

## Club Whitesands

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Mr. Kim Dunford, Councilor  
Township of North Kawartha

By email to [kdunford@pipcom.com](mailto:kdunford@pipcom.com)

Dear Mr. Dunford:

**Re: MNR Proposal EBR # PB00E3003**

We noticed your excellent letter that appeared in The Examiner on September 7<sup>th</sup>. We too have very serious concerns regarding the KHSS LSC's Draft Recommendations and the negative impacts this document may have on private property owners.

We have also read the Interim Response from North Kawartha to the LSC and, because of **existing legislation and policies which the LSC is required to observe and has no authority to change**, I do not see how the LSC can possibly incorporate the North Kawartha "eight point wish list" of property rights to be protected into their Draft Recommendations, **unless they cease to recommend that the entire KHSS be designated to be a Provincial Park (or a Conservation Reserve).**

Unfortunately, the "wish list" seems to have provided a false sense of comfort to certain persons and groups who will be extremely disappointed if it can not be recommended by the LSC, and/or implemented by the Government.

This "existing legislation and policy" and its interaction with the Draft Recommendations and the North Kawartha Council's "eight-point wish list" is the subject of a discussion paper that interested persons are working on, and I will make certain that you have a copy.

I have received a copy of the minutes of your Council's meeting of September 6<sup>th</sup>, 2001, and Mr. Mitchell's letter regarding resolution # 01-09SP. It is my personal opinion that Mr. Mitchell's letter does not accurately emphasize the fact that North Kawartha's endorsement of the LSC's Draft is **conditional** on your "eight-point wish list" being incorporated into the Draft Recommendations. **Obviously, you and your Council would have benefited from additional time being made available to consider this very important issue.**

We do not understand Sissy Tanner's insistence between 4:30 and 6:20 pm on Thursday, September 6<sup>th</sup>, 2001 that your Council had to vote on the endorsement of the LSC's Draft Recommendations because the time period for input to the LSC expired on Friday, September 14<sup>th</sup>, 2001. Pertinent information follows.

1. On Tuesday, August 21<sup>st</sup>, 2001 the writer sent an urgent request to Minister John Snobelen, copied to Nancy Wilson and (presumably) the LSC, requesting an extension of the period for input to the LSC until at least September 29<sup>th</sup>, 2001. We also copied Chris Hodgins, Gord Miller and John Millage, CAO G-C&H
2. By August 30<sup>th</sup> about fifteen other persons had made similar requests.
3. We received no reply until September 4<sup>th</sup>, 2001, **except for a letter from Chris Hodgson**, which was mailed to us on August 22nd, 2001. **We appreciate his prompt and courteous acknowledgement of our letter of August 21<sup>st</sup>.**
4. Shortly after 9:00am **on Tuesday, September 4<sup>th</sup>** I spoke with Nancy Wilson, LSC Project Co-coordinator, and she informed me at that time that she was quite certain that she could get the LSC to approve an extension of the time period from September 14<sup>th</sup> to September 28<sup>th</sup>, but that she would need the approval of the LSC at its next meeting before she could make the commitment definite. **She also told me that the decision was totally controlled by the LSC and that Minister Snobelen had nothing to say about the matter (??? but I had not received any reply from his office to my letter of August 21<sup>st</sup> at that time, so maybe she was correct.).** Ms. Wilson refused my request to put her qualified commitment in writing.

**Since the LSC was in total control of this “extension decision” we assumed (rightly or wrongly) that Ms. Wilson must have talked to at least the Chairperson, Sissy Tanner, of the LSC before she made such a verbal commitment on September 4<sup>th</sup>, 2001. Perhaps she did not.**

When we asked Ms. Wilson when the next meeting of the LSC was to occur, she advised us that it would not occur until September 17<sup>th</sup>. We felt that it was extremely unreasonable for her to suggest that we should defer our submissions until after the September 14<sup>th</sup> deadline, based on very “iffy” verbal suggestions that the LSC “might” approve the extension beyond the 14<sup>th</sup>, on September 17<sup>th</sup>!!! **The unfairness of this suggestion has caused us to remember the details of the conversation very clearly.**

Subsequently, at 10:44am on Tuesday, **September 4<sup>th</sup>, 2001** Nancy Wilson sent us 11 pages of policy clarifications **that we had requested on September 23<sup>rd</sup>, 2000.**

