



LRCA Board Meeting

Lakehead Region Conservation Authority
130 Conservation Road/Microsoft Teams
May 25, 2022 4:30 PM - 6:00 PM EDT

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1. CALL TO ORDER

Declaration: The Lakehead Region Conservation Authority respectfully acknowledges that the lands on which we live and work are the traditional lands of the Anishinabek Nation and the traditional territory of Fort William First Nation, signatory to the Robinson-Superior Treaty of 1850. As partners in the conservation and protection of the Lakehead Watershed along with the First Nations communities, the Metis Nation of Ontario, and other Indigenous peoples, the LRCA is committed to the common vision of a healthy, safe and sustainable Lakehead Watershed.

2. ADOPTION OF AGENDA

THAT: the Agenda be adopted as published.

3. DISCLOSURE OF INTEREST

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THAT: the Minutes of the Lakehead Region Conservation Authority Fourth Regular Meeting held on April 27, 2022 be adopted as published.

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5. IN-CAMERA AGENDA

No In-Camera meeting will be held.

6. BUSINESS ARISING FROM PREVIOUS MINUTES

None.

7. CORRESPONDENCE

None.

8. STAFF REPORTS

None.

9. CHIEF ADMINISTRATIVE OFFICER'S REPORTS

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THAT: Staff Report CORP-07-2022: Conservation Authorities Act Phase 2 Regulations be received .

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THAT: Staff Report FIN-09-2022: Insurance Premium Increases be received.

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| THAT: having examined the accounts for the period April 1, 2022 to April 30, 2022 cheque #2553 to #2574 for \$91,932.63 and preauthorized payments of \$159,322.35 for a total of \$251,254.98, we approve their payment. | |
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| 13. NEW BUSINESS | |
| 14. NEXT MEETING | |
| The next meeting will be held on June 29, 2022 at 4:30 p.m. | |
| 15. ADJOURNMENT | |
| That: the time being _____p.m. AND FURTHER THAT there being no further business we adjourn. | |



April LRCA Board Meeting Minutes
Lakehead Region Conservation Authority
April 27, 2022 at 4:30 PM
130 Conservation Road/Microsoft Teams

Members Present:

Grant Arnold, Donna Blunt, Rudy Buitenhuis, Erwin Butikofer, Allan Vis

Electronic Participation:

Joel Brown, Andrew Foulds, Trevor Giertuga, Andrea Goold, Umed Panu

Also Present:

Tammy Cook, Chief Administrative Officer

Gail Willis, Watershed Manager

Ryne Gilliam, Lands Manager

Ryan Mackett, Communications Manager

Melanie O'Riley, Administrative Clerk/Receptionist, recorder of Minutes

Regrets:

Jim Vezina

Guests Present:

Rosy Brizi, Grant Thornton LLP

1. CALL TO ORDER

The Chair called the Meeting to order at 4:30 p.m.

2. ADOPTION OF AGENDA

Agenda item 9.3 was brought forward to the beginning of the meeting.

***THAT:** the Agenda be adopted as amended.*

Motion: #50/22

Motion moved by Grant Arnold and motion seconded by Joel Brown. **CARRIED.**

3. DISCLOSURE OF INTEREST

None.

9.3 Financial Statements and Report to the Board

Rosy Brizi, Grant Thornton LLP, presented the 2021 Audit Report and Financial Statements to the Board.

THAT: *the 2021 Audit Report and Financial Statements are adopted as presented AND FURTHER THAT each Member Municipality will be forwarded a copy of the final version.*

Motion: #51/22

Motion moved by Joel Brown and motion seconded by Grant Arnold. **CARRIED.**

4. MINUTES OF PREVIOUS MEETING

THAT: *the Minutes of the Lakehead Region Conservation Authority Third Regular Meeting held on March 30, 2022 be adopted as published.*

Motion: #52/22

Motion moved by Rudy Buitenhuis and motion seconded by Erwin Butikofer. **CARRIED.**

5. IN-CAMERA AGENDA

THAT: *we now go into Committee of the Whole (In-Camera) at 4:50 p.m.*

Motion: #53/22

Motion moved by Andrea Goold and motion seconded by Allan Vis. **CARRIED.**

THAT: *we go into Open Meeting at 5:08 p.m.*

Motion: #54/22

Motion moved by Andrew Foulds and motion seconded by Rudy Buitenhuis. **CARRIED.**

THAT: *the In-Camera Minutes of the Lakehead Region Conservation Authority March 30, 2022 meeting be adopted as published.*

Motion: #55/22

Motion moved by Grant Arnold and motion seconded by Allan Vis. **CARRIED.**

6. BUSINESS ARISING FROM PREVIOUS MINUTES

None.

7. CORRESPONDENCE

7.1. MECP Conservation Authority Program and Service Inventory Workshop

Members were invited to attend the Ministry of the Environment, Conservation and Parks Workshop related to Conservation Authority Program and Service Inventory on May 2, 2022. It was noted the MECP had released the Phase II Regulations under the *Conservation Authorities Act*.

8. STAFF REPORTS

8.1. 2022 Tender Award - Floodway CPR Sediment Trap Dredging

Members reviewed and discussed Staff Report NMFC-02-2022 related to the 2022 Floodway CPR Sediment Trap Dredging Tender Award.

THAT: *the Contract for Neebing-McIntyre Floodway Sediment Removal 2022 for the material, equipment and labour necessary for the removal of accumulated sediment be awarded to LTL Contracting Ltd. for a cost of \$257,635.00, not including HST.*

Motion: #56/22

Motion moved by Erwin Butikofer and motion seconded by Joel Brown. **CARRIED.**

8.2. Kam River Erosion Control, Victor Broadway Operation, Maintenance and Surveillance Plan - 2022

Members reviewed and discussed Staff Report KAMEC-01-2022 related to the Kam River Erosion Control, Victor Broadway Operation, Maintenance and Surveillance Plan for 2022.

THAT: *Staff Report KAMEC-01-2022 be received.*

Motion: #57/22

Motion moved by Grant Arnold and motion seconded by Allan Vis. **CARRIED.**

8.3. Annual Monitoring Report - Victor Street

Members reviewed and discussed Staff Report KAMEC-02-2022 related to the Victor Street Slope Monitoring Report.

THAT *Staff Report KAMEC-02-2022 and the Victor Street Slope Monitoring Report, dated March 28, 2022 be received.*

Motion: #58/22

Motion moved by Joel Brown and motion seconded by Andrea Goold. **CARRIED.**

8.4. LRCA Administration Building Electrical Upgrade – Contract Administration

Members reviewed and discussed Staff Report LM-05-2022 related to the LRCA Administration Building Electrical Upgrade, Contract Administration.

THAT: *the Contract for LRCA Administration Building Electrical Upgrade for Contract Administration be awarded to TBT Engineering for a cost of \$16,000.00, not including HST AND FURTHER THAT funds will be appropriated from the Administrative Facility Maintenance Reserve.*

Motion: #59/22

Motion moved by Allan Vis and motion seconded by Andrew Foulds. **CARRIED.**

8.5. Silver Harbour Dive Park Access Project

Members reviewed and discussed Staff Report CONAREA-01-2022 related to applying for funding from NOHFC: Enhance your Community Program.

THAT: *Staff Report CONAREA-01-2022 be received AND FURTHER THAT the CAO and Chair are authorized to apply for funding from NOHFC: Enhance your Community Program related to the Silver Harbour Dive Park Access Project in collaboration with Thunder Country Diving.*

Motion: #60/22

Motion moved by Erwin Butikofer and motion seconded by Andrew Foulds. **CARRIED.**

8.6. 2021 Plan Review Summary

Members reviewed and discussed Staff Report PIR-01-2022 related to the 2021 Plan Review Summary.

THAT: *Staff Report PIR-01-2022 be received.*

Motion: #61/22

Motion moved by Allan Vis and motion seconded by Grant Arnold. **CARRIED.**

9. CHIEF ADMINISTRATIVE OFFICER'S REPORTS

9.1. Monthly Treasurer's Report

Member were provided with the monthly Financial Report for March's Administration and Capital.

9.2. LRCA Office Furniture

Members reviewed and discussed Staff Report FIN-07-2022 related to the purchase of Office Furniture.

THAT: *the CAO is authorized to purchase office furniture as outlined in Staff Report FIN-07-2022 AND FURTHER THAT the purchase will be funded from the Operating Capital Reserve.*

Motion: #62/22

Motion moved by Joel Brown and motion seconded by Rudy Buitenhuis. **CARRIED.**

10. PASSING OF ACCOUNTS

THAT: *having examined the accounts for the period March 1, 2022 to March 31, 2022 cheque #2522 to #2552 for \$85,813.03 and preauthorized payments of \$74,607.90 for a total of \$160,420.93, we approve their payment.*

Motion: #63/22

Motion moved by Andrew Foulds and motion seconded by Rudy Buitenhuis. **CARRIED.**

11. REGULATORY ROLE

Members were provided with the summaries for the Plan Input and Review Program and Section 28 permits issued since the last meeting.

12. PROJECTS UPDATE

12.1. Communications Manager Projects Update

Members were provided with Projects Updates from the Communications Manager Report.

12.1.1 2021 Annual Report

Members reviewed and discussed the 2021 Lakehead Region Conservation Authority Annual Report.

THAT: *the 2021 Lakehead Region Conservation Authority Annual Report be approved.*

Motion: #64/22

Motion moved by Andrew Foulds and motion seconded by Grant Arnold. **CARRIED.**

12.1.1. Superior Country Partnership Memorandum of Understanding

Members reviewed and discussed the partnership with Superior Country.

THAT: *the Chair and CAO are authorized to enter into an agreement with Superior Country for the placement of a picnic table at Hurkett Cove Conservation Area.*

Motion: #65/22

Motion moved by Andrea Goold and motion seconded by Allan Vis. **CARRIED.**

12.2. Lands Manager Projects Update

None.

12.3. Watershed Manager Projects Update

Members were provided with Projects Updates from the Watershed Manager Report.

Members were advised that a Source Protection Authority Meeting would be held immediately after the LRCA Board Meeting to adopt the seventh annual progress report.

It was noted that the April 14, 2022 snow surveys indicated that the snow survey locations were significantly above average for snow depth and water content when compared to the historical averages for April 15.

It was noted that Lake Superior's water levels were 6 centimetres below its period-of-record and remains the lowest since 2013.

The 33rd Annual Spring Melt Meeting Minutes and presentation were circulated.

It was noted that the City of Thunder Bay and LRCA issued a media release for the public to view the concept plan and comment on the future improvements at the Mountdale Boat Launch through the City's Get Involved website.

13. NEW BUSINESS

Andrea Goold, LCF President, brought forward an idea to raise funds for future consideration, whereby trails or parking lots were given naming rights for a fee or donation.

14. NEXT MEETING

The next meeting will be held on May 25, 2022 at 4:30 p.m.

15. **ADJOURNMENT**

THAT: the time being 5:40 p.m. AND FURTHER THAT there being no further business we adjourn.

