

**Board of Directors**  
**Meeting No. BOD-14-20**  
**Friday, December 18, 2020**  
**9:00 a.m.**

## **Amended Agenda**

### **Meeting Location:**

To be held virtually by Zoom  
Minutes and agendas are available at [www.LSRCA.on.ca](http://www.LSRCA.on.ca)

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### **Upcoming Events**

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#### **Annual General Meeting of the Board of Directors**

Friday, January 22, 2021 at 9:00 a.m.  
To be held virtually by Zoom

A full listing of events can be found at [www.LSRCA.on.ca](http://www.LSRCA.on.ca)

## I. Declarations of Pecuniary Interest and Conflict of Interest

## II. Approval of Agenda

Pages 1 - 5

**Recommended:** That the content of the Agenda for the December 18, 2020 meeting of the LSRCA Board of Directors be approved as amended to include Correspondence Items 1c) and 1d) and Staff Report No. 51-20-BOD.

## III. Adoption of Minutes

### a) Board of Directors

Pages 6-12

Included in the agenda is a copy of the minutes of the Board of Directors Meeting No. BOD-13-20 held on Friday, November 27, 2020.

**Recommended:** That the minutes of the Board of Directors Meeting No. BOD-13-20 held on Friday, November 27, 2020 be approved as circulated.

### b) Conservation Ontario Council

Pages 13-24

Included in the agenda is a copy of the minutes of Conservation Ontario Council's Annual General Meeting held on Monday, September 28, 2020.

**Recommended:** That the minutes of Conservation Ontario Council's Annual General Meeting held on Monday, September 28, 2020 be received for information.

## IV. Announcements

## V. Presentations

### a) Asset Management Plan Update

Pages 25-29

General Manager, Corporate and Financial Services/CFO, Mark Critch will provide an update on the Authority's Asset Management Plan. This presentation will be provided at the meeting and will be available on our website following the meeting.

**Recommended:** That the presentation by General Manager, Corporate and Financial Services/CFO, Mark Critch, regarding the Authority's Asset Management Plan be received for information.

Included in the agenda is Staff Report No. 47-20-BOD regarding the Authority's Asset Management Plan.

**Recommended:** That Staff report No. 47-20-BOD regarding an update on the Asset Management plan be received for information; and

Further that Staff be directed to continue to review all options to mitigate the preliminary infrastructure gap identified in this report; and

Further that Staff bring back an updated financial strategy for Board of Director approval in Q1/Q2 of 2021.

## **VI. Hearings**

There are no Hearings scheduled for this meeting.

## **VII. Deputations**

There are no Deputations scheduled for this meeting.

## **VIII. Determination of Items Requiring Separate Discussion**

(Reference Pages 4 and 5 of the agenda).

## **IX. Adoption of Items Not Requiring Separate Discussion**

## **X. Consideration of Items Requiring Separate Discussion**

## **XI. Closed Session**

There are no Closed Session items for this meeting.

## **XII. Other Business**

### **Next Meeting**

The next meeting of the Authority Board of Directors is the Annual General Meeting taking place at @ 9:00 a.m. on Friday, January 22, 2021. This meeting will be held via Zoom, access details to be provided prior to the meeting.

### XIII. Adjournment

#### Agenda Items

##### 1. Correspondence

Pages 30-39

- a) Lake Simcoe Region Conservation Authority's letter to the Province dated November 23<sup>rd</sup> in response to the proposed Bill 229.
- b) Lake Simcoe Region Conservation Authority's letter to the Province dated November 27<sup>th</sup> in response in response to the proposed Bill 229.
- c) Province of Ontario News Release dated December 16, 2020 regarding Announcement of a Working Group to Better Focus Conservation Authorities
- d) Ministry of the Environment, Conservation and Parks letter to Chairman Wayne Emmerson dated December 16, 2020 regarding the Lake Simcoe Protection Plan 10-year review.

**Recommended:** That Correspondence Item 1a), b), c) and d) be received for information.

##### 2. Amendment to the Administrative By-Laws

Pages 40-42

**Recommended:** That Staff Report No. 48-20-BOD regarding amending the Authority's Administrative By-Laws to ensure business continuity be received; and

Further That the amendments to Administrative By-Laws be approved and updated By-Laws be made available on the Authority's website.

##### 3. Pefferlaw Dam Update

Pages 43-49

**Recommended: That** Staff Report No. 49-20-BOD regarding an update on Pefferlaw Dam be received; and

**Further that** the following recommendations be approved and implemented as required:

1. That the Authority discontinue operation of the dam effective January 1, 2021;
2. That the Authority begin discussion with the Town of Georgina to transfer the two parcels of land collectively known as the Pefferlaw Dam Conservation

Area (Attachment 1) and to finalize this land transfer by March 31, 2021. The legal descriptions of these parcels are as follows:

PIN 03539-0059 (LT): PT LOT 23 CONCESSION 5 GEORGINA PT 1 65R4695

PIN 03539-0060 (LT): PT LOT 23 CONCESSION 5 GEORGINA PT 2 65R3240

3. That Authority staff provide the Town of Georgina with all equipment required for the operation of the dam and provide training as required;
4. That Authority staff assist the Town of Georgina with preparing documents for submission to the Province affirming the Town of Georgina as having ownership and/or jurisdiction over the river and mill pond (subject to any possible crown interest in “navigable waters” and under original crown patent); and
5. That the Authority provide any relevant information to the Town of Georgina to support any future community engagement/consultation they may wish to pursue.

#### 4. **Bill 229, Schedule 6 Conservation Authorities Act**

Pages 50-53

**Recommended:** That Staff Report No. 50-20-BOD regarding the changes introduced by the Province to the Conservation Authorities Act and the Planning Act in Bill 229 be received; and

Further that the CAO be directed to send a letter to the Province of Ontario on behalf of the full Board of Directors requesting that:

- a) The Province collaborative with the Conservation Authorities to develop a transition plan, new guidance materials, and drafting of the regulations; and
- b) 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.

#### 5. **Scanlon Creek Operations Centre**

Pages 54-57

**Recommended:** That Staff Report No. 51-20-BOD regarding an update on the Scanlon Creek Operations Centre Renovation Project be received; and Further that the Final Project Cost Summary be received and endorsed; and Further that increases to the project Purchase Orders in the amounts of \$105,595 for WS Morgan and \$30,000 for Brock McIlroy be approved.

## Board or Directors' Meeting

Board of Directors' Meeting No. BOD-13-20

Friday, November 27, 2020

Held virtually via Zoom

### Meeting Minutes

#### LSRCA Board Members Present

Regional Chairman W. Emmerson (Chair), Councillor P. Ferragine Councillor (Vice Chair), Councillor K. Aylwin, Mayor D. Barton, Mayor B. Drew, Councillor A. Eek, Councillor K. Ferdinands, Councillor W. Gaertner, Councillor R. Greenlaw, Mayor V. Hackson, Councillor S. Harrison-McIntyre, Mayor M. Quirk, Councillor C. Riepma, Regional Councillor T. Vegh, Councillor A. Waters

#### LSRCA Board Members Absent

Township of Brock, Township of Ramara, Councillor E. Yeo

#### LSRCA Staff Present

R. Baldwin, T. Barnett, M. Bessey, A. Brown, K. Christensen, C. Connell, M. Critch, P. Davies, N. Hamley, C. Hawson, S. Jagminas, B. Kemp, K. Kennedy, N. Knight, B. Longstaff, S. MacKinnon, N. O'Dell, G. Peat, M. Rosato, R. Sadowska, C. Sharp, C. Taylor, M. Walters, K. Yemm, K. Zeppieri

#### Guests in Attendance

T. Patterson, Freeman Associates

### I. Declarations of Pecuniary Interest or Conflict of Interest

None noted.

### II. Approval of Agenda

Moved by: D. Barton

Seconded by: V. Hackson

BOD-137-20 **Resolved That** the content of the Agenda for the November 27, 2020 meeting of the LSRCA Board of Directors be approved as presented. **Carried**

### III. Adoption of Minutes

#### a) Board of Directors

Moved by: A. Waters

Seconded by: K. Aylwin

BOD-138-20 **Resolved That** the minutes of the Board of Directors' Meeting No. BOD-11-20 held on Friday, October 30, 2020 be approved as circulated. **Carried**

**b) Board of Directors**

Moved by: A. Waters

Seconded by: K. Aylwin

BOD-139-20 **Resolved That** the minutes of the Special Meeting of the Board of Directors No. BOD-12-20 held on Friday, November 6, 2020 be approved as circulated. **Carried**

#### **IV. Announcements**

- a) Chair Emmerson advised that Mayor Bath-Hadden, LSRCA's representative from the Township of Brock, recently announced that due to some health issues, she is taking a leave of absence. Chair Emmerson sent best wishes to Mayor Bath-Hadden on behalf of the Board on a speedy recovery.
- b) Chair Emmerson was pleased to announce that Rob Baldwin, currently General Manager, Planning & Development and Watershed Restoration Services, has been named the Authority's next CAO effective January 1, 2021, upon the retirement of the current CAO Mike Walters.

#### **V. Presentations**

**a) Stormwater Optimization Study Update**

General Manager, Integrated Watershed Management, Ben Longstaff, along with a Tracy Patterson, a consultant with Freeman Associates, provided an update on the Stormwater Optimization Study, also known as the Equitable Responsibility for Transformational Design: Optimization of stormwater management within the East Holland River watershed. This study was formed in response to growing challenges in stormwater management. The East Holland River was selected as the pilot watershed to test the hypothesis that improved environmental outcomes can be realized at lower capital and operating costs via a systemic, watershed-based approach to stormwater management planning that includes siting centralized and distributed infrastructure on both publicly-owned and privately-owned properties. Funded by Federal grants, watershed municipalities, Lake Simcoe Conservation Foundation, and Sustainable Technology Evaluation Program partners, the study began in 2018. Project stages included: (1) formation of advisory committee and model selection; (2) watershed characterization and data compilation; (3) current state model development and calibration; (4) future state model development and screening; (5) future state simulations to test study principles; (5) reporting and communications.

The study was able to demonstrate that (i) optimization modeling will lead to more cost effective SWM strategies; (ii) most cost effective SWM strategies are achieved when private and public lands are considered; and (iii) most cost-effective strategies are achieved when stormwater is planned and managed at a watershed rather than jurisdictional scale. In addition, immediate opportunities to improve stormwater planning and management within the East Holland River were identified.

Technical and non-technical study reports are currently being finalized and will be available in early December. These reports will outline the study methodology, study findings and will make a series of recommendations.

