



Grand River Conservation Authority Minutes - General Membership Meeting

Date: May 26, 2023
Time: 9:30 am
Location: Hybrid Meeting of the General Membership

Members Present Bruce Banbury, Christine Billings, Gino Caputo, John Challinor II, Doug Craig, Mike Devine, Jim Erb, Susan Foxtan, Guy Gardhouse, Gord Greavette, Lisa Hern, Daniel Lawrence, Dave Miller, Natasha Salonen, Sandy Shantz, Rob Shirton, Jerry Smith, Shawn Watters, Chris White, Kari Williams

Regrets Ken Yee Chew, Brian Coleman, Kevin Davis, Colleen James, Alex Wilson, Pam Wolf

Staff Samantha Lawson, Karen Armstrong, Beth Brown, Krista Bunn, Brandon Heyer, Janet Ivey, Lisa Keys, Katelyn Lynch, Sonja Radoja, Lisa Stocco, Pam Walther-Mabee, Marijan Blazevic, Shari Dahmer, Mitch Jewson, Melissa Larion, Eowyn Spencer

Others Martina Cotter

1. Call to Order

The Meeting was called to order by the Chair at 9:38 a.m.

2. Certification of Quorum

The Secretary-Treasurer certified quorum with more than half of the Members present. A total of 20 Members attended the meeting.

3. Chair's Remarks

The following Chair's remarks were made during the preceding Source Protection Authority meeting and are copied here for ease of reference:

- The GRCA has received notification of approved funding under the provincial Water Erosion Control Infrastructure for 2023/2024 which is an annual cost-sharing grant provided by the province.
- The Township of Wilmot will be hosting the grand opening of the Mike Schout Wetlands Preserve on Saturday, June 10 at 10:00 a.m. The project involved returning this Township owned land to naturalized wetlands including a 1.6 km raised boardwalk that winds its way through the wetland ponds. Some members may recall our previous member for Wilmot (Mayor Les Armstrong) sharing information about this project in previous years, as the GRCA was involved in some of the review and planning process. If any of our members would like more information, please reach out to the Township directly, or E.Spencer can provide contact information if needed.

- The Grand River Conservation Foundation and the Grand Champions group are hosting the return of the annual Grand Champions luncheon on June 22 at the GRCA. Presentations will highlight the 2021/2022 annual report, and the GRCF strategic plan. Board members have been invited and can follow up with staff if planning to attend. Staff would appreciate an RSVP by June 8.
- Ron Gasparetto has joined the GRCA team as the Manager of Conservation Lands. Ron brings over 25 years of experience in municipal real estate, asset management, and property management with his most recent role being the Manager of Real Estate Services with the City of Brantford.

4. Review of Agenda

23-81

Moved By Jerry Smith

Seconded By Doug Craig

THAT the agenda for the General Membership Meeting be approved as circulated.

Carried

5. Declarations of Pecuniary Interest

There were no declarations of pecuniary interests made in relation to the matters to be dealt with.

6. Minutes of the Previous Meeting

23-82

Moved By Shawn Watters

Seconded By Susan Foxtton

THAT the minutes of the General Membership Meeting held on April 28, 2023 be approved as circulated.

Carried

7. Business Arising from Previous Minutes

There was no business arising from the minutes of the previous meeting.

8. Hearing of Delegations

N.Salonen joined the meeting at 9:40 a.m.

8.a Martina Cotter - Entrance fees at Elora Quarry

- Martina Cotter addressed the General Membership to share concerns regarding the entrance fees at Elora Quarry since it was removed as one of the conservation areas where entry is included with the annual membership pass. The delegation shared that the Elora Quarry has been a memorable and affordable place to visit and requested that the Board reconsider the capacity limit currently in place at the Quarry to increase it from 200 people for a half-day to 300 people, and that GRCA membership pass holders be allowed to access the Quarry with their membership pass and no additional fees.
- The Chair thanked the delegation for the presentation and request and called for questions. Some additional Board members thanked the delegation, and S.Watters requested that staff bring a report back to the Board to provide background information related to capacity management measures taken at the Quarry.

- The Chair and Board agreed, and Land Management staff were advised to bring a report to a future meeting for consideration. The Chair added that no decision would be made at this meeting.

9. Presentations

There were no Presentations.

10. Correspondence

10.a Natasha Huyer re: Wetlands Protection

23-83

Moved By Susan Foxton

Seconded By Shawn Watters

THAT Correspondence from Natasha Huyer regarding protection of Ontario wetlands be received as information.

Carried

11. 1st and 2nd Reading of By-Laws

None.

12. Reports:

12.a Conservation Authorities Act Committee - May 10, 2023

There were no comments or questions regarding the Minutes of the Conservation Authorities Act Committee.

23-84

Moved By Gord Greavette

Seconded By Bruce Banbury

THAT the minutes of the Ad-hoc Conservation Authorities Act Committee meeting held on May 10, 2023 be received as information.

