

**RIDEAU VALLEY CONSERVATION AUTHORITY
Box 599, 3889 Rideau Valley Drive
Manotick, Ontario, K4M 1A5
(613) 692-3571, 1-800-267-3504**

Hybrid meeting held in-person and electronically

APPROVED MINUTES

Board of Directors 1/24 Thursday, January 25, 2024

- Present:** Jeff Banks Anne Barr
 David Brown Barry Card
 Sean Devine Brian Dowdall
 Steve Fournier Mel Foster
 Susan Irwin Theresa Kavanagh
 Wilson Lo Shawn Pankow
 Angela Pierman Anne Robinson
 Kristin Strackerjan Gary Waterfield
 Adrian Wynands
- Staff:** Sommer Casgrain-Robertson, General Manager
 Dan Cooper, Director Conservation Lands and Stewardship
 Kathy Dallaire, Manager of Finance
 Diane Downey, Director of Communications and Outreach
 Marissa Grondin, Executive Assistant
 Glen McDonald, Director, Science and Planning
 Terry Davidson, Director, Engineering and Regulations
- Regrets:** Morgan Kenny
- Guests:** Charlotte Watson, Bell Baker LLP.

Chair Strackerjan called the meeting to order at 6:31 p.m.

1.0 Roll Call

General Manager/Secretary-Treasurer conducted a roll call.

Councillor Sean Devine was introduced as a new member representing the City of Ottawa and was invited to say a few words.

The Board was also informed that Councillor Godfrey from South Frontenac had resigned from Council and would no longer be a member of the Board.

2.0 Land Acknowledgement Statement

Chair Strackerjan gave the Land Acknowledgement statement.

3.0 Agenda Review

Chair Strackerjan reviewed the Agenda.

4.0 Adoption of Agenda

Resolution 1-240125

Moved by:

Susan Irwin

Seconded by:

Brian Dowdall

THAT the Board of Directors of the Rideau Valley Conservation Authority adopts the Agenda as circulated.

Resolution Carried

5.0 Declaration of Interest

Brian Dowdall declared an interest in item number 8.0 “Correspondence: Forward of the City of Ottawa’s Auditor General’s Report”.

Mr. Dowdall stated the reason for the declaration as follows:

“I participated in the Section 28 Hearing held November 2019 as a member of the Rideau Valley Conservation Authority’s Executive Committee. I make this declaration in accordance with Section 2 of the RVCA’s Member Conflict of Interest Policy which is Appendix 2 of RVCA’s Administrative Bylaw.”

6.0 Approval of Minutes of November 23, 2024

A member noted that the date of the meeting was November 23, 2023 not November 25, 2023.

Resolution 2-240125

Moved by:

Jeff Banks

Seconded by:

Anne Barr

THAT the Board of Directors of the Rideau Valley Conservation Authority approves the Minutes of the Board of Directors Meeting #08/23, November 23, 2023, as amended.

Resolution Carried

7.0 Business Arising from the Minutes

There was no business arising.

Brian Dowdall left the meeting room at 6:39 p.m.

8.0 Correspondence

Sommer Casgrain-Robertson introduced Charlotte Watson from Bell Baker LLP, RVCA's legal counsel.

Ms. Casgrain-Robertson presented the attached slides summarizing how Section 28 applications are processed, she gave a brief summary of the Conservancy Development Section 28 file and she summarized the attached letter that was received from the Ontario Ombudsman dated January 23, 2024 which was circulated to members via email on January 24, 2024.

Theresa Kavanagh joined the meeting 6:44 p.m.

A member asked why the matter had been reported to the Ontario Ombudsman rather than the Ontario Auditor General. Ms. Casgrain-Robertson explained that it was not the RVCA who reported the matter and therefore could not comment on why it had been reported to one provincial body over the other. She further stated that it was her understanding that a letter had been sent to the Ontario Ombudsman by two former City of Ottawa Councilors regarding the matter but could not speak to why it was addressed to that body. Staff also understand that the Ontario Auditor General is also aware of the matter, as was confirmed by the City of Ottawa's Auditor General in her remarks to the City's Audit Committee. The member asked if the RVCA had been contacted by the Ontario Auditor General and Ms. Casgrain-Robertson confirmed that the RVCA had only been contacted by the Ontario Ombudsman regarding this matter, not the Ontario Auditor General. The member indicated that following the City of Ottawa's Auditor General's Report and her ability to only review the role of the City, it seemed necessary to have the matter reviewed by a provincial body and acknowledged the review undertaken by the Ontario Ombudsman.

