

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	3/24	Thursday, March 28, 2024
Present: Jeff Banks David Brown Sean Devine Steve Fournier Theresa Kavanagh Anne Robinson Gary Waterfield		Anne Barr Barry Card Brian Dowdall Mel Foster Shawn Pankow Adam Turcotte Adrian Wynands
Staff: Sommer Casgrain-Robertson Terry Davidson Glen McDonald		Dan Cooper Diane Downey Marissa Grondin
Regrets: Wilson Lo Angela Pierman		Susan Irwin Kristin Strackerjan

Vice Chair Robinson called the meeting to order at 6:32 p.m.

1.0 Roll Call

General Manager/Secretary-Treasurer conducted a roll call.

2.0 Land Acknowledgement Statement

Vice Chair Robinson gave the Land Acknowledgement statement.

3.0 Agenda Review

Vice Chair Robinson reviewed the Agenda.

4.0 Adoption of Agenda

Resolution 1-240328

Moved by:

Jeff Banks

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

There were no declarations of interest.

6.0 Approval of Minutes of February 22, 2024

Resolution 2-240328

Moved by: Adrian Wynands
Seconded by: Gary Waterfield

THAT the Board of Directors of the Rideau Valley Conservation Authority approves the Minutes of the Board of Directors Meeting #02/24, February 22, 2024, as circulated.

Resolution Carried

7.0 Business Arising from the Minutes

There was no business arising.

8.0 Overview of Ontario Regulation 41/24

Sommer Casgrain-Robertson provided a brief summary of legislative changes since 2019, an overview of Ontario Regulation 41/24 and proposed interim policies and procedures to implement it by the effective date of April 1, 2024.

Ms. Casgrain-Robertson addressed a member's question about what is meant by "all" wetlands in the new regulation. She indicated that there is a definition of wetland in the regulation which defines what wetlands are to be regulated and that staff are reviewing what that will entail in the Rideau watershed and will bring a report to the Board at a future meeting.

In response to an inquiry about whether the RVCA will prepare a summary of these regulatory changes for the public, Ms. Casgrain-Robertson confirmed that staff have been updating website content and resources for applicants to reflect the new regulation. She indicated that broader dissemination of this information to the public would be looked at.

The member then sought clarification about some of the exemptions in relation to the 30-metre setback from wetlands. Ms. Casgrain-Robertson

indicated that staff are still reviewing the regulation and working with other conservation authorities and Ministry staff to gain a clear understanding of the new requirements. She confirmed that as additional information becomes available it will be presented to the Board.

Sean Devine joined the meeting 6:44 p.m.

A member asked if there would be any financial impact as a result of the regulation changes. Ms. Casgrain-Robertson indicated that implementation of the changes will be undertaken in-house by staff, including updating mapping and policies. She also indicated that there should be no long-term impact on revenue streams because of these changes.

The member indicated that he does not support the new powers that enable the Minister to issue a permit.

A member inquired about how the RVCA enforces its regulatory requirements. Ms. Casgrain-Robertson explained that like a municipality, violations are either identified by staff when out in the field, or a complaint is reported by a member of the public. Once a violation is identified, the RVCA will now be able to issue a stop order under the new regulation, unlike before when charges would have to be laid.

A member asked if the new regulation now allows an applicant to go straight to the Minister to seek a permit. Ms. Casgrain-Robertson indicated that staff are still working through all the new appeal and approval mechanisms outlined in the regulation but that generally applicants can only appeal to the Minister following a decision of the conservation authority. She indicated that staff are working on resources including a flowchart that will provide greater clarity around the decision-making and appeal processes outlined in the new regulation.

A member asked if Conservation Ontario will track appeals to the Minister. Ms. Casgrain-Robertson responded that it will likely be tracked by individual conservation authorities and that she will suggest to Conservation Ontario that they compile this data.

A member inquired about the new definition of watercourse and if it would result in watercourses being added or excluded from regulation. Ms. Casgrain-Robertson clarified that no new watercourses would be added and that the revised definition may exclude some watercourses if they have less defined banks or sides. She indicated that staff are still reviewing the new regulation to understand the impact regarding watercourses and that additional information will be provided at a future board meeting.

