



GENERAL ISSUES COMMITTEE REPORT 17-014

9:30 a.m.

Wednesday, June 21, 2017

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor C. Collins (Chair)
Councillors D. Skelly, T. Jackson, S. Merulla, M. Green, J. Farr,
A. Johnson, D. Conley, M. Pearson, B. Johnson, L. Ferguson,
A. VanderBeek, J. Partridge

Absent
with Regrets: Councillors R. Pasuta – Sick Leave
Councillor T. Whitehead – Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 17-014 AND RESPECTFULLY RECOMMENDS:

1. Downtown Hamilton Business Improvement Area Revised Board of Management (PED16059(b)) (Ward 2) (Item 5.1)

That the following individual be appointed to the Downtown Hamilton Business Improvement Area (BIA) Board of Management:

- (i) Constantine Mundo

2. Alectra Utilities' Disconnection Policy (FCS17061) (City Wide) (Outstanding Business List) (Item 5.3)

That Report FCS17061, respecting Alectra Utilities' Disconnection Policy, be received.

- 3. Development Charges Reserves Status Report, as of December 31, 2016 (FCS17058) (City Wide) (Item 5.4)**
 - (a) That Report FCS17058, respecting the Development Charges Reserves Status Report, as of December 31, 2016, be received; and,
 - (b) That Report FCS17058, respecting the Development Charges Reserves Status Report, as of December 31, 2016 be forwarded, if requested, to the Ministry of Municipal Affairs and Housing.

- 4. Innovation Factory Request for Funding Renewal Option - 2017 (PED17105) (City Wide) (Item 7.1)**
 - (a) That the request by the Innovation Factory to exercise their renewal option of the City's 2017 annual community partnership contribution of \$50,000, to be funded from the Economic Development Investment Reserve Account No. 112221, be approved; and,
 - (b) That City staff, together with the Innovation Factory, be directed to report back to the General Issues Committee with an annual review of the Municipal funding program, prior to the approval of a renewal option for 2018 and subject to satisfactory Key Performance Indicator results of the previous year.

- 5. Hamilton Tax Increment Grant Program – 33 King Street West, Dundas (PED17100) (Ward 13) (Item 8.1)**
 - (a) That a Hamilton Tax Increment Grant Program application submitted by 2096053 Ontario Inc. (Art Solomon, Erwin Gerl), for the property at 33 King Street West, Dundas, estimated at \$83,827.99 over a maximum of a five-year period, and based upon the incremental tax increase attributable to the redevelopment of 33 King Street West, Dundas, be authorized and approved in accordance with the terms and conditions of the Hamilton Tax Increment Grant Program;
 - (b) That the Mayor and City Clerk be authorized and directed to execute a Grant Agreement together with any ancillary documentation required, to effect recommendation (a) of Report PED17100, in a form satisfactory to the City Solicitor;
 - (c) That the Mayor and City Clerk be authorized and directed to execute such assigning agreement as required, to effect recommendation (a) of Report PED17100, in a form satisfactory to the City Solicitor; and,

- (d) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any Grant Amending Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Hamilton Tax Increment Grant Program, as approved by City Council, are maintained.
- 6. Barton / Kenilworth Commercial Corridor Building Improvement Grant Program, Business Improvement Area Commercial Property Improvement Grant Program – 423-429 Barton Street East, Hamilton (PED17097) (Ward 3) (Item 8.2)**
- (a) That staff be authorized and directed to advance the \$50,000 grant approved under the Barton / Kenilworth Commercial Corridor Building Improvement Grant for the Society of St. Vincent de Paul, Hamilton West Particular Council, for improvements completed at 423-429 Barton Street East, Hamilton, in accordance with the terms and conditions of the Barton / Kenilworth Commercial Building Improvement Grant Program notwithstanding the \$3,969.29 in outstanding taxes on the property; and,
 - (b) That the General Manager of the Planning and Economic Development Department be authorized to approve the pending application to be submitted under the Business Improvement Area Commercial Property Improvement Grant Program submitted by the Society of St. Vincent de Paul, Hamilton West Particular Council for proposed façade improvements to 423-429 Barton Street East, in accordance with the terms and conditions of the Business Improvement Area Commercial Property Improvement Grant Program notwithstanding the \$3,969.29 in outstanding taxes on the property.
- 7. Results of the Beach Crawl Request for Information (RFI) (PED17047(a)) (City Wide) (Item 8.3)**
- That staff be directed to create an awareness campaign using existing City marketing channels, such as a dedicated page on Tourism Hamilton's website, to highlight and promote the six Hamilton beaches that are open for public swimming.
- 8. Public Transit Infrastructure Fund (PTIF) Minor Amendments (PW17051) (City Wide) (Item 8.4)**
- (a) That staff be authorized and directed to submit project amendments to Infrastructure Canada and the Ministry of Transportation requesting approval for a revised substantial completion date from March 31, 2018 to March 31, 2019 for PTIF projects HAM-001, HAM-005, HAM-006 as reflected in Appendix "A" attached to Report 17-014;

