

Meeting Date: January 15, 2024
Department: Chief Administrative Office
Report No.: CAO-2024-01
Submitted by: Trisha McKibbin, Chief Administrative Officer
Approved by: Trisha McKibbin, Chief Administrative Officer

SUBJECT: Conservation Authority Agreement – Lower Thames Valley
Conservation Authority

RECOMMENDATION: THAT: Council receive Report CAO-2024 - 01 Conservation Authority Agreement for information, and further;

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

THAT: By-law No. 03-24 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.

The agreement sets out category 1 and category 3 programs and services in the schedules.

COMMENTS:

This is an updated version of the Agreement that was previously included in a December 18, 2023 staff report. This new agreement includes the following:

- Dispute Resolution – the agreement includes a dispute resolution process.
- Termination Clause – in the event that either party wishes to terminate the agreement a process for such termination is provided.
- Definitions – Schedule A provides fulsome descriptions of Category 1 and Category 3 services.
- Cost Apportionment– Schedule B provides a detailed breakdown of the apportioned costs for the delivery of Category 3 services.

CONSULTATION:

Bill Dakin, Director of Finance

FINANCIAL IMPLICATIONS:

Apportionment of Category 3 Programs Requiring Municipal Levy for 2023

Municipality	2023 MCVA Apportionment %	Total Cost Apportionment for Service Areas (Category 3 listed in Schedule A)
Chatham-Kent	56.5105%	80,546.79
Dutton Dunwich	3.6831%	5,251.27
Lakeshore	9.5328%	13,591.65
Leamington	2.3706%	3,379.95
London	11.5696%	16,495.64
Strathroy-Caradoc	1.7011%	2,425.33
Southwest Middlesex	3.0075%	4,287.99
Southwold	1.1436%	1,630.58
Strathroy-Caradoc	6.1822%	8,814.45
West Elgin	4.2989%	6,129.29
Total	100%	\$142,552.93

ATTACHMENTS:

LTVCA Agreement for Services