The member also asked about the new test in the regulation and who determines if an activity is “not likely to affect” the control of flooding, erosion, dynamic beaches, or unstable soil or bedrock. Ms. Casgrain-Robertson

explained that the Board of each conservation authority approves policies outlining what development activities staff can issue permits for and that approval for any activities beyond the policies can only be made by the Executive Committee through a Hearing.

Resolution 3-240328

Moved by: Anne Barr
Seconded by: David Brown

THAT the Board of Directors of the Rideau Valley Conservation Authority receive this report for information.

Resolution Carried

9.0 Transition Policies and Procedures for Ontario Regulation 41/24

Ms. Casgrain-Robertson presented an overview of the transition policies and procedures for Ontario Regulation 41/24.

In response to a member inquiry, Ms. Casgrain-Robertson clarified that applications submitted before April 1, 2024, will continue to be processed under Ontario Regulation 174/06, however consideration has to be given to the new regulation. She confirmed that if an application had been made for an activity that is now exempt, the applicant would be exempt from needing a permit.

Resolution 4-240328

Moved by: Brian Dowdall
Seconded by: Steve Fournier

THAT the Board of Directors of the Rideau Valley Conservation Authority approves the Transition Procedures and Interim Policy for the Administration and Implementation of Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits and related proclaimed amendments to the *Conservation Authorities Act*.

Resolution Carried

10.0 Delegation of Powers Relating to Permits and Enforcement

Ms. Casgrain-Robertson reviewed the delegation of powers relating to permits and enforcement under Ontario Regulation 41/24.

In response to a member inquiry, Ms. Casgrain-Robertson confirmed that a property owner can appeal a stop order to the Executive Committee but that staff would need to confirm if it can be appealed to the province.

Resolution 5-240328

Moved by:

Theresa Kavanagh

Seconded by:

Adrian Wynands

THAT the Board of Directors of the Rideau Valley Conservation Authority delegates the issuance, extension, and cancellation of permits under Part VI of the Conservation Authorities Act and Ontario Regulation 41/24 to the General Manager / Secretary Treasurer; Director of Engineering and Regulations; and Director of Science and Planning pursuant to section 28.4 of the Conservation Authorities Act, to be proclaimed April 1, 2024;

THAT the Board delegates the holding of hearings under Parts VI and VII of the Conservation Authorities Act and Ontario Regulation 41/24 to the Executive Committee pursuant to section 28.4 of the Conservation Authorities Act, to be proclaimed April 1, 2024;

AND THAT the Board delegates any administrative reviews under Parts VI and VII of the Conservation Authorities Act and Ontario Regulation 41/24 to the General Manager / Secretary-Treasurer or their delegate.

Resolution Carried

11.0 Appointment of Provincial Offences Officers

Ms. Casgrain-Robertson provided an overview of the appointment of staff as provincial offences officers. There were no questions.

Resolutions 6-240328

Moved by:

Shawn Pankow

Seconded by:

Gary Waterfield

THAT the Board of Directors of the Rideau Valley Conservation Authority appoints the following staff as provincial offences officers in accordance with section 30.1 of the Conservation Authorities Act, to be proclaimed April 1, 2024, for the purpose of administering and enforcing Parts VI and VII of the Act, as amended, and Ontario Regulation 41/24: Prohibited Activities, Exemptions, and Permits:

- Laura Cummings, Regulations Inspector
- Matt Jokiel, Regulations Inspector
- Eric Kohlsmith, Upper Watershed Regulations Manager
- Megan Peacock, Regulations Officer
- Hal Stimson, Compliance Technician

THAT the Board appoints the following staff as provincial offences officers in accordance with section 30.1 of the Conservation Authorities Act, to be proclaimed April 1, 2024, for the purpose of administering and enforcing Parts VI and VII of the Act, as amended, and Ontario Regulation 688/21: Rules of Conduct in Conservation Areas:

- Megan Peacock, Regulations Officer

AND THAT these appointments be contingent on continued employment with the Rideau Valley Conservation Authority.

