

Full Authority
18 May 2023
Agenda Item: 14

CVCA Programs and Services Inventory – CVCA/Municipal MOUs

Background

Ontario Regulation 687/21 has been approved and came into effect on the 1st of October 2021. The Regulation states:

This regulation requires each CA to have a ‘transition plan’ that would outline the steps to be taken to develop an inventory of programs and services and to enter into agreements with participating municipalities to fund non-mandatory programs and services through a municipal levy. It also establishes the transition period to enter into those agreements.

The new regulations will help to improve the governance, oversight and accountability of CAs, while respecting taxpayer dollars by giving municipalities more say over the CA programs and services they pay for.
(ero.ontario.ca website)

As the Transition Plan unfolds, discussions with member municipalities will focus on the inventory of programs and services the CVCA has been providing to its member municipalities. As stated previously, being a small rural conservation authority has its advantages to meet the requirements of the changes to the CA Act and the subsequent regulations. The list of non-mandatory services and programs offered by the CVCA is minimal in comparison to virtually all other conservation authorities across the Province. Our suite of non-mandatory services and programs is limited with the only addition of the benthic monitoring and Risk Management Official work. The remainder of our programs and services are mandatory as per the following outlined by the Province.

1. Mandatory programs and services related to the risk of natural hazards

Each CA will be required to implement a program or service to help manage the risk posed by the natural hazards within their jurisdiction, including:

- *Flooding*
- *Erosion*
- *Dynamic beaches*
- *Hazardous sites as defined in the Provincial Policy Statement, 2020*
- *Low water/drought as part of Ontario’s Low Water response*

This program is designed to:

- *Identify natural hazards*
- *Assess risks associated with natural hazards including impacts of climate change*
- *Manage risks associated with natural hazards and*
- *Promote public awareness of natural hazards*

Managing risks associated with natural hazards may include:

- *Prevention*
- *Protection*
- *Mitigation*
- *Preparedness*
- *Response*

2. Mandatory programs and services related to the conservation and management of lands

Each CA will be required to implement mandatory programs and services related to the conservation and management of lands owned or controlled by the CA, including any interests in land registered on title, within their jurisdiction. This includes:

- *Preparing a conservation area strategy*
- *Compiling a land inventory*
- *Ensuring CAs can continue to maintain trails, facilities, and other related amenities that the public can access in a self-directed nature without CA staffing, facilities or programming (ie. low maintenance passive recreation including activities such as hiking and picnicking)*
- *Carrying out programs and services to secure the CA's interests in its lands to prevent unlawful entry and protect the CA from exposure to liability*
- *Carrying out programs and services to conserve natural heritage features*
- *Administering the Minister's regulations made under section 29 of the Conservation Authorities Act (governing the rules of conduct on land owned by CAs, including permits and enforcement activities)*

3. Mandatory programs and services related to other programs or services prescribed by the regulation

Each CA will be required to:

- *Continue implementing the provincial stream monitoring program and groundwater monitoring program related to water quality and groundwater quantity monitoring*
- *Establish a core watershed-based resource management strategy that summarizes:*
 - *Existing technical studies*
 - *Monitoring programs*
- *Other information on the natural resources the CA relies on within its area of jurisdiction or in specific watersheds that directly informs and supports the effective delivery of mandatory programs and services*

4. Mandatory programs and services related to CA duties, functions, and responsibilities as a Source Protection Authority under the Clean Water Act, 2006

CAs will be required to continue implementing the following responsibilities as source protection authorities under the Clean Water Act, 2006:

- *Maintaining source protection committees*
- *Preparing progress reports on the implementation of source protection plans*

- *Amending source protection plans*
- *Implementing significant threat policies directed to the authority*

5. CA duties, functions and responsibilities under other legislation prescribed by regulation – (i.e. on-site sewage systems as currently prescribed in the Building Code Act):

This category of mandatory programs and services refers to responsibilities that may be assigned to CAs through other legislation and which are proposed to be prescribed in regulation under the Conservation Authorities Act.

As part of this process, the CVCA distributed information regarding the CVCA Transition Plan and the Inventory of Programs and Services to our member municipalities for their information, comments and questions.

Timing was not conducive for this process as it coincided with the municipal elections held in the autumn of 2022.

Now that municipal councils have settled into their role and the deadline to have CVCA/Municipal Agreements in place by the end of 2023, the CVCA needs to discuss and provide information (a proposed agreement) to cover our Category 2 (municipal requested service to be provided by the CVCA) and Category 3 (non-mandatory) program.

