 PURPOSE OF HEARING GUIDELINES

The purpose of the Hearing Guidelines is to reflect the changes to the 1998 Conservation Authorities Act and provide a step-by-step process to conducting hearings required under Section 28 (12), (13), (14), and Section 28.0.1(7) of the Conservation Authorities Act. The Act requires that the applicant be provided with an opportunity for a hearing by the local Conservation Authority Board, or Executive Committee (sitting as a Hearing Board) as the case may be, for an application to be refused or approved with contentious conditions. In the case of hearings related to applications submitted pursuant to Section 28.0.1 of the Conservation Authorities Act, the Authority must grant permission to the applicant, provided the requirements set out under this section are met. In this scenario, a hearing will only be held to determine conditions which will be attached to a permission. Further, a permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, pollution or conservation of land, and additional erosion and dynamic beaches. In the case of applications submitted pursuant to Section 28.0.1 of the Conservation Authorities Act, the Authority may refuse to grant a permit only if i) a zoning order has not been made to authorize the development project, ii) the project is proposed to be carried out in the Greenbelt Area, and iii) if all other prescribed requirements have not been satisfied. The Hearing Board is empowered by law to make a decision, governed by the Statutory Powers Procedures Act.

The Hearing Rules are adopted under the authority of Section 25.1 of the Statutory Powers Procedures Act (SPPA). The SPPA applies to the exercise of a statutory power of decision where there is a requirement to hold or to afford the parties to the proceeding an opportunity for a hearing before making a decision. The SPPA sets out minimum procedural requirements governing such hearings and provides rule-making authority for to establish rules to govern such proceedings.

The Hearing Board shall hear and decide whether the application will be approved with or without conditions or refused. In the case of hearings related to applications submitted purposed to Section 28.0.1, the Hearing Board shall determine what conditions, if any, will be attached to the permission.

These guidelines have been prepared as an update to the October 1992 hearing guidelines and are intended to provide a step-by-step process to conducting hearings required under Section 28 (12), (13), (14) of the Conservation Authorities Act. Similar to the 1992 guidelines, it is hoped that the guidelines will promote the necessary consistency across the Province and ensure that hearings meet the legal requirements of the Statutory Powers Procedures Act without being unduly legalistic or intimidating to the participants. Additional considerations have been included related to hearings under Section 28.0.1 (7) of the Conservation Authorities Act.

2.0 PREHEARING PROCEDURES

2.1 Apprehension of Bias

In considering the application, the Hearing Board is acting as a decision-making tribunal. The tribunal is to act fairly. Under general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but also to avoid the appearance or apprehension of bias. The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.

- (a) No member of the Authority taking part in the hearing should have prior involvement with the application that could lead to a reasonable apprehension of bias on the part of that member. Where a member has a personal interest, the test is whether a reasonably well-informed person would consider that the interest might have an influence on the exercise of the official's public duty. Where a member is a municipal councillor, the Municipal Conflict of Interest Act applies. In the case of a previously expressed opinion, the test is that of an open mind, i.e. is the member capable of persuasion in participating in the decision making.
- (b) If material relating to the merits of an application that is the subject of a hearing is distributed to Board members before the hearing, the material shall be distributed to the applicant at the same time. The applicant may be afforded an opportunity to distribute similar pre-hearing material. These materials can be distributed electronically.
- (c) The applicant will be given an opportunity to attend the hearing before a decision is made; however, the applicant does not have to be present for a decision to be made.
- (d) Where a hearing is required for applications submitted pursuant to Section 28.0.1 of the Conservation Authorities Act (e.g., to determine the conditions of the permission), final decisions on the conditions shall not be made until such a time as the applicant has been given the opportunity to attend a hearing.

Individual Conservation Authorities shall develop a document outlining their own practices and procedures relating to the review and reporting of Section 28 applications, including the role of staff, the applicant and the Authority or Executive Committee as well as, the procedures for the hearing itself. Such policy and procedures manual shall be available to the members of the public upon request and on the Authority's website. These procedures shall have regard for the above information and should be approved by the Conservation Authority Board of Directors.

2.2 Application

The right to a hearing arises where staff is recommending refusal of an application or is recommending conditions to the approval of an application. Additionally, in the case of applications submitted pursuant to Section 28.0.1 of the Conservation Authorities Act, the Authority shall not attach conditions to a permission unless the applicant has been given the opportunity to be heard by the Authority. The applicant is entitled to reasonable notice of the hearing pursuant to the Statutory Powers Procedures Act.

