



Grand River Conservation Authority

Minutes - General Membership Meeting

Date:	January 26, 2018
Time:	9:30 am
Location:	Auditorium Grand River Conservation Authority 400 Clyde Road, Box 729 Cambridge, ON N1R 5W6
Members Present	Bruce Banbury, Robert Bell, Elizabeth Clarke, Brian Coleman, Bernie Corbett, Susan Foxtan, Guy Gardhouse, Helen Jowett, Geoff Lorentz, Cindy Lunau, Kirk McElwain, Jane Mitchell, Fred Morison, David Neumann, Vic Prendergast, Wayne Roth, Mike Salisbury, Pat Salter, Sandy Shantz, Shirley Simons, George Stojanovic, Warren Stauch, Chris White, George Wicke
Members Regrets	Les Armstrong, Joe Nowak
Staff	Karen Armstrong, Dave Bennett, Pam Walther-Mabee, Joe Farwell, Samantha Lawson, Keith Murch, Sonja Radoja, George Sousa, Lisa Stocco, Cameron Linwood, Trina Seguin, Eowyn Spencer, Beth Brown, Fred Natolochny, Matt Amy, Melissa Larion, Gus Rungis
Others	Jo Anne Rzadki (Conservation Ontario), Ray Martin (Cambridge Times), Kevin Werner (Hamilton Community News), Laura Murr (Guelph), Patricia Herdman (Guelph), Susan Ratcliffe (Architectural Conservancy)

1. Call to Order

The Meeting was called to order by the Chair at 9:30 a.m.

2. Roll Call and Certification of Quorum – 13 Members constitute a quorum (1/2 of Members appointed by participating Municipalities)

The Secretary-Treasurer called the roll and certified a quorum with 23 Members present. A total of 24 Members attended the meeting.

3. Chair's Remarks

The Chair welcomed the Members and made the following remarks:

On January 17, Premier Kathleen Wynne made some changes in her Cabinet, and Minister Kathryn McGarry was appointed to Minister of Transportation.

Our new Minister of Natural Resources and Forestry is Ms. Nathalie Des Rosiers. Minister Des Rosiers was first elected to the Ontario legislature in 2016 as the MPP for Ottawa-Vanier. She was previously Parliamentary Assistant to the Minister of Energy, Minister of Intergovernmental Affairs, Minister of the Status of Women, Minister Responsible for Women's Issues and Minister of Housing. We look forward to having Ms. Des Rosiers as our governing Minister.

On January 23rd, Joe Farwell, Keith Murch, Karen Armstrong, and Lisa Stocco presented the 2018 Draft GRCA Budget to the City of Hamilton.

4. Review of Agenda

The Chair tabled an additional correspondence item received from the City of Hamilton regarding the appeal of the NPCA levy apportionment, and the Council approved motion to direct (City of Hamilton) staff to apply to the Ontario Divisional court for a review of the decision of the Mining and Lands Commissioner, dated December 21, 2017. This item will be added to section 10 of the agenda.

18-01

Moved By Bernie Corbett

Seconded By Chris White

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

Carried

5. Declarations of Pecuniary Interest

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

Cindy Lunau arrived at 9:45 a.m.

6. Minutes of the Previous Meetings

V. Prendergast noted that he did not second the motion in item 12.1. Staff will review notes and make the appropriate correction.

18-02

Moved By Bruce Banbury

Seconded By Shirley Simons

THAT the minutes of the General Membership Meeting of December 15, 2017, be approved as amended.

Carried

7. Business Arising from Previous Minutes

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

8. Hearing of Delegations

Three delegations attended the meeting to speak about the public concern of the re-designation of a portion of the former Kortright Waterfowl park lands/Hanlon Creek Conservation Area owned by the GRCA.

Ms. P. Herdman addressed her concerns of over-development in the Guelph area and her support of keeping the natural areas, such as the former Kortright lands, protected.

Ms. S. Ratcliffe provided a brief history of the Hanlon Creek Conservation Area and discussed her concerns that there has not been any public consultation with regard to the use of the lands. Ms. Ratcliffe requested that the GRCA follow a public consultation process and create a master plan for the property.

Ms. L. Murr provided a presentation to share her vision of protecting, maintaining, and restoring the Hanlon Creek Valley lands and the Speed River. Ms. Murr noted that a Speed River Watershed Study and a public consultation policy should be a priority in the GRCA's strategic plan, and requested that the GRCA hold a public consultation to assist in creating a master plan for the Hanlon Creek lands.