- (b) That the Director of Transit be authorized to submit future project amendments that may be required to Infrastructure Canada and the Province of Ontario provided that no amendment shall result in the City's maximum funding share being exceeded; and,
- (c) That, pursuant to the City's Procurement Policy By-law (Policy #11 - Non-competitive Procurements), a single source procurement for the PTIF-funded project HAM-010, Heating, Ventilation and Air Conditioning (HVAC) upgrades at Mountain Transit Centre, 2200 Upper James Street, Hamilton, to be awarded to the mechanical contractor currently onsite, Superior Boiler Works & Welding Ltd. as a contract extension to C13-34-16.

9. Affordable Housing Site Selection Sub-Committee Report 17-001, April 27, 2017 (Item 8.5)

Appointment of Chair and Vice Chair (Item A)

- (a) That Councillor C. Collins be appointed as Chair of the Affordable Housing Site Selection Sub-Committee for the remainder of the 2014-2018 Term of Council; and,
- (b) That Councillor D. Conley be appointed as Vice Chair of the Affordable Housing Site Selection Sub-Committee for the remainder of the 2014-2018 Term of Council.

10. Open for Business Sub-Committee Report 17-002, May 25, 2017 (Item 8.6)

(a) Continuous Improvement Team Case Study 14(a) – Liquor License Review (Item 5.1)

That the Memorandum respecting Continuous Improvement Team Case Study 14(a) – Liquor License Review, be received.

(b) Continuous Improvement Team Case Study 15 – Conditional Building Permit Policy for Record of Site Condition (Item 5.2)

That the Memorandum respecting Continuous Improvement Team Case Study 15 – Conditional Building Permit Policy for Record of Site Condition, be received.

(c) Continuous Improvement Team Case Study 16 – Building Permit Final Inspection Letters (Item 5.3)

That the Memorandum respecting Continuous Improvement Team Case Study 16 – Building Permit Final Inspection Letters, be received.

(d) Continuous Improvement Team Case Study 17 – Minor Site Plan Approval for Temporary Sales Pavilions and Trailers (Item 5.4)

That the Memorandum respecting Continuous Improvement Team Case Study 17 – Minor Site Plan Approval for Temporary Sales Pavilions and Trailers, be received.

(e) Continuous Improvement Team Case Study 18 – Sign Variance Submission Requirements and Processing Information (Item 5.5)

That the Memorandum respecting Continuous Improvement Team Case Study 18 – Sign Variance Submission Requirements and Processing Information, be received.

(f) Municipal Comprehensive Review and Employment Lands Conversion (PED17101) (Item 7.1)

That Report PED17101 respecting a Municipal Comprehensive Review and Employment Lands Conversion, be received.

(g) Open for Business Accomplishments (PED17093) and Year-End Round-up (Item 7.2)

That Report PED17093 respecting Open for Business Accomplishments and Year-End Round-Up, be received.

11. Conservation Authorities Act Review (LS15027(b)) (City Wide) (Item 8.7)

That the Mayor forward a submission to the Minister of Natural Resources and Forestry, consistent with the contents of Appendix “B” attached to Report 17-014, in a form acceptable to the City Solicitor, regarding the proposed amendments to the *Conservation Authorities Act*, as part of Bill 139, the *Building Better Communities and Conserving Watersheds Act*, 2017.