Motion: #66/22

Motion moved by Joel Brown and motion seconded by Erwin Butikofer. **CARRIED.**

Chair

Chief Administrative Officer

**2022 TREASURER'S REPORT
MONTHLY EXPENSES**

| | 2022 BUDGET | April | TOTAL TO DATE | BALANCE REMAINING |
|---|------------------|----------------|------------------|----------------------|
| REVENUE | | | | |
| Provincial Grants | 843,613 | - | 48,900 | 794,713 |
| Municipal Levy | 1,733,332 | - | 1,733,332 | - |
| Self Generated | 233,788 | 26,838 | 150,530 | 83,258 |
| Other Revenue | 585,429 | 63,738 | 82,891 | 502,538 |
| TOTAL REVENUE | 3,396,162 | 90,577 | 2,015,652 | 1,380,510 |
| EXPENSES | | | | |
| Core Mandate Operating | | | | |
| Administration | 530,632 | 55,720 | 173,552 | 357,080 |
| Community Relations | 125,005 | 11,859 | 35,523 | 89,482 |
| Natural Hazard and Protection Management | 659,676 | 48,361 | 169,881 | 489,795 |
| Conservation and Management of Cons. Auth. Lands | 284,006 | 21,355 | 69,962 | 214,044 |
| Drinking Water Source Protection | 56,343 | 5,949 | 22,264 | 34,079 |
| Total Core Mandate Operating | 1,655,662 | 143,245 | 471,182 | 1,184,480 |
| Non Core Mandate Operating | | | | |
| Other Programming | 248,099 | 17,327 | 100,910 | 147,189 |
| Total None Core Mandate | 248,099 | 17,327 | 100,910 | 147,189 |
| Total Core and Non Core Mandate Operating | 1,903,761 | 160,572 | 572,093 | 1,331,668 |
| Core Mandate Capital | | | | |
| Natural Hazard and Protection Management Authority Office | 1,049,401 | 38,126 | 44,912 | 1,004,489 |
| Authority Office | 195,500 | - | - | 195,500 |
| Conservation and Management of Cons. Auth. Lands | 247,500 | 492 | 1,636 | 245,864 |
| Total Core Mandate Capital | 1,492,401 | 38,618 | 46,549 | 1,445,852 |
| Total Operating and Capital | 3,396,162 | 199,191 | 618,641 | 2,777,521 |



| | | | |
|----------------------|---|-------------------|--------------|
| PROGRAM AREA | CORPORATE | REPORT NO. | CORP-07-2022 |
| DATE PREPARED | May 18, 2022 | FILE NO. | 7-1-1 |
| MEETING DATE | May 25, 2022 | | |
| SUBJECT | <i>Conservation Authorities Act Phase 2 Regulations</i> | | |

RECOMMENDATION

Suggested Resolution

“THAT: Staff Report CORP-07-2022: Conservation Authorities Act Phase 2 Regulations be received.”

LINK TO STRATEGIC PLAN

All sections of the Strategic Plan are impacted.

EXECUTIVE SUMMARY

The Ministry of Environment, Conservation and Parks has released the second phase of regulations and policy for Conservation Authorities which are financial and administrative in nature. A summary of the regulations and policies is provided.

The CAO has prepared a summary of all requirements and will continue reporting to the Board on progress throughout the transition period. In addition to the Phase I Regulation requirements, the Authority will be required to update their Fee Policy, transition the budget process to meet all legislated requirements and update the website to include a Governance section which includes mandated content.

DISCUSSION

On January 26, 2022 the Ministry of Environment, Conservation and Parks (MECP) released the *Regulatory Proposal Consultation Guide: Regulations regarding Municipal Levies, Conservation Authority Budget Process, Transparency, and Provincial Policy for the Charging of Fees by Conservation Authorities*, which is phase two of MECP’s plan to update regulations and policies for Conservation Authorities. The posting closed on February 25, 2022. MECP has reported that over 400 people attended their webinars and they received 24 submissions in response to the Environmental Registry posting.

On April 22, 2022 MECP notified Conservation Authorities that the Phase II Regulations had been posted on the Environmental Registry (notice number 019-4610) including:

- O. Reg. 399/22: Amending O. Reg. 687/22 (Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act)
- O. Reg. 400/22: Information Requirements
- O. Reg. 401/22: Determination of Amounts Under Section 27.2 (2) of the Act
- O. Reg. 402/22: Budget and Apportionment
- Policy: Minister's list of classes of programs and services in respect of which conservation authorities may charge a fee, April 11, 2022

Attachment #1 provides a table that will be used to track the requirements from the Phase I and II Regulations and the progress made going forward.

The following provides an initial assessment of the new legislation.

O. Reg. 399/22: Amending O. Reg. 687/22 (Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act) (Attachment #2)

The regulation amends the previously approved regulation (O. Reg. 687/22) further defining that Conservation Authorities that enact Cost Apportioning Agreements (Category 3 programs) may establish fees for the program or service provided the agreements permit the Authority to do so. Also revokes requirement to publish cost apportioning agreements on Conservation Authority websites, which is now captured in O. Reg. 400/22.

No action required at this time:

- No Category 3 programs are proposed at this time that would require Cost Apportioning Agreements.
- Must ensure any future Cost Apportioning Agreements include a provision for the charging of fees if warranted.

O. Reg. 400/22: Information Requirements (Attachment #3)

This regulation puts into law what each Authority must have on each of their websites, including requirements to advise the Minister when changes are made.

Action required:

- Update website to meet all prescribed requirements prior to January 1, 2023.
- Provide information/written confirmation (can be by link to website) proving all requirements to post information on the website are met to Minister prior to January 1, 2023.
- Confirm with MECP if all meeting minutes, agendas and audits need to be posted on website for just going forward (i.e. since the beginning of the LRCA). (Meeting scheduled with MECP on May 26).
- Will need to update information in governance section in a timely manner.

- If new or changes are made to MOUs for Category 2 or 3 programs, they must be posted on website within 30 days.
- Within 30 days of updating any information or documents related to MOUs for Category 2 or 3 programs the Authority must provide written notice to the Minister and publish a notice on the website.

Summary of Requirements to be posted in a Governance section on the LRCA website:

| Website Requirements | | Items on Website as of May 16, 2022 |
|----------------------|--|--|
| 1. | Name of Member and appointing municipality | Complete |
| 2. | Contact information for every member, including phone number and email address | |
| 3. | Meeting schedule | Complete |
| 4. | Meeting minutes and agendas for meetings of the authority or of its executive committee, including all attachments | Minutes – 2016 to present Agendas – 2022 (only short agendas, no attachments) |
| 5. | A list of each MOU/agreement the authority has entered into as of December 31, 2022 with municipality in respect to a Category 2 program and service | Need to post mapping service agreement list |
| 6. | A list of each MOU/agreement the authority has entered into as of December 31, 2022 with municipality in respect to a Category 3 program and service | None applicable. Will post “none applicable” to confirm that this requirement has been met. |
| 7. | By-laws | Administrative By-law posted, need to post Indemnification By-Law (only two by-laws enacted by LRCA) |
| 8. | Annual Audit Report | 2017 to 2020 posted Need to post link to Governance section (under “About” on website) |
| 9. | Any other document prepared by Authority (i.e. Strategic Plan) | Strategic Plan and Annual Report posted (need to link to Governance Section) |
| 10. | Must have a section on website titled “Governance” that hosts required information. | Complete |
| 11. | Governance section shall be conspicuous and easily accessible from the home page of the authority’s website | Complete On main page header |

O. Reg. 401/22: Determination of Amounts Under Section 27.2 (2) of the Act (Attachment #4)

The regulation applies to Conservation Authorities with both participating and specified municipalities for the purposes of apportioning *Clean Water Act* and *Lake Simcoe Protection Act* operating expenses and capital costs. Details the methods available to Conservation Authorities to determine amounts owing by their specified municipalities for Conservation Authority programs and services provided in respect to the Acts.

The LRCA does provide Category 1 mandatory Clean Water Act duties (i.e. Source Protection Plan, Source Protection Authority duties, annual reporting, etc.) for the City of Thunder Bay and the Municipality of Oliver Paipooonge. The Authority does not carry out any duties related to Category 2 (non-mandatory at the request of a municipality) programs. Some authorities carry out Risk Management Official duties (Lakehead Source Protection Plan does not have this required in the policies). Currently, the Source Protection program is 100% funded by provincial funding and no municipal levy is used.

No action required:

- If the province were to cease 100% funding for the Source Protection program, the funds needed to complete the mandatory program would be apportioned to the two benefitting Member Municipalities being the City of Thunder Bay and Municipality of Oliver Paipooonge.

O. Reg. 402/22: Budget and Apportionment (Attachment #5)

This regulation specifies that the 2024 budget and all subsequent budgets must adhere to this regulation. It provides details on the budget process and municipal apportionment methods for levying participating municipalities and includes revocation of the current regulations that govern municipal levies. Attached (Attachment #6) is the Reference Document prepared by MECP entitled *Methods of Apportionment Set out in the Phase 2 Regulations under the Conservation Authorities Act, dated April 27, 2022*.

Consolidates the two existing Lieutenant Governor in Council (LGIC) regulations, which are now revoked and replaced (O. Reg. 670/00 and O. Reg. 139/96).

First Phase

Budget must include:

- All sources of revenue (other than municipal levy)
- Categorize operating expenses into Category 1, 2 and 3
- Categorize capital expenses into Category 1, 2 and 3
- Amount of levy for each Member Municipality
- Specify if the Authority considered opportunities to raise and use self-generated revenue to help finance the authority's operations, including the programs and services it provides, a description of what the authority considered

Budget must:

- Apply any relevant revenue to specific programs to offset levy
- Apply Modified Current Value Apportionment method to determine levy for each program
- Apply Benefit Based Apportionment method to sole benefitting programs (i.e. Floodway, Victor Street Erosion)

Second Phase

Draft Budget Process:

1. Notify all Member Municipalities of Draft Budget meeting if a Member Municipality will owe levy for Category 1 *Clean Water Act* programs and Services.
 - a. Advise of amounts owing or to be owed for Category 1 *Clean Water Act* programs and services.
2. Hold meeting to consider draft budget.
3. Hold vote on whether or not to approve the draft budget for consultation.
 - a. If there is a levy for Category 1 *Clean Water Act* programs and services, hold a separate vote of Members from applicable municipalities for that portion of the draft budget.
 - b. Vote is a one-member-one vote method.
4. Send Member Municipalities a copy of the Draft Budget and all financial information relating to the apportionment of operating and capital expenses.
5. Post a copy of the Draft Budget and financial information on Governance section of Authority's website.
6. Consult as necessary with Member Municipalities on draft budget in order to finalize final budget.

Third Phase

Final Budget Approval Process:

1. Notify all Member Municipalities of Budget meeting.
 - a. Notification must be at least 30 days prior to meeting.
 - b. Must include copy of most recent draft of the budget.
 - c. Must specify amount of levy for the given year.
2. Hold meeting to approve budget.
3. Hold a recorded vote to municipal levy/amounts owing.
 - a. If there are any Category 1 *Clean Water Act* apportionments, hold a vote with participating municipality representatives.
 - b. Weighted vote to approve municipal levy/amounts owing.
 - c. Authority can not send a notice of apportionment unless a vote has occurred.
4. Hold a recorded vote to approve final budget.
 - a. One -member-one vote to approve final Budget Document.
5. "Promptly" after the final budget process is approved, provide a copy of the final budget to the Minister and each Member Municipality.
6. Post final budget on the Authority's website in the Governance section.