We know for certain that these policy clarifications were in the KHSS LSC Office by February 22<sup>nd</sup>, 2001. They are dated September 26th, 2000. Therefore, we assume that they were available to Sissy Tanner and to Janice Griffith, and **their mandate as LSC members requires them to be knowledgeable about such matters.**

These policy clarifications impact the North Kawartha property rights “eight point wish list” negatively and severely. **If Sissy Tanner and Janice Griffith were aware of these policy clarifications on September 6<sup>th</sup> (as they were supposed to be), then it seems to us that they should have brought information concerning them to the attention of North Kawartha Council to satisfy their responsibilities as Members of that Council. It seems to be clear that they did not do this, and if they had, it seems doubtful that Resolution 01- 09SP would have been passed.**

5. We were very disappointed by our conversation with Ms. Wilson and pursued the matter further with Minister Snobelen's office. As a result **we learned by about 10:00am on Friday, September 7<sup>th</sup> that a decision to grant the time extension to September 28<sup>th</sup> had been made, and the notification for the extension that was to be posted to the EBR Registry had already been translated into French.**

6. At about the same time, a Mr. Al Barauskas, who is a budget manager in the Ontario Living Legacy Office, also confirmed to me that the decision had been made to extend the time period to September 28<sup>th</sup>.

7. LSC member Murray Kidd told me **verbally** that the LSC members had been polled regarding the time extension on September 5<sup>th</sup>, but later **corrected this by email** to say that **they had been polled on September 6<sup>th</sup>**

8. During your meeting of September 6<sup>th</sup>, which went from 4:30 to 6:20pm, according to the minutes, Sissy Tanner informed your Council that it had to vote on the LSC Draft Recommendations at that meeting because the time period for input to the LSC expired on September 14<sup>th</sup>.

If both Sissy Tanner and Janice Griffith were unaware of the extension being granted at that time, this would imply that the polling of the LSC had to have been completed after 6:30pm, Thursday, September 6<sup>th</sup>, and a notification to the EBR Registry would have to have been drafted and translated into French before 10:00am on Friday, September 7<sup>th</sup>, 2001, the following morning. MAYBE??? This would seem to be a very improbable possibility to the writer.

9. Even if both Sissy Tanner and Janice Griffith were unaware of the time extension, this would not release them from their obligations to inform your Council of the implications of the "Policy Clarifications" referred to above: unless these clarifications had not been made available to them, or, they had not read and understood them.

10. If they did not have access to them this would seem to suggest some deficiency on the part of the Project Manager, Nancy Wilson.

11. If they had them, but did not read or understand them, this would suggest that Sissy Tanner and Janice Griffith were deficient with regard to their responsibilities as members of the LSC.

12. On Saturday, September 8<sup>th</sup> members of the LSC met with the executives of four different associations. Copies of Mr. Mitchell's letter were distributed, or mentioned, at all four meetings. Two of the meetings occurred in North Kawartha, and two occurred in Galway-Cavendish and Harvey.

Most of the recipients who were concerned about various property rights issues were **unduly comforted by the possibility** that the "eight point wish list" might be included in the Draft Recommendations. **As pointed out in the recent Discussion Paper on these issues, this is unlikely.**

Two members of the Cavendish Ratepayers Association who received copies of

Mr. Mitchell's letter were asked by Nancy Wilson and Sissy Tanner to keep it "confidential" until it could be reviewed by Tom Flynn and other members of the Galway-Cavendish and Harvey Council. And this they did: both of these persons refused to give the writer a copy of the subject letter because (to their credit) they felt they were "honour bound" to the request from Sissy Tanner and Nancy Wilson.

**The request to keep documents private that were approved at a public, open meeting of your Council seems very irregular to me.**

Less than an hour after talking to these two persons I easily obtained a copy of the subject letter, by fax, from a person in North Kawartha. No privacy requests were made to the many persons attending the meetings with the LSC in North Kawartha. We could have obtained the document from at least six different persons. Of course, this caused the members of the CRAI some embarrassment. It seems that they might have been used as unsuspecting pawns in some petty political contrivance.

The only reason that we can imagine for keeping the matter "hushed up" in Galway-Cavendish and Harvey is that: having the apparent conditional support of North Kawartha some persons may have hoped to obtain the support of Galway-Cavendish and Harvey before any reasonable opposition could be mobilized.