2.3 Notice of Hearing

The Notice of Hearing shall be sent to the applicant within sufficient time to allow the applicant to prepare for the hearing. To ensure that reasonable notice is given, it is recommended that prior to sending the Notice of Hearing, the applicant be consulted to determine an agreeable date and time based on the local Conservation Authority's regular meeting schedule.

The Notice of Hearing must contain or append the following:

- (a) Reference to the applicable legislation under which the hearing is to be held (i.e., the Conservation Authorities Act).
- (b) The time, place and the purpose of the hearing. OR for Electronic Hearings:
The time, purpose of the hearing, and details about the manner in which the hearing will be held.

Note: for electronic hearings the Notice must also contain a statement that the applicant should notify the Authority if they believe holding the hearing electronically is likely to cause them significant prejudice. The Authority shall assume the applicant has no objection to the electronic hearing if no such notification is received.

- (c) Particulars to identify the applicant, property and the nature of the application which are the subject of the hearing.

Note: If the applicant is not the landowner but the prospective owner, the applicant must have written authorization from the registered landowner.

- (d) The reasons for the proposed refusal or conditions of approval shall be specifically stated. This should contain sufficient detail to enable the applicant to understand the issues so he or she can be adequately prepared for the hearing. It is sufficient to reference in the Notice of Hearing that the recommendation for refusal or conditions of approval is based on the reasons outlined in previous correspondence or a hearing report that will follow.

- (e) A statement notifying the applicant that the hearing may proceed in the applicant's absence and that the applicant will not be entitled to any further notice of the proceedings.

Except in extreme circumstances, it is recommended that the hearing not proceed in the absence of the applicant.

- (f) Reminder that the applicant is entitled to be represented at the hearing by a representative such as counsel, if desired. The conservation authority may be represented at the hearing by counsel or staff.

- (g) A copy of the Authority's Hearing Guidelines.

It is recommended that the Notice of Hearing be directed to the applicant and/or landowner by registered mail. Please refer to **Appendices 3-A.1 and 3-A.2** for an example Notice of Hearing.

2.4 Presubmission of Reports

If it is the practice of the local Conservation Authority to submit reports to the Board members in advance of the hearing (i.e., inclusion on an Authority/Executive Committee agenda), the applicant shall be provided with the same opportunity. The applicant shall be given two weeks to prepare a report once the reasons for the staff recommendations have been received. Subsequently, this may affect the timing and scheduling of the staff hearing reports.

2.5 Hearing Information

Prior to the hearing, the applicant shall be advised of the local Conservation Authority's hearing Procedures upon request.

3.0 HEARING

3.1 Public Hearing

Pursuant to the Statutory Powers Procedure Act, hearings, including electronic hearings, are required to be held in public. For electronic hearings, public attendance should be synchronous with the hearing. The exception is in very rare cases where public interest in public hearings is outweighed by the fact that intimate financial, personal or other matters would be disclosed at hearings.

3.2 Hearing Participants

The Conservation Authorities Act does not provide for third party status at the local hearing. The hearing however is open to the public. Any information provided by third parties should be incorporated within the presentation of information by, or on behalf of, the applicant or Authority staff as appropriate.

3.3 Attendance of Hearing Board Members

In accordance with case law relating to the conduct of hearings, those members of the Authority who will decide whether to grant or refuse the application must be present during the full course of the hearing. If it is necessary for a member to leave, the remaining members can continue with the hearing and render a decision.

3.4 Adjournments

The Board may adjourn a hearing on its own motion or that of the applicant or Authority staff where it is satisfied that an adjournment is necessary for an adequate hearing to be held.

Any adjournments form part of the hearing record.

3.5 Orders and Directions

The Authority is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes. A hearing procedures example has been included as **Appendix 3-B**.

3.6 Information Presented at Hearings

- (a) The Statutory Powers Procedure Act requires that a witness be informed of their right to object pursuant to the Canada Evidence Act. The Canada Evidence Act indicates that a witness shall be excused from answering questions on the basis that the answer may be incriminating. Further, answers provided during the hearing are not admissible against the witness in any criminal trial or proceeding. This information should be provided to the applicant as part of the Notice of Hearing.
- (b) It is the decision of the hearing members as to whether information is presented under oath or affirmation. It is not a legal requirement. The applicant must be informed of the above, prior to or at the start of the hearing.
- (c) The Board may authorize receiving a copy rather than the original document. However, the Board can request certified copies of the document if required.