12. Lease Amending Agreement – Lister Block, 28 James Street North, Unit #106, Hamilton (PW13026(b)/PED17106) (Ward 2) (Item 8.8)

- (a) That a lease amendment (the “Lease Amending Agreement”) with WC Franchising Inc. and WC Hamilton Inc. (the “Lessees”) operating as Wendel Clark’s Classic Grill and Bar, which revises the Lease dated the 1st day of April, 2015 pertaining to the Premises located at Unit #106, Lister Block, 28 James Street North, Hamilton, ON, as shown in Appendix “A” to Report (PW13026(b)/PED17106), substantially in accordance with the terms and conditions contained in Confidential Appendix “B” to Report (PW13026(b)/PED17106), and such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development Department, be approved;
- (b) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City as landlord, be authorized to provide any consents, approvals and notices related to the existing Lease and Lease Amending Agreement respecting the Lister Block, 28 James Street North, Unit 106, Hamilton;
- (c) That any future Percentage Rent revenue pertaining to the Leased Premises received by the City be credited to Account No.46010-791550, being the same account that the current rental revenues are being deposited, and the Real Estate and Legal fees of \$1,500.00 to be funded from Account No. 54935-791550;
- (d) The replacement of the former franchisee, Muscat-Taylor Financial Holdings Inc. (the “Original Franchisee”) on the Lease by WC Hamilton Inc., which company, together with WC Franchising Inc., shall jointly and severally assume all obligations of the Lessees under the Lease, be approved;
- (e) That Appendix “B” to Report (PW13026(b)/PED17106) remain confidential and not be released as a public document; and,
- (f) That the General Manager, Planning and Economic Development Department, be authorized and directed to negotiate, complete and execute all necessary agreements and documents on behalf of the City and in a form satisfactory to the City Solicitor.

13. Property Acquisition for a Transit Maintenance and Storage Facility (PED17111) (Ward 3) (Item 8.9)

- (a) That an Option to Purchase, executed by 1521020 Ontario Inc. (Duke Electric) on May 7, 2017, and scheduled to close on or before August 31, 2017, to purchase the land described as Part of Lot 10, Concession 1, Formerly Barton Township, designated as Part 1, Plan 62R-12886 being all of Pin #17193-

0018, known municipally as 2 Hillyard Street, Hamilton, as shown on Appendix “A” attached to Report PED17111, based substantially on the Major Terms and Conditions outlined in Confidential Appendix “B” attached to Report PED17111, and such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development, be approved and completed;

- (b) That the sum of \$46,000 be funded from Reserve number 110023 and credited to Account 45408-3560150200 (Property Purchases and Sales) for recovery of Real Estate administrative and legal expenses;
- (c) That the non-refundable deposit of \$2, be paid to the registered owner of 2 Hillyard Street, Hamilton, pursuant to the Option to Purchase agreement by the General Manager of Finance and Corporate Services within seven days of Council approval of the Option to Purchase agreement;
- (d) That the City Solicitor be authorized and directed to complete the transaction, respecting the property acquisition of 2 Hillyard Street, for a Transit Maintenance and Storage Facility on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable;
- (e) That the Mayor and City Clerk be authorized and directed to execute all necessary documents, respecting the property acquisition of 2 Hillyard Street, in a form satisfactory to the City Solicitor; and,
- (f) That Appendix “B” to Report PED17111, respecting the Property Acquisition for a Transit Maintenance and Storage Facility a 2 Hillyard Street, remain confidential until completion of the real estate transaction.

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

1. ADDED DELEGATION REQUESTS (Item 4)

- 4.1 Robert Burgiss, respecting the Hamilton Police Service Budget (For July 10, 2017 GIC)
- 4.2 Anthony Marco, Hamilton and District Labour Council, respecting Bill 148 – Fair Workplaces, Better Jobs Act, 2017 (For July 10, 2017 GIC)

2. DELEGATIONS (Item 6)

- 6.2 Ian Hamilton, Hamilton Port Authority, respecting an update on Hamilton Port Authority Activities and Plans – this delegation has been moved to the July 10, 2017 GIC.

3. PRESENTATIONS (Item 7)

- 7.3 Mid Term Report 2015 & 2016 – a revised copy of the presentation has been provided as well as copies of the Commitment Letters that are part of the Mid Term presentation.

4. DISCUSSION ITEMS (Item 8)

- 8.4 Public Transit Infrastructure Fund (PTIF) Minor Amendments (PW17051) – a REVISED Appendix “A” to Report PW17015, has been provided as the last two rows of the document were missing in the printed agenda.

5. PRIVATE & CONFIDENTIAL (Item 12)

- 12.3 Disposition of City Owned Lands – Waterdown (CM17014) – this Item has been withdrawn from the agenda.

