



**Grand River Conservation Authority
Addendum - General Meeting**

Friday, November 27, 2020

9:30 a.m.

GRCA Zoom Virtual Meeting

Link to be distributed via email prior to meeting

| | Pages |
|--|--------------|
| 6. Minutes of the Previous Meetings | |
| <i>a. Minutes of the General Membership Meeting - November 23, 2020</i> | |
| 10. Correspondence | |
| <i>a. Town of Halton Hills - Motion in Support of Conservation Authorities</i> | 6 |
| <i>b. Rodrigo Goller on behalf of the City of Guelph - Motion in Support of Conservation Authorities</i> | 9 |
| <i>c. Helen Jowett on behalf of the Region of Waterloo - Motion in Support of Conservation Authorities</i> | 10 |
| <i>d. Marcus Adili - City of Hamilton Notice of Motion, and Hamilton Conservation Authority - Support for Ontario Municipalities</i> | 11 |



THE CORPORATION
OF
THE TOWN OF HALTON HILLS

Resolution No.: 2020-0272

Title: Protecting Conservation Authorities

Date: November 23, 2020

Moved by: Councillor Lawlor
Councillor A. Lawlor

Seconded by: Councillor Lewis
Councillor B. Lewis

WHEREAS the Provincial Government has introduced changes to the Conservation Act within the Bill 229, Protect, Support and Recover from COVID 19 Act – Schedule 6 – Conservation Authorities Act;

AND WHEREAS the Town of Halton Hills has been well served by Conservation Halton, Grand River Conservation Authority and Credit Valley Conservation;

AND WHEREAS the Town of Halton Hills is committed to ensure that development does not place any resident/person, business or property at risk of injury, death or damage due to flooding;

AND WHEREAS the Town of Halton Hills relies on the watershed expertise provided by local conservation authorities to protect residents, property, and local natural resources on a watershed basis by regulating development under the *Conservation Authorities Act*, ensuring compliance with the Regulations and engaging in reviews of applications submitted under the *Planning Act*;

AND WHEREAS new legislation introduces changes and new sections that could remove and/or significantly hinder conservation authorities' participation in and support of local planning appeal processes and their ability to protect development from natural hazards;

AND WHEREAS the changes allow the Minister to make decisions without consideration of local watershed conditions, the Conservation Authority Board approved policies, watershed data and technical expertise;

AND WHEREAS the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs;

AND WHEREAS municipalities require a longer transition time to put in place agreements with conservation authorities for non-mandatory programs;

AND WHEREAS municipalities believe that the appointment of municipal representatives on conservation authority boards should be a municipal decision; and the Chair and Vice Chair of the conservation authority boards should be duly elected;

AND WHEREAS the changes to the 'Duty of Members' contradicts the fiduciary duty of a conservation authority board member to represent the best interests of the conservation authority and its responsibility to the watershed;

AND WHEREAS conservation authorities have already aligned approaches through Memorandums of Understanding with local watershed municipalities to reduce delays, avoid duplication and improve service delivery for all clients;

AND WHEREAS changes to the legislation will create more administrative costs for the conservation authorities, their municipal partners, municipal taxpayers and cause delays in the development approval process;

AND WHEREAS The Town of Halton Hills relies on a well-based system for the supply of drinking water for its residents and businesses;

AND WHEREAS municipalities value and rely on the natural habitats and water resources within conservation authority jurisdictions for the health and well-being of residents; municipalities value conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value conservation authorities' work to ensure safe drinking water.

THEREFORE, BE IT RESOLVED THAT the Province of Ontario work with conservation authorities to address their concerns by repealing and/or amending changes to the *Conservation Authorities Act* and the *Planning Act* set out in Bill 229 Schedule 6;

AND FURTHER THAT the Province of Ontario delay enactment of clauses affecting municipal concerns;

AND FURTHER THAT the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of conservation authority municipal budget processes;

AND FURTHER THAT the Province respect the current conservation authority/municipal relationships;

AND FURTHER THAT the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role;

AND FURTHER THAT a copy of this resolution be forwarded to Premier Ford, the Minister of the Environment, Conservation and Parks, the local MPPs, the local MPs, the Federal Minister of Environment and Climate Change, the Leaders of all opposition parties, Halton Region, the City of Burlington, the Town of Milton, the Town of Oakville, Conservation Halton, Grand River Conservation Authority, Credit Valley Conservation, Conservation Ontario and AMO.