Certainly, the intent of North Kawartha's resolution 01-10SP is to obtain the support of the Council of Galway-Cavendish and Harvey for your resolution #01-09SP and the LSC's Draft Recommendations, and this supports my hypothesis.

**We most desperately hope that the support from the Council of Galway-Cavendish and Harvey will not be forthcoming.**

**Fortunately, the Council of Galway-Cavendish and Harvey has recognized, for some time, that the only way to preserve various property rights and rights of the Municipality is to separate lands within the KHSS that might be designated either Provincial Park or Conservation Reserve from private properties by corridors of General Use Crown Land.**

**Summary:**

1. We believe that it would have been in the **best interests of taxpayers in North Kawartha** to have the information regarding policy clarifications, that we have discussed, made available to **all** members of your Council before you were forced to vote on Resolution #01-09SP, which provided a **highly qualified endorsement** of the LSC's Draft Recommendation during the early evening of September 6<sup>th</sup>, 2001.
2. It seems probable that many, if not all, members of the LSC knew about the time extension before 4:30pm on Thursday, September 6<sup>th</sup>; therefore there was no need to coerce Members of Council to vote on the issue that day. (Remember that I was told on Tuesday, September 4<sup>th</sup> that the extension would likely be granted.)

3. Everyone who has read the policy clarifications referred to (which were only available to the public, as far as I know, on September 4<sup>th</sup>, 2001) seems to agree that North Kawartha's "eight-point wish list" cannot be implemented if the KHSS is designated either a Park or a Conservation Reserve.

We suspect that **if** you and your fellow Councilors (excluding Members of the LSC) had had access to these clarifications, then you too would have arrived at this conclusion, and Resolution 01-09SP would not have been passed.

4. Obviously, **LSC Members Sissy Tanner and Janice Griffith had access to these clarifications** and, according to their terms of appointment, they were required to understand them by August 14<sup>th</sup>, 2001 at the latest, the date that the Draft Recommendations were released. **Why then did they not provide this information to other Members of your Council?**

5. It seems that they may have been caught between **two conflicting interests**:

- a) **To serve the needs of North Kawartha taxpayers, and**
- b) **To obtain even a very much qualified endorsement from North Kawartha Council for the LSC's Draft Recommendations, including the Park designation.**

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#### References:

- 1. **Minutes of Special Meeting of North Kawartha Council held at the North Kawartha Council Chambers, September 6<sup>th</sup>, 2001 from 4:30 to 6:20pm**
- 2. **Interim Response to Kawartha Highlands Signature Site, Draft Recommendation Report , an undated letter signed by William Mitchell, CAO for North Kawartha, addressed to KHSS LSC.  
(This letter is supposed to convey the intention of the NK Council, as expressed in Resolution #01-09SP to the KHSS LSC)**
- 3. **Draft Discussion Paper, Rev. 22/09/01, Observations regarding North Kawartha's Interim Response to the LSC's Draft recommendations of August 2001, and its Executive Summary.**

## **Recommendations and Suggestions:**

- ! We suggest that the KHSS proceedings should be stopped **immediately** for a period of time sufficient to permit the **restructuring of the LSC**, before Phase 2 is completed and before Phase 3 is commenced.
2. The **Chairperson** of the Restructured LSC should not be a Member of Council from either North Kawartha or Galway -Cavendish and Harvey in order to avoid the possibility of "conflict of interest" (real or perceived) situations arising.
3. The LSC should have a number of **members who actually own property** within or contiguous to the KHSS. Perhaps the huge difference in the degree of development within the four affected townships should be taken into account.
4. **Each of the two municipalities** should have the right to appoint a Council member to the LSC, and should such an appointee leave office for any reason, then the affected municipality should have the right to appoint a replacement member to the LSC.
5. The restructured LSC should have members on it that will **vigorously guard the interests of local (in the true sense of the word): private property owners, private business owners and local municipal interests: in addition, of course, to experts from various recreational, environmental, etc. groups.**

The **concern for some of these local groups** that has been shown by the LSC to date seems to be somewhat deficient, as evidenced by the Draft Recommendations.

If you agree with these suggestions, or similar modifications of them, do you have any suggestions as to how we might proceed **constructively, and immediately**, to achieve our goals.

Sincerely,  
Gary Faulkner