

FULL AUTHORITY MEETING

Friday, May 3, 2019

9:30 a.m.

Meridian Community Centre

Dr. Gary and Mall Accursi Multipurpose Community Room

100 Meridian Way, Fonthill, ON

A G E N D A

1. ADOPTION OF AGENDA

- 1.1 Addition of items
- 1.2 Change in order of items
- 1.3 Adoption of Agenda

2. DECLARATION OF CONFLICT OF INTEREST

3. PRESENTATIONS (and/or Delegations)

3.1 Presentations

- 3.1.1 Special Audit of the Niagara Peninsula Conservation Authority-
Presentation by Bonnie Lysyk, Auditor General of Ontario
(Members are requested to bring their copies of the NPCA Board
Member Handbook 2019-2022 containing the Special Audit
Report.)

4. ADMINISTRATIVE BUSINESS

4.1 Approval of Draft Minutes

- 4.1.1. Full Authority Meeting – April 17, 2019

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- 4.1.2. Full Authority Closed Session – April 17, 2019 (Circulated
under separate cover to remain Private and Confidential)

4.2 Business Arising from Minutes

4.3 Correspondence

- 4.3.1 Correspondence to Stuart Hastings, GSP Group Inc. from the
City of Hamilton dated April 9, 2019 RE: Site Plan Amendment
Application by GSP Group Inc. on behalf of NPCA for Lands
Located at 50505 Harrison Road, Glanbrook (Ward 11)

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4.4 Chairman's Remarks

4.5 Chief Administrative Officer Comments

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5. BUSINESS FOR INFORMATION

- 5.1 Communications Update Report- April 2019
Report No. 52-19

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6. BUSINESS FOR CONSIDERATION

- 6.1 Standing Committee Reports

- 6.1.1. Minutes of the CAO Selection Committee Meeting –
April 12, 2019

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- 6.1.2. Minutes of the CAO Selection Committee Closed Session
Meeting – April 12, 2019 (Circulated under separate cover
to be made public)

- 6.2 Reports

- 6.2.1 Response to the Special Audit of the Niagara Peninsula
Conservation Authority
Report No. FA-50-19

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- 6.2.2 NPCA Advisory Committee Status Report
Report No. FA-51-19

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- 6.2.3 Appeal of Decision of Port Colborne Committee of Adjustment
Update
Report No: FA-53-19

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7. BUSINESS – In Camera

8. NOTICE OF MOTION

9. NEW BUSINESS

10. ADJOURNMENT



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

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

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

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

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

OTHERS PRESENT: S. Plugers, KPMG

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

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

1. ADOPTION OF AGENDA

1.1 Addition of Items

Resolution No. FA-93-19

Moved by Board Member Foster

Seconded by Board Member Heit

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

CARRIED

1.2 Change in Order of Items

None.

1.3 Adoption of Agenda

Resolution No. FA-94-19

Moved by Board Member Heit

Seconded by Board Member Foster

THAT the agenda be adopted as amended.

CARRIED

2. DECLARATION OF CONFLICT OF INTEREST

None declared.

3. PRESENTATIONS (and/or Delegations)

3.1 Presentations

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

Resolution No. FA-95-19

Moved by Board Member Foster

Seconded by Board Member Heit

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

3.2 Delegations

None.

4. ADMINISTRATIVE BUSINESS

4.1 Approval of Draft Minutes

4.1.1 Full Authority Board Minutes – March 20, 2019

4.1.2. Full Authority Closed Session – March 20, 2019

Resolution No. FA-96-19

Moved by Board Member Wright

Seconded by Board Member Heit

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

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

CARRIED

Resolution No. FA-97-19

Moved by Board Member Heit

Seconded by Board Member Foster

THAT the following meeting minutes be adopted:

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

CARRIED

4.2 Business Arising from Minutes

There was no business arising from the minutes.

4.3 Correspondence

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

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

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

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

THAT the following items be received for information:

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

CARRIED

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

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

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

CARRIED

4.4 Chair's Remarks

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

4.5 Chief Administrative Officer Comments

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

5. BUSINESS FOR INFORMATION

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

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

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

Resolution No. FA-100-19

Moved by Board Member Heit

Seconded by Board Member Foster

THAT the following Reports be received for information:

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

CARRIED

6. BUSINESS FOR CONSIDERATION

6.1 Standing Committee Reports

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

Resolution No. FA-101-19

Moved by Board Member Steele

Seconded by Board Member Foster

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

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

CARRIED

Resolution No. FA-102-19

Moved by Board Member Steele

Seconded by Board Member Foster

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

CARRIED

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

Resolution No. FA-103-19

Moved by Board Member Steele

Seconded by Board Member Foster

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

DEFEATED

Resolution No. FA-104-19

Moved by Board Member Steele

Seconded by Board Member Foster

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

the NPCA be received.

CARRIED

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

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

6.2 Reports

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

Resolution No. FA-105-19

Moved by Board Member Heit

Seconded by Board Member Foster

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

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

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

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

DELUCE, David
DRENNAN, Daniel

MACKENZIE, Darren

CARRIED

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

Resolution No. FA-106-19

Moved by Board Member Foster

Seconded by Board Member Shirton

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

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

CARRIED

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

Resolution No. FA-107-19

Moved by Board Member Shirton

Seconded by Board Member Foster

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

CARRIED

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

Resolution No. FA-108-19

Moved by Board Member Heit

Seconded by Board Member Shirton

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

CARRIED

7. BUSINESS – IN CAMERA

7.1 Motion to move into Closed Session:

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

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

Resolution No. FA-109-19

Moved by Board Member Shirton

Seconded by Board Member Wright

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

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

CARRIED

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

Resolution No. FA-110-19

Moved by Board Member Wright

Seconded by Board Member Shirton

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

CARRIED

7.3 Business Arising from Closed Session

Resolution No. FA-111-19

Moved by Board Member Heit

Seconded by Board Member Wright

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

CARRIED

Resolution No. FA-112-19

Moved by Board Member Heit

Seconded by Board Member Wright

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

CARRIED

8. NOTICE OF MOTION

There were no notices of motion.

9. NEW BUSINESS

- 9.1 Member Steele requested a reconfigured seating arrangement for the proceedings to better facilitate the Board / staff interaction.
- 9.2 Member Johnson spoke to agenda distribution requested revisions to the agenda numbering to simplify the agendas.
- 9.3 Member Metcalfe requested the development of an 'employee whistle blower' policy.
- 9.4 Follow-up to Item 6.1.3 - Resolution falling out of Recommendation No. GC-13-2019 (From the Governance Committee Meeting of March 27, 2019):

Resolution No. FA-113-19

Moved by Board Member Steele

Seconded by Board Member Foster

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

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

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

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

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

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

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

CARRIED

10. ADJOURNMENT

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

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

CARRIED

Diana Huson
Board Vice Chair
Niagara Peninsula Conservation Authority

Grant Bivol
Interim Clerk
Niagara Peninsula Conservation Authority



Hamilton

Mailing Address:
71 Main Street West, 5th Floor
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Planning and Economic Development Department
Development Planning, Heritage and Design
71 Main Street West, 5th Floor, Hamilton ON L8P 4Y5
Phone: 905-546-2424 Fax: 905-546-4202

April 09, 2019

File: SPAR-18-179

Stuart Hastings
GSP Group Inc.
162 Locke Street South, Suite 200
Hamilton ON L8P 4A9

Dear Sir / Madam:

Re: Site Plan Amendment Application by GSP Group Inc. on behalf of Niagara Peninsula Conservation Authority for Lands Located at 5050 Harrison Road, Glanbrook (Ward 11)

Your application to establish a seven course zip-line park, a $\pm 45\text{m}^2$ temporary trailer (office) and $\pm 150\text{ m}^2$ office building was conditionally approved by the Manager of Development Planning, Heritage and Design on April 09, 2019, subject to an Undertaking pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13 being entered into. The City's conditional approval relates to the attached revised site plan dated September 17, 2018 and the comments received as a result of circulation of the application as well as any changes / modifications or revisions required to the plans to implement its conditions of approval.

The City's approval requires satisfactory completion of all the following conditions:

1. SITE PLAN

1. (a) To develop and maintain the site in compliance with the Site Plan, dated September 17, 2018 attached hereto and hereinafter referred to as the "Site Plan". Minor changes to the Site Plan or condition(s) shall be permitted only upon written approval from the City's Manager of Development Planning, Heritage and Design.

Approval Limitation

1. (c) That, in the event a building permit for the proposed development has not been issued within one (1) year from the date of site plan approval, the approval shall lapse. Prior to the approval lapsing, a request for an extension for a period up to, but not exceeding a one (1) year period, may be made directly to the Manager of Development Planning, Heritage and Design, with written justification and the required fee. The Manager of Development Planning, Heritage and Design will consider the request in light of current requirements and:

- i) May deny the request;
- ii) May grant the request; or
- iii) May grant the request with revisions or additional conditions.

Ground Cover to Prevent Soil Erosion

1. (d) Where the construction or demolition of a building, or buildings, or site development works are, in the opinion of the City's Director of Building Services, substantially suspended or discontinued for more than 45 days the Owner shall forthwith provide suitable ground cover to prevent soil erosion by wind, rain and snow for the protection of adjoining lands to the satisfaction of the said Director.

Garbage Collection

1. (e) The Owner acknowledges that garbage collection for the proposed development shall be in accordance with the applicable Municipal By-Law.

2. PRIOR TO THE COMMENCEMENT OF ANY GRADING ON THE SITE

Tree Management

2. (b) To prepare a Tree Preservation/Enhancement Plan as part of the required Landscape Plan hereinafter described in Section 3(e), showing the location of drip lines, edges and existing plantings, the location of all existing trees and the method to be employed in retaining trees required to be protected; to obtain approval thereof from the City's Manager of Development Planning, Heritage and Design; and to implement all approved tree savings measures. The implementation of the Plan shall include a Verification of Tree Protection Letter, prepared by a qualified professional and approved to the satisfaction of the Director of Planning and Chief Planner.

3. PRIOR TO THE APPLICATION FOR ANY BUILDING PERMITS

Cost Estimate and Letter of Credit

3. (l) i) To provide cost estimates for 100% of the total cost of all exterior on-site works to be done by the Owner. Such cost estimates shall be in a form satisfactory to the City's Manager of Development Planning, Heritage and Design; or be prepared in accordance with the Guides for estimating security requirements for landscaping and engineering.
 - i) Calculate the lump sum payment for exterior works using the City's Letter of Credit Policy to the satisfaction of the City's Manager of Development Planning, Heritage and Design.
 - ii) To provide an irrevocable Letter of Credit to the City's Manager of Development Planning, Heritage and Design for 75% of the total cost of all on-site development works in a form satisfactory to Finance (Development

Officer, Budget, Taxation and Policy) to be held by the City as security for the completion of the on-site development works required in this Agreement.

Alternatively, the owner may choose to provide a lump sum payment for on-site works in accordance with 3. (l) ii). above.

- iii) The Letter of Credit shall be kept in force until the completion of the required site development works in conformity with the approved design and requirements, securities may be reduced in accordance with the City's Letter of Credit Policy. If the Letter of Credit is about to expire without renewal thereof and the works have not been completed in conformity with their approved designs, the City may draw all of the funds so secured and hold them as security to guarantee completion unless the City Solicitor is provided with a renewal of the Letter of Credit forthwith.
- iv) In the event that the Owner fails to complete, to the satisfaction of the City's Manager of Development Planning, Heritage and Design, the required site development works in conformity with its approved design within the time required, then it is agreed by the Owner that the City, its employees, agents or contractors may, at the City's sole option and in addition to any other remedies that the City may have, enter on the lands and so complete the required site development works to the extent of monies received under the Letter of Credit. The cost of completion of such works shall be deducted from the monies obtained from the Letter of Credit. In the event that there is a surplus, the City shall pay it forthwith to the Owner. In the event that there are required site development works remaining to be completed, the City may exercise its authority under (Section 446 of the Municipal Act) to have such works completed and to recover the expense incurred in doing so in like manner as municipal taxes.

Cash-in-Lieu of Parkland

- 3. (p) To pay to the City of Hamilton Park Trust Fund Account the required cash-in-lieu of parkland contribution based on the value of the lands the day before the issuance of a Building Permit.

Development Charges

- 3. (q) To pay to the City of Hamilton all applicable Development Charges in accordance with the Development Charges By-law, as amended, to the satisfaction of the City's Director of Building Services.

Building Elevations

- 3. (r) To submit six (6) copies of final building elevations and one (1) reduced 11" x 17" copy to the satisfaction of the Manager of Development Planning, Heritage and Design. Minor changes to the Building Elevations or condition(s) shall be permitted only upon written approval from the City's Manager of Development Planning, Heritage and Design.

Site Plan Drawing

3. (s) To submit six (6) copies of the final site plan drawing and one (1) reduced 11" x 17" copy to the satisfaction of the Manager of Development Planning, Heritage and Design.

Taxes

3. (t) To submit proof from the Taxation Division that the Municipal Taxes are current on the subject lands to the satisfaction of the Manager of Development Planning, Heritage and Design.

Tariff of Fees

3. (u) To pay to the City of Hamilton the applicable additional charges as per the Tariff of Fees By-law for the proposed development type as follows:
- i) Commercial - \$5.00/m² of new gross floor area to a maximum of 50,000m² to the satisfaction of the Manager of Development Planning, Heritage and Design.

4. PRIOR TO OCCUPANCY

Prior to occupancy of the proposed development the Owner agrees to fulfill each of the conditions which follow:

Emergency/Fire Routes

4. (d) That any required "Emergency/Fire Routes" shall be established by the City's Director of Building Services and that such signage shall be installed at the Owner's cost and to the satisfaction of the City's Director of Building Services.

Traffic Control Signs

4. (e) To install, at the Owner's cost, all required traffic signs, including directional, visitor parking and barrier-free parking signs, to the satisfaction of the City's Senior Project Manager, Corridor Management, Public Works.

5. WITHIN ONE YEAR OF OCCUPANCY (PRIOR TO RELEASE OF CREDIT)

Tree Management

5. (c) To complete the tree management requirements for the lands in accordance with the approved Tree Preservation/Enhancement Plan.

Certification of Site Development Works

5. (k) To submit to the City's Director of Building Services, Site Development Works Certification Forms prepared by the appropriate consultants, certifying that the site development works required under this approval have been completed in

accordance with the respective plans prepared by such consultant and accepted by the City.

In addition to the foregoing conditions, the following **special conditions** are also part of this approval:

PRIOR TO THE APPLICATION FOR ANY BUILDING PERMITS

1. The applicant / owner shall submit an irrevocable Letter of Credit to the City's Manager of Development Planning, Heritage and Design in the Amount of \$35,000.00. The applicant agrees to implement the Monitoring Plan titled "Monitoring Plan Binbrook Conservation Area Tree Top Trekking Site" dated March 27, 2019 by Niagara Peninsula Conservation Authority, to measure habitat condition (invasive species, tree and understorey health/disturbance and litter, the condition of vascular plants, and the condition and establishment of restoration plantings) over the first five years of park operation. A Monitoring Report will be provided to the City of Hamilton (Development Planning Section) at the end of years 1, 3, and 5. Following the submission of each Monitoring Report in accordance with the aforementioned Monitoring Plan, one third of the Letter of Credit will be released.

If you are agreeable to the conditions of approval, please sign and date in the space provided below and **return a copy to Ryan Ferrari within 5 days**. Please note that by signing, you are acknowledging that in the event a building permit for the proposed development has not been issued within one (1) year from the date of site plan approval, the approval shall lapse.

If you have any questions or concerns with the conditions of this Site Plan Approval, please contact Ryan Ferrari at 905.546.2424 ext. 5865 or by email at Ryan.Ferrari@hamilton.ca immediately.

Owner's Signature

Date

Once the applicable conditions have been satisfied, a Building permit may be issued.

Notes:

1. The City of Hamilton is in the process of creating a new comprehensive Zoning By-law for the entire City. The new Zoning By-law is being prepared in phases by Land Use topic. New Residential zoning may be implemented which could be different than the current zoning. Accordingly, if a Building Permit has not been issued by the City prior to the new zoning coming into effect, the approved site

**Re: Site Plan Amendment Application by GSP Group Inc. on
behalf of Niagara Peninsula Conservation Authority for
Lands Located at 5050 Harrison Road, Glanbrook (Ward 11)**

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plan may be affected, related to zoning compliance, which may require further planning approvals (i.e. Minor Variance, Zoning Amendment, etc.).

2. The above conditions of site plan approval are separate and independent of any review under the Ontario Building Code (OBC) as part of the Building Permit review process. In the event that a building permit application does not comply with the OBC, a letter outlining the deficiencies or areas of non-compliance will be issued to the owner and/or agent. Site plan review and building permit review are separate and independent processes.
3. Please note that the Development Charge rates change on July 5, 2019.

