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Board of Directors Meeting
Thursday, June 27, 2019
6:00 pm at Baxter Conservation Area (Kars)

AGENDA

Meeting 4/19	Page
1.0 Agenda Review	
2.0 Adoption of Agenda	
3.0 Declaration of Interest	
4.0 Approval of Minutes from April 25, 2019	
5.0 Business Arising from Minutes	
6.0 Financial Reports for the Period Ending April 30, 2019 Staff Report Attached (Sarah Wayne)	1
7.0 Changes to the <i>Conservation Authorities Act</i> Staff Report Attached (Sommer Casgrain-Robertson)	8
8.0 General Manager's Performance Objectives for 2019 Staff Report Attached (Sommer Casgrain-Robertson)	33
9.0 Meetings	
a) Asset Management Training: May 24, 2019 (Kingston)	
b) Visit from Elizabeth Dowdeswell, Lieutenant Governor of Ontario: May 31, 2019 (Manotick)	
c) Asset Management Training: June 6, 2019 (Kingston)	
d) Presentation to North Grenville Council: June 11, 2019 (Kemptonville)	
e) Foundation AGM and Board Meeting: June 12, 2019 (Manotick)	
f) Client-Centric Customer Service Training for Staff: June 17, 2019 (Manotick)	
g) Conservation Ontario Council Meeting: June 24, 2019 (Toronto)	

**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

Upcoming:

- h) Presentation to Rideau Lakes Council: July 22, 2019 (Chantry)
- i) RVCA Board of Directors Meeting: July 25, 2019 (Manotick)

10.0 Member Inquiries

11.0 New Business

12.0 Adjournment



**6.0 Financial Reports for the Period Ending April 30, 2019
Report #: 1x-190627**

To: RVCA Board of Directors
From: Sarah Wayne
Manager of Finance and Human Resources
Date: June 18, 2019

<input type="checkbox"/>	For Information
<input type="checkbox"/>	For Direction
<input checked="" type="checkbox"/>	For Adoption
<input checked="" type="checkbox"/>	Attachment – 5 pages

Recommendation:

That the Board of Directors of the Rideau Valley Conservation Authority approve the Revenue and Expenditure Reports and Balance Sheet for the period ending April 30, 2019.

Purpose

To present financial reports for the period ending April 30, 2019 to the Board of Directors for review and approval.

Background

The first attachment shows revenues and expenditures against the 2019 budget and the 2018 year. It also shows the “below the line” items as budgeted, but not actual results for the period as these items generally involve year-end accounting entries and do not have applicable interim numbers. When expenditures and revenues are reported to the Board for the period ending September 30, 2019 staff will show a forecast for the year, including “below the line” items.

The second attachment shows revenues and expenditures by program, side-by-side.

The third attachment is the Balance Sheet.

Analysis

At this time, operations are generally proceeding as planned so staff do not forecast significant variances from the 2019 budget. One notable exception is the \$117,392 decrease in provincial funding announced earlier this year (a reduction of approximately 50%). Historically, \$100,000 of this funding has been allocated to Rideau River Ice Management through the City of Ottawa so this allocation will be reduced to \$50,000. Staff have not yet made a detailed determination of how the remaining decrease of \$67,392 will be borne across RVCA’s programs, but staff will endeavor to offset the funding reduction with year-end cost savings where possible.

At a high level, we are showing an operating surplus of \$4.8M. The surplus is due to the front-loading of levy revenue; we have recognized most of our annual levy revenue by April 30 but have incurred only 4 months of operating expenses. For the same reason, on the Balance Sheet, our financial asset balance is up significantly over the December 31, 2018 balance.

While program activity is proceeding basically as planned, the items below warrant explanation:

- Watershed Science and Engineering Services
 - Water Control Infrastructure Operations consists mostly of the Rideau River Ice Management program. In the past, \$100,000 of RVCA's provincial funding has been allocated to this program and staff used that assumption in the 2019 budget. This allocation will now be reduced to \$50,000 for 2019 as a result of the reduction in provincial funding.
- Planning Advisory and Regulatory Services
 - Overall costs in this department are tracking as expected, however costs in each program can be higher or lower than budgeted as staff resources are deployed in response to the public's permit requests.

Input From Other Sources

n/a

Financial Considerations

n/a

Legal Considerations

n/a

Adherence to RVCA Policy

n/a

Link to Strategic Plan

The attached financial reporting supports Priority #3 under Strategic Direction #4

- *Modernize financial processes, including budgeting and reporting, to increase automation, strengthen internal controls and provide timely and reliable data.*

Attachments:

- Expenditure and Revenue Report (January to April 2019) – actuals vs budget and prior year
- Expenditure and Revenue Report (January to April 2019) – side-by-side format
- Balance Sheet as at April 30, 2019

**Rideau Valley Conservation Authority
Expenditure and Revenue Report**

For the period ending April 30, 2019	Fiscal 2018 Audited	2019 Approved Budget	2019 Year to Date Actuals
Revenue	10,381,477	10,765,201	7,885,167
Watershed Sciences and Engineering Services	3,198,027	3,017,608	2,461,279
Program Management	114,340	59,508	42,508
Watershed Report Cards	184,859	164,610	164,610
Drinking Water Source Protection	201,874	230,803	52,770
Surface Water Quality Monitoring	375,059	475,715	477,215
Hydrometric Monitoring and Forecasting	250,711	254,933	244,933
Flood Erosion and Drought Studies	356,321	323,115	221,470
Groundwater Monitoring	283,990	291,745	197,156
Aquatic and Terrestrial Habitat Monitoring	423,160	410,185	370,185
Water Control Infrastructure Operations	960,813	757,395	640,833
Amortization	46,900	49,600	49,600
Planning Advisory and Regulatory Services	2,179,521	2,086,021	1,305,459
Program Management	115,454	126,361	126,361
Site Specific Plan Review	565,841	613,353	412,376
Non-Site Specific Plan Input	181,366	173,266	161,266
S. 28 Conservation Authorities Act	575,240	595,264	421,001
S. 28 Conservation Authorities Act - Program Development	19,860	20,135	20,135
Part IV Clean Water Act	20,599	7,800	-
Part VIII Building Code Act	678,707	524,251	161,620
Septic Re-Inspection Program	19,854	22,889	-
Amortization	2,600	2,700	2,700
Stewardship Services	1,744,847	1,647,034	831,479
Program Management	143,184	147,733	147,733
LRC - Storefront\General Stewardship	177,122	-	-
Private Land Forestry Assistance	733,107	646,315	213,469
Clean Water Program	372,234	498,280	244,380
Shoreline Stewardship Program	202,070	279,382	159,784
Beaver Management	15,164	6,000	6,000
Ontario Rural Wastewater Centre	99,441	66,723	57,511
Amortization	2,525	2,600	2,600
Conservation Land Management Services	1,193,379	1,293,767	1,033,113
Program Management	88,913	87,986	87,986
Land Donations / Acquisitions	4,207	20,000	-
Baxter Conservation Area	330,891	309,743	215,125
Foley Mountain Conservation Area	280,932	297,679	251,027
Other Developed Conservation Areas	222,666	286,635	232,250
Other Conservation Lands	182,853	210,325	197,325
Lease and Management Agreements	34,241	32,000	-
Amortization	48,675	49,400	49,400
Corporate Services	1,483,028	1,560,273	1,518,050
Management and Members	290,671	298,211	287,711
Finance and Administration	448,719	421,309	389,664
Communications	198,926	275,470	275,392
Foundation	84,615	87,386	87,386
GIS	200,461	228,655	228,655
Headquarter Lease and Management	259,637	249,242	249,242
Internal Recoveries	273,810	268,999	271,237
Amortization	269,614	254,300	254,300
Internal Recoveries	4,196	14,699	16,937
Capital Projects	308,863	891,500	464,551
Water Control Structures	308,863	891,500	464,551

