



# Town of Newmarket Council Information Package

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Date: December 18, 2020

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## Information Reports

The following information report was distributed during this period:

- INFO-2020-38: Widdifield Family Plaque at Riverwalk Commons  
Recreation and Culture Services  
December 18, 2020



November 24, 2020

The Honourable Doug Ford  
Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

Paul Miller  
M.P.P. Hamilton East-Stoney Creek  
289 Queenston Road  
Hamilton, Ontario L8K 1H2

Andrea Horwath  
Opposition Party Leader  
New Democratic Party of Ontario  
M.P.P Hamilton Centre  
20 Hughson St. S., Suite 200  
Hamilton ON L8N 2A1

Donna Skelly  
M.P.P. Flamborough-Glanbrook  
2000 Garth Street, Suite 104  
Hamilton, ON L9B 0C1

Monique Taylor  
M.P.P. Hamilton Mountain  
2-555 Concession Street  
(Royal Bank Building)  
Hamilton, Ontario L8V 1G2

Sandy Shaw  
M.P.P. Hamilton West-Ancaster-Dundas  
177 King Street West  
Dundas, ON L9H 1V3

Dear Premier Ford and Members of Provincial Parliament,

At its meeting of November 11, 2020, Hamilton City Council approved Item 8 of the General Issues Committee Report 20-018, which reads as follows:

**9. Temporary Cap on Food Delivery Service Charges (Item 10.1)**

WHEREAS, the restaurant industry plays a crucial role in the City's economy, as well as the livelihoods of residents, families and communities;

WHEREAS, the restaurant industry has been severely impacted throughout the COVID-19 pandemic, particularly due to substantially decreased indoor dining;

WHEREAS, restaurant owners have become increasingly dependent on delivery and take-out services for the viability of their businesses;

WHEREAS, restaurants are under pressure from high commission fees being charged by the major food delivery service apps;

WHEREAS, major cities throughout the United States have implemented temporary caps on the fees charged by food delivery service apps, as an option to assist the restaurant industry throughout the COVID-19 pandemic; and,

WHEREAS, the City of Hamilton does not have the authority to regulate food delivery service company fees or cap the fees that they charge;

THEREFORE, BE IT RESOLVED:

- (a) That the Mayor correspond with the Premier of Ontario, and local Members of Provincial Parliament to ask that the Province implement a temporary cap on commissions for food service delivery companies; and,
- (b) That a copy of that request be sent to other municipalities in Ontario and the Association of Municipalities of Ontario for their endorsement.

Therefore, the City of Hamilton respectfully requests your timely consideration to this matter.

Sincerely,

Fred Eisenberger  
Mayor

Copied: Municipalities of Ontario  
Association of Municipalities of Ontario

November 24, 2020

The Honourable Greg Rickford  
Minister of Energy, Northern Development  
& Mines and Minister of Indigenous Affairs  
Whitney Block, Room 5630  
5th Floor, 99 Wellesley St. W.  
Toronto, ON M7A 1W1

Dear Minister Rickford:

At its meeting of November 11, 2020, Hamilton City Council approved Item 10 of the General Issues Committee Report 20-018, which reads as follows:

**10. Request for an Interim Cap on Gas Plant and Greenhouse Gas Pollution and the Development and Implementation of a Plan to Phase-Out Gas-Fired Electricity Generation (Item 10.2)**

WHEREAS, the Government of Ontario is planning to increase reliance on gas-fired electricity generation from Ontario's gas-fired power plants, which is anticipated to increase greenhouse gas (GHG) pollution by more than 300% by 2025 and by more than 400% by 2040;

WHEREAS, Canada's temperature is rising more than double the rate of the rest of the world (which is in alignment with climate models and projections impacting northern climates most significantly);

WHEREAS, the Province of Ontario will adversely impact more than a third of the greenhouse gas reductions it achieved by phasing-out its dirty coal-fired power plants, due to a power plan built around ramping up gas-fired generation to replace the output of the Pickering Nuclear Station (scheduled to close in 2024);

WHEREAS, alternative options are available to reversing short sighted cuts to energy efficiency programs and stop under-investing in this quick to deploy and low-cost resource, which include maximizing our energy efficiency efforts by paying up to the same price per kilowatt-hour (kWh) for energy efficiency measures as we are currently paying for power from nuclear plants (e.g., up to 9.5 cents per kWh);

WHEREAS, the Province of Ontario should continue to support renewable energy projects that have costs that are below what we are paying for nuclear power and work with communities to make the most of these economic opportunities;

WHEREAS, the Province of Ontario has alternative options to increasing gas-fired electricity generation, such as the Province of Quebec's offer to receive low-cost 24/7 power from its water powered reservoir system as a possible alternative;

**Cap on Gas Plant and Greenhouse Gas Pollution**  
**Page 2 of 2**

WHEREAS, a fossil-free electricity system is critically important to Hamilton's efforts to reduce GHG emissions by replacing fossil fuel use with electric vehicles, electric buses, electric heat pumps, and other steps dependent on a fossil-free electricity supply; and,

WHEREAS, our staff have noted this problem in their report on Updated Timelines and SMART Corporate Goals and Areas of Focus for Climate Mitigation and Adaptation where they warn that "Unless the Province of Ontario changes direction on Ontario's fuel supply mix, it is expected natural gas, and therefore GHG emissions, may continue to increase as the nuclear facilities are refurbished and the Province of Ontario further supplements the electricity grid with natural gas inputs";

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton request the Government of Ontario to place an interim cap of 2.5 mega tonnes per year on our gas plant and greenhouse gas pollution and develop and implement a plan to phase-out all gas-fired electricity generation by 2030 to ensure that Ontario meets its climate targets; and,
- (b) That a copy of this resolution be sent to the Premier of Ontario, to the local MPP's, to the Region of Waterloo and local area municipalities.

Therefore, there City of Hamilton respectfully requests your consideration of this matter and looks forward to your response.

Sincerely,

Fred Eisenberger  
Mayor

Copied: The Honourable Doug Ford, Premier of Ontario  
Andrea Horwath, Opposition Party Leader, New Democratic Party of Ontario,  
M.P.P Hamilton Centre  
Monique Taylor, M.P.P. Hamilton Mountain  
Paul Miller, M.P.P. Hamilton East-Stoney Creek  
Donna Skelly, M.P.P. Flamborough-Glanbrook  
Sandy Shaw, M.P.P. Hamilton West-Ancaster-Dundas  
Region of Waterloo  
Ontario Municipalities  
Association of Municipalities of Ontario



**From:** Tracy MacDonald  
**Sent:** December 8, 2020 9:26 AM  
**Subject:** Orangeville Council Resolution

Please see the resolution below that was passed by Orangeville Council last night.

Resolution 2020-426  
 Moved by Councillor Peters  
 Seconded by Mayor Brown

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act;  
 AND WHEREAS the Legislation introduces several changes and new sections that could remove and/or significantly hinder conservation authorities’ role in regulating development, permit appeal process and engaging in review and appeal of planning applications;  
 AND WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property, and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the Planning Act;  
 AND WHEREAS the changes allow the Minister to make decisions without conservation authority watershed data and 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 the budget that Orangeville spends on conservation authority work is a bargain for the services provided;  
 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 it has been the Town of Orangeville’s experience with the Credit Valley Conservation Authority that having a chair or vice-chair serve for more than one year has produced experienced individuals;  
 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 been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario’s Client Service and Streamlining Initiative;  
 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: (i) the Province of Ontario repeal Section 6 of the Budget Measures Act (Bill 229), and (ii) that the Province continue to work with conservation authorities to find workable solutions to reduce red tape; AND  
 THAT this resolution be circulated to Premier Doug Ford, MPP Sylvia Jones, the Minister of the Environment, Conservation, and Parks Jeff Yurek, the Minister of Finance Rod Philips, all Conservation authorities throughout Credit Valley, and all Ontario Municipalities

Carried

Thanks,

**Tracy Macdonald | Assistant Clerk | Corporate Services**  
**Town of Orangeville** | 87 Broadway | Orangeville ON L9W 1K1  
519-941-0440 Ext. 2256 | Toll Free 1-866-941-0440 Ext. 2256  
[tmacdonald@orangeville.ca](mailto:tmacdonald@orangeville.ca) | [www.orangeville.ca](http://www.orangeville.ca)



RE: Propose Changes to the Conservation Authorities Act: Schedule 6 of Bill 229

Please be advised that Township of Puslinch Council, at its meeting held on December 2, 2020 considered the aforementioned topic and subsequent to discussion, the following was resolved:

**Resolution No. 2020-362:** Moved by Councillor Sepulis and  
Seconded by Councillor Goyda

**That Council receive Correspondence items 10.5, 10.6, 10.7, and 10.8 and Consent Agenda item 6.4 regarding the Proposed Amendments to the Conservation Authorities Act through Bill 229 be received; and**

**Whereas the Township of Puslinch Council has been copied on the following correspondence related to proposed amendments to the Conservation Authorities Act (CA Act), contained in Schedule 6, Bill 229**

- (a) Conservation Halton Letter to Ontario Premier dated Nov. 17, 2020**
- (b) Hamilton Conservation Authority to Ontario Premier and Ministers dated Nov. 23, 2020**
- (c) Grand River Conservation Authority to Ontario Premier dated Nov. 24, 2020; and**

**Whereas Council at it's meeting of Nov. 18 passed the following motion:**

**GIVEN THAT The Township of Puslinch does not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor does the Township of Puslinch want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery; and**

**GIVEN the time sensitive nature of this Bill, we encourage the Province to consult with Municipalities and Conservation Authorities in an expedient manner; and**

**GIVEN that the Township of Puslinch feels that there are better solutions to deal with actual and perceived issues.**

**BE IT RESOLVED THAT The Township of Puslinch respectfully requests the Province to**



**withdraw Schedule 6 from Bill 229 until a more thorough analysis of the appropriate solutions can take place, with more clarity on what problems were identified through the consultation process. The Township of Puslinch also encourage the Province to engage with municipalities and Conservation Authorities as the Province works on regulations that will eventually define the various Conservation Authorities Act clauses. The Township of Puslinch feels this is critical to ensure that the focus and performance of Conservation Authorities is actually improved where required.**

**FURTHER that this resolution be forwarded to the Premier, the Minister of the Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing, the Minister of Natural Resources and Forestry, Minister of Finance, Conservation Ontario, MPP Ted Arnott, and all Ontario Municipalities.**

**Be it resolved that the Township of Puslinch Council supports the views expressed in the above noted letters from Conservation Halton, the Hamilton Conservation Authority and the Grand River Conservation Authority who provide vital services to the Township of Puslinch; and**

**FURTHER that this resolution be forwarded to the Premier, the Minister of the Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing, the Minister of Natural Resources and Forestry, Minister of Finance, Conservation Ontario, MPP Ted Arnott, AMO, ROMA and all Ontario Municipalities.**

**CARRIED**

As per the above resolution, please accept a copy of this correspondence for your information and consideration.

Sincerely,  
Courtenay Hoytfox  
Deputy Clerk

# Grand River Conservation Authority

**Report number:** GM-11-20-85

**Date:** November 23, 2020

**To:** Members of the Grand River Conservation Authority

**Subject:** Proposed Amendments to the Conservation Authorities Act through Bill 229

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## **Recommendation:**

THAT Report Number GM-11-20-85 – Proposed Amendments to the Conservation Authorities Act through Bill 229 be approved as amended;

AND THAT Grand River Conservation Authority Report GM-11-20-85 be submitted to the Premier, Ministers of Environment, Conservation and Parks, Natural Resources, Municipal Housing and Affairs and Finance, watershed MPPs, Association of Municipalities of Ontario, Rural Ontario Municipalities Association, and circulated to watershed municipalities;

AND THAT staff be directed to draft a cover letter which highlights the GRCA's key concerns with the proposed changes to the Conservation Authorities Act which will accompany the report to be distributed.

## **Summary:**

On November 5, 2020, through Bill 229 Protect, Support and Recover from COVID-19 Act (Budget Measures), the province introduced amendments to the *Conservation Authorities Act* (Schedule 6) and the *Planning Act*. If enacted, some changes will significantly impact the role of a conservation authority board to establish programs and services. As well, the proposed amendments will enable Regulations that will either limit or completely change the role of conservation authorities to protect Ontario's environment and ensure people and property are safe from natural hazards.

## **Report:**

### **Background:**

A provincial review of the *Conservation Authorities Act* has been ongoing since 2015. Amendments were approved in 2017, a minor change in 2018 and these were followed by further amendments in 2019. In 2019, the province indicated the proposed amendments were to help conservation authorities focus and deliver on the core mandate and to improve governance. The Grand River Conservation Authority (GRCA) provided comments on the Environmental Registry Posting through GM-04-19-41- Environmental Registry Posting 013-5018- Modernizing Conservation Authority Operations. The amendments were later passed through Bill 108, More Homes, More Choice Act. At that time, the scope of the changes to conservation authority board

governance and composition; mandatory, municipal and other programs and services; natural hazard permits and other areas were to come out through various regulations.

In the fall of 2019, the Minister of Environment, Conservation and Parks (MECP) hosted meetings with each individual conservation authority (CA) to gain a better understanding of the programs and services provided by each Authority. In the early winter of 2020, the MECP also hosted stakeholder consultation sessions across the province to gain feedback from the various groups, agencies and organizations who deal with, or work with CAs. The Vice-Chair and senior staff attended the South-western session and submitted formal written comments in response to questions posed by the MECP. MECP has confirmed that they received over 2,500 submissions in response to these consultation sessions; however, the results of these sessions have not been publicly shared.

### **Bill 229**

On November 5, 2020, the province introduced Bill 229 Protect, Support and Recover from COVID-19 Act which includes amendments to the *Conservation Authorities Act* (Schedule 6). The province identified these changes as necessary to improve transparency and consistency in conservation authority operations, strengthen municipal and provincial oversight and streamline conservation authority roles in permitting and land use planning.

While previously proposed changes to the Act have been posted to the Environmental Registry of Ontario (ERO) for a period of public comment; these new changes are posted on the ERO for information only. Under Section 33 of the Environmental Bill of Rights (1993), public consultation is not required if the proposal forms part of or gives effect to a budget or economic statement that is presented to the Legislative Assembly. It is anticipated that Bill 229 will be passed in the next few weeks as the legislature is due to rise on December 10<sup>th</sup>.

On November 9, 2020, MECP hosted an information session with all 36 Conservation Authority General Managers to provide additional information on the proposed amendments and timelines. MECP has indicated that regulations to implement the Act will be released for public comment in the coming weeks and a second set of regulations will be released for public comment in early 2021.

### **Proposed Amendments:**

Attached as appendix 1 is a summary chart of the proposed amendments to the *Conservation Authorities Act* and comments on the effects of those changes. This document was prepared by Conservation Ontario and circulated to the Board on November 13, 2020.