Yours truly,



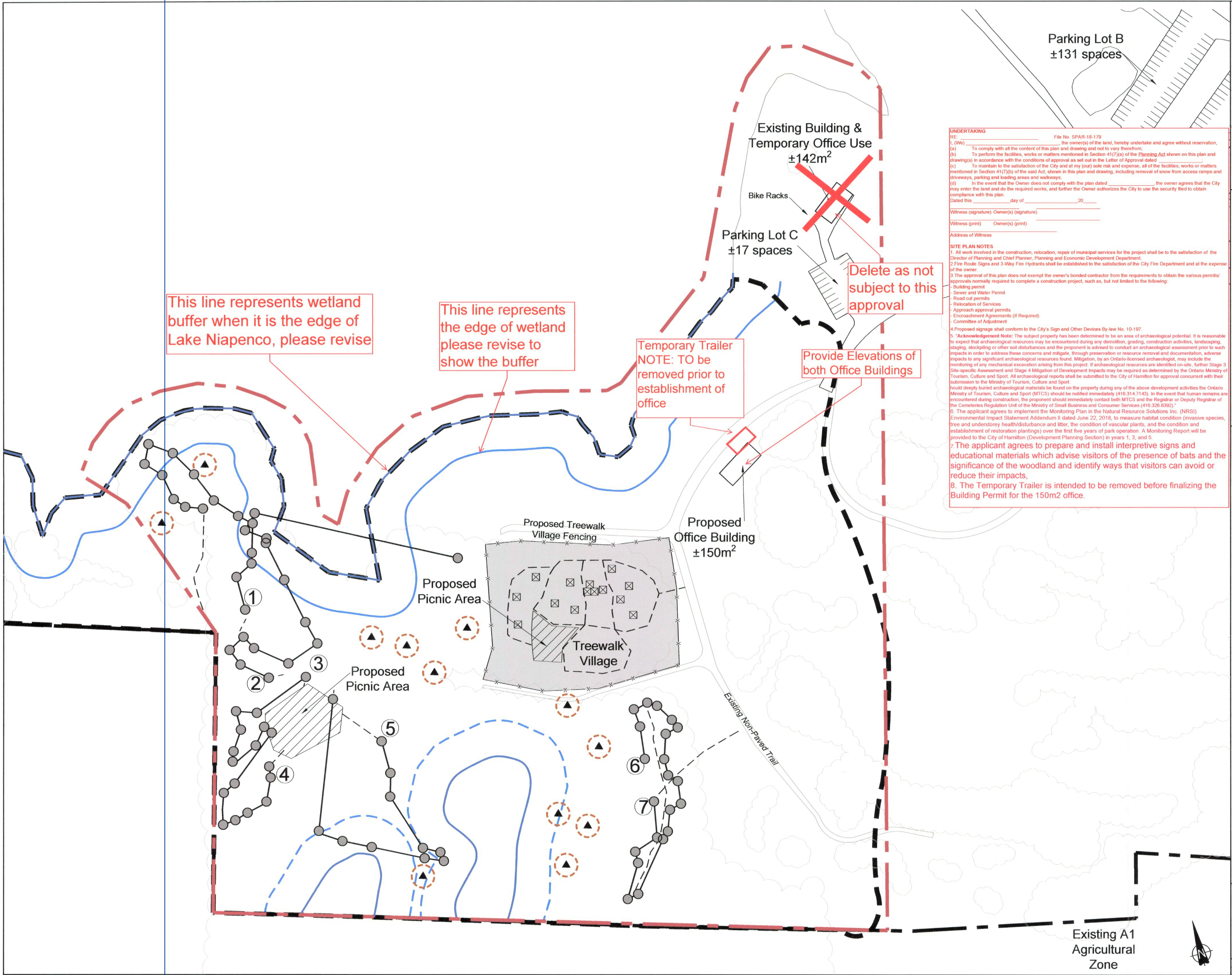
Anita Fabac, MCIP, RPP

Manager of Development Planning, Heritage and Design
Planning Division

AF:rf

Attachment(s)

cc: S. Robichaud, Director of Planning and Chief Planner, Planning Division
D. Ortiz, Manager of Building Engineering & Zoning
Attn: Sarah Cellini
J. Syed, Senior Project Manager, Development Engineering - Site Plan,
Attn: Steve Ryan (Digital: DevEngApprovals@hamilton.ca)
Trudy Kennedy, Senior Project Manager, Development Planning, Heritage and
Design,
Attn: Ryan Ferrari
P. MacDonald, Solicitor, Legal Services
Councillor Brenda Johnson, Ward 11
Niagara Peninsula Conservation Authority, Attn: Adam Christie



UNDERTAKING

File No. SPAR-18-179

I, (We) _____, the owner(s) of the land, hereby undertake and agree without reservation, (a) To comply with all the content of this plan and drawing and not to vary therefrom; (b) To perform the facilities, works or matters mentioned in Section 41(7)(a) of the Planning Act shown on this plan and drawing(s) in accordance with the conditions of approval as set out in the Letter of Approval dated _____; (c) To maintain to the satisfaction of the City and at my (our) sole risk and expense, all of the facilities, works or matters mentioned in Section 41(7)(b) of the said Act shown in this plan and drawing, including removal of snow from access ramps and driveways, parking and loading areas and walkways; (d) In the event that the Owner does not comply with the plan dated _____, the owner agrees that the City may enter the land and do the required works, and further the Owner authorizes the City to use the security filed to obtain compliance with this plan.

Dated this _____ day of _____, 20____

Witness (signature) Owner(s) (signature) _____

Witness (print) Owner(s) (print) _____

Address of Witness _____

SITE PLAN NOTES

1. All work involved in the construction, relocation, repair of municipal services for the project shall be to the satisfaction of the Director of Planning and Chief Planner, Planning and Economic Development Department.

2. Fire Route Signs and 3-Way Fire Hydrants shall be established to the satisfaction of the City Fire Department and at the expense of the owner.

3. The approval of this plan does not exempt the owner's bonded contractor from the requirements to obtain the various permits/approvals normally required to complete a construction project, such as, but not limited to the following:
- Building permit
- Sewer and Water Permit
- Road cut permits
- Relocation of Services
- Approach approval permits
- Encroachment Agreements (If Required)
- Committee of Adjustment

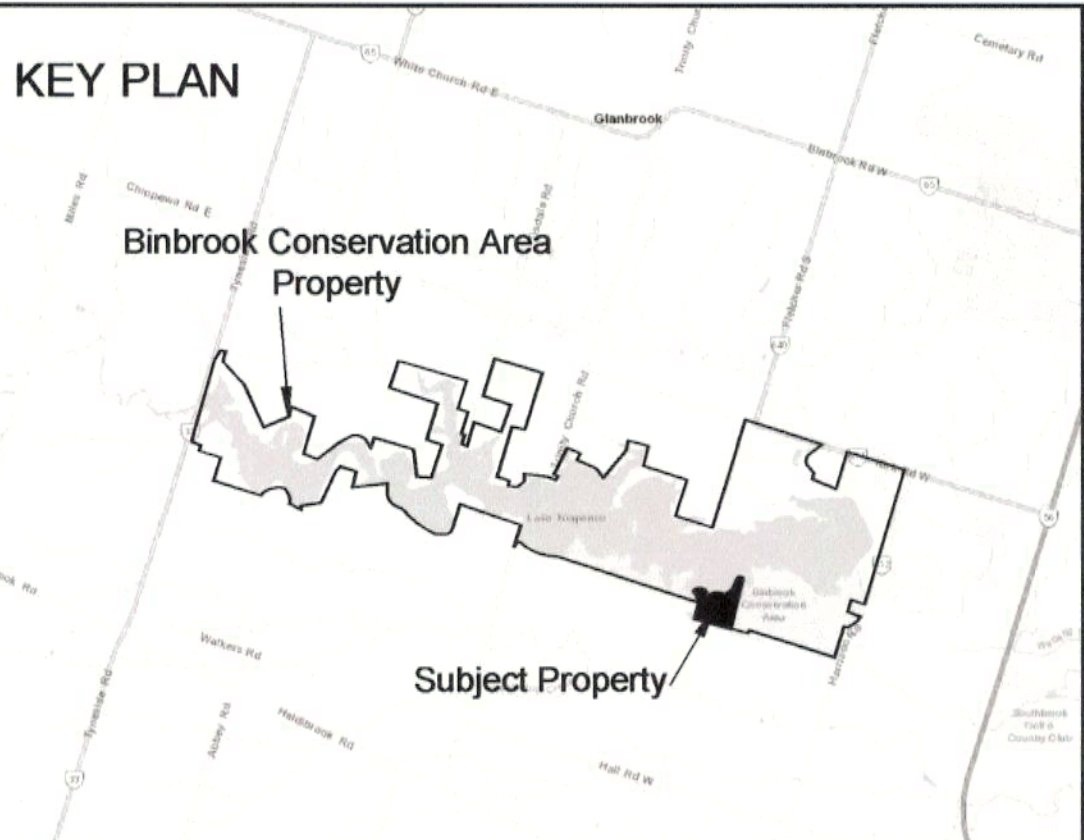
4. Proposed signage shall conform to the City's Sign and Other Devices By-law No. 10-197.

5. *Acknowledgement Note: The subject property has been determined to be an area of archaeological potential. It is reasonable to expect that archaeological resources may be encountered during any demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances and the proponent is advised to conduct an archaeological assessment prior to such impacts in order to address these concerns and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. Mitigation, by an Ontario-licensed archaeologist, may include the monitoring of any mechanical excavation arising from this project. If archaeological resources are identified on-site, further Stage 3 Site-specific Assessment and Stage 4 Mitigation of Development Impacts may be required as determined by the Ontario Ministry of Tourism, Culture and Sport. All archaeological reports shall be submitted to the City of Hamilton for approval concurrent with their submission to the Ministry of Tourism, Culture and Sport.

6. The applicant agrees to implement the Monitoring Plan in the Natural Resource Solutions Inc. (NRSI) Environmental Impact Statement Addendum II dated June 22, 2018, to measure habitat condition (invasive species, tree and understorey health/disturbance and litter, the condition of vascular plants, and the condition and establishment of restoration plantings) over the first five years of park operation. A Monitoring Report will be provided to the City of Hamilton (Development Planning Section) in years 1, 3, and 5.

7. The applicant agrees to prepare and install interpretive signs and educational materials which advise visitors of the presence of bats and the significance of the woodland and identify ways that visitors can avoid or reduce their impacts.

8. The Temporary Trailer is intended to be removed before finalizing the Building Permit for the 150m² office.



SITE PLAN

SPAR-18-179

Binbrook Conservation Area
5050 Harrison Rd
City of Hamilton

- SITE DATA**
- Proposed Subject Property Area: 10.0 ha.
- Parking Provided: ±800 spaces
Paved: ±204 spaces
Overflow: ±596 spaces
- Parcel Boundary
 - Site Area
 - Proposed Subject Property Boundary
 - Proposed Course Route
 - Proposed Trees used for Infrastructure
 - Proposed Treewalk Village Houses
 - Treewalk Village
 - Proposed Trail
 - Fencing
 - Wetland Boundary
 - Recommended Wet Land Buffer
 - Bat Cavities
 - 5.0m Bat Cavities Buffer
 - Lake Niapenco Shoreline
 - Woodlots / Vegetation
- THE CITY OF HAMILTON
Plans and drawings approved pursuant to Section 41 of the Planning Act.
April 9, 2019
Date of Approval
C. J. [Signature]
Manager, Development Planning
Planning & Economic Development Department

NOTES:

1. Existing Site Plan details based on Google Aerial Imagery

2. Subject Property Details based off plan in 2018 EIS report

PLANNING | URBAN DESIGN | LANDSCAPE ARCHITECTURE

gspgroup.ca

Date: March 8, 2018
Scale: 1: 750 metric

Drawn By: MN
Project No.: 17036

Dwg. File Name: sp17036c.dwg

REVISIONS
July 19, 2018
September 17, 2018

Report To: Board of Directors

Subject: Communications Update Report - April 2019

Report No: FA-52-19

Date: May 3, 2019

RECOMMENDATION:

1. **THAT** Report No. FA-52-19 regarding Communications Update Report – April 2019 be received for information.

PURPOSE:

The purpose of this report is to provide the Board of Directors with an update of media exposure surrounding the work of the NPCA from March to April 2019. This media coverage and communications update report will be provided to the Board of Directors as needed.

To assist with this, it would be helpful for Board Members to liaise with the Communications Department in advance of media interviews, until such time that the Communications & Social Media Protocol is updated for the consideration of the Board of Directors. This will ensure consistency and the inclusion of these media opportunities in future reports.

DISCUSSION:

The Media Report consists of all media coverage since April 17, 2019. This includes outlet names, dates of coverage, titles, links when available, tonality, and PR value.

PENDING MEDIA OPPORTUNITIES:

- Introduction meeting with CBC Hamilton reporter, Samantha Craggs
- Newstalk 610 CKTB on-air round-table- Gayle Wood
- Conversation with Gayle Wood- The Niagara Independent

MEDIA RELEASES:

- Birds of Prey Soar over the Niagara Peninsula on Good Friday: <https://npca.ca/our-voice/post/beamer-hawkwatch-good-friday>
- NPCA CAO and Board of Directors Working Towards Transparency and Open Dialogue with the Community: <https://npca.ca/our-voice/post/npca-working-towards-open-dialogue>
- 100 Days of Change at the Niagara Peninsula Conservation Authority: <https://npca.ca/our-voice/post/100-days-of-change-at-NPCA>

UPCOMING MEDIA RELEASES:

- Niagara Peninsula Conservation Foundation updates

- NPCA Restoration Program is back

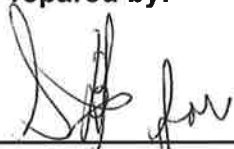
EVENTS:

- Niagara Peninsula Hawkwatch Open House: Good Friday, April 19, 2019
- St. Johns Trout Season Opener: Saturday, April 27, 2019

RELATED REPORTS AND APPENDICES:

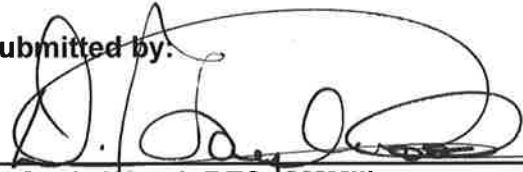
1. Appendix 1: Media Coverage Report - April 2019

Prepared by:



Renee Bisson
Acting Senior Manager, Communications

Submitted by:



D. Gayle Wood, BES, CMMIII
**Interim Chief Administrative Officer/
Secretary-Treasurer**

This report was prepared in collaboration with Erika Navarro, Communication Specialist.



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

Niagara Peninsula Conservation Authority

MEDIA COVERAGE REPORT

April 2019

Total Media Hits: 22
Estimated media impressions: 4,429,890
Estimated PR value: \$116,617

Outlet	Date	Headline	Link	Tone	Circulation/ Visitors Per Month	PR Value
Online						
Niagara this Week	Apr. 11, 2019	OUR NIAGARA: Cackling Geese	https://www.niagarathisweek.com/community-story/9273479-our-niagara-cackling-geese/	Neutral	161,400	\$9,744
Southwestern Ontario.ca	Apr. 11, 2019	OUR NIAGARA: Cackling Geese	https://www.southwesternontario.ca/community-story/9273479-our-niagara-cackling-geese/	Neutral	N/A	N/A
105 The River	Apr. 15, 2019	Heavy rain hits Niagara	http://www.105theriver.ca/news1/heavy-rain-hits-niagara/	Neutral	N/A	N/A
Fort Erie Observer	Apr. 15, 2019	Regional councillor to host 'Community Conversation' with residents	https://forterieobserver.ca/2019/04/regional-councillor-to-host-community-conversation-with-residents/	Positive	N/A	\$3,313
Niagara this Week	Apr. 16, 2019	Hawkwatch Open House returns to Grimsby April 19	https://www.niagarathisweek.com/whatson-story/9286770-hawkwatch-open-house-returns-to-grimsby-april-19/	Positive	161,400	\$9,744
Ottawa Citizen	Apr. 17, 2019	Conservation authorities ponder how to prevent flooding with less funding	https://ottawacitizen.com/news/local-news/conservation-authorities-ponder-how-to-prevent-flooding-with-less-funding	Negative	114,495	\$17,664
St. Catharines Standard	Apr. 17, 2019	Funds for programs such as flood-plain management will be cut in half	https://www.stcatharinesstandard.ca/news-story/9290126-provincial-cutbacks-hit-npca/	Neutral	57,000	\$6,500
Welland Tribune	Apr. 17, 2019	Provincial cutbacks hit NPCA	https://www.wellandtribune.ca/news-story/9290126-provincial-cutbacks-hit-npca/	Neutral	33,000	\$6,500
Global News	Apr. 18, 2019	Hamilton Conservation Authority losing \$85,000 as province cuts flood management funding	https://globalnews.ca/news/5181806/hamilton-conservation-authority-losing-85000/	Neutral	3,308,300	N/A
Newstalk 610 CKTB	Apr. 18, 2019	100 days since big changes were made at NPCA	http://www.iheartradio.ca/610cktb/news/100-days-since-big-changes-were-made-at-the-npca-1.9089865	Positive	N/A	N/A
Niagara at Large	Apr. 18, 2019	Ford Government has Almost Halved its Share of Funding to Niagara's Conservation Authority	https://niagaraatlarge.com/2019/04/18/ford-government-has-almost-halved-its-share-of-funding-to-niagaras-conservation-authority/	Neutral	N/A	N/A

Niagara this Week	Apr. 19, 2019	Weather can't dampen the spirits of Grimsby Hawkwatch	https://www.niagarathisweek.com/community-story/9293057-weather-can-t-dampen-the-spirits-of-grimsby-hawkwatch/	Positive	161,400	\$9,744
Niagara at Large	Apr. 22, 2019	To Ford Government – Ontario's Conservation Authorities Are Worth a Sober Second Thought	https://niagaraatlarge.com/2019/04/22/to-ford-government-ontarios-conservation-authorities-are-worth-a-sober-second-thought/	Neutral	N/A	N/A
Port Colborne News	Apr. 22, 2019	Happy Earth Day, Port Colborne!	http://portcolborne.ca/?p=news&pgsIA=56&pgnorIA=95&pgnopIA=12&p=news&iArticle=2669&nt=news	Neutral	N/A	N/A
Niagara this Week	Apr. 23, 2019	Friendship Trail cleanup in Port Colborne on May 9	https://www.niagarathisweek.com/news-story/9296149-friendship-trail-cleanup-in-port-colborne-on-may-9/	Positive	161,400	\$9,744
Print						
Ottawa Citizen	Apr. 17, 2019	Conservation authorities ponder how to prevent flooding with less funding	N/A	Negative	114,495	\$17,664
Welland Tribune	Apr. 18, 2019	Provincial cutbacks hit NPCA	N/A	Neutral	33,000	\$6,500
Niagara Falls Review	Apr. 20 2019	Pollinators: Why are they important?	N/A	Positive	34,000	\$6,500
St. Catharines Standard	Apr. 20 2019	Pollinators: Why are they important?	N/A	Positive	57,000	\$6,500
Welland Tribune	Apr. 20 2019	Pollinators: Why are they important?	N/A	Positive	33,000	\$6,500
Broadcast						
Newstalk 610 CKTB	Apr. 18, 2019	100 Days of Change- CAO & Vice-Chair	http://www.iheartradio.ca/610cktb/audio/npc-a-in-studio-1.9090072	Positive	N/A	N/A
Newstalk 610 CKTB	Apr. 19, 2019	Niagara Peninsula Hawkwatch Open House	N/A	Positive	N/A	N/A



**NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA)
CAO SELECTION COMMITTEE
MEETING MINUTES**

Friday, April 12, 2019
3:00 p.m.
NPCA Head Office
Boardroom
250 Thorold Road West, Welland, ON

MEMBERS PRESENT: B. Steele, Committee Chair
D. Bylsma
P. Chiocchio
T. Insinna
D. Huson

MEMBERS ABSENT: B. Johnson

STAFF PRESENT: G. Bivol, Clerk

OTHERS: P. Rowan, Feldman Daxon

The Committee Chair called the meeting to order at 3:10 p.m.