Expenses	9,320,098	9,850,116	3,084,982
Watershed Sciences and Engineering Services	3,124,639	3,021,314	661,777
Program Management	177,164	59,971	42,972
Watershed Report Cards	203,429	165,073	58,195
Drinking Water Source Protection	201,874	230,803	76,479
Surface Water Quality Monitoring	320,871	476,179	71,763
Hydrometric Monitoring and Forecasting	224,025	255,396	113,183
Flood Erosion and Drought Studies	321,262	323,578	96,651
Groundwater Monitoring	236,311	292,208	80,709
Aquatic and Terrestrial Habitat Monitoring	405,973	410,649	85,494
Water Control Infrastructure Operations	982,586	757,858	19,283
Amortization	51,143	49,600	17,048
Planning Advisory and Regulatory Services	1,855,084	2,088,338	693,356
Program Management	92,283	126,824	39,579
Site Specific Plan Review	459,358	613,817	129,931
Non-Site Specific Plan Input	120,997	173,730	70,279
S. 28 Conservation Authorities Act	554,559	595,727	235,221
S. 28 Conservation Authorities Act - Program Development	40,594	20,599	15,050
Part IV Clean Water Act	20,599	7,800	2,706
Part VIII Building Code Act	544,000	524,251	196,503
Septic Re-Inspection Program	19,957	22,889	3,175
Amortization	2,736	2,700	912
Stewardship Services	1,546,331	1,649,351	358,281
Program Management	139,711	148,197	45,107
LRC - Storefront\General Stewardship	159,592	-	0
LRC Production Centre	(22,850)	-	0
Private Land Forestry Assistance	595,476	646,778	143,184
Clean Water Program	372,234	498,744	63,609
Shoreline Stewardship Program	202,070	279,846	61,894
Beaver Management	9,070	6,463	1,443
Ontario Rural Wastewater Centre	88,361	66,723	42,153
Amortization	2,667	2,600	889
Conservation Land Management Services	1,114,254	1,296,084	373,030
Program Management	57,413	88,449	31,301
Land Donations / Acquisitions	4,207	20,000	-
Baxter Conservation Area	309,759	310,206	111,379
Foley Mountain Conservation Area	265,735	298,142	100,656
Other Developed Conservation Areas	204,099	287,098	65,062
Other Conservation Lands	188,778	210,789	46,380
Lease and Management Agreements	33,365	32,000	1,200
Amortization	50,898	49,400	17,052
Corporate Services	1,302,166	1,563,516	490,096
Management and Members	265,241	298,674	102,355
Finance and Administration	433,946	421,772	126,330
Communications	150,844	276,396	56,228
Foundation	77,111	87,849	27,799
GIS	185,061	229,118	95,038
Headquarter Lease and Management	189,965	249,705	82,346
Internal Recoveries	152,098	200,480	104,441
Common Cost	(1,537)	14,699	44,891
Vehicles and Equipment	(104,921)	(68,518)	(23,442)
Amortization	263,003	254,300	91,992
Gain on Disposal	(4,447)	-	(9,000)
Capital Projects	204,491	10,000	396,991
Water Control Structures	204,491	10,000	396,991
Non Pension Benefit Obligation	21,034	21,034	7,011
Non Pension Benefit Obligation	21,034	21,034	7,011
Annual Surplus (Deficit)	1,061,379	915,085	4,800,185

TCA, Reserves, and Debenture Activity			
Assets Capitalized as TCA	\$	(243,866)	\$ (915,000)
Gain on Disposal of Tangible Capital Assets	\$	(4,447)	\$ -
Amortization	\$	370,448	\$ 358,600
Proceeds on Disposal of Tangible Capital Assets	\$	12,871	\$ -
Repayment of obligation under capital lease	\$	(263,667)	\$ (274,667)
Transfers from reserves	\$	68,803	\$ 35,000
Transfers to reserves	\$	(1,000,909)	\$ (119,018)
Increase/(decrease) in Unrestricted Surplus	\$	612	\$ 0 \$ 4,800,185
Starting Unrestricted Surplus/(Deficit)	\$	99,676	\$ 100,288
Ending Unrestricted Surplus/(Deficit)	\$	100,288	\$ 100,288

Rideau Valley Conservation Authority				
For the period ending April 30, 2019				
Dept	Budget Line	Revenue	Expense	Net Income
10-WSES	WSES Program Management	\$ 42,508	\$ 42,972	\$ (464)
	Watershed Report Cards	\$ 164,610	\$ 58,195	\$ 106,415
	Drinking Water Source Protection	\$ 52,770	\$ 76,479	\$ (23,710)
	Surface Water Quality Monitoring	\$ 477,215	\$ 71,763	\$ 405,452
	Hydrometric Monitoring and Forecasting	\$ 244,933	\$ 113,183	\$ 131,750
	Flood Erosion and Drought Studies	\$ 221,470	\$ 96,651	\$ 124,819
	Groundwater Monitoring	\$ 197,156	\$ 80,709	\$ 116,447
	Aquatic and Terrestrial Habitat Monitoring	\$ 370,185	\$ 85,494	\$ 284,691
	Water Control Infrastructure Operations	\$ 65,774	\$ 19,283	\$ 46,491
	Watershed Information Mgmt System	\$ -	\$ -	\$ -
	Ice Management - Rideau River	\$ 575,059	\$ -	\$ 575,059
	WSES Amortization	\$ 49,600	\$ 17,048	\$ 32,552
10-WSES Total		\$ 2,461,279	\$ 661,777	\$ 1,799,502
20-PARS	PARS Program Management	\$ 126,361	\$ 39,579	\$ 86,782
	Site Specific Plan Review	\$ 412,376	\$ 129,931	\$ 282,445
	Non-Site Specific Plan Input	\$ 161,266	\$ 70,279	\$ 90,988
	S. 28 Conservation Authorities Act	\$ 421,001	\$ 235,221	\$ 185,780
	S.28 Conservation Authorities Act - Program Development	\$ 20,135	\$ 15,050	\$ 5,086
	Part IV-Clean Water Act	\$ -	\$ 2,706	\$ (2,706)
	Part VIII - Building Code Act	\$ 161,620	\$ 196,503	\$ (34,883)
	Septic Re-Inspection Program	\$ -	\$ 3,175	\$ (3,175)
	PARS Amortization	\$ 2,700	\$ 912	\$ 1,788
20-PARS Total		\$ 1,305,459	\$ 693,356	\$ 612,103
30-WSS	WSS Program Management	\$ 147,733	\$ 45,107	\$ 102,626
	Private Land Forestry Assistance	\$ 213,469	\$ 143,184	\$ 70,285
	Clean Water Program	\$ 244,380	\$ 63,609	\$ 180,771
	Shoreline Stewardship Program	\$ 159,784	\$ 61,894	\$ 97,890
	Beaver Management	\$ 6,000	\$ 1,443	\$ 4,557
	Ontario Rural Wastewater Centre	\$ 57,511	\$ 42,153	\$ 15,358
	WSS Amortization	\$ 2,600	\$ 889	\$ 1,711
30-WSS Total		\$ 831,479	\$ 358,281	\$ 473,198
40-CLMS	CLMS Program Management	\$ 87,986	\$ 31,301	\$ 56,685
	Land Donations / Acquisitions	\$ -	\$ -	\$ -
	Baxter Conservation Area	\$ 215,125	\$ 111,379	\$ 103,746
	Foley Mountain Conservation Area	\$ 251,027	\$ 100,656	\$ 150,371
	Other Developed Conservation Areas	\$ 232,250	\$ 65,062	\$ 167,188
	Other Conservation Lands	\$ 197,325	\$ 46,380	\$ 150,945
	Lease and Management Agreements	\$ -	\$ 1,200	\$ (1,200)
	CLMS Amortization	\$ 49,400	\$ 17,052	\$ 32,348
40-CLMS Total		\$ 1,033,113	\$ 373,030	\$ 660,083
50-CS	Management and Members	\$ 287,711	\$ 102,355	\$ 185,356
	Finance and Administration	\$ 389,664	\$ 126,330	\$ 263,334
	Communications	\$ 275,392	\$ 56,228	\$ 219,164
	Foundation	\$ 87,386	\$ 27,799	\$ 59,587
	GIS	\$ 228,655	\$ 95,038	\$ 133,617
	Headquarters & Lease	\$ 249,242	\$ 82,346	\$ 166,896
50-CS Total		\$ 1,518,050	\$ 490,096	\$ 1,027,954
60-IR	Common Cost	\$ 16,937	\$ 44,891	\$ (27,954)
	Vehicles and Equipment	\$ -	\$ (23,442)	\$ 23,442
	Amortization	\$ 254,300	\$ 91,992	\$ 162,308
	Gain on Disposal	\$ -	\$ (9,000)	\$ 9,000
60-IR Total		\$ 271,237	\$ 104,441	\$ 166,796
90-Capital	Water Control Structures	\$ 464,551	\$ 396,991	\$ 67,560
90-Capital Total		\$ 464,551	\$ 396,991	\$ 67,560
80-Other	Non-Pension Post Retirement Benefit Obligation	\$ -	\$ 7,011	\$ (7,011)
80-Other Total		\$ -	\$ 7,011	\$ (7,011)
Net Income		\$ 7,885,167	\$ 3,084,982	\$ 4,800,185

**Rideau Valley Conservation Authority
Balance Sheet**

For the period ending April 30, 2019	2019 Year to Date Actuals	Fiscal 2018 Audited
Financial Assets		
Cash and Short Term Investments	5,489,278	5,165,686
Accounts Receivable	5,584,930	944,143
Total Financial Assets	11,074,209	6,109,829
Liabilities		
Accounts payable and accrued liabilities	890,630	770,646
Vacation pay and sick leave entitlements	304,161	183,304
Deferred revenues	1,543,709	1,563,418
Non pension post retirement benefits	427,855	420,844
Obligation under capital lease	2,750,332	2,840,665
Total Liabilities	5,916,688	5,778,878
Net Financial Assets (Debt)	5,157,521	330,951
Non-Financial Assets		
Tangible capital assets	11,107,847	11,205,350
Prepaid expenses	129,082	57,964
Non Financial Assets	11,236,928	11,263,314
Accumulated Surplus (see below)	16,394,449	11,594,265
Accumulated Surplus consists of:		
Unrestricted Surplus(Deficit)	100,287	100,287
Reserves	3,129,292	3,129,292
Invested in Tangible Capital Assets	8,364,685	8,364,685
2019 Year-to-Date Surplus	4,800,185	
	16,394,449	11,594,265



7.0 Changes to the *Conservation Authorities Act*
Report #: 2-190627

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
General Manager
Date: June 18, 2019

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<input type="checkbox"/>	For Direction
<input checked="" type="checkbox"/>	For Adoption
<input checked="" type="checkbox"/>	Attachment – 22 pages

Recommendation:

THAT the Board of Directors of the Rideau Valley Conservation Authority receive this report for information and endorse the comments submitted by staff to the Environmental Registry of Ontario regarding postings 013-4992 and 013-5018.