- (d) Privileged information, such as solicitor/client correspondence, cannot be heard. Information that is not directly within the knowledge of the speaker (hearsay), if relevant to the issues of the hearing, can be heard.
- (e) The Board may take into account matters of common knowledge such as geographic or historic facts, times measures, weights, etc. or generally recognized scientific or technical facts, information or opinions within its specialized knowledge without hearing specific information to establish their truth.

3.7 Conduct of Hearing

3.7.1 Record of Attending Hearing Board Members

A record shall be made of the members of the Hearing Board.

3.7.2 Opening Remarks

The Chairperson shall convene the hearing with opening remarks which generally; identify the applicant, the nature of the application, and the property location; outline the hearing procedures; and advise on requirements of the Canada Evidence Act. Please reference **Appendices 3-C.1 and 3-C.2** for the Opening Remarks model. In an electronic hearing, all the parties and the members of the Hearing Board must be able to clearly hear one another and any witnesses throughout the hearing.

3.7.3 Presentation of Authority Staff Information

Staff of the Authority presents the reasons supporting the recommendation for the refusal or conditions of approval of the application. Any reports, documents or plans that form part of the presentation shall be properly indexed and received.

Staff of the Authority should not submit new technical information at the hearing as the applicant will not have had time to review and provide a professional opinion to the Hearing Board.

Consideration should be given to the designation of one staff member or legal counsel who co-ordinates the presentation of information on behalf of Authority staff and who asks questions on behalf of Authority staff.

3.7.4 Presentation of Applicant Information

The applicant has the opportunity to present information at the conclusion of the Authority staff presentation. Any reports, documents or plans which form part of the submission should be properly indexed and received.

The applicant shall present information as it applies to the permit application in question. For instance, does the requested activity affect the control of flooding, erosion, dynamic beach or conservation of land or pollution? The hearing does not address the merits of the activity or appropriateness of such a use in terms of planning.

- The applicant may be represented by legal counsel or agent, if desired
- The applicant may present information to the Board and/or have invited advisors to present information to the Board

- The applicant(s) presentation may include technical witnesses, such as an engineer, ecologist, hydrogeologist etc.

The applicant should not submit new technical information at the hearing as the Staff of the Authority will not have had time to review and provide a professional opinion to the Hearing Board.

3.7.5 Questions

Members of the Hearing Board may direct questions to each speaker as the information is being heard. The applicant and /or agent can make any comments or questions on the staff report.

Pursuant to the Statutory Powers Procedure Act, the Board can limit questioning where it is satisfied that there has been full and fair disclosure of the facts presented. Please note that the courts have been particularly sensitive to the issue of limiting questions and there is a tendency to allow limiting of questions only where it has clearly gone beyond reasonable or proper bounds.

3.7.6 Deliberation

After all the information is presented, the Board may adjourn the hearing and retire in private to confer. The Board may reconvene on the same date or at some later date to advise of the Board's decision. The Board members shall not discuss the hearing with others prior to the decision of the Board being finalized.

4.0. DECISION

The applicant must receive written notice of the decision. The applicant shall be informed of the right to appeal the decision within 30 days upon receipt of the written decision to the Ontario Land Tribunal.

It is important that the hearing participants have a clear understanding of why the application was refused or approved. The Board shall itemize and record information of particular significance which led to their decision.

4.1 Notice of Decision

The decision notice should include the following information:

- (a) The identification of the applicant, property and the nature of the application that was the subject of the hearing.
- (b) The decision to refuse or approve the application, and in the case of applications under Section 28.0.1 of the Conservation Authorities Act, the decision to approve the application with or without conditions. A copy of the Hearing Board resolution should be attached.

It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail. A sample Notice of Decision and cover letter has been included as **Appendix 3-D**.

4.2 Adoption

A resolution advising of the Board's decision and particulars of the decision should be adopted.

5.0 RECORD

The Authority shall compile a record of the hearing. In the event of an appeal, a copy of the record should be forwarded to the Ontario Land Tribunal. The record must include the following:

- (a) The application for the permit.
- (b) The Notice of Hearing.
- (c) Any orders made by the Board (e.g., for adjournments).
- (d) All information received by the Board.
- (e) Attendance of hearing Board members.
- (f) The decision and reasons for decisions of the Board.
- (g) The Notice of Decision sent to the applicant.