Policy: Minister's list of classes of programs and services in respect of which conservation authorities may charge a fee, April 11, 2022 (Attachment #5)

The MECP published a Minister's list of the classes of programs and services for which a Conservation Authority may charge a fee. Conservation Authorities are only permitted to charge a fee for a program or service only if the program or service is included in the Minister's list of classes of programs and services.

Requirements for charging fees:

- Must charge fees in a transparent and accountable manner.
- Must adopt a written Fee Policy that includes:
 - Fee Schedule that lists the programs and services for which an authority charges a fee and the amount to be charged.
 - Frequency of review of Policy and Fee Schedule
 - Process for carrying out a review of the Fee Policy
 - Rules for giving notice of the review and changes as a result of the review
 - Circumstances under which any person may request the authority to reconsider a fee that was charged to the person and the procedures applicable to the reconsideration.
- Decisions made regarding the fee schedule are made by the Members of the Authority, comprised of representatives appointed by the participating municipalities and the agricultural sector representative member, where appointed by the MECP.
- If the Fee Schedule is changed, the public must be notified (e.g. on website).
- Fee may only be applied when the User-Pay Principle is considered appropriate, which is when there is a class of persons that directly benefits from a program or service delivered by an authority.
- Conservation Authorities may determine the amount of a fee to be charged for a program or service it provides.
- Fees should recover but not exceed the cost to administer a program.
- Conservation Authorities can decide the proportion of the costs associated with administering and delivering a program or service that should be recovered by a user fee versus those costs that are offset by other funding sources, such as municipal levy.
- If a fee is charged in a Category 2 or 3 program and municipal levy is used, the charging of fees must be specified in the MOU or cost apportioning agreement.

Action required:

- Review and confirm all requirements are included in current Fee Policy, update as required.
- Confirm all fees on current Fee Schedules meet requirements set out in Fee Policy.

FINANCIAL IMPLICATIONS

There are no direct financial implications at this time. Future mandated deliverables may require more staff in order to meet the legislated timelines. Future budgets will be developed to meet the legislative requirements.

CONCLUSION

The majority of the changes are considered to be administrative and financial in nature and will be incorporated into future budget processes, fee schedules and website updates. Significant effort and allocated time will be required by the CAO to ensure that the LRCA continues to meet all requirements.

BACKGROUND

Over the last several years the government has been reviewing and consulting on the *Conservation Authorities Act*. On November 5, 2020 the Province introduced Bill 229, *Protect, Support and Recover from COVID 19 Act (Budget Measures), 2020*, with Schedule 6 outlining many changes to the *Conservation Authorities Act*. The Bill passed third reading and received Royal Assent on December 8, 2020. Some sections came into effect immediately, while additional sections were proclaimed on February 2, 2021. Additional sections are to be proclaimed at a later date. A Minister's Conservation Authority Working Group was formed, which included Conservation Authorities, municipalities and other stakeholders to provide input on regulations and policy.

On May 13, 2021, the Ministry of Environment, Conservation and Parks (MECP) released the *Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities*. Which was the first phase of a two-phase process. As part of the first phase, in October 2021 MECP released three new regulations under the *Conservation Authorities Act*:

- Ontario Regulation 686/21: Mandatory Programs and Services
- Ontario Regulation 687/21: Transition Plans and Agreements
- Ontario Regulation 688/21: Rules of Conduct in Conservation Areas

As required in the regulations, the LRCA has prepared:

- Transition Plan (Resolution #121/21)
- Inventory of Programs and Services (Resolution #27/22).

In the coming year NDMNRF will be releasing new regulations related to Section 28 permitting, which will transition from individual regulations to one provincial regulation.

REFERENCE MATERIAL ATTACHED

Attachment #1 - LRCA Progress Tracking of Deliverables – Transition Plan, Phase I and II Regulations, Revision date: May 16, 2022

Attachment #2 - O. Reg. 399/22: Amending O. Reg. 687/22 (Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act)

Attachment #3 - O. Reg. 400/22: Information Requirements

Attachment #4 - O. Reg. 401/22: Determination of Amounts Under Section 27.2 (2) of the Act

Attachment #5 - O. Reg. 402/22: Budget and Apportionment

Attachment #6 - Reference Document - Methods of Apportionment Set out in the Phase 2 Regulations under the Conservation Authorities Act, dated April 27, 2022

Attachment #7 - Policy: Minister’s list of classes of programs and services in respect of which conservation authorities may charge a fee, April 11, 2022

PREPARED BY:

Tammy Cook, CAO

| | |
|--|-----------------------|
| THIS REPORT SIGNED AND VERIFIED BY: <i>Tammy Cook</i> Tammy Cook Chief Administrative Officer | DATE: May 18, 2022 |
|--|-----------------------|

Lakehead Region Conservation Authority
Progress Tracking of Deliverables – Transition Plan, Phase I and Phase II Regulations
Revision Date: May 16, 2022

| Deliverable | Planned Timeline | Due Date | Status |
|--|--------------------------------|-------------------|--------------------------------|
| 2021 | | | |
| Develop Transition Plan | | December 31, 2021 | Complete Resolution #121/21 |
| Obtain Board approval of the Transition Plan | | November 24, 2021 | Complete |
| Post Transition Plan to website and circulate to municipalities and MECP | | December 31, 2021 | Complete |
| 2022 | | | |
| Develop Programs and Services Inventory with Board approval | | | Complete Resolution #27/22 |
| Circulate Programs and Services Inventory to municipalities and MECP | | February 28, 2022 | Complete |
| MECP Report #1 | June 24, 2022 | July 1, 2022 | |
| MECP Report #2 | September 30, 2022 | October 1, 2022 | |
| MECP Report #3 | December 16, 2022 | January 1, 2023 | |
| Update Fee Policy | | January 1, 2023 | |
| Update Governance Section on website and notify Minister | December 16, 2022 | January 1, 2023 | In progress |
| 2023 | | | |
| Prepare 2024 Budget Adhering to Legislation | January 1, 2023 to August 2023 | November 2023 | |
| MECP Report #4 | March 31, 2022 | April 1, 2023 | |
| Negotiations of cost apportioning agreement with municipalities | March 2022 to May 2023 | n/a | |
| LRCA Approval of MOUs/Agreements | June 2023 to August 2023 | n/a | |

Lakehead Region Conservation Authority
Progress Tracking of Deliverables – Transition Plan, Phase I and Phase II Regulations
Revision Date: May 16, 2022

| Deliverable | Planned Timeline | Due Date | Status |
|--|---------------------------|----------------------------------|---------------|
| MECP Report #5 | June 30, 2023 | July 1, 2023 | |
| Execute municipal agreements | June 2023 to October 2023 | January 1, 2024 | |
| MECP Report #6 | September 29, 2022 | October 1, 2023 | |
| Request for extension of transition date | | October 1, 2023 (if required) | |
| 2024 | | | |
| Final Report to MECP | January 30, 2024 | January 30, 2024 | |
| Land Inventory Public Consultation | | December 31, 2024 | |
| Land Inventory | | December 31, 2024 | In progress |
| Conservation Area Strategy Public Consultation | | December 31, 2024 | |
| Conservation Area Strategy | | December 31, 2024 | |
| Asset Management Plan Floodway | | December 31, 2024 | |
| Operational Management Plan Floodway | | December 31, 2024 | |
| Asset Management Plan Victor Street | | December 31, 2024 | |
| Operational Management Plan Victor Street | | December 31, 2024 | |
| Ice Management Plan | | December 31, 2024 | |
| Resource Based Management Strategy | | December 31, 2024 | |

Français

ONTARIO REGULATION 399/22
made under the
CONSERVATION AUTHORITIES ACT

Made: April 11, 2022
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Amending O. Reg. 687/21

(TRANSITION PLANS AND AGREEMENTS FOR PROGRAMS AND SERVICES UNDER SECTION 21.1.2 OF THE ACT)

1. (1) Section 8 of Ontario Regulation 687/21 is amended by adding the following subsections:

(4.1) If the Minister's published list under subsection 21.2 (2) of the Act lists a program or service provided by an authority under section 21.1.2 of the Act and specifies that a cost apportioning agreement may include provisions to establish a fee to be charged by an authority for the program or service, the parties to a cost apportioning agreement may permit the authority who is a party to the agreement to establish a fee for the program or service.

(4.2) If the conditions under subsection (4.1) are met and the parties to a cost apportioning agreement permit the authority who is a party to the agreement to establish a fee for the program or service provided by the authority, the agreement must include provisions that,

- (a) identify the program or service provided by the authority for which the authority may establish and charge a fee; and
- (b) set out any procedures that must be followed before a fee is established by the authority, including consultations with each participating municipality that is a party to the agreement with the authority.

(2) Subsection 8 (6) of the Regulation is revoked.

Commencement

2. (1) Except as otherwise provided in this section, this Regulation comes into force on the later of the day section 21 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force and the day this Regulation is filed.

(2) Subsection 1 (2) comes into force on the later of July 1, 2022 and the day this Regulation is filed.

Made by:
Pris par :

Le ministre de l'Environnement, de la Protection de la nature et des Parcs,

DAVID PICCINI
Minister of the Environment, Conservation and Parks

Date made: April 11, 2022
Pris le : 11 avril 2022

Français

Français

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INFORMATION REQUIREMENTS

Definitions

1. In this Regulation,

“Category 2 programs and services” means the municipal programs and services that an authority provides under section 21.1.1 of the Act on behalf of a municipality situated in whole or in part within its area of jurisdiction; (“programmes et services de catégorie 2”)

“Category 3 programs and services” means programs and services that are not the mandatory programs and services required to be provided under section 21.1 of the Act or Category 2 programs and services but are other programs and services provided by an authority under section 21.1.2 of the Act. (“programmes et services de catégorie 3”)

Required information

2. (1) For the purpose of ensuring that the authority makes public on its website the following information related to the authority’s operations, every authority shall provide the following information to the Minister on or before January 1, 2023:

1. The name of every member of the authority and the participating municipality that appointed that member of the authority.
2. Contact information for every member of the authority, including every member’s phone number and email address.
3. The meeting schedule for the authority for the calendar year.
4. Meeting minutes and agendas for meetings of the authority or of its executive committee, including any attachments.
5. A list of each memorandum of understanding or such other agreement the authority has entered into, as of December 31, 2022, with a municipality under subsection 21.1.1 (1) of the Act in respect of Category 2 programs and services.
6. A list of each agreement that the authority has entered into, as of December 31, 2022, with a participating municipality under subsection 21.1.2 (2) of the Act in respect of Category 3 programs and services.
7. The by-laws of the authority made under section 19.1 of the Act.
8. The annual auditor’s report prepared under section 38 of the Act.
9. Any other document prepared by the authority, such as a strategic plan, that, in the opinion of the authority, it is appropriate to post on the Governance section of the authority’s website referred to in subsection 3 (2).