1. ADOPTION OF AGENDA

1.1 Addition of Items

There were no additional items added to the agenda.

1.2 Change in Order of Items

There were no changes in the order of items.

1.3 Motion to Adopt Agenda

Recommendation No. SC- 18-19

Moved by Member Huson

Seconded by Member Insinna

THAT the agenda NPCA CAO Selection Committee agenda meeting of April 12, 2019 be adopted.

CARRIED

2. DECLARATION OF CONFLICT OF INTEREST

None declared.

3. CLOSED SESSION

- 3.1 Motion to move into Closed Session - Discussion with Patrick Rowan, Feldman Daxon, Partners, Inc. relating to the CAO recruitment process.

Recommendation No. SC-19-19

Moved by Member Insinna

Seconded by Member Huson

THAT the meeting of the CAO Selection Committee for the Niagara Peninsula Conservation Authority convene in closed session at 3:11 p.m. in accordance with Section 11.d) of the NPCA Administrative By-law for the purpose of discussion on labour relations, Human Resources or employee negotiations relating to the CAO recruitment process.

CARRIED

- 3.2 Motion to Reconvene in Open Session

Recommendation No. SC-20-19

Moved by Member Bylsma

Seconded by Member Huson

THAT the CAO Selection Committee meeting hereby reconvene in open session at 4:08 p.m.

CARRIED

- 7.3 Business Arising from the Closed Session

Recommendation No. SC-21-19

Moved by Member Insinna

Seconded by Member Huson

THAT the documentation submitted by Patrick Rowan, Feldman Daxon Partners, Inc. dated April 12, 2019 entitled Search Kickoff Discussion CAO / Secretary Treasurer be received.

CARRIED

8. ADJOURNMENT

Resolution No. SC-22-19

Moved by Member Huson

Seconded by Member Bylsma

THAT the CAO Selection Committee Meeting be adjourned at 4:10 p.m.

CARRIED

Bill Steele
CAO Selection Committee Chair

Grant Bivol
Interim Clerk

DRAFT

Report To: Board of Directors

Subject: Response to the Special Audit of the Niagara Peninsula Conservation Authority

Report No: FA-50-19

Date: May 3, 2019

RECOMMENDATION:

1. **THAT** Report No. FA-50-19 respecting a Response to the Special Audit of the Niagara Peninsula Conservation Authority be received.
2. **THAT** a copy of Report No. FA-50-19 on the NPCA Response to the Auditor General's Report be circulated to the Office of the Auditor General, participating watershed municipalities, Minister of Environment, Conservation and Parks, Minister of Natural Resources and Forestry and Conservation Ontario.

PURPOSE:

The purpose of this report is to update the Office of the Auditor General of Ontario and the Board of Directors regarding progress made by the NPCA in response to the recommendations made by the Auditor General in September 2018.

The Auditor General will be attending the Board of Directors' May 3, 2019 meeting to review her recommendations with the new Board.

BACKGROUND:

In September 2018, Ms. Bonnie Lysyk, Auditor General of Ontario, transmitted her report on the ***Special Audit of the Niagara Peninsula Conservation Authority*** to the Honourable Speaker of the Legislative Assembly of Ontario.

In response to the Auditor General's recommendations, much progress has been made by the NPCA. Appendix 1 to this Report outlines the Auditor General's 24 recommendations as well as the NPCA progress to date.

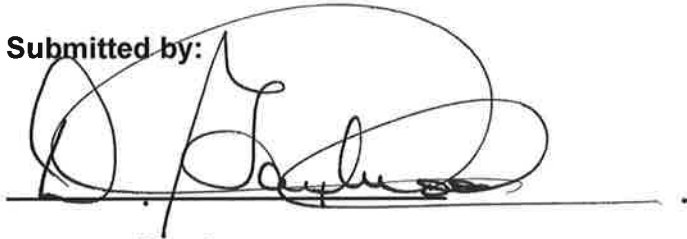
FINANCIAL IMPLICATIONS:

There are no financial implications associated with this recommendation.

RELATED REPORTS AND APPENDICES:

1. Appendix 1: NPCA Response to the Recommendations of the Auditor General
2. Appendix 2: Planned Procurement
3. Appendix 3: Corporate Credit Card Policy

Submitted by:

A handwritten signature in black ink, appearing to read 'D. Gayle Wood', is written over a horizontal line.

**D. Gayle Wood, BES, CMMIII
Interim Chief Administrative Officer/
Secretary-Treasurer**

LEGEND:

Ministry (M) Ministry of Environment, Conservation and Parks (MOECP) and Ministry of Natural Resources and Forestry (MNRF)
NPCA Board of Directors (BD)
Board/CAO (BC)
CAO/Municipalities (CM)
Ministry/Conservation Ontario (MCO)
Operations (Ops)

Lead and Rec. #	RECOMMENDATION	COMMENTS	INITIATED	TARGETTED COMPLETION	COMPLETE
(M) #1	To ensure effective oversight of conservation authorities' activities through boards of directors, we recommend that the Ministry of the Environment, Conservation and Parks clarify board members' accountability to the conservation authority.	MOECP has launched two reviews under the Environmental Registry of Ontario on April 5, 2019 - Modernizing conservation authority operations and Focusing conservation authority's development permits on the protection of people and property. This provincial review will assist in addressing Recommendation 1. As part of this review the province is proposing to make amendments to the CAA that will "clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority, similar to not-for-profit organizations."	X	2020	
(BD) #2	To ensure that the Niagara Peninsula Conservation Authority (NPCA) Board of Directors has the necessary independence and objectivity to oversee the NPCA's activities effectively, we recommend that the NPCA Board:				
(BD) #2.1	Adhere to its Code of Conduct, which states that Board members are to refrain from unduly influencing staff, being respectful of staff's responsibility to use their professional expertise and corporate perspective to perform their duties;	The NPCA Governance Committee has reviewed the Code of Conduct (contained within the Administrative By-law) and provided recommendations to the Full Authority in February and March 2019. Further reviews of the By-law will continue to the end of Q2.	X	Q2 2019	
(BD) #2.2	Update its Code of Conduct to clearly define the circumstances and relationships that could lead to an actual or perceived conflict of interest beyond those defined in the Municipal Conflict of Interest Act.	As part of the Q2 review of the By-law, the Board will define circumstances that could lead to an actual or perceived conflict of interest.		Q2 2019	
(BC) #3	To ensure that members of the Niagara Peninsula Conservation Authority (NPCA) Board of Directors collectively have the skills, experience and training necessary to oversee the NPCA's activities effectively, we recommend that the NPCA Board:				
(BD) #3.1	Determine the types of skills and experience required on the Board based on the NPCA's mandate, and		X	Q3 2019	

	develop and implement a strategy to address any gaps;	<p>The Board of Directors responded to a March 1, 2019 letter from Niagara Region regarding board competencies (skills and experience). This letter was considered by the NPCA Governance Committee, and a list of competencies was approved by the Board their April 17, 2019 Board meeting through Resolution No. FA-113-19.</p> <p>Both the Board of Directors and the NPCA Public Advisory Committee will be requested to develop “profiles” on each member. Based on this, a gaps analysis can be done, and a strategy developed to address any skills gaps.</p> <p>The current Board has received a brief Orientation and an updated Member Handbook. An additional orientation will occur once the Niagara Region confirms final Board appointees to NPCA in June 2019. A Training Program for the Board will be developed after final confirmation of the Board in June.</p>			
(CM) #3.2	Work with the NPCA’s funding municipalities to ensure that their Board appointment processes consider skills and experience requirements;	A letter was circulated to Niagara, Hamilton and Haldimand regarding a recommended list of competencies and a reference to the Alberta Public Agencies – Board Profile & Competency Matrix Tool , as approved by the Board of Directors on April 17, 2019.	X	Q2 2019	X
(BD) #3.3	Assess the current role of its advisory committee to determine whether it is sufficient in fulfilling any gaps in Board skills and competencies, and revise as necessary;	The Board of Directors received a list of the Advisory Committees for 2019 at their March 20th meeting. A Report on the NPCA Public Advisory Committee, with recommendations for a revised Terms of Reference will be considered by the Board of Directors on May 3, 2019. With Board approval, the PAC will be requested to review the Terms of Reference, provide recommendations on Committee vacancies and develop “profiles” for each Committee member.	X	Q4 2019	
(BC) #3.4	Identify initial and ongoing Board governance training needs	The current Board of Directors were provided with an updated Member Handbook in January 2019. Initial Orientation training with the Board was launched on March 20, 2019. Further training needs to be identified through a Board survey and initiated throughout 2019 and annually.	X	Q2 2019	
(M) #4	We recommend that the Ministry of the Environment, Conservation and Parks: make a recommendation to the Executive Council of Ontario to proclaim Section 40 of the Conservation Authorities Act;	Section 40 of the CAA states that the Lieutenant Governor in Council may make regulations dealing with CA composition, advisory boards, programs/services, apportionment of capital costs and governing reviews under Section 27 and 27.1 of the CAA. The province began this review by launching ERO reviews on April 5, 2019.	X	2020	
(M) #4.1	Once Section 40 is proclaimed, make a regulation prescribing requirements for board composition that result in board members having the independence and objectivity they need to fulfill their oversight responsibilities;	Response to this recommendation is dependant upon the province’s review noted above.		2020	

(MCO) #4.2	Work with Conservation Ontario and conservation authorities to determine whether governance training should be developed and delivered province-wide for board members of conservation authorities.	Response to this recommendation is dependant upon the province's review noted above.		2020	
(BD) #5	To ensure that the Niagara Peninsula Conservation Authority (NPCA) Board of Directors has all the information it needs to effectively oversee the NPCA and improve its oversight when needed, we recommend that the NPCA Board:				
(BD) #5.1	Regularly evaluate the performance of the NPCA's Chief Administrative Officer, as required by its policies;	A Performance Evaluation system has been developed for all staff. The Interim CAO's performance will be evaluated in July 2019. The Board can determine a performance schedule with the new CAO when hired in Q2 of 2019.	X	Q2 2019	
(BC) #5.2	Develop performance indicators to facilitate the Board's evaluation of its oversight processes and activities;	A Board evaluation, and self evaluation, process has been developed, in draft, by the Interim CAO and will be forwarded to the NPCA Governance Committee for review and recommendations to the Board in June 2019.	X	Q2 2019	
(BD) #5.3	Regularly evaluate both its collective performance and the performance of individual Board members	Both collective Board performance and individual Board performance tools have been developed, in draft, by the Interim CAO and will be forwarded to the Governance Committee by June 2019.	X	Q3 2019	
(BD) #6	To ensure that per diem payments to Board members are reasonable and transparent, we recommend that the Niagara Peninsula Conservation Authority:				
(BD) #6.1	Clarify its Board policies to specify the meetings and other functions for which Board members may receive per diem payments in the future;	<p>The Governance Committee reviewed and clarified per diems in February 2019. Board members receive one per diem per day if attending an NPCA meeting, despite the number of meetings attended.</p> <p>The per diem and honorarium policy is updated and outlined in the Administrative By-law. Further review of the By-law will occur in June 2019 to specify the meetings and functions for which a Board member may receive a per diem.</p>	X	Q2 2019	
(BD) #6.2	Continue to publish information on actual Board per diems and other expenses annually online.	Municipalities require board expenses to be reported annually. This information for 2018 was provided to participating municipalities. Member expenses for 2019 will be posted at year end on the NPCA website under the heading <i>Administration – Reports</i> and will continue to be published annually.	x	Q1 annually commencing 2020	

(OPS) #7	To ensure that the Niagara Peninsula Conservation Authority (NPCA) has complete and up-to-date information about flood risks within its watershed, we recommend that the NPCA:				
(OPS) #7.1	Assess the risk to communities around the unmapped watercourses;	CA has completed flood plain mapping for 42% of the watershed. Flood plain mapping is currently underway for the Welland River, 9 watercourses in Grimsby and Lincoln, and 2 watercourses in St. Catharines. The NPCA is presently reviewing the Welland River final draft. The first drafts of the other studies are scheduled to be reviewed in Q2 of 2019.	X	Q2 2019 draft review Q4 completion of mapping and adopted by Board	
(OPS) #7.2	Determine the time and cost for completing and updating floodplain maps;	A Five-year capital forecast for the remaining 58% of mapping to be completed will be placed in the 2020 budget and beyond. A minimum of \$200,000 over 5 to 7 years will be required to address the mapping deficiency. Once all mapping is completed, mapping updates are required on all watercourses.	X	2026 subject to funding being received	
(OPS) #7.3	Schedule this work, based on its risk assessment and for the watercourses for which the Ministry of Natural Resources and Forestry recommends floodplain maps be prepared.	A risk-based assessment for the remaining mapping will be developed in 2019. NPCA believes that MNRF does not recommend flood plain mapping priorities.		Q2 2019	
(M) #8	To ensure that conservation authorities have complete and up-to-date information about flood risks within their watershed, we recommend that the Ministry of Natural Resources and Forestry work with Conservation Ontario to:				
(M) #8.1	Establish clear responsibility and criteria for developing and updating floodplain maps across the province;	NPCA is waiting for this information from MNRF.			
(M) #8.2	Review current funding levels to conservation authorities to determine how floodplain mapping can be completed in a timely manner	Transfer payments to CA's for natural hazards were reduced by 50% on April 13, 2019. The NPCA provincial transfer payment is now \$90,000 for the 2019/20 provincial fiscal year. Provincial funding to update flood plain mapping has not been available since 1996. Funding for updated mapping must be sought from participating municipalities, who may choose not to funds updates. .	X		

(OPS) #9	To ensure that development is directed away from areas of natural hazards where there is an unacceptable risk to public health and safety or of property damage, we recommend that the Niagara Peninsula Conservation Authority (NPCA):				
(BD/OPS) #9.1	Finalize, as soon as possible, its policies for reviewing development proposals and work permit applications;	The NPCA Policy document was updated and approved in September 2018 and it became effective November 2018. Staff have been directed to follow the new policy document as approved. Staff will review the policy on an ongoing basis to determine if there are any refinements to be made and will bring those proposed changes to the Board for approval.	X	Q4 2018	X
(BD/OPS) #9.2	In finalizing such policies, ensure that the criteria for where development is allowed is consistent with Section 3.1 of the Provincial Policy Statement and the Conservation Authorities Act.	NPCA Policies are consistent with Section 3.1 of the Provincial Policy Statement.	X	Q4 2018	X
(OPS) #10	To ensure that staffing decisions are focused on improving the operations of the Niagara Peninsula Conservation Authority (NPCA) to fulfill its legislative mandate and provide effective and efficient services, we recommend that the NPCA:				
(OPS) #10.1	Develop a human resources (HR) plan that identifies current and future HR needs, as they relate to the strategic direction of the NPCA;	An organizational review was completed and approved by the Board on April 17, 2019. Staff alignments follow the NPCA's Strategic Plan 2018 - 2021. It is noted that this Strategic Plan was developed and approved by the previous Board of Directors and should be further reviewed by the current Board. Future staff needs were identified as part of the organizational review. Upon further review of the Strategic Plan by the new board, a staffing/skills analysis will be completed as part of a Human Resources Plan.	X	2020	
(OPS) #10.2	In developing such an HR plan, review its staffing mix to determine the appropriate level of administrative and corporate support staff;	The April 2019 organizational review has identified staffing gaps for the Board to review and consider in relation to 2020 funding requests. Discussions are ongoing regarding the appropriate level of administrative and corporate support required. Discussion are ongoing regarding whether an administrative "pool" is more effective than having an administrative support staff member assigned each Division.	X	Q4 2019	
(OPS) #10.3	Base future HR decisions on its HR plan;	The HR Plan requires Board approval and will be reviewed annually as part of the budget development commencing with the preparation of the 2020 budget.	X	Q2 2019	