To view this presentation, please click this link: [Stormwater Optimization Study](#)

For more information on the stormwater optimization study, please contact Ben Longstaff at [b.longstaff@lsrca.on.ca](mailto:b.longstaff@lsrca.on.ca).

Moved by: K. Ferdinands

Seconded by: T. Vegh

BOD-140-20 **Resolved That** the presentation by General Manager, Integrated Watershed Management, Ben Longstaff, and Freeman Associates Consultant, Tracy Patterson, regarding the Stormwater Optimization Study be received for information. **Carried**

Staff Report No. 44-20-BOD regarding the Stormwater Optimization Study was included in the agenda.

Moved by: K. Ferdinands

Seconded by: T. Vegh

BOD-141-20 **Resolved That** Staff Report No. 44-20-BOD regarding the update on the Equitable Responsibility for Transformational Design project be received for information. **Carried**

#### **b) Response to Bill 229**

Chief Administrative Officer, Mike Walters, provided an overview of the changes to the Conservation Authorities Act and the Planning Act as outlined in the Provincial Bill 229, Protect, Support and Recover from COVID-19 (Budget Measures), 2020. In 2018, the Province began a review of Conservation Authority operations, following which Bill 108, More Homes, More Choice Act was introduced, and Schedule 2 specifically amending the Conservation Authorities Act with the following three key goals in mind: to improve consistency and transparency of the programs and services that conservation authorities deliver; to provide additional oversight for



municipalities and the province; and to streamline conservation permitting and land use planning reviews to increase accountability, consistency, and transparency.

Conservation authorities have demonstrated willingness to work with the Province and have since been working to meet these expectations by: adopting consistent By-Laws by December 2018; implementing best management practices regarding governance and administration; voluntarily reducing timelines for issuance of permits based on the previous Conservation Authority Liaison Committee requirements; initiating client centric service training and monitoring protocols to document improvements in service delivery, and attending a series of consultation sessions with the Minister and provincial staff.

Additionally, Conservation Ontario, on behalf of all 36 conservation authorities, has been consistently trying to engage the Province to clarify their concerns and discuss a path forward for conservation authorities to work collectively to achieve the Province's desired outcomes.

Unfortunately, the amendments introduced in Schedule 6 of Bill 229 show no regard for these efforts, do not reflect the discussions during consultations, and would seem ill conceived containing several unintended consequences which either conflict with other existing pieces of legislation and/or are counterproductive to their stated objectives. In fact, none of the recommendations put forth by conservation authorities have been considered in the amendments, including long awaited tools to assist with permitting and enforcement. Simply put, the changes will not achieve the objectives of the Province, objectives that all 36 Conservation Authorities share. Rather, many are potentially contrary leading to increased red tape, additional costs to taxpayers, and placing Ontario's residents and environment at risk.

The proposed changes significantly diminish our ability to protect Ontario's environment and ensure people and property are safe from natural hazards by not being able to apply watershed-based decisions on new development. Additionally, the unintended consequences associated with amendments to permitting will ultimately create more red tape, delays, disruption, and costs which would need to be borne by the taxpayer.

The outcomes are contrary to the Province's goals and plans for economic recovery as is the decision to repeal enforcement tools previously considered. Without these tools our Authority cannot meet the intent of the Conservation Authorities Act and effectively enforce Section 28 of Ontario Regulation 179/06. Inadvertently the result is that violators will benefit from our limited ability resulting in further environmental degradation and risk to people and property.

Finally, the significant changes to governance involving the 'Duty to Members' section of the Conservation Authorities Act that would have municipal representatives on conservation authority Boards act in the interests of their own municipality rather than the conservation authority's interests is fundamentally flawed.

To view this presentation, please click this link: [Bill 229, Schedule 6 Proposed Amendments](#)

Moved by: P. Ferragine

Seconded by: C. Riepma

BOD-142-20 **Resolved That** the presentation by Chief Administrative Officer, Mike Walters, regarding the changes to the Conservation Authorities Act and the Planning Act as outlined in the Provincial Bill 229, Protect, Support and Recover from COVID-19 (Budget Measures), 2020 be received for information. **Carried**

Staff Report No. 45-20-BOD regarding the changes to the Conservation Authorities Act and the Planning Act as outlined in the Provincial Bill 229, Protect, Support and Recover from COVID-19 (Budget Measures), 2020 was included in the agenda. The Board passed an amended recommendation on the recommendation of CAO Walters.

Moved by: P. Ferragine

Seconded by: C. Riepma

BOD-143-20 **Resolved That** RESOLVED That the Board of Directors receive Staff Report No. 45-20-BOD regarding Schedule 6 of Bill 229; and

Further that the Board support a request that:

- a) The Province withdraw Schedule 6 from Bill 229,
- b) The Province collaborate with the conservation authorities to develop new guidance materials, regulations and any necessary changes to legislation, along with a transition plan, and
- c) 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. **Unanimously Carried**

## VI. Hearings

There were no hearings at this meeting.

## VII. Deputations

There were no deputations at this meeting.

## VIII. Determination of Items Requiring Separate Discussion

There were no other items for discussion.

## IX. Adoption of Items not Requiring Separate Discussion

There were no other items for discussion.

## X. Consideration of Items Requiring Separate Discussion

There were no other items for discussion.

## XI. Closed Session

The Board moved to Closed Session to deal with a confidential land matter.

Moved by: A. Eek

Seconded by: R. Greenlaw

BOD-144-20 **Resolved That** the Board move to Closed Session to deal with a confidential land matter; and

**Further that** the Chief Administrative Officer, members of the Executive Management Team, the Manager, Forestry and Greenspace Services, the Land Securement Officer, and the Coordinator BOD/CAO remain in the meeting for the discussion. **Carried**

The Board will rise from Closed Session and report findings.

Moved by: A. Waters

Seconded by: D. Barton

BOD-145-20 **Resolved** That the Board rise from Closed Session and report findings. **Carried**

### a) Confidential Land Matter

A presentation regarding a Confidential Land matter will be provided at the meeting. Confidential Staff Report No. 46-20-BOD will be provided to Board members prior to the meeting.

Moved by: M. Quirk

Seconded by: K. Ferdinands

BOD-146-20 **Resolved** That That presentation regarding a Confidential Land Matter be received; and

Further that the recommendations contained within Confidential Staff Report No. 46-20-BOD regarding a confidential land matter be approved; and

Further that the presentation and staff report remain confidential. **Carried**

## **XII. Other Business**

### **a) Pefferlaw Dam**

Mayor Quirk advised of a motion passed earlier in the week by the Township of Georgina requesting the Province to provide clarity around the ownership of the Pefferlaw Dam. Chair Emmerson noted that he would like to see a staff report before year-end with a decision on this matter as he is not sure the Province will assist. General Manager, Conservation Lands, Brian Kemp, advised that staff continue to stay on top of this file and remain hopeful that we will find something more definitive. He referenced a package recently received from Ms. Karen Wolfe, which is consistent with information the Authority already has. He has had some dialog with the Ministry of Natural Resources and Forestry and will continue to follow up with them. He also noted he was hosting a site visit to Scanlon Creek Conservation Area with some Town of Georgina staff and Council to share some restoration results that can be achieved when dealing with structures such as the Pefferlaw Dam.

### **a) Upper York Sewage System**

Chair Emmerson advised that after many years of planning and dealing with several different Ministers of the Environment, York Region has spent over \$100M on a state-of-the-art facility and has recently been advised by the Minister that there will be no further discussion regarding the Upper York Sewage System going to Lake Simcoe but rather it will be redirected to Lake Ontario. He noted he will keep member advised as new information is received.

## **XIII. Adjournment**

Moved by: R. Greenlaw

Seconded by: C. Riepma

BOD-147-20 **Resolved That** the meeting be adjourned at 11:25 a.m. **Carried**

Original to be signed by:

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Regional Chairman Wayne Emmerson,  
Chair

Original to be signed by:

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Michael Walters,  
Chief Administrative Officer

**CONSERVATION ONTARIO COUNCIL**

**Annual General Meeting**

**September 28, 2020**

**Meeting via Zoom**

**Voting Delegates Present:**

**Chair: Wayne Emmerson, Lake Simcoe**

Brian Horner, Ausable Bayfield  
Alan Revill, Cataraqui Region  
Katrina Furlnetto, Cataraqui Region  
Chris Wilkinson, Catfish Creek  
Chris Darling, Central Lake Ontario  
Karen Ras, Credit Valley  
Deb Martin-Downs, Credit Valley  
Tim Pidduck, Crowe Valley  
Kieran McKenzie, Essex Region  
Linda Laliberte, Ganaraska Region  
Samantha Lawson, Grand River  
Cathy Little, Grey Sauble  
Tim Lanthier, Grey Sauble  
Hassaan Basit, Halton  
Lloyd Ferguson, Hamilton  
Lisa Burnside, Hamilton  
Ted Smith, Kawartha  
Mark Majchrowski, Kawartha  
Stephen Harvey, Kettle Creek  
Elizabeth VanHooen, Kettle Creek  
Mike Walters, Lake Simcoe Region  
Donna Blunt, Lakehead  
Tammy Cook, Lakehead  
Michael Columbus, Long Point Region  
Judy Maxwell, Long Point Region  
Mark Peacock, Lower Thames  
Jim Alyea, Lower Trent  
Rhonda Bateman, Lower Trent  
David Turton, Maitland Valley

Janet Mason, Mississippi  
Sally McIntyre, Mississippi  
Brenda Johnson, Niagara Peninsula  
Chandra Sharma, Niagara Peninsula  
Lin Gibson, Nickel District (Con.Sudbury)  
Brian Tayler, North Bay-Mattawa  
Keith White, Nottawasaga Valley  
Mariane McLeod, Nottawasaga Valley  
Doug Hevenor, Nottawasaga Valley  
Andy Mitchell, Otonabee  
Dan Marinigh, Otonabee  
John Wise, Quinte  
Brian McGillis, Raisin Region  
Richard Pilon, Raisin Region  
Pieter Leenhouts, Rideau Valley  
Sommer Casgrain-Robertson, Rideau Valley  
Dan Gieruszak, Saugeen  
Maureen Couture, Saugeen  
Corrina Barrett, Sault Ste Marie Region  
George Darouze, South Nation  
Pierre Leroux, South Nation  
Angela Coleman, South Nation  
Joe Faas, St. Clair Region  
Larry Gordon, St. Clair Region  
Brian McDougall, St. Clair Region  
Jennifer Innis, Toronto and Region  
John Mackenzie, Toronto and Region  
Alan Dale, Upper Thames River  
Ian Wilcox, Upper Thames River

**Members Absent:**

Mattagami

**Guests:**

Phil Beard, Maitland Valley  
Tim Byrne, Niagara Peninsula

Brad McNevin, Quinte  
Jennifer Stephens, Saugeen

**CO Staff:**

Kim Gavine, General Manager  
Deborah Balika  
Kristin Bristow  
Jane Dunning  
Nicholas Fischer  
Bonnie Fox

Jane Lewington  
Nekeisha Mohammed  
Patricia Moleirinho  
Leslie Rich  
Jo-Anne Rzaeki  
Rick Wilson



**Appointment of Auditors for 2020-2024**

**#04/20**      **Moved by:**      **Linda Laliberte, Ganaraska Region**  
                 **Seconded by:**      **Alan Dale, Upper Thames Valley**

***THAT Council adopt the recommendation of the Budget and Audit Committee and appoint BDO Canada as its auditor for the years 2020 through 2024, subject to satisfactory performance.***

**CARRIED**

**6. Conservation Ontario's 2019 Annual Report & Presentation**

Kim Gavine (CO) presented the Annual Report 2019. The presentation is attached to the minutes.