(2) If the authority publishes the information set out in subsection (1) on its website, the authority may comply with subsection (1) by providing the Minister with a link to the location where that information can be found on the authority’s website.

Publishing requirements

3. (1) Every authority shall publish the information set out in subsection 2 (1) by January 1, 2023.

(2) The information referred to in subsection (1) shall be published on a section of the authority’s website titled “Governance”.

(3) The Governance section referred to in subsection (2) shall be conspicuous and easily accessible from the home page of the authority’s website.

(4) A full copy of the documents referred to in paragraphs 5 and 6 of subsection 2 (1) shall be posted on the Governance section of the authority’s website.

(5) Despite subsection (4), the authority is not required to post the following on its website:

1. Any document referred to in paragraph 5 of subsection 2 (1) that is primarily related to procurement.
2. Any portion of the documents referred to in paragraphs 5 and 6 of subsection 2 (1) containing information that is referred to in sections 10 and 11 of the *Municipal Freedom of Information and Protection of Privacy Act*.

Notice to Minister

4. (1) The authority shall provide written notice to the Minister confirming the publication of information in accordance with section 3.

(2) The notice shall include a link to the Governance section of the authority's website.

Information updates

5. (1) The authority shall update the Governance section of its website with any changes to the information set out in paragraphs 1, 2, 3, 4 and 7 of subsection 2 (1) in a timely manner.

(2) Subject to subsection 3 (5), if the authority enters into a new, or amends an existing, memorandum of understanding or other agreement with a municipality under subsection 21.1.1 (1) of the Act for Category 2 programs and services, the authority shall post the new or amended memorandum of understanding or other agreement on the Governance section of its website within 30 days.

(3) Subject to subsection 3 (5), if the authority enters into a new, or amends an existing, agreement with a participating municipality under subsection 21.1.2 (2) of the Act for Category 3 programs and services, the authority shall post the new or amended agreement on the Governance section of its website within 30 days.

(4) If the authority develops any document that has not been posted in accordance with paragraph 9 of subsection 2 (1) and section 3 and is of the opinion that it is appropriate to make the document publicly available by posting it on the Governance section of the authority's website, it shall post the document on the Governance section of its website in a timely manner.

(5) If the authority amends an existing document that has been posted by the authority on the Governance section of its website in accordance with paragraph 9 of subsection 2 (1) and section 3 or subsection (4) of this section, the authority shall post the amended document on the Governance section of its website in a timely manner.

(6) When the authority makes an auditor's report available to the public on its website under subsection 38 (4) of the Act, the authority shall post the report on the Governance section of its website.

Notice of updates

6. (1) Within 30 days of updating any information or documents in accordance with subsection 5 (2) or (3), the authority shall provide written notice to the Minister and publish a notice on its website.

(2) A notice required under subsection (1) shall include an explanation of the update, together with a link to the updated information.

Governance section of website

7. The authority may comply with a requirement to publish information or post a document on the Governance section of its website by posting a link on the Governance section of its website to the required information elsewhere on its website.

Municipal Freedom of Information and Protection of Privacy Act

8. For greater certainty, any information or document required to be published or posted by the authority under this Regulation is subject to the *Municipal Freedom of Information and Protection of Privacy Act*.

Commencement

9. This Regulation comes into force on the later of July 1, 2022 and the day it is filed.

Made by:
Pris par :

Le ministre de l'Environnement, de la Protection de la nature et des Parcs,

DAVID PICCINI
Minister of the Environment, Conservation and Parks

Date made: April 11, 2022
Pris le : 11 avril 2022

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DETERMINATION OF AMOUNTS UNDER SUBSECTION 27.2 (2) OF THE ACT

INTERPRETATION

Definitions

1. (1) In this Regulation,

“benefit-based apportionment method” means the method of apportioning an authority’s Category 1 CWA/LSPA operating expenses and capital costs described in section 7; («méthode de répartition fondée sur les avantages»)

“Budget and Apportionment Regulation” means Ontario Regulation 402/22 (Budget and Apportionment) made under the Act; («Règlement relatif au budget et à la répartition»)

“Category 1 CWA/LSPA operating expense or capital cost” means an operating expense or capital cost that is related to the provision of a Category 1 CWA/LSPA program or service; («dépense d’exploitation ou coût en immobilisations LES/LPLS de catégorie 1»)

“Category 1 CWA/LSPA programs and services” means the mandatory programs and services that an authority is required to provide under section 21.1 of the Act with respect to its duties, functions and responsibilities under the *Clean Water Act, 2006* and under the *Lake Simcoe Protection Act, 2008*; («programmes et services LES/LPLS de catégorie 1»)

“Category 2 CWA/LSPA operating expense or capital cost” means an operating expense or capital cost that is related to the provision of a Category 2 CWA/LSPA program or service; («dépense d’exploitation ou coût en immobilisations LES/LPLS de catégorie 2»)

“Category 2 CWA/LSPA programs and services” means the programs and services that,

- (a) relate to the duties, functions and responsibilities of a municipality under the *Clean Water Act, 2006* and under the *Lake Simcoe Protection Act, 2008*, and
- (b) an authority agrees to provide on behalf of the municipality in accordance with section 21.1.1 of the Act; («programmes et services LES/LPLS de catégorie 2»)

“Lake Simcoe watershed” means the Lake Simcoe watershed as defined in section 2 of the *Lake Simcoe Protection Act, 2008*; («bassin hydrographique du lac Simcoe»)

“MCVA apportionment method” means a method of apportioning an authority’s Category 1 CWA/LSPA operating expenses and capital costs that is based on the modified current value assessment of the properties within the relevant source protection area or within the Lake Simcoe watershed, as the case may be, and further described in section 6; («méthode de répartition EVAM»)

“source protection area” has the same meaning as in the *Clean Water Act, 2006*; («zone de protection des sources»)

“source protection authority” has the same meaning as in the *Clean Water Act, 2006*; («office de protection des sources»)

“specified municipality” means a specified municipality as defined in subsection 27.2 (1) of the Act. («municipalité précisée»)

(2) For the purposes of the definitions of “Category 1 CWA/LSPA operating expense or capital cost” and “Category 2 CWA/LSPA operating expense or capital cost”,

- (a) a capital cost shall be considered related to the provision of a Category 1 or Category 2 CWA/LSPA program or service, as the case may be, if it is incurred in connection with a project that is related to the provision of the program or service; and

- (b) an operating expense that is incurred in connection with a project shall be considered related to the provision of a Category 1 or Category 2 CWA/LSPA program or service, as the case may be, if the project is related to the provision of the program or service.

DETERMINATION OF AMOUNTS OWING

When determination made

2. For the purposes of subsection 27.2 (2) of the Act, as part of the budgetary process described in the Budget and Apportionment Regulation, an authority shall determine,

- (a) whether, according to the criteria set out in section 3, any of its specified municipalities owe or will owe amounts in connection with the Category 1 CWA/LSPA programs and services that the authority provides during the budget year; and
- (b) whether any of its specified municipalities owe or will owe amounts in connection with a Category 2 CWA/LSPA program or service that the authority provides on behalf of the municipality under a memorandum of understanding or other agreement made under section 21.1.1 of the Act during the budget year.

Criteria for Category 1 CWA/LSPA operating expenses and capital costs

3. An authority may determine that a specified municipality owes or will owe amounts under subsection 27.2 (2) of the Act in connection with a Category 1 CWA/LSPA program or service only if, in the authority's opinion, the specified municipality benefits from the Category 1 CWA/LSPA program or service.

How determination made

4. (1) The amounts owing under subsection 27.2 (2) of the Act by a specified municipality in connection with a Category 1 CWA/LSPA program or service shall be equal to the portion of the related Category 1 CWA/LSPA operating expenses and capital costs, that the authority apportions to the specified municipality in accordance with section 5, subject to section 8.

(2) The amounts owing under subsection 27.2 (2) of the Act by a specified municipality in connection with a Category 2 CWA/LSPA program or service shall be equal to the related Category 2 CWA/LSPA operating expenses and capital costs incurred by the authority, in their entirety, except that the operating expenses and capital costs may be reduced in accordance with section 6 of the Budget and Apportionment Regulation.

APPORTIONMENT OF CATEGORY 1 CWA/LSPA OPERATING EXPENSES AND CAPITAL COSTS

Apportionment

5. (1) The apportionment of Category 1 CWA/LSPA operating expenses and capital costs shall be made among the authority's participating municipalities and any specified municipalities that, in the authority's opinion, benefit from the related Category 1 CWA/LSPA program or service.

(2) Before apportioning a Category 1 CWA/LSPA operating expense or capital cost under this section, the authority shall determine whether to reduce the amount of the operating expense or capital cost in accordance with section 6 of the Budget and Apportionment Regulation.

(3) Before apportioning a Category 1 CWA/LSPA operating expense or capital cost, as reduced under subsection (2), an authority shall make the following determinations:

1. If the related Category 1 CWA/LSPA program or service is provided under the *Clean Water Act, 2006*,
 - i. whether it benefits all of the municipalities in the relevant source protection area, or
 - ii. whether it benefits only one or more, but not all, of the municipalities in the source protection area.
2. If the related Category 1 CWA/LSPA program or service is provided under the *Lake Simcoe Protection Act, 2008*,
 - i. whether it benefits all of the municipalities in the Lake Simcoe watershed, or
 - ii. whether it benefits only one or more, but not all, of the municipalities in the Lake Simcoe watershed.
3. If the related Category 1 CWA/LSPA program or service benefits all of the municipalities in the source protection area or in the Lake Simcoe watershed, as the case may be, whether one or more of the municipalities' benefit from the Category 1 CWA/LSPA program or service is disproportionate to the benefit obtained by the other municipalities.

(4) An authority shall use the MCVA apportionment method to apportion a Category 1 CWA/LSPA operating expense or capital cost, as reduced under subsection (2), under this section, subject to subsection (5).

(5) An authority shall use the benefit-based apportionment method to apportion the following Category 1 CWA/LSPA operating expenses or capital costs, as reduced under subsection (2), under this section:

1. A Category 1 CWA/LSPA operating expense or capital cost that is related to a Category 1 CWA/LSPA program or service that, in the authority's opinion, only benefits one or more, but not all, of the municipalities in the source protection area or Lake Simcoe watershed, as the case may be.
2. A Category 1 CWA/LSPA capital cost that is related to a Category 1 CWA/LSPA program or service that, in the opinion of the authority,
 - i. benefits all of the municipalities the source protection area or Lake Simcoe watershed, as the case may be, and
 - ii. provides one or more of the municipalities with a benefit that is disproportionate to the benefit provided to the other municipalities.

MCVA apportionment method

6. (1) Under the MCVA apportionment method, the portion of a Category 1 CWA/LSPA operating expense or capital cost to be apportioned to a municipality shall be based on the ratio that the municipality's modified current value assessment bears to the authority's modified current value assessment.