Purpose

To inform the Board of Directors about the passage of Bill 108 and its amendments to the *Conservation Authorities Act* and to seek endorsement of the comments submitted by staff to the Environmental Registry of Ontario in response to postings 013-4992 and 013-5018.

Background

On April 5, 2019 the province posted two proposals on the ERO that proposed changes to the *Conservation Authorities Act*. These proposals were posted for a 45 day comment period ending May 21, 2019.

Posting 013-4992 titled: *Focusing conservation authority development permits on the protection of people and property* proposed to:

- Replace each individual conservation authority’s development regulation with a single generic regulation for all conservation authorities.
- Update definitions for key regulatory terms to better align with other provincial policy, including: “wetland”, “watercourse” and “pollution”;
- Define undefined terms including: “interference” and “conservation of land” as consistent with the natural hazard management intent of the regulation;
- Reduce regulatory restrictions between 30m and 120m of a wetland and where a hydrological connection has been severed;
- Exempt low-risk development activities from requiring a permit including certain alterations and repairs to existing municipal drains subject to the *Drainage Act* provided they are undertaken in accordance with the *Drainage Act* and *Conservation Authorities Act Protocol*;

- Allow conservation authorities to further exempt low-risk development activities from requiring a permit provided in accordance with conservation authority policies;
- Require conservation authorities to develop, consult on, make publicly available and periodically review internal policies that guide permitting decisions;
- Require conservation authorities to notify the public of changes to mapped regulated areas such as floodplains or wetland boundaries; and
- Require conservation authorities to establish, monitor and report on service delivery standards including requirements and timelines for determination of complete applications and timelines for permit decisions.
- Proclaim un-proclaimed provisions of the Act.

Posting 013-5018 titled: *Modernizing conservation authority operations - Conservation Authorities Act* proposed to:

- Clearly define the core mandatory programs and services provided by conservation authorities to be, natural hazard protection and management, conservation and management of conservation authority lands, drinking water source protection (as prescribed under the *Clean Water Act*), and protection of the Lake Simcoe watershed (as prescribed under the *Lake Simcoe Protection Act*)
- Increase transparency in how conservation authorities levy municipalities for mandatory and non-mandatory programs and services. Update the *Conservation Authorities Act* an Act to conform with modern transparency standards by ensuring that municipalities and conservation authorities review levies for non-core programs after a certain period of time (e.g., 4 to 8 years)
- Establish a transition period (e.g. 18 to 24 months) and process for conservation authorities and municipalities to enter into agreements for the delivery of non-mandatory programs and services and meet these transparency standards
- Enable the Minister to appoint an investigator to investigate or undertake an audit and report on a conservation authority
- Clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority, similar to not-for profit organizations.
- Proclaim un-proclaimed provisions of the Act.

On May 2, 2019 the province introduced **Bill 108** the *More Homes, More Choice Act*. Schedule 2 of Bill 108 contained the legislative amendments to the *Conservation Authorities Act* that were proposed in ERO posting 013-5018. The ERO posting was updated with a link to the Bill.

Bill 108 received second reading on May 29, was referred to Standing Committee on Justice Policy and received Third Reading and Royal Assent on June 6. A copy of Bill 108, Schedule 2 is attached.

Analysis

Staff presented an overview of ERO postings 013-4992 and 013-5018 to the Board of Directors at their April meeting. Staff took the feedback they received from the Board and worked with Conservation Ontario and neighbouring conservation authorities to prepare comments to submit to the ERO in response to the two postings. While staff were preparing these comments, Bill 108 was introduced so the comment submission for posting 013-5018 was expanded to provide feedback on Schedule 2 of Bill 108.

The comments submitted to the ERO for both postings are attached. While staff are concerned about some of the legislative changes that were made through Bill 108, they also support some of them in principle. However, until regulations are released providing more detail, the effect of these changes cannot be fully assessed. We anticipate that regulations could be released as early as this summer and it will be important that there is adequate opportunity to review and comment on the draft regulations.

Input From Other Sources

The attached comments submitted to the ERO reflect preliminary feedback from RVCA's Board of Directors as well as input from Conservation Ontario and neighbouring conservation authorities.

Financial Considerations

Changes to the *Conservation Authorities Act* could have financial implications for the RVCA, the extent of which cannot be adequately assessed until the release of regulations.

Legal Considerations

Changes to the *Conservation Authorities Act* will have legal implications for the RVCA, the extent of which cannot be adequately assessed until the release of regulations.

Adherence to RVCA Policy

Changes to the *Conservation Authorities Act* could impact or require updates to various RVCA policies including Planning and Regulatory policies and Administrative policies.

Link to Strategic Plan

The attached supports Priority #8 under Strategic Direction #2

- Prepare an implementation strategy to address any changes made to the *Conservation Authorities Act* that may result from the legislative review currently underway

Attachments:

- Bill 108, Schedule 2
- RVCA Comments on Environmental Registry Posting 013-4992
- RVCA Comments on Environmental Registry Posting 013-5018

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
68 ELIZABETH II, 2019

Bill 108

(Chapter 9 of the Statutes of Ontario, 2019)

An Act to amend various statutes with respect to housing, other development and various other matters

The Hon. S. Clark

Minister of Municipal Affairs and Housing

1st Reading	May 2, 2019
2nd Reading	May 29, 2019
3rd Reading	June 6, 2019
Royal Assent	June 6, 2019



EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 108 and does not form part of the law.
Bill 108 has been enacted as Chapter 9 of the Statutes of Ontario, 2019.*

SCHEDULE 1 CANNABIS CONTROL ACT, 2017

The Schedule makes several amendments to section 18 of the *Cannabis Control Act, 2017*, which authorizes the interim closure by a police officer of premises connected with specified alleged contraventions of the Act:

1. Subsection 18 (7), which provides that section 18 does not apply to premises used for residential purposes, is repealed.
2. Subsection 18 (3) provides that a police officer must bar entry to premises closed under the section, for as long as the closure lasts. Subsection 18 (3.1) is added to prohibit persons from entering or attempting to enter closed premises during the closure. An exception to the bar on entry is added in subsection 18 (3.2) for police officers and other emergency responders, in exigent circumstances.

Similar amendments are made to section 25 of the Act, which authorizes court-ordered closure of premises in specified circumstances following conviction.

In addition, section 21.1 is added to the Act, providing for a general prohibition on obstructing police officers and other persons enforcing the Act. Finally, subsection 23 (2) of the Act, which sets out penalties for individuals in relation to contraventions of sections 6 (unlawful sale, distribution) and 13 (landlords) of the Act, is amended to add minimum penalty amounts.

SCHEDULE 2 CONSERVATION AUTHORITIES ACT

The Schedule amends the *Conservation Authorities Act*.

The Schedule imposes the duty on every member of an authority to act honestly and in good faith with a view to furthering the objects of the authority. The Act is also amended to list specific programs and services that are required to be provided by an authority if they are prescribed by the regulations, which may include programs and services related to the risk of flooding and other natural hazards.

Authorities continue to be authorized to provide other programs and services, including programs and services that it determines to be advisable to further its objects. If financing by a participating municipality under section 25 or 27 of the Act is necessary in order for the authority to provide such programs and services, the authority and the participating municipality must enter into an agreement in order for the authority to provide the program or service. On and after a day prescribed by the regulations, the authority is prohibited from including capital costs and operating expenses in respect of such programs and services in its apportionment of payments to the participating municipality if no such agreement has been entered into. Authorities are required to prepare and implement a transition plan in order to ensure they are in compliance with this requirement when it takes effect.

