



## MINUTES

Minutes for the Board of Directors Meeting held **Thursday, December 12, 2019**, at 6:00 p.m. in Council Chambers, Essex County Civic Centre, 360 Fairview Avenue West, Essex, ON.

<b>Members Present</b>	Tania Jobin (Vice-Chair)	Kieran McKenzie	Joe Bachetti
	Chris Vander Doelen	Ed Sleiman	John Jacobs
	Morley Bowman	Jim Morrison	Larry Verbeke
	Marolyn Morrison	Tracey Bailey	Sue Desjarlais
	Larry Patterson	Len Janisse	Mark Carrick
	Laura Lucier	Dayne Malloch	

<b>Member Regrets</b>	Drew Dilkens	Peter Courtney
-----------------------	--------------	----------------

<b>Members Absent</b>	None
-----------------------	------

<b>Staff Present</b>	Richard Wyma, General Manager/Secretary-Treasurer Nicole Kupnicki, Corporate Services, Executive Assistant Tim Byrne, Director, Watershed Management Services Shelley McMullen, Director, Finance & Corporate Services Kevin Money, Director, Conservation Services Danielle Stuebing, Director, Community Outreach Services Cynthia Casagrande, Regulations Coordinator Ashley Gyori, Regulations Technician
----------------------	--

<b>Guests</b>	Assorted Media Katie Stammler, PhD, Water Quality Scientist/Project Manager Source Water Protection Tom Fuerth, Chair Source Water Protection Committee Brian Bondy Christine Mercer Corrine Chiasson, Resource Planner
---------------	--

## 1. CALL TO ORDER

Good evening. We have regrets this evening from Peter Courtney.

Earlier this week, the City of Windsor confirmed that it has appointed Mayor Drew Dilkens to our Board of Directors to replace Irek Kusmierczyk. Unfortunately, he is not able to join us this evening, but we will look forward to welcome him as a new Board Member at our AGM in January.

## 2. LAND ACKNOWLEDGEMENT

I'd like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, the Odawa, and the Potawatomie <pa-te-wa-temi:> Peoples.

To recognize the land is an expression of gratitude and appreciation to those whose territory you reside on, and a way of honouring the Indigenous people who have been living and working on the land from time immemorial.

We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island - North America.

## 3. DECLARATIONS OF PECUNIARY INTEREST

None.

## 4. APPROVAL OF AGENDA

**THAT the Agenda for the Thursday, December 12, 2019, Meeting of the Board of Directors be approved.**

Resolution BD 132/19

Moved By Kieran McKenzie

Seconded By Ed Sleiman

- CARRIED

## 5. HEARINGS

(a) Hearing Board

**THAT the Board of Directors sit as the Hearing Board in respect of an application(s) under Section 28 of the *Conservation Authorities Act***

Resolution BD 133/19

Moved By Len Janisse

Seconded By Larry Patterson

We are now going to conduct hearings under Section 28 of the Conservation Authorities Act in respect of one application.

- Brian Bondy is requesting relief from access (ingress and egress) policy

requirements to construct a detached structure at 831 Elinor Street, City of Windsor.

We, as the Hearing Board, are unaware of the matters being brought forward and we are only now receiving and reviewing the information provided by staff this evening.

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

The Staff has reviewed this proposed works and a copy of the staff report has been given to the applicant.

The Conservation Authorities Act (Section 28 [12]) provides that:

"Permission required under a regulation made under clause (1) (b) or 8) shall not be refused or granted subject to conditions unless the person requesting permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee."

In holding these hearings, the Authority Board is to determine whether or not a permit is to be issued. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of each applicant.

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

The procedure in general shall be informal. However, this is a quasi-judicial process, and provides for evidence to be given in response to members' question. Therefore, staff and applicants will be asked to swear an oath or provide an affirmation to speak the truth.

In accordance with section 28 of the Act, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons, appeal in writing, to the Minister who may refuse the permission, or grant permission with or without conditions. Through Order in Council, the responsibility for hearing the appeal has been transferred to the Mining and Lands Tribunal.

If the applicant has any questions to ask of the Hearing Board or of the Authority

representative, they must be directed to the Chair of the board.

Staff will first introduce the applicant, his/her owner, and others wishing to speak, and then present the staff position. The applicant and/or their agent may then speak and make any comments on the staff position if they so desire. I would also remind everyone that the Hearing Board is open to the public, and therefore we will allow others to speak and, if necessary, the applicant in rebuttal. We, as the Hearing Board, will question, if necessary, both the staff and the applicant/agent.

Before I ask Tim Byrne, Director of Watershed Management Services to introduce the applications, I would ask that he swear an oath or provide an affirmation to speak the truth.

If by Oath (Bible): do you solemnly swear that the evidence which you are about to give in these proceedings will be the truth, the whole truth, and nothing but the truth, so help you God.

If by Affirmation: Do you solemnly affirm that the evidence which you are about to give in these proceedings will be the truth, the whole truth and nothing but the truth, so help you.

Thank you Tim, please proceed.