The changes to *Conservation Authorities Act* can be categorized into 5 sections:

- 1. Objects, Powers and Duties**
- 2. Regulatory**
- 3. Enforcement**
- 4. Governance**
- 5. Other**

Key changes to the Act under each of these categories are discussed below:

## 1. **Objects, Powers and Duties**

- Narrows the objects of a conservation authority from providing “programs and services designated to further conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals” (*Conservation Authorities Act*, s20(1)) to: (i) mandatory programs and services, (ii) municipal programs and services, and (iii) other program and services.
- A number of proposed clauses that would enable the Minister to make regulations that would prescribe standards and requirements for Municipal Programs and Services (i.e. Service agreements between municipalities and CAs) and Other Programs and Services (i.e. as determined by the Board and if municipal levy is used would require municipal agreements)
- Proposed amendment of the *Planning Act* to include conservation authorities to subsection 1(2) which would remove CAs as a public body and name CAs under the one window approach of MMAH for the purposes of appeals only. This may remove conservation authorities, who are private landowners, from the right of appeal.
- Removal of power for CAs to expropriate lands for existing and future projects

### *GRCA Comments:*

The purpose of the *Conservation Authorities Act* remains the same. “The purpose of the Act is to provide for the organisation and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watershed in Ontario.” 2017, c.23. Sched. 4, s.1. The objects within the *Conservation Authorities Act* have been amended to reflect the mandatory program and services that will be prescribed by regulations. At this time, it is anticipated that the changes to the objects would not impact the way in which the organization operates. In the next few weeks, the province has indicated that it will be releasing regulations that will further define the mandatory programs and services which could potentially have an impact on the scope and scale of current programs.

Although clauses related to non-mandatory programs already exist in the previously amended Act through Bill 108, the province has proposed additional wording that allows the Minister to dictate the standards and requirements for municipal or other programs and services agreed upon through service level agreements (non-mandatory programs). Historically, GRCA has negotiated directly with municipalities to tailor agreements to the need of the service for that specific municipality. Local autonomy in these program and services could be compromised with prescribed provincial standards and requirements. The non-mandatory, municipal and other local programs, do not receive funding from the province and through agreement, may be funded by municipal levy or other sources.

The proposed consequential changes to the *Planning Act* are still being clarified with the Ministry, however it is anticipated that it would remove conservation authorities ability to appeal a municipal planning decision to the Local Planning Appeal Tribunal (LPAT), unless it is through the Minister of Municipal Affairs and Housing. It is unclear if a conservation authority can participate in an appeal to support a municipality upon request or when this is included in an agreement between the conservation authority and municipality.

The ability to appeal is a tool that is a necessary but seldom used tool in our toolbox. The Ministry staff stated that this change only affects the role of the conservation authority in an appeal process and that participation in reviewing land use planning applications would still be occurring. Conservation Authorities participation in land use

planning and the ability to appeal a decision ensures that key issues are identified and addressed early in the approval process so the landowner may proceed with other approvals such as the conservation authority permit in an efficient manner. It also ensures that the watershed lens is being applied to planning and land use decisions and that people and their property in or near new development or redevelopment are protected from natural hazards such as flooding.

When necessary GRCA attends LPAT hearings to support the municipality and to ensure that policies and development conditions are imposed to reduce flood risks and to ensure mitigation and setbacks are in place to address other natural hazards such as erosion hazards or along the Lake Erie shoreline. Extreme weather events and changing climate increase the importance of our role in the planning process.

The 2019 Provincial Flood Advisor's report notes the important role that conservation authorities play in the land use planning process. The main legislative tools used to manage flood risk, the report states, include the *Planning Act* together with the Provincial Policy Statement (PPS) and the *Conservation Authorities Act*. As a result of the Flood Advisor's recommendations, the 2020 PPS was revised to state that mitigating natural hazard risks, including those associated with climate change, will require the province, planning authorities, and conservation authorities to work together. Similarly, the Made-in-Ontario Environment Plan asserts that within the context of environmental planning, conservation authorities' core mandate is protection from natural hazards and conserving natural resources.

Another significant concern is that this change may also remove our right to appeal planning decisions as a landowner. This is of significant concern as GRCA owns and manages over 48,000 acres of property throughout the watershed to support flood hazard management, to maintain a reliable water supply, to protect natural areas and biodiversity, to provide community recreation/education and to manage other environmentally sensitive natural lands. Conservation authorities are considered private landowners (not public lands) and the potential removal of the right to appeal a land use planning decision is a significant concern.

The amendments to the Act also removes the ability to utilize the *Expropriation Act* for existing and future projects. MECP has recommended that should this be required for a CA project that the municipality or the province could expropriate the lands necessary.

## 2. Regulatory

- Allow an applicant, within 120 days of a conservation authority receiving a permit application, to appeal to the LPAT if no decisions by the conservation authority has been made.
- Authorize the Minister of Natural Resources and Forestry to issue an order to take over and decide an application for a permit under section 28 of the Conservation Authorities Act in place of the conservation authority (i.e. before the conservation authority has made a decision on the application).
- Allows an applicant, within 30 days of a conservation authority issuing a permit, with or without conditions, or denying a permit, to request the minister to review the conservation authority's decision.
- Where the minister has taken over a permit application or is reviewing a permit decision by a conservation authority, allow an applicant to appeal



directly to LPAT where the minister fails to make a decision within 90 days.

- In addition to the provision to seek a minister's review, provide the applicant with the ability to appeal a permit decision to LPAT within 90 days after the conservation authority has made a decision.

*GRCA Comments:*

The proposed 120 day timeline for a CA to make a decision on permit applications may be problematic since there is no indication from the province when the 120 day timeline is triggered (submission of application) or if there will be a requirement for complete applications. There is a broad spectrum and complexity of applications that CAs deal with and the majority of permits that are submitted with satisfactory construction or development plans and technical reports can be reviewed in a timely manner. For complex files, there may be additional time required for the applicant and/or their consultants to address GRCA technical comments on the proposal e.g. floodplain mapping analysis. The proposed timeline of 120 days for a decision oversimplifies the permitting process.

Over the past several years, and again in 2019 Conservation Ontario and CAs have worked with the province, AMO, landowners groups and the building industry to develop the recently CA wide adopted 'Client Service Standards for Conservation Authority Plan and Permit Review'. This document sets forth industry standards and procedures to ensure CA plan and permit review process are transparent, predictable and fair. GRCA permit application decisions are consistently made within the current client service standards. The current standards exclude the time period the applicant or their consultants are preparing responses to GRCA technical or policy comments which can take several weeks or in limited cases a few months.

The current appeal process for permits has been administered through the Mining and Lands Tribunal. With these proposed amendments, all permit appeals will be processed through LPAT. There is concern regarding the change in tribunals; the Mining and Lands Tribunal has the history and natural hazard technical experience in adjudicating *Conservation Authorities Act* cases for decades. Due to the volume of appeals at LPAT, it is anticipated that there could be lengthy delays for hearings and inconsistent decisions across the province. This also has the potential to redirect staffs' time to focus more on managing the appeal process for permit applications than what was previously required.

Under these proposed amendments, the Minister will be able to step in and take over the issuance or denial of a permit under Section 28 without consultation with the CA. A significant concern with this is a decision is made without watershed specific technical information required to make the decisions and the precedent that could be set for future application similar in nature.

Many of the amendments to this section of the legislation provide the Minister with significant additional powers to intervene in the permit process.

### **3. Enforcement**

- Eliminated the (not yet proclaimed) powers for officers appointed by conservation authorities to issue stop orders (*Conservation Authorities Act* provision 30.4)

- Clarified conditions for officers appointed by conservation authorities to enter lands without a warrant for the purposes of:
  - determining whether to issue a permit (amendment to unproclaimed *Conservation Authorities Act* provision 30.2(1))
  - ensuring compliance with the prohibitions, regulations, or permit conditions, only when the officer has “reasonable grounds to believe that a contravention of a provision of the Act or a regulation...is causing or likely to have significant effects...” (*Conservation Authorities Act* provision 30.2(1.1))

*GRCA Comments:*

In previous updates to the Act, the province recognized that many compliance tools were outdated. The legislation prior to 2017 was not a deterrent for illegal activities and rapid response tools were not available to stop ongoing illegal activities. Although the fines have been substantially increased in 2017 (not yet enacted), the current proposal would remove a much needed compliance tool – the Stop (work) Order. The Made-In-Ontario Plan also recognized the role of conservation authorities in enforcement and it includes the provincial action “Work with municipalities, conservation authorities, other law enforcement agencies and stakeholders to increase enforcement on illegal dumping of excess soil.” Although not yet enacted, the Stop Order provision would have provided another tool to use when managing enforcement challenges and could have helped to avoid a time consuming and costly injunction process.

Obtaining injunctions takes further staff time and conservation authorities will incur significant costs for legal and court fees. Given the lack of provincial funding this cost will continue to be borne by municipalities and ultimately the taxpayers. The time needed to obtain such an order can be lengthy resulting in unnecessary and significant damage to the environment, impacts to natural hazard areas such as development in a floodplain which then puts people and property at risk.

Removing an officer’s ability to enter lands (s. 30.2) within the authority’s jurisdiction is inconsistent with similar municipal and provincial legislation. Coupled with the removal of a Stop Order provision (s. 30.4), these amendments do not afford officers an ability to “prevent or reduce the effects or risks” associated with illegal and egregious activities. Examples of other provincial legislation with Stop Orders include *Building Code Act* S.14, *Environmental Protection Act* S.8, *Planning Act* S. 49.

#### **4. Governance**

- Removing the power to define in regulation the composition, appointment or minimum qualifications for a Board member (S.40 (1)(a) and replaced it with:
  - Mandate that the municipal councillors appointed by a particular municipalities as members of a conservation authority be selected from that municipality’s own councillors only S.14 (1.1)
  - Enabling the Minister to appoint an additional member to the Board to represent the agricultural sector (new *Conservation Authorities Act* provision 14(4)).
- Limit the term of the Chair and Vice-Chair to one year and to no more than two consecutive terms (new *Conservation Authorities Act* provision 17 (1.1))

- Amending the duties of members to act on behalf of their respective municipalities rather than the Conservation Authority

*GRCA Comments:*

As previously mentioned in formal comments provided to the province in April 2019 and comments provided to the province during stakeholder consultation in 2020, the GRCA is supportive of changes that increase transparency and accountability of conservation authorities. GRCA is also supportive of the province's intent to clearly define mandatory programs and services provided by the conservation authorities and we look forward to the opportunity to provide input on the regulations that will be posted for public input.

There are a number of proposed amendments that require the posting of documents, board agendas and minutes, financial audits and standard accounting practices that are already undertaken by the GRCA.

Municipalities will no longer be able to appoint a member of the public to the Board. Over the years, the GRCA has benefited from having citizen appointments to the Board. This has helped to incorporate a diverse perspectives for watershed decision making. In order to ensure that a municipal Mayor may participate on a conservation authority board it is recommended that the specification of 'municipal councillor' in the proposed amendments be changed to "municipally elected official".

In the event that the Minister appoints a member to represent the agricultural sector, the appointment process has not been specified, and it is assumed that these appointments would have the same voting privileges as all members and would be entitled to receive per diems and to be appointed as the chair or vice-chair. It is unclear how the change to fiduciary duty would affect this member.

The current legislation deferred board composition to a future Regulation. The proposed amendment removed this clause and replaced it with clauses that specify who can be a members of the board so there will be no opportunity for further input on determining who is eligible to be a member of the Board.

The proposed amendments have set a limit to the Chair and Vice-chair to hold office for one year term and no more than two consecutive terms. Under GRCA By-law 3-2020, the by-law states, "The individuals elected shall hold office until their successors are elected and will be eligible for re-election to the same office for up to a maximum of five one-year terms."

Conservation Authorities are corporate entities. Good governance dictates that the Board acts on behalf of the organization and in the public interest. By changing the duty of members to act on behalf of their respective municipalities, it contradicts the concept of fiduciary duty of a Board Member to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the broader watershed interests further to the purpose of the Act. The standards of care for directors are set out under the *Business Corporations Act*.

'Every director and officer of a corporation in exercising his or her powers and discharging his or her duties to the corporation shall, (a) act honestly and in good faith with a view to the best interests of the corporation...; and (b) exercise the care, diligence and skill that a responsible prudent person would exercise in comparable circumstances'

Additionally, the Auditor General of Ontario recommended in their report on the Niagara Peninsula Conservation Authority that, "to ensure effective oversight of conservation authorities' activities through boards of directors, we recommend that the Ministry of the Environment, Conservation and Parks clarify board members' accountability to the conservation authority" to which the ministry response was in agreement.

## 5. Other

The amendments to the Act also include the requirement for a transition plan to be developed and implemented to ensure compliance with the regulations for mandatory programs and services and agreements or MOUs with municipal partners. Through discussions with MECP staff, it has been stated that the transition plan should be completed and implemented in time to support the 2022 budget process.

It has been GRCA's experience that it can take one to two years to negotiating and finalizing a municipal agreement or MOU given the complexity of the agreement and the number of stakeholders involved (municipal and CAs).

The development and implementation of the transition plan will require a change to GRCA's budget model, an assessment of all programs and services to ensure compliance with the regulations and development and negotiation with municipalities for MOU for non-mandatory programs and services (up to 26).

It is unknown when regulations will be posted for public input and approved.

### **Summary of GRCA's Response to Proposed Amendments to the Conservation Authorities Act:**

- GRCA requests that the clause be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services.
- GRCA requests that the amendment to the *Planning Act* be removed from Schedule 6 of Bill 229.
- GRCA requests that Bill 229 Schedule 6 clauses in S.28 be amended by removing references to LPAT and replacing it with the Mining and Lands Tribunal.
- GRCA requests that the existing unproclaimed clauses in the *Conservation Authorities Act* 2019 related to Powers of Entry (30.2) and Stop Order (30.4) remain in the *Conservation Authorities Act* and proposed amendments related to these clauses be removed from Bill 229 Schedule 6.
- GRCA requests that the wording for fiduciary responsibilities in the *Conservation Authorities Act* be amended back to: "Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority."
- GRCA requests that a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Most of the amendments proposed would be implemented through new or amended legal instruments or policies. The GRCA will contact MECP and MNRF to offer assistance and technical expertise on any working groups/technical committees

established to review future changes to the regulations, policy and/or provincial standards related to the implementation of the *Conservation Authorities Act*.

**Financial implications:**

Without the details of the proposed regulations, it is difficult to determine the financial implications for the amendments to the *Conservation Authorities Act*. Additional reports will come to the Board regarding updates to the program and services of the GRCA as they are posted to the Environmental Bill of Rights.

**Other department considerations:**

Operations, Administration, Resource Management and Engineering Divisions were consulted on the preparation of this report.

**Prepared by:**

Samantha Lawson  
Chief Administrative Officer



Administration Centre: 400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

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November 24, 2020

**BY EMAIL**

**To: Grand River Watershed Member Municipalities**

**Re: Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures)**

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I am writing on behalf of the Grand River Conservation Authority (GRCA) to provide you with an update on our concerns regarding the Province's proposed changes to the Conservation Authorities Act and the Planning Act under Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures).

