

# LOWER THAMES VALLEY CONSERVATION AUTHORITY



## EXECUTIVE COMMITTEE

### DRAFT MINUTES

THURSDAY, MARCH 4, 2021

A virtual meeting of the Conservation Authority's Executive Committee was held on Thursday, March 4, 2021 at the Authority's Administration Building at 100 Thames Street, Chatham, Ontario at the hour of 1:00 PM. A roll call was held with the following committee members present: T. Thompson (at Admin Building) L. McKinlay (at Admin Building), C. Cowell (via remote), P. Tiessen (via remote), & R. Leatham (via remote).

Also present were the following staff members: M. Peacock (at Admin Building), J. Homewood (via remote) & V. Towsley (minutes recorder, at Admin Building).

1. Call to Order

Chair, Trevor Thompson called the meeting of the Executive Committee to order at 1:00 PM.

2. First Nations Acknowledgement

M. Peacock provided the reading of the First Nations Acknowledgement.

We will begin by acknowledging that the land on which we gather is the traditional territory of First Nations people who have longstanding relationships to the land, water and region of southwestern Ontario. We also acknowledge the local lower Thames River watershed communities of this area which include Chippewa's of the Thames First Nation, Oneida Nation of the Thames, Munsee Delaware Nation and Delaware Nation at Moraviantown. 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). We are thankful for the opportunity to live, learn and share with mutual respect and appreciation.

3. Adoption of the Agenda

**E-2021-01 L. McKinlay – R. Leatham**

**Moved** that the Agenda be adopted as presented.

**CARRIED**

4. Disclosure of Conflicts of Interest

None declared.

5. Motion to sit as a Hearing Board

**E-2021-02 P. Tiessen – C. Cowell**

**Moved** that the Executive Committee sit as the Authority's Hearing Board.

**CARRIED**

6. Hearing #1/2021 – CA Application No. 409-2020

The Chair introduced the Hearing Board members and the CAO to the applicant. The applicant was in attendance remotely for the hearing. Jason Homewood, Water Resources and Regulations Technician provided the Hearing Board with the staff report which was previously provided to the applicant and to the Executive Committee, and also provided a power point presentation regarding this application and Lake Erie processes. The applicant was provided an opportunity to be heard.

The applicant provided the Board with clarification on the proposal as submitted for approval.

The Hearing Board had questions for staff and the applicant regarding the proposal.

The Chair requested that the applicant, Mr. Homewood, and Mrs. Towsley leave the meeting in order that the Hearing Board could meet in camera.

**E-2021-03 C. Cowell – L. McKinlay**  
**Moved** that the Hearing Board meet ‘in camera’.

**CARRIED**

**E-2021-04 L. McKinlay – P. Tiessen**  
**Moved** that the Hearing Board move out of the ‘in camera’ session.

**CARRIED**

**E-2021-05 P. Tiessen – C. Cowell**  
**Be it resolved** that in accordance with the requirements of the Conservation Authorities Act, the Lower Thames Valley Conservation Authority provides the following Decision:

**Moved that** on March 4, 2021 the Hearing Board / Executive Committee **refuse** the application. This decision is based on the following reasons:

- That sufficient evidence was not provided that would support the application in terms of how it would not have been impacted by the shoreline hazards (erosion and slope failures).
- That the proposed structure and its septic system will be impacted by the eroding shoreline within 10-60 years.
- That the proposed development will impact the stability of the bluff within 10-60 years.
- That the existing access road to the property may be impacted by the eroding shoreline in the next 50 years, cutting off access to the property.
- That both LTVCA policies and provincial technical guidance do not support a new residential structure in this location.

**CARRIED**

The Chair advised the committee that LTVCA staff will provide the applicant the Hearing Board’s decision

**Resolution Number E-2021-05**

**E-2021-06 R. Leatham – L. McKinlay**

Moved that the Hearing Board sit as the Executive Committee.

**CARRIED**

7. Regulation Item for Discussion – CA Application #021-2021

J. Homewood provided the Executive Committee information on our Policies, and neighbouring CA's around the permitting of a pool, lakeward of the existing residential structure, within the Regulated Area.