(i) Brian Bondy

**THAT the application from Brian Bondy to request relief from access (ingress and egress) policy requirements to construct a detached structure at 831 Elinor Street, City of Windsor be approved.**

Resolution BD 134/19	Moved By	John Jacobs	
	Seconded By	Mark Carrick	- CARRIED

(b) Hearing Board

**THAT the Board of Directors reconvene as ERCA Board.**

Resolution BD 135/19	Moved By	Tracey Bailey	
	Seconded By	Len Janisse	- CARRIED

## 6. ADOPTION OF MINUTES

(a) ERCA Board of Directors

**THAT the Minutes of the Thursday, November 7, 2019 Meeting of the Board of Directors and the recommendations therein be approved as amended.**

Resolution BD 136/19	Moved By	Larry Verbeke	
	Seconded By	Ed Sleiman	- CARRIED



Lake levels continue to be significantly elevated over normal or typical levels. At this time both Lake Erie and Lake St. Clair are matching the historic record levels set previously in 1986.

While there has been a decline in the late summer, it does not match normal annual rate of decline. Current levels are of a grave concern for winter storm conditions and the threat of on shore ice movement through the winter.

Staff have been actively meeting with municipal emergency response personnel to inform and advise on the current status, and are proceeding with updating the ERCA Flood Contingency Plan.

Reflecting back over the year, there have been some unprecedented challenges – significant funding cuts in light of the most challenging year for flooding in our history, as well as uncertainty regarding the future.

I'd like to extend my sincere appreciation to the staff who continue to work vigilantly for the environmental sustainability of our region as we work through these changes.

I'd also like to thank each of you, as Board Members, for all of your work around this table for the past year in our continued efforts to ensure our region is healthy and sustainable. As a group, the work that we undertake collaboratively and regionally is critically important for the betterment and livability of our entire community.

I'd like to wish each of you, and your families, a very Happy Holiday season.

## 9. DELEGATIONS

None.

## 10. PRESENTATIONS

None.

## 11. REPORTS FOR APPROVAL

- (a) BD 42/19 Independent Review of the 2019 Flood Events in Ontario

**THAT ERCA work with LTVCA and municipalities to scope a Framework for a short- and long-term plan for discussion with MNR and Federal Government that incorporates other recommendations from the Report.**

Resolution BD 141/19

Moved By Larry Verbeke

Seconded By Kieran McKenzie

- CARRIED

- (b) BD 43/19 Draft ERCA 2020 Fee Schedule

**THAT the Draft 2020 ERCA Fee Schedule, as described herein, be approved; and further,**

**THAT Administration post notice of the Fee Schedule in ERCA's administrative offices and on ERCA's website and other social media, and be distributed to member municipalities.**

Resolution BD 142/19

Moved By Joe Bachetti

Seconded By Sue Desjarlais

- CARRIED

- (c) BD 44/19 ERCA 2020 Draft Budget

**THAT the 2020 Draft Budget be approved by the Board of Directors for review by and input from member municipalities; and further,**

**THAT the 2020 Draft Budget be forwarded to Municipalities for consideration and input as part of the process of formal approval; and further,**

**THAT notice be given that, in accordance with the Conservation Authorities Act, there will be a weighted vote on the 2020 Draft Budget at the Board of Directors Meeting on February 13, 2020.**

Resolution BD 143/19

Moved By Larry Verbeke

Seconded By Sue Desjarlais

- CARRIED

## **12. ENVIRONMENTAL REGISTRY REPORTS FOR COMMENT**

None.

## **13. REPORTS FOR INFORMATION**

- (a) BD 45/19 Watershed Management Services Activities Report for October and November 2019

**THAT the review of Regulations and Planning Applications, as presented in Report BD40/19 be received for Members' information.**

Resolution BD 144/19

Moved By Larry Patterson

Seconded By Morley Bowman

- CARRIED

- (b) Correspondence

Windsor City Council Decision, November 18, 2019 Re: Climate Change Emergency Declaration

County of Essex Decision, November 20, 2019 Re: Climate Change Emergency Declaration

Town of Amherstburg Decision, November 25, 2019 Re: Climate Change Emergency Declaration

Letter from Windsor Construction Association (WCA) and Heavy Construction Association of Windsor (HCS), November 19, 2019 Re: Developers Stakeholder Committee

Email from Ann Neydon Wilson, Oxley Estate Winery, November 21, 2019 Re: John R. Park Homestead Heritage Centre

Township of Springwater, November 21, 2019 Re: Nottawasaga Valley Conservation Authority Levy

Township of Ramara, November 7, 2019 Re: Conservation Authority Exit Clause

**THAT the correspondence be received for Members' information.**

Resolution BD 145/19

Moved By Tracey Bailey

Seconded By Laura Lucier

- CARRIED

## 14. COMMITTEE OF THE WHOLE

## 15. NEW BUSINESS

- (a) Board Resources

E. Orr, (November/December 2019) **Preserving the Integrity of Ontario Conservation Authorities**, Public Sector Digest, p30-40

## 16. OTHER BUSINESS

- (a) The next meeting of the ERCA Board of Directors will be held at the **Annual General Meeting on Thursday, January 23, 2020** starting at 6:00PM in Council Chambers, Essex County Civic Centre, 360 Fairview Avenue West, Essex, ON.

## 17. ADJOURNMENT

A reminder that we do have a Source Protection Authority Meeting tonight immediately following the conclusion of the ERCA Board of Directors Meeting.

- (a) **THAT the December 12, 2019 Meeting of the Essex Region Conservation Authority Board of Directors be adjourned.**

Resolution BD 146/19

Moved By Joe Bachetti

Seconded By Larry Patterson



A handwritten signature in black ink, reading "Tania Jobin" in a cursive script.

**Tania Jobin**, Vice Chair

A handwritten signature in black ink, consisting of a stylized, sweeping stroke that ends in a small dot.

**Richard Wyma**, csa  
CAO/ Secretary-Treasurer