

**Board of Directors**  
**Meeting No. BOD-13-20**  
**Friday, November 27, 2020**  
**9:00 a.m.**

## **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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**Board of Directors' Meeting**

Friday, December 18 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 Conflicts of Interest

## II. Approval of Agenda

Pages 1 - 5

**Recommended:** That the content of the Agenda for the November 27, 2020 meeting of the LSRCA Board of Directors be approved as presented.

## III. Adoption of Minutes

### a) Board of Directors

Pages 6 – 11

Included in the agenda is a copy of the minutes of the Board of Directors Meeting No. BOD-11-20 held on Friday, October 30, 2020.

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

### b) Board of Directors

Pages 12 – 14

Included in the agenda is a copy of the minutes of the Special Meeting of the Board of Directors No. BOD-12-20 held on Friday, November 6, 2020.

**Recommended:** 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.

## IV. Announcements

## V. Presentations

### a) Stormwater Optimization Study Update

Pages 15 - 19

General Manager, Integrated Watershed Management, Ben Longstaff, and Freeman Associates Consultant, Tracy Patterson, will provide an update on the Stormwater Optimization Study. 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, Integrated Watershed Management, Ben Longstaff, and Freeman Associates Consultant, Tracy Patterson, regarding the Stormwater Optimization Study be received for information.

Included in the agenda is Staff Report No. 44-20-BOD regarding the Stormwater Optimization Study.

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

**b) Response to Changes to the Conservation Authorities Act and the Planning Act in Bill 229**

Pages 20 - 26

Chief Administrative Officer, Mike Walters, will provide 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. This presentation will be provided at the meeting and will be available on our website following the meeting.

**Recommended:** That the presentation by Chief Administrative Officer, Mike Walters, regarding 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 be received for information.

Included in the agenda is Staff Report No. 45-20-BOD regarding a response to Changes to the Conservation Authorities Act and the Planning Act in Bill 229, Protect, Support and Recover from COVID-19 (Budget Measures), 2020.

**Recommended:** That Staff Report No. 45-20-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 the following:

- a) That the Province repeal amending changes to the Conservation Authorities Act and the Planning Act set out in Bill 229,
- b) That the Province delay enactment of clauses affecting municipal concerns,

- c) That the Province provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of the conservation authority municipal budget processes,
- d) That the Province respect the current conservation authority/municipal relationships, and
- e) 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.

## 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

There are no additional items for consideration.

## IX. Adoption of Items Not Requiring Separate Discussion

## X. Consideration of Items Requiring Separate Discussion

## XI. Closed Session

The Board will move to Closed Session to deal with confidential land matters.

**Recommended:** That the Board move to Closed Session to deal with confidential land matters; and

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

The Board will rise from Closed Session and report findings.

**Recommended:** That the Board rise from Closed Session and report findings.

### 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.

**Recommended:** 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.

**b) Confidential Land Matter**

An update regarding a Confidential Land matter will be provided at the meeting.

**Recommended:** That the update regarding a confidential land matter be received for information.

**c) Confidential Land Matter**

An update regarding a Confidential Land matter will be provided at the meeting.

**Recommended:** That the update regarding a confidential land matter be received for information.

## **XII. Other Business**

### **Next Meeting**

The next meeting of the LSRCA Board of Directors will be held at @ 9:00 a.m. on Friday, December 18, 2020. This meeting will be held via Zoom, access details to be provided prior to the meeting.

## **XIII. Adjournment**

## Board or Directors' Meeting

Board of Directors' Meeting No. BOD-11-20

Friday, October 30, 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 Ramara Councillor E. Yeo Mayor D. Bath-Hadden

#### LSRCA Staff Present

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

#### Guests in Attendance

None

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

Mayor Quirk declared a conflict of interest with Item 1a) due to the fact that the Town of Georgina recently voted against the LSRCA permit issued on Maple Lake Estates.

### II. Approval of Agenda

Moved by: V. Hackson

Seconded by: A. Eek

BOD-121-20 **Resolved That** the content of the Agenda for the October 30, 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: W. Gaertner

BOD-122-20 **Resolved That** the minutes of the Board of Directors' Meeting No. BOD-10-20 held on Friday, September 25, 2020 be approved as circulated.