An authority is authorized to determine the amounts owed by specified municipalities in connection with the programs and services the authority provides in respect of the *Clean Water Act, 2006* and *Lake Simcoe Protection Act, 2008*.

Other amendments include authorizing the Minister to appoint one or more investigators to conduct an investigation of an authority's operations.

SCHEDULE 3 DEVELOPMENT CHARGES ACT, 1997

The Schedule amends the *Development Charges Act, 1997*.

Subsection 2 (4) of the Act is amended to set out the only services in respect of which a development charge by-law may impose development charges. The services are those set out in current subsection 5 (5), which is repealed, and ambulance services and waste diversion services.

A new section 26.1 is added to the Act setting out rules for when a development charge is payable in respect of five types of development: rental housing, institutional, industrial, commercial and non-profit housing. Unless certain exceptions apply, the charge is payable in annual instalments (21 instalments in the case of non-profit housing development, and six instalments in the case of the other types). The instalments begin on the earlier of the date of the issuance of a permit under the *Building Code Act, 1992* authorizing occupation of the building and the date the building is first occupied. Section 52 is amended to set out equivalent rules in respect of these five types of development in the context of non-parties to a front-ending agreement.

A new section 26.2 is added to the Act setting out rules for when the amount of a development charge is determined. The amount is determined based on the date of an application under section 41 of the *Planning Act* or section 114 of the *City of Toronto Act, 2006* (site plan control area) or, if there is no such application, on the date of an application under section 34 of

**SCHEDULE 2
CONSERVATION AUTHORITIES ACT**

1 The definition of “Minister” in section 1 of the *Conservation Authorities Act* is repealed and the following substituted:

“Minister” means the Minister of the Environment, Conservation and Parks or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

2 Clause 13.1 (6) (c) of the Act is amended by striking out “of the Environment”.

3 The Act is amended by adding the following section:

Duty of members

14.1 Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority.

4 Section 21.1 of the Act is repealed and the following substituted:

Mandatory programs and services

21.1 (1) An authority shall provide the following programs or services within its area of jurisdiction:

1. A program or service that meets any of the following descriptions and that has been prescribed by the regulations:
 - i. Programs and services related to the risk of natural hazards.
 - ii. Programs and services related to the conservation and management of lands owned or controlled by the authority, including any interests in land registered on title.
 - iii. Programs and services related to the authority’s duties, functions and responsibilities as a source protection authority under the *Clean Water Act, 2006*.
 - iv. Programs and services related to the authority’s duties, functions and responsibilities under an Act prescribed by the regulations.
2. A program or service, other than a program or service described in paragraph 1, that has been prescribed by the regulations on or before the first anniversary of the day prescribed under clause 40 (3) (h).

Same, Lake Simcoe Region Conservation Authority

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

Standards and requirements

(3) Programs and services required to be provided under subsections (1) and (2) shall be provided in accordance with such standards and requirements as may be set out in the regulations.

Municipal programs and services

21.1.1 (1) An authority may provide within its area of jurisdiction municipal programs and services that the authority agrees to provide on behalf of a municipality situated in whole or in part within its area of jurisdiction under a memorandum of understanding or such other agreement as may be entered into with the municipality in respect of the programs and services.

Memorandum, agreement available to public

(2) An authority shall make a memorandum of understanding or other agreement available to the public in such manner as may be determined in the memorandum or agreement.

Periodic review of memorandum, agreement

(3) An authority and a municipality who have entered into a memorandum of understanding or other agreement shall review the memorandum or agreement at such regular intervals as may be determined in the memorandum or agreement.

Terms and conditions

(4) Programs and services that an authority agrees to provide on behalf of a municipality shall be provided in accordance with the terms and conditions set out in the memorandum of understanding or agreement.

Other programs and services

21.1.2 (1) Subject to subsection (2), in addition to programs and services described in sections 21.1 and 21.1.1, an authority may provide within its area of jurisdiction such other programs and services as the authority determines are advisable to further its objects.

Agreement

(2) On and after the day prescribed by the regulations, if financing under section 25 or 27 by a participating municipality is necessary in order for an authority to provide a program or service authorized to be provided under subsection (1), the program or service shall not be provided by the authority unless an agreement that meets the following criteria has been entered into between the authority and the participating municipality in respect of the program or service:

1. The agreement must provide for the participating municipality to pay to the authority,
 - i. an apportioned amount under section 25 in connection with a project related to the program or service, or
 - ii. an apportioned amount under section 27 in respect of the program or service.
2. The agreement must include provisions setting out the day on which the agreement terminates and a requirement that it be reviewed by the parties within the period specified in the regulations for the purpose of determining whether or not the agreement is to be renewed by the parties.
3. The agreement must meet such other requirements as may be prescribed by the regulations.

Terms and conditions

(3) Programs and services that an authority agrees to provide under an agreement entered into as described in subsection (2) shall be provided in accordance with such terms and conditions as may be set out in the agreement.

Transition plan re subs. 21.1.2 (2)

21.1.3 (1) Every authority shall develop and implement a transition plan for the purpose of ensuring that it will be in compliance with subsection 21.1.2 (2) by the day prescribed by the regulations for the purpose of that subsection.

Contents

(2) The transition plan shall address the following matters in accordance with the regulations:

1. Preparation by the authority of an inventory of the authority's programs and services.
2. Consultation by the authority with participating municipalities on the inventory of programs and services mentioned in paragraph 1.
3. If financing under section 25 or 27 by a participating municipality is necessary in order for the authority to provide a program or service authorized to be provided under subsection 21.1.2 (1), steps to be taken by the authority for the purposes of seeking to enter into an agreement with the participating municipality in respect of that program or service.
4. Such other matters as may be prescribed by the regulations.

Consultation

21.1.4 An authority shall carry out such consultations with respect to the programs and services it provides as may be required by regulation and shall do so in the manner specified by regulation.

5 Section 23.1 of the Act is amended by adding the following subsections:

Investigator

(4) The Minister may, at any time, appoint one or more investigators to conduct an investigation of an authority's operations, including the programs and services it provides.

Powers of investigator

- (5) For the purposes of an investigation under subsection (4), an investigator may,
- (a) inquire into any or all of the authority's affairs, financial and otherwise;
 - (b) require the production of any records that may relate to the authority's affairs;
 - (c) inspect, examine, audit and copy anything required to be produced under clause (b);
 - (d) conduct a financial audit of the authority's operations, including its programs and services; and
 - (e) require any member of the authority and any other person to appear before the investigator and give evidence on oath about the authority's affairs.

Application of *Public Inquiries Act, 2009*

(6) Section 33 of the *Public Inquiries Act, 2009* applies to an investigation under subsection (4).

Report of investigator

(7) On completion of an investigation, an investigator shall report in writing to the Minister, who shall promptly transmit a copy of the report to the authority.

Cost of investigation

(8) The Minister may require the authority to pay all or part of the cost of an investigation under subsection (4).

6 Section 25 of the Act, as re-enacted by section 23 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by adding the following subsections:

Limitation

(1.1) Subject to subsections (1.2) and (1.3), an authority shall not, on and after the day prescribed by the regulations, include in the apportionment any capital costs in connection with a project related to a program or service authorized to be provided under subsection 21.1.2 (1).

Same

(1.2) An authority shall include in the apportionment of capital costs to a participating municipality any capital costs in connection with a project related to a program or service that has been identified in an agreement between the municipality and the authority as described in subsection 21.1.2 (2).

Extension of time

(1.3) If the circumstances prescribed by the regulations apply in respect of an authority, a person designated by the Minister may, by written notice to the authority, specify that a later day than the day prescribed by the regulations under subsection (1.1) applies to the authority and if such a notice is issued, the prohibition set out in subsection (1.1) applies to the authority on and after the day set out in the notice.

7 (1) Section 27 of the Act, as re-enacted by subsection 24 (1) of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by adding the following subsections:

Limitation

(1.1) Subject to subsections (1.2) and (1.3), an authority shall not, on and after the day prescribed by the regulations, include in the apportionment any operating expenses related to a program or service authorized to be provided under subsection 21.1.2 (1).

Same

(1.2) An authority shall include in the apportionment of operating expenses to a participating municipality any operating expenses related to a program or service that has been identified in an agreement between the municipality and the authority as described in subsection 21.1.2 (2).

Extension of time

(1.3) If the circumstances prescribed by the regulations apply in respect of an authority, a person designated by the Minister may, by written notice to the authority, specify that a later day than the day prescribed by the regulations under subsection (1.1) applies to the authority and if such a notice is issued, the prohibition set out in subsection (1.1) applies to the authority on and after the day set out in the notice.

(2) Subsection 27 (2) of the Act, as re-enacted by subsection 24 (1) of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, is amended by striking out “subsection (1)” wherever it appears and substituting in each case “subsections (1) and (1.1)”.