A member requested clarity on why the matter was before the RVCA Board of Directors. Ms. Casgrain-Robertson explained that City of Ottawa Council had passed a motion to circulate the Ottawa Auditor General's report to the RVCA's Board of Directors, so the report and accompanying information was provided as an information item in accordance with this direction.

Chair Strackerjan acknowledged the uniqueness of the file and noted the recommendations provided by the Ombudsman and that they had been previously implemented by the RVCA as a result of legislative changes.

Brian Dowdall joined the meeting 7:01 p.m.

9.0 Mileage Rate Adjustment

Kathy Dallaire presented a staff report seeking clarity from the Board on implementing RVCA's adjusted mileage rate.

A member inquired about the rate set by the CRA and the reduction in the reimbursement rate after 5,000 kilometers. Ms. Dallaire explained that a mileage rate in excess of rates set by the CRA could trigger a taxable benefit to the employee and clarified that the 5,000 kilometer threshold was an annual threshold.

Another member inquired about how often staff use their own vehicles, noting that RVCA maintains a vehicle fleet that should be used as much as possible. Ms. Dallaire responded that RVCA's personnel policies direct staff to use RVCA vehicles except in extenuating circumstances where it is not possible or does not make operational sense to do so. In looking at past expenses, staff use of personal vehicles is low in relation to fleet use.

A member asked if mileage rates would need to be adjusted before January 1 each year for budgeting purposes. Ms. Dallaire explained that the CRA releases new rates ahead of time so staff would be able to reflect any rate changes in the draft budget.

The member also inquired about the City of Ottawa's mileage rate, but staff did not have that information available. Another member shared that their municipality's rate was \$0.64 cents per kilometer.

Resolution 3-240125

Moved by:

Adrian Wynands

Seconded by:

Steve Fournier

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).

AND THAT the first adjustment take effect January 1, 2024

Resolution Carried

10.0 Watershed Conditions Report

Glen McDonald, Director of Science and Planning, introduced the Watershed Conditions Report, highlighting its significance in terms of scope and content. He applauded the significant level of effort and dedication it took from staff

across multiple programs and departments to complete the report. He also outlined next steps to prepare a Watershed Management Plan.

A member praised the team and asked how frequently the report would be updated. Mr. McDonald explained that the frequency had not been determined yet, but that updates in the future would be easier now that a template for the report exists.

A member asked for clarification on the difference between the Watershed Management Plan and the Watershed-Based Resource Management Strategy now required by the province. Ms. Casgrain-Robertson explained that the Watershed Conditions Report and subsequent Watershed Management Plan were initiated before the province legislated that deliverable, but that they would be prepared in a manner that satisfies the province's criteria.

A member asked about the circulation of the Watershed Conditions Report. Mr. McDonald explained that it would be posted and circulated following Board approval. The member asked if a consultation period would follow, and staff confirmed that consultation would take place during the development of the watershed plan and any significant changes would be brought back to the Board.

A member asked how smaller municipalities can utilize the Conditions Report to work with RVCA to address conditions in their local area. Mr. McDonald responded that the upcoming management plan would contain recommendations, some of which will be tailored to address local data gaps or mitigation needs in specific areas.

Resolution 4-240125 **Moved by:** Anne Robinson
Seconded by: Anne Barr

THAT the Board of Directors of the Rideau Valley Conservation Authority approves the attached 2023 Watershed Conditions Report;

AND THAT staff be authorized to make small editorial corrections or revisions if required.

