

CITY OF HAMILTON MOTION

Council Date: March 11, 2015

MOVED BY COUNCILLOR C. COLLINS.....

SECONDED BY COUNCILLOR

Niagara Peninsula Conservation Authority's Levy Apportionment (Item 9.1)

WHEREAS, since 2004, the Conservation Authorities of Hamilton, Halton, Grand River and Niagara Peninsula and their respective participating municipalities have operated under an agreed upon levy apportionment;

AND WHEREAS, the City of Hamilton had no prior warning during its budget deliberations that the Niagara Peninsula Conservation Authority was planning to change the levy apportionment among its participating municipalities;

AND WHEREAS, the City of Hamilton attempted to resolve its dispute with the Niagara Peninsula Conservation Authority and the participating municipalities prior to the finalization of its budget without success;

AND WHEREAS, the Niagara Peninsula Conservation Authority has approved a 2015 levy apportionment in excess of the one from 2014;

AND WHEREAS, a payment of \$1.2M to the Niagara Peninsula Conservation Authority constitutes an onerous amount on the municipal levy and does not comply with the levy apportionment which had been agreed to by the parties;

AND WHEREAS Council favours fair and rational funding for conservation;

THEREFORE BE IT RESOLVED:

- (a) That the City maintain its position that an agreement continues to subsist, among the Niagara Peninsula Conservation Authority, City of Hamilton, Niagara Region and Haldimand County regarding the levy apportionment pursuant to Ontario Regulation 670/00 under the *Conservation Authorities Act*; and make its levy payment accordingly.
- (b) That staff be directed to prepare and move forward with the appeal process to the Commissioner of Mining and Lands with respect to the Niagara Peninsula Conservation Authority's levy apportionment;
- (c) That a Councillor Brenda Johnson and staff be directed to continue to engage the Niagara Peninsula Conservation Authority, Niagara Region and Haldimand County for the purposes of exploring a resolution to the levy apportionment dispute, which (i) honours the subsistence of the agreement for 2015, (ii)

acknowledges the need for a new agreement beyond 2015, and (iii) reflects a fair representation on the Niagara Peninsula Conservation Authority board;

- (d) That the Niagara Peninsula Conservation Authority be required to provide detailed documentation of actual capital spending including, but not limited to, Binbrook Conservation Authority and Binbrook Tract supporting the special benefitting amounts levied against the City of Hamilton from 2005 to 2014, inclusive; and,
- (e) That the City request the Province of Ontario to use any and all available powers pursuant to legislation, contract or otherwise, to intervene in and assume control over the administration of the Niagara Peninsula Conservation Authority.