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Board of Directors Meeting

Thursday, January 25, 2024

6:30 pm

3889 Rideau Valley Drive, Manotick ON
(RVCA Boardroom)

Members and the public are also welcome to join via Zoom.

Please contact Marissa Grondin at marissa.grondin@rvca.ca or 1-800-267-3504 ext. 1177 in advance of the meeting if you wish to receive instructions to join.

AGENDA

Meeting 1/24	Page
1.0 Roll Call	
2.0 Land Acknowledgement Statement	
3.0 Agenda Review	
4.0 Adoption of Agenda	
5.0 Declaration of Interest	
6.0 Approval of Minutes from November 25, 2023	
7.0 Business Arising from Minutes	
8.0 Correspondence	
• Forward of the City of Ottawa's Auditor General's Report	01
9.0 Mileage Rate Adjustment Date	
Staff Report Attached (Kathy Dallaire)	26
10.0 Watershed Conditions Report	
Staff Report Attached (Glen McDonald)	28
11.0 Election of Chair and Vice-Chair	
Staff Report Attached (Sommer Casgrain-Robertson)	31
12.0 Meetings	
a) Conservation Ontario Council Meeting – December 11, 2023	
b) RVCF Board of Directors Meeting – December 13, 2023	

- c) 2023 Regional Sustainability Workshop (NCC) – December 14, 2023
- d) Conflict Resolution Training for Staff – January 16, 17 & 18, 2024
- e) ROMA Conference – January 21 to 23, 2024

Upcoming

- f) Wetland Workshop for Municipal Planners – February 1, 2024
- g) Source Protection Committee Meeting – February 8, 2023
- h) RVCA Annual Flood Forecasting and Warning meeting (outside City of Ottawa)
– February 16, 2024

13.0 Member Inquiries

14.0 New Business

15.0 Closed Session

To seek direction to proceed with the acquisition of a piece of land

- Closed session as per RVCA's Administrative Bylaw Section C. 13. c) *A proposed or pending acquisition or disposition of land by the Authority*

16.0 Adjournment

Action Items from Previous Meetings:

Item	Lead Staff	Anticipated Timeline

**Proudly working in partnership
with our 18 watershed municipalities**

Athens, Augusta, Beckwith, Central Frontenac, Clarence-Rockland,
Drummond/North Elmsley, Elizabethtown-Kitley, Merrickville-Wolford, Montague,
North Dundas, North Grenville, Ottawa, Perth, Rideau Lakes, Smiths Falls, South Frontenac, Tay Valley, Westport



December 21, 2023

Councillor Kristin Stackerjan,
Chair of the Rideau Valley Conservation Authority,
3889 Rideau Valley Drive.
Manotick, Ontario K4M 1A5
info@rvca.ca

By e-mail

Re: Forward of the City of Ottawa's Auditor General's report.

Councillor Stackerjan,

On behalf of Ottawa City Council, I am writing to formally provide a report from the Office of the Auditor General (OAG) titled "Investigation of Allegations Related to the Planning Activities for the Conservancy Development" and its related documents in accordance with the following Motion approved by the Ottawa City Council, at the City Council meeting of December 6, 2023.

MOTION

Moved by / Motion de: Councillor D. Brown
Seconded by / Appuyée par: Councillor W. Lo

WHEREAS the City of Ottawa's Auditor General on November 27, 2023, presented her findings from the Investigation of Allegations Related to Planning Activities for the Conservancy Development; and

WHEREAS the findings of the report identified that City of Ottawa staff endorsed the cut-and-fill application expressing Councils support without Councils express knowledge, thereby acting outside of established policy with regards to a cut-and-fill permit for the development in Barrhaven known as "The Conservancy"; and

WHEREAS Several Members of Council have expressed concern with City of Ottawa staff's management of this application and to the subsequent approval of that permit;

THEREFORE BE IT RESOLVED that Council forward the Auditor General's report to the Board of Directors of the Rideau Valley Conservation Authority for review to ensure all applicable provincial planning legislation was adhered to by the RVCA.

Should you have any questions regarding this motion, please do not hesitate to contact me.

Sincerely,

David

DAVID G. WHITE

City Solicitor and Interim City Clerk | Avocat général et greffier municipal par intérim
Legal Services | Services juridiques
City Manager's Office | Bureau du directeur municipal
Office of the City Clerk | Bureau du greffier municipal
City of Ottawa | Ville d'Ottawa
T. 613. 580.2424 x21933 david.white@ottawa.ca

CC:

Board of Directors of the RVCA.

1. **Office of the Auditor General (OAG) – Investigation of Allegations Related to Planning Activities for the Conservancy Development**
- Bureau de la vérificatrice générale (BVG) – Enquête sur les allégations relatives aux activités de planification pour le développement de conservation**

Committee recommendation, as amended

That Council:

1. **consider and approve the recommendations; and,**
2. **consider Motion No. AC 2023-04-02.**

Recommandation du Comité, telles que modifiées

Que le Conseil :

1. **examine les recommandations, à des fins d’approbation; et,**
2. **examine la motion no. AC 2023-04-02.**

For the information of Council

The following motion was put to Committee and lost on a tie and is referred to Council for consideration pursuant to Subsection 83(8) of the *Procedure By-law*.

Motion No. AC 2023-04-02

Moved by T. Kavanagh

WHEREAS development other than utilities and flood and drainage is not permitted in floodplains, and;

WHEREAS building in floodplains puts residents in potentially costly and devastating, and;

Whereas RVCA stated they did not believe a new assessment of the floodplain in this area because it would not differ from the existing mapping conducted in 2005, and;

Whereas the Auditor General's report found the letters written in regard to floodplain mapping and the cut and fill application stated Council supported this, but the Auditor General found that most members of Council were not even aware that there was a cut and fill application, and;

Whereas the Auditor General's report states: "It is not the City's role as part of the planning process to endorse, support or advocate for a developer's application with another regulatory body, such as the RVCA.", and;

Whereas the writing of a letter of support was a violation of departmental process;

THEREFORE BE IT RESOLVED that Audit Committee recommend to Council to bring forward the report regarding their investigation of the allegations related to planning activities for the conservancy development to the Office of the Auditor General of Ontario (AGO) for further investigation if AGO sees fit.

