



MINUTES

Minutes for the Board of Directors Meeting held **Thursday, February 13, 2020**, at 6:00 p.m. in Council Chambers, Essex County Civic Centre, 360 Fairview Avenue West, Essex, ON.

Members Present Kieran McKenzie (Chair) Drew Dilkens Sue Desjarlais
 Tania Jobin (Vice-Chair) Jim Morrison Mark Carrick
 Chris Vander Doelen Tracey Bailey Peter Courtney
 Larry Patterson Len Janisse
 Laura Lucier

Member Regrets Morley Bowman Marolyn Morrison Dayne Malloch
 John Jacobs Ed Sleiman Joe Bachetti

Members Absent Larry Verbeke

Staff Present 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
 James Bryant, Watershed Engineer
 Danielle Stuebing, Director, Community Outreach Services
 Cynthia Casagrande, Regulations Coordinator
 Ashley Gyori, Regulations Technician

Guests Assorted Media
 C. Walner
 K. Robertson
 Fernando Cirino
 Aaron Zimmer

- Ken Robertson is requesting relief from access (ingress and egress) policy requirements to construct a detached structure at 1283 Heritage Road, Town of Kingsville.

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.

9. Delegations

None

10. Presentations

None

11. Reports for Approval

- (a) BD 01/20 Water and Erosion Control Infrastructure (WECI) Projects 2020-2021

THAT ERCA submit applications for funding for the 2020-2021 WECI Program with municipalities, subject to funding approval, and further;

THAT ERCA staff continue to work with municipalities to identify projects eligible for funding under WECI for maintenance of flood and erosion control projects within the Essex Region

Resolution BD 20/20	Moved by	Drew Dilkens	
	Seconded by	Jim Morrison	-CARRIED

- (b) BD 02/20 ERCA 2020 Budget

THAT the 2020 Draft Budget receive final approval; and further

THAT the total municipal levy of \$3,386,667 be allocated in accordance with respective municipal CVA percentages, as provided by Ministry of Natural Resources and Forestry and as presented in the attached 2020 Municipal Levy Allocation Table.

Resolution BD 21/20	Moved by	Mark Carrick	
	Seconded by	Laura Lucier	-CARRIED

I would like to remind members that voting with respect to levy contributions is a recorded, weighted majority vote.

Weighted votes simply means that municipalities that contribute a higher levy, based on Current Value Assessment, or CVA, have a higher percentage of the votes.

But, even if a municipality has more than 50% of the CVA, their combined votes cannot exceed 50%.

We will begin, by Municipality beginning with Amherstburg. When I call your name, please state your vote.

Unanimous -CARRIED

- (c) BD 03/20 High Lake Water Levels and Flood Advisors Report Status

THAT ERCA staff continue to monitor levels and update municipalities and other partners on the threat of flooding; and further,

THAT ERCA continue to work with LTVCA, County, City and municipalities on short- and long-term strategy for discussion with MNR and Federal Government, recommending updating Flood and Erosion Hazard Mapping as the priority for implementation.

Resolution BD 22/20 Moved by Len Janisse

Seconded by Sue Desjarlais **-CARRIED**

- (d) BD 04/20 Leamington Stormwater Master Drainage Study for Reid Drain, Silver Creek and Big Creek Watersheds

THAT the Essex Region Conservation Authority adopt the *Leamington Stormwater Master Drainage Study for Reid Drain, Silver Creek and Big Creek Watersheds* as part of its Place for Life Policies; and further,

THAT ERCA and LTVCA continue to assist the Municipality of Leamington with amendments to their Official Plan to include floodplain policies related to this study area.

Resolution BD 23/20 Moved by Len Janisse

Seconded by Larry Patterson **-CARRIED**

- (e) BD 05/20 Conservation Authority Programs and Services –
MECP Multi-Stakeholder Consultations

THAT Report BD05/20 be received for Members Information

THAT ERCA share its comments, as information, with municipalities and municipal staff confirmed to attend consultation sessions; and further,

THAT a letter from ERCA be sent to MECP regarding changes to the Act and programs and services delivered by Conservation Areas.

Resolution BD 24/20 Moved by Larry Patterson

Seconded by Len Janisse

-CARRIED

12. Environmental Registry Reports for Comment

- (a) BD 06/20 Environmental Registry of Ontario – Drainage Act
Discussion Paper

THAT ERCA submit its comments on the Drainage Act Discussion Paper to Ontario Ministry of Agriculture, Food and Rural Affairs in response to the ERO consultations.

Resolution BD 25/20 Moved by Peter Courtney

Seconded by Sue Desjarlais

-CARRIED

13. Reports for Information

- (a) BD 07/20 Watershed Management Services Activities Report
for December 2019 and January 2020

THAT the review of Regulations and Planning Applications, as presented in Report BD07/20 be received for Members' information.

Resolution BD 26/20 Moved by Tracey Bailey

Seconded by Jim Morrison

-CARRIED

(d) Correspondence

- i. Strathroy-Caradoc Regular Council Meeting January 20, 2020 - Approval of Resolution LTVC - Watershed Management Programs and additional resolutions from a variety of municipalities across Ontario.

THAT the correspondence be received.

Resolution BD 27/20 Moved by Laura Lucier

Seconded by Mark Carrick

-CARRIED

14. Committee of the Whole

15. New Business

None

16. Other Business

- (a) The next meeting of the ERCA Board of Directors will be held on Thursday, April 15, 2020 starting at 6:00 p.m. in Council Chambers, Essex County Civic Centre, 360 Fairview Avenue West, Essex, ON.

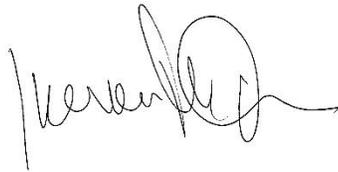
17. Adjournment

THAT the February 13, 2020 Meeting of the Essex Region Conservation Authority Board of Directors be adjourned.

Resolution BD 28/20 Moved by Peter Courtney

Seconded by Larry Patterson

-CARRIED



Kieran McKenzie
Chair



Richard J.H. Wyma CSLA
General Manager/Secretary-Treasurer