8 (1) The Act is amended by adding the following section:

Other amounts owing to authority**Specified municipality**

27.2 (1) In this section,

“specified municipality” means, when used in reference to an authority,

- (a) a municipality that is designated under the regulations made under the *Clean Water Act, 2006* as a participating municipality for the authority for the purposes of that Act but that is not one of the authority’s participating municipalities under this Act, or
- (b) a municipality that is designated under the regulations made under the *Lake Simcoe Protection Act, 2008* as a participating municipality for the Lake Simcoe Region Conservation Authority for the purposes of that Act but that is not one of the authority’s participating municipalities under this Act.

Determination of amounts owing by specified municipality

(2) An authority may, from time to time and in accordance with the regulations, determine the amounts owed by any of its specified municipalities in connection with the programs and services the authority provides in respect of the *Clean Water Act, 2006* and *Lake Simcoe Protection Act, 2008*.

Notice

(3) If the authority determines under subsection (2) that amounts are owing by any of its specified municipalities, the authority shall send a notice in writing to the specified municipality, setting out the amounts that the specified municipality owes to the authority.

Payment of amounts

(4) Subject to subsections (5) to (10), each specified municipality shall pay to the authority the amounts specified in the notice in accordance with the requirements set out in the notice.

Review of notice

(5) Any specified municipality that receives a notice under subsection (3) may, within 30 days after receiving the notice, apply to the Mining and Lands Commissioner, or to such other body as may be prescribed by regulation, for a review of the amounts owing.

Same

(6) The specified municipality that makes an application under subsection (5) shall send a copy of the notice of application to the authority and to every other participating municipality and specified municipality of the authority.

Hearing

(7) The Mining and Lands Commissioner, or such other body as may be prescribed by regulation, shall hold a hearing to reconsider the amounts owing, including considering whether the determination of the amounts owing was carried out in accordance with subsection (2).

Parties

(8) The parties to the hearing are the applicant municipality, the authority, any other participating municipality or specified municipality of the authority that requests to be a party and such other persons as the Mining and Lands Commissioner, or such other body as may be prescribed by regulation, may determine.

Powers on hearing

(9) Upon hearing an application under this section, the Mining and Lands Commissioner, or such other body as may be prescribed by regulation, may confirm or vary the amounts owing and may order the specified municipality to pay the amounts.

Decision final

(10) A decision under subsection (9) is final.

Debt due

(11) The amounts owed to the authority set out in a notice sent to a specified municipality or in an order under subsection (9), as the case may be, are a debt due by the specified municipality to the authority and may be enforced by the authority as such.

(2) Section 27.2 of the Act, as enacted by subsection (1), is amended by striking out “Mining and Lands Commissioner” wherever it appears and substituting in each case “Mining and Lands Tribunal”.

9 (1) Section 40 of the Act is repealed and the following substituted:

Regulations, Lieutenant Governor in Council

40 (1) The Lieutenant Governor in Council may make regulations,

- (a) governing the composition of conservation authorities and prescribing additional requirements regarding the appointment and qualifications of members of conservation authorities;
- (b) governing advisory boards established under subsection 18 (2), including requiring authorities to establish one or more advisory boards and prescribing requirements with respect to the composition, functions, powers, duties, activities and procedures of any advisory board that is established;
- (c) prescribing programs and services for the purposes of subsections 21.1 (1) and (2) and prescribing Acts for the purposes of subparagraph 1 iv of subsection 21.1 (1);
- (d) respecting standards and requirements applicable to programs and services for the purposes of subsection 21.1 (3);
- (e) governing the apportionment of an authority’s capital costs in connection with a project for the purposes of section 25;
- (f) governing reviews under sections 26 and 27.1, including prescribing a body that may conduct such reviews instead of the Local Planning Appeal Tribunal or the Mining and Lands Commissioner, as the case may be;
- (g) governing the apportionment of an authority’s operating expenses for the purposes of section 27, prescribing expenses as operating expenses for the purposes of section 27, governing the amount that participating municipalities are

required to pay under section 27, including the fixed amount that a participating municipality may be required to pay under subsection 27 (2), and restricting and prohibiting the apportionment of certain types of operating expenses;

- (h) defining any term that is used in this Act and that is not defined in this Act;
- (i) respecting anything that is necessary or advisable for the proper administration of this Act.

Same

(2) The standards and requirements established for programs and services in a regulation made under clause (1) (d) may include standards and requirements to mitigate the impacts of climate change and provide for adaptation to a changing climate, including through increasing resiliency.

Regulations, Minister

- (3) The Minister may make regulations,
- (a) prescribing matters that may be the subject of by-laws made under clause 19.1 (1) (j);
 - (b) respecting the amount of any fee that may be charged by an authority in relation to a program or service, including determining the manner in which the fee is calculated;
 - (c) prescribing the period for the purposes of paragraph 2 of subsection 21.1.2 (2);
 - (d) prescribing requirements for the purposes of paragraph 3 of subsection 21.1.2 (2);
 - (e) governing the matters to be addressed in a transition plan under section 21.1.3 and prescribing additional matters to be addressed;
 - (f) governing consultations that an authority must carry out for the purposes of section 21.1.4;
 - (g) governing the information that authorities must provide to the Minister under section 23.1, including the publication of that information;
 - (h) prescribing a day for the purposes of subsections 25 (1.1) and 27 (1.1);
 - (i) prescribing circumstances for the purposes of subsections 25 (1.3) and 27 (1.3);
 - (j) governing the determination of amounts owed under subsection 27.2 (2).

(2) Section 40 of the Act, as re-enacted by subsection (1), is amended by adding the following subsection:

Minister's regulations, ss. 28 to 28.4 of the Act

- (4) The Minister may make regulations,
- (a) governing the prohibitions set out in section 28, including,
 - (i) prescribing the limits on river and stream valleys for the purposes of subparagraph 2 iii of subsection 28 (1),
 - (ii) determining or specifying areas for the purposes of subparagraph 2 iv of subsection 28 (1),
 - (iii) determining areas in which development should be prohibited or regulated for the purposes of subparagraph 2 v of subsection 28 (1),
 - (iv) prescribing activities or types of activities to which the prohibitions set out in subsection 28 (1) do not apply and respecting the manner or circumstances in which the activities or types of activities may be carried out and any conditions or restrictions that apply to the activity or type of activity,
 - (v) prescribing areas in which the prohibitions set out in subsection 28 (1) do not apply and respecting the manner or circumstances in which the activities may be carried out in such areas and any conditions or restrictions that apply to carrying out activities in such areas,
 - (vi) defining "development activity", "hazardous land", "watercourse" and "wetland" for the purposes of section 28;
 - (b) governing applications for permits under section 28.1, the issuance of the permits and the power of authorities to refuse permits, including prescribing requirements that must be met for the issuance of permits under clause 28.1 (1) (c), conditions that may be attached to a permit or circumstances in which a permit may be cancelled under section 28.3 and respecting the period for which a permit is valid under section 28.2;
 - (c) defining "pollution" for the purposes of section 28.1;
 - (d) governing the delegation of powers by an authority under section 28.4 and prescribing any limitations or requirements related to the delegation.

(3) Clause 40 (1) (f) of the Act, as enacted by subsection (1), is amended by striking out "Mining and Lands Commissioner" and substituting "Mining and Lands Tribunal".

Repeals

10 (1) Subsection 20 (2) of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* is repealed.

(2) Section 33 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* is repealed.

Commencement

11 (1) Subject to subsection (2), this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Section 10 comes into force on the day the *More Homes, More Choice Act, 2019* receives Royal Assent.



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May 21, 2019

Mr. Alex McLeod
Natural Resources Conservation Policy Branch
Ontario Ministry of Natural Resources and Forestry
300 Water Street
Peterborough, ON
K9J 8M5

Sent via email: mnrwaterpolicy@ontario.ca

Re: **RVCA Comments on Environmental Registry Posting 013-4992: *Focusing Conservation Authority Development Permits on the Protection of People and Property***

Dear Mr. McLeod,

Staff of the Rideau Valley Conservation Authority (RVCA) would like to thank the Ontario Ministry of Natural Resources and Forestry (MNR) for the opportunity to comment on Environmental Registry posting 013-4992. This letter contains general comments and the attached chart provides specific comments on each element of the proposal. These comments were prepared by staff following a discussion with RVCA's Board of Directors about the posting as well as discussions with Conservation Ontario.

Background

The RVCA recognizes the immense challenges facing your government and the important commitments you've made to Ontarians to balance the budget and increase housing. As conservation authorities, we are committed to finding ways to help you achieve these priorities. However, Ontario is also facing a battle against climate change which is causing real impacts to local communities across the province – most recently, communities along the Ottawa River which have been devastated by historic flooding two out of the last three years.