S. Lawson responded to questions from Members with the following key highlights:

The GRCA purchased 116 acres in 1977. The City of Guelph is updating the City's Official Plan and wants to re-designate an 8 hectare portion of the lands. The matter is currently before the Ontario Municipal Board (OMB) for decision.

The GRCA owns the land, and has not declared any portion of the land surplus. Any decision regarding the disposition of the lands would go through a public process and be presented to the Board for approval.

GRCA staff are working towards creating a management plan for the greater Niska land holdings (166 acres), including the 8 hectares described in the City of Guelph's updated Official plan. Previous tenants had a significant impact on the land, and there are a lot of hazards making the property unsafe for public use. The goal is to further identify natural areas and their sensitivities and continue clean-up efforts before the land could be deemed safe for access.

An OMB decision to re-designate the 8 hectares of land does not direct GRCA's management of the property.

S. Lawson reiterated that any disposition of property would be subject to public process and board approval.

M. Salisbury said that if there is a potential for staff to initiate a surplus process, a management plan should be in place. M. Salisbury stated that the local community is very involved and concerned with any projects in this area.

B. Bell asked about the status of the design Niska Bridge/Road Widening Environmental Assessment (EA). S. Lawson replied that the City approved the EA in December 2015 and that the project had moved to detailed design. A permit from the planning section would be required for implementation of the design for the project.

Moved by Mike Salisbury

Seconded by George Stojanovic

THAT staff be directed to complete a management plan for the entire Niska lands prior to any of those lands being declared surplus.

S. Foxtan asked for confirmation that the GRCA upgraded to party status at the OMB hearing, and that is the only involvement. S. Lawson confirmed that the GRCA has party status and that a report was taken to the Board regarding this. S. Lawson also stated that there was a lot of misinformation in the public realm on which lands were being included in the re-designation and the GRCA disposition process.

C. White said that the municipality initiated the process for re-designating the lands within the City's urban limits in accordance with provincial legislation, and that the GRCA was a by-stander when that was initiated.

S. Foxtan stated that the Authority should not focus so heavily on one parcel when the Authority owns so many parcels throughout the watershed.

J. Mitchell advised the Chair of a question regarding the land that should be discussed in camera.

18-03

Moved By Jane Mitchell

Seconded By Wayne Roth

THAT the motion tabled by M. Salisbury be deferred until following the closed meeting.

Carried

9. Presentations

There were no Presentations.

10. Correspondence

18-04

Moved By Brian Coleman

Seconded By Vic Prendergast

THAT Correspondence received from the Ministry of Natural Resources and Forestry regarding the Royal Assent of Bill 139, and from the Town of Erin regarding funding for Conservation Areas, and from the City of Guelph regarding the 2018 Budget approval, and from K. Root regarding donations of land, and from K. Wright, A. Norsworthy, S. Nicholls, N. Abouhalka, S. Li, M. Romero, P. Maurice, B. Waznuk, D. Murphy, J. Johnston, J. Stahlbaum, L. Walters, and JM Powers regarding the GRCA Niska lands and Hanlon Creek Conservation Area, and from the City of Hamilton regarding the appeal of the NPCA levy apportionment, and the Council approved motion to direct (City of Hamilton) staff to apply to the Ontario Divisional court for a review of the decision of the Mining and Lands Commissioner, dated December 21, 2017, be received as information.

Carried

- 10.1 MNR - Notification of Bill 139 Receiving Royal Assent**
- 10.2 Town of Erin - Limited Funding for Conservation Authorities**
- 10.3 City of Guelph - 2018 Budget Approval**
- 10.4 K. Root - Letter to Members**
- 10.5 K. Wright - Conservation**
- 10.6 A. Norsworthy - Speed River Heritage**
- 10.7 S. Nicholls - January 15 GRCA Niska Lands**
- 10.8 S. Nicholls - January 16 GRCA Niska Lands (Second Correspondence)**
- 10.9 N. Abouhalka - Niska Lands**
- 10.10 S. Li - Niska Lands**
- 10.11 M. Romero - Niska Lands**
- 10.12 P. Maurice - Niska Lands**
- 10.13 B. Waznuk - Jan 19 HCCA Guelph**
- 10.14 D. Murphy - Jan 19 HCCA Guelph**
- 10.15 J. Johnston - Jan 19 HCCA Guelph**
- 10.16 J. Stahlbaum - Jan 19 HCCA Guelph**
- 10.17 L. Walters - Jan 19 HCCA Guelph**
- 10.18 JM. Powers - Jan 22 HCCA Guelph**
- 11. 1st and 2nd Reading of By-Laws**
None.

