



**COUNCIL
AGENDA REPORT**

TO: Mayor Don Furniss and Members of Council
MEETING DATE: March 13, 2015
SUBJECT: Bala Falls Hydro Project Working Committee

RECOMMENDATION: That Council confirm the following Council representatives on the Working Committee: The Mayor or his alternate (Deputy Mayor Baranik), Councillor Currie and Councillor Barrick-Spearn; and

That the report be received for information purposes.

<u>APPROVALS:</u>	Date	Signature
Submitted By: C. Harris, Interim CAO	March 10/14	<u>Original signed by C. Harris</u>

ORIGIN: At the February 13, 2015 Council meeting, Council established a Bala Falls Hydro Project Working Committee. There is an administrative matter to address and a concern has been raised with respect to the Working Committees Mandate. These are addressed in the following report.

BACKGROUND: At the December 16, 2014 Committee of the Whole, the Township received a number of requests from various individuals and organizations with respect to the proposed Bala Falls Hydro Project. One of the requests was from SREL to establish a Working Committee.

At the January 20, 2015 Committee of the Whole meeting the creation of the Working Committee was passed by Resolution Number COW-4-

20/01/15 and was subsequently ratified by Council Resolution Number C-10-13/02/15 on February 13, 2015. At that meeting Committee requested staff to further report on options for the composition of the Working Committee. At the February 13, 2015 Council meeting, option 2 was approved by Resolution Number C-27-13/02/15 for the composition of the Working Committee.

Working Committee Chair – The mandate included an independent Chair. Mr. Mike Fitton's name was put forward by Mr. Harold Elston, the Township solicitor. Mr. Fitton is a retired lawyer and practiced law in Bracebridge for 38 years. During that time he was the municipal solicitor for a number of municipalities, including the Township of Muskoka Lakes. He currently resides in Bracebridge. Mr. Fitton was confirmed as Chair by the Working Committee.

SREL has agreed to cover the cost of the Chair if SREL and the Township are unable to reach an agreement on the use of Township lands for a combination of monetary and/or other considerations. If a subsequent agreement between SREL and the Township is approved by Council it would be appropriate for the Township to share the cost of the independent Chair.

Working Committee Composition – At the February 13, 2015 Council meeting four options for the composition of the Working Committee were presented. The options considered included additional Members of Council, representatives from the Bala community and various representatives from the First Nations.

Option 2 for the composition of the Committee was approved by Council and included three (3) members of Council. The Mayor has requested Councillor Currie and Councillor Barrick-Spearn be appointed to the Working Committee in addition to himself or his alternate, Deputy Mayor Baranik.

MNRF Representative – Staff spoke with the MNRF regarding the appointment of a representative to the Working Committee. Due to staff resource constraints the Ministry was unable to commit an individual to sit on the Working Committee. They did indicate however that they would make staff technical resources available to the Committee as required.

Working Committee Mandate – A staff report was placed on the January 20, 2015 Committee of the Whole agenda in response to the requests from SREL and others. SREL had requested the establishment of a Working Committee. The mandate of the Working Committee was discussed in the report and a proposed mandate was provided as Attachment 2. The composition of the committee was part of the mandate. At that meeting staff were asked to report back with respect to options for the composition of the Working Committee. Staff provided a further report to the February Council meeting.

On February 25, 2015 a letter from Aird & Berlis addressed to the Mayor and Members of Council was received. It was with respect to the Working Committee. A copy of the letter is provided as Attachment 2. The Townships solicitor, Mr. Elston has prepared a response to the Aird & Berlis letter. A copy of his response is provided as Attachment 1. Mr. Elston does not agree with the criticisms in the Aird & Berlis letter and, instead, recommends that the Committee proceed as constituted, and pursuant to its mandate, as presented to Council. In addition Mr. Elston states “with little or no “approval” or “permitting” authority in the Township, it is not correct to suggest that Council is engaged in a “fast-tracking” of the project or an “accelerated” construction process. In fact, in my view, the establishment of the Committee demonstrates Council’s commitment to remain an effective participant in the design and construction of the project and to protect the public interest.”

FINANCIAL: Any financial implications will depend on future recommendations coming forward from the Working Committee and if they are adopted by Council.