Resolutions Carried

12.0 Unaudited Financial Reports for the period ending December 31, 2023

Ms. Casgrain-Robertson presented draft unaudited year-end financial reports on behalf of Kathy Dallaire.

A member inquired about the difference in year-end surplus between the staff report and the financial reports. Ms. Casgrain-Robertson explained that the financial reports follow PSAB standards, so the staff report provides the true cash-based year-end surplus after adjusting for tangible capital assets, amortization and other PSAB accounting requirements. This is the amount available to allocate to reserves.

The member then commented that their municipality had a large year-end surplus which is challenging when people are hurting and being hit with tax increases. He then suggested how RVCA's surplus could be allocated, which Ms. Casgrain-Robertson indicated would be addressed under the next agenda item.

Resolution 7-240328

Moved by: Anne Barr
Seconded by: Jeff Banks

THAT the Board of Directors of the Rideau Valley Conservation Authority receives the Unaudited Statement of Operations and the Unaudited Statement of Financial Position for the period ending December 31, 2023.

Resolution Carried

13.0 Proposed Year-End Reserve Transfers for 2023

Ms. Casgrain-Robertson presented proposed year-end reserve transfers for 2023 on behalf of Kathy Dallaire, referring members to page 40 of the agenda package and providing an explanation of proposed transfers.

Ms. Casgrain-Robertson confirmed in response to a member inquiry that these funds are invested in short-term GICs and that increased interest rates had partially contributed to the year-end surplus as interest revenue was higher than expected.

In response to a question, Ms. Casgrain-Robertson explained that the RVCA's previous Auditors had recommended the organization maintain reserves equivalent to six months of operating expenses.

Ms. Casgrain-Robertson confirmed that legislative changes governing conservation authority budgets and levies take effect for 2024 budgets, meaning 2023 year-end transfers to reserves do not fall under the new parameters, but 2024 year-end transfers will.

Resolution 8-240328

Moved by:

Adrian Wynands

Seconded by:

Theresa Kavanagh

THAT the Board of Directors of the Rideau Valley Conservation Authority approve the attached 2023 Proposed Reserve Transfers.

Resolution Carried

Jeff Banks left the meeting 7:46 p.m.

14.0 Activity Report: January / February 2024

Ms. Casgrain-Robertson provided an overview of program and staff activities during January and February 2024.

Vice Chair Robinson congratulated staff on their successful work in 2024 so far.

15.0 Meetings

- a) RVCA Executive Committee Meeting (General Manager's Performance Appraisal): March 4, 2024
 - The Executive Committee completed the General Manager's performance appraisal for 2023 which was positive, and agreed on an annual mid-year review to discuss progress and updated priorities
- b) MVCA / RVCA / SNC Annual Flood Forecasting & Warning Meeting within City of Ottawa: March 5, 2024
- c) CO teleconferences about Ontario Regulation 41/24: February 20, 26, March 7
- d) MNRF webinar on Ontario Regulation 41/24: March 7, 2024
- e) Conservation Ontario: General Managers' Meeting: March 18, 2024
 - The RVCA participated in a presentation by the Ontario Ombudsman about their role and function
- f) RVCF Board of Directors Meeting – March 19, 2024

Upcoming

- g) Source Protection Committee Meeting – April 4, 2024

- h) Audit Committee Meeting – April 8, 2024
- i) Conservation Ontario AGM and Council Meeting – April 15, 2024
- j) RVCA Board Meeting – April 25, 2024
- k) RVCA Watershed Tour – June 21, 2024

16.0 Member Inquiries

Gary Waterfield indicated that he was looking forward to Ms. Casgrain-Robertson's presentation at the Friends of the Tay Watershed AGM on April 18.

Adrian Wynands thanked staff for RVCA's donation of a gift basket to the Grenville Federation of Agriculture's AGM and fundraiser on March 8, 2024.

17.0 New Business

18.0 Adjournment

The Chair adjourned the meeting at 7:56 p.m. on a resolution by David Brown which was seconded by Theresa Kavanagh.

Kristin Strackerjan
Chair

Marissa Grondin
Recording Secretary

Sommer Casgrain-Robertson
General Manager/Secretary-Treasurer