(2) For the purposes of subsection (1), the modified current value assessment of a municipality shall be determined as follows:

1. For each of the property classes set out in Column 2 of the Table to this subsection, determine the sum of the current value assessment for all the properties in the municipality that are in the property class, if any.
2. Multiply the current value assessment for each property class obtained under paragraph 1 by the factor set out in Column 3 of the Table to this subsection opposite the property class.
3. Determine the sum of the amounts obtained under paragraph 2.
4. Multiply the sum obtained under paragraph 3 by a percentage based on one of the following ratios:
 - i. if apportioning an operating expense or capital cost that is related to a program or service provided under the *Clean Water Act, 2006*, the ratio of the amount of the municipality's land that is in the source protection area for which the authority is the source protection authority under that Act to the total amount of land in the municipality, or
 - ii. if apportioning an operating expense or capital cost that is related to a program or service provided under the *Lake Simcoe Protection Act, 2008*, the ratio of the amount of the municipality's land that is in the Lake Simcoe watershed to the total amount of land in the municipality.

TABLE
PROPERTY CLASSES AND FACTORS

| Column 1 Item | Column 2 Property Class | Column 3 Factor |
|------------------|------------------------------|--------------------|
| 1. | Residential/Farm | 1 |
| 2. | Multi-residential | 2.1 |
| 3. | Commercial | 2.1 |
| 4. | Industrial | 2.1 |
| 5. | Farmlands | 0.25 |
| 6. | Pipe lines | 1.7 |
| 7. | Managed Forests | 0.25 |
| 8. | New multi-residential | 2.1 |
| 9. | Office Building | 2.1 |
| 10. | Shopping Centre | 2.1 |
| 11. | Parking lots and Vacant land | 2.1 |
| 12. | Large industrial | 2.1 |

(3) Despite subsection (2), if a municipality is a regional municipality, the modified current value assessment for the regional municipality shall be equal to the sum of the modified current value assessment for all of the local municipalities in the regional municipality, as determined under subsection (2).

(4) For the purposes of subsection (1), an authority's modified current value assessment shall be equal to the sum of the modified current value assessments for,

- (a) if apportioning an operating expense or a capital cost that is related to a program or service provided under the *Clean Water Act, 2006*, every municipality in the source protection area for which the authority is a source protection authority under that Act; and

- (b) if apportioning an operating expense or a capital cost that is related to a program or service provided under the *Lake Simcoe Protection Act, 2008*, every municipality in the Lake Simcoe watershed.

Benefit-based apportionment method

7. Under the benefit-based apportionment method, the authority shall,
- (a) evaluate the benefit that each participating and specified municipality obtains from the Category 1 CWA/LSPA program or service to which the Category 1 CWA/LSPA operating expense or capital cost is related; and
 - (b) allocate to each participating and specified municipality a portion of the Category 1 CWA/LSPA operating expense or capital cost, as reduced under subsection 5 (2), that is based on the ratio of the benefit afforded to the participating or specified municipality by the Category 1 CWA/LSPA program or service, as determined under clause (a), relative to the overall benefit afforded by the program or service to all benefitting municipalities.

Agreements

8. Despite sections 4 to 7, where an authority enters into an agreement with participating municipalities and specified municipalities with respect to the amount that the municipalities owe or will owe with respect to a Category 1 CWA/LSPA program or service provided by the authority, the amount that the specified municipality owes or will owe shall be determined in accordance with the agreement.

COMMENCEMENT

Commencement

9. **This Regulation comes into force on the later of the day subsection 8 (1) of Schedule 2 to the *More Homes, More Choice Act, 2019* comes into force and the day it is filed.**

Made by:
Pris par :

Le ministre de l'Environnement, de la Protection de la nature et des Parcs,

DAVID PICCINI
Minister of the Environment, Conservation and Parks

Date made: April 11, 2022
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BUDGET AND APPORTIONMENT

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INTERPRETATION

Definitions

1. (1) In this Regulation,

“benefit-based apportionment method” means the method of apportioning an authority’s operating expenses and capital costs described in subsection 7 (6); («méthode de répartition fondée sur les avantages»)

“Category 1 CWA/LSPA operating expense or capital cost” means an operating expense or capital cost that is related to the provision of a Category 1 CWA/LSPA program or service; («dépense d’exploitation ou coût en immobilisations LES/LPLS de catégorie 1»)

“Category 1 CWA/LSPA programs and services” means the mandatory programs and services that an authority is required to provide under section 21.1 of the Act with respect to its duties, functions and responsibilities under the *Clean Water Act, 2006* and under the *Lake Simcoe Protection Act, 2008*; («programmes et services LES/LPLS de catégorie 1»)

“Category 1 operating expense or capital cost” means an operating expense or capital cost that is related to the provision of a Category 1 program or service; («dépense d’exploitation ou coût en immobilisations de catégorie 1»)

“Category 1 programs and services” means the mandatory programs and services that an authority is required to provide under section 21.1 of the Act; («programmes et services de catégorie 1»)

“Category 2 operating expense or capital cost” means an operating expense or capital cost that is related to the provision of a Category 2 program or service; («dépense d’exploitation ou coût en immobilisations de catégorie 2»)

“Category 2 programs and services” means the municipal programs and services that an authority provides under section 21.1.1 of the Act on behalf of a municipality situated in whole or in part within its area of jurisdiction; («programmes et services de catégorie 2»)

“Category 3 operating expense or capital cost” means an operating expense or capital cost that is related to the provision of a Category 3 program or service; («dépense d’exploitation ou coût en immobilisations de catégorie 3»)

“Category 3 programs and services” means programs and services that are not Category 1 or Category 2 programs and services but are other programs and services provided by an authority under section 21.1.2 of the Act; («programmes et services de catégorie 3»)

“general operating expense or capital cost” means an operating expense or capital cost that is not related to the provision of a program or service that an authority provides; («dépense d’exploitation générale ou coût en immobilisations général»)

“MCVA apportionment method” means a method of apportioning an authority’s operating expenses and capital costs that is based on the modified current value assessment of the properties within the authority’s area of jurisdiction and further described in subsections 7 (2), (3), (4) and (5); («méthode de répartition EVAM»)

“reduced capital costs” means the capital costs of an authority for a given year, as reduced under section 6; («coûts en immobilisations réduits»)

“reduced operating expenses” means the operating expenses of an authority for a given year, as reduced under section 6; («dépenses d’exploitation réduites»)

“specified municipality” means a specified municipality as defined in subsection 27.2 (1) of the Act. («municipalité précisée»)

(2) For the purposes of clause (e) of the definition of “operating expenses” in section 1 of the Act, any costs, other than capital costs in connection with a project, that support the operations of an authority are prescribed as operating expenses.

(3) For the purposes of the definitions of “Category 1 operating expense or capital cost”, “Category 2 operating expense or capital cost” and “Category 3 operating expense or capital cost” in subsection (1),

- (a) a capital cost shall be considered related to the provision of a Category 1, Category 2 or Category 3 program or service, as the case may be, if it is incurred in connection with a project that is related to the provision of the program or service; and
- (b) an operating expense that is incurred in connection with a project shall be considered related to the provision of a Category 1, Category 2 or Category 3 program or service, as the case may be, if the project is related to the provision of the program or service.

Budgetary matters

2. The following matters are prescribed as budgetary matters for the purposes of clause 14 (4.0.1) (d) of the Act:

1. Matters that are required to be voted on under this Regulation.
2. Matters relating to budget reallocations in a calendar year.
3. Matters relating to annual audits under section 38 of the Act.

BUDGET

Annual budget

3. Every authority shall prepare a budget for 2024 and for every subsequent calendar year in accordance with this Regulation.

Budgetary process

4. (1) An authority shall prepare the budget for a calendar year in accordance with the budgetary process set out in this Regulation.

(2) An authority shall begin the budgetary process for a given calendar year at such time during the preceding year as the authority determines and shall end the budgetary process at such time as the authority determines, subject to any timelines set out in this Regulation.

APPORTIONMENT**Determination of revenue, expenses and costs**

5. (1) During the first phase of the budgetary process for a given calendar year, the authority shall,

(a) identify all of the authority's sources of revenue for the year, other than revenue from the apportionment of operating expenses and capital costs under sections 7 to 12, including,

(i) revenue from fees or charges paid to the authority,

(ii) revenue from donations and grants received by the authority,

(iii) self-generated revenue from fund-raising or other efforts made during the year to generate funds,

(iv) any amounts that the authority plans to obtain from its reserve funds to finance its capital costs and operations, including its programs and services, for the year,

(v) revenue made under agreements entered into under clause 21 (1) (n) of the Act, and

(vi) revenue from other sources;

(b) determine the amount of revenue from each of the sources identified under clause (a) and add those amounts to determine the authority's total revenue for the year;

(c) identify all of the authority's operating expenses for the year, as required under subsection 27 (1) of the Act, and categorize them as,

(i) Category 1 operating expenses,

(ii) Category 2 operating expenses,

(iii) Category 3 operating expenses, or

(iv) general operating expenses;

(d) determine the authority's total operating expenses for the year;

(e) identify all of the authority's capital costs for the year, as required under subsection 25 (1) of the Act, and categorize them as,

(i) Category 1 capital costs,

(ii) Category 2 capital costs,

(iii) Category 3 capital costs, or

(iv) general capital costs; and

(f) determine the authority's total capital costs for the year.

(2) If the Minister has consolidated two or more source protection areas into a drinking water source protection region under section 6 of the *Clean Water Act, 2006*,

(a) the authority that is designated by the Minister as a lead source protection authority shall include under clause (1) (a) any revenue that it receives from other source protection authorities in the source protection region under an agreement entered into under subsection 6 (3) of the *Clean Water Act, 2006*; and

(b) the authorities that are part of the source protection region but are not designated as the lead source protection authority shall identify under clause (1) (c) and (e) any operating expenses and capital costs that they are required to pay to the lead source protection authority under an agreement entered into under subsection 6 (3) of the *Clean Water Act, 2006*.

Determination of reduced amounts to be apportioned

6. For the purposes of subsections 25 (1) and 27 (1) of the Act, the authority shall, with respect to each operating expense and capital cost identified under clauses 5 (1) (c) and (e), determine which portion of the operating expense or capital cost will be apportioned to participating municipalities by,

- (a) determining if there are any restrictions or rules with respect to the use of revenue from certain sources by the authority;
- (b) determining if, in the authority's opinion, the operating expense or capital cost can or should be offset, in whole or in part, by any of the revenue identified in clause 5 (1) (a) and the extent to which it should be offset; and
- (c) applying such part of the revenue from a source identified in clause 5 (1) (a) as the authority determines is appropriate to the operating expense or capital cost so as to reduce it.

Methods of apportionment

7. (1) Subject to subsections 8 to 11, an authority may apportion a reduced operating expense or a reduced capital cost among its participating municipalities in accordance with one of the following methods of apportionment:

1. The MCVA apportionment method described in subsections (2), (3), (4) and (5).
2. The benefit-based apportionment method described in subsection (6).

(2) Under the MCVA apportionment method, the portion of a reduced operating expense or of a reduced capital cost to be apportioned to a participating municipality shall be based on the ratio that the participating municipality's modified current value assessment bears to the authority's modified current value assessment.