Pour la gouvernance du conseil

La motion suivante a été présentée au comité et rejetée en raison de l'égalité des voix. La motion est adressée au Conseil municipal pour étude conformément au paragraphe 83(8) du Règlement de procédure.

Motion no. AC 2023-04-02

Proposée par T. Kavanagh

ATTENDU QUE les aménagements autres que des services publics et des ouvrages de lutte contre les inondations et de drainage ne sont pas permis dans les plaines inondables; et

ATTENDU QUE la construction d'immeubles dans les plaines inondables expose les résidentes et résidents à des risques aux conséquences potentiellement coûteuses et catastrophiques; et

ATTENDU QUE l'Office de protection de la nature de la vallée Rideau (OPNVR) a indiqué qu'il ne croyait pas qu'une nouvelle évaluation de la plaine inondable de cette zone produirait une carte différente de la dernière, qui remonte à 2005; et

ATTENDU QUE, selon le rapport de la vérificatrice générale, des lettres écrites au sujet de la cartographie de la plaine inondable et d'une demande de déblai-remblai indiquaient que le Conseil appuyait la démarche, alors qu'il a été établi par la vérificatrice générale que la plupart des conseillères et conseillers n'étaient même pas au courant de l'existence d'une telle demande; et

ATTENDU QUE, selon le rapport de la vérificatrice générale : « Dans le cadre du processus de planification des travaux d'aménagement, le rôle de la Ville n'est pas d'autoriser, d'appuyer, ni d'entériner la demande déposée par le promoteur auprès d'un autre organisme de réglementation comme l'OPNVR »; et

ATTENDU QUE la rédaction d'une lettre d'appui contrevenait aux processus de la Direction générale;

PAR CONSÉQUENT, IL EST RÉSOLU QUE le Comité de la vérification recommande au Conseil de fournir le rapport de l'Enquête sur les allégations relatives aux activités de planification du projet d'aménagement The Conservancy au Bureau du vérificateur général de l'Ontario afin qu'il détermine si une enquête plus poussée doit être effectuée.

Documentation/Documentation

- 1 Auditor General's report, dated November 16, 2023 (ACS2023-OAG-BVG-011)

Rapport de la Vérificatrice générale, le 16 novembre 2023 (ACS2023-OAG-BVG-011)
- 2 Extract of draft Minutes, Audit Committee, November 27, 2023

Extrait de l'ébauche du procès-verbal, Comité de la vérification, le 27 novembre 2023

Office of the Auditor General (OAG) – Investigation of Allegations Related to Planning Activities for the Conservancy Development

ACS2023-OAG-BVG-011 - Citywide

Joanne Gorenstein, Deputy Auditor General and Nathalie Gougeon, Auditor General, presented an overview of the report and answered questions from Committee. A copy of the slide presentation is filed with the Office of the City Clerk. The following staff were also available and answered questions from the Committee:

- Don Herweyer, General Manager, Planning, Real Estate and Economic Development
- David White, City Solicitor and Interim City Clerk

The following delegations spoke before the committee and provided comments on the report:

- Doug Yonson
- J.P. Unger

Motion No. AC 2023-04-02 was introduced and defeated on a tie vote.

Following discussions on this item, the Committee carried the report recommendation as presented.

Report Recommendation

That the Audit Committee receive the Conservancy Development Investigation report and recommend that Council consider and approve the recommendations.

Carried

**Amendment:
Motion No. AC 2023-04-02**

Moved by T. Kavanagh

WHEREAS development other than utilities and flood and drainage is not permitted in floodplains, and;

WHEREAS building in floodplains puts residents in potentially costly and devastating, and;

Whereas RVCA stated they did not believe a new assessment of the floodplain in this area because it would not differ from the existing mapping conducted in 2005, and;

Whereas the Auditor General's report found the letters written in regard to floodplain mapping and the cut and fill application stated Council supported this, but the Auditor General found that most members of Council were not even aware that there was a cut and fill application, and;

Whereas the Auditor General's report states: "It is not the City's role as part of the planning process to endorse, support or advocate for a developer's application with another regulatory body, such as the RVCA.", and;

Whereas the writing of a letter of support was a violation of departmental process;

THEREFORE BE IT RESOLVED that Audit Committee recommend to Council to bring forward the report regarding their investigation of the allegations related to planning activities for the conservancy development to the Office of the Auditor General of Ontario (AGO) for further investigation if AGO sees fit.

For (4): C. Curry, T. Kavanagh, M. Carr, and C. Kitts

Against (4): D. Brown, D. Hill, A. Hubley, and W. Lo

Lost on a tie (4 to 4)

**Subject: Office of the Auditor General (OAG) – Investigation of Allegations
Related to Planning Activities for the Conservancy Development**

File Number: ACS2023-OAG-BVG-011

Report to Audit Committee on 27 November 2023

and Council 6 December 2023

Submitted on November 16, 2023 by Nathalie Gougeon, Auditor General

**Contact Person: Nathalie Gougeon, Auditor General, Office of the Auditor General
(OAG)**

613-580-9602: oag@ottawa.ca

Ward: Citywide

**Objet : Bureau de la vérificatrice générale (BVG) – Enquête sur les
allégations relatives aux activités de planification pour le
développement de conservation**

Numéro de dossier : ACS2023-OAG-BVG-011

Rapport présenté au Comité de la vérification

Rapport soumis le 27 novembre 2023

et au Conseil le 6 décembre 2023

Soumis le 16 novembre 2023 par Nathalie Gougeon, Vérificatrice générale

**Personne ressource : Nathalie Gougeon, Vérificatrice générale, Bureau de la
Vérificatrice générale (BVG)**

613-580-9602: bvg@ottawa.ca

Quartier : À l'échelle de la ville

REPORT RECOMMENDATION(S)

**That the Audit Committee receive the Conservancy Development Investigation
report and recommend that Council consider and approve the
recommendations.**

RECOMMANDATION(S) DU RAPPORT

Que le Comité de la vérification reçoive le rapport de l'Enquête sur les allégations relatives aux activités de planification pour le développement de conservation, et recommande au Conseil d'examiner les recommandations, à des fins d'approbation.

