



Hamilton  
Conservation  
Authority

A Healthy Watershed for Everyone

4.15

Via Email: [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

March 9, 2021

Andrea Holland, City Clerk  
Office of the City Clerk  
City Hall  
71, Main Street West, 1<sup>st</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

**Re: Hamilton Conservation Authority Board of Directors resolution related to proclaimed provisions of the Conservation Authorities Act.**

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Dear Ms. Holland,

On March 4, 2021, the Hamilton Conservation Authority Board of Directors passed the following unanimous resolution.

**BD12, 2857**                      **MOVED BY: Cynthia Janzen**  
**SECONDED BY: Brad Clark**

**WHEREAS** some specific provisions in the Conservation Authorities Act were recently proclaimed to initiate changes to conservation authority governance; and

**WHEREAS** the June 3, 2021, HCA Annual General Meeting is affected by the changes as it relates to the rotation of the Chair and Vice Chair positions amongst participating municipalities unless the Authority applies to the Minister of the Environment, Conservation and Parks requesting an exception and

**WHEREAS** the June 3, 2021, HCA Annual General Meeting is also impacted by term limits for the positions of Chair and Vice Chair unless the Authority applies to the Minister of the

**Environment, Conservation and Parks requesting an exception; and**

**WHEREAS the future citizen appointments to the HCA Board of Directors would be impacted by the requirement to have 70% of board members to be elected officials unless HCA's participating municipalities, the City of Hamilton and Township of Puslinch, apply to the Minister of the Environment, Conservation and Parks requesting an exception;**

**THEREFORE, BE IT RESOLVED**

**THAT the Board of Directors approve the following:**

- 1. THAT the Hamilton Conservation Authority apply to the Minister of the Environment, Conservation and Parks requesting an exception to the rotation of the Chair and Vice Chair position to rotate amongst participating municipalities given HCA's unique board composition with only two participating municipalities and just one member from the second participating municipality; and further**
- 2. THAT the rotation be based on annual democratic election by board members who wish to stand for these positions and further;**
- 3. THAT an exception also be requested to the maximum two consecutive term limits for the position of Chair and Vice Chair to a maximum of four consecutive terms to align with the appointment terms from the participating municipalities and further;**
- 4. THAT the maximum four consecutive terms be based on annual democratic election by board members who wish to stand for these positions and further;**
- 5. THAT the Board endorse the current complement of five elected officials and five citizen appointments from the City of Hamilton and the option of the Township of Puslinch to appoint either a citizen or elected official and further;**
- 6. THAT HCA request the City of Hamilton and Township of Puslinch make application to the Minister of the Environment, Conservation and Parks to request exceptions to maintain the current complement of citizen appointments on the HCA Board.**

**RECORDED VOTE:**

**For:** Dan Bowman  
Brad Clark Jim  
Cimba Chad  
Collins Lloyd  
Ferguson Tom  
Jackson  
Cynthia Janzen  
Santina Moccio  
Maria Topalovic

**Opposed: None**

**CARRIED**

Please consider this letter as the Hamilton Conservation Authority Board of Directors request to the Council of the City of Hamilton to make application to the Minister of the Environment, Conservation and Parks to request exception to the Conservation Authorities Act Section 14 (1.2) to maintain the current complement of citizen appointments on the HCA Board of Directors. HCA board members have expressed their strong support for the recommendations and made note of how citizen representatives on the Board have made valuable contributions. All six recommendations reinforce our current process which operates effectively.

In this regard, given that the City of Hamilton appoints 10 members to the HCA Board, the request would be to retain 50% citizen appointments and 50% municipal appointments. Without an exception request to the Minister, the City will be required to appoint 70% of HCA board members as municipal councillors.

Enclosed please find a template provided by the Province outlining the requirements for the exception application.

Sincerely,



Councillor Lloyd Ferguson  
Chair, Hamilton Conservation  
Authority



Lisa Burnside  
CAO, Hamilton Conservation  
Authority

Enclosure:

Subsection 14(1.2) of the *Conservation Authorities Act* (CAA) - Application for  
Minister's Exception Template

**Template: Subsection 14(1.2) of the *Conservation Authorities Act* (CAA)  
Application for Minister's Exception  
(less than 70% municipal council members appointed to an authority)**

Please complete the following table and submit to the Minister at [minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca), along with:

- a covering letter, and
- clear statement of the request from the council of the participating municipality through a council resolution.
- meeting minutes and details of a recorded vote on that resolution.

Item	Details from Applicant
Name of participating municipality submitting application	
<b>Composition of Authority:</b>	
Total number of the authority membership	
Number of participating municipalities in the authority	
<b>Proposal details:</b>	
The number of members the participating municipality is proposing to appoint who are not members of municipal council, and the total number of members the participating municipality appoints to the authority.	
Change in the number of non-elected members the participating municipality is proposing to appoint as compared to previous appointees by the municipality.	
Proposed length of term for each proposed appointment of a non-elected member.	
Detailed rationale, including local circumstances, for Minister to consider as to why an exception is needed.	

## **Appendix: Relevant wording in the *Conservation Authorities Act***

### Members of authority

14 (1) Subject to subsection (3), members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers set out in subsection 2 (2) for the appointment of representatives. 2017, c. 23, Sched. 4, s. 12 (1); 2020, c. 36, Sched. 6, s. 2 (1).

### Members of council appointed

(1.1) When appointing members of an authority, the council of a participating municipality shall ensure that at least 70 per cent of its appointees are selected from among the members of the municipal council, subject to subsection (1.2). 2020, c. 36, Sched. 6, s. 2 (2).

### Exception

(1.2) Upon application by a participating municipality, the Minister may grant permission to the municipality to select less than 70 per cent of its appointees to an authority from among the members of the municipal council, subject to such conditions or restrictions as the Minister considers appropriate. 2020, c. 36, Sched. 6, s. 2 (2).