

**TO:** Brockton Council

**FROM:** Deputy Mayor Dan Gieruszak

**DATE:** December 2, 2020

**SUBJECT:** Bill 229: Protect, Support, and Recover from COVID-19 Act (Budget Measures), 2020

**PURPOSE:** To ensure all stakeholders have appropriate time to engage with the Provincial Government to retain the most significant portions of the Conservation Authorities Act while enhancing requirements to ensure timely, safe, stable and predictable processes and policies are developed.

**RECOMMENDATION:**

**WHEREAS** the province has introduced Bill 229, *Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act*; and

**WHEREAS** the Legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, permit appeal process and engaging in review and appeal of planning applications; and

**WHEREAS** conservation authorities protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the *Planning Act*; and

**WHEREAS** the changes allow the Minister to make decisions without SVCA watershed data and expertise and consistency with policies and guidelines; and

**WHEREAS** the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs; and

**WHEREAS** SVCA and municipalities require a longer transition time to put in place new budgets as well as agreements for non-mandatory programs; and

**WHEREAS** the appointment of municipal representatives on CA Boards should be a municipal decision; and the Chair and Vice Chair of the CA Board should be duly elected; and

**WHEREAS** the changes to the 'Duty of Members' contradicts the fiduciary duty of a CA board member to represent the best interests of the conservation authority and its responsibility to the watershed; and

**WHEREAS** conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative; and

**WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process; and**

**WHEREAS the province has made changes to the legislation that will limit the ability of SVCA to ensure compliance with the Act and our policies by not including stop work orders and modifying powers to enter property potentially resulting in more legal action; and**

**WHEREAS all watershed residents and municipalities value and rely on the natural habitats and water resources within our jurisdiction for their health and well-being as well as SVCA's work to prevent and manage the impacts of flooding and other natural hazards and to ensure safe drinking water;**

**THEREFORE BE IT RESOLVED THAT Province of Ontario work with conservation authorities to address their concerns by repealing and/or amending changes to the *Conservation Authorities Act* and the *Planning Act*; and**

**THAT the Province of Ontario provide a longer transition period up at least to December 2022 for non-mandatory programs to enable coordination of CA-municipal budget processes; and**

**THAT the province respects the current conservation authority - municipal relationships; and**

**FURTHER THAT the province embraces their long-standing partnership with conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.**

## **BACKGROUND**

SVCA supports the Provincial Government's goal of reducing red tape, improving consistency across watersheds and increasing the protection of people and property. To that end I have met with Ministers and their staff documenting programs and services that require clarity so that consistency can be achieved across the province.

SVCA recognizes that significant change is required to ensure the protection of people and property due to more frequent local extreme weather. Bill 229 addresses change required within the Province; however, it is the opinion of Conservation Ontario, AMO and OFA (see attached), among others, that Schedule 6 of the Bill goes too far too fast. (Note that AMO and the OFA have made more detailed responses to the Provincial government, however for the sake of brevity two brief documents indicating there intent have been attached.)

The following illustrates some of the more recent changes within SVCA:

1. At my suggestion SVCA embarked on a 12-month review of the entire buffer zone within the Authorities jurisdiction, which resulted in removing approximately 50,000 acres from the buffer zone, significantly reducing the number of permit applications required.
2. SVCA rules and regulations have been formalized into a policy manual, available to the general public, to help drive consistency and common understanding. This will be further refined in 2021 to address changes as Provincial legislation requires.

3. Recognizing the requirement for consistency not only within the watershed but across the Province, SVCA, Conservation Ontario and the 35 other Conservation Authorities have been working with the Ministry to establish consistent approaches to protect people and property from localized weather events.
4. SVCA's commitment to change has been clearly demonstrated through the recruitment and selection process of the new General Manager Jennifer Stevens, an experienced professional, who through Source Water Protection Planning has worked with all 36 Conservation Authorities, as well as Conservation Ontario, and out of province jurisdictions.
5. SVCA has restructured its operations to more closely match the mandate given to it by the Province. We anticipate this process will be accelerated throughout 2021 however the requirement and intention for meaningful stakeholder engagement will not be minimised.

The requirement to make all the proposed changes, with the complexity of working with 15 municipalities, 4 counties, and two bordering Conservation Authorities is unreasonable, will be costly to do effectively in such a short timeframe, and risks serious unintended consequences to people, property and municipalities.

Respectfully Submitted by:

Dan Gieruszak  
Chair  
Saugeen valley Conservation Authority.