BACKGROUND

The Investigation of Allegations Related to Planning Activities for the Conservancy Development was undertaken as a result of a report made to the Fraud and Waste Hotline.

DISCUSSION

In accordance with the Governance report approved by Council on December 7, 2022, the Investigation of Allegations Related to Planning Activities for the Conservancy Development is being tabled with the Audit Committee. The report will then be referred to Council for approval of the audit recommendations. Details of the investigation objective, scope, findings, recommendations, and management action plans can be found in the investigation report (**Document 1**).

In addition to the detailed investigation reports, we have developed a one-page summary of key highlights from our investigation (**Document 2**).

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

LEGAL IMPLICATIONS

There are no legal implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR(S)

This is a city-wide issue.

CONSULTATION

As part of this investigation the OAG consulted with members of the Rideau Valley Conservation Authority (RVCA).

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report.

RISK MANAGEMENT IMPLICATIONS

There are risk implications. These risks have been explained within the attached report. Recommendations have been made to staff in order to mitigate the risks to an acceptable level. Management responses contained within the report are meant to address the risks identified.

SUPPORTING DOCUMENTATION

Document 1 – OAG: Investigation of Allegations Related to Planning Activities for the Conservancy Development

Document 1 – BVG: Enquête sur les allégations relatives aux activités de planification pour le développement de conservation

Document 2 – OAG: Investigation of Allegations Related to Planning Activities for the Conservancy Development - Highlights

Document 2 – BVG: Faits saillants tirés sur l'Enquête sur les allégations relatives aux activités de planification pour le développement de conservation

DISPOSITION

The Office of the Auditor General will proceed according to the direction of the Audit Committee and Council in considering this report.

Note: Pursuant to the Delegation of Authority By-law (By-law No. 2022-29), Schedule "C", Section 7, the City Clerk has authorized the correction of an error in supporting document 2 of the report prior to consideration by the Audit Committee. The correction is to include a bulleted paragraph that had been omitted in Document 2 – OAG: Investigation of Allegations Related to Planning Activities for the Conservancy Development – Highlights.



Office of the
Auditor General
City of Ottawa

Investigation of Allegations Related to Planning Activities for the Conservancy Development

November 2023



Acknowledgement

The team responsible for this investigation was comprised of Kevin Mahendran from the Office of the Auditor General and consultants from MNP, under the supervision of Joanne Gorenstein, Deputy Auditor General and my direction. My colleagues and I would like to thank those individuals who contributed to this project, and particularly, those who provided insights and comments as part of this investigation.

Respectfully,



Nathalie Gougeon, CPA, CA, CIA, CRMA, B.Comm
Auditor General

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Introduction

As a result of the reports received by the City's Fraud and Waste Hotline (FWHL), the Office of the Auditor General (OAG) undertook an investigation to assess allegations related to planning activities and approvals related to the Conservancy residential development within the City of Ottawa (City).

Background and context

The Conservancy Development

The Conservancy development (or the "development") is a 140-acre residential development community located in Barrhaven with over 3 km of river frontage, connecting to the Rideau River. As outlined in the Official Plan Amendment (OPA) request, the site is "located in Barrhaven, south of Strandherd Drive and north of the Jock River. To the north are retail and employment areas along Strandherd Drive/McKenna Casey Drive and residential neighbourhoods (including complementary community facilities such as schools, parks, etc.). To the east is the Barrhaven Town Centre. To the south is the Jock River and on the south side of the Jock River are residential neighbourhoods. To the west is Highway 416 and the urban boundary, and further west, are rural and agricultural areas and uses"¹.

Official Plan Amendment

A typical development application includes the following steps: pre-application consultations, development application review, community and agency notifications, decisions, objections and appeals and post approval processes. Within the development application, a number of studies and plans are submitted by the developer and then a cycle of reviews, questions and follow-ups are conducted by the City. A development application can go through a number of submissions before the City is satisfied that it can proceed to approval under the *Planning Act*. During this process, specific approvals may be needed including an OPA (which is required when a developer wishes to develop the land differently than the Official Plan

¹ Planning Committee Report 62 "Official Plan Amendment – 4305, 4345 and 4375 McKenna Casey Drive and 3285, 3288, 3300, 3305 and 3330 Borrisokane Road"; April 25, 2018.

designates) or a Zoning By-law Amendment (which is required when a developer wishes to develop property that deviates from the current zoning provisions), both of which require City Council approval prior to proceeding with the approval of the development application.

On April 25, 2018, City Council approved an OPA (OPA 212) to change the Secondary Plan designation of the specific land in this area from “commercial recreation” to “residential” to enable the development of this land for residential purposes.

A portion of this land had also been designated as Conservation as it represents a floodplain. Floodplain policies “seek to protect the natural drainage system function of floodplains. Development, other than public utilities and flood and drainage structures, is not permitted in floodplains in order to protect public health and safety and the natural environment”². In other words, typically, no development is allowed on a floodplain.

It was confirmed in the OPA that the boundary between the new residential designation and the conservancy designation would be based on the regulatory flood line for the Jock River. As part of the OPA, it was indicated that the City and Rideau Valley Conservation Authority (RVCA) would be undertaking a review of the Jock River floodplain mapping. That meant that should a floodplain mapping exercise result in the floodplain line moving, there could be the potential for development on this previously unavailable land.