The agenda for the June 21, 2017 Special General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Item 3)

(i) June 5, 2017 – Special (Item 3.1)

The Minutes of the June 5, 2017 meeting of the Special General Issues Committee were approved, as presented.

(ii) June 7, 2017 (Item 3.2)

The Minutes of the June 7, 2017 meeting of the General Issues Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Robert Burgiss, respecting the Hamilton Police Service Budget (For July 10, 2017 GIC) (Item 4.1)

The delegation request, submitted by Robert Burgiss, respecting the Hamilton Police Service Budget, was approved to appear before the General Issues Committee on July 10, 2017.

(ii) Anthony Marco, Hamilton and District Labour Council, respecting Bill 148 – Fair Workplaces, Better Jobs Act, 2017 (For July 10, 2017 GIC) (Item 4.2)

The delegation request, submitted by Anthony Marco, Hamilton and District Labour Council, respecting Bill 148 – Fair Workplaces, Better Jobs Act, 2017, was approved to appear before the General Issues Committee on July 10, 2017.

(e) CONSENT ITEMS (Item 5)

(i) Open for Business Sub-Committee Minutes, March 7, 2017 (Item 5.2)

The Minutes of the March 7, 2017 meeting of the Open for Business Sub-Committee were received.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 6)

(i) Hamilton Wentworth District School Board (HWDSB) respecting the Board's Facilities Master Plan and Budget Plan (Item 6.1)

Jeff Beattie, Vice Chair of HWDSB; and, Stacey Zucker, Executive Superintendent of Board Operations & Treasurer, addressed Committee and provided a presentation respecting the Board's Facilities Master Plan and Budget Plan.

The presentation respecting the Hamilton Wentworth District School Board's Facilities Master Plan and Budget Plan was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

(ii) Ian Hamilton, Hamilton Port Authority, respecting an update on Hamilton Port Authority Activities and Plans (Item 6.2)

As noted in the Changes to the Agenda, this delegation was moved to the July 10, 2017 General Issues Committee agenda.

(g) PRESENTATIONS (Item 7)

(i) Innovation Factory Request for Funding Renewal Option - 2017 (PED17105) (City Wide) (Item 7.1)

Dave Carter, Executive Director of the Innovation Factory, addressed Committee and provided a presentation respecting the Innovation Factory Request for Funding Renewal Option – 2017.

The presentation, respecting the Innovation Factory Request for Funding Renewal Option – 2017, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

For disposition of this matter, please refer to Item 4.

(ii) City Manager's 2016 Performance Review (Item 7.2)

Chris Murray, City Manager, addressed Committee and provided a presentation respecting the City Manager's 2016 Performance Review.

The presentation, respecting the City Manager's 2016 Performance Review, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

(iii) State of the City Comparative Study – Amalgamation to Now (Item 7.2)

Staff was directed to report to the General Issues Committee respecting the state of the City; assessing indicators of economic, social and financial performance in a comparative study from amalgamation to the current time.

(iv) Mid Term Report 2015 & 2016 (Item 7.3)

Chris Murray, City Manager, addressed Committee and provided a presentation respecting the City's Mid Term Report 2015 & 2016.

The presentation respecting the Mid Term Report 2015 & 2016 was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

(h) MOTIONS (Item 9)

(i) Review of the Downtown and Community Renewal Improvement Program (Item 9.1)

Staff was directed to review the Downtown and Community Renewal Improvement Program and report back to the General Issues Committee, prior to the 2019 Operating Budget process.

(ii) Development Incentive Programs Offered by the City of Hamilton (Item 9.2)

Staff was directed to prepare a comprehensive report respecting the development incentive programs offered by the City of Hamilton and report to the General Issues Committee, prior to the 2018 Operating Budget process.

(i) GENERAL INFORMATION / OTHER BUSINESS (Item 11)

(i) Amendments to the Outstanding Business List (Item 11.1)

The following amendments to the General Issues Committee's Outstanding Business List were approved:

(a) Items to be Removed:

- (i) Water, Wastewater and Stormwater Billing Frequency**
(Addressed on today's agenda as Item 5.3 – Report FCS17061)
- (ii) Innovation Factory Request for Funding Renewal Option - 2016, 2017 and 2018 (PED16123)**
(Addressed as Item 7.1 on today's agenda – Report PED17105)

(ii) Acknowledgement of National Aboriginal Day (Item 11.2)

Councillor Green recognized and acknowledged that the General Issues Committee was meeting on the traditional territories of the Mississauga and Haudenosaunee nations, and within the lands protected by the “Dish With One Spoon” wampum agreement.