(3) For the purposes of subsection (2), a participating municipality's modified current value assessment shall be determined as follows:

1. For each of the property classes set out in Column 2 of the Table to this subsection, determine the sum of the current value assessment for all the properties in the municipality that are in the property class, if any.
2. Multiply the current value assessment for each property class by the factor set out in Column 3 of the Table to this subsection opposite the property class.
3. Determine the sum of the amounts obtained under paragraph 2.
4. Multiply the sum obtained under paragraph 3 by a percentage based on one of the following ratios:
 - i. If apportioning an operating expense or capital cost that is related to a program or service provided under the *Clean Water Act, 2006*, the ratio of the amount of the municipality's land that is in the source protection area for which the authority is the source protection authority under that Act to the total amount of land in the municipality.
 - ii. If apportioning any other operating expense or capital cost, the ratio of the amount of the municipality's land that is in the jurisdiction of the authority under the Act to the total amount of land in the municipality.

TABLE
PROPERTY CLASSES AND FACTORS

| Column 1 Item | Column 2 Property Class | Column 3 Factor |
|------------------|------------------------------|--------------------|
| 1. | Residential/Farm | 1 |
| 2. | Multi-residential | 2.1 |
| 3. | Commercial | 2.1 |
| 4. | Industrial | 2.1 |
| 5. | Farmlands | 0.25 |
| 6. | Pipe lines | 1.7 |
| 7. | Managed Forests | 0.25 |
| 8. | New multi-residential | 2.1 |
| 9. | Office Building | 2.1 |
| 10. | Shopping Centre | 2.1 |
| 11. | Parking lots and Vacant land | 2.1 |
| 12. | Large industrial | 2.1 |

(4) Despite subsection (3), if a participating municipality is a regional municipality, the modified current value assessment for the regional municipality shall be equal to the sum of the modified current value assessment for all of the local municipalities in the regional municipality, as determined under subsection (3).

(5) For the purposes of subsection (2), an authority's modified current value assessment shall be equal to the sum of the modified current value assessments for,

- (a) if apportioning an operating expense or a capital cost that is related to a program or service provided under the *Clean Water Act, 2006*, every participating municipality in the source protection area for which the authority is a source protection authority under that Act; and
- (b) if apportioning any other operating expense or capital cost, every participating municipality within the authority's area of jurisdiction.
- (6) Under the benefit-based apportionment method, the authority shall apportion an operating expense or capital cost by,
 - (a) evaluating the benefit that each participating municipality obtains from the program or service to which the operating expense or capital cost is related; and
 - (b) allocating to each participating municipality a portion of the reduced operating expense or reduced capital cost that is based on the ratio of the benefit afforded to the participating municipality by the program or service referred to in clause (a), relative to the overall benefit afforded by the program or service to all benefitting participating municipalities.

Category 1 operating expenses and capital costs

8. (1) Before apportioning a Category 1 operating expense or capital cost, an authority shall make the following determinations:

1. Whether the related Category 1 program or service,
 - i. benefits all of the participating municipalities within the authority's area of jurisdiction, or
 - ii. benefits one or more, but not all, of the participating municipalities within the authority's area of jurisdiction.
2. If the related Category 1 program or service benefits all of the participating municipalities within the authority's area of jurisdiction, whether one or more of the participating municipalities' benefit from the Category 1 program or service is disproportionate to the benefit obtained by the other participating municipalities.
3. In the case of a Category 1 CWA/LSPA operating expense or capital cost, a determination made in accordance with Ontario Regulation 401/22 (**Determination of Amounts under Subsection 27.2 (2) of the Act**) made under the Act that,
 - i. the related Category 1 CWA/LSPA program or service benefits one or more of the authority's specified municipalities, and
 - ii. the benefitting specified municipalities owe or will owe amounts with respect to the program or service under subsection 27.2 (2) of the Act.

(2) An authority shall use the MCVA apportionment method to apportion the reduced operating expense or reduced capital cost for Category 1 operating expenses and capital costs, subject to subsection (3).

(3) An authority shall use the benefit-based apportionment method to apportion the reduced operating expense or reduced capital cost for a Category 1 operating expense or capital cost if the authority has determined under subsection (1) that the related Category 1 program or service,

- (a) benefits one or more, but not all, of the participating municipalities within the authority's area of jurisdiction; or
- (b) benefits all of the participating municipalities within the authority's area of jurisdiction but one or more of the participating municipalities is provided with a benefit that is disproportionate to the benefit provided to the other participating municipalities.

(4) An authority shall apportion a Category 1 CWA/LSPA operating expense or capital cost in accordance with subsections (2) and (3), except if the authority has determined under Ontario Regulation 401/22 that,

- (a) the related Category 1 CWA/LSPA program or service benefits one or more of its specified municipalities; and
- (b) the benefitting specified municipality owes or will owe amounts under subsection 27.2 (2) of the Act.

(5) In the case of Category 1 CWA/LSPA operating expense or capital cost described in clauses (4) (a) and (b), the apportionment of the operating expense or capital cost conducted under Ontario Regulation 401/22 to determine the amounts owing under subsection 27.2 (2) of the Act by specified municipalities shall be considered an apportionment under this Regulation and used to determine the portion of the operating expense or capital cost to be apportioned to each participating municipality within the authority's area of jurisdiction.

Category 2 operating expenses and capital costs

9. When apportioning a Category 2 operating expense or capital cost, an authority shall apportion the reduced operating expense or the reduced capital cost, as the case may be, in its entirety, to the participating municipality that has entered into a memorandum of understanding or other agreement with the authority under section 21.1.1 of the Act for the authority to provide the Category 2 program or service on the municipality's behalf.

Category 3 operating expenses and capital costs

10. (1) When apportioning a Category 3 operating expense or capital cost, an authority shall apportion the reduced operating expense or the reduced capital cost, as the case may be, among the participating municipalities that entered into an agreement described in subsection 21.1.2 (2) of the Act in accordance with that agreement.

(2) Despite subsection (1), if the agreement described in subsection 21.1.2 (2) of the Act does not address how to apportion a Category 3 operating expense or capital cost, the authority shall apportion the reduced operating expense or the reduced capital cost, as the case may be, in the following manner:

1. Subject to subparagraph 2 i, if all of the participating municipalities within the authority's area of jurisdiction have entered into the agreement described in subsection 21.1.2 (2) of the Act, by using the MCVA apportionment method.
2. By using the benefit-based apportionment method if,
 - i. all of the participating municipalities within the authority's area of jurisdiction have entered into the agreement described in subsection 21.1.2 (2) of the Act but, in the authority's opinion, one or more participating municipalities obtains a benefit from the related Category 3 program or service that is disproportionate to the benefit obtained by the other participating municipalities, or
 - ii. one or more, but not all, of the participating municipalities within the authority's area of jurisdiction have entered into the agreement described in subsection 21.1.2 (2) of the Act.

General operating expenses and capital costs

11. When apportioning a general operating expense or capital cost, an authority shall use the MCVA apportionment method to apportion the reduced operating expense or capital cost, as the case may be.

Agreements

12. Despite sections 7 to 11, where an authority has entered into an agreement with its participating municipalities with respect to the apportionment of the following operating expenses or capital costs, the apportionment of the reduced operating expense or the reduced capital cost, as the case may be, shall be in accordance with the agreement:

1. Category 1 operating expenses that are related to a Category 1 program or service that benefits one or more, but not all, of the participating municipalities within the authority's area of jurisdiction.
2. Category 1 capital costs.
3. Category 1 CWA/LSPA operating expenses and capital costs.
4. General capital costs.

DRAFT BUDGET AND CONSULTATIONS**Draft budget**

13. (1) After having determined the apportionment of operating expenses and capital costs, an authority shall begin the second phase of the budgetary process by preparing a draft budget.

(2) The draft budget for any given year shall set out:

1. The authority's total revenue for the year, as determined under clause 5 (1) (b).
2. The sources of the revenue for the year referred to in subclauses 5 (1) (a) (i) to (vi) and the amount of the revenue from each such source, as determined under clause 5 (1) (b).
3. The authority's total operating expenses for the year, as determined under clause 5 (1) (d), and a list of operating expenses setting out as separate amounts,
 - i. Category 1 operating expenses related to each Category 1 program and service,
 - ii. Category 2 operating expenses related to each Category 2 program and service,
 - iii. Category 3 operating expenses related to each Category 3 program and service, and
 - iv. general operating expenses.
4. The authority's total capital costs for the year as determined under clause 5 (1) (f), and a list of capital costs setting out as separate amounts,
 - i. Category 1 capital costs related to each Category 1 program and service,
 - ii. Category 2 capital costs related to each Category 2 program and service,
 - iii. Category 3 capital costs related to each Category 3 program and service, and
 - iv. general capital costs.

5. The amount of revenue that the authority will obtain during the year from the apportionment of operating expenses and capital costs under sections 7 to 12 to its participating municipalities, and the portion of this revenue that each participating municipality shall pay.
6. The amount of revenue that the authority will obtain during the year from amounts to be paid by specified municipalities under section 27.2 of the Act, as determined under Ontario Regulation 401/22 (**Determination of Amounts under Subsection 27.2 (2) of the Act**) made under the Act, and the portion of this revenue that each specified municipality shall pay.
7. If the authority considered opportunities to raise and use self-generated revenue to help finance the authority's operations, including the programs and services it provides, a description of what the authority considered.
8. Any additional financial information that the authority considers relevant to include.

Meeting on draft budget

- 14.** (1) An authority shall hold a meeting to,
- (a) consider the draft budget for a given year; and
 - (b) decide whether or not to approve the draft budget for consultation purposes.
- (2) The authority shall give notice of the meeting on a draft budget for a given year to a specified municipality if,
- (a) the authority has determined under subsection 27.2 (2) of the Act that the specified municipality owes or will owe amounts for the year in connection with Category 1 CWA/LSPA programs and services; and
 - (b) the amounts owing or to be owed, as determined under sections 5 to 8 of Ontario Regulation 401/22 (**Determination of Amounts under Subsection 27.2 (2) of the Act**) made under the Act, are set out in the draft budget.
- (3) At a meeting held under this section, the authority shall hold a vote on whether to approve the draft budget for consultation purposes.
- (4) If notice of the meeting has been given under subsection (2) to a specified municipality that is designated as a participating municipality under the *Clean Water Act, 2006*, the authority shall, before voting on approving the draft budget under subsection (3),
- (a) convene the members appointed by the municipalities designated as participating municipalities under the *Clean Water Act, 2006*; and
 - (b) hold a vote of the members referred to in clause (a) to approve, for consultation purposes, the portion of the draft budget relating to programs and services provided by the authority under the *Clean Water Act, 2006*.
- (5) If notice of the meeting has been given under subsection (2) to a specified municipality that is designated as a participating municipality under the *Lake Simcoe Protection Act, 2008*, the authority shall, before voting on approving the draft budget under subsection (3),
- (a) convene the members appointed by the municipalities designated as participating municipalities under the *Lake Simcoe Protection Act, 2008*; and
 - (b) hold a vote of the members referred to in clause (a) to approve, for consultation purposes, the portion of the draft budget relating to programs and services provided by the authority under the *Lake Simcoe Protection Act, 2008*.
- (6) For greater certainty, for the purposes of a vote held under subsection (4) or (5), section 16 of the Act applies except that the members appointed by the specified municipalities shall be included when determining the quorum and shall be entitled to vote.