**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

More extreme weather coupled with the persistent loss of wetlands, forest cover and shoreline buffers due to development pressure, is contributing to increased flooding, droughts, slope failures and impacts to water quality. Ontario's conservation authorities are responsible to their local municipalities and all those who rely on the land and water around them – property owners, farmers and businesses – to address these issues through effective watershed management. To deliver on this responsibility we require effective legislative tools and a meaningful working relationship with the Province, in addition to our member municipalities and other important stakeholders. Through our comments on this ERO posting, we hope to help strengthen the effectiveness of our legislation and our partnership with the MNRF.

General Comments

With respect to ERO Posting 013-4992:

- Staff support the comments submitted by Conservation Ontario regarding this posting and encourage the Province to work closely with Conservation Ontario when drafting legislation and regulations, updating technical guidelines and protocols, and preparing other resources and guidance documents.
- Staff request that ample consultation be undertaken with conservation authorities, municipalities and other affected stakeholders when proposing future legislative changes and regulations. This should include minimum consultation periods of 60 days to enable staff to seek input and approval from their Councils or Boards of Directors when preparing comments.
- Staff strongly support the province updating technical guidance to protect people and property from flooding and water-related hazards as prioritized in the Made-in-Ontario Environment Plan. This provincial guidance has not been updated since 2002 and does not reflect current science, land use patterns or climate change. Conservation authorities should be involved in the update as they have technical and policy expertise and experience that is pertinent. For greater efficiency and certainty for proponents, the updated guidance should also serve as technical guidance for permit decisions made under Section 28 of the *Conservation Authorities Act*.
- Staff recommend that the Province undertake a review of the current flood event standards used for Section 28 regulations (e.g. 1:100 year). Ontario has recently experienced a number of extreme weather events that have threatened people, homes, businesses and infrastructure as a result of flooding. As we adapt to changing weather events, including concentrated periods of heavy precipitation within isolated storm cells and an increase in impervious surfaces, it seems timely that current flood event standards be reviewed and updated based on the best available science, including observed flooding. Updated standards should include provisions to consider climate change from a regulatory perspective.
- Staff caution that any changes to regulatory requirements must ensure the continued protection of wetlands, not just their natural hazard component but also their hydrologic function. Wetlands play an important role in reducing flows and storing floodwaters, which reduces risk and allows people greater response time to flooding emergencies. In addition, impacts to a wetland's hydrology can result in local flooding.

In addition to the ERO posting:

- RVCA is very concerned that provincial transfer payments provided to conservation authorities to support their natural hazard work, were recently cut in half. This funding reduction impacts the ability of conservation authorities to deliver on their natural hazard mandate which has been highlighted and prioritized in both the Made-in-Ontario Environment Plan and two recent ERO postings regarding the *Conservation Authorities Act*. This reduction is particularly challenging for small conservation authorities who will have no other option but to scale back their natural hazard program at a time when increasingly extreme weather dictates additional investment, not less. Reducing provincial funding puts added pressure on local municipalities who already fund approximately 50% of conservation authority operating budgets.
- The elimination of Ontario's 50 Million Tree Program is also concerning as it was successful in planting nearly 24 million trees across southern Ontario where development pressure is causing a decline in forest cover. Forest cover allows rain and snowmelt to infiltrate instead of running off into streams and rivers which reduces peak flows (alleviating flooding), provides baseflow (alleviating droughts) and filters out contaminants (improving water quality). The cancellation of this program could also jeopardize the viability of our local nursery (Ferguson Tree Nursery) which provides native or non-invasive species grown from local seed sources to ensure the best chance of success for local tree planting programs.

Thank you for your consideration of these comments. If you have any related questions, please contact the undersigned at sommer.casgrain-robertson@rvca.ca or 613-692-3571 Ext 1214.

Yours truly,



Sommer Casgrain-Robertson
General Manager

Attached: – *RVCA Comments on ERO Posting 013-4992*

RVCA Comments on ERO Posting 013-4992

Focusing CA development permits on the protection of people and property

Proposal	<i>Consolidate and harmonize the existing 36 individual conservation authority-approved regulations into 1 Minister of Natural Resources and Forestry approved regulation</i>
Comment	<p>The RVCA supports this proposal in-principle, however:</p> <ul style="list-style-type: none">• The regulation must be prepared with consideration for Ontario's diverse geography (e.g. headwaters, rivers, inland lakes, Great Lakes, Ottawa River, wetlands) and geology (e.g. Karst topography, quick clays). A strength of conservation authorities is their ability to tailor programs to the specific natural hazards of a local area, in a manner that addresses the needs of local communities. The new regulation needs to support this approach and not diminish it.• Each conservation authority must have an opportunity to provide input to the Ministry about the section or schedule of the new regulation that would define the extent of regulated areas in their jurisdiction.• RVCA's current regulation refers to 1:100-year water levels when defining the extent of the flooding hazard. Recent record-breaking water levels experienced on the Ottawa River and Great Lakes in 2017 and 2019 and Steven's Creek in 2017 indicates that a comprehensive review of the 1:100-year water level is warranted along with a review and update of the Ministry's technical guidelines governing the creation of regulatory mapping. These reviews should explicitly address climate change.
Proposal	<i>Update definitions for key regulatory terms to better align with other provincial policy, including: "wetland", "watercourse" and "pollution"</i>
Comment	<p>The RVCA supports this proposal, however:</p> <ul style="list-style-type: none">• The Ministry must confer with Conservation Ontario when preparing draft definitions and refer to the relevant experience of conservation authorities and case law to ensure definitions adequately capture the scope of the features and functions the regulation is intended to apply to.• The RVCA is also concerned about any change to the definition of "watercourse" that would exclude zero and lower order tributaries which are often headwater systems. These systems contribute over 80% of the flow in the higher order streams and rivers and they are therefore an essential component of the overall drainage network within a watershed.• Additionally, municipal drains should not be excluded from the definition of watercourse given that many municipal drains were originally natural watercourses. The status of a watercourse as a municipal drain does not change the fact that it has natural hazards associated with it.

Proposal	<i>Define undefined terms including: “interference” and “conservation of land” as consistent with the natural hazard management intent of the regulation</i>
Comment	<p>The RVCA supports this proposal, however:</p> <ul style="list-style-type: none"> • The definition for “interference” as it relates to wetlands must ensure that interference in any way with a wetland is assessed with respect to natural features and hydrologic functions in addition to natural hazard management. This reflects the current approach to the regulation of wetlands. Development within the 120 metre adjacent lands is only assessed with respect to hydrologic function of the wetland. • It would be unacceptable if the regulation of wetlands became focused solely on natural hazard management because this would create a significant gap in the protection of natural features and hydrologic function and would not be in keeping with the objective of increasing resiliency to extreme weather events given the flood control benefit of wetlands which is a hydrologic function. Ontario cannot afford to isolate the natural and hydrologic functions of wetlands from their hazard component, to do so would be a failure to recognize the full scope of their importance on the landscape.
Proposal	<i>Reduce regulatory restrictions between 30m and 120m of a wetland and where a hydrological connection has been severed</i>
Comment	<p>The RVCA is unclear about the intent of this proposal, specifically:</p> <ul style="list-style-type: none"> • Does the proposal mean that regulatory restrictions would be reduced between 30m and 120m generally and that restrictions would also be reduced within 120m where the hydrological connection has been severed; or, is the intent to reduce restrictions between 30m and 120m where the hydrological connection has already been severed? The current wording of the proposal leaves the intent unclear. <p>Despite the ambiguity, the RVCA could support the proposal in-principle:</p> <ul style="list-style-type: none"> • The RVCA already applies discretion within the 120m adjacent lands and does not require an Environmental Impact Statement or Hydrologic Impact Statement for development that is unlikely to impact the hydrologic function of the wetland or where the hydrologic connection has already been severed. • The RVCA could therefore, support reduced regulatory restrictions between 30m and 120m so long as the hydrologic function of the wetland is protected. • It is important to note that where an obvious surface hydrological connection has been severed, a wetland has not likely been severed from the hydrological connection to the watershed. Depending on the wetland setting, there could be a groundwater connection which could be recharging shallow aquifers, which in turn could be important for community water supplies and