Rideau Valley Conservation Authority

Unique to Ontario, Conservation Authorities are local watershed management agencies that deliver services and programs to protect and manage impacts on water and other natural resources in partnership with all levels of government, landowners and many other organizations.³

Under Ontario's *Conservation Authorities Act*, the RVCA is responsible for furthering the "conservation, restoration, development and management of natural resources in the

² Planning Committee Report 62 “Official Plan Amendment – 4305, 4345 and 4375 McKenna Casey Drive and 3285, 3288, 3300, 3305 and 3330 Borrisokane Road”; April 25, 2018.

³ <https://conservationontario.ca>.

watershed”⁴. They are responsible for protecting people and property from natural hazards like flooding and erosion⁵.

Under their mandate, the RVCA regulates construction in and along environmentally sensitive areas such as floodplains, steep slopes, wetlands, shorelines and waterways (Ontario Regulation 174/06 — Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation)⁶.

The City has a Memorandum of Agreement (MOA) with its conservation partners, including the RVCA. This includes the responsibility of the conservation partners to participate, as requested, in official plan and comprehensive zoning by-law reviews, special zoning studies and related by-laws, land use planning studies, community design plans, master servicing studies, environmental management plans, subwatershed studies and other similar studies as appropriate based on Conservation Partners’ interests.

Cut and Fill Application

The City and the RVCA agreed that their approach would be to update the floodplain mapping for this area. Despite the initiation of this process in 2018, we understand that this mapping was not completed at this time because it was believed by both parties that the results would not differ from the existing mapping at the time (last updated in 2005) and this would not be appropriate value for money.

Based on the OPA, had the floodplain mapping been completed and if the mapping determined that the floodplain line had moved, the boundary between residential and conservancy land could have potentially moved, leading to the ability for land to be developed. This did not occur because the floodplain mapping exercise was not completed at that time.

The developer decided on a different approach and initiated a cut and fill application under Section 28 of the *Conservancy Authorities Act*. A cut and fill (which involves filling a certain volume in the floodplain and then excavating volume from the floodplain), which, if approved, had the potential to allow development on the previously designated conservancy lands. This application required approval by the RVCA. As explained by

⁴ <https://www.rvca.ca>.

⁵ <https://www.rvca.ca>.

⁶ <https://www.rvca.ca>.

the RVCA, this cut and fill application was significant – 407,000 cubic meters – the largest that the organization had ever considered. Because this application was of significant magnitude and would not be a balanced cut and fill (i.e. filling more than cutting), it required the approval of the organization’s Executive Committee. It should be noted that there is no prerequisite for any *Planning Act* approval by the City before a cut and fill application can be granted by the RVCA under Section 28 of the *Conservancy Authorities Act*.

Once approved, the cut and fill essentially resulted in moving the floodplain line so that development could proceed in line with the OPA. It should be noted that the cut and fill was approved by the RVCA with specific conditions including the design and implementation of a monitoring plan over a 10-year period for any potential adverse conditions and erosion as a result of the cut and fill.

Investigation objective and scope

The objective of this investigation was to assess the concerns raised in the reports received through the FWHL related to planning activities undertaken for the Conservancy development.

The scope of our investigation was limited to assessing whether the allegations had merit, and if so, to determine the appropriate course of action that may be required for each of the issues. The scope of the investigation focused on activities related to the floodplain mapping, the cut and fill and specific planning application review activities undertaken between 2018 and 2021.

This investigation was limited to the City’s activities and does not include any third parties.

Readers are cautioned about the important distinction between an investigation and an audit. Audits are designed to provide a high level of assurance over its findings and will typically feature rigorous testing and analysis. While this investigation was conducted in a systematic and professional manner, the extent of activities undertaken by the OAG was narrow compared to an audit and focused solely on the allegations raised to our attention.

Conclusion

The Conservancy development application process has been very complex and technical in nature since it involves the Jock River floodplain. The work performed

highlighted gaps in City processes that could have resulted in decisions that were not in the best interest of the City or its residents, such as issuing a letter of endorsement for the cut and fill application to the RVCA and excluding key City specialists from certain steps of the application review process.

While we were able to substantiate a number of allegations reported, we were not able to fully prove or disprove the merit of the others. **No further information can be provided on these allegations as we were unable to conclude on them or they were outside the OAG's jurisdiction.**

Investigation findings and recommendations

Planning Activities

1.1 Floodplain Mapping

As noted above, in conjunction with OPA 212, the RVCA and City agreed on a process to update the floodplain mapping for the area. At the time, there was the consideration that should an updated floodplain mapping result in a lower floodplain than the baseline flood line established in 2005, this could result in the flood line changing. In conjunction with approved OPA 212, lands removed from the floodplain would change from “conservation” designation to “residential” designation and as a result, development could be contemplated in the area. We understand that a consultant was hired to conduct the first phase of the floodplain mapping.

In February 2019, the consultant hired by the City issued their report which ultimately concluded that the current peak flow rate was not significantly different than the previous result. Discussions between the City and the RVCA, based on this report, resulted in the two parties recommending that the floodplain mapping for the Jock River not be updated at this time as it would not significantly change the flood line.

Despite this decision and rationale made in February 2019, a letter was written co-signed by the Mayor and the General Manager, Planning, Infrastructure and Economic Development Department (PIED) (currently the Planning, Real Estate and Economic Development Department (PRED) on March 13, 2019 to the RVCA in an effort to “reemphasize the importance of completing the Barrhaven community” and to “reinforce the Floodplain mapping update with priority”. This letter further references previous work produced by consultants on behalf of the developer.

Such a letter attempting to convince the RVCA to proceed with an updated floodplain mapping was in misalignment with conclusions made by City staff and the RVCA based on independent analysis. Further, we understand that, despite the request for the updated floodplain mapping coming from Council, the decision to not proceed with the floodplain mapping at the time and the associated rationale was not brought back to City Council.

RECOMMENDATION 1 – UPDATING COUNCIL ON KEY DECISIONS AND RESULTS

The GM, PRED should ensure that key decisions and/or results associated with directions from City Council are communicated back to Council in a timely manner.