Appendix 3-A.1

NOTICE OF HEARING

IN THE MATTER

OF

The Conservation Authorities
Act, R.S.O. 1990, Chapter 27

AND IN THE MATTER OF an application
by

FOR THE PERMISSION OF THE CONSERVATION AUTHORITY

Pursuant to Regulations made
under
Section 28, Subsection 12 of the said
Act

TAKE NOTICE THAT a Hearing before the Executive Committee of the Conservation Authority will be held under Section 28, Subsection 12 of the Conservation Authorities Act at the offices of the said Authority (ADDRESS), at the hour of , **on the day of , 202X**, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to the application by (**NAME**) to permit development within an area regulated by the Authority in order to ensure no adverse affect on (***the control of flooding, erosion, dynamic beaches or pollution or conservation of land./alter or interfere with a watercourse, shoreline or wetland***) on Lot , Plan/Lot , Concession , (**Street**) in the City of , Regional Municipality of , River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Executive Committee for the meeting of (**meeting number**). If you intend to appear [For electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice], please contact (**name**). Written material will be required by (**date**), to enable the Committee members to review the material prior to the meeting.

TAKE NOTICE THAT this hearing is governed by the provisions of the Statutory Powers Procedure Act. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the Ontario Evidence Act. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the Canada Evidence Act that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the affect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the Executive Committee of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the ____ day of , _____202X

The Executive Committee of the
Conservation Authority

Per:
Chief Administrative Officer/Secretary-Treasurer

Appendix 3-A.2

NOTICE OF HEARING

(Subsection 28.0.1 (7) of the *Conservation Authorities Act*)

IN THE MATTER OF

The Conservation Authorities
Act, R.S.O. 1990, Chapter 27

AND IN THE MATTER OF an application
by

FOR THE PERMISSION OF THE CONSERVATION AUTHORITY

Pursuant to Regulations made
under
Section 28.0.1, Subsection 7 of the said
Act

TAKE NOTICE THAT a Hearing before the Executive Committee of the Conservation Authority will be held under Section 28.0.1, Subsection 7 of the Conservation Authorities Act at the offices of the said Authority (ADDRESS), at the hour of , **on the day of , 202X**, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to the application by (**NAME**) to permit development within an area regulated by the Authority in association with a Minister's Zoning Order (REGULATION NUMBER) on Lot , Plan/Lot , Concession , (**Street**) in the City of , Regional Municipality of , River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Executive Committee for the meeting of (**meeting number**). If you intend to appear [For electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice], please contact (**name**). Written material will be required by (**date**), to enable the Committee members to review the material prior to the meeting.

TAKE NOTICE THAT pursuant to Section 28.0.1 of the *Conservation Authorities Act*, a conservation authority is required to grant the permission applied for and may only impose conditions to the permission. The Hearing will therefore focus on the conditions to be imposed to the granting of the permission.

TAKE NOTICE THAT this hearing is governed by the provisions of the Statutory Powers Procedure Act. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the Ontario Evidence Act. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the Canada Evidence Act that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the affect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the Executive Committee of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the ____ day of , _____202X

The Executive Committee of the
Conservation Authority

Per:
Chief Administrative Officer/Secretary-Treasurer

Appendix 3-B

HEARING PROCEDURES

1. Motion to sit as Hearing Board.
2. Roll Call followed by the Chairperson's opening remarks. For electronic hearings, the Chairperson shall ensure that all parties and the Hearing Board are able to clearly hear one another and any witnesses throughout the hearing.
3. Staff will introduce to the Hearing Board the applicant/owner, his/her agent and others wishing to speak.
4. Staff will indicate the nature and location of the subject application and the conclusions.
5. Staff will present the staff report included in the Authority/Executive Committee agenda.
6. The applicant and/or their agent will present their material
7. Staff and/or the conservation authority's agent may question the applicant and/or their agent if reasonably required for a full and fair disclosure of matters presented at the Hearing.¹
8. The applicant and/or their agent may question the conservation authority staff and/or their agent if reasonably required for full and fair disclosure of matters presented at the Hearing.²
9. The Hearing Board will question, if necessary, both the staff and the applicant/agent.
10. The Hearing Board will move into deliberation. For electronic meetings, the Hearing Board will separate from other participants for deliberation.
11. Members of the Hearing Board will move and second a motion.
12. A motion will be carried which will culminate in the decision.
13. The Hearing Board will move out of deliberation. For electronic meetings, the Hearing Board will reconvene with other participants.
14. The Chairperson or Acting Chairperson will advise the owner/applicant of the Hearing.