**Carried**

### IV. Announcements

- a) Chair Emmerson offered condolences on behalf of the Board of Directors to Regional Councillor Vegh on the recent passing of his Mother.
- b) General Manager, Conservation Lands, Brian Kemp, thanked LSRCA's Education team for a successful fall Forest School amid the challenging times, noting many wonderful comments were received from parents of attending students.
- c) CAO Walters was pleased to advise that the process for LSRCA's next strategic plan is underway and is being led internally by our Communications team.

### V. Presentations

#### a) Third Quarter Financial Summary and Forecast

General Manager, Corporate and Financial Services, Mark Critch, provided a presentation on the Authority's third quarter 2020 financial summary and forecast, noting that business operations have been significantly impacted by COVID-19; however, management has taken immediate and measured action to address the changes and minimize the financial impact. He noted the projected deficit being forecast for 2020 has increased but was pleased to advise that additional municipal funding is not anticipated. The financial condition of LSRCA continues to remain strong, and staff are keeping a close eye on reserves and deferred revenue for year end.

He explained some of the impacts on 2020 outcomes, notably the education program outcomes were delivered using different methods – online learning pages, outdoor learning opportunities with Boards; planning applications are down year-over-year as site plan applications are steady, but subdivision plan applications are down 50%; spring planting has been deferred to 2021, and fall planting is taking place now with 1,470 trees and shrubs planted. Progress has been made

on some capital projects through the year, some have been completed or are substantially complete.

Some key forecast assumptions for 2020 include that additional funding from municipal partners will not be required to cover projected operational deficit; deferred revenue will be utilized to finish priority annual operating work; most municipal funding partners are expected to pay their full funding notices for 2020; and draws from the rate stabilization will be utilized for the projected deficit at year end.

To view this presentation, please click this link: [2020 3rd Quarter Financial Update](#)

Moved by: A. Waters

Seconded by: K. Aylwin

BOD-123-20 **Resolved That** the presentation by General Manager, Corporate and Financial Services, Mark Critch, regarding the Lake Simcoe Region Conservation Authority's third quarter 2020 financial summary and forecast be received for information. **Carried**

Staff Report No. 41-20-BOD regarding the Lake Simcoe Region Conservation Authority's third quarter 2020 financial summary and forecast was included in the agenda.

Moved by: A. Waters

Seconded by: K. Aylwin

BOD-124-20 **Resolved That** Staff Report No. 41-20-BOD regarding LSRCA's Third Quarter Financial Report and Year-End Forecast for the period ending September 30, 2020 be received for information. **Carried**

#### **b) Progress Update: Carbon Reduction Strategy**

General Manager, Integrated Watershed Management, Ben Longstaff, and the Manager of Forestry and Greenspace Services, Phil Davies, provided an update on the progress made on implementation of the Authority's corporate carbon reduction strategy, designed to reduce our corporate carbon emissions from our day-to-day business. In 2018, staff established baseline emissions for the Authority operations using the year 2016 which totalled 69 tonnes. Staff identified several opportunities for significant reductions and as a result adopted an ambitious



carbon reduction target of 42 tonnes or 60% of the total emissions to be achieved by 2026. Vehicle fleet travel was identified as having the single greatest opportunity for reductions and efforts to retool our current fleet vehicles as well as examining staff behaviour relative to vehicle use. Behavioural change initiatives were modelled around a rewards program, where the more behavioural changes staff made, the more rewards and potential prizes staff were eligible for. Next, steps were taken to green the Authority's mostly-leased fleet vehicles, and the entire passenger fleet now utilizes electric as well as hybrid electric vehicles. Six charging stations were installed to service the vehicles and allow staff and visitors opportunities to charge their vehicles when visiting our offices. The combined initiative has led to a reduction in carbon emissions of more than 21 tonnes in 2019. This means the Authority is well ahead of schedule having achieved more than 50% of its current target with still 6 more years to go to achieve the remaining balance.

To view this presentation, please click this link: [LSRCA Carbon Reduction Strategy Progress](#)

For more information on the Authority's corporate carbon reduction strategy, please contact Ben Longstaff at [b.longstaff@lsrca.on.ca](mailto:b.longstaff@lsrca.on.ca) or Phil Davies at [p.davies@lsrca.on.ca](mailto:p.davies@lsrca.on.ca).