Staff recommend that the pool be permitted in the location shown on the proponent's application.

L. McKinlay recommended that the Authority will need a clear definition of what an above ground pool is, as opposed to an inground pool or on-ground pool. The current proposal is for an on-ground pool.

**E-2021-07 R. Leatham – L. McKinlay**

Moved that the Executive Committee allow staff to approve the application for the proposed on-ground pool, in the location noted in the application, with any draw down required for the regular maintenance of the pool being directed to an existing catch basin, and with the condition that the base be no lower than 1 foot into the existing grade, and that the permit issued be consistent with Provincial Policy.

**CARRIED**

8. Bill 229 – LTVCA Admin By-law 2018-01 – updates

Mr. Peacock provided the Executive Committee with an update regarding the February 2, 2021 Proclamation of Sections of the Conservation Authorities Act and how Bill 229 will impact our By-laws, municipal representation and day-to-day regulatory processes. LTVCA is seeking further input from the Province on this matter. The Power Point Presentation on these items is appended to these minutes.

L. McKinlay recommended that the presentation be sent out to the full Board of Directors.

**E-2021-08 R. Leatham – P. Tiessen**

Moved that the presentation be received for information and provided to the full Board of Directors for review.

**CARRIED**

9. Other Business

None noted.

10. Adjournment

**E-2021-09 L. McKinlay – C. Cowell**

Moved that the meeting be adjourned.

**CARRIED**

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Trevor Thompson  
Chair

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Mark Peacock, P. Eng.  
CAO/Secretary-Treasurer

DRAFT

**Feb 2, 2021 Proclamation of Sections  
of the *Conservation Authorities Act* -  
UPDATE**

**Executive Committee Meeting  
March 4, 2021**

**Mark Peacock, P. Eng.  
CAO Secretary-Treasurer**



# Key Correspondence

- ▶ **ca.office (MECP) emails**
  - Notice of Proclamation of Provisions of the Conservation Authorities Act – (Feb 5, 2021)
  - Proclamation of Provisions of the Conservation Authorities Act – FAQs (Feb 9, 2021)
  - Guidance on submitting requests for Minister ‘exceptions’ under the Conservation Authorities Act (Feb 22, 2021)

# Overview Chart – Generalized Required Actions & DRAFT LTVCA Actions

Date in Force	Description of Amendments	Recommended LTVCA Action
Feb. 2, 2021	Existing Aboriginal Treaty Rights, (Section 1.1) Inclusion of an aboriginal and Treaty Rights non-abrogation clause	none
Feb. 2, 2021	Municipal Appointments (Section 14) At least 70% of a municipality's appointees are required to be selected from their councilors. A municipality can apply to the minister to have that percentage reduced	None at this time for members currently servicing because all currently serving members comply, For London and Middlesex Centre letters have been sent advising them of the new requirement and offers to discuss have been provided.
Feb 2, 2021	Member from agricultural sector (Section 14) The minister has the ability to appoint an additional member to the board to represent the agricultural sector. The current board of the LTVCA includes members that can provide this representation, this may not be an issue here. The agricultural member cannot vote on resolutions to enlarge, amalgamate or dissolve the authority or on budget items.	None at this time. If a member is appointed then procedures will be required to address limited voting rights.
Feb 2, 2021	Agenda and Minutes (Section 15) Agenda for the Board and Executive Committee to be available to the public prior to the meetings. Minutes of Board and Executive Committee to be available to the public within 30 following a meeting	Action Required Post Executive Committee Agendas, Board agenda already posted, Post draft minutes within 30 of meetings



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# Time Sensitive Clauses: email Feb 11, 2021 Proclamation Action #4 Municipal Member Agreements

## Municipal agreements

(sec. 14)

The Minister is to be provided with a copy of any agreement amongst participating municipalities affecting the number of members.