Resolution Carried

11.0 Election of Chair and Vice Chair

Chair Strackerjan requested a motion to appoint Sommer Casgrain-Robertson as Acting Chair for the purpose of conducting the election of Chair and Vice-Chair.

Resolution 5-240125 **Moved by:** Brian Dowdall

Seconded by: David Brown

THAT the Board of Directors of the Rideau Valley Conservation Authority appoints the General Manager as Acting Chair for the purpose of Election of Officers.

Resolution Carried

Kristin Strackerjan surrendered the Chair to Ms. Casgrain-Robertson who then presided over the election for Chair.

Acting Chair Casgrain-Robertson called for nominations from the floor for Chair of the Rideau Valley Conservation Authority Board of Directors for the year 2024.

Gary Waterfield nominated Kristin Strackerjan and she accepted the nomination.

Acting Chair Casgrain-Robertson called for nominations from the floor two more times.

There were no further nominations.

Resolution 6-240125

Moved by: Theresa Kavanagh
Seconded by: Susan Irwin

THAT nominations for the position of Chair of the Rideau Valley Conservation Authority Board of Directors for the year 2024 be closed.

Resolution Carried

Kristin Strackerjan was acclaimed Chair of the RVCA Board of Directors for the year 2024.

Acting Chair Casgrain-Robertson then presided over the election for Vice-Chair.

Acting Chair Casgrain-Robertson called for nominations from the floor for Vice-Chair of the Rideau Valley Conservation Authority Board of Directors for the year 2024.

Brain Dowdall nominated Anne Robinson and she accepted the nomination.

Acting Chair Casgrain-Robertson called for nominations from the floor two more times.

There were no further nominations.

Resolution 7-240125

Moved by: Wilson Lo

Seconded by: Anne Barr

THAT nominations for the position of Vice-Chair of the Rideau Valley Conservation Authority Board of Directors for the year 2024 be closed.

Resolution Carried

Anne Robinson was acclaimed Vice-Chair of the RVCA Board of Directors for the year 2024.

Chair Strackerjan resumed the meeting.

Charlotte Watson left the meeting 7:26 p.m.

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
 - Adrian Wynands spoke with Conservation Ontario who are going to see if conservation authorities can assist the Dairy Farmers of Ontario's with their goal of net zero emissions by 2050.
 - Brian Dowdall attended a session on proposed battery storage plants, where some municipalities were encouraging other councils to do thorough research before considering such projects. Ms. Casgrain-Robertson also attended this session and passed along the concerns raised at RVCA's last Board meeting to the province.

Upcoming

- f) Lanark County 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
 - RVCA staff taking a different approach this year to tailor messaging to municipalities.

Anne Barr inquired about the wetland workshop and asked if consultants could attend if they are working on behalf of a municipality. Glen McDonald explained that the invitation was sent to municipal CAOs and planners with the hope that it would be passed along to any planning consultants working for the municipality. He asked Councillor Barr to provide the consultants' contact information and he would forward the invitation to them.

Anne Robinson praised the efforts of the NCC to share their climate change knowledge and resources with others in the area and was pleased that there

was local collaboration taking place among conservation authorities and other implementers to avoid duplicating efforts on the ground.

13.0 Member Inquiries

Steve Fournier referenced two recent land acquisitions and asked if RVCA had contributed financially. Dan Cooper, Director of Conservation Lands and Stewardship, indicated that both properties were acquired through a partial land donation and external funding.

14.0 New Business

Sommer Casgrain-Robertson informed the Board that two letters were received from the Minister of Natural Resources and Forestry on December 13, 2023. One froze conservation authority fees at 2023 rates until December 31, 2024. She indicated that this meant fee schedules approved by the Board in October had to be repealed except septic fees which are set under the Ontario Building Code on behalf of municipalities. The second letter granted the RVCA an extension until March 31, 2024 to complete transition requirements including category 3 agreements.

A member asked why the Minister had frozen fees and Ms. Casgrain-Robertson indicated that one conservation authority had submitted that question to the Minister and the response was that it was done to help keep housing costs down.