Moved by: S. Harrison-McIntyre

Seconded by: D. Barton

BOD-125-20 **Resolved That** the presentation by General Manager, Integrated Watershed Management, Ben Longstaff, and Manager, Forestry and Greenspace Services, Phil Davies, regarding the progress made on implementation of the corporate carbon reduction strategy be received for information. **Carried**

Staff Report No. 42-20-BOD regarding the progress made on implementing the corporate carbon reduction strategy was included in the agenda.

Moved by: S. Harrison-McIntyre

Seconded by: D. Barton

BOD-126-20 **Resolved That** Staff Report No. 42-20-BOD regarding the progress made on implementing the corporate carbon reduction strategy be received for information. **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

Item No. 2 was identified under items requiring separate discussion.

## IX. Adoption of Items not Requiring Separate Discussion

Item No. 1a) was identified as items not requiring separate discussion.

Moved by: C. Riepma

Seconded by: T. Vegh

BOD-127-20 **Resolved That** the following recommendations respecting the matters listed as “Items Not Requiring Separate Discussion” be adopted as submitted to the Board, and staff be authorized to take all necessary action required to give effect to same. **Carried**

### 1. Correspondence (Item a)

BOD-128-20 **Resolved That** correspondence listed in the agenda as Item 1a) be received for information. **Carried**

## X. Consideration of Items Requiring Separate Discussion

### 2. LSRCA 2021 Budget Update

Chair Emmerson asked that staff provide additional information to the Board regarding budget increases being sought by neighbouring conservation authorities for a more fulsome picture of this Authority's 2021 budget.

Moved by: P. Ferragine

Seconded by: K. Ferdinands

BOD-129-20 **Resolved That** Staff Report No. 43-20-BOD regarding an update on LSRCA's 2021 Budget be received for information. **Carried**

## XI. Closed Session

There were no Closed Session items for this meeting.

## XII. Other Business

### a) LSRCA and COVID-19

CAO Walters provided an update on re-opening the Authority offices, noting he had been hopeful to begin opening offices before the new year while following provincial and regional guidelines. Based on the current rise in cases, it will likely be later in 2021 before staff return to our physical offices. He was pleased to note, however, that services continue to be fully functional as staff continue to work from home. This will most likely continue once the offices are slowly opened again to ensure the safety of all staff. Human Resources staff will also be drafting a work-from-home policy in 2021. CAO Walters also reported staff morale for the most part is high, virtual meetings with departments are held regularly and managers are meeting 1:1 with staff members using Microsoft Teams video chats. Full virtual staff meetings are still being held monthly, as well as virtual Breakfast with the CAO with smaller groups of staff.

### b) Pefferlaw Dam

Mayor Quirk asked for an update on the Pefferlaw Dam. CAO Walters noted that scenarios are being worked on in preparation for public engagement. He also advised that no additional information has been received regarding ownership of the dam.

## XIII. Adjournment

Moved by: V. Hackson

Seconded by: R. Greenlaw

BOD-130-20 **Resolved That** the meeting be adjourned at 10:40 a.m. **Carried**

Original to be signed by:

\_\_\_\_\_  
Regional Chairman Wayne Emmerson, Chair

Original to be signed by:

\_\_\_\_\_  
Michael Walters, Chief Administrative Officer

## Special Meeting of the Board or Directors

Board of Directors' Meeting No. BOD-12-20

Friday, November 6, 2020

Held virtually via Zoom

### Meeting Minutes

#### LSRCA Board Members Present

Regional Chairman W. Emmerson (Chair), Councillor P. Ferragine Councillor (Vice Chair), 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, Councillor E. Yeo

#### LSRCA Board Members Absent

Township of Ramara, Councillor K. Aylwin, Mayor D. Bath-Hadden

#### LSRCA Staff Present

T. Barnett, K. Christensen, M. Walters

#### Guests in Attendance

None

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

### II. Approval of Agenda

Prior to the meeting, Chair Emmerson made a request to the Board to waive procedural by-law in order to call a Special Meeting on Friday, November 6, 2020 regarding a Human Resources matter with only three days' notice rather than the required 5 days' notice.