**#05/20**      **Moved by:**      **Alan Revill, Cataraqui Region**  
                 **Seconded by:**      **Brenda Johnson, Niagara Peninsula**

***THAT Conservation Ontario Council adopt the 2019 Annual Report.***

**CARRIED**

**7. Council Voting Delegates & Alternates**

The following correction was made to the Voting Delegate List:

South Nation: Chair George Darouze (Voting Representative), Vice Chair Pierre Leroux (Alternate) and CAO Angela Coleman (2<sup>nd</sup> Alternate)

**#06/20**      **Moved by:**      **Lin Gibson, Conservation Sudbury**  
                 **Seconded by:**      **Pieter Leenhouts, Rideau Valley**

***THAT Conservation Ontario Council receives this report as information.***

**CARRIED**

**8. Election of Conservation Ontario Chair, 2 Vice Chairs and 3 Directors**

The proceedings were handed over to Kim Gavine (CO). All the positions were declared vacant for 2020 and the election procedures were reviewed.

**#07/20**      **Moved by:**      **Alan Dale, Upper Thames River**  
                 **Seconded by:**      **John Wise, Quinte Conservation**

***THAT Nekeisha Mohammed and Rick Wilson be appointed as scrutineers in the event of a vote.***

**CARRIED**

Kim Gavine called for nominations for Chair of Conservation Ontario for 2020.

Karen Ras (Credit Valley) nominated Wayne Emmerson (Lake Simcoe).

Kim Gavine called a second and third time for nominations and hearing none called for a motion to close the nominations.

**#08/20**      **Moved by:**      **Alan Revill, Cataraqui Region**  
**Seconded by:**      **Mark Peacock, Lower Thames**

***THAT the nominations for Chair of Conservation Ontario for 2020 be closed.***

**CARRIED**

Wayne Emmerson accepted his nomination and was declared Chair of Conservation Ontario for 2020.  
Kim Gavine called for nominations for Vice Chairs of Conservation Ontario for 2020.

Pieter Leenhouts (Rideau Valley) nominated Alan Revill (Cataraqui Region)  
Donna Blunt (Lakehead Region) nominated Lin Gibson (Conservation Sudbury)

Kim Gavine called a second and third time for nominations and hearing none called for a motion to close the nominations.

**#09/20**      **Moved by:**      **Mike Walters, Lake Simcoe Region**  
**Seconded by:**      **Mike Columbus, Long Point Region**

***THAT the nominations for Vice Chairs of Conservation Ontario for 2020 be closed.***

**CARRIED**

Lin Gibson and Alan Revill accepted their nominations and were declared Vice Chairs for Conservation Ontario for 2020.

Kim Gavine called for nominations for the Directors (staff positions) for 2020.

Hassaan Basit (Halton) nominated Deb Martin-Downs (Credit Valley)  
Rhonda Bateman (Lower Trent) nominated Linda Laliberte (Ganaraska)

Kim Gavine called a second and third time for nominations and hearing none called for a motion to close the nominations.

**#10/20**      **Moved by:**      **Karen Ras, Credit Valley**  
**Seconded by:**      **Dave Turton, Maitland Valley**

***THAT the nominations for staff Directors of Conservation Ontario for 2020 be closed.***

**CARRIED**

Linda Laliberte and Deb Martin-Downs accepted their nominations and were declared Directors of Conservation Ontario.

Kim called for nominations for Director for Conservation Ontario for 2020. It was noted that this could be a staff or elected member.

Chandra Sharma (Niagara Peninsula) nominated Samantha Lawson (Grand River).

Kim Gavine called a second and third time for nominations and hearing none called for a motion to close the nominations.



**#10/20**      **Moved by:**      Alan Revill, Cataraqui Region  
**Seconded by:**      Joe Faas St. Clair Region CA

***THAT the nominations for the Director of Conservation Ontario for 2020 be closed.***

**CARRIED**

Samantha Lawson accepted the nomination and was declared Director of Conservation Ontario.

**#11/20**      **Moved by:**      Mike Columbus, Long Point Region  
**Seconded by:**      John Wise, Quinte Conservation

***THAT the Council recording and polling be deleted.***

**CARRIED**

Wayne Emmerson presided as Chair for the remainder of the meeting.

#### **9. Standing Committee Representatives**

**#12/20**      **Moved by:**      George Darouze, South Nation  
**Seconded by:**      Dan Gieruszak, Saugeen Conservation

***THAT the appointment of the Budget and Audit Standing Committee membership be approved.***

**CARRIED**

#### **10. Motion to move from Full Council to Committee of the Whole**

**#13/20**      **Moved by:**      John Wise, Quinte Conservation  
**Seconded by:**      Karen Ras, Credit Valley Conservation

***THAT the meeting now move from Full Council to Committee of the Whole.***

**CARRIED**

#### **11. Committee of the Whole Agenda Items**

##### **DISCUSSION ITEMS**

(j) 2016-2020 Strategic Plan Evaluation

Kim Gavine provided highlights of the 2016-2020 Strategic Plan (presentation attached).

**C.W. #01/20**      **Moved by:**      Lin Gibson, Conservation Sudbury  
**Seconded by:**      Chandra Sharma, Niagara Peninsula

***THAT Council receives this report as information.***

**CARRIED**

Strategy Corp's presentation "Conservation Ontario Towards a Strategic Plan" is attached to the minutes of the meeting. Working Groups will be led by members of the Board of Directors, and Council members will be invited to join one of the groups via email.











- p)** Conservation Ontario's comments on "Updating Ontario's Water Quantity Management Framework" (ERO#019-1340) and the "Proposal to Extend the Current Moratorium on Water Bottling Permits" (ERO#019-2319)

*THAT Conservation Ontario's comments on "Updating Ontario's Water Quantity Management Framework" (ERO#019-1340) submitted to the Ministry of the Environment, Conservation and Parks on July 31, 2020 be endorsed.*

*AND THAT Conservation Ontario's comments on the "Proposal to Extend the Current Moratorium on Water Bottling Permits" (ERO#019-2319) submitted to the Ministry of the Environment, Conservation and Parks on September 10, 2020 be endorsed.*

- q)** Conservation Ontario's Comments on the "Proposed Changes to Environmental Approvals for Municipal Sewage Collection Works" (ERO#019-1080)

*THAT Conservation Ontario's Comments on the "Proposed Changes to Environmental Approvals for Municipal Sewage Collection Works" (ERO#019-1080) submitted to the Ministry of the Environment, Conservation and Parks on September 6, 2020 be endorsed.*

- s)** Great Lakes Water Quality Agreement Executive Committee and Annex Sub-Committees Updates and Decision Items (i) Conservation Ontario Representatives for the Lake Ontario Nutrient Management Target and Objectives Task Team; and, (ii) Conservation Ontario Representative for the Science Annex

*i. THAT Shan Mugalingam (Lower Trent Conservation), Josh Diamond (Niagara Peninsula CA) and Angela Wallace (Toronto and Region CA) be endorsed as Conservation Ontario Representatives on the Lake Ontario Nutrient Management Target and Objectives Task Team*

*ii. THAT Chitra Gowda, Senior Manager, Watershed Planning and Source Protection (Conservation Halton) be endorsed as Conservation Ontario's representative on the Science Annex*

- t)** Open Data Licence for Conservation Ontario

*THAT Council endorse the proposed "Conservation Ontario Open Data Licence v1" for use in conjunction with any future data shared through the CO Open Data site.*

- u)** Bill 197, COVID-19 Economic Recovery Act, 2020

*THAT Council receives this report as information.*

- w)** Program Updates

- i. Drinking Water Source Protection

*THAT Council receives this report as information.*

- ii. Marketing & Communications

*THAT Council receives this report as information.*





## Staff Report

To: Board of Directors

From: Mark Critch, General Manager of Corporate and Financial Services/CFO

Date: December 8th, 2020

### **Subject:**

Asset Management Plan Update

### **Recommendation:**

**That** Staff report No. 47-20-BOD regarding an update on the Asset Management plan be received for information; and

**Further that** Staff be directed to continue to review all options to mitigate the preliminary infrastructure gap identified in this report; and

**Further that** Staff bring back an updated financial strategy for Board of Director approval in Q1/Q2 of 2021.

### **Purpose of this Staff Report:**

The purpose of Staff Report No. 47-20-BOD is to provide an update on the Asset Management plan, including preliminary financial information on the infrastructure gap facing the Authority, and to outline recommended next steps.

### **Background:**

Asset Management is one of Lake Simcoe Region Conservation Authority's goals identified in the 2016-2020 Strategic Plan and was highlighted as an Annual Operating Priority for 2020. Beginning in March 2018 (Staff Report No. 09-18-BOD), staff updated the Board of Directors on the Asset Management roadmap, the Asset Management plan and the updated Asset Management policy. Staff were able to successfully secure \$44,320 of Federation of Canadian Municipalities funding in 2019, enabling the Authority to get expert guidance through the use of a consultant to help in developing building condition assessments and long term financial projections (1 year, 10 years and 25 years) for Mabel Davis, Scanlon Creek and Sheppard's Bush. Leveraging the work of our consultant and our existing City Wide software that tracks all of our internal assets, staff are able to bring back to the Board of Directors what we have learned, outlining the continuing work in 2021 to develop a sustainable financial strategy to ensure short and long term funding solutions are in place, with the help of our municipal funding partners.

### **Issues:**

The preliminary financial findings of the asset management can be found in Appendix 1.