MANAGEMENT RESPONSE 1

Management agrees with this recommendation. A communication to staff will be issued to ensure key decisions and/or results associated with directions from City Council are communicated back to Council in a timely manner. This will be completed in Q4 2023.

1.2 Endorsement of Cut and Fill Application to RVCA

Once it was established that the floodplain mapping was not going to change the flood lines, in order to proceed with developing the conservancy land, the developer chose to pursue a different approach; a cut and fill application to the RVCA under Section 28 of the *Conservancy Authorities Act*. In a traditional “balanced cut and fill”, when a specific volume is filled within the floodplain, the same volume is then excavated. This cut and fill application was for filling 407,000 cubic meters but only undertaking a cut of 116,000 cubic meters.

Due to the significance of the cut and fill application (specifically the largest fill volume the RVCA had ever had to consider), the application was subject to a hearing before the RVCA’s Executive Committee in accordance with their policies for applications that cannot be approved at the staff level. We understand that the RVCA requested a letter of endorsement by the City for this cut and fill application.

On November 7, 2019, a letter was written by the Director of Planning Services within PIED to the RVCA confirming the City’s support for the approval of the cut and fill application. Further, the letter stated, “we want to reinforce the support Council has expressed for this file...”. While management has indicated that the use of this

statement was referring to Council's approval of OPA 212 in 2018, the letter in question is responding to the placement of fill in sections of the Jock River floodplain. It is our understanding that most members of Council were not even aware that there was a cut and fill application being considered and still expected a floodplain mapping to be completed. The cut and fill permit was approved by RVCA's Executive Committee on November 8, 2019.

It is not the City's role as part of the planning process to endorse, support or advocate for a developer's application with another regulatory body, such as the RVCA. As noted above, a cut and fill application is a standalone application to the RVCA under the *Conservancy Authorities Act* and is not necessarily tied to any City activity under the *Planning Act*. It was confirmed that the issuance of this letter was a violation of departmental processes as this external communication was not signed off on by the General Manager.

We believe that the letter from the City contributed to the RVCA's Executive Committee approval of the cut and fill application, which was not appropriate for the City to have issued.

RECOMMENDATION 2 – POLICY ON ENDORSEMENT OR SUPPORT

The GM, PRED should establish a formal policy outlining that the City does not take an advocacy or endorsement position for any developer or development as input into a third-party's decision making.

MANAGEMENT RESPONSE 2

Management agrees with this recommendation. Management will be issuing a communication to staff outlining City staff's obligation to provide information, analysis and any applicable Council decision, and reiterate, staff does not take an advocacy or endorsement position for any developer or development as input into a third-party's decision. This will be completed by Q4 2023.

1.3 Peer Review of Servicing Report

Typically, when a new community is being contemplated, a large-scale Community Design Plan (CDP) is developed. This is a Council-approved policy document that

focuses on the planning and design of the physical environment⁷. As part of a CDP, a Master Servicing Study (MSS) would be prepared which would lay out the options for the servicing of this new community, specifically related to water, wastewater and stormwater. Through the CDP, an MSS would typically be subject to City Council review and approval. Because specific land included as part of the Conservancy development was, at one time, conservancy designated land, it had not been subject to any MSS as it never was intended to be developed.

Once the RVCA approved the cut and fill permit and the development application could proceed, work was required to address the infrastructure and servicing of this new development (because the land had not been subject to an MSS). An alternative was proposed by the developer to perform a Master Infrastructure Review (MIR). This alternative was agreed to by the City. We understand that an MIR is not a standard study. Although the MIR included the primary elements of an MSS, it was specifically prepared for this smaller piece of land and was less focused on options, as this was only being established for one development.

The MIR, undertaken by the developer, was subject to a detailed review as part of the City's application review process. Within the Asset Management Branch (AMB) of the Infrastructure Planning Unit (organizational structure in place at the time), a team of experts was in place to participate in the development application process and conduct these reviews of servicing plans because of their expertise (and role) with the City infrastructure, and because it is AMB who becomes the manager of the new assets that are inherited from the developer.

We understand that, while the standard process would have the AMB conducting this review of the developer's MIR, due to certain complexities, management within Planning Services made the decision to hire a third-party consultant for this work and the AMB was removed from the file.

Interviews with representatives from the AMB indicated that it was surprising that management outsourced the review and confirmed that, despite this, they were informally asked for input because of their specialization and expertise and to bridge gaps in the understanding of the consultant. Interviews with others involved in the application review process (including those from the-then PIED and Public Works departments) also confirmed their surprise that the AMB did not conduct the review and indicated that, from their perspective, AMB staff tend to take a longer-term view as compared to an external consultant, who would have a short-term, technical

⁷ <https://ottawa.ca/en/planning-development-and-construction/community-design/community-plans-and-studies/community-design-plans>.

perspective. This was even more critical for this particular file because the stormwater management approach being proposed by the developer was not the traditional approach the City was accustomed to.

Removing key City representatives with the applicable technical skills and perspectives from the application review process increases the risk that equipment and processes being proposed by the developer may not be in the best interest of the City.

RECOMMENDATION 3 – FORMALIZE ROLE OF CITY EXPERTS

For all stages of the development application process, if a consultant is leveraged to conduct a peer review, the GM, PRED should establish a formal role for City subject matter experts to ensure the impact on City infrastructure is fully evaluated.

MANAGEMENT RESPONSE 3

Management agrees with this recommendation. When a consultant is leveraged to conduct a peer review a City subject matter expert will be assigned to fully capture the impact on City infrastructure. This will be completed by Q2 2024.

Appendix 1 – About the investigation

Investigation objective

The objective of this investigation was to assess the concerns raised in the reports received through the FWHL related to planning activities undertaken for the Conservancy development.

Scope

The scope of our investigation was limited to assessing whether the allegations had merit, and if so, determine the appropriate course of action that may be required for each of the issues.