A member asked how many items in RVCA's 2024 budget depended on the proposed 3% fee increase. Ms. Casgrain-Robertson stated that the fee freeze would only affect projected revenue for RVCA's plan review and section 28 programs and additional information would be provided at the February meeting when the budget is considered for approval.

15.0 Closed Session

Chair Strackerjan requested that Sommer Casgrain-Robertson, Dan Cooper, Diane Downey and Marissa Grondin stay in the room for the closed session, while all other staff and guests were asked to leave the meeting.

Resolution 8-240125

Moved by:

Susan Irwin

Seconded by:

Gary Waterfield

THAT the Board of Directors of the Rideau Valley Conservation Authority move into closed session to consider the acquisition of a piece of land which it is permitted to do under Section C. 13. c) of RVCA's Administrative Bylaw and as listed on tonight's agenda;

AND THAT the following staff participate in the closed session in addition to the recording secretary: Dan Cooper, Diane Downey and Sommer Casgrain-Robertson.

Resolution Carried

Sean Devine left the meeting 7:53 p.m.

Resolution 9-240125

Moved by: Anne Robinson
Seconded by: Barry Card

THAT the Board of Directors of the Rideau Valley Conservation Authority rise from the closed session and report.

Resolution Carried

Resolution 10-240125

Moved by: Adrian Wynands
Seconded by: Anne Barr

THAT the Board of Directors of the Rideau Valley Conservation Authority approve the transfer of funds as directed to support the purchase of the subject property.

Resolution Carried

16.0 Adjournment

The Chair adjourned the meeting at 8:00 p.m. on a resolution by Steve Fournier which was seconded by Wilson Lo.

Kristin Strackerjan
Chair

Marissa Grondin
Recording Secretary

Sommer Casgrain-Robertson
General Manager/Secretary-Treasurer



January 23, 2024

SENT BY EMAIL: sommer.casgrain-robertson@rvca.ca

Sommer Casgrain-Robertson
General Manager/Secretary Treasurer
Rideau Valley Conservation Authority
3889 Rideau Valley Drive
Manotick, ON K4M 1A5

Dear Sommer Casgrain-Robertson:

Re: Ombudsman complaints

I am writing further to our telephone conversation on December 20, 2023, concerning complaints to our Office about the Rideau Valley Conservation Authority (the “Conservation Authority”). As we discussed, our Office will not be reviewing these complaints further.

The complaints that we received were about the Conservation Authority’s approval of a developer’s cut and fill permit application to allow development along the Jock River. Some complaints raised concerns that the Conservation Authority did not seek public input before approving the permit application, while others raised concerns about the health and safety of residents, as well as environmental concerns.

Our review of the complaints about the Conservation Authority focused on the Conservation Authority’s processes in its review and handling of the cut and fill application. Our review did not consider the merits of the developer’s application.

The Ombudsman’s authority and role

The Ombudsman is an independent and impartial Officer of the Ontario legislature with the authority to review complaints about the administrative conduct of provincial government organizations, including the Rideau Valley Conservation Authority.

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The Ombudsman's role is to review complaints about the administration of public sector bodies, including assessing whether policies and procedures were followed, and if they were fair. Our reviews are typically forward looking, with a focus on improving the future administration of the organizations that we oversee.

The Ombudsman does not have the authority to direct the Conservation Authority to take certain actions and cannot overturn its decisions. However, the Ombudsman may make recommendations or share best practices to improve processes as well as to strengthen governance and accountability.

Under the *Ombudsman Act*, the Ombudsman can choose not to proceed further with a complaint based on factors such as whether there is an alternative means of resolving the complaint or, when considering all the circumstances of a complaint, no further review is necessary.

Our review

We reviewed the Conservation Authority's policies, guidelines, and procedures for conducting hearings, as well as relevant legislation, including the *Conservation Authorities Act*. Conservation Authority staff provided us with relevant information and documentation.

Under section 28 of the *Conservation Authorities Act* (the Act), a conservation authority can approve applications to change the existing channel of a river or stream, including by cut and fill.