Highlighting the key takeaways:

- 1) Preliminary infrastructure gap is \$29.4M over a 25 year period. This does not mean that we will be asking our municipal funding partners for \$29.4M. A number of recommended options in an effort to reduce the infrastructure gap are outlined in the next section.
- 2) The Preliminary Review of the Asset management has been adjusted for inflation so the infrastructure gap in Appendix 1 (unmitigated) represents an accurate long-term deficit that needs to be addressed through reduction of asset replacement costs or increasing the funding of the asset management plan.
- 3) The current reserve balance for Asset Management is projected to be \$300K for the beginning of 2021 (based on 2020 Q3 Forecast). A strategy to replenish this reserve over time is of paramount importance for a sustainable asset management plan.
- 4) There are some items, such as bridges, dams, trails and other natural assets, not reflected in the report. The valuation of these assets is outside of our current capacity in asset management work and may be covered in future iterations of our asset management planning.
- 5) Replacement costs related to administrative buildings, hardware/software, equipment and vehicles are considered joint assets that would require funding based on CVA. Some assets are not considered joint assets and funding may be required solely by the municipality in which the asset is located.
- 6) Full funding of the asset management plan is not required. Our draft reserve targets highlight the need for 100% funding for the first year, lowering to 75% of the 10 year requirement and a minimum of 60% for the 25 year asset management plan. These targets motivate staff to focus on obtaining external funding over the long term and decrease the reliance on our municipal funding partners.
- 7) New assets are not included in the long-term projections in Appendix 1. New capital requests would be outside this Asset Management plan discussion but would impact the plan over the long term. For example, adding another building like the new Education and Training Facility would add additional asset management pressure that is not included in the current analysis.
- 8) The asset management plan costing is based on replacing assets on a “like for like” basis. Any decision to replace an asset with a better asset (even with a good business case) would increase the replacement cost, and likely the infrastructure gap as well. Similarly, staff are not expected to replace assets with a poorer quality asset either. Replacing an asset with a similar quality asset at a lower price is always favourable.

Options and Next Steps

Staff will be looking at ways to mitigate the \$29.4 million preliminary infrastructure gap identified in Appendix 1. A few ideas that staff will be looking into to reduce the total costs of replacing the Authority’s assets and/or increase the funding of the asset management plan include:

- 1) Conducting an asset rationalization exercise for every line of assets in City Wide. Does the asset require replacing? Was the asset tied to previous funding and no longer require replacement? If some assets no longer require replacement, the long-term costs will also be reduced.
- 2) Reviewing the deferred revenue to determine if it can be shifted in whole or in part into asset management. This would require municipal engagement to allow the funding to be repurposed and is contingent upon the final wording in the revised Bill 108/Bill 229. This option would increase immediate funding of the asset management plan and reduce future municipal requests.
- 3) Reviewing the useful life of each asset class to ensure it is updated to current standards and industry best practice. Extending the useful life of assets would lower long term costs of the asset replacement.
- 4) Examining the asset management plan through the lens of the recently approved land disposition strategy, whereby if there were fewer parcels of land, there may be lower asset replacement cost if those parcels contained assets identified in the consultant's report.
- 5) Reviewing alternate funding options such as federal funding, provincial funding, municipal funding and other funding partners. This includes a thorough discussion on who owns the assets being used over a multi-year agreement.
- 6) Reviewing lease versus buy decisions to ensure the best long term financial decision continues to be made.

### **Relevance to Authority Policy:**

With direct links to the Land Acquisition strategy, the Land Disposition strategy and the Corporate Reserve policy, the Asset Management plan will be well informed on replacing only the key assets for the Authority's service delivery. There may be a need to review the targets in the Reserve Policy and update as necessary, to guide decisions on funding the long-term asset management plan.

### **Impact on Authority Finances:**

Infrastructure gaps are not uncommon in the municipal sector. While our preliminary review shows a large infrastructure gap, staff are confident that the mitigation plan identified above will significantly decrease that deficit into a more manageable and sustainable number. Additional municipal support may still be required but only after the other options have been explored. Staff will also be monitoring the Corporate Reserves, specifically the asset management reserve, to ensure their adequacy over both the short and long term.

### **Summary and Recommendations:**

It is therefore **recommended That** Staff Report No. 47-20-BOD regarding an update on the Asset Management plan be received for information; and Further that Staff be directed to continue to review all options to mitigate the preliminary infrastructure gap identified in this

report; and Further that Staff bring back an updated financial strategy for Board of Director approval in Q1/Q2 of 2021.

**Pre-Submission Review:**

This Staff Report has been reviewed by the Chief Administrative Officer.

Signed by:

Signed by:

Mark A Critch

Mike Walter

General Manager, Corporate and Financial  
Services/CFO

Chief Administrative Officer

**Attachments:**

Appendix 1: Preliminary Review of Asset Management Plan

# Preliminary Review of Asset Management Plan

Appendix 1

## Cost of Assets

Asset Type	Year 1	Next 10 years	Next 15 Years	25 Year Total Cost
Mabel Davis Building	\$ 100,370	\$ 2,239,927	\$ 2,370,514	\$ 4,710,810
Scanlon Creek Buildings	\$ 630,083	\$ 1,157,321	\$ 4,144,527	\$ 5,931,931
Sheppards Bush Buildings	\$ 216,387	\$ 777,184	\$ 1,341,519	\$ 2,335,091
<b>Sub-Total Buildings</b>	<b>\$ 946,840</b>	<b>\$ 4,174,432</b>	<b>\$ 7,856,560</b>	<b>\$ 12,977,832</b>
Information Technology	\$ 236,150	\$ 4,078,210	\$ 9,496,287	\$ 13,810,647
Furniture and Fixtures	\$ -	\$ 370,581	\$ 319,596	\$ 690,177
Infrastructure and Land Improvements	\$ -	\$ 307,147	\$ 1,409,675	\$ 1,716,822
Machinery & Equipment	\$ 32,925	\$ 1,498,712	\$ 3,009,169	\$ 4,540,806
Vehicles	\$ 11,906	\$ 743,904	\$ 1,547,791	\$ 2,303,601
<b>Sub-Total Non Building Assets</b>	<b>\$ 280,981</b>	<b>\$ 6,998,554</b>	<b>\$ 15,782,518</b>	<b>\$ 23,062,053</b>
<b>TOTAL Asset Replacement Costs</b>	<b>\$ 1,227,821</b>	<b>\$ 11,172,986</b>	<b>\$ 23,639,078</b>	<b>\$ 36,039,885</b>
<b>Less: Contribution to AM Reserve</b>	<b>\$ 177,000</b>	<b>\$ 2,029,107</b>	<b>\$ 4,424,183</b>	<b>\$ 6,630,290</b>
<b>Preliminary Infrastructure Gap</b>	<b>\$ 1,050,821</b>	<b>\$ 9,143,879</b>	<b>\$ 19,214,895</b>	<b>\$ 29,409,595</b>

### NOTES:

- 1) All costs include 3% for inflation
- 2) Per recommendation of consultant, added 35% for contingency and project management costs
- 3) Backlog of older assets (50%) to be replaced over 10 years in asset management plan
- 4) Building costs provided through comprehensive consultant report, utilizing FCM Funding
- 5) Non-Building Assets provided through City Wide software utilized by LSRCA staff
- 6) Unable to accurately predict external funding provided in the future, including grants from the Foundation
- 7) NOT INCLUDED: Bridges, dams, culverts, trails or any other natural assets



November 23, 2020

Honourable Doug Ford  
Premier of Ontario  
[premier@ontario.ca](mailto:premier@ontario.ca)

Honourable Christine Elliott  
Deputy Premier and Minister of Health  
[christine.elliott@ontario.ca](mailto:christine.elliott@ontario.ca)

Honourable Rod Phillips  
Minister of Finance  
[minister.fin@ontario.ca](mailto:minister.fin@ontario.ca)

Honourable John Yakabuski  
Minister of Natural Resources and Forestry  
[minister.mnrf@ontario.ca](mailto:minister.mnrf@ontario.ca)

Honourable Jeff Yurek  
Minister of Environment, Conservation and Parks  
[minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca)

Dear Premier, Deputy Premier and Ministers:

**Re: Provincial Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020**

I am writing to you today in response to the proposed amendments to the Conservation Authorities Act contained in Schedule 6, Bill 229. The Lake Simcoe Region Conservation Authority (LSRCA) values its partnership with the Province and shares the government's desire to find efficiencies, reduce red tape and increase transparency and accountability. Today, as the Province faces unprecedented pressures from both a global pandemic and climate change, we need to strengthen the cooperative role played by conservation authorities (CAs).

After a detailed review of the changes proposed in Bill 229, the LSRCA anticipates that some of the more prescriptive changes will have unintended consequences that will be counter-productive to your government's stated desire to help CAs modernize and operate with greater focus, transparency and efficiency. In fact, 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.

Specifically, 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 LSRCA has undertaken to ensure we are customer-centric, accountable, efficient and solutions oriented.

At the LSRCA there is no duplication of service, red tape or instances where we have gone beyond our mandate. Programs and services are transparent and changes in policy occur only when affected parties are consulted and involved. We take pride in our efforts to work with all our partners, public and private, as well as BILD who we routinely collaborate with when setting fees and developing policy and new programs. Our permit/planning fees only cover the cost to review applications and render decisions and approvals. Where possible we align our services to provide additional value while ensuring that provincial interests are being met. To ensure accountability we have developed clear, quantifiable service delivery targets and metrics, which we track and report on publicly through our Board of Directors.

We also feel that the integrity of the permitting process will be compromised by these amendments and will increase risk, liability, delays, and lead to inconsistency. 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, the 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.

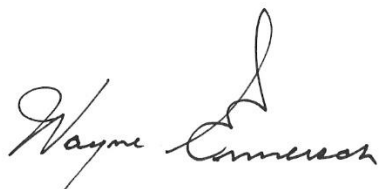
The amendment to our ability to enter a property and repeal of the “stop work orders” severely limits our ability to enforce the provincial regulation (Ontario 179/06). Conservation authorities will have to continue to rely on search warrants to gain entry to a property where infractions/compliance is a concern taking more time and costing more money. Due to the amendment, reasonable grounds for obtaining a search warrant now cannot be obtained unless the activity can be viewed without entry onto the property (i.e. from the road). This restriction protects potential violators. Additionally the repeal of the ability to issue Stop Work Orders, a long requested enforcement tool, means we must resort to obtaining injunctions which again takes further staff time and conservation authorities will incur significant costs for legal and court fees. The time needed to obtain such an order can be lengthy resulting in unnecessary and significant damage to the environment, or alteration of a floodplain which then puts people at risk. This unintended consequence is contrary to the Province’s Made in Ontario Plan which

references getting tough with polluters. Illegal filling, dumping of contaminated materials, destruction of wetlands and significant habitat as identified in the Lake Simcoe Protection Plan are happening as this letter is being written. Without the necessary tools, the public and environment are at risk.