On Monday, November 23, 2020, the GRCA General Membership held a special board meeting to review and discuss the Province's proposed changes to the Conservation Authorities Act and the Planning Act through Schedule 6 in Bill 229.

While the GRCA board expressed support for the Province's stated objectives to modernize the Conservation Authorities Act, and enhance transparency and accountability, the board also voiced deep concern that some of the proposed changes may have a considerable impact on conservation authorities, their watershed management responsibilities, and consequently, on the health and wellness of the Grand River watershed and its residents.

At the meeting, board members passed a motion requesting staff to send *GRCA Report GM-11-20-85 Proposed Amendments to the Conservation Authorities Act through Bill 229* to the Premier of Ontario, the Ministers of Environment, Conservation and Parks, Natural Resources and Forestry, Municipal Affairs and Housing, and Finance, as well as all watershed MPPs, watershed municipalities, the Association of Municipalities of Ontario and the Rural Ontario Municipal Association. The report outlines the proposed changes in five key areas of concern for the GRCA: Objects, Powers and Duties; Regulatory; Enforcement; Governance and Other.

Please find attached the GRCA board report, as well as a letter that has been sent to the Province detailing our concerns. The GRCA is requesting that:

- the clause in S.21.1.2 of Bill 229 be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services;
- the amendment to the Planning Act be removed from Schedule 6 of Bill 229;
- Bill 229 Schedule 6 clauses in S.28 be amended by removing references to the Local Planning Appeal Tribunal and replacing it with the Mining and Lands Tribunal;
- the existing un-proclaimed clauses in the Conservation Authorities Act 2019 related to Powers of entry (30.2) and Stop Order (30.4) remain in the Conservation Authorities Act and proposed amendments related to these clauses be removed from Bill 229 Schedule 6;

- the wording for fiduciary responsibilities in the CA Act be amended back to: “Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority”; and that
- a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

We would encourage our watershed municipalities to contact their local MPPs and ask that the Province of Ontario work with conservation authorities to address these concerns, before the changes are enacted.

We look forward to continuing our productive partnership with our watershed municipalities, as we work together to address local issues and opportunities that benefit the entire watershed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Helen Jowett', written in a cursive style.

Helen Jowett, Chair  
Grand River Conservation Authority

cc Association of Municipalities of Ontario, Rural Ontario Municipalities Association



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November 24, 2020

**BY EMAIL**

The Honourable Doug Ford, Premier of Ontario  
Office of the Premier  
Legislative Building, Queens Park  
Toronto, ON M7A 1A1

---

Dear Premier Ford,

Re: Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures)

I am writing on behalf of the Grand River Conservation Authority (GRCA) to express our concerns regarding the Province's proposed changes to the Conservation Authorities Act and the Planning Act under Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures).

The GRCA is governed through a partnership of 38 watershed municipalities, which work together to address local issues and opportunities that benefit the entire watershed. Elected or appointed representatives from these municipalities form the membership of the GRCA board, making us directly accountable to our member municipalities and the people that live in the watershed. We work closely with our municipal partners to deliver programs and services that mitigate flood damage, provide access to outdoor spaces, share information about the natural environment and make the watershed more resilient to climate change.

For example, through the Rural Water Quality Program, the GRCA has built strong relationships with the farming community. The GRCA delivers this voluntary program on behalf of 6 Upper Tier municipalities in the watershed to help farmers implement best practices to improve and protect surface and groundwater quality. Since 1998, more than \$56 million has been invested by municipalities and landowners – an investment that supports the rural economy and source water protection, builds green infrastructure and climate change resiliency on the landscape, and helps to improve the quality of the Grand River.

While we support the Province's stated objectives to modernize the Conservation Authorities Act, and enhance transparency and accountability, we are also concerned that some of the proposed changes will have a considerable impact on conservation authorities, their watershed management responsibilities, and consequently, on the health and wellness of the Grand River watershed and its residents.

The GRCA is requesting that:

- the clause in S.21.1.2 of Bill 229 be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services;
- the amendment to the Planning Act be removed from Schedule 6 of Bill 229;
- Bill 229 Schedule 6 clauses in S.28 be amended by removing references to the Local Planning Appeal Tribunal and replacing it with the Mining and Lands Tribunal;



- the existing un-proclaimed clauses in the Conservation Authorities Act 2019 related to Powers of entry (30.2) and Stop Order (30.4) remain in the Conservation Authorities Act and proposed amendments related to these clauses be removed from Bill 229 Schedule 6;
- the wording for fiduciary responsibilities in the CA Act be amended back to: “Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority”; and that
- a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Please find attached *GRCA Report GM-11-20-85 Proposed Amendments to the Conservation Authorities Act through Bill 229*, which outlines our key areas of concern. We are asking that the Province work with conservation authorities to address these concerns before Bill 229 is passed. We would also like to offer our assistance and technical expertise to the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resources and Forestry on any working groups or technical committees established to review future changes to the regulations, policies or provincial standards related to the implementation of the Conservation Authorities Act.

We look forward to continuing our productive relationship with the Province, and supporting your government’s effort to improve the governance and accountability of conservation authorities.

Yours sincerely,



Helen Jowett, Chair  
Grand River Conservation Authority

- c. Hon. Jeff Yurek, Minister of Environment, Conservation and Parks; Hon. John Yakabuski, Minister of Natural Resources and Forestry; Hon. Steve Clark, Minister of Municipal Housing and Affairs, Hon. Rod Phillips, Minister of Finance; Grand River watershed Members of Provincial Parliament

# Grand River Conservation Authority

**Report number:** GM-11-20-85

**Date:** November 23, 2020

**To:** Members of the Grand River Conservation Authority

**Subject:** Proposed Amendments to the Conservation Authorities Act through Bill 229

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## **Recommendation:**

THAT Report Number GM-11-20-85 – Proposed Amendments to the Conservation Authorities Act through Bill 229 be approved as amended;

AND THAT Grand River Conservation Authority Report GM-11-20-85 be submitted to the Premier, Ministers of Environment, Conservation and Parks, Natural Resources, Municipal Housing and Affairs and Finance, watershed MPPs, Association of Municipalities of Ontario, Rural Ontario Municipalities Association, and circulated to watershed municipalities;

AND THAT staff be directed to draft a cover letter which highlights the GRCA's key concerns with the proposed changes to the Conservation Authorities Act which will accompany the report to be distributed.

## **Summary:**

On November 5, 2020, through Bill 229 Protect, Support and Recover from COVID-19 Act (Budget Measures), the province introduced amendments to the *Conservation Authorities Act* (Schedule 6) and the *Planning Act*. If enacted, some changes will significantly impact the role of a conservation authority board to establish programs and services. As well, the proposed amendments will enable Regulations that will either limit or completely change the role of conservation authorities to protect Ontario's environment and ensure people and property are safe from natural hazards.

## **Report:**

### **Background:**

A provincial review of the *Conservation Authorities Act* has been ongoing since 2015. Amendments were approved in 2017, a minor change in 2018 and these were followed by further amendments in 2019. In 2019, the province indicated the proposed amendments were to help conservation authorities focus and deliver on the core mandate and to improve governance. The Grand River Conservation Authority (GRCA) provided comments on the Environmental Registry Posting through GM-04-19-41- Environmental Registry Posting 013-5018- Modernizing Conservation Authority Operations. The amendments were later passed through Bill 108, More Homes, More Choice Act. At that time, the scope of the changes to conservation authority board

governance and composition; mandatory, municipal and other programs and services; natural hazard permits and other areas were to come out through various regulations.

In the fall of 2019, the Minister of Environment, Conservation and Parks (MECP) hosted meetings with each individual conservation authority (CA) to gain a better understanding of the programs and services provided by each Authority. In the early winter of 2020, the MECP also hosted stakeholder consultation sessions across the province to gain feedback from the various groups, agencies and organizations who deal with, or work with CAs. The Vice-Chair and senior staff attended the South-western session and submitted formal written comments in response to questions posed by the MECP. MECP has confirmed that they received over 2,500 submissions in response to these consultation sessions; however, the results of these sessions have not been publicly shared.

### **Bill 229**

On November 5, 2020, the province introduced Bill 229 Protect, Support and Recover from COVID-19 Act which includes amendments to the *Conservation Authorities Act* (Schedule 6). The province identified these changes as necessary to improve transparency and consistency in conservation authority operations, strengthen municipal and provincial oversight and streamline conservation authority roles in permitting and land use planning.

While previously proposed changes to the Act have been posted to the Environmental Registry of Ontario (ERO) for a period of public comment; these new changes are posted on the ERO for information only. Under Section 33 of the Environmental Bill of Rights (1993), public consultation is not required if the proposal forms part of or gives effect to a budget or economic statement that is presented to the Legislative Assembly. It is anticipated that Bill 229 will be passed in the next few weeks as the legislature is due to rise on December 10<sup>th</sup>.

On November 9, 2020, MECP hosted an information session with all 36 Conservation Authority General Managers to provide additional information on the proposed amendments and timelines. MECP has indicated that regulations to implement the Act will be released for public comment in the coming weeks and a second set of regulations will be released for public comment in early 2021.

### **Proposed Amendments:**

Attached as appendix 1 is a summary chart of the proposed amendments to the *Conservation Authorities Act* and comments on the effects of those changes. This document was prepared by Conservation Ontario and circulated to the Board on November 13, 2020.

The changes to *Conservation Authorities Act* can be categorized into 5 sections:

- 1. Objects, Powers and Duties**
- 2. Regulatory**
- 3. Enforcement**
- 4. Governance**
- 5. Other**

Key changes to the Act under each of these categories are discussed below:

## 1. **Objects, Powers and Duties**

- Narrows the objects of a conservation authority from providing “programs and services designated to further conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals” (*Conservation Authorities Act*, s20(1)) to: (i) mandatory programs and services, (ii) municipal programs and services, and (iii) other program and services.
- A number of proposed clauses that would enable the Minister to make regulations that would prescribe standards and requirements for Municipal Programs and Services (i.e. Service agreements between municipalities and CAs) and Other Programs and Services (i.e. as determined by the Board and if municipal levy is used would require municipal agreements)
- Proposed amendment of the *Planning Act* to include conservation authorities to subsection 1(2) which would remove CAs as a public body and name CAs under the one window approach of MMAH for the purposes of appeals only. This may remove conservation authorities, who are private landowners, from the right of appeal.
- Removal of power for CAs to expropriate lands for existing and future projects

### *GRCA Comments:*

The purpose of the *Conservation Authorities Act* remains the same. “The purpose of the Act is to provide for the organisation and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watershed in Ontario.” 2017, c.23. Sched. 4, s.1. The objects within the *Conservation Authorities Act* have been amended to reflect the mandatory program and services that will be prescribed by regulations. At this time, it is anticipated that the changes to the objects would not impact the way in which the organization operates. In the next few weeks, the province has indicated that it will be releasing regulations that will further define the mandatory programs and services which could potentially have an impact on the scope and scale of current programs.

Although clauses related to non-mandatory programs already exist in the previously amended Act through Bill 108, the province has proposed additional wording that allows the Minister to dictate the standards and requirements for municipal or other programs and services agreed upon through service level agreements (non-mandatory programs). Historically, GRCA has negotiated directly with municipalities to tailor agreements to the need of the service for that specific municipality. Local autonomy in these program and services could be compromised with prescribed provincial standards and requirements. The non-mandatory, municipal and other local programs, do not receive funding from the province and through agreement, may be funded by municipal levy or other sources.

The proposed consequential changes to the *Planning Act* are still being clarified with the Ministry, however it is anticipated that it would remove conservation authorities ability to appeal a municipal planning decision to the Local Planning Appeal Tribunal (LPAT), unless it is through the Minister of Municipal Affairs and Housing. It is unclear if a conservation authority can participate in an appeal to support a municipality upon request or when this is included in an agreement between the conservation authority and municipality.

The ability to appeal is a tool that is a necessary but seldom used tool in our toolbox. The Ministry staff stated that this change only affects the role of the conservation authority in an appeal process and that participation in reviewing land use planning applications would still be occurring. Conservation Authorities participation in land use

planning and the ability to appeal a decision ensures that key issues are identified and addressed early in the approval process so the landowner may proceed with other approvals such as the conservation authority permit in an efficient manner. It also ensures that the watershed lens is being applied to planning and land use decisions and that people and their property in or near new development or redevelopment are protected from natural hazards such as flooding.

When necessary GRCA attends LPAT hearings to support the municipality and to ensure that policies and development conditions are imposed to reduce flood risks and to ensure mitigation and setbacks are in place to address other natural hazards such as erosion hazards or along the Lake Erie shoreline. Extreme weather events and changing climate increase the importance of our role in the planning process.

The 2019 Provincial Flood Advisor's report notes the important role that conservation authorities play in the land use planning process. The main legislative tools used to manage flood risk, the report states, include the *Planning Act* together with the Provincial Policy Statement (PPS) and the *Conservation Authorities Act*. As a result of the Flood Advisor's recommendations, the 2020 PPS was revised to state that mitigating natural hazard risks, including those associated with climate change, will require the province, planning authorities, and conservation authorities to work together. Similarly, the Made-in-Ontario Environment Plan asserts that within the context of environmental planning, conservation authorities' core mandate is protection from natural hazards and conserving natural resources.

Another significant concern is that this change may also remove our right to appeal planning decisions as a landowner. This is of significant concern as GRCA owns and manages over 48,000 acres of property throughout the watershed to support flood hazard management, to maintain a reliable water supply, to protect natural areas and biodiversity, to provide community recreation/education and to manage other environmentally sensitive natural lands. Conservation authorities are considered private landowners (not public lands) and the potential removal of the right to appeal a land use planning decision is a significant concern.

The amendments to the Act also removes the ability to utilize the *Expropriation Act* for existing and future projects. MECP has recommended that should this be required for a CA project that the municipality or the province could expropriate the lands necessary.

## 2. Regulatory

- Allow an applicant, within 120 days of a conservation authority receiving a permit application, to appeal to the LPAT if no decisions by the conservation authority has been made.
- Authorize the Minister of Natural Resources and Forestry to issue an order to take over and decide an application for a permit under section 28 of the Conservation Authorities Act in place of the conservation authority (i.e. before the conservation authority has made a decision on the application).
- Allows an applicant, within 30 days of a conservation authority issuing a permit, with or without conditions, or denying a permit, to request the minister to review the conservation authority's decision.
- Where the minister has taken over a permit application or is reviewing a permit decision by a conservation authority, allow an applicant to appeal

directly to LPAT where the minister fails to make a decision within 90 days.

- In addition to the provision to seek a minister's review, provide the applicant with the ability to appeal a permit decision to LPAT within 90 days after the conservation authority has made a decision.

*GRCA Comments:*

The proposed 120 day timeline for a CA to make a decision on permit applications may be problematic since there is no indication from the province when the 120 day timeline is triggered (submission of application) or if there will be a requirement for complete applications. There is a broad spectrum and complexity of applications that CAs deal with and the majority of permits that are submitted with satisfactory construction or development plans and technical reports can be reviewed in a timely manner. For complex files, there may be additional time required for the applicant and/or their consultants to address GRCA technical comments on the proposal e.g. floodplain mapping analysis. The proposed timeline of 120 days for a decision oversimplifies the permitting process.

