

February 22, 2022

Maria Vavro
Ministry of the Environment, Conservation and Parks
Conservation and Source Protection Branch
40 St Clair Ave West, Floor 14
Toronto, ON M4V 1M2

Public Works

10 Peel Centre Dr.
Suite A
Brampton, ON
L6T 4B9
tel: 905-791-7800

peelregion.ca

Dear Ms. Vavro:

RE: Regulatory and policy proposals (Phase 2) under the Conservation Authorities Act (ERO # 019-4610) posted on January 26, 2022

Thank you for the opportunity to review and comment on the above noted Environmental Registry of Ontario postings. The following comments are provided by Region of Peel staff as input to the Ministry to consider regarding Consultation on Regulatory and Policy Proposal (Phase 2) under the *Conservation Authority Act*.

The Region of Peel is in support of the Province's call for changes that "will improve the governance, oversight and accountability of conservation authorities, while respecting taxpayer dollars". As a result, Regional staff have consistently provided comments through ERO postings on all regulatory changes that have been proposed under the *Conservation Authorities Act*.

The proposal is primarily financial and administrative in nature and focused on

- The municipal levy
- The budget process
- The scope of the classes of programs and services that the Minister approves for conservation authorities to charge fees; and
- Requirements to increase transparency

1. Proposed Municipal Levies Regulation

The Ministry of the Environment, Conservation and Parks (MECP) is proposing that the regulation would:

- Incorporate the Conservation Authority (CA) budgetary processes (consultation, notification) as currently set out in regulation and provincial policy.
- Require CAs to publicly post the draft budget to their websites upon its circulation to participating and specified municipalities.
- Include the two existing voting methods (i.e., 'one member, one vote' and 'weighted vote,') and the current methods of apportioning expenses/costs (i.e. modified current property value assessment, agreement of the CA and participating municipalities, and as decided by the CA),

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- Require CAs to provide a summary of how the CA considered opportunities for self-generated revenue to support the programs and services they provide
- Require CAs to provide a copy of the final approved CA budget to the Minister, their participating and specified municipalities and make it available to the public by e.g., posting it on their website.

Region of Peel's Comment

Regional staff is generally supportive of the additional measures for transparency. Importantly, un-proclaimed provisions under the Act will, once proclaimed, continue to provide participating municipalities with the ability to appeal to the Ontario Land Tribunal regarding levy apportionments.

With respect to the budget, currently the Region of Peel only reviews and approves the portion of the CA budget that is funded by the Region (i.e., future programs that would be guided by Memorandum of Understanding (MOU)/Service Level Agreement (SLA) from category 2). The proposed regulations appear to have municipalities more involved in the approval of a CA's entire budget. This does not seem in-keeping with "keep what's working" or aligned with the Region's need/desire as it pertains to the budget approval process.

Therefore, the regulations must recognize that the continued role of the participating municipalities is to approve that participating municipality's component of a conservation authority's budget, rather than their complete budgets, for which the participating municipality does not have "legal oversight."

We would recommend that the proposed regulation identify that where endorsement has already been obtained from all funding municipalities (which is usually the case) prior to the conservation authority's Board approval of the budget, that the 30 day advance notice provision would not be necessary.

It is good to see flexibility is being provided for apportionment methods; and support the approach of "...leave the working relationship for authorities and municipalities to develop, and they can coordinate and communicate their fiscal and budgetary timelines and expectations." (Refer to page 7 of the Consultation Guide).

2. Proposed Minister's Regulation for Determining Amounts Owed by Specified Municipalities

Recent changes to the Conservation Authorities Act include unproclaimed provisions that once proclaimed would allow CAs to levy participating municipalities and 'specified municipalities'. A 'specified municipality' is a municipality designated by regulation for a source protection authority/area under the Clean Water Act, 2006 or designated under a regulation of the Lake Simcoe Protection Act, 2008 as a

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municipality in the Lake Simcoe Region Conservation Authority; however, a specified municipality is not a participating municipality of a conservation authority under the Conservation Authorities Act.

Region of Peel's Comment

Regional staff has no concerns with this proposed Minister's regulation. Based on the proposal there may be other resources that can be levied from participating and 'specified municipalities'. In previous ERO comments to the Province (e.g., ERO 019 2986), Regional staff expressed concerns that the Province has provided no reassurances that existing levels of funding will be provided to support CAs in addition to the levy from participating municipalities.

The Province has said that there are currently no anticipated changes in the ongoing provincial funding provided to CAs for the Drinking Water Source Protection Program under the *Clean Water Act*, or for work under the *Lake Simcoe Protection Act, 2008*. It is recommended the Province continue providing funding to support the implementation of the Drinking Water Source Protection Program.

3. Proposal for Minister's published list of classes of programs and services for which a CA may charge a fee.

The MECP is proposing to proclaim s. 21.2 of the *Conservation Authorities Act*, which provides that the Minister may determine a list of 'classes of programs and services' that a conservation authority may charge a fee for, publish this list and distribute it to each conservation authority. An authority would be permitted to charge a fee for a program or service only if it is set out in the Minister's list of classes of programs and services. Once a conservation authority is granted the power to charge a fee for a program and service, the authority may determine the fee amount to charge.

Region of Peel's Comment

Regional staff has no objections to this proposal as there is support for the 'user pay' principle as defined so long as they are consistent with current /existing Service Level agreements that may be in place for 5 years. Further, the CAs with jurisdiction in Peel region currently post fees for classes of programs and services.

While there is a requirement for the CA to set out the frequency with which it will conduct a review of its fee policy, including its fee schedule, what is not clear is how frequent the Minister's published list of classes of program and services would be reviewed, updated, and published. For example, it could be done every 3 years, or 5 years or based on some other criteria. This is because over time it is probable that new categories of programs and services could be identified that would require the CA to charge a fee, which they would be unable to do because it was not on the Minister's published list.

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4. Proposal for complementary regulations to increase transparency of CA operations

The MECP is proposing through a Minister's regulation that conservation authorities be required to maintain a Governance section on their website in a conspicuous and easily accessible location for the public to access key information. For example, it would include the conservation authority membership information; authority bylaws; draft and final budgets; agreements between CAs and municipalities; meeting schedule and could include other relevant governance documents (e.g., strategic plans).

It is also being proposed that the CA would be required to include a notice on the website when it amends or enters into a new memorandum of understanding or other agreement with municipalities and ensure the most up to date version of the agreements are available on the authority's website.

Region of Peel's Comment

Regional staff is supportive of this proposal because the *Conservation Authorities Act* already requires financial statements, meeting agendas and meeting minutes to be posted on CA websites. The only precautionary observation is the potential administrative burden this requirement would have on some CAs especially the smaller ones which may not have the same level of resources (human and financial) as large CAs.

Conclusion

We trust that these comments are of assistance to the Province. Regional staff would be pleased to provide any clarifications or further comments. Should the need arise in the future you can contact:

Learie Miller - Advisor Environmental Planning
Planning and Development Services Division
Public Works, Region of Peel
Tel: 905 791-7800 ext. 4266 cell: 647 290 8413 Learie.miller@peelregion.ca

Sincerely,



Adrian Smith MCIP, RPP
Chief Planner and Director Planning and Development Services
10 Peel Centre Drive, Suite A, 6th Floor
Brampton, Ontario
L6T 4B9
adrian.smith@peelregion.ca