Finally, 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 an effective and 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 LSRCA makes decisions with integrity based on our mission, values, and core responsibilities. Changing the composition to reflect elected officials that represent the interests of their respective municipalities will invite conflict and is counter to all governance principles. This is supported by other pieces of legislation and a recent decision by the Auditor General regarding the Niagara Peninsula Conservation Authority.

In conclusion, the LSRCA wants to assure the Province that we are here to work with you. Our Authority does 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, service disruption or delays that would hinder the government in achieving its goal of economic recovery. Given the time sensitive nature of this Bill, we encourage the Province to withdraw Schedule 6 of Bill 229. We feel there are better solutions to deal with actual and perceived issues and would be pleased to discuss these and our desire to work with you to define the governing regulations at your earliest convenience. We appreciate you taking the time to consider our concerns.

Sincerely,



Wayne Emmerson  
Regional Chairman and CEO  
Chair, Lake Simcoe Region Conservation Authority  
[wayne.emmerson@york.ca](mailto:wayne.emmerson@york.ca)





November 27, 2020

Honourable Doug Ford  
Premier of Ontario  
[premier@ontario.ca](mailto:premier@ontario.ca)

Honourable Christine Elliott  
Deputy Premier and Minister of Health  
[christine.elliott@ontario.ca](mailto:christine.elliott@ontario.ca)

Honourable Rod Phillips  
Minister of Finance  
[minister.fin@ontario.ca](mailto:minister.fin@ontario.ca)

Honourable John Yakabuski  
Minister of Natural Resources and Forestry  
[minister.mnrf@ontario.ca](mailto:minister.mnrf@ontario.ca)

Honourable Jeff Yurek  
Minister of Environment, Conservation and Parks  
[minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca)

Dear Premier, Deputy Premier and Ministers:

**Re: Provincial Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020**

Further to my letter to you dated November 23, 2020, I am writing to you to inform you that the Lake Simcoe Region Conservation Authority (LSRCA) Board of Directors have unanimously supported the attached resolution to request that the Province of Ontario withdraw Schedule 6 of Bill 229. Our conservation authority values its partnership with the Province and shares the government's desire to find efficiencies, reduce red tape and increase transparency and accountability. Today, as the Province faces unprecedented pressures from both a global pandemic and climate change, we need to strengthen the cooperative role played by conservation authorities (CAs).

After a detailed review of the changes proposed in Bill 229, LSRCA anticipates that some of the more prescriptive changes will have unintended consequences that will be counter-productive to your government's stated desire to help conservation authorities (CAs) modernize and operate with greater focus, transparency and efficiency. In fact, it is our view that several of the proposed

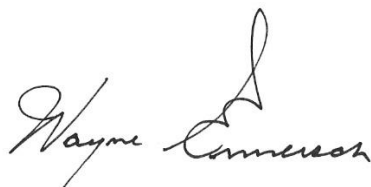
amendments will increase the risk to life and property from natural hazards and the degradation of the environment.

LSRCA believes there is a better way to achieve the Provincial outcomes, and that is to collaborate with conservation authorities and affected stakeholders to develop new guidance materials, regulations and any necessary changes to legislation, along with a transition plan. The Province has had a long-standing partnership with the conservation authorities, and if provided with the tools and direction of the province we can effectively implement our watershed management role to ensure that the economic growth desired can occur in a timely manner without impacts to the environment.

At LSRCA, there is no duplication of service, red tape or instances where we have gone beyond our mandate. Programs and services are transparent, and changes in policy occur such that affected parties are consulted and involved. We take pride in our efforts to work with all our partners, public and private including BILD who we routinely collaborate with when setting fees, developing policy and new programs. Our permit/planning fees cover only the cost to review applications and render decisions and approvals. Where possible we align our services to provide additional value while ensuring that provincial interests are being met. To ensure accountability, we have developed clear, quantifiable service delivery targets and metrics, which we track and report on publicly through our Board of Directors.

In conclusion, LSRCA wants to assure the Province that we are here to work with you. We do not want to see an increased risk to public safety or increased liability to the Province, municipalities, and conservation authorities. Nor do we want more red tape, service disruption or delays that would hinder the government in achieving its goal of economic recovery. Given the time sensitive nature of this Bill, we encourage the Province to withdraw Schedule 6 of Bill 229. We feel there is a better solution to deal with actual and perceived issues and would be pleased to discuss these and our desire to work with you to define the governing regulations at your earliest convenience. We appreciate you taking the time to consider our concerns.

Sincerely,



Wayne Emmerson  
Regional Chairman and CEO  
Chair, Lake Simcoe Region Conservation Authority  
[wayne.emmerson@york.ca](mailto:wayne.emmerson@york.ca)

Attachment: LSRCA Board Resolution No. 143-20-BOD

**Schedule 6, Bill 229**

Moved by: Councillor Peter Ferragine  
Seconded by: Councillor Clare Riepma

BOD-143-20 RESOLVED That the Board of Directors receive Staff Report No. 45-20-BOD regarding Schedule 6 of Bill 229; and

FURTHER THAT the Board support a request that:

- a) The Province withdraw Schedule 6 from Bill 229,
- b) The Province collaborate with the conservation authorities to develop new guidance materials, regulations and any necessary changes to legislation, along with a transition plan, and
- c) 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. **UNANIMOUSLY CARRIED**

*News Release***Ontario Announces Working Group to Better Focus Conservation Authorities**

December 16, 2020

**Input will lead to improved conservation and protection of the province's water, land and natural resources**

TORONTO — The Ontario government is creating a working group to help implement changes to conservation authorities. Hassaan Basit, President and CEO of Conservation Halton will chair the new group which will provide input on the development of proposed regulations under the Conservation Authorities Act, and on how conservation authorities are governed.

"As we move forward together, we want to build stronger relationships with conservation authorities so we can work together to ensure consistent best practices, good governance and appropriate accountability to best serve the people of Ontario," said Jeff Yurek, Minister of the Environment, Conservation and Parks. "I'd like to thank Hassaan Basit for the discussions over the last few weeks which helped inform some recent amendments to the legislative changes to ensure conservation authorities have the tools they need to protect their communities. I look forward to continuing our positive and constructive dialogue towards our shared goals."

As part of the government's commitment to ensuring conservation authorities focus and deliver on their core mandate of protecting people and property from flooding and other natural hazards and conserving natural resources, the province introduced legislative changes through Bill 229, *Protect, Support and Recover from COVID-19 Act, 2020*, which received Royal Assent on December 8, 2020. Amendments were made to the Bill based on valuable feedback from stakeholder groups, including conservation authorities.

The new working group will include representatives from conservation authorities and other experts. Representatives of the working group will be announced in the coming weeks.

Once they begin work in January, the working group will provide input to help the province develop regulations that will focus on:

- The mandatory core programs and services conservation authorities would be required to provide,
- The agreements between municipalities and conservation authorities and the transition period associated with non-mandatory programs and services, and
- How local members of the community can participate in their conservation authorities through community advisory boards.

"Partnerships and collaboration are critical to ensure that conservation authorities can continue making watershed-based resource management decisions in the interest of the environment, health, and safety," said Hassaan Basit, President and CEO, Conservation Halton. "Alongside conservation authorities across Ontario, Conservation Halton is looking forward to working with the province, offering scientific expertise and leadership, in the development of regulations pertaining to recent amendments to the *Conservation Authorities Act* contained in Bill 229."

In addition to the input provided by Hassaan Basit and the working group, Ontario will also be seeking the public's feedback on regulatory and governance proposals through the Environmental Registry. Public consultation on these proposals is also expected to begin early in the new year.

## QUICK FACTS

- The *Protect, Support and Recover from COVID-19 Act, 2020* included amendments to the Conservation Authorities Act such as:
  - Enabling officers appointed by conservation authorities to issue stop work orders, defined in a way that is consistent with entry powers without warrants. This will help ensure conservation authorities have effective enforcement tools in place to stop significant threats and impacts to the environment.
  - Requiring 70 per cent of members appointed to a conservation authority by a participating municipality be members of council, as well as allowing the Minister of the Environment, Conservation and Parks to provide an exception from this rule at the request of a municipality.
  - Allowing conservation authorities to appeal or be party to an appeal as a public body, under certain provisions of the Planning Act in the context of prescribed natural hazards matters.
- Ontario is served by 36 conservation authorities.
- The Ontario government recently announced a \$30 million investment in a new [Wetlands Conservation Partner Program](#) to help conservation organizations create and restore wetlands in priority areas across the province.

## **CONTACTS**

Andrew Buttigieg

Minister's Office

437-224-4599

[Andrew.Buttigieg@ontario.ca](mailto:Andrew.Buttigieg@ontario.ca)

Gary Wheeler

Communications Branch

416-314-6666

[Gary.S.Wheeler@ontario.ca](mailto:Gary.S.Wheeler@ontario.ca)

Ministry of the Environment, Conservation and Parks

<http://www.ontario.ca/mecp>

**From:** "Minister, MECP (MECP)"

**Date:** December 16, 2020 at 5:08:40 PM EST

**To:** "Emmerson, Wayne"

**Subject:** Seeking your input on the Lake Simcoe Protection Plan 10-year review

Dear Regional Chair Emmerson:

Ontario is committed to protecting and restoring Ontario's water resources, including Lake Simcoe and its watershed.

Since 2009, the province's actions to protect and restore Lake Simcoe have been guided by the [Lake Simcoe Protection Plan](#), which focuses on the lake's water quality, reducing pollutants such as phosphorus, caring for natural heritage, and addressing the impacts of invasive species and other emerging threats.

In July, the Minister released the [10-year report on Lake Simcoe](#), which highlighted some of the progress made to protect and restore the lake. This includes overall improvements in lake health, such as improved dissolved oxygen in the deep waters of the lake, which is key for a healthy cold-water fish population.

As part of our commitment to improve and protect the health of Lake Simcoe and its watershed, we recently announced \$581,000 in new funding to support four new projects to help find better ways to reduce the amount of pollutants, such as phosphorus, from entering Lake Simcoe. Local projects on water quality monitoring and research, such as those led by the Lake Simcoe Region Conservation Authority, will enhance our knowledge and understanding of new science and information. These types of projects help us adapt our policies and programs to continue to restore and protect Lake Simcoe and its watershed.