(BD/CAO) #10.4	Provide information about planned re-structuring decisions, including their financial implications, to the NPCA Board prior to implementing such decisions	The 2019 organization review was discussed and approved by the Board on April 17, 2019. This review was accompanied by a financial assessment.	X	Q2 2019	X
(OPS) #11	To ensure that reports of possible and known violations are appropriately addressed in a timely manner, we recommend that the Niagara Peninsula Conservation Authority:				
(CAO/OPS) #11.1	Determine the number of enforcement staff necessary to address violations on a timely basis and staff accordingly;	A Supervisor of Permits and Compliance was hired in March 2019. This Supervisor has 3 staff members, addressing both regulatory and forestry violations. A year end review of compliance and staffing will be done for the Board's consideration.	X	Q4 2019	
(OPS) #11.2	Ensure that enforcement staff obtain the necessary training to discharge their responsibilities;	Three of four compliance staff have received Level 1 Conservation Ontario Compliance training as of March 2019. The fourth position is currently vacant and anticipated to be filled shortly. NPCA will ensure all compliance staff received at minimum Level 1 training.	X	Q3 2019	
(BD/OPS) #11.3	Revise its enforcement policy to provide guidance on the progressive actions enforcement staff should take to address violations taking into consideration the significance of the violations;	Conservation Ontario is updating the Manual on behalf of all conservation authorities. Progressive actions to address violations will be included as part of the manual review. NPCA is actively involved in the review and updating of the manual through the Conservation Ontario Regulatory Advisory Committee.	X	Q3 2019	
(BD/OPS) #11.4	Revise its enforcement policy to require that enforcement activities be sufficiently documented and ensure that staff adhere to the policy;	Procedures regarding documentation of enforcement activities will be completed as part of the Manual review. NPCA is actively involved in the review and updating of the manual through the Conservation Ontario Regulatory Advisory Committee.	X	Q3 2019	
(OPS) #11.5	Use CityView to track reports of possible violations.	Compliance staff are now placing a flag on properties when there are violations in order to advise other NPCA staff to refer to Compliance staff should they be working on a file related to one under violation. NPCA is considering options to update CityView to handle Compliance/Violation issues.	X	Q4 2018	X
(OPS) #12	To ensure that the Niagara Peninsula Conservation Authority (NPCA) can proactively identify unlawful activities before they result in risk to people, property and the environment, we recommend that the NPCA:				

(OPS) #12.1	Institute a mandatory reporting mechanism for landowners to notify the NPCA that approved work has been completed in compliance with the conditions of the permit, and follow up with landowners who fail to report;	As of April 2019, a dedicated e-mail has been placed on the landowners permit form for applicants to send notifications to the NPCA email address, including photos. This email is directed to the Supervisor, Permits and Compliance and his staff to ensure all staff are aware and checking the email regularly. There is also a Factoid which has been developed, to be included with the permits outlining to the applicant what their obligations are once the permit is issued. The permit issuance is now accompanied by this Factoid.	X	Q2 2019	X
(OPS) #12.2	Develop a risk-based plan to conduct site visits to ensure that landowners have completed the approved work in compliance with the conditions of the permit;	The Risk-based plan is currently in draft form and should be finalized in May 2019. In the interim staff have been instructed that shorelines, wetlands and slope features are high level risks that will need follow up until a formal plan is created.	X	Q2 2019	
(OPS) #12.3	Update its website to provide information to the public about activities that are prohibited under the Conservation Authorities Act and how the public can report suspected violations to the NPCA	A Fact Page has been created and is ready to be posted on the website. Included on the webpage is a dedicated link that will create a form to be filled out and submitted to the Supervisor, Permits and Compliance to review and assign. This will be tracked to ensure all complaints are documented. There is also a dedicated phone number to allow for complaints to be called in. This number is monitored by the Supervisor or designated staff.	X	Q2 2019	
(BD/OPS) #13	To ensure that restoration funding is directed toward projects that best achieve the goals of the restoration program, we recommend that the Niagara Peninsula Conservation Authority, regardless of its chosen program delivery model, develop and implement a strategy to better target areas of the watershed based on water quality monitoring and other information on the health of the watershed.	A re-vitalized Restoration Program was approved by the Board of Directors on April 17, 2019. The new program includes a vision, principles, goals and is based on the CAA mandate, the NPCA Strategic Plan, and our Watershed Report Cards. The new program will follow recommendations from the Dillon Report and Auditor General's recommendations. Ultimately, sub watershed plans, and implementation strategies should be developed/updated in order to ensure that restoration projects are targeted to priority areas.	X	Q2 2019	
(BD/OPS) #14	To ensure that funding from Ontario Power Generation (OPG) helps improve the health of the Wetland River as agreed to, we recommend that the Niagara Peninsula Conservation Authority (NPCA):				

(OPS) #14.1	Seek clarification with OPG regarding its expectations for how the remaining funds are to be spent;	NPCA senior staff with met with senior OPG staff on three occasions - May 25, 2018, August 29, 2018 and October 31, 2018. NPCA discussed past spending with OPG staff on August 29, 2018 and a Draft MOU and protocols for future spending was established on October 31, 2018.	X	Q2 2019	
(BD/OPS) #14.2	Revise, as necessary, the formal agreement between the NPCA and OPG to outline such expectations;	The NPCA's 2018 Financial Audited Statements were approved by the Board of Directors on April 17, 2019; setting the stage for a subsequent meeting with OPG. This meeting is scheduled for May 6, 2019 to finalize the Draft MOU, discuss expenditure of funds and establish reporting requirements. Current funding will serve as a starting point for a Final MOU detailing goals and objectives for the funding allocations.	X	Q2 2019	
(OPS) #14.3	Develop and implement a plan that identifies the projects and their locations for which the remaining funds will be spent, ensuring that such projects focus efforts on areas of concern based on the watershed plans that have been developed for the Wetland River.	After the approval of the Final MOU, anticipated around June 2019, NPCA staff will develop a plan that identifies projects, and their locations, ensuring that these projects focus on priority areas of concern.		Q2 2019	
(OPS) #15	To ensure that lands are acquired to help the Niagara Peninsula Conservation Authority (NPCA) fulfill its mandate, we recommend that the NPCA:				
(BD/OPS) #15.1	Review and revise its land acquisition goals—both in its latest 2015 plan and in its 100-year plan—for reasonableness and to reflect the NPCA's responsibilities under the natural hazard policies of the Provincial Policy Statement;	Staff have commenced a review of NPCA Conservation Area Master Plans, the Land Acquisition Plans and goals with a view to refining land acquisition targets.	X	Q4 2019	
(BD/OPS) #15.2	Improve its current land acquisition criteria to provide clear direction on which lands should be acquired;	<p>An initial land acquisition criteria list has been developed. When reviewing a land acquisition opportunity, the following will be considered:</p> <ul style="list-style-type: none"> • Protection of areas of ecological significant including wetlands, woodlands, ANSI's and species of concern or at risk, • Enhancing biodiversity, • Creating connectivity to CA lands, within CA lands or with other public lands, 	X	Q4 2019	

		<ul style="list-style-type: none"> • Protection of, and access to shorelines, • Financial considerations, such as market value, donation of land, land taxes, maintenance costs, NPCA funding available, • Size of the property, • Continued ability to address water quality issues. 			
(BD/OPS) #15.3	Prioritize its current land acquisition criteria to reflect the revised goals;	Once the land acquisition criteria have been drafted, staff will recommend a ranking of the criteria to be considered and approved by the Board.		Q4 2019	
(OPS) #15.4	Determine the total cost of its land acquisition plan and how it will fund the acquisitions;	As part of the updated Land Acquisition Plan, costs for securement and funding strategies will be developed.		Q4 2019	
(BD/OPS) #15.5	Develop and implement a plan to achieve its land acquisition goals;	The updated Land Acquisition Strategy will include an implementation plan.		2020 and beyond	
(BD/OPS) #15.6	Monitor and report to the NPCA Board of Directors on land acquisition progress	Currently staff provide Quarterly Progress Reports to the Board from all Divisional Program area. Land Acquisition progress and monitoring will be part of this process. Currently NPCA is considering one acquisition for 2019, of which the Board is fully appraised.	X	2019 ongoing	
(BD/OPS) #16	To enable the Niagara Peninsula Conservation Authority (NPCA) to assess its performance in fulfilling its mandate, we recommend that the NPCA:				
(BD/OPS) #16.1	Develop performance indicators that are tied to its mandate and overall program goals;	<p>NPCA has completed Watershed Report Cards since 2012 which include four key performance indicators.</p> <p>Further NPCA is part of Conservation Ontario's Watershed Report Card system. Our most recent Report Card was completed in 2018 and focused on performance indicators associated with:</p> <p>Groundwater Quality Surface Water Quality Forest Conditions Wetland Cover</p> <p>The Watershed Report Card will be continually updated every 5 years.</p>	X	2017 ongoing	
(OPS) #16.2	Establish targets against which each indicator will be assessed;	<p>Current indicator grades have been established and some targets have been considered:</p> <p>Groundwater – current grade = B. Target is to maintain grade Surface Waters – current grade = D. No target established</p>	X	2017 ongoing	

		<p>Forest Cover – current grade = D. No target established Wetland Cover – current grade = B. Target is to maintain grade.</p> <p>It is important to note that targets for both surface water quality and forest cover should be established through updated sub watershed plans.</p>			
(OPS) #16.3	Regularly collect and analyze information about the impact of its programs and services on the Niagara Peninsula watershed to help adjust programs on an ongoing basis;	NPCA has established a regular program for collecting and analysing information. In particular, surface water quality is monitored at 80 sites throughout the watershed and groundwater is monitored at 50 watershed sites.	X	ongoing	
(OPS) #16.4	Review, and revise as necessary, its annual and quarterly reports to better reflect how the NPCA's initiatives and projects are helping the NPCA fulfill its mandate and overall program goals	Quarterly and annual reports will be refined to outline how NPCA initiatives and projects are fulfilling our mandate and goals.	X	Q2 2019	
(BD/OPS) #17	To ensure that the Niagara Peninsula Conservation Authority (NPCA) follows fair and transparent recruitment and promotion processes, and that the best-qualified individuals are hired and promoted, we recommend that the NPCA:				
(BD/OPS) #17.1	Update its recruitment policies to include the steps and documentation required to support hiring decisions and eliminate situations of real or perceived conflict of interest in recruitment and hiring;	The HR Policy and Recruitment Procedures are scheduled for refinement including outlining the steps and documentation process to support hiring decisions and outlining what constitutes a conflict of interest, perceived conflict of interest and how to proceed if identified.	X	Q2 2019	
(BD/OPS) #17.2	Update its promotion policies to include the decision-making process required to be followed and documented for promotions and appointments;	Promotion Policies will be considered as part of the Recruitment Policy Update.	X	Q2 2019	
(OPS) #17.3	Assess staff's performance annually, as required by its policies;	A Performance Review System was implemented in the summer of 2018 for permanent and summer staff. Training and review of the system was completed in October 2018. Effective dates for each employee are currently being compiled, including a "reminder system" to ensure that Performance Reviews are completed on a timely basis. Further training with Supervisors, Managers and Directors will occur in 2019.	X	Q2 2018 and ongoing	
(BD/OPS) #17.4	Provide quarterly updates to the NPCA Board of Directors on staffing changes and performance	Quarterly updates on all NPCA program areas are provided to the Board of Directors, including human resources updates. Included in quarterly reviews are recruitment updates and changes to staff, including promotions, departures, retirements, etc.	X	ongoing	

(OPS) #18	To ensure compliance with the Occupational Health and Safety Act, the Ontario Human Rights Code and the Ministry of Labour's Code of Practice, we recommend that the Niagara Peninsula Conservation Authority (NPCA):				
(OPS) #18.1	For every harassment or discrimination complaint or grievance filed, fully assess and document whether an investigation is required and, if it is, conduct it in an appropriate and timely manner;	The NPCA's Harassment Policy was updated in 2016. Revisions to the Policy are to be updated in 2019. As part of the procedures, a "checklist" will be developed to document actions taken up to and including whether an investigation is required for complaints of any nature.	X	2016 Q2 2019 update	
(BD/OPS) #18.2	Use its ability, under its workplace harassment policy, to appoint an external investigator or develop mechanisms to ensure that complaints against the CAO are investigated by a party who does not report directly to the CAO;	As part of the Policy Update, a process for handling complaints against the CAO will be developed, using an external investigator rather than in house staff.	X	Q2 2019	
(BD/OPS) #18.3	Provide additional information on grievances, staff complaints and investigations, including their subject and financial implications, as part of confidential updates to the NPCA Board of Directors.	General information on grievances, staff complaints and investigations have been reported to the Board effective Q2, 2018. This information is now contained in each quarterly report to the Board of Directors, in closed session. Board requests for further details on grievances, including financial implications will be dealt with in closed session meetings of the board.	X	2018 and ongoing	
(BD/OPS) #19	To ensure the Niagara Peninsula Conservation Authority (NPCA) operates as effectively and productively as possible, without workplace issues hindering its operations unnecessarily, we recommend that the NPCA:				
(OPS) #19.1	Develop and implement an action plan to address workplace concerns;	Initial documentation of workplace concerns commenced in 2017 with a staff survey. A second survey was completed in November 2018 and year over year results will be tracked and reviewed create an Action Plan to address workplace comments, concerns and activities to address this input. The Interim CAO also launched an organization review in April 2019 and invited all staff to provide comments (anonymously if desired) or meet with her directly to discuss concerns.	X	2017 to Q1 2019	X
(BD/OPS) #19.2	Present this action plan and related timeline to the NPCA Board of Directors for review and approval;	Overall concerns will be reported to the Board in June 2019. An updated Workplace Comments and Concerns Process and Action Plan will be developed for approval in 2019.	X	Q3 2019	

(BD/OPS) #19.3	Report on its progress in implementing the actions within the approved timeline.	Progress on workplace concerns will continue to be reported through Quarterly Reports to the Board of Directors.	x	Quarterly and ongoing	
BD/(OPS) #20	To ensure that the Niagara Peninsula Conservation Authority (NPCA) receives value for money spent on goods and services, we recommend that the NPCA:				
(OPS) #20.1	Follow its procurement policies for the acquisition of goods and services;	<p>Since March 2018 the NPCA has been conducting competitive procurements as per its existing policy as evidenced by the attached document "Planned Procurement <u>Appendix 1</u>"</p> <p>Revisions to existing Purchasing & Procurement Policy are in progress. Revision regarding the use of Corporate Credit Cards has been completed which includes a specific policy regarding card use and a letter of understanding signed by each card holder. See <u>Appendix 2</u>.</p>	X	Q4 2019	
(BD/OPS) #20.2	Revise its procurement policies to require that any needed services associated with unsolicited proposals be obtained in a transparent and competitive manner;	The Unsolicited Proposal Policy originally approved in July 2014 will be reviewed and amended as per the direction of the Board.	X	Q4 2019	
(OPS) #20.3	Assess the benefits of establishing continuity and achieving cost savings from contracting with a preferred law firm for each field of law it requires services;	<p>The NPCA inquired through its Purchasing Group (Niagara Public Purchasing Committee) how other public entities are handling legal services and it was discovered that the majority of these Public entities have exemptions for Legal Services excluding them from competitive procurement.</p> <p>Following discussion with the Office of the Auditor General, it was suggested that NPCA contact TRCA for details on their procurement strategies regarding legal services. In October 2018 dialogue occurred between NPCA and TRCA and it was discovered that the TRCA established a Vendor of Record listing in January 2017 to handle its legal services.</p>	X	2018	X
(BD/OPS) #20.4	Revise its procurement policies for legal services to implement the results of the above assessment	Using the above as a model, as suggested by the Office of the Auditor General the NPCA will issue a Request for Proposal to establish vendors of record to handle its legal services.	X	Q3 2019	
(BD/OPS) #21	To ensure that funds are available and that critical capital projects are completed in a timely manner, we recommend that the Niagara Peninsula Conservation Authority (NPCA):				

(OPS) #21.1	Update the information in its asset management system to reflect the actual replacement cost of assets (when this information is available) and the estimated useful life of assets based on their condition;	<p>The NPCA included in its 2019 Operating Budget a position identified as Capital Project Specialist which will address each of the points outlined in Recommendation 21. The position will work in conjunction the Procurement Specialist to achieve the above goals.</p> <p>KPMG (the NPCA's third party auditor) has expertise in this specific area and has established contact with NPCA staff to assist in carrying out these objectives.</p> <p>This staff member will be responsible for developing the NPCA's Asset Management Plan and System, including all areas identified as Recommend 21.1 to 21.5.</p>	X	Q2 2019	
(OPS) #21.2	Obtain reliable information to support replacement cost estimates and cost estimates for planned capital projects;	The new Capital Project Specialist will work with the Procurement Specialist to obtain reliable information on replacement cost for planned capital projects.	X	Q2 2019 ongoing	
(OPS) #21.3	Prioritize capital projects using an objective assessment of needs;	The new Capital Project Specialist will work with Park Superintendents along with other front-line staff and Department Heads to prioritize capital projects using an objective assessment of needs.		Q2 2019 ongoing	
(BD/OPS) #21.4	Identify how the NPCA will obtain funding to undertake these projects;	The new Capital Project Specialist will work with Senior Management to identify funding sources for projects.		Q2 2019 ongoing	
(BD/OPS) #21.5	Refine the capital plan, based on the above action items, and present it to the NPCA Board for approval.	The new Capital Project Specialist will work with all staff as required to constantly refine the Capital Plan for eventual Board approval.		Q2 2019 ongoing	
(M) #22	To ensure that conservation authorities have the necessary information to interpret and fulfill their legislative mandate, we recommend that the Ministry of the Environment, Conservation and Parks, upon proclamation of Section 40 of the Conservation Authorities Act:				
(M) #22.1	Clearly describe for conservation authorities what the development of natural resources entails, and how it differs from "development" in general;	MOECP has launched two reviews under the Environmental Registry of Ontario on April 5, 2019 - Modernizing conservation authorities' operations - CAA and Focusing conservation authority's development permits on the protection of people and property. This provincial review will assist in addressing Recommendations 22.1 to 24.3.	X	2020	