Carried

12.b GM-05-23-42 - 2024 Budget Framework - New Regulations

- K.Armstrong began a presentation providing an overview of the requirements under Ontario Regulation 402/22, which impacts conservation authorities' budget framework.
- The presentation highlighted the anticipated timelines of the budget process, as well as the four phases of the process identified in the new regulation. A high-level overview of each budget phase was provided, along with key decisions that will need to be made by the Board, and proposed timelines for the budget process.
- S.Radoja continued the presentation with a detailed overview of key elements of the new budget framework using a chart. It was reiterated that this template is built on broad-based assumptions with an average 2.5% increase across all program areas to provide a general overview of the framework and is not a first draft of the 2024 budget.
- The framework chart illustrated assumptions on revenue and expenditures, categorized programs and services with estimated costs and funding sources, as well as potential off-setting program costs with the use of reserves and surplus.
- S.Radoja noted that the main takeaway from this template is that assuming operations as normal, and that category two programs and services are allocated using the same apportionment method as for category one, the apportionment increase will remain in line with previous years' levy increases.

- Staff identified that the Ad-hoc CA Act Committee is supportive of the proposed framework. Board-level discussion and approval will be required throughout the budget process and will be presented as per regulatory requirements.
- In response to questions from the Board, staff provided the following points:
 - Draft Category 2 Memorandums of Understanding have been circulated to participating municipalities at the staff level for feedback before final versions are presented for approval.
 - The Transition Reserve was approved by the Board in 2020 to assist with costs related to transitioning through changes related to legislative updates, and pandemic-related expenditures.
 - With respect to inflationary impacts, labour is a significant expense in each budget year, and the collective agreement is now in place so the costs are known, however more specific discussion about an appropriate budget increase will occur at a future meeting.
 - For program costs under category two expenses, it is being suggested that the apportionment be allocated to participating municipalities using the same method as for category one, which is modified current value assessment. There are a fixed number of programs in category two that are currently the same for all participating municipalities; additional programming or service requests would be handled individually with a separate agreement and funding.
- The Chair thanked staff for the presentation.

23-85

Moved By John Challinor II

Seconded By Mike Devine

THAT Report Number 05-23-42 – Budget 2024 - Draft Framework be received as information.

Carried

J.Erb exited the meeting at approximately 10:15 a.m.

12.c General Membership Composition Committee - May 17, 2023

- K.Armstrong provided an overview of the history of the City of Hamilton's modified levy allocation and representation on this Board.
- In 2001, amalgamation of a group of municipalities to become the City of Hamilton could have triggered a significant increase in the levy allocation. At the time, the City and the four conservation authorities which share the jurisdiction came to an agreement that allowed for a modification of the modified current value assessment (MCVA) methodology that reflected the actual assessment in the geographical space within each conservation authority, and then allocated the levy for all participating municipalities to reflect the modified calculation following the agreement.
- In 2014, Niagara Peninsula Conservation Authority questioned the validity of the agreement and notified the City that the MCVA method would be applied without a modification as per the agreement, beginning with the 2015 budget. This began an appeal and judicial review process which ultimately resulted in the decision that the agreement was invalid. As a result, the City of Hamilton's levy allocation for the GRCA increased by 412% in 2018.
- The presentation included a brief background of the Board's composition, highlighting that currently, the GRCA bases its composition on a 1994 Order-in-Council (OIC). The OIC was requested by a re-organization committee of the

General Members, which was appointed to reduce the high number of board members from 44 municipal and 6 provincial members.

- Following the City of Hamilton's increase in levy in 2018, the City requested that their number of representatives on the GRCA Board be increased from 1 member to 2 members.
- Conservation Authority membership, per legislation, can be determined by the population-based method, or an agreement by all participating municipal councils. An Order-in-Council is also a legally valid method for determining membership and the GRCA has obtained legal advice to confirm that the 1994 OIC continues to be valid.
- The Composition Committee discussed several options for reviewing board membership and considered the process and implications of each option. The Committee is recommending that the Board continues to follow the OIC, and that the Chair requests a meeting with the Minister of Natural Resources and Forestry to consider the option to amend the OIC to increase the City of Hamilton's membership from 1 to 2 members. It was highlighted that this meeting will be a preliminary discussion to determine if this option would be possible. A formal request to amend the OIC would require a GRCA board motion supporting the new composition structure, and motions from all participating municipalities' councils, and then a formal request to amend could be submitted to the Minister.
- K.Armstrong responded to a question noting that the increase in GRCA's levy in 2018 for Hamilton went from 4% to 12% of the total levy. S.Foxton added that due to the increase in levy for the City of Hamilton, the other participating municipalities saw a respective decrease in the levy allocation, as the total amount of levy didn't increase but the distribution changed.
- The Chair noted that a challenge remains as the province may release further regulatory updates which could impact composition or changes to municipalities in the watershed, and also noted that an increase in representation for Hamilton will not change the impact on a weighted vote as that reflects their increased apportionment. The Chair also noted that there are no governance issues on the GRCA Board and the Board functions well.
- There was a minor amendment suggested to the staff recommendation as presented in the agenda, which was displayed on screen for the Board.

23-86

Moved By John Challinor II

Seconded By Susan Foxton

THAT the minutes of the General Membership Composition Review Committee meeting held on May 17, 2023 be received as information.