As a legislated stakeholder, you also play a key role in implementing the plan. As we launch our 10-year review of the Lake Simcoe Protection Plan, we will be inviting you to share your thoughts about the plan policies. There are several opportunities to participate in the review, including:

- Requesting a ministry presentation at one of your upcoming meetings
- Requesting a meeting with ministry staff
- Sending a written submission to [LakeSimcoe@ontario.ca](mailto:LakeSimcoe@ontario.ca)

There will also be several ways for municipalities to take part in the plan's review over the next few months. The details are still being finalized, and we will share them with you shortly. These opportunities will include:

- Completing a public survey on [ontario.ca](http://ontario.ca)
- Attending a virtual town hall session
- Attending a virtual science event geared to science and technical watershed partners

I look forward to working with you on the 10-year review and our continued collaboration to implement the Lake Simcoe Protection Plan. If you have any questions about the review or plan, please contact Ms. Madhu Malhotra at: [Madhu.Malhotra@ontario.ca](mailto:Madhu.Malhotra@ontario.ca)

Sincerely,

Jeff Yurek  
Minister of the Environment, Conservation and Parks

Andrea Khanjin  
Parliamentary Assistant

## Staff Report

To: Board of Directors

From: Michael Walters, Chief Administrative Officer

Date: December 9, 2020

### **Subject:**

Amendment to the Lake Simcoe Region Conservation Authority Administrative By-Laws

### **Recommendation:**

**That** Staff Report No. 48-20-BOD regarding amending the Authority's Administrative By-Laws to ensure business continuity be received; and

**Further That** the amendments to Administrative By-Laws be approved and updated By-Laws be made available on the Authority's website.

### **Purpose of this Staff Report:**

The purpose of this Staff Report No. 48-20-BOD is to amend the current Administrative By-Laws (dated April 3, 2020), specifically Section 10 to allow the Board of Directors to continue electronic participation in Board Meetings.

### **Background:**

In March 2020 in response to COVID-19, the Province issued a Minister's Direction for Conservation Authorities during the COVID-19 Outbreak, which enabled conservation authorities to convene meetings electronically in emergency situations. At that time, conservation authorities amended their Administrative By-Laws to allow for remote meetings utilizing video conferencing to ensure business continuity. With the approval of Staff Report No 11-20-BOD in April 2020, the Authority amended its administrative by-laws accordingly. This amendment, however, was only applicable during declared emergencies.

In September 2020, the Minister issued an Amendment to the March Direction for Conservation Authorities during the COVID-19 Outbreak. This amendment allows for conservation authorities to meet virtually when it is deemed appropriate for the conservation authority to do so.

With COVID-19 still posing a threat in our Province and in keeping with Provincial direction and guidelines on social distancing and indoor gathering restrictions, the Authority continues to meet virtually.



## **Issues:**

To allow for members to continue to participate electronically in meetings now that the provincial declared state of emergency has ended, Section 10 of the current Administrative By-Laws needs to be modified as follows:

### **10. Electronic participation, emergencies**

Members may participate in a meeting that is open to the public by telephonic or other electronic means that permits all participants to communicate adequately with each other during the meeting. A Member participating in a meeting electronically shall not be counted in determining quorum, except during any period where an emergency has been declared to exist, in all or part of an area over which a conservation authority has jurisdiction, under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, that may prevent members of the authority from meeting in person, the by-laws provide:

- i. That members of the authority be permitted to participate in meetings electronically, which shall include the ability of those members participating electronically to register votes.
- ii. That any member of the authority who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time during the meeting in accordance with the requirement in subsection 16 (2) of the Conservation Authorities Act.
- iii. That any member of the authority can participate electronically in a meeting that is closed to the public.
- iv. That any hearing or appeal that is dealt with in the by-laws can be conducted electronically with provisions for applicants and their agents to participate, if the conservation authority holds any such hearing or appeal during any period where an emergency has been declared to exist.

It is recommended that the current Section 10 be repealed and replaced with the following:

### **10. Electronic Meetings and Participation**

Electronic meetings are permitted and must follow/accommodate all Section C. Meeting Procedures identified in this by-law, or in the case of Hearings, the CA Hearing Procedures.

A Member can participate electronically in a meeting that is open or closed to the public and in either case may be counted in determining whether or not a quorum of members is present at any point in time. Electronic meetings must permit all participants to communicate adequately with each other during the meeting. For open electronic meetings, the public must be able to attend the meeting electronically and be able to observe all that Members can hear and see at the meeting.

Therefore, the by-laws provide:

- i. That Members be permitted to participate in meetings electronically, which shall include the ability of those members participating electronically to register votes.
- ii. That any Member who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time during the meeting in accordance with the requirement in subsection 16 (2) of the Conservation Authorities Act.
- iii. That any Member of the Board can participate electronically in a meeting that is closed to the public.
- iv. That any hearing or appeal that is dealt with in the by-law can be conducted electronically with provisions for applicants and their agents to participate.
- v. That the Authority will continue to implement best practices to make Board meetings open to the public in accordance with subsection 15 (3) of the Conservation Authorities Act. Where possible, the Authority will provide for alternative means to allow the public to participate in any meetings electronically.

### **Impact on Authority Finances:**

There are no impacts on Authority finances with this report.

### **Summary and Recommendations:**

The proposed changes to the Authority's Administrative By-Laws will allow the Authority to conduct business remotely during emergencies and allow members to participate in meetings open to the public remotely at any time to ensure business continuity. It is believed that the amendments to the Lake Simcoe Region Conservation Authority Administrative By-Laws meet the amended Minister's direction and if approved brings the Authority into full compliance.

Staff will continue to work towards establishing the means to conduct meetings electronically and ensure that meetings are open to the public. Further efforts to determine how to live stream our Board meetings will be investigated.

It is therefore recommended That Staff Report No. 48-20-BOD regarding amending the Authority's Administrative By-Laws to ensure business continuity be received; and Further That the amendments to Administrative By-Laws be approved and updated By-Laws be made available on the Authority's website.

Signed by:

Mike Walters  
Chief Administrative Officer

## Staff Report

To: Board of Directors

From: Mike Walters, CAO

Date: December 9, 2020

### Subject

Pefferlaw Dam Conservation Area Update and Recommendations for Future Operation of the Dam

### Recommendation

**That** Staff Report No. 49-20-BOD regarding an update on Pefferlaw Dam be received; and

**Further that** the following recommendations be approved and implemented as required

1. That the Authority discontinue operation of the dam effective January 1, 2021;
2. That the Authority begin discussion with the Town of Georgina to transfer the two parcels of land collectively known as the Pefferlaw Dam Conservation Area (Attachment 1) and to finalize this land transfer by March 31, 2021. The legal descriptions of these parcels are as follows:  
PIN 03539-0059 (LT): PT LOT 23 CONCESSION 5 GEORGINA PT 1 65R4695  
PIN 03539-0060 (LT): PT LOT 23 CONCESSION 5 GEORGINA PT 2 65R3240
3. That Authority staff provide the Town of Georgina with all equipment required for the operation of the dam and provide training as required;
4. That Authority staff assist the Town of Georgina with preparing documents for submission to the Province affirming the Town of Georgina as having ownership and/or jurisdiction over the river and mill pond (subject to any possible crown interest in “navigable waters” and under original crown patent); and
5. That the Authority provide any relevant information to the Town of Georgina to support any future community engagement/consultation they may wish to pursue.

### Purpose of this Staff Report:

The primary purpose of this Staff Report is to update the Board of Directors with new information, outline established facts and provide a series of recommendations for approval and implementation.

## **Background:**

Pefferlaw Dam Conservation Area is located in the Town of Georgina on the eastern edge of the village of Pefferlaw and is comprised of two parcels of land (Attachment 1) on either side of the dam and spillway/river. A dam has been located at this site since the mid 1880s and was originally constructed and used for the purpose of powering mills onsite and on adjacent lands. In its current state, the dam is essentially a local amenity. It is an aesthetic and historical focal point within the village, and it creates a small reservoir.

In the spring of 2020 two independent Authority activities identified issues associated with the Pefferlaw Dam requiring immediate attention. The first, as part of developing a Land Disposition Strategy for the Authority, the detailed question of dam ownership was raised. During the same approximate timeframe, dam inspections indicated concerns requiring further investigation and raised safety issues that prevented normal operations to occur.

## **Issues:**

The following information is provided in a simple and clear format to clearly communicate known, documented and/or established information about the Pefferlaw Dam, ownership, operations, public interest, and other pertinent information.

## **Ownership**

1. The Authority retained the services of Premier Title Services Inc. to undertake a detailed title search of the Pefferlaw Dam and adjacent properties. The information reviewed includes records back to 1829 when 200 acres of land was conveyed from the Crown to Canada Company and then subsequently conveyed to William Johnston.
2. The Land Registry of Ontario clearly confirms the Authority as the owner of the two parcels of land directly adjacent to the Pefferlaw Dam (Attachment 1). These two properties are collectively known as the Pefferlaw Dam Conservation Area. The legal descriptions of these parcels are as follows:  
PIN 03539-0059 (LT): PT LOT 23 CONCESSION 5 GEORGINA PT 1 65R4695  
PIN 03539-0060 (LT): PT LOT 23 CONCESSION 5 GEORGINA PT 2 65R3240
3. The land survey for the eastern parcel of land owned by the Authority includes a small portion of the eastern section of the dam structure directly east of the primary spillway. This portion of the dam may constitute approximately 25% of the total dam structure.
4. The Land Registry of Ontario clearly confirms the Authority does not own the section of river between the two parcels, the remaining portion of the dam structure itself or any of the lands in which the upstream reservoir created by the dam structure and subsequent impoundment. This parcel is referenced as PIN 03539-0116 (R) and covers a large area traversing PT LOTS 21, 22 and 23 CONCESSION 5. The absolute ownership of these lands has not been identified and most likely is Crown land which is typical of dam structures such as this across southwestern Ontario.

5. The Town of Georgina completed a detailed internal search for documents related to the Pefferlaw Dam, ownership, and land transfer to the Authority. These documents shed no new light on formal ownership of the river, dam structure and reservoir.
6. The lands as described above (being Part I and Part II - Attachment 1) were transferred to the Authority for the sole purpose of obtaining provincial funding for maintenance works as the Town of Georgina could not access these funds. The lands were to be transferred back to the Town of Georgina upon completion of the works. This transfer has not occurred. It should be noted that when the Town conveyed both parcels to the Authority there were no water/mill rights perpetuated on title.
7. The Authority received a package of additional information regarding the Pefferlaw Dam from a local resident on November 19, 2020. Staff have reviewed this information which confirms the Authority's conclusions to date and notes that the information does not provide any additional legal documents with regards to ownership of PIN 03539-0116 (R).
8. The Town of Georgina passed a resolution on November 25, 2020 that requests the Province to provide a determination of ownership of the Pefferlaw Dam to the Lake Simcoe Region Conservation Authority and to the Town of Georgina by December 18, 2020.