12. Reports:

12.1 GM-01-18-01 - Cash and Investment Status

There were no questions or concerns with regard to this report.

18-05

Moved By Geoff Lorentz

Seconded By Sandy Shantz

THAT Report Number GM-01-18-01 – Cash and Investments Status Report as of December 31, 2017 be received as information.

Carried

12.2 GM-01-18-06 - General Levy Apportionment Update

K. Murch provided an overview of the general levy and information on how the City of Hamilton's levy has historically been apportioned. The current City of Hamilton was formed in 2001 by the elimination of the former Region of Hamilton-Wentworth and amalgamating the former City of Hamilton with the other local municipalities in the Region. This was going to cause significant changes in the levy apportionment of the four conservation authorities that serve the City of Hamilton. The City of Hamilton and the four conservation areas through which it spans came to an agreement in 2001 to calculate the new City of Hamilton's levy based on the percentage of assessment of the former local municipalities that was in the four authorities' watersheds. This agreement was formalized by resolutions passed by the City and the four conservation areas. The agreement was further refined in 2004, following a detailed study performed by NPCA, which used geo-referencing to more accurately calculate the actual assessment in the four watersheds. In 2015, NPCA abandoned the agreement and the City of Hamilton appealed the levy. On December 21, 2017, the Mining and Lands Commissioner ruled the agreement invalid for the following reasons:

- there was no written agreement
- resolutions of support were not passed by all participating municipalities

According to the Conservation Authorities Act, the decision of the Mining and Lands Commissioner is final. The four Conservation Authorities believe that they must use the Current Value Assessment formula outlined in regulation 670/00 of the Conservation Authorities Act to apportion the 2018 levies. The City of Hamilton has passed a resolution to direct staff to request a judicial review of the Mining and Lands Commissioner's decision.

The Chair issued an apology to G. Stojanovic because he was not made aware of the Hamilton budget presentation prior to the council meeting. Moving forward, GRCA staff will notify members of budget presentations taking place at their respective council meetings.

There was much discussion from board members, and K. Murch and J. Farwell responded on behalf of staff, stating the following key points:

- The new CA Act is now in place, but there are a number of regulations that the province is working on. The regulation regarding the levy apportionment is a top priority, and GRCA staff have requested immediate action from the MNRF.
- The GRCA typically sends levy invoices to municipalities by March 1 each year. GRCA staff have consulted a lawyer and requested input from MNRF, and at this time believe that the decision is final and GRCA is obligated to levy all municipalities following regulation 670/00.
- The redistribution of the levy apportionment could change the composition of the board. An ad hoc committee may need to be appointed to consider the change in composition, and could require an order in council.
- GRCA will notify member municipalities of the City of Hamilton's request for judicial review, so that each member municipality is aware that the 2018 levy may change pending the outcome of the judicial review.

G. Stojanovic stated that the use of the prior agreement to apportion Hamilton's levy was the right thing to do, and that abandoning the agreement is not right or fair. G. Stojanovic advised that with a judicial review in the process the matter is not resolved and that Hamilton's levy should not be increased at this time. Mr. Stojanovic added that legal advice was provided to GRCA staff prior to the request for a judicial review.

There was further discussion regarding the details of appealing a levy apportionment, and the clear directive of the Mining and Lands Commission. C. White said that Hamilton is a valuable member on this Board, and suggested that the Chair reach out to the City to agree to work together to find a fair solution.

The Chair said that this is a matter of equity and fairness, and GRCA would do what it can to support Hamilton.

Moved By George Stojanovic
Seconded By Elizabeth Clarke

THAT the Grand River Conservation Authority maintains the prior agreement of the levy apportionment until the judicial review of the decision of the Mining and Lands Commissioner dated December 21, 2017, has been completed, subject to staff ensuring that this action is legally compliant.