Councillor Green also announced that it was National Aboriginal Day and spoke of the Soaring Spirit Festival that had taken place at Gage Park.

(j) PRIVATE & CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – June 5, 2017 (Item 12.1)

- (a) The Closed Session Minutes of the June 5, 2017 Special General Issues Committee meeting, were approved as presented; and,
- (b) The Closed Session Minutes of the June 5, 2017 Special General Issues Committee meeting, shall remain confidential.

(ii) Closed Session Minutes – June 7, 2017 (Item 12.2)

- (a) The Closed Session Minutes of the June 7, 2017 General Issues Committee meeting, were approved as presented; and,
- (b) The Closed Session Minutes of the June 7, 2017 General Issues Committee meeting, shall remain confidential.

(iii) Disposition of City Owned Lands – Waterdown (CM17014) (Ward 15) (Item 12.3)

As noted in the Changes to the Agenda, Report CM17014, respecting the Disposition of City Owned Lands - Waterdown, was withdrawn from the agenda.

Committee moved into Closed Session, respecting Item 12.4, pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (b) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City employees.

(iv) City Manager's 2016 Performance Review (Item 12.4)

The Mayor and staff were provided with direction in Closed Session with nothing further to report in Open Session.

(k) ADJOURNMENT (Item 13)

There being no further business, the General Issues Committee adjourned at 2:54 p.m.

Respectfully submitted,

C. Collins, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk

City of Hamilton Public Transit Infrastructure Fund Project Submissions

PTIF Project ID	City Project #	Project Description	Project Details			Capital Financing			Operating Impacts					
			Estimated Completion	Total Project Cost	50% Funding	Dev Charges	Debt	Total Capital Cost	2018 (\$000)	FTE	2019 (\$000)	FTE	2018 to 2019 (\$000)	2018 to 2019 FTE
HAM-002	5301783700	Fleet expansion as per Ten Year Local Transit Strategy. 2017 (5) and 2018 (11) fleet including modal split.	Mar 31, 2018	\$ 10,380,000	\$ 5,190,000		5,190,000	5,190,000	2,450	26	1,300	30	3,750	56
HAM-004	5301784710	Automated Passenger Counters	Mar 31, 2018	\$ 4,300,000	\$ 2,150,000		2,150,000	2,150,000	58		59		117	-
HAM-008	5301785704	Sustainable transportation/transit connections - installation of sidewalks and landing pads on Rymal Road East	Mar 31, 2018	\$ 3,025,000	\$ 1,512,500		1,512,500	1,512,500					-	-
HAM-009	5301784700	Radio system replacement - switch from analogue to digital	Mar 31, 2018	\$ 3,000,000	\$ 1,500,000		1,500,000	1,500,000					-	-
HAM-011	5301785708	Passenger information technology (e.g. real time mobile app, mobile web solution, Wi-Fi on buses, social media feeds, other technical software upgrades)	Mar 31, 2018	\$ 1,605,000	\$ 802,500		802,500	802,500	291	3.0	292		583	3
HAM-014	5301783701	Support fleet - 10 vehicles to accommodate growth	Mar 31, 2018	\$ 400,000	\$ 200,000		200,000	200,000	45		75		120	-
HAM-003	5301785602	Transit shelter and bus stop rehabilitation and replacement. Includes enhanced passenger information (real time bus arrival), shelter refurbishment, replacement and stop upgrades such as bus stop markers.	Mar 31, 2019	\$ 7,043,408	\$ 3,521,704		3,521,704	3,521,704					-	-
HAM-007	5301751500	Vehicle hoist replacements (11) at Mountain Transit Centre (MTC)	Mar 31, 2019	\$ 3,025,000	\$ 1,512,500		1,512,500	1,512,500					-	-
HAM-010	5301751701	HVAC upgrades at MTC	Mar 31, 2019	\$ 2,200,000	\$ 1,100,000		1,100,000	1,100,000					-	-
HAM-012	5301749700	Garage Door Replacement (32) at MTC	Mar 31, 2019	\$ 1,320,000	\$ 660,000		660,000	660,000					-	-
HAM-013	5301785700	New wash racks at MTC	Mar 31, 2019	\$ 880,000	\$ 440,000		440,000	440,000					-	-
HAM-001	5301785701	Maintenance and Storage Facility - Phase 1 Design and Site Preparation	Mar 31, 2019	\$ 28,650,000	\$14,325,000	7,162,500	7,162,500	7,162,500						
HAM-005	5301755700	Transit Priority Measures on A-Line/T-Line including queue jump lanes and transit signal priority	Mar 31, 2019	\$ 3,850,000	\$ 1,925,000		1,925,000	1,925,000			10		10	-
HAM-006	5301749701	Infrastructure: - end of line permanent Operator facilities - rehabilitate loops - rehabilitate on-street stop locations	Mar 31, 2019	\$ 3,300,000	\$ 1,650,000		1,650,000	1,650,000			48		48	-
Total:				\$72,978,408	\$36,489,204	\$7,162,500	\$29,326,704	\$36,489,204	2,844	29	1,784	30	4,628	59