#### **Dam Operations**

1. The Pefferlaw Dam is not a Flood Control Structure. The dam structure in fact increases overall flood risk principally during the winter season. The dam is in essence a replacement structure to mimic the existence of the previous dam structures that have been in place in various iterations over the past 200 years.
2. The Authority has been operating the Pefferlaw Dam since the transfer from the Town of Georgina in 1982. Prior to this transfer, dam operation was undertaken by Town of Georgina staff including Fire Services. There is also anecdotal information the dam was operated by local volunteers at some point in time.
3. Dam operations include the seasonal installation and removal of stoplogs and flashboards controlling the reservoir level to a set normal operating elevation.
4. The stoplogs and flashboards are removed during the late fall through spring season to reduce both upstream and downstream flooding during the higher hazard seasons and to reduce potential for ice-jamming.
5. Normal operations were re-commenced in late summer 2020 after emergency remedial works were completed ensuring safe operation of the dam.
6. As the dam is not a Flood Control Structure there is no formal or mandated requirement for the Authority to operate the dam, and as such the Authority does not receive provincial funding to support operation of the dam.
7. Responsibility and/or desire to operate the dam in 2021 and beyond has not been determined at this time.

### **Dam Maintenance**

1. The Authority has conducted routine maintenance and inspection of the dam structure since assuming operations in 1982.
2. The Authority retained D.M. Wills to complete a cursory dam inspection of the Pefferlaw Dam in accordance with OMNRF Technical Guidelines and Requirements. D.M. Wills is a leading Ontario-based structural and civil engineering firm specializing in dam engineering and operations. D.M. Wills' cursory inspection indicated some age and operation related concerns requiring further detailed investigation.
3. The Authority again retained D.M. Wills to complete a detailed investigation of the dam structure and operation capabilities and provide recommendations for maintenance, restoration, and potential cost estimates. This information was well detailed including a copy of the report in Authority Board Report No. 36-20-BOD from the July 24, 2020 meeting.
4. The detailed investigation indicated significant maintenance requirements be completed immediately, in the next two years and over the next five to ten years. The total upset cost estimates ranged from approximately \$500,000 to \$620,000 not including any staff time and design costs.
5. This maintenance work would assist in the existing dam structure meeting its lifespan of 75 years which would be approximately 25 years from now.
6. At the end of its life span, the options are installation of a new dam (minimum \$3 to 4 million), full removal of the dam (minimum \$1 million) or dam abandonment (minimal costs). The existing dam likely could not be retrofitted due to the age and requirements to bring it up to safety standards upon lifespan expiration.

### **Insurance Concerns**

1. Authority staff had detailed discussions with the insurance provider for Ontario Conservation Authorities. The dam itself is not insured, however LSRCA has coverage under general liability should the dam fail, and damage occurs to neighbouring properties.
2. Authority operations of the Pefferlaw Dam are currently covered as part of the group operations insurance shared provincially by Conservation Authorities.
3. Ensuring safety and integrity of the dam structure is a requirement to ensure appropriate insurance coverage for any operator of the dam.

### **Community Concerns**

1. There is an active and vocal segment of the community that strongly advocates for the Pefferlaw Dam to be operated in perpetuity.
2. There is also a segment of the community that advocates that the Pefferlaw Dam not be operated any longer.

3. Should the Dam no longer be operated, many residents whose properties back onto, or are directly adjacent to the reservoir will be affected by the lack of reservoir that has existed for many decades.
4. Many residents downstream of the Pefferlaw Dam have clearly articulated that without the Dam in operation over the spring/summer of 2020, the downstream conditions were much “healthier” and “better”. This group does not want to see the dam operated in the status quo any further.
5. While this is principally a local issue for residents of the Village of Pefferlaw it is also a broader Georgina issue (both for the municipality and residents at large) as financial investment in the dam could impact available resources for other community priorities.
6. Consensus on dam operation is unlikely achievable due to the polarized community positions.

### **Ecological Concerns**

1. The Pefferlaw River (which ecologically is a brook) flowed freely for millennia prior to European colonization and has only been constrained by dams for roughly 250 years.
2. The science is clear on the impacts of dams. They significantly upset the ecological balance of the system on which they are placed, having impacts on thermal issues, fish migration, sediment accumulation, sediment starvation, increased erosion, and increased risk of flooding in instances.
3. Streams and rivers are meant to be free flowing and unconstrained. There are dams that have been installed at times for certain requirements such as grist mills, electricity generation, flood, or low-flow management. Many of these examples and others are widely accepted practices; however, the Pefferlaw Dam no longer serves any of these purposes.
4. With the apparent lack of consensus on dam operation, which option should prevail – ecological or social? The position of the Authority has been clear for decades that dams are detrimental to the ecology of the system and the watersheds where they are located. The Authority has been consistently working to remove dams and barriers where possible (ex. Scanlon Creek Conservation Area, Pangman Springs Conservation Area), or to cease dam operations to return streams to their original free flowing form.

### **Community Engagement/Consultation:**

The issue of ongoing and future Pefferlaw Dam operations and maintenance quickly became a contentious issue involving opposing groups within the Pefferlaw community. One of the key issues at the heart of this matter is who owns the dam and whether it should or should not continue to be operated.

The Authority has made clear its intention to no longer operate the dam into the future. This intention is based on four principles:

1. The Authority only owns a small portion of the dam which does not include the operational components of the dam.
2. The properties, including the small portion of the dam, were to be returned to the Town of Georgina, which has yet to occur.
3. The Pefferlaw Dam is not a flood control structure and therefore does not fall under the direct mandate of the Authority.
4. The Authority's position is to take the best approach to managing the ecological health of our watershed. This approach includes allowing streams and rivers to flow freely and unconstrained, wherever possible.

Based on these principles and staff's recommendations, the Authority feels that community engagement/consultation is no longer a required activity.

### **Relevance to Authority Policy:**

The content and recommendations of this report adhere to Authority Policy and clarify specific aspects regarding the Pefferlaw Dam ownership and other associated aspects.

### **Impact on Authority Finances:**

Currently there is no significant impact on Authority finances in relation to operation and maintenance of the dam. Future decisions and/or recommendations would have no financial impact on Authority as operation of the dam would be deemed non-mandatory under the new Bill 229 since it has been identified as not being a flood control structure. As a non-mandatory program, all capital and operating costs would be ineligible for municipal levy and as such, the costs associated with the asset would be the sole responsibility of the municipality (either directly or through a Memorandum of Understanding).

The Authority has invested significant time and resources (with assistance from the Town of Georgina) over the past year to clearly understand some of the key issues such as ownership.

### **Summary and Recommendations:**

Based on the information provided in this report and previous reports brought to the Board of Directors, staff recommend the following:

**That** Staff Report No. 49-20-BOD regarding an update on Pefferlaw Dam be received; and **Further that** the following recommendations be approved and implemented as required

1. That the Authority discontinue operation of the dam effective January 1, 2021;
2. That the Authority begin discussion with the Town of Georgina to transfer the two parcels of land collectively known as the Pefferlaw Dam Conservation Area (Attachment 1) and to finalize this land transfer by March 31, 2021. The legal descriptions of these parcels are as follows:

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3. That Authority staff provide the Town of Georgina with all equipment required for the operation of the dam and provide training as required;
4. That Authority staff assist the Town of Georgina with preparing documents for submission to the Province affirming the Town of Georgina as having ownership and/or jurisdiction over the river and mill pond (subject to any possible crown interest in “navigable waters” and under original crown patent); and
5. That the Authority provide any relevant information to the Town of Georgina to support any future community engagement/consultation they may wish to pursue.

Signed by:

Mike Walters

Chief Administrative Officer

## Staff Report

To: Board of Directors

From: Michael Walters, Chief Administrative Officer

Date: December 9, 2020

### Subject:

Bill 229, Protect, Support and Recover from COVID-19 (Budget Measures), 2020.

Schedule 6, Conservation Authorities Act

### Recommendation:

**That** Staff Report No. 50-20-BOD regarding the changes introduced by the Province to the Conservation Authorities Act and the Planning Act in Bill 229 be received; and

**Further that** the CAO be directed to send a letter to the Province of Ontario on behalf of the full Board of Directors requesting that:

- a) The Province collaborative with the Conservation Authorities to develop a transition plan, new guidance materials, and drafting of the regulations; and
- b) 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.

### Purpose of this Staff Report:

The purpose of this Staff Report No. 50-20-BOD is to inform the Board of Directors of the changes to the *Conservation Authorities Act* and the *Planning Act* in Schedule 6 of [Bill 229, Protect, Support and Recover from COVID-19 Act \(Budget Measures\), 2020](#).

### Background:

Unfortunately, despite significant public opposition, requests from our municipal partners, 70+ environmental organizations, AMO, OPPI, Big and Little City Mayors to withdraw Schedule 6, the Province approved Bill 229 including Schedule 6 granting it Royal Assent on December 8, 2020. The Province even introduced a new amendment that requires conservation authorities to issue permits pertaining to Minister's Zoning Orders (MZOs). This new amendment could force this Authority and other Conservation Authorities to issue permits resulting in flooding and erosion and jeopardizing human health and safety.

Following is a high-level review of Schedule 6 in relation to the key issues that were raised to inform the Board of Directors regarding the consequence of the amended legislation. Staff will

need more time to review and understand the specific changes to the Conservation Authorities Act and can bring a subsequent report at a later Board meeting in early 2020. In addition, there is still much to be done provincially including defining the transition timeline, scoping core and non-core program activities, and drafting new regulations. It would be extremely beneficial for both the province and conservation authorities to collaborate on these tasks to ensure a smooth transition as conservation authorities adapt their business in response to the amended legislation.

### **Issues:**

Following is a status update of the four most significant issues associated with Schedule 6.

**Provincial Bill 229 changes to both the *Conservation Authorities Act* and the *Planning Act* eliminate the conservation authorities' science-based watershed approach which currently protects Ontario's environment.**

#### **Status: Not Addressed**

Watershed planning is not identified as a core service area under the amended legislation *Section 21 (1) Mandatory programs and services*. This Authority was afforded some special consideration due to the Lake Simcoe Protection Act in Section (2) which remains as described below:

#### **Same, Lake Simcoe Region Conservation Authority**

*(2) In addition to the programs and services required to be provided under subsection (1), the Lake Simcoe Region Conservation Authority shall provide, within its area of jurisdiction, such programs, and services as are prescribed by the regulations and are related to its duties, functions, and responsibilities under the Lake Simcoe Protection Act, 2008.*

Our interpretation is that this allows us to continue to plan on a watershed basis, but we need to clarify this understanding with the Province.