Moved by: S. Harrison-McIntyre

Seconded by: B. Drew

BOD-131-20 **Resolved That** the Chairman's request to waive procedural by-law in order to call a Special Meeting of the Board of Directors to deal with a Human Resources matter with three days' notice, rather than the required five days' notice be approved. **Carried**

Moved by: P. Ferragine

Seconded by: V. Hackson

BOD-132-20 **Resolved That** the content of the Agenda for the November 6, 2020 Special Meeting of the LSRCA Board of Directors be approved as presented.

**Carried**

### III. Closed Session

Moved by: C. Riepma

Seconded by: D. Barton

BOD-133-20 **Resolved That** the Board move to Closed Session to deal with a Confidential Human Resources matter; and

FURTHER THAT the Chief Administrative Officer, the Director Human Resources, and the Coordinator BOD/CAO remain in the meeting for the discussion. **Carried**

### IV. Rise from Closed Session and Report Progress

Moved by: R. Greenlaw

Seconded by: K. Ferdinands

BOD-134-20 **Resolved That** the Board rise from Closed Session and report findings. **Carried**

#### a. Human Resources Matter

Moved by: P. Ferragine

Seconded by: D. Barton

BOD-135-20 **Resolved That** the Confidential human resources matter be received; and

**Further That** the Board of Directors of the Lake Simcoe Region Conservation Authority authorize the Chair to present a Letter of Employment, based on the parameters discussed at the November 6, 2020 meeting, to the preferred

candidate for the position of Chief Administrative Officer/Secretary-Treasurer.

**Unanimously Carried**

## V. Adjournment

Moved by: K. Ferdinands

Seconded by: A. Waters

BOD-136-20 **Resolved That** the meeting be adjourned at 12:00 p.m. **Carried**

Original to be signed by:

Original to be signed by:

\_\_\_\_\_  
Regional Chairman Wayne Emmerson, Chair

\_\_\_\_\_  
Michael Walters, Chief Administrative Officer

## Staff Report

To: Board of Directors

From: Ben Longstaff, General Manager, Integrated Watershed Management

Date: November 12, 2020

### **Subject:**

Project update: Equitable Responsibility for Transformational Design – optimization of stormwater management within the East Holland River watershed

### **Recommendation:**

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

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

The purpose of this Staff Report No. 44-20-BOD is to provide the Board of Directors with a summary of the Equitable Responsibility for Transformational Design project.

### **Background:**

The stormwater optimization study was formulated in response to growing challenges to stormwater management planning and execution within the Lake Simcoe basin, as well as provincially and nationally. These challenges include a legacy of poor planning and inadequate stormwater infrastructure while also confronting the added demands associated with expanding urbanization and the increasing frequency and severity of weather events due to climate change.

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 (e.g. hybrid ponds) and distributed infrastructure (i.e. low impact development) on both publicly-owned and privately-owned properties.

The study was funded by Federal grants (FCM, NRCan, NDMP), watershed municipalities, Lake Simcoe Conservation Foundation, and Sustainable Technology Evaluation Program (STEP) partners. The study started in 2018 and a final report will be released in late 2020. The project was undertaken in a number of stages that 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 Technical Advisory Committee formed included representatives from all East Holland River watershed municipalities, Ministry of Environment, Conservation and Parks, STEP partners, and the project team.

Three study principles were formulated based on the conviction that an alternative, system-based approach to stormwater planning and management is necessary to achieve sustainable, cost efficient and future-ready stormwater management. Testing of the following principles informed the study design and methodology:

1. Using an optimization methodology will significantly enhance understanding of the characteristics and processes influencing watershed hydrology and expand the scope and depth of the evaluation of management options providing a cost-efficient strategy to achieve SWM targets under current and future state scenarios.
2. In addition to municipally owned properties, including privately owned properties as potential sites for implementation of Stormwater Control Measures (SCM) will improve SWM at greater cost-efficiency than the current approach restricting siting of management measures exclusively to public land.
3. Municipal collaboration on integrated, watershed-wide SWM will provide improved performance at greater cost efficiency than the current, municipal-boundary based approach to SWM (i.e. equitable responsibility).