Over the past several years, and again in 2019 Conservation Ontario and CAs have worked with the province, AMO, landowners groups and the building industry to develop the recently CA wide adopted 'Client Service Standards for Conservation Authority Plan and Permit Review'. This document sets forth industry standards and procedures to ensure CA plan and permit review process are transparent, predictable and fair. GRCA permit application decisions are consistently made within the current client service standards. The current standards exclude the time period the applicant or their consultants are preparing responses to GRCA technical or policy comments which can take several weeks or in limited cases a few months.

The current appeal process for permits has been administered through the Mining and Lands Tribunal. With these proposed amendments, all permit appeals will be processed through LPAT. There is concern regarding the change in tribunals; the Mining and Lands Tribunal has the history and natural hazard technical experience in adjudicating *Conservation Authorities Act* cases for decades. Due to the volume of appeals at LPAT, it is anticipated that there could be lengthy delays for hearings and inconsistent decisions across the province. This also has the potential to redirect staffs' time to focus more on managing the appeal process for permit applications than what was previously required.

Under these proposed amendments, the Minister will be able to step in and take over the issuance or denial of a permit under Section 28 without consultation with the CA. A significant concern with this is a decision is made without watershed specific technical information required to make the decisions and the precedent that could be set for future application similar in nature.

Many of the amendments to this section of the legislation provide the Minister with significant additional powers to intervene in the permit process.

### **3. Enforcement**

- Eliminated the (not yet proclaimed) powers for officers appointed by conservation authorities to issue stop orders (*Conservation Authorities Act* provision 30.4)

- Clarified conditions for officers appointed by conservation authorities to enter lands without a warrant for the purposes of:
  - determining whether to issue a permit (amendment to unproclaimed *Conservation Authorities Act* provision 30.2(1))
  - ensuring compliance with the prohibitions, regulations, or permit conditions, only when the officer has “reasonable grounds to believe that a contravention of a provision of the Act or a regulation...is causing or likely to have significant effects...” (*Conservation Authorities Act* provision 30.2(1.1))

*GRCA Comments:*

In previous updates to the Act, the province recognized that many compliance tools were outdated. The legislation prior to 2017 was not a deterrent for illegal activities and rapid response tools were not available to stop ongoing illegal activities. Although the fines have been substantially increased in 2017 (not yet enacted), the current proposal would remove a much needed compliance tool – the Stop (work) Order. The Made-In-Ontario Plan also recognized the role of conservation authorities in enforcement and it includes the provincial action “Work with municipalities, conservation authorities, other law enforcement agencies and stakeholders to increase enforcement on illegal dumping of excess soil.” Although not yet enacted, the Stop Order provision would have provided another tool to use when managing enforcement challenges and could have helped to avoid a time consuming and costly injunction process.

Obtaining injunctions takes further staff time and conservation authorities will incur significant costs for legal and court fees. Given the lack of provincial funding this cost will continue to be borne by municipalities and ultimately the taxpayers. The time needed to obtain such an order can be lengthy resulting in unnecessary and significant damage to the environment, impacts to natural hazard areas such as development in a floodplain which then puts people and property at risk.

Removing an officer’s ability to enter lands (s. 30.2) within the authority’s jurisdiction is inconsistent with similar municipal and provincial legislation. Coupled with the removal of a Stop Order provision (s. 30.4), these amendments do not afford officers an ability to “prevent or reduce the effects or risks” associated with illegal and egregious activities. Examples of other provincial legislation with Stop Orders include *Building Code Act* S.14, *Environmental Protection Act* S.8, *Planning Act* S. 49.

#### **4. Governance**

- Removing the power to define in regulation the composition, appointment or minimum qualifications for a Board member (S.40 (1)(a) and replaced it with:
  - Mandate that the municipal councillors appointed by a particular municipalities as members of a conservation authority be selected from that municipality’s own councillors only S.14 (1.1)
  - Enabling the Minister to appoint an additional member to the Board to represent the agricultural sector (new *Conservation Authorities Act* provision 14(4)).
- Limit the term of the Chair and Vice-Chair to one year and to no more than two consecutive terms (new *Conservation Authorities Act* provision 17 (1.1))

- Amending the duties of members to act on behalf of their respective municipalities rather than the Conservation Authority

*GRCA Comments:*

As previously mentioned in formal comments provided to the province in April 2019 and comments provided to the province during stakeholder consultation in 2020, the GRCA is supportive of changes that increase transparency and accountability of conservation authorities. GRCA is also supportive of the province's intent to clearly define mandatory programs and services provided by the conservation authorities and we look forward to the opportunity to provide input on the regulations that will be posted for public input.

There are a number of proposed amendments that require the posting of documents, board agendas and minutes, financial audits and standard accounting practices that are already undertaken by the GRCA.

Municipalities will no longer be able to appoint a member of the public to the Board. Over the years, the GRCA has benefited from having citizen appointments to the Board. This has helped to incorporate a diverse perspectives for watershed decision making. In order to ensure that a municipal Mayor may participate on a conservation authority board it is recommended that the specification of 'municipal councillor' in the proposed amendments be changed to "municipally elected official".

In the event that the Minister appoints a member to represent the agricultural sector, the appointment process has not been specified, and it is assumed that these appointments would have the same voting privileges as all members and would be entitled to receive per diems and to be appointed as the chair or vice-chair. It is unclear how the change to fiduciary duty would affect this member.

The current legislation deferred board composition to a future Regulation. The proposed amendment removed this clause and replaced it with clauses that specify who can be a members of the board so there will be no opportunity for further input on determining who is eligible to be a member of the Board.

The proposed amendments have set a limit to the Chair and Vice-chair to hold office for one year term and no more than two consecutive terms. Under GRCA By-law 3-2020, the by-law states, "The individuals elected shall hold office until their successors are elected and will be eligible for re-election to the same office for up to a maximum of five one-year terms."

Conservation Authorities are corporate entities. Good governance dictates that the Board acts on behalf of the organization and in the public interest. By changing the duty of members to act on behalf of their respective municipalities, it contradicts the concept of fiduciary duty of a Board Member to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the broader watershed interests further to the purpose of the Act. The standards of care for directors are set out under the *Business Corporations Act*.



'Every director and officer of a corporation in exercising his or her powers and discharging his or her duties to the corporation shall, (a) act honestly and in good faith with a view to the best interests of the corporation...; and (b) exercise the care, diligence and skill that a responsible prudent person would exercise in comparable circumstances'

Additionally, the Auditor General of Ontario recommended in their report on the Niagara Peninsula Conservation Authority that, "to ensure effective oversight of conservation authorities' activities through boards of directors, we recommend that the Ministry of the Environment, Conservation and Parks clarify board members' accountability to the conservation authority" to which the ministry response was in agreement.

## 5. Other

The amendments to the Act also include the requirement for a transition plan to be developed and implemented to ensure compliance with the regulations for mandatory programs and services and agreements or MOUs with municipal partners. Through discussions with MECP staff, it has been stated that the transition plan should be completed and implemented in time to support the 2022 budget process.

It has been GRCA's experience that it can take one to two years to negotiating and finalizing a municipal agreement or MOU given the complexity of the agreement and the number of stakeholders involved (municipal and CAs).

The development and implementation of the transition plan will require a change to GRCA's budget model, an assessment of all programs and services to ensure compliance with the regulations and development and negotiation with municipalities for MOU for non-mandatory programs and services (up to 26).

It is unknown when regulations will be posted for public input and approved.

### **Summary of GRCA's Response to Proposed Amendments to the Conservation Authorities Act:**

- GRCA requests that the clause be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services.
- GRCA requests that the amendment to the *Planning Act* be removed from Schedule 6 of Bill 229.
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- GRCA requests that a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Most of the amendments proposed would be implemented through new or amended legal instruments or policies. The GRCA will contact MECP and MNRF to offer assistance and technical expertise on any working groups/technical committees

established to review future changes to the regulations, policy and/or provincial standards related to the implementation of the *Conservation Authorities Act*.

**Financial implications:**

Without the details of the proposed regulations, it is difficult to determine the financial implications for the amendments to the *Conservation Authorities Act*. Additional reports will come to the Board regarding updates to the program and services of the GRCA as they are posted to the Environmental Bill of Rights.

**Other department considerations:**

Operations, Administration, Resource Management and Engineering Divisions were consulted on the preparation of this report.

**Prepared by:**

Samantha Lawson  
Chief Administrative Officer



November 24, 2020

**BY EMAIL**

The Honourable Doug Ford, Premier of Ontario  
 Office of the Premier  
 Legislative Building, Queens Park  
 Toronto, ON M7A 1A1

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Dear Premier Ford,

Re: Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures)

I am writing on behalf of the Grand River Conservation Authority (GRCA) to express our concerns regarding the Province's proposed changes to the Conservation Authorities Act and the Planning Act under Bill 229: Protect, Support and Recover from COVID-19 Act (Budget Measures).

The GRCA is governed through a partnership of 38 watershed municipalities, which work together to address local issues and opportunities that benefit the entire watershed. Elected or appointed representatives from these municipalities form the membership of the GRCA board, making us directly accountable to our member municipalities and the people that live in the watershed. We work closely with our municipal partners to deliver programs and services that mitigate flood damage, provide access to outdoor spaces, share information about the natural environment and make the watershed more resilient to climate change.

For example, through the Rural Water Quality Program, the GRCA has built strong relationships with the farming community. The GRCA delivers this voluntary program on behalf of 6 Upper Tier municipalities in the watershed to help farmers implement best practices to improve and protect surface and groundwater quality. Since 1998, more than \$56 million has been invested by municipalities and landowners – an investment that supports the rural economy and source water protection, builds green infrastructure and climate change resiliency on the landscape, and helps to improve the quality of the Grand River.

While we support the Province's stated objectives to modernize the Conservation Authorities Act, and enhance transparency and accountability, we are also concerned that some of the proposed changes will have a considerable impact on conservation authorities, their watershed management responsibilities, and consequently, on the health and wellness of the Grand River watershed and its residents.

The GRCA is requesting that:

- the clause in S.21.1.2 of Bill 229 be edited to remove the ability for the Minister to prescribe standards and requirements for non-mandatory, municipal and local programs and services;
- the amendment to the Planning Act be removed from Schedule 6 of Bill 229;
- Bill 229 Schedule 6 clauses in S.28 be amended by removing references to the Local Planning Appeal Tribunal and replacing it with the Mining and Lands Tribunal;

- the existing un-proclaimed clauses in the Conservation Authorities Act 2019 related to Powers of entry (30.2) and Stop Order (30.4) remain in the Conservation Authorities Act and proposed amendments related to these clauses be removed from Bill 229 Schedule 6;
- the wording for fiduciary responsibilities in the CA Act be amended back to: “Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority”; and that
- a future regulation regarding the transition plan have an implementation date that is 18-24 months after the regulation is approved.

Please find attached *GRCA Report GM-11-20-85 Proposed Amendments to the Conservation Authorities Act through Bill 229*, which outlines our key areas of concern. We are asking that the Province work with conservation authorities to address these concerns before Bill 229 is passed. We would also like to offer our assistance and technical expertise to the Ministry of the Environment, Conservation and Parks and the Ministry of Natural Resources and Forestry on any working groups or technical committees established to review future changes to the regulations, policies or provincial standards related to the implementation of the Conservation Authorities Act.

We look forward to continuing our productive relationship with the Province, and supporting your government’s effort to improve the governance and accountability of conservation authorities.

Yours sincerely,



Helen Jowett, Chair  
Grand River Conservation Authority

- c. Hon. Jeff Yurek, Minister of Environment, Conservation and Parks; Hon. John Yakabuski, Minister of Natural Resources and Forestry; Hon. Steve Clark, Minister of Municipal Housing and Affairs, Hon. Rod Phillips, Minister of Finance; Grand River watershed Members of Provincial Parliament

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



905.336.1158  
 Fax: 905.336.7014  
 2596 Britannia Road West  
 Burlington, Ontario L7P 0G3  
[conservationhalton.ca](http://conservationhalton.ca)

Protecting the Natural  
 Environment from  
 Lake to Escarpment

The Honourable Doug Ford  
 Premier of Ontario

The Honourable Jeff Yurek  
 Minister of the Environment, Conservation, and Parks  
 Ministry of the Environment, Conservation, and Parks

The Honourable Rod Phillips  
 Minister of Finance  
 Ministry of Finance

November 17, 2020

Dear Premier Ford, Minister Yurek and Minister Phillips,

We are writing to you today in response to the proposed amendments to the *Conservation Authorities Act* (CA Act), contained in Schedule 6, Bill 229. **We anticipate that some of the more prescriptive changes proposed in Bill 229 will lead to the opposite of your government's stated desire to help conservation authorities (CA) modernize and operate with greater focus, transparency and efficiency.**

The Progressive Conservative Government under the leadership of George Drew passed the *Conservation Authorities Act* and the *Planning Act*. He recognized that Ontario needed to invest in a sound transformative strategy to help Ontarians recover from the devastation of World War Two, not just economically, but also emotionally, as a community. These progressive actions were further strengthened by Premier Frost. Today, as the Province faces unprecedented pressures from both, a global pandemic and climate change, we need to strengthen the cooperative role played by CAs.

For over 60 years, Conservation Halton (CH) has served the interests of its residents and stayed true to those founding principles – conserving the environment to enable watershed communities to prosper socially and economically while ensuring resilience and safety for generations to come. From planting four million trees, to managing 11,000 acres of land, teaching millions of children, ensuring people build their homes and businesses in safe places and constantly checking the pulse of our environment through monitoring and restoration, CH has been a trusted, accountable partner to the Province and our municipalities. Today, CH serves over one million residents in one of the fastest growing areas in Ontario. Our residents and municipalities depend on us to deliver cost-effective services that ensure growth and development support sustainable and vibrant communities.

CH has played a collaborative role in the previous consultations regarding the modernization of the CA Act. While it was unexpected to see further proposed changes to the Act in Bill 229, 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.

It is our view that several of the proposed amendments will increase the risk to life and property from natural hazards and the degradation of the environment. **We respectfully request you withdraw Schedule 6 from Bill 229 until a more thorough analysis of the appropriate solutions can take place, with more clarity on what problems were identified through the consultation process.** We also encourage you to engage with CAs as you work on regulations that will eventually define the limits of the various CA Act clauses. We feel this is critical to ensure that the focus and performance of CAs is actually improved.