OFFICE OF THE MAYOR
CITY OF HAMILTON

September 1, 2016

Water Resources Section c/o Alex McLeod
Natural Resources Conservation Policy Branch
Ministry of Natural Resources & Forestry
300 Water Street, 6th Floor South
Peterborough, Ontario
K9J 3C7

Dear Mr. McLeod,

Re: Review of *Conservation Authorities Act*

On behalf of the City of Hamilton ("Hamilton"), I am pleased to forward the within submission on how to improve the *Conservation Authorities Act* and regulations. This is in addition to the submissions made by Hamilton by letters dated September 23, 2015 and October 16, 2015.

My comments below are made in response to the five priorities identified by the Ministry of Natural Resources and Forestry (MNRF) in the consultation document entitled "Conserving Our Future: Proposed Priorities for Renewal", issued May 2016.

PRIORITY #1: Strengthening oversight and accountability in decision making

Independence

The independent and watershed based governance model of conservation authorities is generally supported. With respect to source water protection activities, such model is considered essential.

However, municipalities should be entitled to more decision-making powers (as they relate to scope of projects, risk management, priorities and funding) when conservation authorities undertake projects within a municipality's boundaries. Also, there is a need for greater consistency in governance, strategic direction and service delivery, which could be achieved through greater oversight by the Province.

Representation on the Board

Pursuant to subsections 14(1), 14(5) and 2(2) of the Act, the number of representatives that each municipality can appoint to a conservation authority board is based on the population of that municipality within the watershed. However, section 4 of the Act suggests that a two-tier municipality is entitled to even more seats, by permitting each lower tier municipality to appoint a representative, regardless of its population. This has the effect of giving a two-tier municipality representation which is far greater and disproportionate to its aggregate population.

A municipality like Hamilton, which is single tier, is in effect penalized in comparison to its neighbouring two-tier municipalities. To avoid such disparity and inequity, where there is a two-tier municipality, the population of the upper tier municipality should determine the total number of representatives to which it and its lower tier municipalities are entitled.

Membership and Qualifications

Municipalities may have technical expertise which conservation authorities lack for certain projects. As a result, there should be some formal ability for municipalities to provide technical, administrative and leadership assistance to conservation authority initiatives. To this end, representatives appointed to the conservation authority board could include senior administrators from the participating municipalities.

Relationship with MNRF

The relationship between conservation authorities and MNRF has clearly changed since the 1990s. MNRF provides the minimum standard for operational and administrative procedures for conservation authority boards, which the boards can in turn further amend. Such procedures and other applicable rules and guidelines should be reviewed and revised by the Province, in order to synchronize them.

Further, the Province currently has limited opportunity to influence conservation authority activities on a day-to-day basis. Providing conservation authorities with sufficient autonomy and flexibility to address local needs is a positive thing; however, too much autonomy and flexibility has resulted in inconsistency in projects and practices. MNRF should play a role in providing a clear direction for conservation authorities across the province.

PRIORITY #2: Increasing clarity and consistency in roles and responsibilities, processes and requirements

Section 20 of the Act sets out the purpose of a conservation authority: "The objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals."

These objects are intentionally broad, so that each conservation authority can tailor programs according to its unique needs. However, this can be challenging to a municipality such as Hamilton, whose territory is shared by four conservation authorities, which in turn can lead to inconsistency in strategic direction and service delivery.

There are other possible reasons for inconsistency in direction and conservation authority activities across jurisdictions. One reason may be the gradual erosion of Provincial oversight of conservation authorities, as the Province no longer appoints representatives to the boards and plays no role on project oversight except where there is MNRF funding. Another reason may be that conservation authorities enjoy different levels of funding and technical knowledge.

