



**John Yakabuski, MPP**  
Renfrew-Nipissing-Pembroke

RECEIVED  
OCT 10 2014

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September 30th, 2014

Hon. Kathleen Wynne  
Premier of Ontario  
Room 281, Main Legislative Building, Queen's Park  
Toronto, Ontario  
M7A 1A1

Dear Premier,

I am writing to you requesting that you postpone your decision to scale back The Power Dam Special Payment Program which was announced as part of your 2014 budget earlier this year. With a postponement a methodical analysis to fully understand the negative effects of this decision can be completed.

Given the number of local governments that currently benefit from this program, this decision will disproportionally effect my riding of Renfrew-Nipissing-Pembroke and the people who live within it. According to local media outlets, your actions will deny Renfrew County and 13 local municipalities of over \$400,000 in the next three years. The Greater Madawaska Township will receive \$186,831 less over three years; by 2017 the Township of Head, Clara and Maria will be receiving almost \$25,000 less; Laurentian Hills stands to lose over \$10,000 when the new rates come into effect. The remaining municipalities in my riding will be indirectly hurt by your actions.

The County of Renfrew and its municipalities cannot afford these reductions. Crumbling infrastructure, an aging population, out of control hydro rates, escalating costs for emergency services, and higher insurance premiums has already strained local governments' budgets. Unlike the provincial government, the County and municipalities do not have the revenue tools to counteract this loss of funds. This bad news story also coincides with your claw back of the Ontario Municipal Partnership Fund—something which AMO has asked you not to do.

On countless occasions you have risen in the House to praise your administration for up-loading programs and costs from municipalities to the provincial government. In your rhetoric you have made this a priority of your government; however, with your actions you have undercut local governments in my riding by reducing the amounts received through The Power Dam Special Payment Program. On the one hand you have made it a

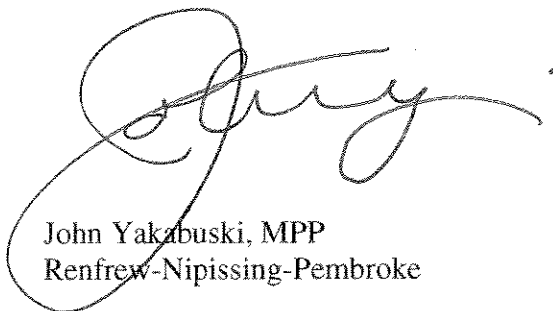


priority of your government to advocate for green energy at a huge cost to Ontario's ratepayers. On the other hand by reducing the amount given from this program you are creating a disincentive for local governments to support hydro-electrical generating stations. Hydro-electrical generation produces no "carbon footprint" and we have abundant water resources in this province.

In light of the growing opposition to what has been called yet another blow to municipalities, I am asking you to reconsider your current plans. The reductions to The Power Dam Special Payment Program creates uncertainty in my riding so I would therefore ask that you conduct a thorough analysis of how fair and stable funding can be provided to counties and townships across all Ontario.

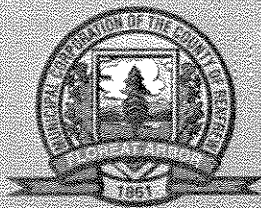
I look forward to you granting this entirely reasonable request from myself and the members of local government from Renfrew-Nipissing-Pembroke.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Yakabuski', with a large, stylized loop at the beginning and a long, sweeping tail.

John Yakabuski, MPP  
Renfrew-Nipissing-Pembroke

Cc: Hon. Charles Sousa – Minister of Finance  
The County of Renfrew  
The Township of Admaston/Bromley  
The Town of Arnprior  
The Township of Bonnechere Valley  
The Township of Brudenell, Lyndoch and Reglan  
The Township of Greater Madawaska  
The Township of Head, Claria and Maria  
The Township of Horton  
The Township of Killaloe, Hagarty and Richards  
The Town of Laurentian Hills  
The Township of Madawaska Valley  
The Township of McNab-Braeside  
The Town of Renfrew  
The Township of Whitewater Region



## County Council Review

SEPTEMBER 2014

### HIGHLIGHTS

Renfrew County Wins the Silver Chain Challenge: Residents from both Renfrew County and Lanark County deserve huge recognition for the incredible amount of cycling, walking and running that took place throughout the month of June on our trails and roads across the Valley. We nearly doubled our participation this year with 316 people logging a total of 47,536 kms of walking and cycling. We are proud to declare Renfrew County the winner of the 2014 Silver Chain Challenge with the most number of points accumulated. Renfrew County is also recognized for having the highest number of participants in total and participation from across all of our municipalities. This year, we recorded kilometers cycled and walked (running too) for each municipality across the County of Renfrew and Lanark County, including the City of Pembroke and the Town of Smiths Falls. The Warden's Plate will be presented to Renfrew County in the near future and will reside in the County until the launch of the 2015 Silver Chain Challenge. This friendly competition has provided a wonderful opportunity to highlight our commitment to Active Transportation, health and the well-being of people across our region. We launched the 2014 Challenge at the Eastern Ontario Active Transportation Summit in Almonte and the Neat Cafe 'From Here to There Foot and Bike Race' in Burnstown. Both events promoted the local economic and community benefits that are realized through a commitment to Active Transportation. By enhancing and promoting places for physical activity, economic development and social engagement, we are building stronger and more sustainable communities. We look forward to 2015 and will be hosting the second Eastern Ontario Active Transportation Summit in Renfrew County.