	maintaining base flow in streams. There should be no reduction in regulatory restrictions in these groundwater recharge areas.
Proposal	<i>Exempt low-risk development activities from requiring a permit including certain alterations and repairs to existing municipal drains subject to the Drainage Act provided they are undertaken in accordance with the Drainage Act and Conservation Authorities Act Protocol</i>
Comment	<p>The RVCA supports this proposal in-principle, however:</p> <ul style="list-style-type: none"> • The Ministry must confer with Conservation Ontario when defining “low-risk” development activities • Exempting low risk development activities from requiring a permit should also be limited to 120 metre adjacent lands around a wetland (depending on wetland function) and certain alterations to watercourses. Exempting development activities in hazard lands would not be prudent as natural hazards are extremely variable, as is the scope of development proposals, so all development in these areas should be assessed and subject to some form of approval. Some low-risk development can be adequately addressed through a streamlined approach to permitting (RVCA’s policies permit staff to simply stamp plans to grant approval in cases where a full permit letter is unnecessary) but these activities should not be completely exempt from review. • Furthermore, some alterations or repairs to municipal drains could be exempt from requiring a permit but they must be undertaken in accordance with the DART protocol and there must be a commitment by the administrators of the <i>Drainage Act</i> to follow the intent of the protocol. There would also need to be an update to the DART protocol, and it is recommended that the DART Committee be re-convened for this purpose. It is also recommended, as drainage works have the potential to impact flood control (especially where they involve wetlands) that conservation authorities be notified of proposed work in advance such that the conservation authority could assist municipalities in ensuring the works do not increase the risk associated with flooding or other hazards. It must also be clear that extensions of municipal drains are not exempt.
Proposal	<i>Allow conservation authorities to further exempt low-risk development activities from requiring a permit provided in accordance with conservation authority policies</i>
Comment	<p>The RVCA also supports this proposal in-principle:</p> <ul style="list-style-type: none"> • The RVCA is committed to streamlining approvals, provided that natural hazards are not aggravated by the proposed activities, that life and property is not placed at risk and that the function of wetlands and watercourses is not impacted.
Proposal	<i>Require conservation authorities to develop, consult on, make publicly available and periodically review internal policies that guide permitting decisions</i>
Comment	The RVCA fully supports this proposal:

	<ul style="list-style-type: none"> • This proposal reflects conservation authority best practices and closely aligns with RVCA’s current practices. RVCA staff follow Board-approved policies (last updated in 2018) when implementing the development regulation for the Rideau watershed (Ontario Regulation 174/06) and these policies are posted on our website. • It is strongly recommended that the MNRF should update the natural hazard technical guidelines (including wetlands) and should develop model implementation support guidance for conservation authorities to base their internal policies upon. Conservation Ontario is prepared to assist with this endeavour.
Proposal	<i>Require conservation authorities to notify the public of changes to mapped regulated areas such as floodplains or wetland boundaries</i>
Comment	<p>The RVCA fully supports this proposal with respect to floodplains, steep slopes and unstable soils:</p> <ul style="list-style-type: none"> • This proposal reflects conservation authority best practices and aligns with RVCA’s current practice of notifying the public when changes are made to regulatory mapping identifying floodplains, unstable soils and steep slopes. <p>Regarding wetland boundaries:</p> <ul style="list-style-type: none"> • Boundary mapping for wetlands has historically been undertaken by the MNRF including the evaluation of wetlands, preparation of mapping and public notification and consultation. Once the mapping is finalized by the MNRF, conservation authorities simply apply a regulation limit, as defined by the regulation. • It is critical that the MNRF continue in this role of establishing wetland boundaries and notifying and consulting the public. • It is strongly recommended that the MNRF develop a consistent public notification process for updates to wetland mapping.
Proposal	<i>Require conservation authorities to establish, monitor and report on service delivery standards including requirements and timelines for determination of complete applications and timelines for permit decisions</i>
Comment	<p>The RVCA fully supports this proposal:</p> <ul style="list-style-type: none"> • This proposal reflects conservation authority best practices and many of RVCA’s current practices
Proposal	<i>Bring into force un-proclaimed sections of the Conservation Authorities Act associated with conservation authority permitting decisions and regulatory enforcement.</i>
Comment	<p>The RVCA fully supports this proposal</p> <ul style="list-style-type: none"> • It is important that the “Part VII – Enforcement and Offences” section of the <i>Conservation Authorities Act</i> be enacted



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May 21, 2019

Ms. Carolyn O'Neill
Great Lakes and Inland Waters Branch
Ontario Ministry of the Environment, Conservation and Parks
40 St Clair Avenue West, Floor 10
Toronto, ON
M4V 1M2

Sent via email: glo@ontario.ca

Re: **RVCA Comments on Environmental Registry Posting 013-5018: *Modernizing Conservation Authority Operations – Conservation Authorities Act***

Dear Ms. O'Neill,

Staff of the Rideau Valley Conservation Authority (RVCA) would like to thank the Ontario Ministry of Environment, Conservation and Parks (MECP) for the opportunity to comment on Environmental Registry posting 013-5018, including Schedule 2 of Bill 108 which received 1st Reading in the Legislative Assembly of Ontario on May 2, 2019. This letter contains general comments and the attached chart provides specific comments on each element of the proposal. These comments were prepared by staff following a discussion with RVCA's Board of Directors about the initial ERO posting as well as discussions with Conservation Ontario.

Background

The RVCA recognizes the immense challenges facing your government and the important commitments you've made to Ontarians to balance the budget and increase housing. As conservation authorities, we are committed to finding ways to help you achieve these priorities. However, Ontario is also facing a battle against climate change which is causing real impacts to local communities across the province – most recently, communities along the Ottawa River which have been devastated by historic flooding two out of the last three years.

**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

More extreme weather coupled with the persistent loss of wetlands, forest cover and shoreline buffers due to development pressure, is contributing to increased flooding, droughts, slope failures and impacts to water quality. Ontario's conservation authorities are responsible to their local municipalities and all those who rely on the land and water around them – property owners, farmers and businesses – to address these issues through effective watershed management. To deliver on this responsibility we require effective legislative tools and a meaningful working relationship with the Province, in addition to our member municipalities and other important stakeholders. Through our comments on this ERO posting, we hope to help strengthen the effectiveness of our legislation and our partnership with the MECP.

General Comments

With respect to ERO Posting 013-5018:

- Staff support the comments submitted by Conservation Ontario regarding this posting and encourage the Province to work closely with Conservation Ontario when drafting legislation and regulations or preparing other resources and guidance documents.
- Staff request that ample consultation be undertaken with conservation authorities, municipalities and other affected stakeholders when proposing future legislative changes and regulations. This should include minimum consultation periods of 60 days to enable staff to seek input and approval from their Councils or Boards of Directors when preparing comments.

In addition to the ERO posting:

- The RVCA is very concerned that provincial transfer payments provided to conservation authorities to support their natural hazard work, were recently cut in half. This funding reduction impacts the ability of conservation authorities to deliver on their natural hazard mandate which has been highlighted and prioritized in both the Made-in-Ontario Environment Plan and two recent ERO postings regarding the *Conservation Authorities Act*. This reduction is particularly challenging for small conservation authorities who will have no other option but to scale back their natural hazard program at a time when increasingly extreme weather demands additional investment, not less. Reducing provincial funding puts added pressure on local municipalities who already fund approximately 50% of conservation authority operating budgets.
- The elimination of Ontario's 50 Million Tree Program is also concerning as it was successful in planting nearly 24 million trees across southern Ontario where development pressure is causing a decline in forest cover. Forest cover allows rain and snowmelt to infiltrate instead of running off into streams and rivers which reduces peak flows (alleviating flooding), provides baseflow (alleviating droughts) and filters out contaminants (improving water quality). The cancellation of this program could also jeopardize the viability of our local nursery (Ferguson Tree Nursery) which provides native or non-invasive species grown from local seed sources to ensure the best chance of success for local tree planting programs.

Thank you for your consideration of these comments. If you have any related questions, please contact the undersigned at sommer.casgrain-robertson@rvca.ca or 613-692-3571 ext 1214.

Yours truly,

A handwritten signature in blue ink, appearing to read 'S. Casgrain-Robertson', with a stylized flourish at the end.

Sommer Casgrain-Robertson
General Manager

Attached: – *RVCA Comments on ERO Posting 013-5018*

RVCA Comments on ERO Posting 013-5018

Modernizing conservation authority operations – *Conservation Authorities Act*

Proposal	<p><i>Clearly define the core mandatory programs and services provided by conservation authorities to be, natural hazard protection and management, conservation and management of conservation authority lands, drinking water source protection (as prescribed under the Clean Water Act), and protection of the Lake Simcoe watershed (as prescribed under the Lake Simcoe Protection Act)</i></p> <p><i>Bill 108 further indicates that conservation authority mandatory programs would be defined in Section 21.1 of the Act as those related to: (1) natural hazards, (2) conservation lands, (3) drinking water source protection and (4) other legislation (as prescribed by regulation).</i></p>
Comment	<p>The RVCA offers the following comments on this proposal:</p> <ul style="list-style-type: none">• To more thoroughly reflect the purpose of the <i>Conservation Authorities Act</i>, it is important that “Conserving Natural Resources” be added as an additional mandatory program under Section 21.1 of the Act. As described in the comments submitted by Conservation Ontario on this posting, conservation authorities provide a range of conservation programs and services, tailored to meet the needs of their unique watersheds and communities.<ul style="list-style-type: none">○ Conservation authorities work to understand the present and evolving condition of natural resources on a watershed basis. This foundational knowledge supports successful outcomes for each of the other proposed mandatory programs, as well as natural heritage and water resources, and related climate change adaptation.○ Conservation authorities also work to improve watershed conditions through stewardship initiatives and share knowledge with people of all ages through education programs to empower people to be stewards of the watershed. <p>It is essential that conservation authorities continue to be enabled to deliver programs in support of conserving natural resources on a consistent, watershed-wide basis.</p> <ul style="list-style-type: none">• Additionally, any implementing regulations to define mandatory programs must be prepared in consultation with conservation authorities, municipalities and other stakeholders. Specifically:<ul style="list-style-type: none">○ There is a need to appropriately define the scope of each mandatory program while continuing to allow for variations between conservation authorities that reflect local watershed needs.○ The effective delivery of the mandatory programs will also rely on administrative and corporate services support (e.g. Board, management, accounting, communications,