Possible solutions for correcting such inconsistencies include:

Increasing Provincial oversight of conservation authorities operations and activities;

Ensuring work as between conservation authorities, municipalities, the Province and other parties is performed by the party with the most technical knowledge, and ensuring funds are allocated accordingly;

Standardizing certain work, such as collecting and preparing technical data (e.g. collection of rainfall, stream flow, lake levels, snow courses) which all support a multitude of programs, and ensuring funds are consistently committed to support such work;

Updating certain documents such as:

MNRF's natural hazard guideline from 2002, upon which conservation authorities provide review comments related to natural hazards, and

The Generic Regulations from 2006, established for regulating any development or activities in hazard lands.

PRIORITY #3: Improving collaboration and engagement among all parties involved in resource management

The MNRF should improve collaboration and engagement in resource management by engaging in conversation among all relevant stakeholders in relation to the following goals/concerns, with the aim of finding environmentally and economically responsible policy solutions:

Maximization of efforts by conservation authorities to protect and increase the biodiversity of regionally rare native Ontario plants;

Creation of science-based policy to address the problem of artificial in-breeding within plant populations on conservation authority lands, due to such barriers as de facto bans on the planting of regionally rare native stock not derived from plants found on the authority's watershed, though within that authority's seed zone (Ontario Seed Zone Directive, 2010; based on Ontario Climate Model of climatic gradients within the province);

Clarification and implementation, province-wide, of best ecological practices related to the assisted migration of regionally rare native plants on conservation land and within the appropriate seed zone (or adjacent seed zone), but across conservation authority watershed boundaries;

Promotion of the planting of regionally rare native Ontario species in any appropriate habitat, including novel urban habitats, within a species' seed zone, particularly including conservation authority land where that species has a good chance of thriving, by specifically removing regulatory barriers that discourage opportunities for restoration;

Regular conversation among conservation authority officials, Royal Botanical Gardens officials, MNRF officials, First Nations, scientists, citizens, and private sector stakeholders on biodiversity and sustainable development concerns related to the conservation authorities and to biodiversity generally;

Sharing of information related to best practices with regard to the above goals, among all relevant stakeholders; and

Formalization of rules and/or expectations with regard to best practices with regard to the above goals, among all relevant stakeholders.

PRIORITY #4: Modernizing funding mechanisms to support conservation authority operations

Apportionment of Maintenance Costs

A significant source of funding for conservation authorities is the maintenance and administration costs levy which is apportioned to participating municipalities pursuant to section 27 of the Act.

Subsection 27(6) of the Act contemplates that a conservation authority is entitled to apportion a levy for maintenance costs only against the rateable property in that part of the municipality which falls within the conservation authority's jurisdiction. However, Ontario Regulation 670/00 regarding Conservation Authority Levies has been erroneously interpreted by some parties to suggest that a municipality's total assessment may be used in the calculation of the levy.

For example, section 3 of Ontario Regulation 670/00 states that "[t]he modified current value assessment [of each participating municipality] is calculated by adding the current value assessments of all lands within a municipality all or part of which are within an authority's jurisdiction and by applying the following factors to the current value assessment of the land in the following property classes..." The lands which should be included in the assessment are only those which fall within the watershed; not all of the lands within the municipality. To interpret section 3 otherwise would be inconsistent with the Act.

Hamilton is unfortunately embroiled in a legal dispute with the Niagara Peninsula Conservation Authority (NPCA), where the NPCA is arguing that all of Hamilton's lands should be used to calculate the modified current value assessment, thereby vastly increasing Hamilton's levy apportionment. Hamilton falls within the jurisdiction of four conservation authorities, and using the NPCA's interpretation of the formula would result in a distorted increase to all of Hamilton's levy apportionments. This erroneous statutory interpretation causes a disproportionate and unfair financial burden to Hamilton. It is imperative that the Act and Regulation be clarified to state that only the rateable property within a conservation authority's jurisdiction may be used when calculating the levy apportionment.

To assist conservation authorities in accurately assessing the value of lands within their watershed, MPAC should code properties based on watershed. Failing this, conservation authorities should undertake a "Geo-referencing" study at regular intervals to determine the assessment apportionments in their watershed.

