



Meeting Date: April 20, 2022

Submitted by: Michael Di Lullo, CAO

Report No: CAO-14-2022

Subject: Regulatory Proposals under the Conservation Authorities Act –
Inventory of Programs and Services

Recommendation:

THAT Report CAO-14-2022, re: Regulatory Proposals under the Conservation Authorities Act – Inventory of Programs and Services be received for information.

Purpose:

The purpose of this report is to update Council in regards to new provincial regulations that are now in effect for conservation authorities. These regulations focus conservation authorities on their core mandate by prescribing mandatory programs and services they must provide.

This report identifies the core programs and services that the Conservation Authorities provide to Middlesex Centre in accordance with Regulation 667/21.

Background:

In 2021, Reports CAO-10-2021 and CAO-28-2021 were provided to Council that identified the proposed amendments to the Conservation Authorities Act. Further to this, Report CAO-2-2022 identified the process for which Conservation Authorities would move ahead with compliance to the legislation.

Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services, requires for Conservation Authorities to create a Transition Plan that outlines the development of an inventory of programs and services divided into Categories 1-3 as well as the process to enter into agreements with participating municipalities to fund Category 2: Municipal Programs and Services. An outlines of these categories is providing in the forthcoming Analysis section.

Analysis:

The inventory must include sources of funding, costing and categorization of all programs and services into one of three specific categories:

- Category 1: Mandatory programs and services as identified in Ontario Regulation 686/21. These programs are eligible to be funded through general municipal levy. (e.g. Flood Forecast and Warning)
- Category 2: Municipal programs and services that are provided at the request of the municipality. These programs can be funded through self-generated revenue, government and other agency grants and/or municipal funding under a memorandum of understanding (MOU) or agreement with the municipality. (e.g. Operation of Local Conservation Areas)
- Category 3: Other programs and services that an Authority (Board) determines are advisable. These programs can be funded through self-generated revenue, user fees, government and other agency grants, donations, etc. Any use of municipal funding will require an agreement and would be subject to cost apportioning (e.g. Environmental Education)

This report includes the listing of programs and services of the Transition Plans which falls under the above noted categories and aligns with Section 21.1 and 21.1.2 of the Act.

Program and Service Highlights

- In reviewing the breakdown of each of the three categories – a municipal levy is noted for Category 1 throughout (Programs and Services that CAs are obligated to provide);
- The majority of programs/services identify with Category 1;
- There is a fair share of municipal levy attributed to flood control measures/studies;
- There are very few Category 2 (municipal requested services) identified throughout the inventory lists;
- Education and outreach programs are consistent throughout the inventory lists which is not mandatory however is beneficial for users of the park systems;
- Area Conservation Authorities are preparing the introduction of new programs and services, such as inventories of owned/controlled lands and an asset management strategy related to these lands. These new services are to be in place by December 31, 2024;
- Programs and services the CA considers advisable to conserve the watershed or meets community needs are included in Category 3. If a municipal levy is required to fund all or a portion of a program, the CA needs to enter a cost-

apportionment agreement with the participating municipalities to allow the program and service to be financed by the municipal levy after January 1, 2024;

- In total, 10 program areas are accounted for in the inventory provided by each area Conservation Authority, and 5 new services/programs are being planned for end of 2024.

Next Steps

With the catalogue of programs/services completed from each of the conservation authorities in Middlesex Centre, the forward process is to ensure that the items identified are consistent with past service delivery and that new programs are provided at a reasonable levy fee.

Staff will continue dialogue with the conservation authorities to discuss and review the information provided to-date to ensure that the programs meet the needs of the Municipality and residents. Once the appropriate program needs are identified, individual Memorandum of Understanding (MOU) will be entered into that specify the parameters of the services that will be provided by each of the Conservation Authorities in Middlesex Centre.

Financial Implications:

N/A – not at this time, pending further discussions – additional fees for programs/services may apply.

Strategic Plan:

This matter aligns with following strategic priorities:

- Responsive Municipal Government

Middlesex Centre has five different Conservation Authorities within the geographic boundary, it is important to work with our community partners as indicated in Objective 5.4 of our Strategic Plan and provide input and assistance where possible to ensure service delivery to our residents

Attachments:

Appendix 1 – Ausable Bayfield Conservation Authority

Appendix 2 – Kettle Creek Conservation Authority

Appendix 3 – Lower Thames Conservation Authority

Appendix 4 – St. Clair Conservation Authority

Appendix 5 – Upper Thames Conservation Authority