It should be noted that the allegations presented involve some activities of a third party – the RVCA. The RVCA is a separate entity from the City of Ottawa and is governed by the province of Ontario and the *Conservancy Authorities Act*. The OAG has no jurisdiction to investigate allegations or concerns related to the activities of the RVCA and has not commented them.

Investigation approach and methodology

To assess the merit of the allegations outlined in the reports received, we undertook the following:

- **Review of information and documentation:** This included a detailed review of publicly available and City provided documents related to the development application.
- **Interviews with employees and discussions with management:** Interviews were conducted with City representatives and a limited number of third parties, including the RVCA.

Investigation of Allegations Related to Planning Activities for the Conservancy Development



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Follow us on Twitter [@oagottawa](https://twitter.com/oagottawa)

The **Fraud and Waste Hotline** is a confidential and anonymous service that allows City of Ottawa employees and members of the general public to report suspected or witnessed cases of fraud or waste 24 hours a day, seven days a week.

www.ottawa.fraudwaste-fraudeabus.ca / 1-866-959-9309

Investigation of Allegations Related to Planning Activities for the Conservancy Development

? Why we did this investigation

Through the City's Fraud and Waste Hotline (FWHL), the Office of the Auditor General (OAG) received allegations in relation to planning activities and approvals related to the Conservancy residential development. Our office undertook an investigation to assess concerns raised in the FWHL report and to determine whether the allegations had any merit.

This investigation was limited to the City's activities and does not include any third parties.

Background

A portion of this planned residential development was in an area previously designated as conservation land because it is in the Jock River floodplain and where, development is not typically allowed. To enable the development, an unbalanced cut and fill application (which involved filling more volume in the floodplain than what was excavated) was approved by the Rideau Valley Conservation Authority (RVCA).

Q What we found

The work we performed highlighted gaps in City processes, including:

- Excluding specific key City specialists from certain steps of the application review process.

- Issuing a letter of support to the RVCA to continue a floodplain mapping which had already been deemed to be paused as a result of a preliminary assessment that indicated that the flood line would not significantly change.
- Not bringing the decision to pause the floodplain mapping back to Council, who had originally requested its completion.

💡 We made three recommendations to ensure:

- That the City does not take an advocacy or endorsement position for any developer or development as it could be utilized by a third party in their decision making;
- If a consultant is leveraged for the conduct of a peer review, a formal role for City subject matter experts is established; and
- Key decisions and results associated with directions from City Council are communicated back to Council in a timely manner.

For more details on this report please visit our [website](#).
613 580-9602 | OAG@ottawa.ca

9.0 Mileage Rate Adjustment Date Report #: 01-240125

To: RVCA Board of Directors
From: Kathy Dallaire
Manager of Finance
Date: Jan 16, 2024

<input type="checkbox"/>	For Information
<input type="checkbox"/>	For Direction
<input checked="" type="checkbox"/>	For Adoption
<input type="checkbox"/>	Attachment

Recommendation:

THAT the Board of Directors of the Rideau Valley Conservation Authority approves the mileage rate paid to RVCA employees and directors for use of a personal vehicle to carry out duties on behalf of the Rideau Valley Conservation Authority be adjusted annually on January 1 of each year to the rate considered reasonable for that year as prescribed by the Canada Revenue Agency (CRA).

Purpose

To provide direction to staff on how frequently to update RVCA's mileage rate.

Background

At the RVCA's Board of Directors meeting on July 28, 2022, staff presented [Report # 2-220728](#) regarding RVCA's mileage rate. The Board then approved the following motion:

THAT the Board of Directors of the Rideau Valley Conservation Authority adopt the Canada Revenue Agency's mileage rate to be paid to RVCA employees and directors for use of a personal vehicle to carry out duties on behalf of the Rideau Valley Conservation Authority, and that this mileage rate take effect August 1, 2022.

Analysis

The approved motion provided staff with direction that the RVCA's per-kilometer rate should reflect what the CRA considers reasonable as prescribed in section 7306 of the Income Tax Regulations. However, the motion did not indicate when and how frequently the rate should be updated. Staff recommend that the mileage rate be adjusted annually on January 1 of each year for ease of budgeting and reporting.

As of 2024, the CRA considers reimbursement of \$0.70 per kilometer for the first 5,000 kilometers driven and \$0.64 per kilometer after that to be reasonable. The mileage reimbursement rate is meant to cover all expenses accrued when using a personal

vehicle for business. These expenses include both owning and operating the vehicle such as tax and insurance, as well as fuel and maintenance.

Input From Other Sources

Mileage rates set by other conservation authorities and the CRA were reviewed when setting the new mileage rate in 2022.

Financial Considerations

Mileage for members is budgeted for in RVCA's annual operating budget as well as occasional mileage claimed by staff.

Legal Considerations

The RVCA's mileage rate complies with Canada Revenue Agency policies and guidelines.

Adherence to RVCA Policy

Section 17 of RVCA's Administrative Bylaws include the following statement:

The Authority shall reimburse Members' reasonable travel expenses incurred for the purpose of attending meetings and/or functions on behalf of the Authority. A per-kilometre rate to be paid for use of a personal vehicle shall be approved by Resolution of the General Membership from time-to-time. Requests for such reimbursements shall be submitted within a timely fashion and shall be consistent with Canada Revenue Agency guidelines.

Section 2.11.1 of RVCA's Personnel Policies include the following statement:

With prior approval from your supervisor, you may use your personal vehicle for Authority business when there is no Authority vehicle available and/or when it is most practical to do so. You must carry proper vehicle insurance in accordance with the Ministry of Transportation's vehicle licensing requirements.

You will be reimbursed for the use of your personal vehicle for the actual distance traveled on Authority business at the current RVCA rate.

Link to Strategic Plan

**10.0 Watershed Conditions Report
Report #: 02-240125**

To: RVCA Board of Directors
From: Glen McDonald
Director of Science and Planning
Date: January 19, 2024

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<input type="checkbox"/>	For Adoption
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Recommendation:

THAT the Board of Directors of the Rideau Valley Conservation Authority approves the attached 2023 Watershed Conditions Report and authorizes staff to make small editorial corrections or revisions if required.