In November 2019, the Conservation Authority's Executive Committee held a hearing and approved the developer's cut and fill permit application, subject to conditions related to ongoing monitoring and mitigation of adverse effects. The Conservation Authority explained to us, and our review noted, that the Executive Committee's review and approval of the permit application was guided by the legislative and regulatory requirements set out in section 28 of the Act and Ontario Regulation 174/06.

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According to the information that we reviewed, the Act does not provide for third parties, including members of the public, to participate in hearings. However, hearings are open to the public to attend. The Conservation Authority did not provide public notice of the November 2019 hearing where the Executive Committee considered the developer's cut and fill application, as there was no legislative requirement for them to do so at the time.

During our review, we shared best practices with Conservation Authority staff about the benefits of providing public notice of meetings to enhance the transparency of its processes, particularly in cases where there is significant public interest.

As of February 2021, the *Conservation Authorities Act* requires conservation authorities to post agendas and minutes for Executive Committee meetings. The Conservation Authority has revised its policies and guidelines to reflect these changes and is presently posting Executive Committee meeting agendas on its website in advance of meetings, as well as minutes following meetings.

Our review also noted that there is a process under the *Environmental Bill of Rights, 1993*, that allows individuals to request a review of the *Conservation Authorities Act*, or to request an investigation of any alleged contravention of that Act or regulation that has the potential to harm the environment.

Conclusion

After conducting a review of the issues raised by the complaints, and after considering the circumstances of the complaints, we have determined that we will not be reviewing these complaints further.

Should you have any questions or concerns about this letter, please contact me at 416-570-1635 or aorfanakos@ombudsman.on.ca.

Sincerely,

A handwritten signature in black ink that reads 'Adam Orfanakos'.

Adam Orfanakos
Director, General Investigations

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Processing Section 28 Applications



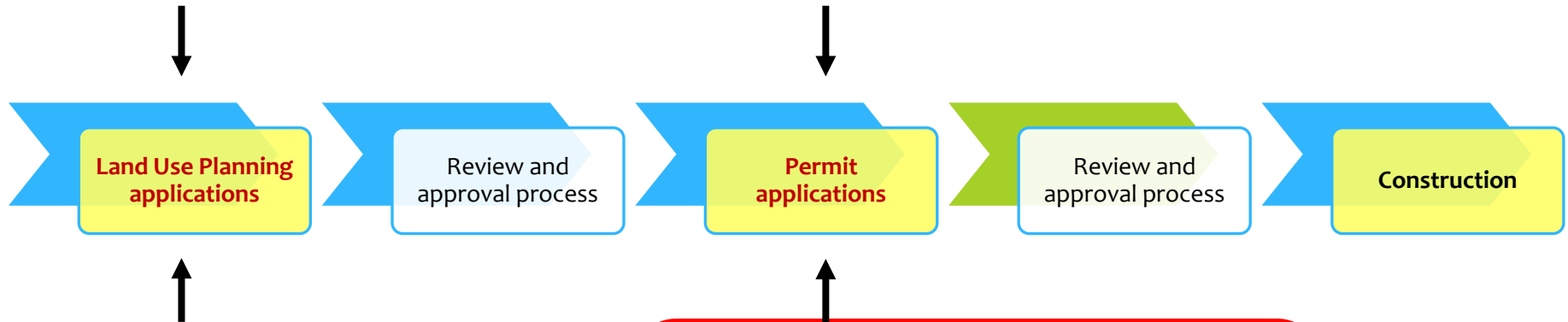
Development Review Process

Municipalities Approve:

- OPA, ZBA
- Site Plan Control
- Minor Variance
- Severance
- Subdivision

Municipalities Approve:

- Building Permits
- Septic Permits (or CA on their behalf)



CAs Comment On:

- Natural Hazards
- Drinking Water Source Protection

CAs Approve:

- Section 28 Permits
 - Development (Natural Hazards)
 - Wetland Interference
 - Watercourse & Shoreline Alteration

Legislative Authority

Conservation Authorities Act

- Section 28

Ontario Regulation 174/06

- RVCA's *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* Regulation

Conservation Authority Policies

- *RVCA Policies Regarding Development Including the Construction / Reconstruction of Building and Structures, Placing of Fill and Alterations to Waterways*
- *RVCA Wetland Policies*

