



## MINUTES

Minutes for the Board of Directors Meeting held **Thursday, November 12, 2020**, at 6:00 p.m via Zoom web conferencing.

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

### Member Regrets

**Members Absent** TBD City of Windsor

### Staff Present

Tim Byrne, Interim General Manager/Secretary-Treasurer  
Nicole Kupnicki, Corporate Services, Executive Assistant  
Shelley McMullen, Director, Finance & Corporate Services  
Kevin Money, Director, Conservation Services  
Danielle Stuebing, Director, Community Outreach Services  
James Bryant, Interim Director, Watershed Management Services  
Dan Jenner, Regulations Coordinator  
Ashley Gyori, Regulations Analyst

**Guests** Assorted Media

## 1. Call to Order

Good evening.

First and foremost, I'd like to begin this evening by expressing my deepest sadness at the passing of our friend and fellow Board Member, Councillor John Jacobs.

A member of our Board since 2015, John's contributions were significant. He posed thoughtful questions and was a staunch advocate for his community. We extend our sincerest condolences on behalf of our entire Board to John's wife Donna, his family, his council colleagues and his many friends. He will be missed. I would ask for a moment of silence in his honour.

We will start by taking a roll call of all Board Members to confirm attendance. We have no regrets this evening.

We will be in alphabetical order by municipality. We have found that muting your line when you are not speaking helps, so please be prepared to unmute your microphone when your name is called and return to mute after you have answered:

- Councillor Peter Courtney, Amherstburg
- Marolyn Morrison, Amherstburg
- Councillor Morley Bowman, Essex
- Councillor Chris Vander Doelen, Essex
- Councillor Laura Lucier, Kingsville
- Councillor Larry Patterson, Kingsville
- Deputy Mayor Tracey Bailey, Lakeshore
- Councillor Len Janisse, Lakeshore
- Councillor Mark Carrick, LaSalle
- Councillor Sue Desjarlais, LaSalle
- Deputy Mayor Larry Verbeke, Leamington
- Councillor Dayne Malloch, Pelee Island
- Deputy Mayor, Joe Bachetti, Tecumseh
- Councillor, Tania Jobin, Tecumseh
- Councillor James Morrison, Windsor
- Councillor Ed Sleiman, Windsor

Thank you all.

## 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, November 12, 2020 Meeting of the Board of Directors be approved.

Resolution 85/20

Moved by Joe Bachetti

Seconded by Morley Bowman

**-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 86/20

Moved by Tania Jobin

Seconded by Len Janisse

**-CARRIED**

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

- Brigitte Jones is requesting relief from access (ingress and egress) policy requirements to construct a detached structure at 9806 St. Clair Road, Town of Lakeshore

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 Dan Jenner, Regulations Coordinator 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 Dan, please proceed.







### 13. Committee of the Whole

- (a) Confidential Matters related to Personnel matters

THAT the meeting move from Board of Directors to Committee of the Whole related to personnel matters

Resolution BD 95/20	Moved by	Morley Bowman
	Seconded by	Peter Courtney

- (b) Resume Open Session

THAT the actions of the Committee of the Whole be endorsed.

Resolution BD 96/20	Moved by	Larry Patterson
	Seconded by	Morley Bowman

### 14. New Business

- (a) BD 38/20 Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures) 2020, and proposed changes to the Conservation Authorities Act

THAT BD 38/20 be received for member's information; and further

THAT Administration undertake an inventory of programs and services, to identify mandatory and non-mandatory programs in response to the proposed transition plan requirement in the Act and additionally to prepare for engaging in municipal consultations and entering into agreements relating to recovery of costs for non-mandatory services; and further

THAT Administration continue to work with Conservation Ontario on providing responses to MECP and MNRF, regarding the proposed Regulations, clarifying implementation of the changes to the Conservation Authorities Act.

Resolution BD 97/20	Moved by	Chris Vander Doelen
	Seconded by	Laura Lucier

**15. Other Business**

- (a) The next meeting of the ERCA Board of Directors will be held on Thursday, December 10, 2020 starting at 6:00 p.m. via Zoom web conferencing.

**16. Adjournment**

THAT the November 12, 2020 Meeting of the Essex Region Conservation Authority Board of Directors be adjourned.

Resolution BD 98/20

Moved by

Sue Desjarlais

Seconded by

Larry Verbeke



**Kieran McKenzie**  
Chair



**Tim Byrne**  
Interim General Manager/Secretary-Treasurer

**UPCOMING EVENTS**

December 10, 2020

**Board of Directors Meeting**, via Zoom Web Conferencing

January 21, 2021

**ERCA Annual General Meeting**, via Zoom Web Conferencing