(M) #22.2	Provide guidance to help conservation authorities prioritize the objectives of their programs and services (conservation, restoration, development and management of natural resources);	NPCA is actively involved in providing comments to Conservation Ontario regarding the provincial government review.	X	2020	
(M) #22.3	Use its regulatory powers to establish minimum requirements and standards for conservation authorities' delivery of programs and services;	NPCA will ensure that minimum requirements and standards will be developed for programs and services. NPCA currently complies with response standards for commenting under The Planning Act.	X	2020	
(M) #22.4	Establish the governance practices that it determines conservation authorities should be uniformly following province-wide:	NPCA will comply with governance practices recommended by the province.	X	2020	
(M) #23	To ensure that conservation authority boards of directors are held to account appropriately, we recommend that the Ministry of the Environment, Conservation and Parks work with municipalities to develop and implement a formal, cost-effective and purposeful reporting process that includes a discussion of the outcomes of conservation authorities' activities.	NPCA will work through Conservation Ontario to request that CO/conservation authorities are part of the discussion with MOECP and municipalities regarding reporting processes.	X	2020	
(M) #24	To ensure that issues that are beyond conservation authorities' ability to manage themselves are dealt with appropriately and in a timely manner, we recommend that the Ministry of the Environment, Conservation and Parks (Ministry) work with municipalities to:				
(M) #24.1	Determine the circumstances when Ministry and/or municipality intervention is warranted;	NPCA will work through Conservation Ontario to request that CO/conservation authorities are part of the discussion with MOECP and municipalities regarding intervention definitions and requirements.	X	2020	
(M) #24.2	Establish mechanisms for the Ministry and/or municipalities to intervene when necessary in conservation authorities' operations;	NPCA will work through Conservation Ontario to request that CO/conservation authorities are part of the discussion with MOECP and municipalities regarding intervention definitions and requirements.	X	2020	
(M) #24.3	Formalize such mechanisms through a memorandum of understanding between the Ministry, municipalities and conservation authorities that clearly establishes the roles and responsibilities of each party and when intervention is necessary.	NPCA will work with the Ministry, Conservation Ontario and participating municipalities to formalize and appropriate Memorandum of Understanding.	X	2020	

Long-term Agreements/Standing offers								
FILE NUMBER	CONTRACT NAME	CURRENT SUPPLY	CONTRACT TYPE	EXPIRE DATE	Possible Extension	Issuance of RFX	Contract Value	COMMENTS
001	Containerized Waste Removal	Modern Landfill Inc.	NPPC	March 31 2021	Yes (4 x 1 years)	Merx	n/a	District School Board of Niagara to issue RFT on Behalf of NPPC - Dec 2018
002	Courier Services	Purolator Courier Ltd.	Ontario Shared Services	Aug 31 2018	2 Year (2019&2020)		n/a	
003	Insurance (Liability, Auto)	March Insurance	Conservation Ontario	31-Dec-20	None		n/a	Conservation Ontario will issue RFP in 2019
004	Group Benefit/Consultant	Buffett Taylor	Conservation Ontario	31-Dec-22	None		n/a	Conservation Ontario will issue RFP in 2021
005	Fleet Support Solution	Thomas Solution	NPCA	Expired	None			NPCA will issue RFP in Winter of 2018
006	Copier (Multi Functional Device) + (National Leasing)	Beatties Basic	NPCA	1-Nov-19	None			Investigating access MGS VOR or OEMC
007	Office Supplies	Beatties Basic	NPCA	Expired	None		\$8K per yr	Need to issue Tender Fall of 2018 - Looking for another Public Entity to Partner with for RFT or OEMC Agreement
008	Fine Paper Supplies	Ariva	NPCA	Expired	None		\$ 7,500.00	Need to issue Tender Fall of 2018 or OEMC
009	Cleaning, Garbage Bags/San Products	Tanshaw	OECM	Extended	None		\$ 51,000.00	Meeting September 2018 with Staples Bus Adv (OECM)
010	Confidential Shredding Services	Niagara Recyclers	NPCA	June 30,2021	None	Invitation	\$ 2,160.00	Awarded Niagara Recyclers
011	Heritage Consultant Services (3years)	Shoalts Engineering	NPCA	June 30,2021	None	Invitation	\$ 45,000.00	Awarded to Shoalts Engineering
012	Tent and Table Rental (3 year agreement)	Niagara Tents & Events	NPCA	October 30,2021	None	Invitation	\$ 60,000.00	Awarded to Niagara Tents & Events
013	Bulk Fuel	multiple suppliers	NPPC	Expired	None	Merx	Low \$	City of Welland will be going out on behalf of the NPPC
014	IT Help Desk Support Services	Skycomp	NPPC	June 7 2019	None	Merx	High \$	Investigating access OEMC or issue RFP in Winter 2018/2019
015	Conference Calling Services	Metcom	OECM	1-Dec-19	None	Merx		OECM issued RFX October 20, 2014 Merx Reference 309753
016	Corporate Credit Card Services	BMO	Ontario Shared Services	March 31 2023	2 x (Year Extension)	Merx		Ontario Shared Services Posted to Merx June 2016
017	Uniforms, safety gear & related services	Marks Warehouse	OECM	4-Feb-20	None	Merx		OECM issued RFX November 4, 2014 Merx Reference 311336
018	HVAC Preventative Maintenance Agreement	Airon Group	NPCA	Dec 31 2021	yes, 2 (1 year) Ext	Invitation	\$6300 +	plus any Parts/Labour required * Chemical/Solutions
019	Reservation Service Agreement	Active Network	NPCA	Feb 20 2021	Yes 1 (3 year Ext)	unknown	% basis	Agreement signed before my arrival.
020	Hazardous Tree Prunning and Removal SOA	multiple suppliers	NPCA	Feb 28 2021	Yes (1 Year)	Merx	Job basis	Hourly Quoted Fees provided/all Jobs are unique and will need quote
021	Portable Toilet Rental for Binbrook CA	Chantlers/Don's Portables	NPCA	March 31 2022	Yes (1 Year)	Invitation	\$29,580	Seasonal Rental for Binbrook CA/ Value basis on 2018 uses, we are allowed to add or decrease services
022	Lab Analysis Tender (water samples)	Eurofins Environmental	NPPC	Dec 31 2019	None	merx	\$33,720	NPCA only wanted to do a 1 year agreement
Capital 2018								
FILE NUMBER	CONTRACT NAME	RFX TYPE	Planned Date of Procurement		Issuance of RFX	Contract Value	Comments	
NPCA-2018-001	(3) RTV Kubota	RFQ	Mar-18		Invitation	\$ 65,541.00	Issues to 6 Vendors (3 submission received) Award to Berg	
n/a	Mower /Tractor	RFQ	Apr-18		Invitation	\$ 27,241.43	Issues to 3 Vendors (3 submission received) Award to Berg	
n/a	Park Equipment (V Blade & Spreader + box)	RFQ	Apr-18		Invitation	\$ 12,943.11	Issues to 4 Vendors (4 submission received) Award to W.J. Heaslip Ltd.	
NPCA-2018-002	Long Beach Playground Replacement	RFP	Mar-18		Invitation	\$ 70,000.00	Issues to 6 Vendors (5 submission received) Award to Playpower	
NPCA-2018-013	Jordan Harbour Boathouse Roof/Siding/other	RFQ	Jul-18		Invitation	\$ 48,750.00	Issues to 6 Vendors (3 submission received) Award to Plumm Structural	
NPCA-2018-012	Water Monitoring Equipment	RFQ	Jul-18		Merx	\$ 20,223.00	Posted to Merx received only 1 bid, awarded to Hoskin Scientific Inc.	
NPCA-2018-009	Electrical Upgrades Long Beach CA	RFQ	Jun-18		Merx	\$ 92,500.00	Posted to Merx received only 1 bid, awarded to Sam Young Electric Ltd.	
NPCA-2018-008	Gord Harry Trail Brush Clearing	RFQ	Jun-18		Invitation	\$ 12,500.00	Issues to 6 Vendors (2 submission received) Award to Truly Canadian Tree Services	
NPCA-2018-011A	Long Beach Lagoon - Engineering Service (Phase1)	RFP	Sep-18		Merx	50-60K	2nd time issues, this time on MERX... only 1 submission - Completed	
NPCA-2018-016	Electrical Upgrades Long Beach CA - SOUTHWEST	RFQ	Oct-18		Invitation	56K	Issues to 6 Vendors (2 submission received) Award to Sam Young Electric	
NPCA-2018-01	Binbrook Shade Structures	RFQ	Oct-18		Invitation	35K	Issued to 4 vendors... Cancelled RFQ as per Gregg F	
Other 2018 Procurements								
FILE NUMBER	CONTRACT NAME	RFX TYPE	Planned Date of Procurement		Issuance of RFX	Contract Value	Comments	
NPCA-2018- XXX	Fish Consumption Habits in NR	RFP	Completed		invitation	\$ 13,770.00	Awarded to Lura	
NPCA-2018-006	Promotional items for RAP	RFQ	Completed		invitation	\$ 4,330.00	Awarded to Promo Centre	
NPCA-2018-014	Portable Toilette Rental for 2018 Festival (Balls Falls)	RFQ	Completed		invitation	\$ 5,740.00	Awarded to Modern Landfill	
NPCA-2018-015	Event ATM Rental	RFQ	Completed		invitation	\$ 3,000.00	Awarded to VIACASH	
NPCA-2018-010	Fish Consumption Survey & Implementation	RFP	in progress		Merx	\$ 90,000.00	Cancelled because of Funding - Remedial Action Plan (RAP)	
NPCA-2018-019	Environmental Consultant Services	RFQ	Oct-18		Merx	200K	Completed - 2 Suppliers Selected	
NPCA-2018-020	HVAC Preventative Maintenance Agreement	RFP	Nov-18		Invitation	70K	Completed - 3 Year Agreement Established	
NPCA-2018-023	Office Supplies	RFP	Nov-18		Invitation	35K	Completed - 3 Year Agreement Established	
NPCA-2018-024	Fury Cabin Renovation	RFT	Nov-18		Invitation		Completed - Work to commence Spring 2019	
NPCA-2018-025	St. George Church Renovation	RFT	Nov-18		Invitation		Completed - Work to commence Spring 2019	
2019 Planned Procurements								
FILE NUMBER	CONTRACT NAME	RFX TYPE	Planned Date of Procurement		Issuance of RFX	Contract Value	Comments	
NPCA-2019-002	Food Truck & Mobile Food Service Binbrook CA	RFP	Spring 2019				Planning Stage	
NPCA-2019-001	Tree Pruning & Removal Standing Offer Agreement	RFQ	Jan-19		MERX	100K	Completed - Selected 4 Suppliers	
NPCA-2019-003	Fleet Support Solution	RFP	Jan-19		MERX	600K	Completed - Presently Negotiating Contract	
NPCA-2019-004	Lab Analysis Tender (water samples)	RFT	Jan-19		MERX	35K	Completed - 1 Year Contracted Pricing	
NPCA-2019-011	Long Beach Lagoon - Sludge Removal (Phase2)	RFP	Apr-19		MERX	150K	In Progress - RFP Posted To Merx	
NPCA-2019-005	Binbrook Portable Washroom Rental Agreement	RFT	Feb-19		MERX	35K	Completed - 3 Year Agreement	
NPCA-2019-006	Binbrook Electrical Project	RFP	Mar-19		Invitation	17K	Completed - Work underway	
NPCA-2019-008	CAO Search Consultant	RFP	Jan-19		MERX	31K	Completed - Search underway	
NPCA-2019-009	Long Beach Sewer Pipe(s) Replacement	RFP	Apr-19		MERX	75K	Completed - Work will start end of April	
NPCA-2019-010	New 7th Avenue Laneway Balls Falls	RFP	Mar-19		MERX	75K	Completed - Work will start May 1st 2019	
NPCA-2019-007	IT Help Desk Support Services	RFP	Unknown		MERX		Planning Stage	
NPCA-2019-XXX	Fuel Tanks for Dye Diesel for Long Beach / Chippawa	RFP	Unknown		MERX		Planning Stage	
NPCA-2019-XXX	Tree Top Trek Office Rental	RFQ			Invitation		Completed - Millers Office	

Corporate Credit Card Policy

Developed by: Corporate Resources Department

Approved by: CAO/Secretary Treasurer

Date: January 11, 2019

Effective Date: January 14th, 2019

Latest Revision: N/A

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Corporate Credit Card Policy

1.0 Purpose

The Niagara Peninsula Conservation Authority (NPCA) provides a Corporate Credit Card program for employees. This corporate credit card program is administered through the Corporate Resources Department.

2.0 Scope

This policy applies to all NPCA employees that are authorized to use a NPCA Corporate Credit Card.

3.0 Definition

“Cardholder” – a NPCA employee that has been issued a Corporate Credit Card.

4.0 Policy

The Corporate Credit Card program offers an alternative to the existing NPCA’s payment processes and an efficient method of purchasing and paying for goods and services for monthly transactions less than \$5,000 (including all applicable taxes, exchange rates and shipping costs), or for any other monthly limit.

The Corporate Credit Card is not to be used for any other purchases, and all purchases must be in compliance with the policies and procedures of the Purchasing & Procurement Policy.

Cardholders must be aware of NPCA’s policies and restrictions prior to obtaining and using a card. The Corporate Credit Card is to be used only for purchases related to NPCA business and must not be used for personal purchases or any other prohibited uses.

Used properly, the benefits of the Corporate Credit Card are elimination of the need to issue an invoice for low value transactions; elimination of the need to use personal funds and obtain reimbursement; convenience, security and flexibility; and allows the user to obtain goods and services faster.

4.1 Authorization and Issuance of Corporate Credit Cards

The Manager of Finance or delegate and in coordination with Departmental Director(s)/Manager(s) are authorized to grant corporate credit cards to employees for procurement & travel and all corporate credit cards will be issued through the Corporate Resources Department. A Corporate Resources employee(s) will be designated as the Administrator(s) for Corporate Credit Cards.

Corporate Credit Card Policy

A list of the Corporate Credit Cards that have been issued shall be maintained and updated regularly by the Administrator(s), Corporate Credit Cards.

All requests for the Corporate Credit Card shall be submitted by the respective Departmental Director(s)/Manager(s) to the Finance Manager for approval.

The requests must indicate the reason these employees require the Corporate Credit Card, must confirm that these employees are familiar with and shall adhere to the Procurement Policy.

Corporate Credit Card limits are established based on each employee's expected requirements and may be adjusted if procurement requirements change, with the approval of the Finance Manager or Departmental Director(s)/Manager(s).

All holders of the Corporate Credit Card must complete and sign a "the Corporate Credit Card – Letter of Understanding", (attached as Appendix A), prior to their receiving the Corporate Credit Card.

4.2 Use of the Corporate Credit Card

The Corporate Credit Card may be used for procurement & travel purchases which meet all the requirements of NPCA's Purchasing & Procurement policy. An individual using the Corporate Credit Card must obtain a quote from a supplier in the form of either a written faxed/mailed quote, catalogue/advertised quote, email quote; documented verbal/telephone quote, or any other method which meets NPCA Purchasing & Procurement requirements.

Cardholders must not use a card for the purchase of:

- personal, or non-NPCA use
- alcohol, or any cannabis products
- cash advances
- any other uses prohibited by NPCA policies and procedures

When the Corporate Credit Card is used to pay for training and workshop registrations, membership renewals expenditures for the benefit of a staff member who is also the Cardholder, counter signature on the invoice is required by the Cardholder's immediate supervisor, prior to payment authorization. Training related expenditure should be forward to Human Resources in order to keep personnel files updated.

All other NPCA business expenditures that benefit a specific staff member need to be processed through an alternate procurement Cardholder. (Procurement Specialist)

Corporate Credit Card Policy

The Corporate Credit Card must be used in a safe, ethical and professional manner. All Cardholders are responsible for ensuring that their account is reconciled on a monthly basis. This ensures that the purchases are valid and there are no erroneous entries in the account.

Failure to reconcile on a monthly basis will result in the card being cancelled as defined in **Appendix A**. With the authority to purchase also comes the responsibility for maintaining adequate documentation of the transaction. Documentation requirements as established by the Corporate Resources Department must be followed.

A Corporate Credit Card must only be used by the individual whose name appears on the card. Corporate Credit Cards and card numbers must be safeguarded against use by unauthorized individuals within or outside NPCA.

The following situations are examples of misuse of the Corporate Credit Card:

Personal misuse:

- purchases made for the sole benefit of the employee/Board Member
- assignment or transfer of an individual card to another person
- use of a Corporate Credit Card by a suspended or terminated employee

Administrative misuse:

- lack of proper and timely reconciliation of individual Cardholder accounts
- lack of funds in departmental budget accounts
- splitting an order to avoid the single-purchase limit

Corporate Credit Card Cardholders have the responsibility to avoid instances of misuse. Corporate Resources in coordination with departmental Director(s)/Manager(s) have the responsibility to suspend or terminate card privileges in instances of misuse and report them appropriately.

4.3 Corporate Credit Card Procedures

At the end of each monthly billing cycle, each Cardholder will receive an email notification that his/her credit card statement is available on the “BMO Spend Dynamics” website. The Cardholder will access his/her statement from the website with his/her User code and password as soon as possible once the notification is provided.

The Cardholder will complete a Corporate Credit Card Expense Claim form (Appendix B), within 10 days of receipt which must match the currently monthly charges on the Corporate Credit Card Statement. The Cardholder will list each credit card charge on the Corporate Credit Card Expense

Corporate Credit Card Policy

Claim form, referencing the receipt number on the form to the actual receipt document. Every credit card statement must be accompanied by detailed receipts and/or confirmations.