In addition to these study principles, the project also investigated the benefits of a system wide approach to reducing impacts of climate change, flood reduction and environmental co-benefits.

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. Some of the major outcomes and findings of this study are:

- Demonstrated the multiple benefits of undertaking watershed scale cost-optimization modeling,
- Developed a methodology that can be further refined and applied to other watersheds within the Lake Simcoe basin and beyond,
- Prepared critical datasets, such as stormwater management lifecycle costs that can be readily applied to future studies,
- Ensured modeling was completed in opensource (non-proprietary) software facilitating flexibility in future application,
- Demonstrated how the tool can be used to assess management scenarios to mitigate the impacts of climate change on peak flow and phosphorus (P) loads,



- Demonstrated how the tool can be used to assess flood reduction associated with P reduction control measures, the associated costs and damage reduction, and
- Supported identification of the most cost-effective opportunities to achieve phosphorus reductions in support of the Lake Simcoe Phosphorus Offset Program (LSPOP) and the LSPP phosphorus reduction strategy target.

Specific findings of this study that demonstrated the benefits of undertaking cost-optimization modeling include:

- A stormwater management plan for the East Holland River watershed identifying the most cost-effective stormwater control measures to achieve 40% reduction in phosphorus loads,
- Implementing integrated stormwater planning and management on a watershed-scale, not restricted by political boundaries provides optimal SWM at the greatest cost-efficiency, potentially resulting in a 27% cost saving compared to jurisdictional scale,
- Identifying the annual capital and operational costs to achieve the 40% phosphorus reduction amortized over 30-year life cycle,
- Identifying that achieving the 40% phosphorus reduction is not possible without including stormwater control measures on private lands,
- Identifying that a combination of both centralized and distributed stormwater control measures is needed to achieve the 40% reduction, and
- Phosphorus reduction strategies also having a significant co-benefit for peak flow control, leading to a 17- 24% reduction of a 25-year return event.

Although the full implications of the project findings are still being identified and discussed, it is expected that the project will have some immediate benefits to LSRCA programs and services (e.g. identification of cost effective SWM retrofit opportunities) as well as long-term outcomes, such as working towards an equitable responsibility model for stormwater management planning and implementation. To this end, some proposed next steps are to:

- Communicate study findings to key Lake Simcoe watershed audiences: this engagement needs to inform them of the project's findings and significance, with the purpose of preparing them for further engagement as we transition to acting on the study outcomes.
- Support application of study findings within the East Holland River watershed in assistance of the Authority's restoration services, watershed planning and municipal SWM planning.
- Develop a work plan and strategy for the implementation of watershed wide, shared SWM planning. This process would include development of senior level advisory committee. The working group will direct research and evaluation into constraints and opportunities, options, mechanisms, tools, and approaches for the efficient transition to system-wide SWM, including both private and public lands.

- Develop a business case for the most cost-effective solution for building and maintaining capacity for SWM optimization modeling within the Lake Simcoe watershed.
- Support continued analysis and model development. Further analysis within the East Holland River is needed to refine the methods, especially to ensure a full suite of stormwater control measures are considered as well as agricultural BMP (structural and non-structural).

### **Issues:**

There are no issues associated with this staff report.

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

This study will support implementation of the Lake Simcoe Phosphorus Offset Program policy within the East Holland watershed. The project will help ensure most cost-effective phosphorus offset retrofit opportunities are selected. Potential policy implications associated with concept of equitable responsibility and the siting of projects on private lands will be assessed as a task in the development of a work plan/strategy.

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

The total cost of this project was \$1.3million, funded at a ratio of 10:1 (external grants to internal cash support). External support was received from federal grants (FCM, NRCan, NDMP), direct municipal support, Lake Simcoe Conservation Foundation, Toronto and Region Conservation Authority and Credit Valley Conservation Authority. As an innovative new pilot project, the expenses associated with undertaking this project were high; however, it should be noted that the future application of this methodology would be significantly less now that a methodology has been developed and key datasets obtained.

### **Summary and Recommendations:**

This study set out to answer some fundamental questions regarding how we plan and manage stormwater. 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 to answering these principles, immediate opportunities to improve stormwater planning and management within the East Holland River were identified. While the current project is just being finalized, we are starting to consider how to advance the study findings. To address some of the fundamental challenges such as working towards model of shared responsibility, we propose formation of a senior advisory committee that will assist in development of a required strategy.