Mayor Rick Bonnette

From: [Rodrigo Goller](#)
To: [Eowyn Spencer](#); [Board Members](#)
Cc: [Samantha Lawson](#)
Subject: RE: GRCA response re: Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures)
Date: Wednesday, November 25, 2020 3:56:27 PM

Good afternoon Eowyn, Samantha, fellow Board members,

Thank you for sending this Samantha. At Monday night's Council meeting, Guelph City Council unanimously approved the resolution below. I'm sharing for your information and in case you want to bring similar resolutions forward to your Councils.

WHEREAS the Government of Ontario has introduced Bill 229, the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020, which proposes changes to Conservation Authorities' permitting, planning and enforcement powers (contained in Schedule 6);

AND WHEREAS Conservation Authorities play a critical role protecting our environment and natural heritage, mitigating natural hazards, and supporting municipal partners by providing an environmental, conservation and risk assessment lens on development applications;

AND WHEREAS proposed changes in Schedule 6 of Bill 229 have raised concerns amongst Conservation Authorities, including the Grand River Conservation Authority, First Nations, environmental groups and residents in our local community;

THEREFORE, BE IT RESOLVED THAT the City of Guelph encourage the Government of Ontario to pause on proposed Conservation Authority changes by either amending or removing Schedule 6 of Bill 229 in accordance with feedback and further consultations with Conservation Authorities and municipalities to address these concerns, including the development of proposals that will improve Conservation Authority operations while strengthening environmental protections for the people of Ontario and ensuring cost-neutrality for municipal governments;

AND FURTHER THAT this resolution and a copy of the Grand River Conservation Authority Report (GM-11-20-85) Proposed Amendments to the Conservation Authorities Act through Bill 229, be forwarded to the Premier, the Minister of Environment, Conservation and Parks, the Minister of Natural Resources and Forestry, the Minister of Municipal Affairs and Housing, the Minister of Finance, Conservation Ontario and the Association of Municipalities of Ontario (AMO).

Warm regards,

Rodrigo

Rodrigo Goller
City Councillor, Ward 2
City of Guelph
226-821-1146
Rodrigo.Goller@Guelph.ca

ward2guelph.ca

Helen Jowett - Proposed Resolution for Region of Waterloo – Carried November 25, 2020

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act – Schedule 6 – Conservation Authorities Act;

WHEREAS the Legislation introduces a number of substantial changes and new sections that will remove and/or significantly hinder the conservation authorities' role to manage watershed natural resources and ensure people and property are safe from natural hazards;

AND WHEREAS municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value and rely on the conservation authorities' critical role to mitigate the serious risks that natural hazards like flooding pose to people's lives and property; and municipalities value and rely on the conservation authorities' essential work to ensure safe drinking water.

THEREFORE BE IT RESOLVED

- THAT the Province of Ontario work with conservation authorities and municipalities to address these concerns by repealing and/or amending Schedule 6 of Bill 229 and the changes to the *Conservation Authorities Act* and the *Planning Act* to address these concerns;
- THAT the Province of Ontario delay enactment of clauses affecting municipal concerns and provide at minimum an 18-24 month transition period so that changes can be appropriately incorporated into both municipal and conservation authority budgets;
- THAT the Province respect the conservation authority/municipal relationships;
- THAT the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their important watershed management role;
- AND THAT this resolution and a copy of the Grand River Conservation Authority Report (GM-11-85) Proposed Amendments to the Conservation Authorities Act through Bill 229 be forwarded to the Premier, the Ministers of Environment, Conservation and Parks, Natural Resources and Forestry, Municipal Affairs and Housing, and Finance, the Association of Municipalities of Ontario and the Rural Ontario Municipal Association.

CITY OF HAMILTON

NOTICE OF MOTION

Council: November 25, 2020

MOVED BY COUNCILLOR L. FERGUSON.....