Corporate Credit Card slips (authorization or signature only slips) are insufficient to support the expenditure claim. If the detailed receipt is not available, a written explanation providing the missing information is required and must be signed by the Cardholder's supervisor for authorization.

Employees must attach a completed Corporate Credit Card Expense Claim form with a printed copy of the Corporate Credit Card Statement and all accompanying receipts signed by the person possessing delegation of authority. The Cardholder must send the entire package, as approved, to Accounts Payable for payment verification.

Accounts Payable will audit the Corporate Credit Card Expense Claim form for compliance and process payment of eligible expenses within 12 days of receipt. Expenses with incomplete documentation will not be accepted. While all efforts should be made to acquire and retain original receipts, in the event that documentation for a purchase is missing or receipts are lost or misplaced, it is necessary for the cardholder to contact the supplier and obtain a duplicate receipt/invoice for reconciling.

The employee's Corporate Credit Card will be cancelled if the reconciliation is 60 days overdue (60 days past the statement date) and can only be reactivated with the Administrator(s) Corporate Credit Cards approval.

5.0 Roles and Responsibilities

The Finance Manager is responsible to oversee the implementation of the administrative procedures for the Corporate Credit Card program working in cooperation with the Departmental Director(s)/Manager(s) and the Procurement Specialist. The responsibility for maintaining the appropriate security of the credit card for procurement and appropriate documentation rests with the cardholder.

Employees who have been issued a credit card must ensure that they use the card in accordance with the NPCA Procurement Policy.

Periodically, an internal review of Corporate Credit Card usage shall be scheduled as part of the Corporate Credit Card Program.

6.0 Related Policies

Procurement Policy

Corporate Credit Card Policy

Appendix A

The Niagara Peninsula Conservation Authority

Corporate Credit Card - Letter of Understanding

I, the undersigned, have read and understand The Niagara Peninsula Conservation Authority ("NPCA") Corporate Credit Card Policies and Procedures which are outlined in this Letter of Understanding.

I understand that my NPCA Corporate Credit Card is issued at the discretion of NPCA. As the Cardholder, I understand that I am fully responsible for the card. I further understand that this card may be used only for allowable NPCA purchases for goods and services valued at less than five thousand dollars (\$5,000).

I understand that purchases may not be subdivided in order to circumvent the five thousand-dollar (\$5,000) threshold.

I acknowledge that each credit card purchase must be supported by a receipt signed by the Cardholder and I understand that I am required to retain all authorized receipts for all purchases made through use of the Procurement Credit Card.

I understand that it is my responsibility as the holder of the Corporate Credit Card to submit a Corporate Credit Card Expense Claim form, a copy of the monthly credit card statement with attached signed receipts to Accounts Payable within Ten (10) days of receiving the monthly statement. Further, I understand that payment of the monthly balances with supporting receipts will be made by NPCA's Corporate Services Department.

I understand that the Corporate Credit Card will be cancelled if the reconciliation is 60 days overdue (60 days past the statement date) and can only be reactivated with the Administrator(s) Corporate Credit Cards approval. I understand that where a receipt is lost or not available, this must be fully documented to authenticate the obligation for NPCA to pay the charge and signed by the Cardholder's supervisor for authorization.

I understand that the Corporate Credit Card must never be used for personal use, and any other prohibited use as stated in NPCA's Procurement Credit Card policies.

I understand that disputed transactions must be brought to the attention of the Corporate Resources and the Finance Department to be resolved with the Supplier and the Bank (BMO).

I am responsible for keeping my Corporate Credit Card secure and report any lost or stolen card immediately to the Bank and the Departmental Director/Manager.

I understand that at the termination of my employment or change in position, the NPCA Corporate Credit Card will be surrendered to the Human Resources and that all outstanding balances will be reconciled with authorized receipts to bring the outstanding balance to zero.

Employee Name

Signature

Date

Corporate Card Administrator

Signature

Date

Report To: Board of Directors

Subject: NPCA Public Advisory Committee (PAC)

Report No: FA-51-19

Date: May 3, 2019

RECOMMENDATION:

1. **THAT** Report No. FA-51-19 regarding the NPCA Public Advisory Committee (PAC) be received.
2. **THAT** the Board of Directors approve, in principle, the Terms of Reference (TOR) for the NPCA Public Advisory Committee (PAC) and forward the TOR to the PAC for their review, comment on filling vacancies, and feedback to the Board of Directors.

PURPOSE:

The NPCA Public Advisory Committee (formally called the NPCA Advisory Committee) was created based on recommendations from the NPCA's Strategic Plan 2014-2017. The current Terms of Reference for the Committee are attached to this Report and require updating. Changes recommended by staff are outlined in yellow in Appendix 1 to this Report.

The purpose of this report is to:

- Seek the Boards' approval, in principle, of an updated Draft Terms of Reference for the PAC; and
- Direct staff to review the Draft TOR with the PAC for their feedback to the Board.

BACKGROUND:

The current mandate of the PAC, which was created in 2014, is:

"To provide collaborative local perspective, guidance and expert advice in the implementation of the NPCA policies, plans and/or other issues 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 Committee is currently comprised of 10 members and the NPCA Board Chair. The members represent the public-at-large, Métis Niagara, property owners, Chamber of Commerce/Tourism, agriculture, development, conservation, urban/rural planning, and user/volunteers. Members are appointed by the NPCA Board of Directors and the NPCA Chair functions as Co-Chair of the Committee until the end of his/her term, along with a member Co-Chair elected by the Committee.

With the appointment of a new Board of Directors, the Committee has not had an opportunity to meet in 2019. The January and April scheduled meetings were cancelled to allow time for the NPCA Board to review the current TOR and the role of the Committee.

The next meeting is scheduled for June 27, 2019.

(a) Current Membership Challenges

Currently, the Committee has 7 public members, representing the following sectors/stakeholder groups and 3 vacancies:

- Public-at-large
- Agriculture
- User/volunteer
- Watershed Conservation
- Chamber of Commerce/Tourism
- Urban/rural planning
- Métis Niagara
- Development (vacancy)
- Landowners (vacancy)
- Public-at-large (vacancy).

There is currently no public Co-Chair, as there have been several changes to the Committee in the past 2 years, and one has not yet been selected.

It has been brought to the attention of NPCA staff that not all sectors feel represented by the current seat structure, nor by the members in the representative seats. One example of this is the current seat allotted to a single Indigenous group to have representation on the Committee. In this case, it is filled by the Métis, and it is believed that representation from the First Nations is also required on the Committee.

(b) Vacancies

Several seats on the Committee have been vacant since late 2018 and there has been no recruitment for new members due to the changes in the NPCA Board composition, CAO/Secretary-Treasurer and several Senior Management positions. It is important that the PAC review an updated TOR and provide input to the Board of Directors regarding seats and vacancies on the Committee.

(c) Current Mandate Challenges

It has been noted by the NPCA staff that the Committee mandate, as outlined in the current TOR is very broad and lacks focus. Since 2014, the Board of Directors has rarely requested that projects, policies, etc. be vetted through the Committee. This lack of focus could be a factor in the high turnover rate seen on this Committee.

It is recommended that the PAC align closely with the NPCA's Annual Workplans which should be developed and approved by the Board of Directors in 2020 for its four Divisions – Corporate Services, Land Management, Watershed Management and Communications/Engagement. On a yearly basis, once the Board has reviewed and approved annual workplans, they will be in a good position to recommend to the PAC where their involvement could be most beneficial.

(d) Auditor General Recommendations

In the September 2018 Special Audit of the NPCA, the Auditor General recommended that the **NPCA Board of Directors assess the current role of the Advisory Committee to determine whether it fills the gaps in NPCA Board skills and competencies.**

Once a permanent Board of Directors is appointed, Board profiles should be completed. These profiles will indicate areas where gaps in skills and competencies may exist. A similar process should occur whereby members of the PAC are requested to provide a profile outlining their skills, experience and competencies.

Once the profiles have been developed by both the Board and the PAC, a gap's analysis, can be completed by the Board, who will then be in a better position to assess competencies which should be sought for the PAC.

NEXT STEPS

The PAC has two remaining meetings in 2019. It is recommended that:

1. The PAC focus their June 27, 2019 meeting on providing comments on the Draft TOR as well as filling vacancies on the Committee.
2. The PAC focus their November 28, 2019 meeting on reviewing their profiles and assessing any gaps which they see on the Committee.
3. The PAC receive direction at their first meeting in 2020 from the NPCA Board of Directors regarding which programs, policies or projects they may wish to focus on for the fiscal year, based on the approved workplans for each NPCA Division.

RELATED REPORTS AND APPENDICES:

1. Appendix 1: NPCA Public Advisory Committee – Draft Terms of Reference

Prepared by:



Renee Bisson
Acting Senior Manager, Communications

Submitted by:



D. Gayle Wood, BES, CMMIII
**Interim Chief Administrative Officer/
Secretary-Treasurer**

This report was prepared in collaboration with Kerry Royer, Coordinator of Community Outreach and Volunteers.

NPCA Public Advisory Committee Draft Terms of Reference

Committee Name:	NPCA Advisory Committee
Type:	Standing Committee - Advisory
Date of Formation:	February 19, 2014
Staff Support:	Community Outreach & Volunteer Coordinator
Enabling Legislation:	Feb. 19, 2014 – NPCA Report # 06-2014
Amended Version:	September 20, 2017 (Proposed Revision MAY 3, 2019)
Total No. of Members:	12 (Includes NPCA Chair)
Meeting Frequency:	Quarterly – as required
No. of Meetings Annually:	4 (+)
Budget:	\$2,500
Reporting Method:	PAC Minutes provided to the Board for consideration

1. TITLE:

The name of the Advisory Committee shall be “**The NPCA Public Advisory Committee**”, or until such time a more reflective name representative of the Authority is chosen at the discretion of the NPCA Board.

2. ACCOUNTABILITY AND MANDATE:

To provide collaborative local perspective, guidance and expert advice in the implementation of NPCA policies, plans and/or other issues as the Board may request. Members will serve in a non-governance capacity with a focus on providing advice and recommendations for consideration by NPCA Board.

New mandate: The Committee will approve involvement in up to four projects per year, which are aligned with the approved NPCA annual workplans from each Division – Corporate Services, Land Management, Watershed Management, and Communications/Engagement.

3. TERMS OF APPOINTMENT and VACANCIES:

Upon establishment of the Committee, members will be appointed to serve for a term of TWO (2) years beginning in January of that year. Positions vacated will be filled through a “Call for Expression of Interest” to be conducted as required. In the event of a vacancy during a regular term, the vacancy may be filled for the remainder of that term.

The power to appoint or rescind shall be reserved solely for the full Board Authority. The NPCA Chair shall function as Co-Chair and will serve until the end of his/her term.

4. RESOURCES & BUDGET

The budget will be allocated at \$2,500 to cover meeting expenses. Thereafter, the budget will be re-assessed on an annual basis.

The Advisory Committee is primarily supported by the Community Outreach & Volunteer Coordinator, with the Community Engagement Manager and **Chief Administrative Officer** providing general oversight.

5. REPORTING

Meeting Agendas will be prepared by the **Clerk/Executive Assistant to the CAO and Board and** Community Outreach & Volunteer Coordinator in consultation with the Committee Co-Chairs. Minutes shall be recorded and circulated to members. DRAFT minutes will be submitted to the NPCA Board at their earliest meeting following an ADVISORY COMMITTEE meeting as long as Committee members are given 2 weeks to review the draft minutes. Actionable items to be carried forward by the NPCA Chair in a timely fashion.

6. RESPONSIBILITIES:

- Act as Champions/Ambassadors for the NPCA
- Advise on potential partnership opportunities
- Provide a conduit to the local community within their sector
- Identify barriers and opportunities in the community within their sector
- Advise on opportunities to communicate information from the NPCA to their sector partners
- Advise on other issues from within their sector.

7. MEMBERSHIP:

The NPCA **PUBLIC** ADVISORY COMMITTEE shall consist of up to **TWELVE (12)** members comprising multi-stakeholder representation including landowners, planners, business sector, agriculture, conservation, Indigenous representatives, development sector, the general public and the **NPCA Chair**. The NPCA encourages diversity of age and gender on the Committee.

7.1 REPRESENTATIVE SEAT STRUCTURE:

The Advisory Committee shall consist of the following representation:

- TWO (2) members from the public-at-large (with at least one member that has technical knowledge related to the work of the NPCA).
- ONE (1) member representing Métis Niagara
- ONE (1) member representing property owners
- ONE (1) member representing a Chamber of Commerce and/or Tourism Industry
- ONE (1) member representing agricultural/value-added agricultural sector

- ONE (1) member representing the development sector
- ONE (1) member representing the environment sector
- ONE (1) member representing First Nations
- ONE (1) member representing urban and rural planning (must have Registered Professional Planner designation)
- ONE (1) member representing volunteers/users (e.g. hikers, hunters, campers, etc.)
- ONE (1) for the NPCA Board Chair (who also serves as a Co-Chair of the ADVISORY COMMITTEE)

7.2 Internal or external persons may be invited to attend the meetings at the request of the Co-Chairs, on behalf of the ADVISORY COMMITTEE, to provide advice and assistance where necessary. These attendees will have no advisory privileges and may be requested to leave the meeting at any time by the Chairperson. NPCA Board members are encouraged to attend Advisory Committee meetings but will carry no voting power and will not receive per diem for attending.

7.3 ADVISORY COMMITTEE members may cease to be a member of the Committee if they:

- Resign from the Committee
- Fail to attend 2 consecutive meetings without providing reasons of significance to the Co-Chairs
- No longer objectively represent their respective sector
- Breach of Confidentiality
- Co-Chairs can recommend to the NPCA Board for a member to be removed if they are no longer meeting their responsibilities.

7.4 Decisions of the ADVISORY COMMITTEE are considered as recommendations only and no formal voting process is required.

7.5 Extended Absence

In the event that a member of the Advisory Committee advises the Co-Chairs of an extended absence in writing, a surrogate may be pre-approved at the discretion of the Chair and Full Board Authority.

8. PRIVACY

The meetings of the ADVISORY COMMITTEE are public; however, members should be aware that their names will be in the public realm and a list of membership may be provided when requested. Personal member information,

other than name and resident municipality, will be kept confidential in accordance with Provincial legislation.

9. LEADERSHIP & ADVISORY COMMITTEE CO-CHAIRS

To provide leadership, the NPCA Board Chair will serve as Co-Chair of the ADVISORY COMMITTEE. In addition, a member Co-Chair shall be elected by the ADVISORY COMMITTEE to serve for a period of 12 months. Co-Chairs may serve for two (2) consecutive terms (with the exception of the NPCA Board Chair). The Co-Chair responsibilities include:

- Building consensus
- Providing leadership and ensuring the fair and effective functioning of the Committee
- Scheduling meetings and notifying ADVISORY COMMITTEE members
- Inviting special guests to attend meetings when required
- Guiding the meeting according to the agenda and time available
- Ensuring all discussion items end with a decision, action or definite outcome
- Review and approve the draft minutes before distribution

NPCA Chair responsibilities include:

- Approving Agenda items and correspondence
- Approving delegations for Advisory Committee meetings
- Act as a conduit between the Advisory Committee and the NPCA Board of Directors

10. ROLES AND EXPECTATIONS OF MEMBERS

- Review meeting materials in advance of the meetings and arrive prepared to provide a broad perspective on the issues under consideration.
- Submit agenda items to the Co-Chairs and staff a minimum of two (2) weeks prior to the meeting date for approval.
- Make every effort to attend regularly scheduled meetings. If not available, notify the Co-Chairs and staff contact on inability to attend at least one day prior to the meeting date.
- Agree to describe, process and resolve issues in a professional and respectful manner.
- Provide constructive input to help identify future projects or strategic priorities for consideration, respective of their sector representation.
- Members are encouraged to go back to their respective sectors with information received at Advisory Committee meetings to notify of opportunities to give feedback

11. ADMINISTRATION

Community Outreach & Volunteer Coordinator will provide Administrative services for the Advisory Committee, including preparation and distribution of Agendas, recording of meeting minutes/notes, reports and general information as required to ADVISORY COMMITTEE. The Community Outreach & Volunteer Coordinator will coordinate reports on ADVISORY COMMITTEE activities for inclusion in NPCA Board meeting agendas.

12. DURATION OF MEETINGS

Meetings will be approx. TWO (2) hours in duration. Exceptions may occur from time to time to deal with significant items.

13. APPLICATION PROCESS – CALLS FOR EXPRESSIONS OF INTEREST

- Potential applicants will be assessed and recommended for appointment based not only on if there is an available seat but also on their ability to meet the roles and expectations of a member (Section 11). Seats may remain vacant until candidates with the requisite background and skills can be identified.
- The Call of Expressions of Interest will be fully transparent and made public and published via NPCA website, social media venues and local print media.
- For Committee recruitments, the ADVISORY COMMITTEE will develop a Selection Sub-Committee comprised of the NPCA Board Chair, the member Co-Chair and one Advisory Committee member in good standing. In the absence of a Co-Chair in good standing, the NPCA Chair shall approve a 3rd member to sit on the sub-Committee from the members in good standing on the Advisory Committee.
- Final recommendation of candidates will be presented to the NPCA Board for appointment.

NOTE:

Previous vacancies on the Committee have been advertised on social media, the NPCA's website and through emails to our stakeholders and volunteer groups. Applicants were asked to fill out an on-line application form including the following information:

- Contact information
- Highest level of education and how it relates to the position
- Professional/Employment Background
- Professional Memberships
- Why they want to serve on the NPCA Advisory Committee

In previous recruitment processes, the applications were reviewed by the NPCA Coordinator of Community Outreach and Volunteers, as well as an NPCA Advisory

Committee Selection Sub-Committee, as per the TOR. Applications were evaluated based on the following criteria:

- Knowledge and experience related to the sector representation
- Knowledge of the Niagara Peninsula Conservation Authority
- Experience working on multi-sector committees

Considerations for diversity of gender, age, geography and ethnicity were also part of the evaluation process, in accordance with the current TOR. Recommendations were put forward to the NPCA Full Authority Board for approval and appointment.