As provided in the information distributed to the member municipalities, the CVCA does not have a suite of programs and services which will require multiply MOUs since the vast majority of the programs and services are provincially mandated.

The Category 2 MOU Agreement for the CVCA is between the CVCA and the Municipality of Highlands East for the Source Water Protection Risk Management Official function. The current agreement will fulfill this requirement.

The Category 3 program which will require an agreement with all of our member municipalities will be for the implementation of our benthic monitoring program. Both the Provincial Groundwater and Monitoring Network and Provincial Water Quality Monitoring Network programs are Provincially funded and fall under Category 1 (mandatory programs). The Benthic Monitoring program is not Provincially funded and therefore is placed into Category 3 by virtue of the necessity to use municipal funding to support the program.

Therefore, based on the above, the Benthic Monitoring program will require an MOU to be in place by the end of the year.

Category 3 - Benthic Monitoring Program - Background

- The Benthic Monitoring program, which is the collection of invertebrates (organisms like insects with no backbones) that live in the water, is vital to provide the necessary data to the CVCA for analysis of the health of the CVCA watershed. Essentially, the number and type of invertebrates collected allows the CVCA to determine where on the spectrum the watershed water quality conditions are in the watershed. The relationship is simple and straightforward. If the water quality is excellent, this will allow the most sensitive invertebrates to thrive. Should water quality be poor, there number of invertebrates that will be able to tolerate these conditions will drop off drastically and there will be less diversity or total number of species found in the water.
- This data has been collected for every year (except for 2 years during the Covid pandemic) for approximately 15 years. The results have been significant. The CVCA watershed water quality consistently ranks high. This information is used in the CVCA’s watershed report cards which are updated every 5 years at the same time as all other conservation authorities in the Province.
- The report card is an important communication tool for the CVCA and its member municipalities. It connects the condition of the watershed to not only current residents and visitors but future homeowners, cottagers and visitors. A healthy watershed is going to be far more appealing than one which is either polluted or trending in that direction.
- The Benthic Monitoring program ensures scientific data is used to be able to make accurate statements about the health of the watershed.
- It is important to note, up to and including the 2023 Budget, the member municipalities have been financially supporting part of the Benthic Monitoring program. Therefore, the funding support the agreement would officially recognize is not an additional funding request to the CVCA Budget.
- Staff suggest the funding to cover the costs of the program be allocated based on the Current Value Assessment, which would be the same as the levy allocation for the mandatory services and programs.
- The 2024 budget estimates for the Benthic Monitoring program is provided in the following table and provide further context.

Wages	\$4,634.00
MERC	463.40
Supplies	250.00
Training	400.00
ID to Family Level	2,373.00
Total Estimated Cost of 2024 Program	\$8,120.40

Additional Notes:

One student is funded through the Canada Summer Jobs Grant

One student is funded by CVCA Board

Therefore, this could be viewed similarly as a 50/50 cost sharing arrangement

This is an 8 week contract, 35 hrs/week

Training costs are shared between 3 conservation authorities

This wage estimate uses the Ontario minimum wage which is set to increase again to \$16.55/hr.

If a 2% increase is applied to the 2023 levy, the \$8,120.40 represents approximately 1.17% of the CVCA Levy.

Memorandum of Understanding Agreements

- The CVCA has participated in Eastern Ontario CAO/General Manager meetings and the Managers have come to the consensus keep the MOUs as consistent as possible and reduce the complexity for our member municipalities.
- The template to be used will have a general overriding set of conditions (such as definitions, fees, payment, yearly increases tied to the general levy increase, term of the MOU, dispute resolution, early termination) with an appendix that speak directly to the program requiring municipal funding.
- The Lower Trent Region Conservation Authority and Quinte Conservation have taken a “generic” template to Templeman Menninga to be vetted. Since Templeman is also the CVCA’s solicitor (and many of our member municipalities), it should assist with any minor modifications the CVCA will need to make and for obtaining municipal approval.
- The MOU for the CVCA Benthic Monitoring program will be available at the June meeting for the Board’s review and endorsement.
- The next step will be to meet with municipal Councils and staff to review the proposed MOU for the Category 3 Benthic program and seek their support for it, resulting in a signed agreement as per the 31 December 2023 deadline.

Board Discussion

TP