For more information, contact:

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or visit our website at:

[www.countyofrenfrew.on.ca](http://www.countyofrenfrew.on.ca)

## Council Communiqué

### HEALTHY KIDS COMMUNITY CHALLENGE

At the February 27, 2014 session of County Council a resolution was adopted approving that the County of Renfrew in partnership with the Renfrew County and District Health Unit to submit an application for the Healthy Kids Community Challenge Grant. The Healthy Kids Community Challenge is a community-led program where partners from different sectors work together to implement activities to promote healthy weights for kids. A letter dated September 11, 2014 was tabled for Council's information, and was addressed to Warden Peter Emon from the Ministry of Health and Long-Term Care advising that the County of Renfrew's application was successful and has been selected to participate in this new initiative. Over the next four years, Renfrew County and 44 other selected communities will receive resources from the Ministry of Health and Long-Term Care including funding, training, guidance and social marketing tools to help promote healthy eating, physical activity and healthy lifestyle choices for children and youth like adequate sleep. This new program is a key part of Ontario's Healthy Kids Strategy.

The strategy is a cross-government initiative launched to promote children's health focusing on: healthy start, healthy food, and healthy active communities.



### COUNCIL INITIATIVES

County Council Adopted By-law 85-14 Employment By-law # 1 for County Officers and Staff.

County Council Adopted By-law 86-14 A By-Law to Execute an Agreement with the Province of Ontario Ministry of Research and Innovation to Receive Core Funding for a Three Year Business Cycle for Enterprise Renfrew County.

County Council By-law 74-14 A By-Law to Delegate Authority for Decisions to the Chief Administrative Officer/Clerk in the Event that Council is Subject to Section 275 of the Municipal Act, 2001 regarding "Restricted Acts After Nomination Day".

County Council Adopted By-law 87-14 A By-Law to Authorize the Warden and Clerk to Enter in an Agreement with the Minister of Health and Long Term Care for Funding to Support the Expansion of Community Paramedicine Initiatives.

County Council Adopted By-law 88-14 A By-Law to Authorize Entering into a Contract for the Provision of Psychological Consultation Services for Integration Services for the Year 2015.



**From:** "Frank Burke" <frank.m.burke@gmail.com>  
**Date:** October-12-14 11:10 AM  
**To:** [REDACTED]; "Melinda Reith - Head, Clara, Maria" <twpshcm@xplornet.com>  
**Attach:** CA - INTENT.pdf  
**Subject:** Fwd: FW: Official Plan Amendment and Nottawasaga Conservation Authority

Forwarded message

From: **emarshall** <[emarshall@xplornet.ca](mailto:emarshall@xplornet.ca)>  
Date: Sat, Oct 11, 2014 at 9:14 AM  
Subject: FW: Official Plan Amendment and Nottawasaga Conservation Authority  
To: MARLENE AND TOM BLAC

I have sent the below to municipal councillors of which I have email addresses for. If you want you can forward to your own municipal councils and staff...I'm receiving reports from councils across the province in regards to official plan amendments and new C.A. reports...it's up to you what you want to do.

Hello Municipal Officials

With all due respect, I am not trying to create problems. If anything I am trying to solve problems, but this constant, relentless attack on people, by municipal and other staff, has got to stop. I received a notice from a Municipal planning department, in regards to the amendment to the Official Plan. It would seem, they don't seem to understand that if the Council accept the designation of private property Council, are technically committing fraud, breach of trust, etc., wouldn't you agree?

Now I have received a report, in regards to the Conservation Authorities, dictating a new larger plan. There are options for the Municipalities. As Mayor and Council, when an entity, which is sub-servient to Council, violates the rights of your residents, Council has the option of dissolving the C.A., and Council is obligated to do this under oath of office. I am attaching our Conservation Authority report, so that you have ample information.

With all due respect, when municipal councils don't respect the people's rights, they are effectively removing their own rights. In conjunction with that respect, the council as an elected board of directors of a corporation, have the onus to uphold superior law, that being the Constitution, the Letters Patent, the Municipal Act, and even the Planning Act. There is nothing in any of these Acts which grant Council, Staff or the C.A.s/NEC, authority over private property. That is all a fallacy, which needs to stop.