**Bill 229 changes around Minister's powers related to permitting applications and appeals will create more costs, delays, and red tape.**

#### **Status: Not Addressed**

The appeal processes to the Local Planning Appeal Tribunal or the Minister will remain in effect, which may significantly slow down the permitting process, creating delays and more red tape. This will also result in additional staff time and associated costs, which will need to be recovered by increasing permit fees or increases to municipal levies, thereby impacting tax dollars.

In addition, a new section entitled **Permission for development, zoning order 28.0.1 (1)** is a new amendment associated with MZOs which could require a conservation authority to issue a permit within a regulated area within an MZO. The Authority can prescribe conditions regarding

any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land, but cannot refuse the permission.

**Bill 229 changes will remove conservation authorities' ability to independently appeal decisions made around municipal planning applications.**

**Status: Partially Addressed**

Amended changes to the Planning Act to allow for Conservation Authorities to initiate Local Planning PAT appeals regarding natural hazards. As a landowner CA appeals are limited to requesting a consent (creation of new lot). Previous concerns remain unchanged, the cumulative impacts to watershed health remain an issue.

**Bill 229 changes will remove the responsibility for municipally appointed CA Board members to represent the interests of the Conservation Authority.**

**Status: Addressed**

The Province has repealed the proposed change to the 'Duty to Members' section of the Conservation Authorities Act to have municipal representatives on conservation authority Boards act in the best interests of the conservation authority.

**Bill 229 will reduce the ability for enforcement of the Section 28 Regulation, putting residents and the environment at risk by not providing Conservation Authorities the necessary tools to control illegal activities.**

**Status: Addressed**

The amendments significantly limiting a conservation authority's ability to enforce the regulation have been withdrawn and "stop work" orders reinstated. Conservation authorities will be able to enter onto lands where reasonable grounds exist. The ability to issue Stop (work) Orders is an important enforcement tool that will limit environmental degradation significantly reducing costs for remediation and save conservation authorities time, legal and court fees. It will ensure violators are dealt with expeditiously.

**Relevance to Authority Policy:**

The Provincial changes limit our Authority's ability to provide input to municipal planning applications and to permit decisions and appeals regarding watershed issues and cumulative impacts of growth.

**Impact on Authority Finances:**

Bill 229 changes associated with permit appeals will create more costs, delays and red tape around permit and planning applications and appeals. This will increase the cost to the

Authority, which result in either increased permit fees or levy requests to our municipal partners. Both are unnecessary and will cost taxpayers more.

The transition period proposed remains to be established. This Authority has already almost completed its budget process for 2021. It is unrealistic that during this pandemic the Authority would be able to smoothly transition financially within a year of the enactment of this legislation.

### **Summary and Recommendations:**

In conclusion, while there were some concessions regarding governance and enforcement, the other amendments still stand to raise several unprecedented challenges related to planning and permitting. New sections tabled during standing committee regarding MZOs significantly diminish our ability to protect Ontario's environment and ensure people and property are safe from natural hazards. Additionally, the consequences associated with permit appeals will ultimately create more red tape, delays, disruption, and costs which would need to be borne by the taxpayer.

It is therefore recommended That Staff Report No. 50-20-BOD regarding the changes introduced by the Province to the Conservation Authorities Act and the Planning Act in Bill 229 be received; and Further that the CAO be directed to send a letter to the Province of Ontario on behalf of the full Board of Directors requesting that: a) The Province collaborative with the Conservation Authorities to develop a transition plan, new guidance materials, and drafting of the regulations; and b) 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.

Signed by:

Mike Walters  
Chief Administrative Officer

## Staff Report

To: Board of Directors

From: Brian R. Kemp, General Manager - Conservation Lands

Date: December 16, 2020

### **Subject:**

Scanlon Creek Operations Centre (SCOC) - Renovation Project Update and Final Project Costs

### **Recommendation:**

**That** Staff Report No. 51-20-BOD regarding an update on the Scanlon Creek Operations Centre Renovation Project be received;

**Further that** the Final Project Cost Summary be endorsed; and

**Further that** increases to the project Purchase Orders in the amounts of \$105,595 for WS Morgan and \$30,000 for Brock McIlroy be approved.

### **Purpose of this Staff Report:**

The purpose of this Staff Report No. 51-20-BOD is to provide the Board with an update on the Scanlon Creek Operations Centre Renovation Project and associated final project costs.

### **Background**

The Scanlon Creek Operations Centre (formerly the Outdoor Education Centre) is a single storey building with a basement, originally constructed in 1978, with additions to the dormitories completed in the 1990s. This 16,500 square foot building was originally used to provide overnight environmental education programs for elementary school groups with facilities to accommodate instruction, dining, dormitory, staff, administration, and support program areas.

With a change in organizational size and staffing needs, the Authority undertook a minor renovation of the building interior in 2014 to provide a satellite Operations Centre, similar in function to the Administrative Office in Newmarket. Until March 2019, the Operations Centre housed 17 staff (permanent fulltime and contract) representing the Conservation Lands and Watershed Restoration Divisions. The Operations Centre was set up for an additional 10 contract/seasonal staff, two meeting rooms, program storage space and a lunchroom. Space within the building being utilized accounted for less than 35% of the available square footage.

The decision in 2013 to invest and repurpose the Scanlon Creek Outdoor Education Centre into an Operations Centre not only solves the problem of overcrowding at the Administrative Office, but it also resolves the issues and costs associated with decommissioning the Centre. Projected

costs to decommission or demolish the centre were substantial and would have been wasteful given the need to expand. The renovation of the facility ensures the Authority's office needs are addressed into the future.

In September 2016, the architectural firm of Brook McIlroy Inc. (BMI) was retained to begin the process of developing conceptual designs to complete the renovations to transform the facility into a high functioning office and Operations Centre capable of accommodating a wide range of staff from the overcrowded Administrative Office in Newmarket. With the conceptual design completed, staff moved forward with a detailed design and construction documentation development, including Request for Tender and preparation of a CCDC2 contract with WS Morgan Construction Limited.

On June 4, 2019, a Building Permit for the project was received and WS Morgan began construction June 17<sup>th</sup>. Anticipated substantial completion was set as January 2020. BMI was retained to provide project management and contract administration support.

### **Issues:**

As with most construction projects, change orders are often required to address contingency or scope driven changes to the overall project. A number of change orders were actioned during the undertaking of this renovation project, all of which were reviewed in detail by the project team and approved as per the Authority's purchasing policies and procedures. Total change order value for the project came in at just under \$350,000, with over \$150,000 attributed to full roofing replacement, upgraded structural beams and mould remediation. Of the remaining change orders, close to \$55,000 was attributed to the addition of the science workroom and associated mechanical system changes, and close to \$50,000 to address code compliance items. These additional items have been addressed individually through scope and contingency provisions in the purchasing policy, however collectively the amount exceeds staff approval threshold and requires Board of Director approval to amend the purchase order for WS Morgan and pay the final invoices.

As reported to the Board of Directors on June 26, 2020 the project was tracking well into early 2020 when it was impacted by COVID-19 restrictions and the construction site was shut down. We were fortunate to have the project commence again on May 19, 2020; however, the delay led to project challenges for the next number of months. These challenges included site decommissioning and recommissioning, construction trade calendar conflicts, and enhanced site protocols. While the majority of these challenges did not impact the construction costs, they did impact timelines and the need to keep BMI on the project to provide important project management and contract administration support. Staff were able to negotiate a reduced hourly rate with BMI to reduce the overall impact to the final project budget. To achieve transparency and stay consistent with Authority purchasing policies and procedures, staff

require the Board’s endorsement of the final contract adjustment (\$30,000) required to cover the extension of services.

**Relevance to Authority Policy:**

The purpose of this staff report is to ensure the management of this project is in adherence with the Authority’s Purchasing Policies and Procedures.

**Impact on Authority Finances:**

At the March 2019 meeting of the Board of Directors staff brought forward a staff report (No. 18-19-BOD) outlining final anticipated costs to complete the Scanlon Creek Operations Centre Renovation Project. The total project cost was estimated to \$2,150,000 (pre-tax):

Pre-Construction	\$234,000	architectural & engineering consultants, fibre optic installation, site application, etc.
Construction	\$1,616,000	
Ancillary Costs	\$300,000	contingency/temp office space, furniture, permits, etc.
<b>Estimated Project Cost</b>	<b>\$2,150,000</b>	

As forecast in the Q3 2020 Financial summary, the project is now complete, and the updated cost of the Scanlon Creek Operations Centre Renovation Project is \$2,467,678. As detailed in this report, the increases in the overall project cost are mostly attributed to a number of critical change orders (roofing replacement, mould remediation, structural enhancements and a scope change to add the science workroom), as well as project delays related to COVID-19 restrictions. Some of the change orders were strategic business decisions that will reduce the cost of near-term asset replacements and/or lower future operating costs.

Through previous budget cycles, as well as Board approved reserve draws and special municipal funding requests, there is currently \$2,325,295 in funding dedicated to this project. At year end, the remaining \$142,383 will be drawn from the asset management reserve to fully fund and close-out the project.

To ensure compliance with LSRCA’s Purchasing Policy, staff require the endorsement of the updated purchase orders as the total contingency provision (\$245K through a series of change orders) exceeds the \$100,000 threshold that staff can approve for the WS Morgan contract and the total contract for BMI (increased to \$103K, with scope and contingency activated) as it now exceeded \$100,000 total and therefore requires the approval of the Board of Directors. This report and specifically these purchasing items have been identified to ensure full transparency with the Board, compliance with LSRCA purchasing policy and administratively, to clean up the purchase orders to ensure final vendor payments can be made and the project can be closed. In



summary the Purchase Order for WS Morgan requires an increase by \$105,595 and the Purchase Order BMI requires an increase by \$30,000 to complete the project.

**Summary and Recommendations:**

The Scanlon Creek Operations Centre Renovation Project reached substantial completion in September and staff are currently working with the project team to acquire the occupancy permit. WS Morgan is addressing a few minor deficiencies and as such we do not anticipate any further invoices from them. Staff will continue to work with BMI to close this project and minimal expenses will be incurred to provide final stages of contract administration and permitting.

It is therefore recommended that Staff Report No. 51-20-BOD regarding an update on the Scanlon Creek Operations Centre Renovation Project be received; further that the Final Project Cost Summary be endorsed; and further that increases to the project Purchase Orders in the amounts of \$105,595 for WS Morgan and \$30,000 for Brock McIlroy be approved.

**Pre-Submission Review:**

This Staff Report has been reviewed by the Chief Administrative Officer.

Signed by:

Signed by:

Brian R. Kemp  
General Manager, Conservation Lands

Mike Walters  
Chief Administrative Officer