Several changes, such as those related to governance, ministerial authority to issue permits, the removal of our ability to appeal decisions at LPAT, and the removal of enforcement tools will lead to increased administrative costs, red tape, delays, and above all bring into question the integrity and transparency of the permitting and planning process. **These changes will also result in a more uncertain, litigious and discordant atmosphere, which will hinder our ability to work with applicants to find practical solutions for safe development. These changes will undo the hard work CH has done over the last five years to ensure we are customer-centric, accountable, efficient and solutions oriented.** Specifically:

- **There is no duplication, red tape or going beyond our mandate**  
 CH and our municipal partners work in a complementary way, avoid duplication of effort and remain focused on our core responsibilities through detailed MOUs and workplans. CH worked with our partners and customers to develop clear, quantifiable service delivery targets, which we have achieved, and publicly reported on with consistency. We track all permitting and plan review metrics on a quarterly basis to ensure nothing is slipping.
- **Our permit/planning fees only cover the cost to review and we have high service standards**  
 CH works with the development industry to ensure there is transparency on how our fees are determined, what costs are included and what standard of service we deliver in exchange. This approach is highly appreciated by our BILD chapter and they have encouraged other agencies to adopt our approach. We will be happy to share correspondence to this effect with you. We work on a cost-recovery model to ensure we keep the cost to taxpayers as low as possible.
- **The integrity of the permitting process will be compromised – these amendments will increase risk, liability, delays, and lead to inconsistency**  
 CH currently issues 95% of minor permits and 98% of major permits within 30 and 90 review days respectively (not calendar days). We value the process as much as we value the output of our services in this area. It is our view that the proposed amendments that would allow the Minister of Natural Resources and Forestry jurisdiction over certain permit applications and the appeal process has the potential to allow individuals to circumvent checks and balances that exist to protect the communities in our watersheds. It is unclear whether the minister would have regard for local conditions, technical input or Board-approved policies. These proposed changes may inadvertently cause more people in the community to be at risk, rather than protected, from natural hazards.
- **The amendments introduce a “stakeholder governance model” that has no legal precedence**  
 The proposed changes to the composition of CA boards negatively disrupts what is currently a relatively apolitical structure. This will significantly reduce the capacity of boards to make

decisions on a watershed basis. Our Board of Directors carry out their fiduciary responsibilities, guide strategy, approve policies in support of our Provincial and municipal responsibilities and track performance. They ensure CH makes decisions with integrity, based solely on our core responsibilities. It is our view that changing the composition to reflect elected officials that represent the interests of their respective municipalities creates a setting ripe for conflict of interest. It runs counter to all governance principles.

- These amendments compromise our ability to create jobs & deliver services without tax dollars**  
 Conservation Halton is focused on our core programs. We are equally competent and resourceful in providing further opportunities for Ontarians in recreation and education on our conservation lands—especially during the pandemic when the need for safe and accessible greenspace is at an all-time high—and we are even more proud that we are able to fund these opportunities 100% self-sufficiently. Our responsible monetization of assets and generation of revenue creates value for the community as well as employment opportunities. We are concerned that should the Ministry set fees or other limits on non-mandatory programs and services—particularly those that we already successfully run without the support of tax dollars—our ability to provide important recreational, educational, and employment opportunities that allow our community to interact with conservation will be significantly diminished. Our municipal levy for 2021 is under 28% and the provincial contribution is close to 2% of our total budget. We have worked hard to achieve such low reliance on taxpayer funding. At the same time, we have expanded access to our parks by 35% this season, giving Ontario families a safe place to visit during the COVID-19 pandemic.

**In conclusion, 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.** Given the time sensitive nature of this Bill, we encourage the Province to consult with Conservation Halton and other CAs in an expedient manner. We have attached a more detailed (Board) report on our key concerns.

We appreciate you taking the time to consider our concerns. **We feel there are better solutions to deal with actual and perceived issues.** We would be pleased to discuss these and our desire to work with you to define the governing regulations at your earliest convenience. Please contact Conservation Halton CEO, Hassaan Basit ([CEOoffice@hrca.on.ca](mailto:CEOoffice@hrca.on.ca)) so we can help support your mandate while ensuring success for all stakeholders.

Regards,

Gerry Smallegange



Chair, Conservation Halton Board of Directors

Mayor Rob Burton, BA, MS



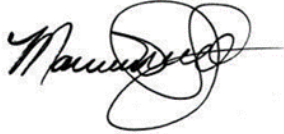
Town of Oakville

Mayor Gordon Krantz



Town of Milton

Mayor Marianne Meed Ward



City of Burlington

Mayor Rick Bonnette



Town of Halton Hills

Cc:

The Honourable John Yakabuski, Minister of Natural Resources and Forestry  
Ministry of Natural Resources and Forestry

The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
Minister of Municipal Affairs and Housing

Ted Arnott  
MPP Wellington—Halton Hills

Jane McKenna  
MPP Burlington

Effie J. Triantafilopoulos  
MPP Oakville North—Burlington

Stephen Crawford  
MPP Oakville

Parm Gill  
MPP Milton

Andrea Horwath  
MPP Hamilton Centre

Sandy Shaw  
MPP Hamilton West—Ancaster—Dundas

Rudy Cuzzetto  
MPP Mississauga—Lakeshore

Donna Skelly  
MPP Flamborough-Glanbrook





Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto ON M7A 1A1  
Premier@ontario.ca

SENT BY EMAIL

December 11, 2020

Re: Council Resolution – Bill 229

Further to the Meeting of Council on December 1, 2020 Council of the Corporation of the Municipality of Marmora and Lake passed the following motion:

**MOTION2020DEC01-276**

Moved by Deputy Mayor Mike Stevens  
Seconded by Councillor Ron Derry

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 changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, permit appeal process and engaging in review and appeal of planning applications.

WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the Planning Act.

WHEREAS the changes allow the Minister to make decisions without CA watershed data and expertise.

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.



WHEREAS municipalities believe that the appointment of municipal representatives on CA Boards should be a municipal decision; and the Chair and Vice-Chair of the CA Board should be duly elected.

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

WHEREAS conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative.

WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process.

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 the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water.

THEREFORE BE IT RESOLVED:

THAT the Province of Ontario repeal Schedule 6 of the Budget Measures Act (Bill 229).

THAT the Province continues to work with conservation authorities to find workable solutions to reduce red tape and create conditions for growth.

THAT the Province respects the current 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 watershed management role.

THAT Council supports the resolution of the Town of Mono passed on November 24, 2020, regarding Schedule 6 of Bill 229.

AND THAT Council supports the resolution of the City of Quinte West passed on November 16, 2020, regarding Schedule 6 of Bill 229.



FURTHER THAT this resolution is forwarded to the Premier of Ontario, the Minister of the Environment, Conservation and Parks, Minister of Natural Resources and Forestry, Minister of Municipal Affairs & Housing, Bay of Quinte MPP Todd Smith, AMO, Conservation Ontario, CVCA and Quinte Conservation.

**Carried**

I trust this is the information you require, however, should additional information or clarification be required do not hesitate to contact me at your convenience.

Sincerely,

Jennifer Bennett,  
Deputy Clerk  
613-472-2629 ext. 2232  
[jbennett@marmoraandlake.ca](mailto:jbennett@marmoraandlake.ca)

cc: The Honourable Doug Ford  
Todd Smith, MPP Prince Edward-Hastings  
Minister of the Environment, Conservation and Parks  
Minister of Natural Resources and Forestry  
Minister of Municipal Affairs & Housing  
Conservation Ontario  
Crowe Valley Conservation Authority  
Quinte Conservation  
Association of Municipalities of Ontario  
All Municipalities within the Province of Ontario





December 8, 2020

Via email: [stclair@scrca.on.ca](mailto:stclair@scrca.on.ca)

Brian McDougall, General Manger  
St Clair Region Conservation Authority  
205 Mill Pond Cres.  
Strathroy ON N7G 3P9

**Re: Resolution Bill 229 and the Conservation Authorities**

Please be advised the Council of the Municipality of Chatham-Kent at its regular meeting held on December 7, 2020 considered the aforementioned topic and subsequent to discussion, the following was resolved:

Moved by Councillor Faas, Seconded by Councillor Thompson

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 changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, permit appeal process and engaging in review and appeal of planning applications

WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the Planning Act

WHEREAS the changes allow the Minister to make decisions without CA watershed data and expertise

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

WHEREAS municipalities believe that the appointment of municipal representatives on CA Boards should be a municipal decision; and the Chair and Vice Chair of the CA Board should be duly elected

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

WHEREAS conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative

WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process

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 the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water

THEREFORE BE IT RESOLVED

THAT the Province of Ontario repeal Schedule 6 of the Budget Measures Act (Bill 229)

THAT the Province continue to work with conservation authorities to find workable solutions to reduce red tape and create conditions for growth

THAT the Province respect the current conservation authority/municipal relationships

AND 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.

If you have any questions or comments, please contact Judy Smith at [judys@chatham-kent.ca](mailto:judys@chatham-kent.ca)

Sincerely,



Judy Smith, CMO  
Director Municipal Governance  
Clerk /Freedom of Information Coordinator

C

Honourable Premier of Ontario

Hon. Rod Phillips, Minister of Finance ([rod.phillips@pc.ola.org](mailto:rod.phillips@pc.ola.org))

Hon. Jeff Yurek, Minister of Environment Conservation and Parks  
([jeff.yurek@pc.ola.org](mailto:jeff.yurek@pc.ola.org))

Hon. John Yakabuski, Minister of Natural Resources and Forestry  
([john.yakabuski@pc.ols.org](mailto:john.yakabuski@pc.ols.org))

Local Members of Provincial Parliament

All Ontario Municipalities



December 14, 2020

Rt. Hon. Justin Trudeau. P.C., M.P.  
Prime Minister  
80 Wellington Street  
Ottawa, ON K1A 0A2

Hon. Doug Ford  
Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto ON M7A 1A1

Dear Prime Minister Trudeau and Premier Ford:

**Re: Federal and Provincial Support for Adequate Paid Sick Day Benefits**

On behalf of Region of Peel Council, I would like to thank you both for your leadership on the response to COVID-19. We appreciate your past and ongoing support of the Region of Peel to control the spread of the virus and keep residents safe, including economic and financial supports to businesses and individuals that have been directly affected by the pandemic.

Despite the current economic and financial supports, more must be done. Peel remains in 'Lockdown', the most restrictive stage of Ontario's COVID-19 response framework and continues to face challenges in our efforts to prevent transmission of COVID-19. One area we have identified that should immediately be enhanced is paid sick day supports for workers who have COVID-19 or need to isolate because they may have been exposed to the virus. Insufficient paid sick days, financial/income supports, and sick leave protection are known barriers to compliance to COVID-19 control measures, including testing and self-isolation.

This challenge is particularly evident with workers who are in precarious employment and are most likely to not have paid sick days. These include low-income workers, essential workers, contract and agency workers, those who cannot work remotely, and many health-care workers. Some are precariously employed in our transportation, service and manufacturing sectors, which are reported to have some of the highest share of COVID-19 cases among occupation categories. Due to the lack of paid sick days, many of these workers simply cannot afford to take time off work when sick, fearing income-loss and financial hardship.

Peel Regional Council does acknowledge that both of your governments have implemented measures to encourage and support workers to comply with pandemic control measures and protect them from having their employment

terminated due to COVID-19. However, these measures have limitations and are simply not enough.

The federal Canada Recovery Sickness Benefit (CRSB) for instance requires an employed or self-employed individual, who is off due to COVID-19 and has received one week of benefits, to apply again to receive a second week of benefits. This is not aligned with the science of a two-week incubation period for the virus. Moreover, the CRSB provides just two weeks of benefits for the entire year, which is a barrier for a worker who is sick for more than two weeks and needs to isolate for a longer period of time. The application process and waiting period for payment create a gap in income and a disincentive to stay home when sick. Income replacement for individuals who want to do the right thing and stay home when sick needs to be implemented with minimal administrative burden.

Further, at the outset of COVID-19 pandemic in March, the Province of Ontario introduced infectious disease emergency leave to protect employees from termination because they are off work due to COVID-19, which is scheduled to remain in force until January 2, 2021. Without such job protection in place, workers could go to work while sick because they fear being fired.

At its December 10<sup>th</sup> meeting, Peel Regional Council passed a resolution (attached) requesting that federal and provincial governments implement and fund the necessary policies and programs to provide adequate paid sick day benefits. This would ensure accessible and timely income/financial supports and remove barriers facing precariously employed Peel residents, allowing them to get tested, self-isolate and follow necessary COVID-19 control measures without fear of income-loss and financial hardship. We also acknowledge that the burden of this income support should not fall on businesses; especially small businesses that cannot take on additional costs at this time.

Further, it is requested that the Province to Ontario quickly move to extend infectious disease emergency leave beyond January 2, 2021. This will offer workers continued job protection and peace of mind. For administrative and communication purposes, the Province may want to consider linking this job protected leave for the duration of COVID-19 emergency period.

Given the urgency of the current state of the pandemic, we cannot afford to wait to do more to prevent the spread of the virus in our community. We encourage your governments move forward to implement these recommendations expeditiously, which are necessary to protect some of our most vulnerable workers who not only deserve respect and protection but will ultimately be critical to the post-pandemic recovery of our economy.

If you have any questions regarding our recommendations, please feel free to contact me at 905-791-7800 x4310. It would be a pleasure to hear from you.



Kindest personal regards,

A handwritten signature in black ink, appearing to read 'Nando Iannicca', written over a light grey rectangular background.

Nando Iannicca,  
Regional Chair and CEO

CC:  
Peel-area MPs and MPPs  
GTHA Municipalities

Attached: Resolution - Paid Sick Days

**Nando Iannicca**  
Regional Chair & CEO

10 Peel Centre Dr.  
Suite A, 5th Floor  
Brampton, ON L6T 4B9  
905-791-7800 ext. 4310







54  
**Resolution**

**Agenda Number:** 8.1

**Date:** Regional Council, December 10, 2020

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**Moved by** Councillor Brown, Councillor Crombie and Councillor Thompson

Whereas the Region of Peel is currently in lockdown and, as of December 7, 2020, has an incidence rate of 202.9 cases per 100,000 population and a test positivity rate of 10.6 per cent, which are well above the threshold for the control or red level under the Provincial COVID-19 response framework;

And whereas, workplaces are a source of COVID-19 transmission in Peel and a Peel Public Health Surveillance identifies that among COVID-19 cases the most frequently reported occupation categories after health (8.9 per cent), are trades, transport and equipment operators (5.5 per cent), sales and service (3.9 per cent) and manufacturing and utilities (3.4 per cent);

And whereas, it is workers in precarious employment who are most likely to not have paid sick days, including low-income workers, essential workers, contract and agency workers, those who cannot work remotely, and many health-care workers;

And whereas, many of these workers simply cannot afford to take time off work;

And whereas, the federal government has established the Canada Recovery Sickness Benefit (CRSB) which provides support to eligible employed and self-employed individuals who are unable to work because they are sick with COVID-19 or may be sick with COVID-19, or need to self-isolate due to COVID-19, or have an underlying health condition that puts them at greater risk of getting COVID-19;

And whereas, the CRSB is only limited to \$450 (after taxes are withheld) for a one-week period and the employed or self-employed individual must apply again to receive a second week of benefits and that only a total of two weeks of benefits are available, which is a barrier for a worker who is sick and needs to isolate for a longer period of time;

And whereas, the Ontario government through Bill 186, *Employment Standards Amendment Act (Infectious Disease Emergencies)*, 2020, created job protected infectious disease emergency leave so that an employee cannot be threatened, fired or penalized in any other way because the employee took or plans on taking an infectious disease emergency leave for COVID-19;

And whereas, on September 3, 2020, the Ontario government through Ontario Regulation 228/20 extended infectious disease emergency leave, which is set to end on January 2, 2021;

And whereas, the lack of paid sick days, financial/income supports, and sick leave protection are known barriers to compliance to COVID-19 control measures, including testing and self-isolation, due to the fear of income-loss and financial hardship;

Therefore be it resolved, that the Regional Chair write to the Prime Minister of Canada and Premier of Ontario, on behalf of Regional Council, to request that:

- the federal and provincial governments implement and fund the necessary policies and programs to provide adequate paid sick day benefits to ensure accessible and timely income/financial supports in order to remove barriers facing precariously employed Peel residents, which will allow them to get tested, self-isolate and follow necessary COVID-19 control measures without fear of income-loss and financial hardship;
- the provincial government extend infectious disease emergency leave beyond January 2, 2021 and do this expeditiously to give workers job protection and peace of mind;

And further, that a copy of this resolution be sent to all Peel-area MPs and MPPs for their awareness and active support;

And further, that a copy of this resolution be sent to Greater Toronto Hamilton Area municipalities.