Purpose

To seek approval of the attached 2023 Watershed Conditions Report and provide an update on next steps to prepare a Watershed Management Plan.

Background

To-date, RVCA has followed the general framework for watershed reporting developed by Conservation Ontario. This involves conservation authorities issuing Watershed Report Cards to report on the health of Ontario's watersheds through the use of key environmental indicators. Watershed Report Cards are an effective way to deliver a vast amount of technical information in a concise, readily understandable and interesting way. They help improve local knowledge and can be used as a management and evaluation tool to make better decisions about the protection of important land and water resources.

Since 2009, the RVCA has applied this approach at the subwatershed and catchment scale using data collected and analyzed by the RVCA through its watershed monitoring and land cover classification programs to produce subwatershed and catchment reports. Both product lines can be viewed at <https://watersheds.rvca.ca/>.

In 2023, the RVCA deviated from this approach and issued a Rideau Watershed Report Card for the first time, in line with Conservation Ontario's framework and 5-year cycle.

Analysis

As approved by the Board at their meetings on July 22, 2021 (staff report #: 4-210722) and January 27, 2022 (staff report #: 2-220127) the RVCA temporarily moved away from producing subwatershed and catchment scale report cards to enable the

preparation of a watershed-wide conditions report and management plan. The first and only comprehensive water resources assessment of the entire Rideau watershed was the 1968 Conservation Report that was prepared for the Rideau watershed by the province just after the RVCA was first formed.

Staff have now completed a Watershed Conditions Report for the Rideau watershed which is attached for the Board's review and consideration. This report provides a comprehensive overview of the following conditions in the Rideau watershed:

• Part 1 Introduction: The Ever-Changing Rideau Valley	5
○ Physiography of the Rideau Valley	13
○ Natural Hazards	21
• Part 2 Watershed Conditions: Water	37
○ Surface Water Hydrology	39
○ Groundwater Hydrology	65
○ Surface Water Quality & Aquatic Habitats	85
• Part 3 Watershed Conditions: Land Cover.....	125
○ Land Cover Changes	127
○ Riparian-Shoreline Cover & Change	139
○ Wetland Cover & Change	149
○ Woodland Cover & Change	159
• Part 4 Conclusion: Issues and Concerns in the Rideau Valley	177

If approved, this Watershed Conditions Report will be posted on RVCA's website and released publicly in various forms. It will be of great value to RVCA and member municipalities to help inform policies and decision making and is of use and interest to numerous other groups, partners and communities who regularly request information and data about the health and state of the watershed.

The Conditions Report will also be used as the foundation of a Watershed Management Plan for the Rideau watershed. A watershed management plan for the Rideau will contain clear recommendations that can be implemented and measured that will:

- Guide and shape RVCA's policies, programs and services moving forward
- Guide and shape municipalities' policies, programs and services moving forward
- Guide and shape the priorities and actions of other key partners

The completion of the Conditions Report along with the Watershed Management Plan will also help RVCA comply with new legislative requirements under the Conservation Authorities Act by serving as RVCA's Watershed-Based Resource Management Strategy.

In completing a Watershed Management Plan by the end of 2024, RVCA will:

- Engage with First Nations, municipalities, key partners and the public to solicit input and knowledge that will help shape and prioritize recommendations
- Work with third parties where needed to understand the impact climate change could have on watershed conditions and how it should shape recommendations
- Work with third parties where needed to understand the economic / asset management value of current watershed conditions (natural assets / green infrastructure) and how it should shape recommendations
- Include recommendations that will clearly identify:
 - Criteria and locations that monitoring programs should focus on
 - Mapping and policies that planning and regulatory programs should focus on
 - Projects and locations that stewardship programs should focus on
 - Selection criteria that land acquisition efforts should focus on
 - Areas and concerns that future studies and reports should focus on

Input From Other Sources

This Watershed Conditions Report was written, edited and designed by RVCA staff from science, engineering, planning, regulations and communications. Development of the Watershed Management Plan (next step) will involve input and guidance from First Nations, municipalities, partners, key stakeholders and the public.

Financial Considerations

This report was completed by RVCA staff as part of RVCA's operating budget.

Legal Considerations

The Watershed Conditions Report will form part of the Watershed-Based Resource Management Strategy that all conservation authorities are required to complete by December 31, 2024 as per *Ontario Regulation 686/21: Mandatory Programs and Services*.

Adherence to RVCA Policy

Link to Strategic Plan

The Watershed Conditions Report supports Strategic Direction #1, Priority #6:

- Continue to monitor and report on subwatershed health with a growing emphasis on identifying trends and required actions.

Attachment:

- [2023 Watershed Conditions Report](#)

**11.0 Election of Chair and Vice-Chair
Report #: 03-240125**

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
General Manager / Secretary-Treasurer
Date: January 19, 2024

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<input checked="" type="checkbox"/>	Attachment – 2 pages

Purpose

To hold elections for Chair and Vice-Chair of the Board of Directors of the Rideau Valley Conservation Authority for the year 2024.

Background

Elections are held annually for the positions of Chair and Vice-Chair. Responsibilities, maximum terms and election procedures are outlined in Section 17 of the *Conservation Authorities Act* and RVCA's Administrative By-law:

Responsibilities

RVCA's Administrative By-law (section B2) states the Officers of the Authority, and their respective responsibilities, shall be:

Chair

- Is a Member of the Authority;
- Presides at all meetings of the General Membership and Executive Committee;
- Calls special meetings if necessary;
- Acts as a public spokesperson on behalf of the General Membership;
- Serves as a signing officer for the Authority;
- Ensures relevant information and policies are brought to the Authority's attention;
- Keeps the General Membership apprised of significant issues in a timely fashion;
- Performs other duties when directed to do so by resolution of the Authority.

