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To: Mayor and Members of Burlington City Council

From: Councillor Nisan
Mayor Meed Ward

Date: November 18, 2020

Re: Protecting Conservation Authorities

Dear Colleagues,

The attached resolution is in response to changes made by the provincial government to the Conservation Authorities Act and Planning Act. Despite not being related to budget issues, it has been added into the budget bill. As a result, there is no requirement for public comment. Nevertheless, we must make our voice heard.

There are numerous unacceptable changes. In summary:

- **Developers will now be able to bypass conservation authorities**
 - The permitting process ensures development does not occur in flood hazard areas and that our creeks, valleys and wetlands are not adversely impacted. Permits will be allowed to be approved by the province directly rather than through conservation authorities.
 - **RESULT:** less protections for the community and environment, and increased risk to public safety.
- **Parks could be threatened**
 - Under the new legislation the ministry could set fees or other limits on non-mandatory programs and services.
 - **RESULT:** Conservation Halton's ability to provide important recreational, educational, and employment opportunities that allow our community to interact with conservation will be significantly diminished. All of these opportunities are provided at no cost to taxpayers and benefit all recreation users in the area.
- **Governance of Conservation Halton will be undermined, potentially politicizing the body**
 - The changes demand that board members represent their municipalities rather than acting in the best interests of Conservation Halton (against all board best practices).
 - **RESULT:** Conservation Halton could be politicized as board members would be expected to promote their municipalities' interests which sometimes conflict with the best interest of Conservation Halton. The directors carry out their fiduciary responsibilities, guide strategy, approve policies in support of our provincial and municipal responsibilities and track performance. They ensure CH makes decisions with integrity, based solely on our

core responsibilities and remains apolitical, yet innovative and solution oriented. That could all be lost as we will be obliged to act otherwise according to the draft legislation.

- **Hamstringing science and conservation protections**
 - The legislation creates new workarounds to undermine conservation authorities.
 - **RESULT:** Independent science-based decisions in the interest of the community will be significantly limited; our wetlands, valleys, and water will be at risk; the ability to remedy violations that put our environment and communities in danger will be minimized.

Conservation Halton's mission is to help protect the natural environment, from lake to escarpment, for the benefit and enjoyment of current and future residents. Supporting our natural heritage benefits human, ecological, and economic health. We inherited our natural spaces from the generations before us and will pass them on to our children and future generations. Our duty as stewards is what continues to inspire us to use science to study and inform us about climate change impacts to our communities and mitigation strategies. Make no mistake, all of this is at risk through this legislation.

As background, the report to the Conservation Halton Board of Directors Meeting of November 16, 2020 is attached and the letter written to Premier Ford by Halton's four mayors the Conservation Halton chair.

Please consider being part of the outreach to the provincial government to ask that it reverse course, consult broadly and act in the interest of conservation.

Thank you,

Councillor Rory Nisan, Ward 3

Mayor Marianne Meed Ward

Notice of Motion

Protecting Conservation Authorities

Moved by Councillor Rory Nisan

WHEREAS the City of Burlington has been well served by both Conservation Halton and Credit Valley Conservation;

WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property, and local natural resources on a watershed basis by regulating development under the *Conservation Authorities Act*, ensuring compliance with the Regulations and engaging in reviews of applications submitted under the *Planning Act*;

WHEREAS new legislation introduces changes and new sections that could remove and/or significantly hinder conservation authorities' participation in and support of local planning appeal processes and their ability to protect development from natural hazards;

WHEREAS the changes allow the Minister to make decisions without consideration of local conditions, the Conservation Authority Board approved policies, watershed data and technical expertise;

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;

WHEREAS municipalities require a longer transition time to put in place agreements with conservation authorities for non-mandatory programs;

WHEREAS municipalities believe that the appointment of municipal representatives on conservation authority boards should be a municipal decision; and the Chair and Vice Chair of the conservation authority boards should be duly elected;

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

WHEREAS conservation authorities have already aligned approaches through Memorandums of Understanding with local watershed municipalities to reduce delays, avoid duplication and improve service delivery for all clients;

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

AND WHEREAS municipalities value and rely on the natural habitats and water resources within conservation authority jurisdictions for the health and well-being of residents; municipalities value conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value conservation authorities' work to ensure safe drinking water;

THEREFORE, BE IT RESOLVED

THAT the 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* set out in Bill 229;

THAT the Province of Ontario delay enactment of clauses affecting municipal concerns;

THAT the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of conservation authority municipal budget processes;

THAT the Province respect the current conservation authority/municipal relationships;

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

AND THAT a copy of this resolution be forwarded to Premier Ford, Minister of the Environment, Conservation and Parks, our local MPPs, our local MPs, Prime Minister Justin Trudeau, Minister of Environment and Climate Change, the Leaders of all opposition parties, Halton Region, the City of Burlington, the Town of Milton, the Town of Halton Hills, the town of Oakville, Conservation Halton, Credit Valley Conservation, the Association of Municipalities of Ontario, and be made publicly available.