¹ As per the Statutory Powers Procedure Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

² As per the Statutory Powers Procedure Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding Board decision.

15. If decision is "to refuse" or "approve with conditions", the Chairperson or Acting Chairperson shall notify the owner/applicant of his/her right to appeal the decision to the Ontario Land Tribunal within 30 days of receipt of the reasons for the decision.

16. Motion to move out of Hearing Board and sit as Executive Committee.

Appendix 3-C.1

CHAIRPERSON'S REMARKS WHEN DEALING WITH HEARINGS (Section 28, Subsection 12 of the *Conservation Authorities Act*) WITH RESPECT TO ONTARIO REGULATION 155/06

We are now going to conduct a hearing under section 28 of the Conservation Authorities Act in respect of an application by _____: , for permission to: _____

The Authority has adopted regulations under section 28 of the Conservation Authorities Act which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse affect on (the control of flooding, erosion, dynamic beaches or pollution or conservation of land) or to permit alteration to a shoreline or watercourse or interference with a wetland.

The Staff has reviewed this proposed work and prepared a staff report, a copy of which has been given to the applicant and the Board. The applicant was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

Under Section 28 (12) of the Conservation Authorities Act, the person requesting permission has the right to a hearing before the Authority/Executive Committee.

In holding this hearing, the Authority Board/Executive Committee is to determine whether or not a permit is to be issued, with or without conditions. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant. Only Information disclosed prior to the hearing is to be presented at the hearing.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under Section 5 of the Canada Evidence Act, a witness may refuse to answer any question on the ground that the answer may tend to incriminate the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the hearing members.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chairperson of the board.

Appendix 3-C.2

CHAIRPERSON'S REMARKS WHEN DEALING WITH HEARINGS (Section 28.0.1, Subsection 7 of the *Conservation Authorities Act*) WITH RESPECT TO ONTARIO REGULATION 155/06

We are now going to conduct a hearing under section 28.0.1 of the Conservation Authorities Act in respect of an application by _____, for permission to: _____

Under Section 28.0.1 of the Conservation Authorities Act, an Authority is required to grant permission for any application submitted under a regulation made under subsection 28(1) for permission to carry out all or part of a development project, in an area regulated by the Authority, associated with a Minister's Zoning Order, provided the criteria listed under subsection 28.0.1 (1) are met. A permission is subject to any conditions as may be prescribed by the Authority.

The Staff has reviewed this proposed work and prepared a staff report, including the proposed conditions of approval for the proposed work, which has been given to the applicant and the Board. The applicant was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

Under Section 28.0.1 (7) of the Conservation Authorities Act, the person requesting permission has the right to a hearing before the Authority/Executive Committee.

In holding this hearing, the Authority Board/Executive Committee is to determine the prescribed conditions to be attached to the approved permission. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant. Only Information disclosed prior to the hearing is to be presented at the hearing.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under Section 5 of the Canada Evidence Act, a witness may refuse to answer any question on the ground that the answer may tend to incriminate the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the hearing members.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chairperson of the board.

Appendix 3-D

NOTICE OF DECISION

(Date)

BY REGISTERED MAIL

(name) (address)

Dear:

RE: NOTICE OF DECISION

**Hearing Pursuant to Section 28(12) of the Conservation Authorities Act
Proposed Residential Development
Lot , Plan ; ?? Drive City of
(Application #)**

In accordance with the requirements of the Conservation Authorities Act, the (**name**) Conservation Authority provides the following Notice of Decision:

On (**meeting date and number**), the Hearing Board/Authority/Executive Committee refused/approved your application/approved your application with conditions. A copy the Boards/Committee's resolution # has been attached for your records. Please note that this decision is based on the following reasons: (***the proposed development/alteration to a watercourse or shoreline adversely affects the control of flooding, erosion, dynamic beaches or pollution or interference with a wetland or conservation of land***).

In accordance with Section 28 (15) of the Conservation Authorities Act, An applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may refuse the permission; or grant permission, with or without conditions. Through Order in Council 332/2018 the responsibility for hearing the appeal has been transferred to the Ontario Land Tribunal. For your information, should you wish to exercise your right to appeal the decision, a letter by you or your agent/counsel setting out your appeal must be sent within 30 days of receiving this decision addressed to:

Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario M5G 1E5

A carbon copy of this letter should also be sent to this conservation authority. Should you require any further information, please do not hesitate to contact (**staff contact**) or the undersigned.

Yours truly,

Chief Administrative Officer/Secretary Treasurer

Enclosure