Vice-Chair

- Is a Member of the Authority;
- Attends all meetings of the General Membership and Executive Committee;
- Carries out assignments as requested by the Chair;
- Understands the responsibilities of the Chair and acts as Chair immediately upon the death, incapacity to act, absence or resignation of the Chair until such time as a new Chair is appointed or until the Chair resumes his/her duties;
- Serves as a signing officer for the Authority.

It should be noted that the Chair also presides at all meetings of the Audit Committee and serves as RVCA's voting delegate on Conservation Ontario Council. The Vice-Chair also attends all meetings of the Audit Committee and serves as RVCA's alternate voting delegate for Conservation Ontario Council.

Election Procedures

RVCA's Administrative By-law (section B5) states the election of the Chair and Vice-Chair shall be held at the first meeting of the General Membership each year in accordance with the Authority's Procedures for Election of Officers. RVCA's election procedures are outlined in Appendix 3 (attached) of the Administrative By-law.

Maximum Term

The Province amended the *Conservation Authorities Act* in 2021 and Section 17 (1.1) now states: A chair or vice-chair [...] shall hold office for a term of one year and shall serve for no more than two consecutive terms.

Municipal Representation

In 2021 Section 17 (1.2) was also proclaimed which states: An authority in respect of which more than one participating municipality has been designated shall appoint chairs and vice-chairs from among the members appointed to the authority by each participating municipality on a rotating basis so as to ensure that a member appointed to the authority by a particular participating municipality cannot be appointed to succeed an outgoing chair or vice-chair appointed to the authority by the same participating municipality.

Exception Request to Minister

Section 17 (1.3) states: Despite subsections (1.1) and (1.2), upon application by an authority or a participating municipality, the Minister may grant permission to the authority or participating municipality to, subject to such conditions or restrictions as the Minister considers appropriate,

- (a) appoint a chair or vice-chair for a term of more than one year or to hold office for more than two consecutive terms;
- (b) appoint as chair or vice-chair of the authority a member who was appointed to the authority by the same participating municipality that appointed the outgoing chair or vice-chair.

Analysis

Kristin Strackerjan representing the Municipality of North Grenville, served as Chair of the RVCA for 1 consecutive one-year term (2023). As per Section 17 (1.1) of the Act, Ms. Strackerjan is eligible to stand for re-election for the position of Chair in 2024 as is any other member.

Anne Robinson representing the City of Ottawa, served as Vice-Chair of the RVCA for 1 consecutive one-year term (2023). As per Section 17 (1.1) of the Act, Ms. Robinson is eligible to stand for re-election for the position of Vice-Chair in 2024. As per Section 17

(1.2) of the Act, no other member from the City of Ottawa is eligible to stand for election for the position of Vice-Chair in 2024, but any other member may.

Input from Other Sources

N/A

Financial Considerations

The Chair receives an annual honorarium of \$2000 in addition to member per diems and mileage. This honorarium has been accounted for in RVCA's 2024 budget. There is no honorarium provided to the Vice-Chair.

Legal Considerations

The elections of Chair and Vice-Chair are in accordance with the *Conservation Authorities Act*.

Adherence to RVCA Policy

The elections of Chair and Vice-Chair are in accordance with RVCA's Administrative By-law (By-law No. 1). Appendix 3 of By-law No.1 is attached for reference as it outlines the procedure for election of Chair and Vice-Chair.

Link to Strategic Plan**Attachments**

- RVCA's Procedure for Election of Officers (Administrative By-law, Appendix 3)

Appendix 3 – Procedure for Election of Officers

1. Voting

Voting shall be by secret ballot and no Members may vote by proxy.

2. Acting Chair

The General Membership shall appoint a person, who is not a voting Member, as Acting Chair or Returning Officer, for the purpose of Election of Officers.

3. Scrutineer(s)

The appointment of one or more scrutineers is required for the purpose of counting ballots, should an election be required. All ballots shall be destroyed by the scrutineers afterwards. The Acting Chair shall call a motion for the appointment of one or more persons, who are not Members of the Authority, to act as scrutineers.

4. Election Procedures

The Acting Chair shall advise the Members that the election will be conducted in accordance with the Act as follows:

- a) The elections shall be conducted in the following order:
 - i. Election of the Chair, who shall be a Member of the Authority
 - ii. Election of the Vice-chair, who shall be a Member of the Authority.
- b) The Acting Chair shall ask for nominations to each position;
- c) Only current Members of the Authority who are present may vote;
- d) Nominations shall be called three (3) times and will only require a mover;
- e) The closing of nominations shall require both a mover and a seconder;
- f) Each Member nominated shall be asked to accept the nomination. The Member must be present to accept the nomination unless the Member has advised the Secretary-Treasurer in writing or by email in advance of the election of their willingness to accept the nomination.

If one Nominee:

- g) If only one nominee, the individual shall be declared into the position by acclamation.

If More than One Nominee:

- h) In the event of an election, each nominee shall be permitted not more than three (3) minutes to speak for the office, in the order of the alphabetical listing by surnames.
- i) Upon the acceptance by nominees to stand for election to the position of office, ballots shall be distributed to the Members by the scrutineers for the purpose of election and the Acting Chair shall ask the Members to write the name of one individual only on the ballot.
- j) The scrutineers shall collect the ballots, leave the meeting to count the ballots, return and advise the Acting Chair who was elected with more than 50% of the vote.

A majority vote shall be required for election. If there are more than two nominees, and upon the first vote no nominee receives the majority required for election, the name of the person with the least number of votes shall be removed from further consideration for the office and new ballots shall be distributed. In the case of a vote where no nominee receives the majority required for election and where two or more nominees are tied with the least number of votes, a special vote shall be taken to decide which one of such tied nominees' names shall be dropped from the list of names to be voted on in the next vote.

Should there be a tie vote between two remaining candidates, new ballots shall be distributed and a second vote held. Should there still be a tie after the second ballot a third vote shall be held. Should there be a tie after the third vote, the election of the office shall be decided by lot drawn by the Acting Chair or designate.