Defeated

18-06

Moved By Bernie Corbett
Seconded By Pat Salter

THAT Report Number GM-01-18-06 - Budget 2018 – General Levy Apportionment Update, be received for information.

Carried
1 opposed

G.Stojanovic requested that the minutes reflect that he was opposed to the motion.

12.3 GM-01-18-07 - 2018 Budget Second Draft

There were no questions or concerns with regard to this report.

18-07

Moved By Mike Salisbury

Seconded By Guy Gardhouse

THAT Report Number GM-01-18-07 – Budget 2018 – Draft #2 be received as information.

Carried
1 opposed

G.Stojanovic requested that the minutes reflect that he was opposed to the motion.

12.4 GM-01-18-04 - Revised Loader Tractor Tender Results

There were no questions or concerns with regard to this report.

18-08

Moved By Chris White

Seconded By Bruce Banbury

THAT the Grand River Conservation Authority allow Crossroads Equipment to withdraw from the tender to supply two (2) 30.7 kW (41.2 HP) PTO four wheel drive tractors with cab and fixed front loader;

AND THAT the Grand River Conservation Authority award the tender for the purchase of two (2) 30.7 kW (41.2 HP) PTO four wheel drive tractors, with cab and fixed front loader attachments, to Premier Equipment for a total amount of \$106,147.02 (excluding HST).

Carried

12.5 GM--01-18-05 - Residential Program Wind-down - Demolition

There were no questions or concerns with regard to this report.

18-09

Moved By Geoff Lorentz

Seconded By Susan Foxtton

THAT the Grand River Conservation Authority demolish the house, known as the Guelph Super's Residence, located on Part of Lot 5, Concession 9 Division C,

Former Township of Guelph, Township of Guelph/Eramosa, Wellington County, known municipally as 5524 Watson Road, RR4 Guelph.

Carried

12.6 GM-01-18-03 - Development, Interference with Wetlands and Alterations to Shorelines Regulation

There were no questions or concerns with regard to this report.

18-10

Moved By Susan Foxton

Seconded By Pat Salter

THAT Report GM-01-18-02, Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, be received for information.

Carried

12.7 GM-01-18-02 - Environmental Assessments

There were no questions or concerns with regard to this report.

18-11

Moved By Chris White

Seconded By George Wicke

THAT Report Number GM-01-18-02 - Environmental Assessments be received as information.

Carried

12.8 GM-01-18-08 - Current Watershed Conditions

G. Rungis provided a brief update on a recent weather event noting a number of ice jams throughout the watershed, particularly upstream of Parkhill Dam in Cambridge, and throughout Brantford. G. Rungis added that the water levels during this weather event were similar to those seen during the June 2017 flood event.

18-12

Moved By Susan Foxton

Seconded By Sandy Shantz

That Report Number GM-01-18-08 – Current Watershed Conditions as of January 17, 2018 be received as information.

Carried

13. Election of Officers

The Chair asked Jo-Anne Rzdaki, a representative of Conservation Ontario, to assume the chair and conduct the election. Ms. Rzdaki declared the position of Chair vacant.

13.1 Appointment of Scrutineer(s)

18-13

Moved By Vic Prendergast

Seconded By Fred Morison

THAT Bill Yeh and Rosalia Van Der Zalm be appointed as Scrutineers for the purpose of electing officers of the General Membership.

Carried

13.2 Election of Chair

13.2.1 Call for Nominations

G. Lorentz nominated H. Jowett for the position of Chair on the first call for nominations. H. Jowett accepted the nomination.

No further nominations were presented during two additional calls for nominations.

13.2.2 Motion to Close Nominations for Chair

18-14

Moved By Warren Stauch

Seconded By Wayne Roth

THAT nominations for the position of Chair of the GRCA General Membership be closed.

Carried

13.2.3 Distribution and collection of ballots, by scrutineers

Not required.

13.2.4 Announce Election Results

H. Jowett was announced as the Chair of the General Membership of the Grand River Conservation Authority for a one year term to commence January 26, 2018.

13.2.5 Motion to Destroy Ballots

Not required.

13.3 Election of Vice-Chair

13.3.1 Call for Nominations

B. Coleman nominated C. White for the position of Vice-Chair on the first call for nominations. C. White accepted the nomination.

No further nominations were presented during two additional calls for nominations.