14. AMENDMENTS

The Terms of Reference and the role of the NPCA Advisory Committee shall be reviewed and assessed every 4 years by the incoming NPCA Board of Directors. The Terms of Reference may be amended to meet the ongoing needs of the NPCA, by agreement of the majority of Board members.

Report To: Board of Directors

**Subject: Appeal of Decision of Port Colborne Committee of Adjustment
Tentative Settlement Reached**

Report No: FA-53-19

Date: May 3, 2019

RECOMMENDATION:

1. **THAT** Report No. FA-53-19 regarding the Appeal of the decision of the Port Colborne Committee of Adjustment be received for information.
2. **THAT** the Board of Directors authorize the Interim CAO/Secretary-Treasurer to execute the development agreements included as Appendix 1 and Appendix 2.
3. **THAT** staff be directed to withdraw the NPCA's appeal to the Local Planning Appeal Tribunal (LPAT) of the decision of the Committee of Adjustment for the City of Port Colborne regarding severance applications B05-19-PC and B06-19-PC once the agreements have been executed by all parties.

PURPOSE:

The purpose of this report is to facilitate a settlement of the NPCA's appeal of a decision of the City of Port Colborne's Committee of Adjustment to grant two severances that did not include conditions recommended by NPCA staff. The Board previously endorsed Report No. FA-29-19 regarding the NPCA appeal at the March 20, 2019 Board Meeting.

REPORT:

On January 29, 2019, NPCA received two applications for severance on the lands known as Block 74, Plan 59M-428. The applications sought to create two residential lots and retain one lot that would include a watercourse, part of the Wainfleet Eagle Marsh Drain Wetland Complex, which is a Provincially Significant Wetland (PSW) and the buffer to the PSW. In support of the applications, an Environmental Impact Study (EIS) was provided to provide a rationale for reducing the 30 metre wetland buffer to 15 metres. The date of the Committee meeting was February 12, 2019 and there was no specific date by which agencies were to submit their comments.

The NPCA reviewed the application and EIS and provided comments to the Committee of Adjustment on the morning of February 12, 2019. It is important to note that when a study such as an EIS is included with an application, NPCA staff require a minimum of three weeks to review the application. In this case, the NPCA was provided only two weeks.

The NPCA's comments did not oppose the applications, subject to two conditions:

1. That NPCA Work Permits are issued prior to any development or site alteration on any of the lands considered in this application in accordance with the "Regulation of Development, Interference with Wetlands and Alterations to Shoreline and Watercourses" (O. Reg. 155/06).
2. That a Development Agreement is placed on the retained lands to facilitate the fencing and 15 metre wetland buffer restoration required as mitigation measures in the EIS.

The first condition is to ensure the NPCA's Regulation is followed for any development that occurs on the lots. The second condition is based on mitigation measures contained in the applicant's EIS and are required to ensure no negative impact to the PSW as a result of the severances. The Committee of Adjustment made a decision to approve the applications and not include the conditions requested by NPCA staff. This is despite support from City staff to include the NPCA's conditions.

In early March 2019, with Board approval, NPCA staff filed an appeal to the Local Planning Appeal Tribunal (LPAT) for the two Consents. Since then, NPCA staff have been working with the applicant, City of Port Colborne staff, and Niagara Region staff to negotiate a settlement to the appeal. A tentative settlement has been reached and requires the execution of two development agreements.

The two development agreements contain wording to implement the original conditions that NPCA staff sought as part of the Consents. These agreements have been reviewed by NPCA staff and the NPCA's legal counsel and appropriately meet the NPCA's requirements. Upon execution of the agreements, NPCA staff consider it appropriate to withdraw the LPAT appeal.

FINANCIAL IMPLICATIONS:

Should the Board not support the recommendations in this report, there would be costs involved in obtaining legal representation to prepare and present the NPCA's case as well as staff time in preparing and testifying at the hearing.

RELATED REPORTS AND APPENDICES:

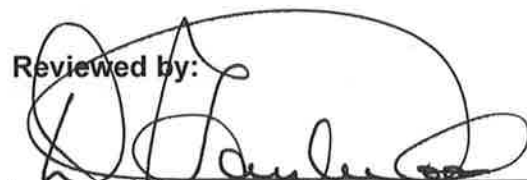
1. Appendix 1: D11-04-19 Development Agreement
2. Appendix 2: D11-05-19 Development Agreement

Prepared by:



Darren MacKenzie, C.Tech., rcsi
Director, Watershed Management

Reviewed by:



D. Gayle Wood, BES, CMMIII
Interim Chief Administrative Officer /
Secretary-Treasurer

Prepared with input from David Deluce, Senior Manager, Plan Review & Regulations

SCHEDULE "B"

THIS DEVELOPMENT AGREEMENT made this ____ day of _____, 2019.

BETWEEN:

LESTER SHOALTS LIMITED

hereinafter referred to as the "**OWNER**";

and

THE CORPORATION OF THE CITY OF PORT COLBORNE

hereinafter referred to as the "**CITY**";

and

THE NIAGARA PENINSULA CONSERVATION AUTHORITY

hereinafter referred to as the "**NPCA**";

WHEREAS the Owner desires to develop the lands described in Schedule "A" attached hereto (hereinafter referred to as the "**Lands**");

AND WHEREAS on February 12, 2019 the Committee of Adjustment for the City approved the creation of one residential building lot (Application B05-19-PC);

AND WHEREAS on March 5, 2019 the NPCA filed an appeal of the decision of the Committee of Adjustment to the Local Planning Appeal Tribunal;

AND WHEREAS the Owner is agreeable to undertaking the mitigation measures and rehabilitation work required by the Regional Municipality of Niagara (the "**Region**") and by the NPCA with respect to the Lands;

AND WHEREAS the NPCA is willing to withdraw its appeal to the Local Planning Appeal Tribunal upon the registration of this executed Development Agreement on title to the Lands;

NOW THEREFORE the parties hereto agree as follows:

1. The Owner hereby warrants that it is the registered Owner of the Lands described in Schedule "A" to this Development Agreement.
2. The Owner agrees that upon the execution of this Development Agreement, the Lands shall be charged with the performance of the terms of this Development Agreement and that the performance of such terms shall be binding upon the Owner, its executors, administrators, successors, assigns, heirs, and successors in title.
3. The Owner shall indemnify and save harmless the City and the NPCA from and against all actions, causes of action, interest, claims, demands, costs, charges, damages, expenses, and loss, which the City or the NPCA may at any time bear, incur, be liable for, sustain or be put to for any reason of, or on account of, or by reason of, or in consequence of, the City or the NPCA, as the case may be, entering into this Development Agreement.
4. The Owner agrees to implement the Landscape Plan attached as Schedule "B" to this Development Agreement to the satisfaction of each of the Region and the NPCA, which satisfaction, once obtained, shall be expressed in writing to the Owner by the authorized representatives of the NPCA and of the Region.

SCHEDULE "B"

5. The Owner agrees to complete any site grading work prior to the implementation of the Landscape Plan.
6. The Owner agrees and acknowledges that the Landscape Plan must be fully implemented by the Owner, to the satisfaction of the NPCA, before the City will issue a building permit.
7. Immediately upon the execution of this Development Agreement, the Owner will pay the City a security deposit of \$11,629.65, being fifty percent of the estimated cost to implement the Landscape Plan, in accordance with the Owner's cost estimates attached as Schedule "C" to this Development Agreement. The security deposit will be released by the City to the Owner upon the NPCA confirming that the Landscape Plan has been implemented to the satisfaction of the NPCA.
8. The Owner agrees and acknowledges that Work Permits must be obtained from the NPCA prior to any development or site alteration on the Lands in accordance with O. Reg. 155/06: Niagara Peninsula Conservation Authority: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, made under the *Conservation Authorities Act*, R.S.O. 1990, c. C.27.
9. The Owner agrees and acknowledges that as soon as practicable after the execution of this Development Agreement, an Erosion and Sediment Control Plan shall be provided by the Owner to the City and the Region. The Erosion and Sediment Control Plan shall include all details required by the Region and by the City and shall conform with the mitigation measures stated in Section 5.2.1.1 of the Environmental Impact Study undertaken by Beacon Environmental Ltd. dated January 2019.
10. The Owner agrees and acknowledges that prior to the issuance of a building permit, the Owner shall submit proof that any lights installed along the Wetland Boundary will be "Dark Sky" compliant or similar and not commit any light trespass onto the feature, to the satisfaction of the Chief Building Official.
11. The Owner agrees and acknowledges that Part 3 of the Lands, in its entirety, will be zoned to an appropriate conservation zone through a municipally initiated amendment to the Zoning By-law.
12. The Owner agrees and acknowledges that the City shall register this Development Agreement on title to the Lands and that such registration may only be removed with the written consent of the City, the Region, and the NPCA.

**SIGNED, SEALED & DELIVERED
IN THE PRESENCE OF:**

LESTER SHOALTS LIMITED

Todd Shoalts, President
(I have authority to bind the corporation)

**THE CORPORATION OF THE CITY
OF PORT COLBORNE**

William C Steele, Mayor

Amber LaPointe, Clerk

SCHEDULE "B"

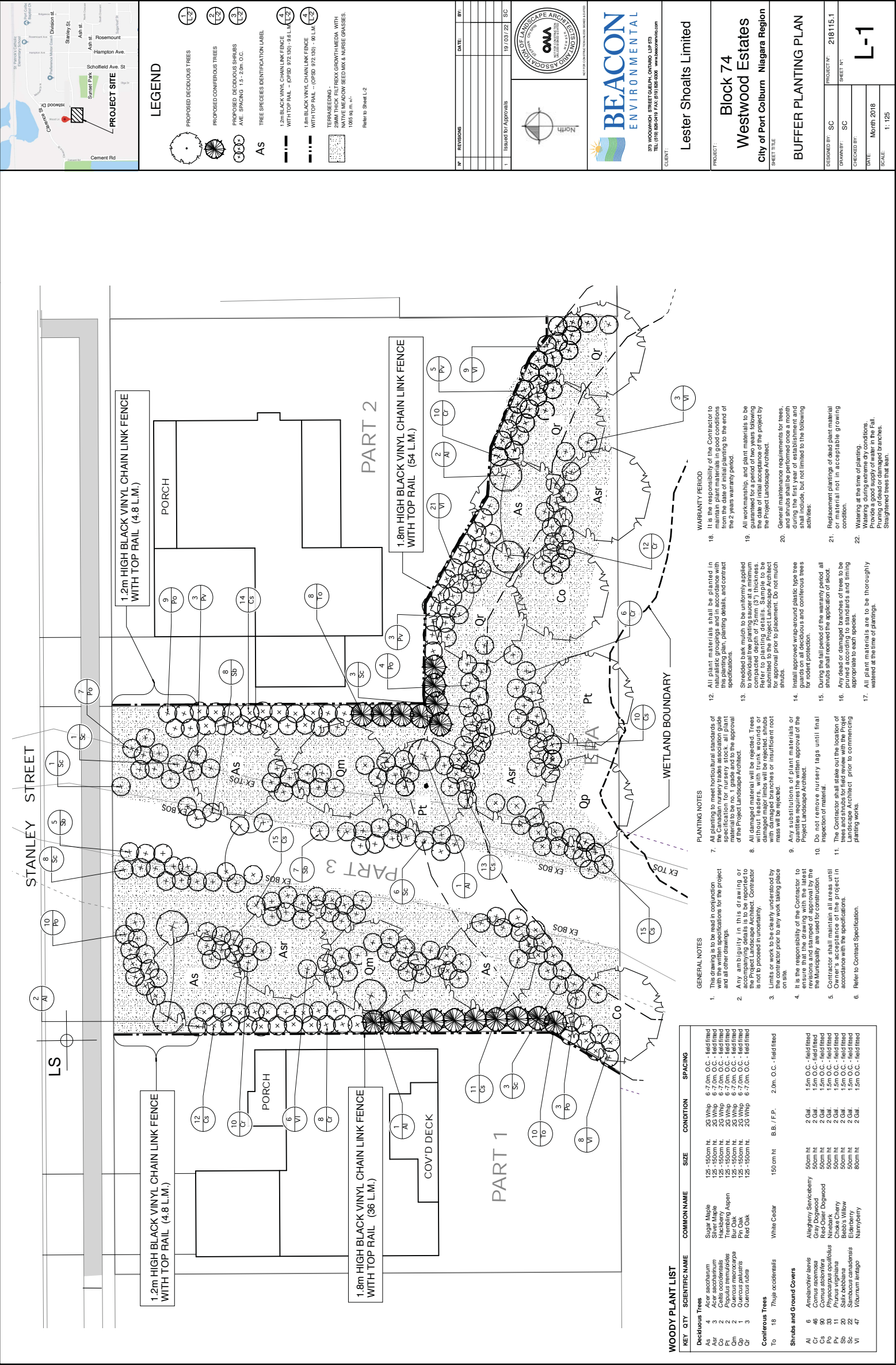
**NIAGARA PENINSULA
CONSERVATION AUTHORITY**


Gayle Wood, Interim CEO

SCHEDULE "B"
SCHEDULE "A" – THE LANDS

PIN 64403-0572
designated as Block 74 on 59M-428
In the City of Port Colborne
In the Regional Municipality of Niagara

SCHEDULE "B"





REVISIONS

DATE


BY

1


19/03/22

SC

Issued for Approvals



NOT FOR CONSTRUCTION AND NOT BEING USED



373 WOOLWICH STREET, QUELUP, ONTARIO, L3P 6T3
TEL: (919) 284-1919 FAX: (919) 284-9308 www.beaconenviro.com

CLIENT

Lester Shoalts Limited

PROJECT:

Block 74
Westwood Estates
City of Port Colburn Niagara Region

SHEET TITLE

BUFFER PLANTING AND
FENCING DETAILS

DESIGNED BY:

SC

PROJECT N°:

218115.1

DRAWN BY:

SC

SHEET N°:

L-2

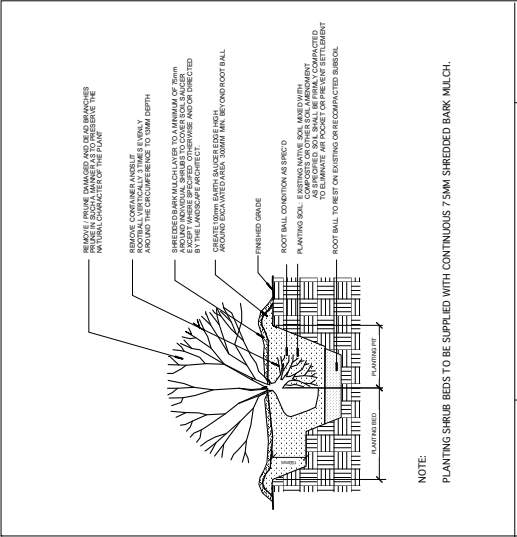
CHECKED BY:

DATE:

March 22, 2019

SCALE:

1:125

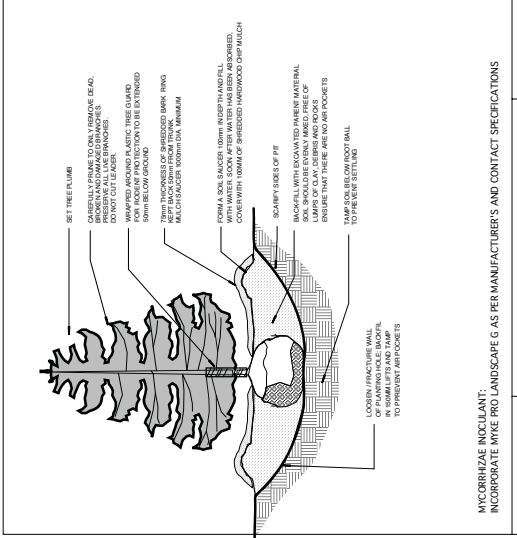


NOTE:
PLANTING SHRUB BEDS TO BE SUPPLIED WITH CONTINUOUS 75MM SHREDED BARK MULCH.

BEACON ENVIRONMENTAL

3
L-2

SHRUB PLANTING DETAIL

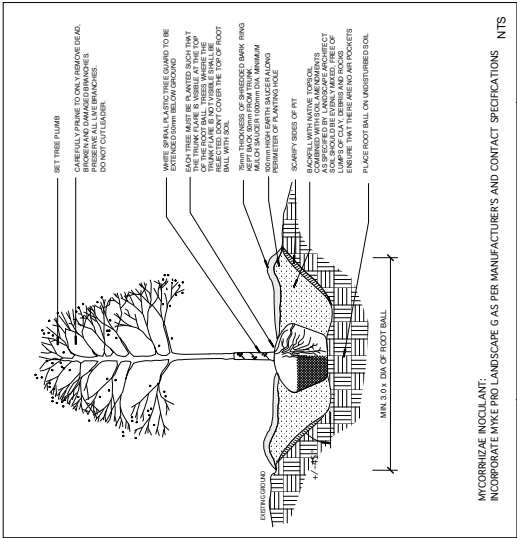


NOTE:
PLANTING CONIFEROUS TREE BEDS TO BE SUPPLIED WITH CONTINUOUS 75MM SHREDED BARK MULCH.