It is therefore recommended that Staff Report No 44-20-BOD regarding Equitable Responsibility for Transformational Design be received for information.

**Pre-Submission Review:**

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

Signed by:

Signed by:

Ben Longstaff  
General Manager, Integrated Watershed  
Management

Mike Walters  
Chief Administrative Officer

## Staff Report

To: Board of Directors

From: Michael Walters, Chief Administrative Officer

Date: November 20, 2020

### Subject:

Response to Changes to the Conservation Authorities Act and the Planning Act in Bill 229, Protect, Support and Recover from COVID-19 (Budget Measures), 2020.

### Recommendation:

**That** Staff Report No. 45-20-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 the following:

- a) That the Province repeal amending changes to the *Conservation Authorities Act* and the *Planning Act* set out in Bill 229,
- b) That the Province delay enactment of clauses affecting municipal concerns,
- c) That the Province provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of the conservation authority municipal budget processes,
- d) That the Province respect the current conservation authority/municipal relationships, and
- e) 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. 45-20-BOD is to seek the Board of Directors approval to address several changes introduced by the Province to the *Conservation Authorities Act* and the *Planning Act* in [Bill 229, Protect, Support and Recover from COVID-19 Act \(Budget Measures\), 2020](#).

## **Background:**

In 2018, the Province began a review of Conservation Authority operations. The following year Bill 108, More Homes, More Choice Act was introduced, and Schedule 2 specifically amends the Conservation Authorities Act with three key goals in mind:

- Improve consistency and transparency of the programs and services that conservation authorities deliver,
- Provide additional oversight for municipalities and the province, and
- Streamline conservation authority permitting and land use planning reviews to increase accountability, consistency, and transparency.

Since the launch of the review, conservation authorities have been working to meet Provincial expectations regarding consistency and transparency of programs and services and to streamline planning and permitting processes. Since that time, authorities have worked collectively to:

- Adopt consistent By-Laws by December 2018,
- Implement best management practices regarding governance and administration,
- Voluntarily reduce timelines for issuance of permits based on the previous Conservation Authority Liaison Committee requirements,
- Initiate client centric service training and monitoring protocols to document improvements in service delivery, and
- Attend a series of consultation sessions with the Minister and provincial staff.

All conservation authorities have demonstrated their willingness to work with the Province to meet their expectations. 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 by the Province in early November 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. Additionally, none of the recommendations put forth by the conservation authorities have been considered in the amendments, including long awaited tools to assist with permitting and enforcement. During a recent meeting with the province, our Authority requested that staff provide a summary of the consultation which provides the underlying principles for the

amendments found in Bill 229. It was stated that such a document did not exist which supported an assumption that many of the concerns raised have not been fact checked with conservation authorities as we have not been contacted. 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.

### **Issues:**

The following is a list of the most significant issues associated with Schedule 6 of Bill 229.

**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.**

- Conservation authorities are important agencies who help protect Ontario's environment. Their science-based watershed information helps to steer development to appropriate places where it will not harm the environment or create risks to people.
- CAs bring watershed science and information to the various tables where development and growth are being reviewed and discussed.
- Provincial changes limit conservation authorities' ability to provide input to municipal planning applications and to permit decisions and appeals in regards to watershed issues and cumulative impacts of growth which may significantly degrade the health and quality of Lake Simcoe and its watershed and put property and people at risk.
- The conservation authority watershed model has served Ontario well and is relied upon by many levels of government, businesses, and residents to protect the environment from upstream to downstream.
- Conservation authorities undertake watershed-scale monitoring, data collection, management and modelling; watershed-scale studies, plans, assessments and strategies; and watershed-wide actions including stewardship, communication, outreach and education activities that protect and restore our environment on a watershed basis.

**Bill 229 changes will create more costs, delays and red tape around permit and planning applications and appeals.**

- There are new appeal processes proposed which will significantly slow down the permitting process, creating delays and more red tape. This will also result in additional staff time, associated costs which would need to be recovered by increasing permit fees or increases to municipal levies impacting tax dollars.