**THE CORPORATION OF THE  
TOWNSHIP OF MATACHEWAN**

December 14, 2020

Honourable Steve Clark  
Office of the Minister  
Minister of Municipal Affairs and Housing  
777 Bay Street, 17<sup>th</sup> Floor  
Toronto, ON M7A 2J3

Dear Honourable Clark:

There have been numerous announcements of available grants for municipalities. We acknowledge and are very appreciative of the opportunity to apply for these grants. For small municipalities with few employees, the turn around time for applications is very short and restrictive.

We would like to request that the application deadline on any further grants have a longer turn around time.

A copy of Resolution 2020-257 is attached. Your consideration and support of this resolution would be greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Knauth", written over a large, stylized flourish.

Barbara Knauth  
Deputy Clerk Treasurer

Cc: Association of Municipalities of Ontario (A.M.O.)  
Federation of Northern Ontario Municipalities (F.O.N.O.M.)  
All Municipalities in Ontario

THE CORPORATION OF THE TOWNSHIP OF MATACHEWAN  
 P.O. Box 177, Matachewan, Ontario P0K 1M0



DATE: November 25, 2020

RESOLUTION #: 2020-257

Moved by: *Ms. A. Commando-Dubé*  
 Seconded by: *Mr. G. Dubé*

WHEREAS we have been getting numerous announcements of available grants; and  
 WHEREAS we are very appreciative of the opportunity to apply for these grants; however, the turn around time for applications is very short and restrictive for small municipalities with few employees;

NOW THEREFORE we, the Corporation of the Township of Matachewan, send a letter to the Hon. Steve Clarke, Minister of Municipal Affairs and Housing acknowledging the appreciation of the grants but requesting that the application deadline on any further grants have a longer turn around time; and

FURTHER THAT a copy of this resolution be forwarded to A.M.O., F.O.N.O.M. and all municipalities in Ontario.

	COUNCILLOR	YEA	NAY	PID
CARRIED	<input checked="" type="checkbox"/> Ms. A. Commando-Dubé Mayor			
AMENDED	Mr. N. Costello Mayor			
DEFEATED	Mr. G. Dubé Councillor			
TABLED	Ms. S. Ruck Councillor			
	Mr. A. Durand Councillor			

*Anne Commando-Dubé*

Anne Commando-Dubé  
Mayor

*Janet Gore*

Janet Gore  
Clerk

**Certified to be a true copy of the original.**  
*[Signature]*

# Corporation of the Town of Carleton Place

175 Bridge Street, Carleton Place, ON, K7C 2V8, Phone: (613) 257-6200 Fax (613) 257-8170



December 14, 2020

The Honourable Ahmed Hussen  
 Minister of Families, Children and Social Development  
 48 Rosemount Avenue  
 Unit B  
 York, Ontario  
 M9N 3B3

*VIA EMAIL*

Dear Honourable Minister:

At the December 8<sup>th</sup>, 2019 session of The Town of Carleton Place Council, Resolution 1-132-10 was adopted as follows:

**WHEREAS** the COVID-19 pandemic has negatively impacted childcare options for nearly every family in our community and has profoundly increased the cost to operate safe childcare forcing childcare spaces or centres to close.

**AND WHEREAS** Ontario has among the highest average childcare fees of any Canadian province and while costs vary regionally for licensed childcare, families are paying between \$9,000 and \$20,000+ per year for each child and these costs continue to rise steadily which makes passing the associated COVID-19 costs to families not possible;

**AND WHEREAS** a 2012 study identified that in Ontario, public investment in the early years and childcare has a ripple effect in positive economic benefits resulting in an economic output of \$2.27 for every dollar invested in childcare;

**AND WHEREAS** the economic recovery of Carleton Place, Lanark County and Ontario is dependent on families having access to safe, reliable, and affordable childcare that incorporates early learning principles;

**AND WHEREAS** we are committed to working with the provincial government and childcare service managers to deliver positive and affordable options for our families;

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Town of Carleton Place request the Government of Ontario:
  - a. prioritize children and childcare as part of its overall post pandemic recovery plan;

- b. develop, adequately fund and release publicly a comprehensive plan that can support facilities through the provision of licensed childcare and early learning education; and
  - c. provide increased funding to childcare providers reflective of COVID-19 operating cost increases to ensure a safe reopening and long-term sustainability for the sector; and
2. this resolution be circulated to all municipalities in Ontario, Randy Hillier MPP, Scott Reid, MP, the Federal Minister of Families, Children and Social Development and the provincial Minister of Education.

**CARRIED**

We look forward to hearing back from you with respect to any opportunities for funding to ensure the long-term sustainability of the childcare services sector.

Sincerely,

Stacey Blair

Town Clerk

[sblair@carletonplace.ca](mailto:sblair@carletonplace.ca)

- cc. Federal Minister of Families, Children and Social Development  
Provincial Minister of Education  
MP Scott Reid  
MPP Randy Hillier  
All municipalities within the Province of Ontario

**CITY OF PORT COLBORNE**

Municipal Offices  
 66 Charlotte Street  
 Port Colborne, Ontario  
 L3K 3C8  
[www.portcolborne.ca](http://www.portcolborne.ca)



Corporate Services Department, Clerk's Division

December 15, 2020

Honourable Doug Ford, Premier  
 Legislative Building, Queen's Park  
 Toronto, ON M7A 1Y7

Dear Premier Ford:

**Re: Resolution – Proposed Regulation under the Ontario Heritage Act (Bill 108)**

Please be advised that, at its meeting of November 23, 2020, the Council of The Corporation of the City of Port Colborne resolved as follows:

That the resolution received from the Town of Grimsby Re: Proposed Regulation under the Ontario Heritage Act (Bill 108), be supported.

A copy of the above noted resolution is enclosed for your reference. Your favourable consideration of this request is respectfully requested.

Sincerely,

Amber LaPointe  
 City Clerk

Encl.

ec: Hon. Lisa McLeod, Minister of Heritage, Sport, Tourism and Culture Industries  
 Andrea Horwath, MPP and Leader of the Official Opposition and the Ontario NDP Party  
 Steven Del Duca, MPP, Leader of the Ontario Liberal Party  
 Mike Schriener, MPP and Leader of the Green Party of Ontario  
 Sam Oosterhof, MPP Niagara West  
 Association of Municipalities of Ontario (AMO)  
 All MPP's in the Province of Ontario  
 The Niagara Region  
 Ontario Municipalities

**Report To: Committee of the Whole**

**Meeting Date: October 19, 2020**

**Subject: Proposed Regulation under the Ontario Heritage Act  
(Bill 108)**

### **Recommendation(s)**

1. That the Report PA20-22 dated October 19, 2020, be received and
2. That the report be endorsed and submitted to the Province, along with the following motion, as the Town of Grimsby's comments to the Environmental Registry.

WHEREAS Royal Assent has been granted to Bill 108 entitled 'More Homes, More Choice Act, 2019' on June 6, 2019; and,

WHEREAS Schedule 11 of Bill 108 contains amendments to the Ontario Heritage Act which require appeals under the Ontario Heritage Act to be heard by the Local Planning Appeal Tribunal not the Conservation Review Board; and,

WHEREAS the Conservation Review Board is an adjudicative tribunal that, through the mandate provided by the Ontario Heritage Act, considers a number of matters such as:

- The proposed designation of a property as having cultural heritage value or interest;
- Applications for the repeal of a By-law on a specific property;
- Applications related to the alteration of a property covered by a By-law; and,
- Matters related to archaeological licensing. AND,

WHEREAS Schedule 11 of Bill 108 will come into effect on a date to be proclaimed by the Lieutenant Governor; and,

WHEREAS the Local Planning Appeal Tribunal are not experts in heritage matters unlike members of the Conservation Review Board; and,

WHEREAS the Local Planning Appeal Tribunal decisions are binding decisions unlike the Conservation Review Board non-binding recommendations; and,



WHEREAS the Ontario Heritage Act provides a means for municipalities to protect and preserve the cultural heritage value or interest of the municipality for generations to come; and,

WHEREAS the Conservation Review Board currently provides reports to municipal council's setting out its findings of fact, and its recommendations so that a final decision can be rendered by municipalities about what is valuable in their community;

WHEREAS the Town of Grimsby remains committed to the preservation and protection of property of cultural heritage value or interest;

NOW THEREFORE BE IT RESOLVED THAT the Town of Grimsby strongly recommends that Schedule 11 of Bill 108 be amended to remove the powers provided to the Local Planning Appeal Tribunal, retaining authority for hearing certain appeals by the Conservation Review Board; and,

BE IT FURTHER RESOLVED THAT the Town of Grimsby strongly recommends that Schedule 11 of Bill 108 be amended to return the authority for final decisions to municipal council's as the elected representative of the communities wherein the property and its features of cultural heritage value exist; and,

BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the Honourable Doug Ford, Premier of Ontario, Lisa McLeod the Minister of Heritage, Sport, Tourism and Culture Industries, Andrea Horwath, MPP and Leader of the Official Opposition and the Ontario NDP Party, MPP Steven Del Duca Leader of the Ontario Liberal Party, Mike Schreiner MPP and Leader of the Green Party of Ontario, Sam Oosterhoff MPP Niagara West; and,

BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the Association of Municipalities of Ontario (AMO), all MPP's in the Province of Ontario, the Niagara Region and all Municipalities in Ontario for their consideration."

We strongly recommend that the Ontario government consider amendments to Bill 108 to return the final authority to municipal Council's to determine what is of cultural heritage value or interest in their communities with the benefits of the expert and professional advice provided by the Conservation Review Board.





T 705-635-2272  
 TF 1-877-566-0005  
 F 705-635-2132

TOWNSHIP OF LAKE OF BAYS  
 1012 Dwight Beach Rd  
 Dwight, ON POA 1H0

December 16, 2020

Via email: [tfowkes@amherstburg.ca](mailto:tfowkes@amherstburg.ca)

Town of Amherstburg  
**Attention: Tammy Fowkes, Deputy Clerk**  
 271 Sandwich Street South  
 Amherstburg, ON N9V 2A5

Dear Ms. Fowkes:

**RE: Correspondence – AODA Website Compliance Extension Request**

On behalf of the Council of the Corporation of the Township of Lake of Bays, please be advised that the above-noted correspondence was presented at the last regularly scheduled meeting on December 15, 2020, and the following was passed:

**“Resolution #7(a)/12/15/20**

**BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays hereby supports the Resolution received by the Township of Amherstburg regarding Support for the AODA Compliance Extension Request, dated September 21, 2020;**

**AND FURTHER THAT this resolution be forwarded to the Town of Amherstburg, Minister of Seniors and Accessibility, Premier Doug Ford, AMO, and all municipalities in Ontario.**

**Carried.”**

Should you have any questions, please do not hesitate to contact our Municipal Office at 705-635-2272.

Sincerely,

Carrie Sykes, *Dipl. M.A., CMO, AOMC*,  
 Director of Corporate Services/Clerk.

CS/cw

Encl.

Copy to: Hon. Doug Ford, Premier of Ontario  
 Hon. Raymond Cho, Minister of Seniors and Accessibility  
 Association of Municipalities of Ontario  
 All Ontario Municipalities



# The Corporation of The Town of Amherstburg

September 21, 2020

VIA EMAIL

The Right Honourable Raymond Cho, Minister for Seniors and Accessibility  
College Park 5<sup>th</sup> Flr, 777 Bay St,  
Toronto, ON  
M7A 1S5

**Re: AODA Website Compliance Extension Request**

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At its meeting of September 14, 2020, Council passed the following for your consideration:

Resolution # 20200914-281

- “1. **WHEREAS** Section 14(4) of O.Reg 191/11 under the Accessibility for Ontarians with Disabilities Act requires designated public sector organizations to conform to WCAG 2.0 Level AA by January 1, 2021;
2. **AND WHEREAS** the municipality remains committed to the provision of accessible goods and services;
3. **AND WHEREAS** the municipality provides accommodations to meet any stated accessibility need, where possible;
4. **AND WHEREAS** the declared pandemic, COVID-19, has impacted the finances and other resources of the municipality;
5. **AND WHEREAS** the Accessibility for Ontarians with Disabilities Act contemplates the need to consider the technical or economic considerations in the implementation of Accessibility Standards;
6. **BE IT THEREFORE RESOLVED THAT** the municipality requests that the Province of Ontario extend the compliance deadline stated in Section 14(4) of O.Reg 191/11 to require designated public sector organizations to meet the compliance standards, by a minimum of one (1) year to at least January 1, 2022; **AND**,
7. **BE IT THEREFORE RESOLVED THAT** the municipality requests that the Province of Ontario consider providing funding support and training resources to meet these compliance standards.”

The impacts of the pandemic on municipal finances and resources affect the ability of municipalities to meet the January 1, 2021 deadline for full compliance with WCAG 2.0 Level AA.

We humbly request the Ontario government consider an extension request, in addition to financial support and training due to the unprecedented impacts of the global pandemic.

Regards,



Tammy Fowkes  
Deputy Clerk, Town of Amherstburg  
(519) 736-0012 ext. 2216  
[tfowkes@amherstburg.ca](mailto:tfowkes@amherstburg.ca)

cc:

The Right Honourable Doug Ford, Premier of Ontario  
The Association of Municipalities of Ontario  
All Ontario Municipalities







T 705-635-2272 TOWNSHIP OF LAKE OF BAYS  
 TF 1-877-566-0005 1012 Dwight Beach Rd  
 F 705-635-2132 Dwight, ON POA 1H0

December 16, 2020

Via email: [llehr@essatownship.on.ca](mailto:llehr@essatownship.on.ca)

Township of Essa  
**Attention: Lisa Lehr, Clerk**  
 5786 County Road 21  
 Utopia, ON L0M 1T0

Dear Ms. Lehr:

**RE: Correspondence – Bill 229 “Protect, Support and Recover from COVID-19 Act –  
 Schedule 6 – Conservation Authorities Act”**

On behalf of the Council of the Corporation of the Township of Lake of Bays, please be advised that the above-noted correspondence was presented at the last regularly scheduled meeting on December 15, 2020, and the following was passed.