	information technology) and the scope of the programs should be defined accordingly.
Proposal	<i>Increase transparency in how conservation authorities levy municipalities for mandatory and non-mandatory programs and services. Update the Conservation Authorities Act to conform with modern transparency standards by ensuring that municipalities and conservation authorities review levies for non-core programs after a certain period of time (e.g., 4 to 8 years)</i>
Comment	<p>The RVCA strongly supports transparency and accountability, especially to member municipalities, but we do not support the approach outlined in this proposal and Bill 108:</p> <ul style="list-style-type: none"> • RVCA staff interpret Bill 108 to mean that conservation authorities could continue to levy municipalities for mandatory programs (Section 21.1) but would need to enter into agreements with municipalities to collect revenues from them for non-mandatory programs (Sections 21.1.1 and 21.1.2). Staff concur with the concerns raised by Conservation Ontario in their comments on this posting regarding the administrative burden of the proposed approach, the potential for inconsistent program delivery within watersheds, and the loss of financial economies of scale. • The <i>Conservation Authorities Act</i> already requires conservation authority Boards of Directors (who are municipally appointed) to prepare draft budgets to circulate to all municipalities within the watershed for review and comment. It is common best practice among conservation authorities to prepare budgets that provide a listing of all programs and services with a breakdown of revenues that support each program. This clearly indicates for municipalities where municipal levy support is used and where other sources of revenue fund programs. If the province wants to ensure greater accountability and transparency, RVCA strongly recommends that they work with Conservation Ontario to strengthen the definitions of capital and operating costs and develop minimum standards, content or templates for conservation authority budgets that would ensure municipalities receive all the information they require to thoroughly review and comment on draft conservation authority budgets. • It is important to remember that each conservation authority was formed at the will of their local municipalities, at a time when those municipalities decided they needed to work together to tackle local conservation issues like flooding, drought, soil erosion, deforestation, wetland loss or water quality impairment. For the past 70 years, the conservation authority model has enabled municipalities to work together to tackle these types of issues at a watershed scale which is the only scale at which conservation issues can be effectively addressed. This collaborative model still works today as municipally appointed Board members come together to understand the state of their shared watershed and

	<p>develop integrated programs and services that further the conservation, restoration, development and management of natural resources in that watershed. Decisions made by conservation authority Boards of Directors take the interests of the whole watershed into consideration while respecting the ability of local municipalities to pay through the levy. If decisions about programs and services is moved from the Board of Directors to individual municipalities, the result could be a patchwork of inconsistent program delivery, which is the very opposite of managing natural resources at a watershed scale.</p> <p>Furthermore,</p> <ul style="list-style-type: none"> • Bill 108 would also enable conservation authorities to levy municipalities for drinking water source protection program costs. To-date, this program has been funded entirely by the Province and sole reliance on municipal funding for this Provincially-mandated program would result in uneven funding across Ontario. If municipalities are compelled to cover the full cost of drinking water source protection, they may not have funds available for other important but non-mandatory conservation authority programs that would impact local watersheds. Program costs for drinking water source protection have declined significantly in recent years as the program matured to a steady state of policy implementation, it is essential that the Ministry continue to provide this level of base funding long-term. • It should also be noted that drinking water source protection currently addresses only municipal water supplies. However, hundreds of thousands of people throughout Ontario rely on unmonitored groundwater in areas with widespread and point contamination sources. Groundwater should be a renewed focus for the Province and conservation authorities because it is a critical natural resource that must be protected if development in rural Ontario is to remain viable over the long term.
Proposal	<p><i>Establish a transition period (e.g. 18 to 24 months) and process for conservation authorities and municipalities to enter into agreements for the delivery of non-mandatory programs and services and meet these transparency standards</i></p> <p><i>Bill 108 further proposes to add Section 21.1.3 to the Act that outlines the content of transition plans</i></p>
Comment	<p>Should agreements remain a requirement under Section 21.1.2 (2) of the Act, the RVCA strongly supports this proposal:</p> <ul style="list-style-type: none"> • The transition period should be at least 24 months, to allow enough time for meaningful dialogue with conservation authority Boards and their member municipalities.
Proposal	<p><i>Enable the Minister to appoint an investigator to investigate or undertake an audit and report on a conservation authority</i></p>

	<i>Bill 108 further proposes to add Section 23.1 to the Act whereby the Minister could appoint investigator(s) to review the operations of a conservation authority and may require the conservation authority to pay all or part of the related costs.</i>
Comment	<p>The RVCA supports this proposal in-principle, however:</p> <ul style="list-style-type: none"> • The terms “investigator” and “investigation” in Bill 108 should be replaced with “auditor” and “audit” (or “review”) to communicate that such reviews would be undertaken in a cooperative manner. • Staff anticipate that such reviews would be uncommon, and that issues first try to be resolved through dialogue and information sharing between the Ministry and conservation authorities.
Proposal	<p><i>Clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority, similar to not-for profit organizations.</i></p> <p><i>Bill 108 further proposes to add section 14.1 to the Act to require that: “Every member of an authority shall act honestly and in good faith with a view to furthering the objects of the authority.”</i></p>
Comment	<p>The RVCA strongly supports this proposal:</p> <ul style="list-style-type: none"> • RVCA passed an Administrative By-Law in 2018, pursuant to Section 19.1 of the Act, that includes a Code of Conduct for Board members. The language and intent of the Code of Conduct is consistent with this proposed legislative amendment.
Proposal	<p><i>The Ministry is also proposing to proclaim un-proclaimed provisions of the Act related to: fees for programs and services; transparency and accountability; approval of projects with provincial grants; recovery of capital costs and operating expenses from municipalities (municipal levies); Regulation of areas over which conservation authorities have jurisdiction (e.g., development permitting); enforcement and offences; and additional regulations</i></p> <p><i>Bill 108 outlines which regulations could be made by the Lieutenant Governor in Council and which could be made by the Minister.</i></p>
Comment	<ul style="list-style-type: none"> • Conservation authorities, municipalities and other affected stakeholders must be consulted before un-proclaimed provisions in the Act are enacted or if new regulations are proposed • Consultation periods should be a minimum of 60 days to enable appropriate review by staff and consultation with conservation authority Boards of Directors and municipal Councils.



8.0 General Manager's Performance Objectives for 2019

Report #: 3-190627

To: RVCA Board of Directors
From: Sommer Casgrain-Robertson
General Manager
Date: June 18, 2019

<input checked="" type="checkbox"/>	For Information
<input type="checkbox"/>	For Direction
<input type="checkbox"/>	For Adoption
<input type="checkbox"/>	Attachment – 0 pages

Recommendation:

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

Purpose

To inform the Board of Directors of the performance objectives that were set for the General Manager for 2019 by the Executive Committee.

Background

The Executive Committee is responsible for working with the General Manager to set annual performance objectives and then reviewing the General Manager's performance in achieving those objectives.

Analysis

The Executive Committee met with the General Manager on May 23, 2019 to review draft performance objectives for 2019 and the following objectives were prioritized for the current year (specific objectives have been set for each priority):

- Client Centric Service, Relationship Management & Outreach
 - Board of Directors
 - Municipalities & MPPs
 - Development Applicants & Other Stakeholders

- Creating a Workplace of Choice
 - Leadership Training
 - Compensation & Salary Review
 - Information Management

- Climate Change Initiatives
 - Data Monitoring Review

Input From Other Sources

n/a

Financial Considerations

n/a

Legal Considerations

n/a

Adherence to RVCA Policy

Appendix 4-A of RVCA's Administrative By-law outlines Terms of Reference for the Executive Committee which includes the responsibility to:

- Undertake an annual performance appraisal of the General Manager / Secretary-Treasurer. The Executive Committee shall work collaboratively with the General Manager / Secretary-Treasurer to set annual performance objectives and then review the General Manager / Secretary-Treasurer's performance in achieving those objectives.

Link to Strategic Plan

The performance objectives set for the General Manager for 2019 support the implementation of a number of priorities listed in RVCA's Strategic Plan