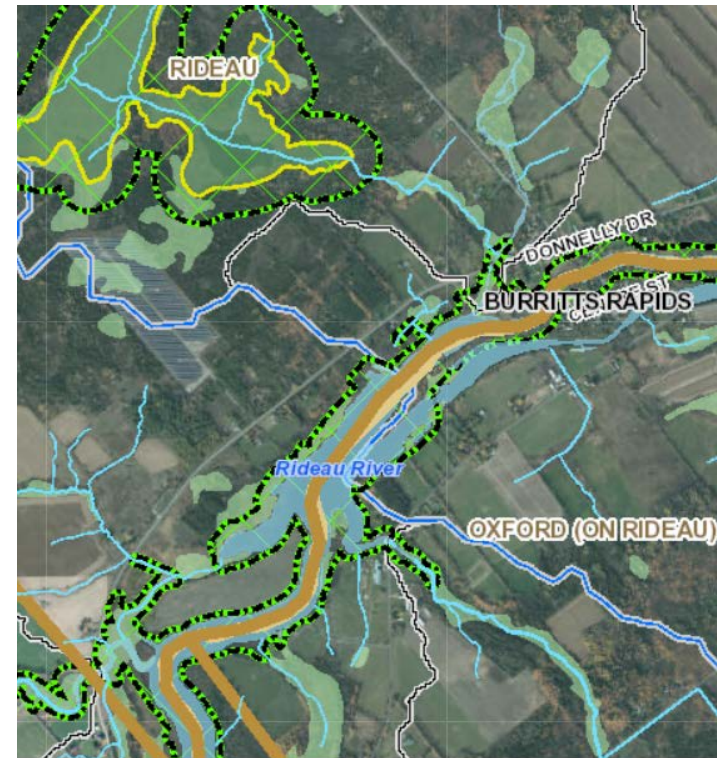
Activities that are Regulated

Permission is required from the authority to:

- Straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or **watercourse**
- Change or interfere in any way with a **wetland** or adjacent lands
- Undertake **development** if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development

Development is defined as:

- The construction, reconstruction, erection or placing of a building or structure of any kind
- Site grading
- Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure
- The temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere



Legislative Scope and Process

The conservation authority may grant permission if, in its opinion, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land will not be affected (the “Four Tests”)

An authority shall not refuse permission or attach conditions unless the applicant has been given the **opportunity to require a hearing before the executive committee**

After holding a hearing, the executive committee must:

- Refuse the permission; or
- Grant the permission, with or without conditions

If the executive committee refuses permission or grants permission subject to conditions, they must give the applicant **written reasons for the decision**.

An applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons, **appeal to the Ontario Land Tribunal** who may refuse the permission or grant the permission with or without conditions.

RVCA Section 28 Permits

Conservation Authorities Act

- An authority may delegate any of its powers or duties under its Section 28 regulation to the authority's executive committee or to any other person or body, subject to any limitations or requirements that may be set out in the regulation

RVCA's Administrative Bylaw

- Delegating to the General Manager and other staff by resolution, the issuance of permits as may be required under any regulations made under Section 28 of the Act.
 - General Manager
 - Director of Engineering and Regulations
 - Director of Science and Planning
- Delegating to the Executive Committee the holding of hearings as may be required under any regulations made under Section 28 of the Act.

RVCA's Hearing Procedures

- Hearing Procedures adopted under the authority of the *Statutory Powers Procedures Act*

RVCA Hearing Procedures

Staff Presentation

- Property details
- Project details
- Policy considerations
- Staff position

Applicant Presentation

- Representations / reasoning
- Respond to staff presentation

Deliberations

- Members ask questions / clarify understanding
- Consider information from staff & applicant
- Consider legislation and policies
- Can vote to:
 - Approve
 - Approve with conditions
 - Deny (must state reasons)

Decision

- Written decision notice
- Right to appeal to the OLT