When members of council swear the oath of office, they are avowing an allegiance to Queen Elizabeth. In swearing that allegiance, council is swearing to uphold the Constitution in all events. The Conservation Authority's jurisdiction is limited to what belongs to it and not private property, as again it is merely a corporation. The Municipality's jurisdiction also belongs to what is public property, not private and the C.A.s cannot have more authority than the entity which created them, being the Municipalities. As for the Municipalities, the authority to expropriate is in section 6 and only after property is acquired, by expropriation, purchase or lease, is there any authority for municipal councils to do anything with that property. That is specifically stated in the Municipal Act. Sections 10 and 11, subsection 2 (By-laws), part 4 states:

## By-laws

(2) A single-tier municipality may pass by-laws respecting the following matters:

4. Public assets of the municipality acquired for the purpose of exercising its authority under this or any other Act.

The above is from section 10, whereas section 11 is the same in regards to Upper Tier corporations. Municipal public assets are defined as:

"municipal property asset" means an asset of the municipality that is land, equipment or other goods. O. Reg. 599/06, s. 14 (2).

And under section 1 of the Municipal Act, there is also the definition of "economic development services":

"economic development services" means, in respect of a municipality, the promotion of the municipality by the municipality for any purpose by the collection and dissemination of information **and the acquisition, development and disposal of sites by the municipality for industrial, commercial and institutional uses;** ("services de développement économique")

To violate the Constitution, the Letters Patent, and/or the Municipal Act, Council is placing council in a position of breach of trust by a public officer, wouldn't you agree? Does the County Council or the Council of a municipality want to do this? Under section 14 of the Municipal Act it states;

### **Conflict between by-law and statutes, etc.**

14. (1) A by-law is without effect to the extent of any conflict with,

- (a) a provincial or federal Act or a regulation made under such an Act; or
- (b) an instrument of a legislative nature, including an order, licence or approval, made or issued under a provincial or federal Act or regulation. 2001, c. 25, s. 14.

### **Same**

(2) Without restricting the generality of subsection (1), there is a conflict between a by-law of a municipality and an Act, regulation or instrument described in that subsection if the by-law frustrates the purpose of the Act, regulation or instrument. 2006, c. 32, Sched. A, s. 10.

And under section 15 the authority of the Council is extremely limited:

## **RESTRICTIONS AFFECTING MUNICIPAL POWERS**

### **Specific powers, by-laws under general powers**

15. (1) **If** a municipality has power to pass a by-law under section 9, 10 or 11 and also under a specific provision of this or any other Act, the power conferred by section 9, 10 or 11 is subject to any procedural requirements, including conditions, approvals and appeals, that apply to the power and any limits on the power contained in the specific provision. 2001, c. 25, s. 15 (1); 2006, c. 32, Sched. A, s. 11 (1).

### **Interpretation**

(1.1) For the purpose of subsection (1) and, unless the context otherwise requires, the fact that a specific provision is silent on whether or not a municipality has a particular power shall not be interpreted as a limit on the power contained in the specific provision. 2006, c. 32, Sched. A, s. 11 (2).

### **Application to new and existing provisions**

(2) Subsection (1) applies whether the specific provision was enacted before or after,

- (a) the day this section comes into force; or
- (b) the day a by-law passed under section 9, 10 or 11 comes into force. 2001, c. 25, s. 15 (2); 2006, c. 32, Sched. A, s. 11 (3).

### **No retroactive effect**

(3) Nothing in this section invalidates a by-law which was passed in accordance with the

procedural requirements in force at the time the by-law was passed. 2001, c. 25, s. 15 (3).

## Interpretation

**(4) Subsection (1) applies to limit the powers of a municipality despite the inclusion of the words "without limiting sections 9, 10 and 11" or any similar form of words in the specific provision.** 2006, c. 32, Sched. A, s. 11 (4).

Sir/Madam, there are other municipalities looking to cease and desist from the new PPS, but unless you are all going to stand together, you will be undermined by Municipal Affairs, and the province. It is unfortunate that the province is not working in the best interests of the people and placing municipal councils in this position. Only the municipally elected councils can do something about this, that is why I am emailing. When things do start to go bad, for the councils, municipal affairs will state that you are to do due diligence. This is why I am contacting you. The Council of your municipality seems to want to be above these violations and to protect their residents, but if Council doesn't move forward with correcting this situation, by taking a lead, these situations will only worsen. My question to Council and to staff is:

Are you all prepared to remove your own constitutional rights, lose your children's rights, lose your own personal wealth? When you pass by-laws, or when the province dictates to municipal councils, they are removing democracy and the people's rights. These are things every Councillor and Staff member should take into consideration, when they decide to pass by-laws.

This same email will be going out to other municipal councillors, but I want you to understand this is not to work against you, this is to assist in decision making. Information is king. You have the information, but it's what you decide to do with it is up to you.

I hope you and yours have a wonderful Thanks Giving.

*Regards,*

*Elizabeth Marshall*

*Director Canadian Justice Review Board*

*Director of Research Ontario Landowners Association*

*President All Rights Research Ltd.,*

*I am not a lawyer and do not give legal advice. Any information relayed is for informational purposes only. Please contact a lawyer.*

*"EMINENT DOMAIN. — So great moreover is the regard of the law for private property, that it will not authorize the least*

14/10/2014