BEACON ENVIRONMENTAL

2
L-2

CONIFEROUS TREE PLANTING DETAIL

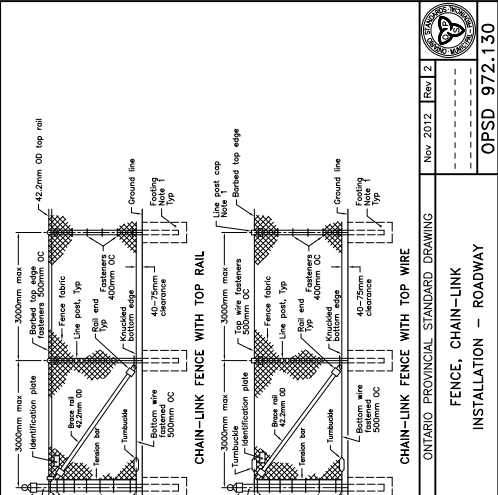


NOTE:
PLANTING SMALL DECIDUOUS TREE WHIP BEDS TO BE SUPPLIED WITH CONTINUOUS 75MM SHREDED BARK MULCH.

BEACON ENVIRONMENTAL

1
L-2

SMALL DECIDUOUS TREE WHIP PLANTING DETAIL



NOTE:
1 For loading details and line post detail refer to OPD 972.132.
A Fence as viewed from the roadway.
B All dimensions are in millimetres unless otherwise shown.

OPD 972.130

Nov 2012

Rev 2

ONTARIO PROVINCIAL STANDARD DRAWING

FENCE, CHAIN-LINK

INSTALLATION - ROADWAY

NATIVE MEADOW SEED MIX			
Scientific Name	Common Name	(kg PLS per 10,000 sq.m)	Proportion of seed mix (%)
Forbs (broad-leaved species)			
<i>Carduus Tula-Tulip</i>	Round-headed	3.75	15.0
<i>Chenopodium album</i>	Common Amaranth	3.00	12.0
<i>Lythrum hyssagifolium</i>	Red Lythrum	0.25	1.0
<i>Geranium robertianum</i>	St. Peter's Wort	0.25	1.0
<i>Prunella vulgaris</i>	Common Blackberry	0.25	1.0
<i>Thymus praecox</i>	Wild Thyme	0.25	1.0
<i>Erigeron annuus</i>	Early Goldenrod	0.125	0.5
<i>Solidago nemoralis</i>	Gray Goldenrod	0.125	0.5
<i>Solidago canadensis</i>	White Goldenrod	0.125	0.5
<i>Symphytum (Aster) officinale</i>	White Heath Aster	0.25	1.0
<i>Symphytum (Aster) laevis</i>	Smooth Aster	0.25	1.0
<i>Vallisneria spiralis</i>	Heavenly Vervain	0.375	1.5
Grasses			
<i>Antropogon grandis</i>	Big Bluestem	2.5	10.0
<i>Antropogon scoparius</i>	Little Bluestem	1.25	5.0
<i>Elymus hystrix (Hyacinthus patula)</i>	Canada Wild Ryegrass	2.5	10.0
<i>Elymus hystrix (Hyacinthus patula)</i>	Slender Wheat Grass	1.25	5.0
<i>Pennisetum virginicum</i>	Switch Grass	1.25	5.0
<i>Sorghastrum nutans</i>	Indian Grass	2.5	10.0
Total native species		25	100.0
Nurse Crop Seed Mix			
Species	Common Name	Seeding rate (PLS 10,000 sq.m)	PLS Required (kg/10,000 sq.m)
<i>Lolium multiflorum</i>	Annual Ryegrass	30	3.75
<i>Avena sativa</i>	Oats	45	4.75
Total nurse grasses			

Block 74 Westwood Estates Buffer Planting Plan
Opinion of Probable Construction Cost

March 24, 2019

A BUFFER PLANTING PLAN L-1 AND L-2					
Items		Unit	Est'd Qty	Unit Cost	Total Cost
TREES					
1	Acer saccharum - Sugar Maple 125 -150cm ht 2 - 3 gal	ea	4	\$ 47.00	\$ 188.00
2	Acer saccharinum - Silver Maple 125 - 150cm ht 2 - 3 gal	ea	3	\$ 47.00	\$ 141.00
3	Celtis occidentalis - Hackberry 125 -150cm ht 2 - 3 gal	ea	2	\$ 47.00	\$ 94.00
4	Populus tremuloides - Trembling Aspen 125 -150cm ht 2 - 3 gal	ea	2	\$ 45.00	\$ 90.00
5	Quercus macrocarpa - Bur Oak 125 - 150cm ht 2-3 gal	ea	2	\$ 50.00	\$ 100.00
6	Quercus palustris - Pin Oak 125 - 150cm ht 2-3 gal	ea	1	\$ 50.00	\$ 50.00
7	Quercus rubra - Red Oak 125 - 150cm ht 2-3 gal	ea	3	\$ 50.00	\$ 150.00
8	Thuja occidentalis - Eastern Cedar 150cm ht B.B. / F.P.	ea	18	\$ 114.00	\$ 2,052.00
				Sutotal	\$ 2,865.00
SHRUBS					
9	Amelanchier laevis - Allegheny Serviceberry - 50cm 2 gal	ea	6	\$ 35.00	\$ 210.00
10	Cornus racemosa - Gray Dogwood - 50cm 2 gal	ea	46	\$ 30.00	\$ 1,380.00
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12	Physocarpus opulifolius - Ninebark - 50cm 2 gal	ea	33	\$ 30.00	\$ 990.00
13	Prunus virginiana - Choke Cherry - 50cm 2 gal	ea	11	\$ 30.00	\$ 330.00
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16	Viburnum lentago - Nannyberry - 45 - 75cm 1 gal	ea	47	\$ 30.00	\$ 1,410.00
17	Terraseedin25mm Filtrex Growth Media- Native Meadow Seed Mix	sq.m.	1,065	\$ 3.50	\$ 3,727.50
				Sutotal	\$ 12,007.50
FENCING					
18	1.2m. high Black Vinyl Chain Link Fence	L.M.	9.6	\$ 58.00	\$ 556.80
19	1.8m. high Black Vinyl Chain Link Fence	L.M.	90	\$ 87.00	\$ 7,830.00
				Sutotal	\$ 8,386.80
				TOTAL EST.	\$ 23,259.30

SCHEDULE "B"

THIS DEVELOPMENT AGREEMENT made this ____ day of _____, 2019.

BETWEEN:

LESTER SHOALTS LIMITED

hereinafter referred to as the "**OWNER**";

and

THE CORPORATION OF THE CITY OF PORT COLBORNE

hereinafter referred to as the "**CITY**";

and

THE NIAGARA PENINSULA CONSERVATION AUTHORITY

hereinafter referred to as the "**NPCA**";

WHEREAS the Owner desires to develop the lands described in Schedule "A" attached hereto (hereinafter referred to as the "**Lands**");

AND WHEREAS on February 12, 2019 the Committee of Adjustment for the City approved the creation of one residential building lot (Application B06-19-PC);

AND WHEREAS on March 5, 2019 the NPCA filed an appeal of the decision of the Committee of Adjustment to the Local Planning Appeal Tribunal;

AND WHEREAS the Owner is agreeable to undertaking the mitigation measures and rehabilitation work required by the Regional Municipality of Niagara (the "**Region**") and by the NPCA with respect to the Lands;

AND WHEREAS the NPCA is willing to withdraw its appeal to the Local Planning Appeal Tribunal upon the registration of this executed Development Agreement on title to the Lands;

NOW THEREFORE the parties hereto agree as follows:

1. The Owner hereby warrants that it is the registered Owner of the Lands described in Schedule "A" to this Development Agreement.
2. The Owner agrees that upon the execution of this Development Agreement, the Lands shall be charged with the performance of the terms of this Development Agreement and that the performance of such terms shall be binding upon the Owner, its executors, administrators, successors, assigns, heirs, and successors in title.
3. The Owner shall indemnify and save harmless the City and the NPCA from and against all actions, causes of action, interest, claims, demands, costs, charges, damages, expenses, and loss, which the City or the NPCA may at any time bear, incur, be liable for, sustain or be put to for any reason of, or on account of, or by reason of, or in consequence of, the City or the NPCA, as the case may be, entering into this Development Agreement.
4. The Owner agrees to implement the Landscape Plan attached as Schedule "B" to this Development Agreement to the satisfaction of each of the Region and the NPCA, which satisfaction, once obtained, shall be expressed in writing to the Owner by the authorized representatives of the NPCA and of the Region.

SCHEDULE "B"

5. The Owner agrees to complete any site grading work prior to the implementation of the Landscape Plan.
6. The Owner agrees and acknowledges that the Landscape Plan must be fully implemented by the Owner, to the satisfaction of the NPCA, before the City will issue a building permit.
7. Immediately upon the execution of this Development Agreement, the Owner will pay the City a security deposit of \$11,629.65, being fifty percent of the estimated cost to implement the Landscape Plan, in accordance with the Owner's cost estimates attached as Schedule "C" to this Development Agreement. The security deposit will be released by the City to the Owner upon the NPCA confirming that the Landscape Plan has been implemented to the satisfaction of the NPCA.
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**SIGNED, SEALED & DELIVERED
IN THE PRESENCE OF:**

LESTER SHOALTS LIMITED

Todd Shoalts, President
(I have authority to bind the corporation)

**THE CORPORATION OF THE CITY
OF PORT COLBORNE**

William C Steele, Mayor

Amber LaPointe, Clerk

SCHEDULE "B"

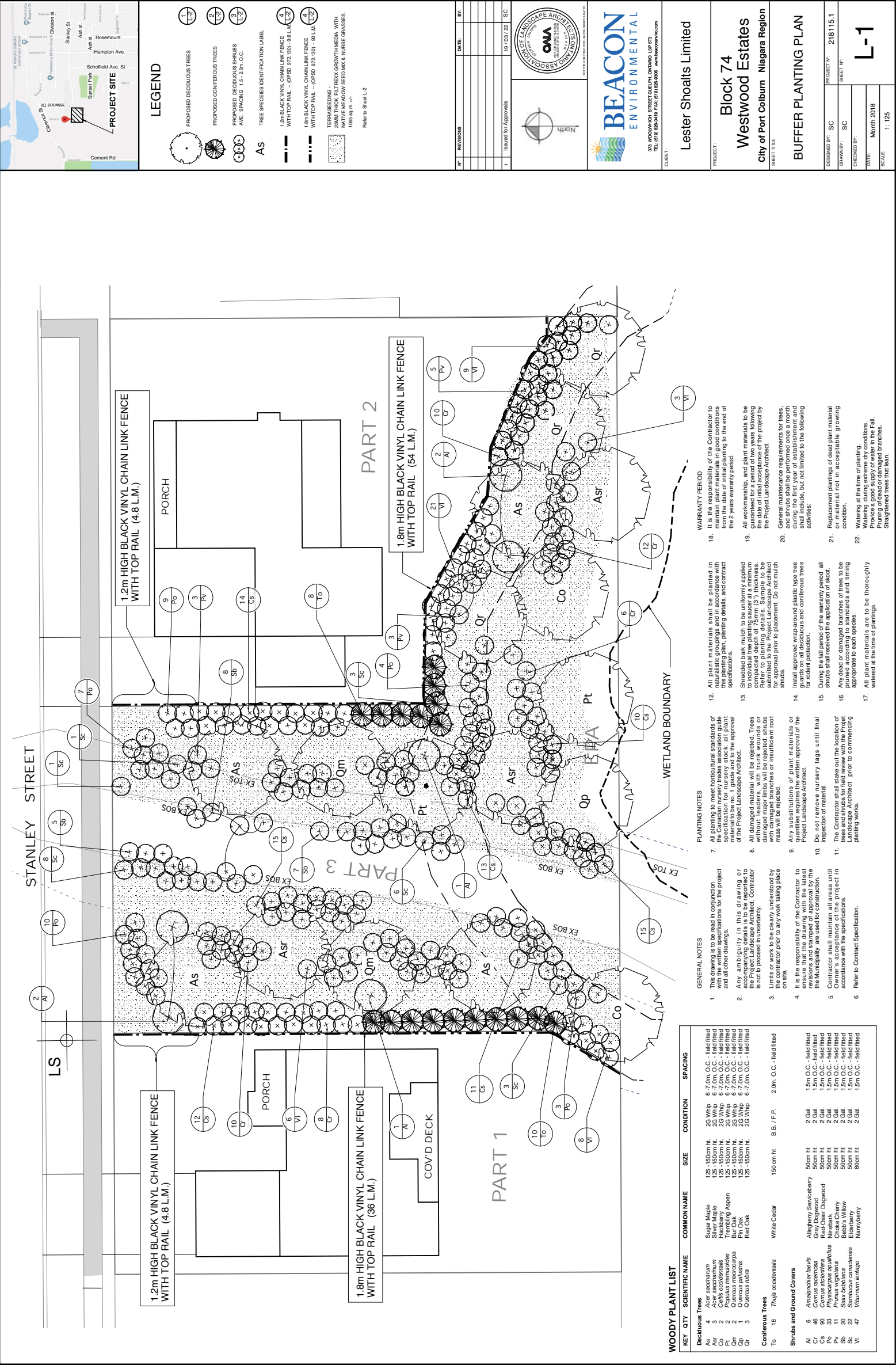
**NIAGARA PENINSULA
CONSERVATION AUTHORITY**

Gayle Wood, Interim CEO

SCHEDULE "B"
SCHEDULE "A" – THE LANDS

PIN 64403-0572
designated as Block 74 on 59M-428
In the City of Port Colborne
In the Regional Municipality of Niagara

SCHEDULE "B"



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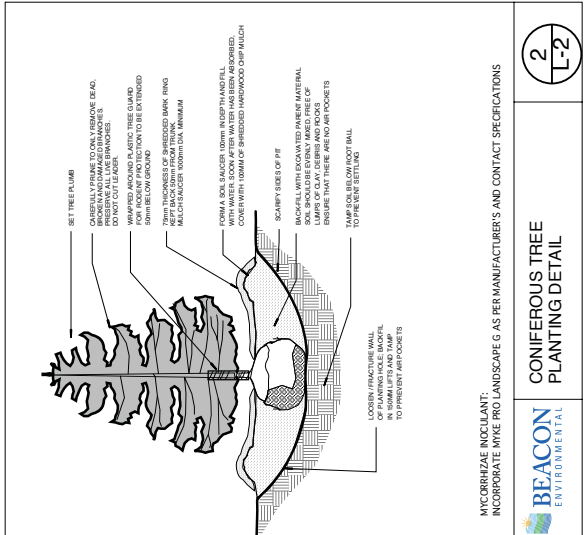
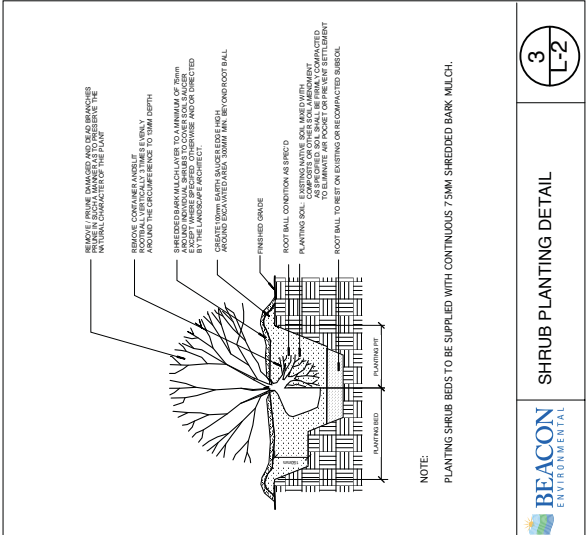
 **BEACON**
ENVIRONMENTAL

373 WOOLMOUTH STREET GUELPH, ONTARIO L3R 5T3
TEL: (519) 826-0419 FAX: (519) 826-5000 www.beaconenviro.com

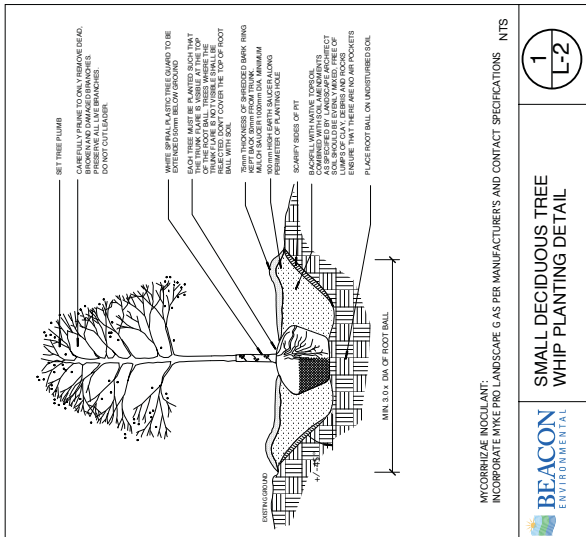
Lester Shoalts Limited


PROJECT :	Block 74 Westwood Estates
	City of Port Colburn Niagara Region
SHEET TITLE	BUFFER PLANTING AND FENCING DETAILS

DESIGNED BY:	SC	PROJECT N°:	218115.1
DRAWN BY:	SC	SHEET N°:	
CHECKED BY:		L-2	
DATE:	March 22, 2018		
SCALE:	1:125		

[illegible]

Species	Common Name	Seeding rate (PLS kg/ha/200 g/ha)	PLS required (kg/1000 g/ha)
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<i>Avena sativa</i>	Oats	35	3.75
Total nurse grasses		45	4.75



	ONTARIO PROVINCIAL STANDARD DRAWING	No.	Date	Rev	By
	FENCE, CHAIN-LINK INSTALLATION – ROADWAY	972-132	Nov 2012	[]	[]

OPSD 972-130

Block 74 Westwood Estates Buffer Planting Plan
Opinion of Probable Construction Cost

March 24, 2019

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