Carried

23-87

Moved By John Challinor II

Seconded By Rob Shirton

THAT the General Membership continues to support the status quo Order-in-Council for determining membership composition;

AND THAT the Chair requests a meeting with the Minister of Natural Resources and Forestry to discuss amending the Order-in-Council to increase the City of Hamilton's membership from 1 to 2 members.

Carried

12.d GM-05-23-40 - Cash and Investment Status

D.Miller inquired if investments are regulated, how investments are selected, and if the GRCA works with an advisor. S.Radoja noted that the GRCA is regulated with respect to investments. She indicated that staff look at cash flow needs, interest rates, and other relevant factors at the time when investment decisions are made and that staff do work with an investment advisor.

23-88

Moved By Christine Billings

Seconded By Sandy Shantz

THAT Report Number GM-05-23-40 Cash and Investment Status – April 2023 be received as information.

Carried

12.e GM-05-23-41 - Financial Summary

There were no comments or questions regarding this report.

23-89

Moved By John Challinor II

Seconded By Bruce Banbury

THAT the Financial Summary for the period ending April 30, 2023 be approved.

Carried

12.f GM-05-23-45 - Changes to the Land Disposition Process for Section 38 Land Holdings

There were no comments or questions regarding this report.

23-90

Moved By John Challinor II

Seconded By Jerry Smith

THAT Report Number GM-05-23-45 – Changes to Land Disposition Process for Section 39 Land Holdings be received as information.

Carried

23-91

Moved By Bruce Banbury

Seconded By Mike Devine

THAT the 2008 Property Disposition Guidelines for Establishing Standards for Sustainable Development policy be rescinded.

Carried

12.g GM-05-23-43 - ERO Posting 019-6813 - Review of proposed policies adapted from A Place to Grow and Provincial Policy Statement

There were no comments or questions regarding this report.

23-92

Moved By Shawn Watters

Seconded By Gord Greavette

THAT Report Number GM-05-23-43 – Review of proposed policies adapted from A Place to Grow and Provincial Policy Statement to form a new provincial planning policy instrument be approved and submitted to the Environmental Registry of Ontario.

Carried

12.h GM-05-23-44 - Provincial Offences Act Officer Designation - Section 29 (Conservation Areas)

There were no comments or questions regarding this report.

23-93

Moved By Guy Gardhouse

Seconded By Dave Miller

THAT the Grand River Conservation Authority appoint Caden Hammond, Spencer Ireland, and Taylor Schell as Provincial Offences Act Officers to enforce section 29 of the Conservation Authorities Act.

Carried

12.i GM-05-23-46 - Current Watershed Conditions

23-94

There were no comments or questions regarding this report.

Moved By Rob Shirton

Seconded By Mike Devine

THAT Report Number GM-05-23-46 – Current Watershed Conditions as of May 15, 2023 be received as information.

Carried

13. Committee of the Whole

Not required.

14. General Business

There was no General Business.

15. 3rd Reading of By-Laws

None.

16. Other Business

There was no Other Business.

17. Closed Meeting

The General Membership convened in closed session and the live meeting stream was paused.

23-95

Moved By Lisa Hern

Seconded By Sandy Shantz

THAT the General Membership enter a closed meeting in accordance with the *Municipal Act section 239(2)* for the following purpose(s): proposed or pending acquisition or disposition.

Carried

23-96

Moved By John Challinor II

Seconded By Bruce Banbury

THAT the General Membership reconvene in open session.

Carried

The General Membership reconvened in open session.

17.a Minutes of the previous closed session

23-97

Moved By John Challinor II

Seconded By Gord Greavette

THAT the Minutes of the previous closed session be approved.

Carried

17.b Proposed or pending acquisition or disposition of land - City of Kitchener

23-98

Moved By Shawn Watters

Seconded By Kari Williams

IN ORDER to further the objects of the Grand River Conservation Authority by ensuring a continuous land assembly of Grand River Conservation Authority lands in the City of Kitchener;

THEREFORE BE IT RESOLVED THAT the Grand River Conservation Authority declare surplus and convey to the City of Kitchener those lands described as Part of Lots 11-12 Beasley's Broken Front, formerly in the Township of Waterloo, now in the City of Kitchener and Regional Municipality of Waterloo, to be more particularly described as PINs 227320011 and 227330557, for the nominal consideration of \$2.00;

AND THAT the Grand River Conservation Authority accept, in exchange, those lands described as former road allowances over part of lots 118 & 124 German Company Tract in the former Township of Waterloo, now the City of Kitchener and Regional Municipality of Waterloo, to be more particularly described as PINs 225550199, 225550200 and 227131003 for the nominal consideration of \$2.00.

Carried

18. Next Meetings - Friday, June 23, 2023 at 9:30 a.m. (Hybrid)

19. Adjourn

The meeting was adjourned at 10:58 a.m.

23-99

Moved By Susan Foxton

Seconded By John Challinor II

THAT the meeting of the General Membership be adjourned.

Carried

Chair

Secretary-Treasurer