- If applicants are not satisfied with decisions made by the Hearing Boards (CA Board of Directors and/or Executives), the new changes will allow applicants to appeal directly to the Minister, who could make his or her own decision and issue a permit.
- Alternatively, or in addition, the applicant can appeal a decision of the conservation authority to the Local Planning Appeal Tribunal (LPAT). These changes could add as many as 200 days to the application process.

**Bill 229 changes will remove conservation authorities' ability to independently appeal decisions made around permits and municipal planning applications. This will put more people and infrastructure at risk of flooding and other natural hazards, as well as add additional stressors to Ontario's biodiversity.**

- Conservation authorities' regulatory role is not a popular one, but it is necessary. Being able to participate in appeal processes ensures that the watershed lens is being applied to planning and land use decisions and that people and their property are protected from natural hazards such as flooding.
- Without the ability to look at development applications on a watershed basis, we run the risk of the plan review process being piecemeal and exacerbate risks associated with natural hazards and for cumulative negative environmental impacts.

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

- The Province has changed the 'Duty to Members' section of the Conservation Authorities Act to have municipal representatives on conservation authority Boards act in the interests of their own municipality rather than the conservation authority's interests.
- This contradicts the fiduciary duty of board members to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the conservation authority interests.
- It is contrary to a recent recommendation by the Auditor General that states Conservation Authority Board Members should act in the interest of the Conservation Authority and not their municipality.
- This change undermines the ability of Conservation Authority Boards to address the broader environmental and resource management issues facing our watersheds today. It limits discourse on these issues and other programs and services that address watershed-wide issues spanning municipal boundaries in a time of increasing climate change.

**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.**

- The current revisions significantly limit a Conservation Authority's ability to enforce the regulation. Conservation authorities will have to continue to rely on search warrants to gain entry to a property where infractions/compliance is a concern taking time and costing money. 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 will protect would-be violators of the regulation.
- The ability to issue Stop (work) Orders has been repealed. This is an important enforcement tool that conservation authorities have been requesting for years. Without this tool, conservation authorities must obtain an injunction to stop unauthorized activities. Obtaining injunctions takes further staff time and conservation authorities will incur significant costs for legal and court fees.
- Given the lack of Provincial funding, this cost has been borne by our municipalities and ultimately the taxpayers. The time needed to obtain such an injunction can be lengthy resulting in unnecessary and significant damage to the environment, or alteration of a floodplain which until remediated puts people at risk should a flood occur.
- 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.
- Without the necessary tools, there are significant costs borne by conservation authorities and to the environment. Cost to remediate damage often cannot be recovered from the violator without costly litigation, resulting in continued damage to the environment. Simply put our Authority cannot meet the intent of the Conservation Authorities Act and effectively enforce Section 28 of Ontario Regulation 179/06.

**Relevance to Authority Policy:**

The Provincial changes limit our conservation authorities' ability to provide input to municipal planning applications and to permit decisions and appeals regarding watershed issues and cumulative impacts of growth. These changes could 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 initiated to ensure we are customer-centric, accountable, efficient and solutions oriented.



Bill 229 changes will remove the responsibility for municipally appointed CA Board members to represent the interests of the Conservation Authority. The proposed changes to the 'Duty to Members' section contradicts the fiduciary duty of board members to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the conservation authority interests.

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. It essentially sets up the Authority to fail in its duty to enforce Ontario Regulation 179/06.

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

Bill 229 changes will create more costs, delays and red tape around permit and planning applications and appeals. This will increase the cost to the Authority, as will the additional challenges around with enforcement. These costs will 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 of one year needs to be extended until 2022. LSRCA is already almost completed its budget for 2021. It is unrealistic that during this pandemic that the Authority would be able to smoothly transition financially with a year of the enactment of this legislation.

### **Summary and Recommendations:**

In conclusion, these 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.

These 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.

It is therefore recommended That Staff Report No. 45-20-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 the following: a) That the Province repeal amending changes to the Conservation Authorities Act and the Planning Act set out in Bill 229, b) That the Province delay enactment of clauses affecting municipal concerns, c) That the Province provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of the conservation authority municipal budget processes, d) That the Province respect the current conservation authority/municipal relationships, and e) 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