Consultations

- 15.** (1) If an authority approves a draft budget for consultation purposes under section 14, the authority shall,
- (a) send to each participating municipality, and to any specified municipality, a copy of the draft budget and of all financial information relating to the apportionment of operating expenses and capital costs; and
 - (b) make a copy of the draft budget and of the financial information referred to in clause (a) available to the public by posting them on the section of the authority's website entitled "Governance" and by any other means the authority considers appropriate.
- (2) An authority shall carry on such consultations with participating municipalities and specified municipalities affected by the draft budget as are necessary to finalize the annual budget.

APPROVAL OF APPORTIONMENT UNDER SUBSECTIONS 25 (1) AND 27 (1) OF THE ACT AND AMOUNTS OWING UNDER SUBSECTION 27.2 (2) OF THE ACT

Meeting on apportionment, etc.

- 16.** At the beginning of the third phase of the budgetary process, an authority shall hold a meeting to approve,
- (a) the apportionment of operating expenses and capital costs to participating municipalities under subsections 25 (1) and 27 (1) of the Act, as determined under sections 7 to 12; and
 - (b) the apportionment of any Category 1 CWA/LSPA operating expenses and capital costs among participating and specified municipalities in accordance with Ontario Regulation 401/22 (Determination of Amounts under Subsection 27.2 (2) of the Act) made under the Act.

Notice of meeting

17. (1) An authority shall give notice of a meeting under section 16 to all participating municipalities and to any specified municipality that is entitled to receive notice of the meeting under subsection (2).

(2) The authority shall give notice of a meeting under section 16 to a specified municipality if, after consultations held under section 15, the authority has determined under section 3 of Ontario Regulation 401/22 (Determination of Amounts under Subsection 27.2 (2) of the Act) made under the Act that the specified municipality should be required to pay amounts owing under subsection 27.2 (2) of the Act for the budget year in connection with Category 1 CWA/LSPA programs and services.

- (3) The notice of meeting shall be given at least 30 days before the meeting.
- (4) The notice of meeting shall include,
 - (a) a copy of the most recent draft of the budget; and
 - (b) the amount of the reduced operating expenses and reduced capital costs that the participating municipality or specified municipality that is given notice will be required to pay for the year.

Voting on apportionment, etc.

- 18.** (1) At a meeting under section 16, an authority shall,
- (a) if the apportionment of any Category 1 CWA/LSPA operating expenses and capital costs among participating municipalities and specified municipalities is on the meeting agenda, hold such votes as are necessary with respect to the apportionment of those operating expenses and capital costs before voting on the apportionment of any other operating expenses and capital costs; and
 - (b) after votes have been held under clause (a), if any, hold such votes as are necessary on the apportionment of other operating expenses and capital costs among participating municipalities.
- (2) Despite section 16 of the Act,
- (a) on a vote under clause (1) (a) with respect to an apportionment of the Category 1 CWA/LSPA operating expenses and capital costs, a person appointed by a specified municipality shall be entitled to vote as a member of the authority and shall be included in the quorum of members required for the purposes of that vote; and
 - (b) any vote held at a meeting under section 16, including a vote on which members appointed by specified municipalities are entitled to vote, shall be carried by a weighted majority in accordance with section 19.
- (3) All votes held at a meeting under section 16 shall be recorded.

Weighted majority vote

- 19.** The following rules apply to a vote that is to be carried by a weighted majority:
1. Each member's vote shall be weighted according to the ratio that the modified current value assessment for the municipality that appointed the member bears to the authority's modified current value assessment.
 2. A weighted majority requires 51 per cent or more of the total weighted value for all of the votes cast.
 3. In the case of tie vote, the vote is lost.
 4. If a municipality appoints more than one member to the authority, each of those members' votes shall be equal to the municipality's weighted vote divided by the number of members the municipality appoints to the authority.
 5. A municipality shall not have a weighted vote of more than 50 per cent of the total weighted value for all of the votes to be cast unless the municipality appoints more than 50 per cent of the members to the authority.

Notice to pay

20. (1) An authority shall not send a notice of apportionment to a participating municipality under subsection 25 (2) or 27 (3) of the Act until a vote has been held at a meeting under section 16 with respect to the apportionment under section 25 or 27 of the Act.

(2) An authority shall not send a notice under subsection 27.2 (3) of the Act setting out the amounts owing by a specified municipality with respect to a Category 1 CWA/LSPA program or service until a vote has been held at a meeting under

section 16 of this Regulation with respect to the apportionment of the related Category 1 CWA/LSPA operating expenses and capital costs under subsection 27.2 (2) of the Act.

FINAL BUDGET

Final budget

- 21.** (1) An authority shall prepare a final budget as part of the final phase of the budgetary process.
- (2) The final budget shall meet all the requirements of a draft budget under subsection 13 (2), subject to subsection (3).
- (3) The amounts in the final budget shall reflect the matters agreed to during consultations under section 15 and the amounts voted on during a meeting held under section 16.

Meeting

- 22.** An authority shall hold a meeting of its members to approve the final budget.

Vote

- 23.** (1) The vote to approve the final budget shall be carried by a majority of votes.
- (2) Despite subsection (1), the vote to approve the final budget shall be carried by a weighted majority in accordance with section 19 if required to do so by the authority's by-laws.
- (3) A vote held to approve the final budget shall be recorded.

Providing copies and posting of budget

- 24.** Promptly after the final budget is approved by participating municipalities, the authority shall end the budgetary process for a given year by,
- (a) providing a copy of the final budget to the Minister and to each of the authority's participating municipalities and specified municipalities; and
 - (b) making a copy of the final budget available to the public by posting it on the section of the authority's website entitled "Governance" and by any other means the authority considers appropriate.

REVOCATIONS AND COMMENCEMENT

Revocation of regulations

- 25. The following regulations made under the Act are revoked:**

- 1. Ontario Regulation 139/96 (Municipal Levies).**
- 2. Ontario Regulation 670/00 (Conservation Authority Levies).**

Commencement

- 26. This Regulation comes into force on the later of the day subsection 24 (1) of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force and the day this Regulation is filed.**

Français

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Reference Document - Methods of Apportionment Set out in the Phase 2 Regulations under the Conservation Authorities Act (CAA) - April 27, 2022

This reference document is intended to summarize the range of methods available in apportioning costs owed by participating and specified municipalities¹ as set out in the Phase 2 regulations “Budget and Apportionment” (O.Reg. 402/22) and “Determination of Amounts Owed Under ss. 27.2 (2) of the Act” (O.Reg.401/22). These regulations will take effect July 1, 2023 to apply to the draft 2024 budgets that CAs develop in 2023. Category 1 programs and services include those set out in the “Mandatory Programs and Services” regulation (O.Reg.686/21) under the CAA. These include programs and services that CAs deliver under the *Clean Water Act, 2006* (CWA) and *Lake Simcoe Protection Act, 2008* (LSPA).

Costs Incurred Related to Provision of a Program or Service:

| METHOD OF APPORTIONMENT | GENERAL (program or service that benefits all participating and specified municipalities, if any) | | SPECIAL (everything that is not GENERAL) <u>Operating Expenses</u> (CAA s. 27) and <u>Capital Costs</u> (s. 25) |
|---|--|--|---|
| | <u>Operating Expenses</u> (CAA s. 27) | <u>Capital Costs</u> (CAA s. 25) | |
| Category 1 – CAA Section 21.1: Mandatory Programs and Services (Reg. subclauses 5(1)(c)(i) and (e)(i)) | | | |
| CAA / CWA / LSPA - <i>participating municipalities</i> | <ul style="list-style-type: none"> MCVA², or Benefit-based, and Agreement for CWA/LSPA <p><i>Reg.402/22 ss. 8(2); clause 8(3)(b); ss. 8(4); s. 12 p. 3</i></p> | <ul style="list-style-type: none"> MCVA Benefit-based, or Agreement <p><i>Reg.402/22 ss. 8(2); clause 8(3)(b), ss. 8(4); s. 12 p. 2 and 3</i></p> | <ul style="list-style-type: none"> Benefit-based, or Agreement <p><i>Reg.402/22 clause 8(3)(a), ss. 8(4); s. 12 p. 1-3</i></p> |
| CWA / LSPA – CAs with '<i>specified municipalities</i>'³ | <ul style="list-style-type: none"> MCVA, or Agreement <p><i>Reg.401/22 ss. 5(4); s. 8), and Reg.402/22 ss. 8(4) and (5)</i></p> | <ul style="list-style-type: none"> MCVA Benefit-based, or Agreement <p><i>Reg.401/22 ss. 5(4); 5(5) p. 2; s. 8, and Reg.402/22 ss. 8(4) and (5)</i></p> | <ul style="list-style-type: none"> Benefit-based, or Agreement <p><i>Reg.401/22 ss. 5(5) p. 1; s. 8, and Reg.402/22 ss. 8(4) and (5))</i></p> |

¹ 'Specified municipality' is a municipality (whole or part) that is geographically outside of any CA jurisdiction and not a participating municipality in a CA, and is designated as a participating municipality for a source protection authority under the CWA or in the Lake Simcoe Region CA for the purposes of the LSPA. Section 27.2 under the CAA will provide CAs with the ability to recover costs in connection with a CWA or LSPA program or service from a “specified municipality”.

² Modified current value assessment (MVCA)

³ Where the CA has one or more specified municipalities and determines, as part of the annual budgetary process, that one or more of its specified municipalities benefit from a Category 1 CWA/LSPA program or service and will owe amounts under section 27.2 of the CAA, the CA would use the Minister’s regulation (O. Reg. 401/22) to apportion those operating expenses and capital costs to its participating and specified municipalities. This is not the case for Category 2 CWA/LSPA operating expenses and capital costs.

| METHOD OF APPORTIONMENT | SPECIAL (everything that is not GENERAL) <u>Operating Expenses</u> (CAA s. 27) and <u>Capital Costs</u> (s. 25) | |
|--|--|--|
| Category 2 – CAA Section 21.1.1: Municipal Programs and Services (Reg. subclauses 5(1)(c)(ii) and (e)(ii)) | | |
| CAA/ CWA/ LSPA – <i>participating municipalities</i> | <ul style="list-style-type: none"> • Direct to participating municipality <i>Reg.402/22 s. 9</i> | |
| CWA / LSPA – <i>'specified' municipalities¹</i> | <ul style="list-style-type: none"> • Direct to specified municipality <i>Reg.402/22 ss. 4(2)</i> | |
| Category 3 – CAA Section 21.1.2: Other Programs and Services, after January 1, 2024 (Reg. subclauses 5(1)(c)(iii) and (e)(iii)) | | |
| CAA – <i>participating municipalities</i> | <ol style="list-style-type: none"> 1. In accordance with cost apportioning agreement 2. If cost apportioning agreement is silent, <ul style="list-style-type: none"> • MCVA, or • Benefit-based <i>Reg.402/22 s. 10</i> | |

Costs Incurred Not Related to Provision of Program or Service (Reg. clauses 5(1)(c)(iv) and (e)(iv)):

| METHOD OF APPORTIONMENT | GENERAL (all participating municipalities) | |
|---|--|---|
| | Operating Expenses (CAA s. 27) | Capital Costs (CAA s. 25) |
| General operating expense and capital cost | | |
| CAA - <i>participating municipalities</i> | <ul style="list-style-type: none"> • MCVA <i>Reg.402/22 s. 11</i> | <ul style="list-style-type: none"> • MCVA, or • Agreement <i>Reg.402/22 s. 11; s. 12 p. 4</i> |

Policy: Minister's list of classes of programs and services in respect of which conservation authorities may charge a fee

April 11, 2022

Preamble

A conservation authority is permitted to charge a fee for a program or service only if the program or service is included in the Minister's list of classes of programs and services in respect of which a conservation authority may charge a fee. The Minister's published list of classes of programs and services in respect of which a conservation authority may charge a fee ("Minister's Fee Classes Policy") is provided as per the provisions set out in section 21.2 of the *Conservation Authorities Act*. From time to time, the Minister may make changes to the list and will promptly update this document and distribute it to each conservation authority.