Bill 229 - Proposed Changes to the Conservation Authorities

WHEREAS, the funding for the Hamilton Conservation Authority (HCA) budget is as follows, with the principal funders of the HCA being the City of Hamilton and self generated revenues with the Province contributing 2%:

- Self generated 58%
- City of Hamilton 37%
- Hamilton Conservation Foundation 2%
- Puslinch Township 1%
- Province 2%

WHEREAS, Bill 229, will remove the HCA's authority to issue stop work orders when catastrophic damage is occurring in a protected area;

WHEREAS, Bill 229, provides the Minister with the authority to make decisions respecting the watershed, without the HCA's watershed data and expertise;

WHEREAS, Bill 229, proposes to permit applicants to appeal a decision to the Local Planning Appeal Tribunal (LPAT), which are currently appealed to the HCA;

WHEREAS, Bill 229, removes citizen appointees who currently provide valuable expertise that Councillors may not have (legal, communications, and environmental expertise etc.) from HCA's current membership (5 (five) Hamilton Councillors; 5 (five) citizens appointed by Hamilton City Council and 1 (one) member appointed by the Township of Puslinch);

WHEREAS, Bill 229, has Municipal Chairs and Vice Chairs rotating to a different municipality every two years, which will result in the appointee from the Township of Puslinch holding an unelected position on the Board as Chair or Vice Chair in perpetuity, while only contributing 1% of the revenue; and

WHEREAS, Bill 229, will remove the HCA's ability to expropriate lands, which is an important last resort tool the HCA has for land acquisition in our watershed;

THEREFORE, BE IT RESOLVED:

- (a) That the Province of Ontario withdraw Schedule 6 of the *Budget Measures Act* (Bill 229);

- (b) That the Province continue to work with Conservation Authorities to find workable solutions to reduce red tape and create conditions for growth;
- (c) That the Province respect the current Conservation Authority / Municipal relationships;
- (d) That the Province embrace their long-standing partnership with the Conservation Authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role; and
- (e) That this resolution be forwarded to the Honourable Doug Ford, Premier of Ontario; Honourable Rod Phillips, Minister of Finance; Honourable Jeff Yurek, Minister of Environment; Honourable John Yakabuski, Minister of Natural Resources and Forestry; Honourable Steve Clark, Minister of Municipal Affairs and Housing; local MPP's; Ted Arnott, MPP Puslinch; the local Media; Conservation Ontario.



November 23, 2020

Via Email

Honourable Doug Ford, Premier of Ontario
Honourable Rod Phillips, Minister of Finance
Honourable Jeff Yurek, Minister of Environment, Conservation and Parks
Honourable John Yakabuski, Minister of Natural Resources and Forestry
Honourable Steve Clark, Minister of Municipal Affairs and Housing

Re: Concerns with *Bill 229: Protect, Support and Recover from COVID 19 Act (Budget Measures Act) - Schedule 6 – Conservation Authorities Act*

On November 5th, the Province released proposed changes to the Conservation Authorities Act as part of its omnibus bill announced with the provincial budget. The Province has stated they are amending the Act to improve transparency and consistency in conservation authority operations, strengthen municipal oversight and streamline conservation authority roles in permitting and land use planning. Additional regulations under the Act are still to be provided later this fall to provide a more complete understanding of how the changes are to be implemented and what their full impact will be.

We feel it is important to highlight that conservation authorities were originally created to address concerns regarding the poor state of the natural environment and the need to establish programs based on watershed boundaries for natural resource management. Conservation authorities bring the local watershed science and information into decision making to ensure that Ontario's communities are protected.

While we are encouraged that the purpose of the Act to provide for the organization and delivery of programs and services that further conservation, restoration, development, and management of natural resources in Ontario watersheds remains the same, Hamilton Conservation Authority (HCA) is very concerned that proposed changes to the Conservation Authorities Act and the Planning Act if passed, would reduce our ability to protect the natural environment and our watershed, and remove citizen representation and their most valuable insight and input to our Board.

The legislative changes appear to be an excessive intervention in local matters in an area where the Province makes little financial contribution. In the case of HCA, the Province contributes just 2% of the annual revenues for the operating budget. The remaining 98% of our funding comes from our municipal partners (38%) and self generated funds (60%).