We acknowledge that Ontario Regulation 670/00 allows a conservation authority and its participating municipalities to agree on a levy apportionment which differs from the formula set out in the Regulation. The requirement of an agreement can be logistically impossible, where a conservation authority has 15 or more participating municipalities. Further, there may be no incentive for a participating municipality to consent to an agreement, where it derives an unjust enrichment from the formula. For example, where the application of the formula causes a municipality to receive a benefit which disproportionately exceeds the amount it must pay, then it may well choose to decline an agreement. Perhaps the solution here would be for the conservation authority board to have the authority to determine an apportionment which is fair and appropriate, having regard to specific factors like benefit derived; or alternatively, the Minister could have the authority to impose an apportionment on the parties which is fair and appropriate.

In the alternative, or additionally, the MNRF should consider general equity, and the unique geographic position of Hamilton specifically (situated between the Greater Toronto Area and rural Southwestern Ontario, and the Niagara Peninsula) in revising the relevant funding rules.

Administration Costs

In order to ensure administration costs (subsection 27(3)) of a conservation authority are properly controlled, the Act could specify a maximum percentage of all the maintenance and capital project costs up to which the administrative costs may be allowed.

"Benefit derived"

The Act states that conservation authorities must apportion capital project costs (subsection 26(2)) and maintenance costs (subsection 27(2)) to participating municipalities based on the "benefit derived" by each such municipality. It would be helpful if the Act and Ontario Regulation 670/00 set out factors for determining the "benefit derived" by each municipality, how it should affect the levy apportionment, and how such benefit can be verified, whether in the form of financial, environmental assessment or other reports. Such reporting would also improve the transparency in the work done by conservation authorities and how money is spent.

Provincial Funding

Recent years have seen the role of conservation authorities expand, and it is envisaged that their work will further increase due to, for example, the effects of climate change, rapid growth, and aging infrastructure. In contrast, funding from the Province has decreased and become more intermittent over the years, with a trend towards one-time, non-recurring, special projects funding.

For example, the administration of Source Protection Plans (SPPs) is mandated by the *Clean Water Act, 2006* and was delegated to conservation authorities. Funding for the program has been intermittent over the years with conservation authorities waiting for announcements on funding prior to carrying on significant projects for source protection committees (i.e. tier 3 water budgets). With the continuing potential for emerging threats to Ontario's aquifers and the potential impact of climate change on drinking water sources in Ontario (through either drought or flooding conditions), a stable, long term, provincial source of base funding to conservation authorities for source protection work would be desirable.

We hope to see greater and long term commitment of annual base funding from the Province. Further, we would like the Act to provide clarification and direction on how provincial funding is to be equitably shared among the conservation authority and its participating municipalities. To this end, the Act should clarify:

How Provincial grant funding is to be applied towards offsetting the levy for each supporting municipality;

How special purpose funding by the MNRF or any other ministry is to be factored into the levy calculations;

How the conservation authority may prioritize the request for special funding such that where the available funds are limited, that all supporting municipalities are treated fairly in terms of allocation of such funds to individual initiatives; and

Where the funds expended on a municipality's projects during the year are less than the funds levied, the balance would go into a reserve; the Act could specify that such reserves be maintained as segregated reserves to be used only for the purposes of that municipality; and the Act could clarify if the

contributing municipality has a voice in how such accumulated reserves should be applied in future years, specifically, to offset any levy for the subsequent years.

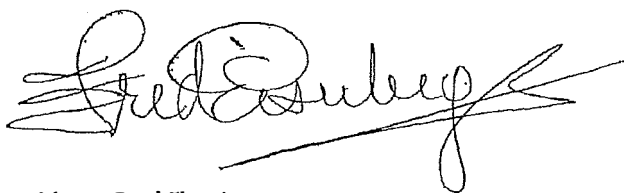
PRIORITY #5: Enhancing flexibility for the province to update the *Conservation Authorities Act* framework in the future

Conservation authorities, governments and other stakeholders must be prepared to respond to constantly evolving environmental conditions and challenges. One such issue has already been identified in Priority #3, regarding the protection of the biodiversity of regionally rare native Ontario plants.

When developing actions to enhance flexibility for the future, the MNRF should ensure that collaboration and engagement among all relevant stakeholders is embedded in the process, with a goal of finding environmentally and economically responsible policy solutions.

If you have any questions or wish to discuss this submission, please contact me by telephone or by e-mail.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Eisenberger", with a long horizontal flourish extending to the right.

Mayor Fred Eisenberger