

**Meeting Date:** December 18, 2023  
**Department:** Legal & Legislative Services  
**Report No.:** CAO-2023-11  
**Submitted by:** Trisha McKibbin, Chief Administrative Officer  
**Approved by:** Trisha McKibbin, Chief Administrative Officer

**SUBJECT:** Conservation Authority Agreements

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**RECOMMENDATION: THAT: Council receive Report CAO-2023 - 11 Conservation Authority Agreements for information, and further;**

**THAT: Council direct the Mayor and Clerk to execute the agreements, and further;**

**THAT: By-law No. 79-23 and By-law No. 80-23 be referred to the Consideration of By-laws Section of the Agenda for approval.**

## **BACKGROUND:**

The Conservation Authorities Act has undergone several amendments in recent years. These amendments were undertaken through the Building Better Communities and Conserving Watersheds Act, 2017 (Bill 139), the More Homes, More Choice Act, 2019 (Bill 108), the Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 (Bill 229) and the More Homes Built Faster Act, 2022 (Bill 23).

Under Ontario Regulation 687/21, Conservation Authorities are required to enter into an agreement with their member Municipalities in order to levy members for services provided, other than mandatory services. As of January 1, 2024, Conservation Authorities will only be able to levy municipalities for Provincially mandated services unless they have an agreement with their member municipalities regarding additional services.

The CA's are required to classify their services and programs into 3 categories as follows:

**Category 1: Mandatory programs and services** where municipal levy can be used without an agreement.

**Category 2: Non-mandatory programs and services** the CA delivers at the request of a municipality through an MOU or agreement.

**Category 3: Other non-mandatory programs and services** a CA determines are advisable to implement in the CA's jurisdiction. These programs and services may use municipal levy when a MOU/agreement is in place. Programs and services in Category 3 may also be funded through other means. In the latter situation, an MOU/agreement with the municipality is not required.

Both agreements set out category 1 and category 3 programs and services in the schedules. Neither agreement deals with category 2 programs and services, presumably because these will be provided on an as requested basis by separate agreement with the requesting municipality. Both agreements provide that municipalities can enter into such additional agreements.

Both agreements also provide for the following:

- The Municipalities acknowledge and agree that all Programs and Services identified in Schedule "A" shall also be included in a Watershed-based Resource Management Strategy that the CA is required to develop and implement in accordance with the Conservation Authorities Act.
- The Municipalities agree to financially support the programs and services outlined in Schedule A.

## **COMMENTS:**

### LVTCA Agreement for Services

This agreement is structured as an umbrella agreement between the LTVCA and all the affected municipalities (called "Members") i.e all municipalities sign the same agreement, and it comes into effect as soon as the last municipality signs it. As a result, there is no fixed start date. The term is for 5 years.

The agreement is very simple and consists of 8 provisions and a schedule setting out the category 1 and category 3 programs and services. The Members agree to be charged a levy for such services, to be apportioned among the Members.

The agreement provides that the parties will maintain the current annual approval process for increasing the levy and budget (i.e. weighted vote based upon current value assessment in the watershed for approval of the levy) (s.4).

LTVCA will not add to or delete from the services or programs funded through the levy without first consulting with the Members.

The Category 3 programs/services include: Watershed Stewardship Extension, Forestry and Monitoring Services; CM Wilson Conservation Area Campground / Education Centre; EM Warwick Conservation Area Campground; Longwoods Road Conservation Area / Ska-Nah-Doht Longhouse Village and Museum.

## SCRCA Cost Apportioning Memorandum of Understanding

This agreement is styled as Schedule A to By-Law 79-23.

In contrast to the LTVCA agreement, this agreement is structured to be specific to the Municipality of Strathroy-Caradoc i.e. each affected Municipality would sign an individual agreement. The term is from January 1, 2024, to December 31, 2028 (5 years) and is automatically renewed unless notice of termination is given in writing at least 180 days prior to expiry date. The parties are to review the agreement on an annual basis, but the SCRCA is responsible to initiate a review at least 180 days prior to the expiry of the agreement. The agreement contains a provision for early termination (s.7).

The agreement provides principles for dispute resolution (s. 5 and 6) which include mediation/using a neutral facilitator and selecting the “best option”.

Section 3f. provides that the SCRCA may charge a user fee in the delivery of any of the programs and services outlined in Schedule A where appropriate to reduce costs apportioned to the Municipality.

Schedule A contains a chart which succinctly sets out the Category 1 and Category 3 programs and services covered by the Agreement.

Schedule A also provides that “The SCRCA will match funds provided by its member municipalities with its own fundraising efforts and through user fees” with respect to school and community programs; conservation services (tree planting); and private land stewardship programs.

Schedule B sets out the Municipality’s (\$) contribution for category 3 programs for 2024-2028, broken down by year and program.

### **CONSULTATION:**

Bill Dakin, Director of Finance

### **FINANCIAL IMPLICATIONS:**

Strathroy-Caradoc’s contributions to the Conservation Authorities by year:

#### St. Clair Conservation Authority

2020 - \$122,348

2021 - \$135,226

2022 - \$160,750

2023 - \$175,019

#### Lower Thames Conservation Authority

2020 - \$87,307

2021 - \$88,698

2022 - \$91,962

2023 - \$97,800

**ATTACHMENTS:**

1. LTVCA Agreement For Services
2. SCRCA Cost Apportioning Memorandum of Understanding