The number of members is established through the population formula under the CAA (s.2(2)) or under a past Order in Council unless there is an agreement confirmed by municipal resolutions (s.14(2.1))

**Required Action:** Agreements sent to Minister by **April 3, 2021** (s14(2.3))

**BMP Action:** letter to the Minister advising if CA does not have any agreements with respect to the number of members and confirming compliance with current legislation

**BMP Action:** c.c. CO on all letters

**BMP Action:** post member status documentation (e.g. OIC) on website



# Time Sensitive Clauses:

## **Term of chair & vice-chair (s. 17)**

A chair or vice-chair shall hold office for a term of one year and shall serve for no more than two consecutive terms.

Appointments must rotate amongst participating municipalities, a member from a specific municipality cannot be appointed to succeed an outgoing chair or vice-chair appointed by the same municipality. The Minister may grant permission to appoint a chair or vice-chair for a term of more than one year or to hold office for more than two consecutive years or waive the rotating provision

From Feb 2, 2021 an individual is not eligible for appointment if they have just finished servicing in the position for two years or if they are from the same municipality as the previous incumbent. Any appointments made under the old rules prior to Feb 2nd are valid until the next election. Exceptions can be requested from the Minister (see ca.office MECP Feb 22, 2021 email re: Complete application requirements)

**Required Action:** review of Chair/Vice Chair history; adjust elections accordingly or request an exception; update Admin bylaw.

**BMP Action:** if you are out of compliance; send Minister email (c.c. CO) with plan to get into compliance

# Time Sensitive Clauses:

## **Municipal appointments (sec. 14)**

At least 70% of a municipality's appointees are required to be selected from their councillors. A municipality can apply to the Minister for an exception to have that percentage reduced.

Current members may complete the remaining duration of their appointment. As new members are appointed, participating municipalities must appoint them in accordance with the new requirements. Exceptions can be requested from the Minister (see ca.office MECP Feb 22, 2021 email re: Complete application requirements)

**Required Action:** review of municipal appointment schedule; letters to municipalities notifying them of changes and exception process; update Admin bylaw

**BMP Action:** send letters as soon as possible re: above and reminding them of their next scheduled appointment date

## Proclaimed                      Model Administrative Section CAA                      -                      By-Law Updates

- ▶ Section 14 – Governance: Member appointments; including place-holder for agriculture representative appointees
- ▶ Section 15 – Meeting Procedures: Minutes of meeting to be available to the public within 30 days following a meeting – minutes now posted as draft
- ▶ Section 17 – Governance: Terms & Election Chair & Vice Chair
- ▶ Section 21 - Introduction: Powers of authorities
- ▶ Section 38 - Governance: audited financial statements; minor wording

## Proclaimed Section CAA - Model Administrative Outside of By-Law

- ▶ Section 23 (??Appointment of Administrator; Minister's Order??) – Governance: Officers/CAOs? OR include in Background section of Model Bylaw doc
- ▶ Section 28.0.1 (??Permits within a Minister's Zoning Order??) – Governance: Powers of the General Membership xiv) permits?; Indemnification of Members, Officers and Employees?

# CO Model Administrative By-Law Updates – compliance CAA checklist

Proposed to be included as a new section modelled after:

## IV. Checklist for compliance with Section 19.1 (p.35)

Proposed Conservation Authorities Act Section 19.1(1) An authority may make by-laws:	Template By-law
(a) respecting the meetings to be held by the authority, including providing for the calling of the meetings and the procedures to be followed at meetings, specifying which meetings, if any, may be closed to the public;	<u>Part II Administrative By-law, Section C – Meeting Procedures</u> <b>1. Rules of Procedure</b> <b>2. Notice of Meeting</b> <b>13. Meetings with Closed “In Camera” Sessions</b>
(b) prescribing the powers and duties of the secretary-treasurer;	<u>Part II Administrative By-law, Section B – Governance</u> <b>2. Officers</b>
(c) designating and empowering officers to sign contracts, agreements and other documents on behalf of the authority;	<u>Part II Administrative By-law, Section B – Governance</u> <b>1(c) Powers of the General Membership</b> <b>2. Officers</b> <b>13. Signing Officers</b>



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Questions?