**“Resolution #7(e)/12/15/20**

**BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays hereby supports the resolution from the Town of Essa requesting support to Amend Bill 229, Protect, Support and Recover from COVID-19 Act under Schedule 6 - Conservation Authorities Act, dated November 19, 2020;**

**AND FURTHER THAT this resolution be forwarded to the Town of Essa, Premier Doug Ford, the Minister of Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing, the Minister of Natural Resources and Forestry, Minister of Finance, Conservation Ontario, and all Ontario municipalities.**

**Carried.”**

Should you have any questions, please do not hesitate to contact our Municipal Office at 705-635-2272.

Sincerely,

Carrie Sykes, *Dipl. M.A., CMO, AOMC*,  
 Director of Corporate Services/Clerk.

CS/cw

Encl.

Copy to:

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

Corporation of the Township of Essa  
5786 County Road 21  
Utopia, Ontario  
LOM 1T0



Telephone: (705) 424-9917  
Fax: (705) 424-2367  
Web Site: www.essatownship.on.ca

November 19, 2020

Nottawasaga Valley Conservation Authority  
8195 8<sup>th</sup> Line  
Utopia, ON  
LOM 1T0

Sent by email

Attention: Doug Hevenor, Chief Administrative Officer NVCA  
Keith White, NVCA Board Chair  
Marlane McLeod, NVCA Vice Chair

Re: Township of Essa Council Resolution No. CR204-2020  
Bill 229 "Protect, Support and Recover from COVID19 Act – Schedule 6 –  
Conservation Authorities Act"

Please be advised that at its meeting of November 18, 2020, Council of the Township of Essa received a copy of information in relation to Bill 229 in addition to a verbal report from the NVCA Board Chair on the impacts to Conservation Authorities and the trickle effect to municipalities and citizens in Ontario should the Bill pass

As a result of the discussions, Council of the Township of Essa passed the following Resolution:

**Resolution No: CR204-2020 Moved by: White Seconded by: Sander**

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

*WHEREAS the Legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, permit appeal process and engaging in review and appeal of planning applications; and*

*WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the Planning Act; and*

*WHEREAS the changes allow the Minister to make decisions without conservation authority watershed data and 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 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 Board 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 been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative; and*

*WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process; 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 the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water;*

**NOW THEREFORE BE IT RESOLVED:**

- *THAT the Province of Ontario repeal Schedule 6 of the Budget Measures Act (Bill 229)*
- *THAT the Province continue to work with conservation authorities to find workable solutions to reduce red tape and create conditions for growth*
- *THAT the Province respect the current conservation authority and municipal relationships; and*
- *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.*

**----Carried----**

Sincerely,



per; Lisa Lehr, CMO  
Clerk

cc. Conservation Ontario – Kim Gavine, General Manager  
Conservation Ontario – Wayne Emmerson, Chair  
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



On December 10, 2020 Regional Council made the following decision:

1. Regional Council confirm a zero percent increase in the combined water and wastewater wholesale rate for the year beginning April 1, 2021, maintaining the rate at the existing \$3.07 per cubic meter.
2. Regional Clerk circulate this report to the local municipalities.

The original staff report is attached for your information.

Please contact Michelle Swan, Director, Business Planning & Operations Support at 1-877-464-9675 ext. 73040 or Kelly Strueby, Director, Office of the Budget at 1-877-464-9675 ext. 71611 if you have any questions with respect to this matter.

Regards,

**Christopher Raynor** | Regional Clerk, Regional Clerk's Office, Corporate Services

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The Regional Municipality of York | 17250 Yonge Street | Newmarket, ON L3Y 6Z1  
O: 1-877-464-9675 ext. 71300 | [christopher.raynor@york.ca](mailto:christopher.raynor@york.ca) | [york.ca](http://york.ca)

Our Mission: **Working together to serve our thriving communities – today and tomorrow**



# The Regional Municipality of York

Committee of the Whole  
Environmental Services  
December 10, 2020

Joint report of the Commissioner of Environmental Services  
and  
Commissioner of Finance

## 2021 Water and Wastewater User Rates

### 1. Recommendations

1. Regional Council confirm the previously approved 2.9% increase in the combined water and wastewater wholesale rate for the year beginning April 1, 2021, increasing the rate from the existing \$3.07 per cubic meter to a rate of \$3.16 per cubic meter.
2. Regional Clerk circulate this report to the local municipalities.

### 2. Summary

In April 2020, in response to the COVID-19 pandemic, Council decided not to proceed with a planned water and wastewater rate increase for 2020, instead maintaining user rates at their 2019 level. Any operating shortfall due to changes against budget will be drawn from rate stabilization reserves. Using rate stabilization reserves to make up any 2020 shortfall would still allow for a one-year rate increase of 2.9% for 2021, which was previously approved in 2015. After the Region completes a User Rate Study in Q2 2021, Council will be asked to consider recommendations for a new multi-year plan for future rates.

#### Key Points:

- Rate stabilization reserves were established to cover unforeseen fluctuations in revenue and expenditures. A draw from these reserves will be used to cover any 2020 revenue shortfall
- The 2.9% rate increase proposed for 2021 strikes a balance between the shorter-term economic impacts of COVID-19 and the long-term need for the Region to achieve full cost recovery from water and wastewater rates. The proposed 2021 rate is expected to raise the annual household bill by \$18, on average, if local municipalities fully pass the increase on to households
- The 2021 User Rate Study will assess COVID-19 impacts and other pressures in more detail to recommend rates in 2022 and beyond that will ensure long-term financial sustainability for water and wastewater

### 3. Background

#### **York Region and local municipalities are responsible for providing water and wastewater services under a two-tier structure**

York Region and its nine local municipalities are responsible for providing and delivering drinking water and safely managing wastewater for more than one million residents. Almost all water and wastewater users depend on Regional and local municipal systems that are physically connected.

The Region sets a blended rate for water and wastewater that it charges local municipalities. Local municipalities in turn provide services directly to retail customers, and the rates they set ultimately determine customer billing. On average, over half of the revenue generated at the local level is paid to the Region.

Without direct access to Lake Ontario, more than 90% of the Region's drinking water needs are met through long-term service agreements with Peel Region and the City of Toronto. Groundwater wells and surface-water treatment plants in the Region provide the balance of water and wastewater needs.

Roughly 85% of the Region's wastewater is conveyed to Duffin Creek plant in Pickering, which the Region owns jointly with Durham Region, while 10% goes to Peel Region and the remainder is treated at Region owned facilities.

#### **The Region has committed to full cost recovery through user rates**

Although water and wastewater rates in Ontario are not formally regulated, provincial statutes and guidance underscore the importance of financial sustainability for water utilities. One of the recommendations from the Walkerton Inquiry in 2002 was that the municipal sector raise adequate revenue for their water systems locally, without reliance on other levels of government. Since then, York Region Council has prioritized the financial sustainability of its water and wastewater systems by phasing in full cost recovery pricing.

In October 2015, Regional Council approved a plan that would see user rates cover the cost of providing the Region's water and wastewater services by 2021, including long-term asset management needs. Development charges pay for most of the initial construction costs to meet the needs of growth. The plan was based on a model that forecasts annual consumption and costs and reflects the principle of fairness to users over time, also called intergenerational equity.

The plan included annual rate increases of 9.0% for each of the first five years, including 2020. In 2021, the year in which full cost recovery would be achieved, the increase would be 2.9%.

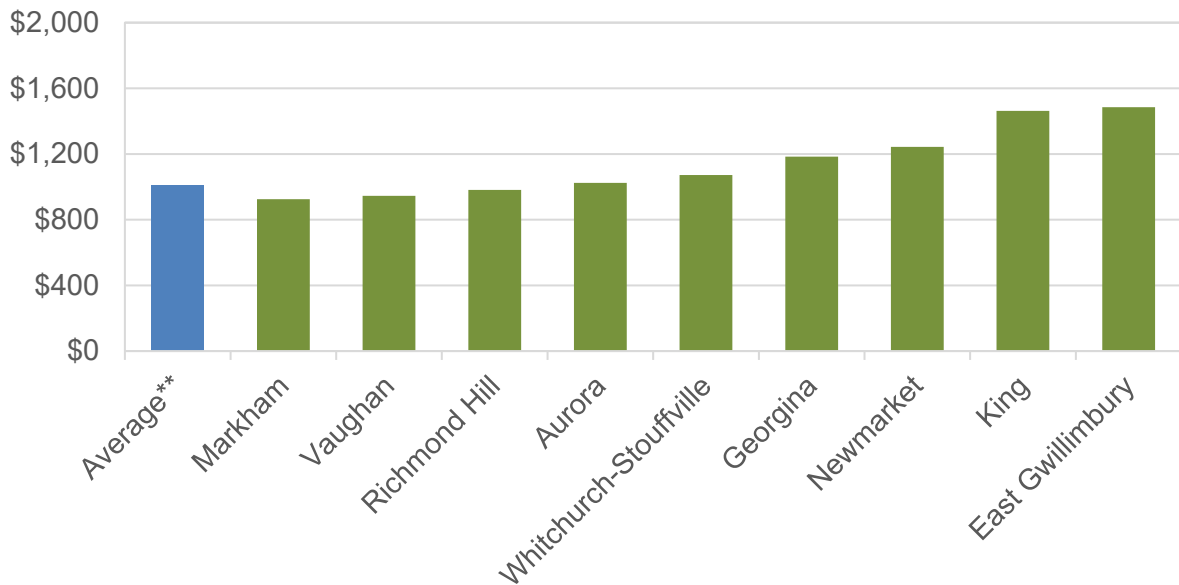
For prudence, the plan required an annual review of results against forecast, created a rate stabilization reserve to cover short-term fluctuations, and allowed rates to be adjusted if longer-term trends appeared to differ significantly from forecasts.

From 2016 to 2019, the rate model that informed the 2015 approvals was reasonably accurate in predicting underlying trends, including a general downward trend in per-capita flows of both water and wastewater. Contributions have been made to stabilization reserves in years of surplus, and a draw was made in 2017 to mitigate a revenue shortfall.

### **Average bills vary across the nine local municipalities but are consistent with those of Ontario comparators**

The average household bill across the Region is estimated to be \$1,010, and ranges from \$925 in Markham to \$1,485 in East Gwillimbury (Figure 1). Average bills in the Region are in line with those in nearby jurisdictions, assuming residents' consumption is similar (Figure 2). The Region's average bill is lower than average bills in the Niagara and Waterloo regions which, like the Region, deliver water and wastewater services through a two-tier system.

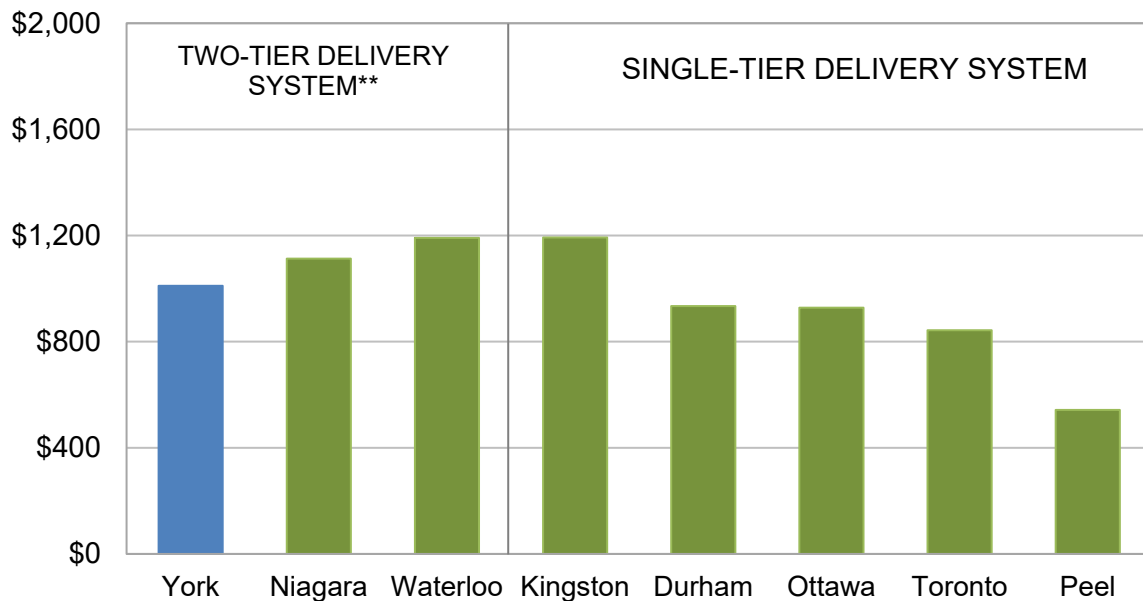
**Figure 1**  
**Average 2020 Household Bill in York Region\***



\* Bill based on published 2020 rates as at October 2020 and average household water consumption of 207m<sup>3</sup> per year

\*\* Weighted average across local municipalities by population

**Figure 2**  
**Average 2020 Household Bill in selected Ontario jurisdictions\***



\* Bill based on published 2020 rates as at October 2020, and average household water consumption of 207m<sup>3</sup> per year

\*\* Weighted average bill across lower-tier municipalities by population

## COVID-19 financial concerns triggered relief measures for 2020

On March 11, 2020, the World Health Organization declared a pandemic as numerous countries reported cases of COVID-19. In line with measures taken by other jurisdictions to prevent the spread of COVID-19, Ontario closed all public schools the next day, and many workplaces were subsequently required to close or curtail their operations. By the beginning of April, more than two million Canadians, or about 10% of the labour force, had applied for employment insurance.

On April 2, 2020, a [report](#) entitled “Partnering with Local Municipalities to Support Residents and Businesses Impacted by COVID-19” was brought to Council. The report outlined the economic impact of COVID-19, described relief measures that local municipalities were considering or had already taken, and recommended measures at the Regional level. Council approved Clause 2 of the report, which kept the Region’s water and wastewater rates at their 2019 levels for 2020, foregoing the previously approved 9% increase, and required staff to report back on the financial implications. This report outlines financial impacts and recommends ways to address them.

## 2021 User Rate Study will inform rates starting in 2022

The 2015 rate plan assumed that a new User Rate Study would be undertaken to inform user rates after 2021. Work on this new study is underway and in Q2 2021 staff will bring multi-year options forward to Council for implementation in 2022 and beyond.



The 2015 study and related plan focused on achieving full cost recovery by the end of the six-year rate approval in 2021. Now that the Region is about to achieve that goal, the focus will shift toward maintaining full cost recovery, including monitoring future risks to the plan.

## 4. Analysis

### **Foregoing the 9% 2020 rate increase translates to a \$32.5 million revenue shortfall based on budgeted flows**

User rate revenue in the Region's Budget for 2020 and 2021 was based on originally approved increases of 9.0% in 2020 and 2.9% in 2021.