13.3.2 Motion to Close Nominations for Vice-Chair

18-15

Moved By Guy Gardhouse

Seconded By Geoff Lorentz

THAT nominations for the position of Vice-Chair of the GRCA General Membership be closed.

Carried

13.3.3 Distribution and collection of ballots, by scrutineers

Not required.

13.3.4 Announce Election Results

C. White was announced as the Vice-Chair of the General Membership of the Grand River Conservation Authority for a one year term to commence January 26, 2018.

13.3.5 Motion to Destroy Ballots

Not required.

13.4 Newly elected officers are invited to speak

13.5 Newly elected Chair assumes chair for duration of meeting

H. Jowett assumed the position of Chair for the remainder of the meeting and thanked J.Rzadki for conducting the election.

H. Jowett and C. White thanked Members for their continued support. Both expressed gratitude and appreciation for the opportunity to continue representing the GRCA Board.

14. Committee of the Whole

Not required.

15. General Business

There was no General Business.

16. 3rd Reading of By-Laws

None.

17. Other Business

W. Stauch announced the upcoming Heritage Day workshop and encouraged members to attend.

E. Clarke requested that plastic items not be used by caterers of the board meetings.

18. Closed Meeting

18-16

Moved By Brian Coleman

Seconded By Bernie Corbett

THAT the General Membership enter a closed meeting to discuss a surplus property.

Carried

18-17

Moved By Jane Mitchell

Seconded By Sandy Shantz

THAT the General Membership return to open session.

Carried

M. Salisbury asked about the timing of completion of a management plan for the property and S. Lawson confirmed that a management plan will be completed before any decision is brought to the Board regarding the future use of the property.

18-18

Moved By Mike Salisbury

Seconded By George Stojanovic

THAT staff be directed to complete a management plan for the entire Niska lands prior to any of those lands being declared surplus.

Carried

18.1 Review of the previous closed session Minutes

18-19

Moved By Chris White

Seconded By George Wicke

THAT the minutes of the December 15, 2017, closed session be approved as circulated.

Carried

18.2 Declaration of Surplus Property

The Grand River Conservation Authority (GRCA) owns a number of houses which were acquired as part of various land acquisition projects. Houses that were not immediately

demolished for the project were rented as part of a residential tenancy program. A review of the residential program concluded that rural rental properties represent a poor business model. A four-stage framework for winding down the program was proposed and approved by the General Membership (Resolution No. 2016-118) on July 22, 2016.

Options for future use of houses being removed from the rental inventory include: using the rentals for GRCA's own use (alternative business use); disposing of the house; or, if neither of the previous options are feasible, demolishing the house. The house is not conducive to park operations. Although the Beitz house has been identified as a Stage 4 house, the house must be severed at the same time as the Schoolhouse and the McCutcheon house because they are all located on the same parcel. McCutcheon was Stage 2 and has been vacated by the tenant, and the Schoolhouse remains occupied and is Stage 3. Stage 3 of the wind-down will begin to be addressed in 2018. It is therefore proposed that the Beitz severance be undertaken early, but that the tenants will be permitted to remain in the house until Stage 4 of the wind-down.

The former Beitz Residence was acquired in 1972 as part of the Guelph Lake Flood Control project. Beitz is a stone house that is in fairly good condition and, based on its current land use and the location of the house, there is a strong likelihood that an application for a severance would be successful. The disposition of this property will protect a stone house that is in good condition and will result in a financial gain for the property reserves.

18-20

Moved By Brian Coleman

Seconded By Vic Prendergast

THAT the Grand River Conservation Authority declare surplus the lands known as the former Beitz residence, described as Part of Lot 9, Concession 10 Division C, Former Township of Guelph, Township of Guelph/Eramosa, Wellington County, known municipally as 7915 Mill Road, RR4 Guelph, to be more particularly described in a Reference Plan to be deposited;

AND THAT staff be directed to obtain municipal approval to sever the residence and approximately two and one half (2.5) acres of land from the parent parcel, and to list the severed portion for sale.

Carried

19. Next Meetings

GRCA Audit Committee - February 15, 2018 at 11:30 a.m.

General Membership Annual General Meeting - February 23, 2018 at 9:30 a.m.

20. Adjourn

The meeting was adjourned at 12:35 p.m.

18-21

Moved By Bob Bell

Seconded By Mike Salisbury

THAT the General Membership Meeting be adjourned.

Carried

Chair

Secretary-Treasurer