Proposed changes provide new appeal avenues for permit applications to go to the Local Planning Appeal Tribunal (LPAT) and even the ability of the Minister of Natural Resources and Forestry to issue certain permits, in place of the conservation authority. It must be stressed that an appeal process already exists to applicants allowing them access directly to the HCA Board, a Board that is built with municipal oversight imbedded. Conservation authorities are important agencies which help protect Ontario's environment. Their science-based watershed information helps to steer development to appropriate places where it will not harm the environment or create safety risks to people. HCA already issues the vast majority of minor and major permits with efficiency and high service standards. HCA is committed to providing excellent client service, and we have a strong history of working cooperatively with our watershed municipalities, residents and businesses to ensure efficient and timely planning and regulatory review processes. Through a review of the current permit review process, Conservation Ontario estimates that the new changes to the permitting appeals process could delay development approvals by as much as 200 days. As well, costs can be expected to increase due to more staff time being required for permit appeals processes rather than time being spent on actually issuing permits.

Changes have been proposed to the Planning Act that create a gap in the land use planning system. Currently, conservation authority participation in the planning appeals process ensures that watershed science and data is being applied to planning and land use decisions. This input would be lost and it is an important tool for HCA to have when needed. Additionally, though unintentional, this change could also impact our right to appeal planning decisions as a landowner. This is a concern as our conservation lands, made up of 11,000 acres of forests, 145 km of trails, fields, streams, wildlife and plant life, are under HCA's care and protection, as they have been for over 60 years.

Conservation authorities have long requested the ability to issue stop work orders to protect environmentally sensitive areas. The proposed changes to the Act remove unproclaimed provisions for this enhanced enforcement and only retain the current tools such as prosecution, injunctions and fines; these existing tools do not provide the ability to effectively stop, on a timely basis, any significant threats and impacts and prevent damage.

As briefly mentioned, if passed, HCA would lose citizen representatives on its board who currently make up half the board of directors. The citizen members come from diverse backgrounds with experience in a number of fields, and are active members of their communities. They bring a wide array of knowledge, governance experience and expertise to their positions. These members provide valuable input on HCA programs and services from a citizen's point of view.

Of equal importance, HCA has only two participating municipalities with 10 members from Hamilton and 1 from the Township of Puslinch, which represents the unique situation of 99% of our watershed being within the City of Hamilton and the City of Hamilton being our major funder. With the new proposed requirements to rotate the Chair and Vice Chair role, there would be no democratic election process given the

representative from Puslinch would simply be appointed as the Vice Chair or Chair every 2 years. And finally, the proposed amendments would also require municipally appointed councillors to make decisions in the best interest of the municipality they represent and not the conservation authority and its watershed, the organization that they are supposed to represent when sitting as a Board member of the Authority. This is contrary to proper board governance.

In these stressful times, nature and the outdoors play an important role in people's mental and physical health. After this year, we have seen just how important these spaces - and that protection - is for our community. We will continue promoting our vision of a healthy watershed for everyone.

We do not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor do we want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery. As such I respectfully ask that as a result of our concerns:

- the Province of Ontario withdraw Schedule 6 of the Budget Measures Act (Bill 229)
- the Province continue to work with conservation authorities to find workable solutions to reduce red tape and create conditions for growth
- the Province respect the current conservation authority/municipal relationships
- the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

If there are any actual and/or perceived issues pertaining to certain conservation authorities, they might best be addressed through area-specific solutions created to resolve them that can be identified through local analysis and consultation.

Sincerely,



Councillor Lloyd Ferguson
Chair, Hamilton Conservation Authority

Cc:

HCA Board of Directors
City of Hamilton Mayor and Council
Township of Puslinch Mayor and Council
Ted Arnott, MPP Wellington – Halton Hills
Andrea Horwath, MPP Hamilton Centre
Paul Miller, MPP Hamilton East – Stoney Creek
Sandy Shaw, MPP Hamilton West – Ancaster – Dundas
Donna Skelly, MPP Flamborough – Glanbrook
Monique Taylor, MPP Hamilton Mountain