Rates normally change on April 1st each year. Based on budgeted flows, the decision not to increase the rate on April 1, 2020, translates into a total shortfall in expected revenue of \$32.5 million over 12 months. For the period April 1 to December 31, 2020, the revenue shortfall was forecast to be \$25 million based solely on the rate deferral, with projected revenue for the year going from \$385 million to \$360 million. In fiscal 2021, the impact amounts to \$7.5 million for the period January 1 to March 31.

The actual year end shortfall compared to budget will be determined once actual flows and COVID-19 related impacts are known.

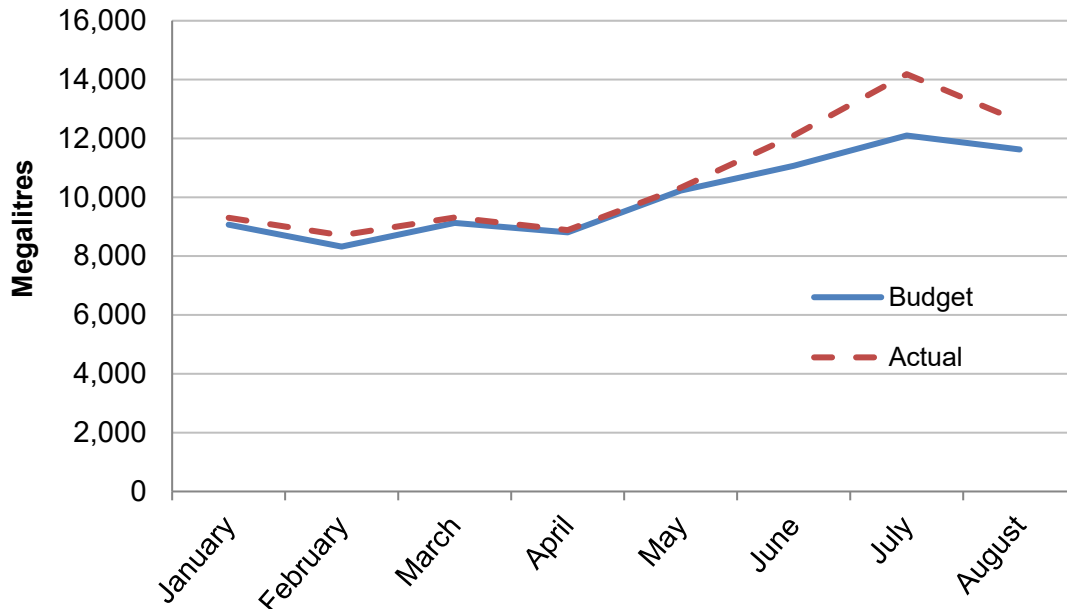
### **Impact of lower rates in 2020 could be partially offset by higher total consumption and lower expenditures**

Water supplied to local municipalities from January to August 2020 was up 6% from budgeted flows, with most of the increase occurring over June to August. Figure 3 shows York Region's bulk water supply to local municipalities, which is largely consumed by residents, and industrial, commercial and institutional (ICI) users.

While the recent uptick in flows is in line with usual fluctuations related to summer weather usage, changes to residential and business activity as a result of COVID-19 may have also affected consumption. Complete information on 2020 flows and the impact on revenue will become available in 2021.

The Region is encouraging local municipalities to analyze their retail data to better determine the impact of COVID-19 on residential and ICI consumption.

**Figure 3**  
**York Region Water Supplied to Local Municipalities in 2020**



COVID-19 has also affected the Region's operating expenditures. Water and wastewater expenditures in 2020 so far have been below budget mainly due to recruitment slowdowns and operating efficiencies.

### **Regional Council's decision to hold rates at 2019 levels was intended to support residents**

Seven of the nine local municipalities made a decision to provide direct rate relief to water and wastewater customers in 2020 in response to COVID-19, with five returning user rates to 2019 levels and two reducing their previously planned increases.

On average, relief measures are expected to provide households in these seven municipalities with about \$15 to \$30 in quarterly savings.

User rate revenue in these municipalities could be up to 10% less than was budgeted in 2020. For municipalities in which information is available, Regional Council's decision to maintain wholesale rates in 2020 is estimated to offset more than half of the fall in revenues collected.

### **The previously approved 2.9% rate increase for 2021 aims to balance the shorter-term economic impacts from COVID-19 and the long-term need to achieve full cost recovery**

In 2015, Council approved a 2.9% rate increase for April 1, 2021 which was expected to lead to a combined rate of \$3.45 per cubic metre. Because of the deferral of the 2020 increase, reaching this level would now require a 12.2% increase in the current rate.

In spring 2020 the water and wastewater rate model was updated to reflect more current estimates, including for inflation, interest rates, population and future asset management needs. Based on preliminary analysis using the updated model, it was estimated that a rate increase of about 6% for 2021 would achieve full cost recovery while keeping future rate increases at about 2.9% annually.

Uncertainty about the ongoing financial impacts of COVID-19 on ratepayers continues to be an important consideration in setting the 2021 rate. While forecasters are cautiously optimistic about the Canadian and Ontario economy in the medium and longer term, the short-term global impact of COVID-19 is unprecedented in modern times. It is still highly uncertain when residents and businesses in the Region will fully recover financially.

It is recommended that Council continue with a 2.9% increase, leading to a combined rate for April 1, 2021 of \$3.16 per cubic meter. The recommended rate increase is in line with or lower than planned 2021 rate increases to date by most neighbouring jurisdictions.

Full cost recovery could still be achieved in 2021 with the recommended rate increase but maintaining full cost recovery in the future may require annual increases slightly above 2.9%. Staff are updating the rate model through the 2021 User Rate Study and will evaluate options for lowering rate pressure in the near term while ensuring the long-term financial sustainability of the water and wastewater systems.

Known pressures include the need to build reserves for renewal of ageing assets. The Region spent an average of \$75 million per year on water and wastewater rehabilitation projects from 2015 to 2019 and is forecast to spend \$91 million in 2020. This is expected to rise to \$107 million each year, on average, over the remainder of the 10 year plan and continue to increase over the foreseeable future. These reserves can only be maintained at an adequate level after full cost recovery rates are in place.

### **Rise in the average household bill attributable to the Region's increase is expected to be \$18 in 2021, which is less than estimated 2020 savings**

The average annual water and wastewater bill in the Region is expected to rise by \$18 in 2021 (or less than 2.9%), as a result of the recommended increase. Although the wholesale rate that the Region charges is a major component of local water and wastewater budgets, the full impact on household bills will largely depend on the retail rates that are implemented by each local municipality.

Council's decision to not increase the rate in 2020 resulted in about \$57 in average annual savings per household. Overall these 2020 savings are higher than the forecasted \$18 rise in an average household bill, resulting from the Region's recommended increase in 2021. More generally, the average combined water and wastewater bill will remain broadly in line with what households pay for other utilities including electricity and gas.

The 2021 User Rate Study, which will inform Council's decision on rates for 2022 and beyond, will look in more detail at any continued impacts of COVID-19 and the Region's cost pressures. More clarity about the economic picture is likely to emerge as the study is finalized in Q2 2021.

## **Rate stabilization reserves are available to mitigate the revenue impact in 2020**

The Region's rate stabilization reserves are used to manage year-end variances between actuals and the budget. As such, these reserves will be used to offset any revenue shortfall in 2020 driven by the rate deferral. As noted, the estimated \$25 million impact in 2020 from deferring the 9% rate increase assumes flows as per the 2020 Budget. However, the shutdown of businesses and shift to working from home have altered consumption patterns. Summer weather also has an impact on water use, and recruitment slowdowns and operational efficiencies have affected the Region's expenses for 2020. Both of these factors will help to make the final year-end impact less than the \$25 million estimate, which was based on the rate impact alone. Complete information on the impact of these factors will be available in 2021.

Revenue losses in 2021 resulting from the 2020 deferral and other factors may require additional draws from the rate stabilization reserves. This will be considered through the 2021 Budget process.

## **Establishing 2021 water and wastewater rates supports strategic goals of Vision 2051 and 2019-2023 Strategic Plan**

Establishing Regional water and wastewater rates for 2021 supports the Vision 2051 goal of Open and Responsive Governance and the Good Government priority of the 2019-2023 Strategic Plan, particularly the objective of managing the Region's assets for current and future generations.

## **5. Financial**

### **Use of rate stabilization reserves will minimize 2020 budget impacts**

Drawing on rate stabilization reserves to offset lost revenue will minimize the impacts on the budget plan of Council's decision to defer the 2020 rate increase. These reserves were established to mitigate effects of short-term shocks to rates or consumption.

### **A 2.9% rate increase for 2021 adds pressure on achieving long-term financial sustainability of water and wastewater**

As part of the 2021 Budget process, the Region will consider ways to manage any financial pressure that may be created from staying with the planned 2.9% rate increase, including how much to draw from rate stabilization reserves in 2021 to mitigate any shortfalls. Long-term financial sustainability, however, depends on maintaining user rates at a level that builds capital reserves so future asset management needs are met while achieving intergenerational equity and avoiding new user rate debt. The current user rate study will consider this as part of the user rates that it will recommend to Council for 2022 and beyond.

## 6. Local Impact

Reaffirming the planned water and wastewater user rate increase for the year starting April 1, 2021, would give local municipalities more certainty as they develop their 2021 budgets.

Staff continue to engage with local municipalities to better understand and collaborate on issues of concern to them. Successful roll-out of the previous 2015 rate study was due in large part to educational and promotional materials targeted at ratepayers that explained the benefits of full cost recovery. A similar initiative is being developed for the new study and plan.

## 7. Conclusion

It is proposed that the Region draw funds from user rate stabilization reserves to offset any revenue shortfall in 2020 associated with deferring the planned 9% increase to the 2020 wholesale rate. Increasing the combined water and wastewater wholesale rate by the previously approved 2.9% for 2021 strikes a balance between the potential ongoing financial impacts of COVID-19 on ratepayers and the Region's goal of full cost recovery.

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For more information on this report, please contact Michelle Swan, Director, Business Planning & Operations Support at 1-877-464-9675 ext. 73040 or Kelly Strueby, Director, Office of the Budget at 1-877-464-9675 ext. 71611. Accessible formats or communication supports are available upon request.

Recommended by: **Erin Mahoney, M. Eng.**  
Commissioner of Environmental Services

**Laura Mirabella, FCPA, FCA**  
Commissioner of Finance and Regional Treasurer

Approved for Submission: **Bruce Macgregor**  
Chief Administrative Officer

November 27, 2020  
eDocs # 11044411





**Kiran Saini**  
Deputy Town Clerk  
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Fax: 905-953-5100

December 7, 2020

Sent to [REDACTED]

Dear Newmarket African Caribbean Canadian Association (NACCA):

**RE: Proclamation Request - February - Black History Month**

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I am writing to advise that your proclamation request has been approved in accordance with the Council-approved [Proclamation, Lighting Request and Community Flag Raising Policy](#), and the Town of Newmarket will proclaim February as Black History Month. Your proclamation request will be communicated on the Town's Twitter account, and on the Town's website on the Proclamation and Lighting Request page.

In addition, the Riverwalk Commons and Fred A. Lundy Bridge located on Water Street will be illuminated in yellow on February 18<sup>th</sup> to recognize Black History Month. Please note that the lighting will occur from sunset until 11:00 PM.

The community flag pole located at Peace Park on Cane Parkway will fly your flag from February 1<sup>st</sup> to 7<sup>th</sup>. Please note that the flag must be dropped off at the Town of Newmarket Operations Centre at 1275 Maple Hill Court by 4:30 PM on Thursday, January 28, 2021, ATTN: Nick Evans.

If you have any questions regarding the above, please feel free to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink that reads "Kiran Saini".

Kiran Saini

Deputy Town Clerk  
KS:jg







395 Mulock Drive, Newmarket, ON L3Y 8P3

(905) 781-6222 | [nacca.community@gmail.com](mailto:nacca.community@gmail.com)

[www.naccacommunity.ca](http://www.naccacommunity.ca)

C/o Ms. Lisa Lyons Director, Legislature Services Town Clerk

Corporate Services Commission, Town of Newmarket, Ontario

November 10, 2020

Dear Ms. Lyons:

In 1995 a Federal proclamation declared February as Black History Month in Canada.

On Behalf of the Newmarket African Caribbean Canadian Association, I would like to respectfully request that the month of February 2020 be proclaimed Black History Month in the Town of Newmarket. The period is from February 1, 2021 to February 28, 2021.

The purpose of Black History Month:

- To provide opportunity for the Town of Newmarket to formally commemorate and recognize the past and present contributions that African Canadians make to the life of Canada in such areas as education, medicine, art, culture, public service, economic development, politics and human rights.
- It also essentially seeks to level the imbalance in historical perspective. Few Canadians know that slavery once existed in Canada, or that many of the British Loyalists who came here after the American Revolution were Black.

Enclosed you will find a composed proclamation which we hope the Mayor will sign to memorialize this proclamation in the town of Newmarket.

As indicated in the application, we would like to have the community flag raising on Monday,

February 1, 2021 and the lighting on February 18, 2021.

Due to the current precautions in relation to COVID-19, NACCA is prepared to host a variety of virtual arts and cultural events to coincide with this period.

A schedule of the virtual activities will be available on November 30, 2020.

Sincerely,

Jerisha Grant-Hall

Chairperson, Newmarket African Caribbean Canadian Association (NACCA)

The Corporation of the Town of Newmarket  
Office of the Mayor

## *Proclamation*

**Black History Month recognizes the contributions that People of African and Caribbean descent have made to Canada shaping its identity; and**

**Whereas:** Black History Month was first recognized in Ontario in 1995 and celebrated nationally in 1996, following a motion passed by the Honorable Jean Augustine, the First Black Canadian woman elected to Parliament; and

**Whereas:** The United Nations proclaimed 2015-2024 the Decade for people of African Descent, an important step in the international community recognizing that people of African descent represent a distinct group whose human rights must be promoted and protected; and

**Whereas:** The Town of Newmarket continues to work toward becoming an inclusive community in which all citizens past, present and future are respected and recognized for their contributions to our community; and

**Whereas:** Black History Month continues to provide the Town of Newmarket with the opportunity to celebrate the contributions and vital role that Canadians of African descent have made to strengthen the social and cultural mosaic of our community, province and country;

**Now, Therefore:** I, John Taylor, Mayor of the Town of Newmarket, do hereby proclaim

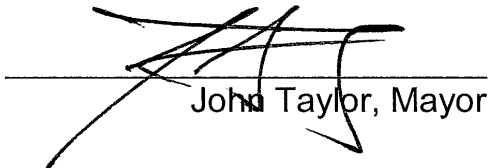
**February 1 - 28, 2021**

**As**

**Black History Month**

In the Town of Newmarket and do commend its thoughtful observance to all citizens of our municipality.

Dated this 7th day of December 2020

  
John Taylor, Mayor