Fees that a conservation authority may charge under the *Conservation Authorities Act*

Section 21.2 of the *Conservation Authorities Act* requires a conservation authority to administer the charging of fees in a transparent and accountable manner by adopting and publishing a written fee policy, which includes a fee schedule that lists the programs and services for which an authority charges a fee and the amount to be charged. Conservation authorities must maintain their fee schedule and if an authority wishes to make changes to its fee schedule, it must notify the public of the proposed change (e.g., on its website). In its fee policy, a conservation authority must also set out the frequency with which it will conduct a review of its fee policy, including its fee schedule, the process for carrying out a review of the fee policy, including the rules for giving notice of the review and any changes as a result of a review, and the circumstances under which any person may request the authority to reconsider a fee that was charged to the person and the procedures applicable to the reconsideration. Decisions regarding the fee policy and fee schedule are made by the members of a conservation authority, comprised of representatives appointed by the participating municipalities and the agricultural sector representative member, where appointed by the Minister of the Environment, Conservation and Parks.

Reconsideration of fee charged

A conservation authority's fee policy must define the circumstances in which a person may request that the authority reconsider a fee that was charged and the procedures applicable to the reconsideration. Where the authority's fee policy permits a person to request the authority to reconsider the fee it has charged that person because it is contrary to the authority's fee schedule or excessive in relation to the program or service for which it was charged, that person may apply to the authority, in accordance with the procedures set out in the authority's fee policy, to request a reconsideration of the fee.

After receiving and considering the request, the authority may vary the amount of the fee to be charged to an amount the authority considers appropriate, order that no fee be charged, or confirm the original amount of the fee.

Fees that a conservation authority may charge as prescribed by other legislation

The Minister's Fee Classes Policy does not include those instances where the authority is already authorized under another statute to charge a fee for a program or service. For example, where an authority administers an on-site sewage system program under the *Building Code Act, 1992*, the authority has the power to charge fees for that program. Similarly, under Part IV of the *Clean Water Act, 2006*, a municipality has enforcement responsibility to regulate significant drinking water threats in wellhead protection areas and intake protection zones and may delegate that responsibility to a conservation authority. When this delegation occurs, the conservation authority is also given the power to charge fees as the enforcement body under that Act.

User-Pay Principle

The fees that conservation authorities charge, in accordance with the Minister's Fee Classes Policy, are considered 'user fees.' 'User fees' are fees paid to an authority by a person or organization for a service that they specifically benefit from. This includes use of a public resource (e.g., park access or facility rental) or the privilege to do something (e.g., receive an approval through a permit or other permission to undertake a regulated activity).

For the purposes of this Minister's Fee Classes Policy, a fee may only be applied when the User-Pay Principle is considered appropriate, which is when there is a class of persons that directly benefits from a program or service delivered by an authority ("User-Pay Principle") (note: other restrictions may apply; see Table 1 below).

Enabling authorities to charge a fee for programs and services where the User-Pay Principle is considered appropriate increases opportunities for an authority to generate revenue. This may reduce an authority's reliance on the municipal levy (now called an "apportionment") to finance the programs and services it provides. However, it is up to a conservation authority to decide the proportion of the costs associated with administering and delivering a program or service that should be recovered by a user fee versus those costs that are offset by other funding sources, such as the municipal levy. Beginning with the 2024 calendar year budgets, if an authority considered opportunities to raise and use self-generated revenue such as fees to finance its operations, the authority will be required to include in its budget a description of what the authority considered.

Fee amounts

A conservation authority may determine the amount of a fee to be charged for a program or service that it provides. If a fee is to be charged for a program or service, the amount to be charged or the manner for determining the amount must be listed in the conservation authority's fee schedule. Some fee amounts cannot exceed the authority's costs for administering and delivering a program or service. For example, fees for planning services should be developed in conjunction with the appropriate planning authorities and set to recover but not exceed the costs associated with administering and delivering the services on a program basis. Similarly, fees for permitting services should be developed to recover but not exceed the costs associated with administering and delivering the services on a program basis. Other fees set by the authority for a program or service are not subject to this restriction, such as fees for selling products or fees for rentals. Fees that are not subject to this restriction can provide the authority with a source of revenue to help offset costs for other programs and services offered by the authority.

Minister's fee classes

The following is the list of classes of programs and services in respect of which an authority may charge a fee.

Table 1. Classes of programs and services for which conservation authorities may charge a fee

| Classes of programs and services | Criteria | Examples |
|---|---|--|
| Category 1 mandatory programs and services (section 21.1 of the <i>Conservation Authorities Act</i>) | Category 1 programs and services where the following requirement is met: <ul style="list-style-type: none"> • The User-Pay Principle is appropriate. | Examples may include: <ul style="list-style-type: none"> – Administration of section 28 natural hazards development permits (current section 28 and unproclaimed section 28.1), including related technical advice and studies. – Responses to legal, real estate and public inquiries regarding a section 28 permit (and unproclaimed section 28.1) and natural hazard inquiries under the <i>Planning Act</i>. – Activities requiring a permit made pursuant to section 29 of the <i>Conservation Authorities Act</i>. – Review and commenting on applications under other |

| | | |
|--|---|--|
| | | <p>legislation noted under the Mandatory Programs and Services Regulation (O. Reg. 686/21) and associated inquiries.</p> <ul style="list-style-type: none"> - Access to authority owned or controlled land for recreational activities not requiring direct authority or other staff involvement. |
| <p>Category 2 municipal programs and services – i.e., those programs and services an authority provides on behalf a municipality pursuant to a memorandum of understanding or service level agreement (or other agreement) (section 21.1.1 of the <i>Conservation Authorities Act</i>)</p> | <p>Category 2 programs and services where the following requirements are met:</p> <ul style="list-style-type: none"> • The User-Pay Principle is appropriate; and • The parties agree through provisions in a memorandum of understanding, service level agreement, or other agreement governing the provision of the Category 2 program or service that the authority should be permitted to charge a fee for that program or service. | <p>Examples may include commenting on <i>Planning Act</i> applications for technical and policy matters other than for consistency with natural hazard policies, such as related to natural heritage, storm water management, or other matters requested by a municipality.</p> |
| <p>Category 3 authority determined programs and services (section 21.1.2 of the <i>Conservation Authorities Act</i>) that are financed in whole or in part by the municipal levy and on or</p> | <p>Category 3 programs and services that are financed in whole or in part by the municipal levy, where the following requirements are met:</p> <ul style="list-style-type: none"> • The User-Pay Principle is appropriate; and • Where a cost apportionment agreement has been entered into for a Category 3 program or service, the agreement includes provisions permitting the authority to charge a fee for the program or service. This requirement does not apply where the cost apportionment agreement | <p>Examples may include private land stewardship or extension services that are partially funded by municipal levy.</p> |

| | | |
|--|---|--|
| <p>after January 1, 2024 will require a cost apportioning agreement</p> | <p>relates to any of the following Category 3 programs and services:</p> <ul style="list-style-type: none"> i) Recreational activities that are provided on land that is owned or controlled by the authority with the direct support or supervision of staff employed by the authority or by another person or body, or with facilities or other amenities maintained by the authority, including equipment rentals and renting facilities for special events. ii) Community relations to help establish, maintain, or improve relationships between the authority and community members. iii) Public education services to improve awareness of issues relating to the conservation, restoration, development, and management of natural resources in watersheds in Ontario. iv) The provision of information to the public. v) The sale of products by the authority. | |
| <p>Category 3 authority determined programs and services (section 21.1.2 of the <i>Conservation Authorities Act</i>) that are not financed in whole or in part by the municipal levy</p> | <p>Category 3 programs and services that are not financed in whole or in part by the municipal levy, where the following requirement is met:</p> <ul style="list-style-type: none"> • The User-Pay Principle is appropriate. | <p>Examples may include those listed in the row above that are not financed in whole or in part by municipal levy.</p> |

Disclaimer

This Minister's Fee Classes Policy summarizes some of the requirements in the *Conservation Authorities Act* with respect to the charging of a fees by a conservation

authority for programs and services. This document should not be construed as legal advice or a substitute for seeking independent legal advice. Anyone seeking to fully understand how the Act may apply to the charging of fees by a conservation authority for programs or services should refer to the Act. In the event of any inconsistency between the *Conservation Authorities Act* and this policy, the Act will always take precedence.



| | | | |
|----------------------|-----------------------------|-------------------|-------------|
| PROGRAM AREA | FINANCE | REPORT NO. | FIN-09-2022 |
| DATE PREPARED | May 11, 2022 | FILE NO. | |
| MEETING DATE | May 25, 2022 | | |
| SUBJECT | Insurance Premium Increases | | |

RECOMMENDATION

Suggested Resolution

“THAT: Staff Report FIN-09-2022: Insurance Premium Increases be received.”

LINK TO STRATEGIC PLAN (2018-2022)

Govern and Enhance:

- *Optimize organizational performance through policy, and measurable actions to improve accountability and transparency.*
- *Build a resilient financial model based on capacity, capabilities and transparency.*

EXECUTIVE SUMMARY

Insurance premiums continue to rise as world-wide events continue to put a strain on insurers. These events include catastrophic weather including flooding and wildfires, along with lawsuits, have continued to escalate with mega-settlements and jury awards, increased class action lawsuits among many other factors. These issues have caused an alarming increase to the Authorities insurance premiums (i.e. 30% increase over the last four years), with increases anticipated to continue in the future. Future budgets will require an increase in levy to pay for the increase in premiums. Use of reserve funds may be required to stabilize the increase in cost in future budgets.

The Authority is part of the Conservation Ontario Group Insurance Program along with the thirty-five other Authorities. This Insurance Working Group has worked with Marsh Canada, our broker, to obtain the best possible rates.

DISCUSSION

Since 2020, insurance coverage costs have increased significantly due to a number of factors including extreme catastrophic weather including flooding and wildfires; escalating number of lawsuits with mega-settlements and jury awards; increase in class action lawsuits among many other factors. These factors will cause premiums to continue to increase. The Authority will need to cover the increased premiums through increased levy to the Member Municipalities or through the use of reserves. If the Insurance Reserve is used to stabilize the impacts to the levy, the Reserve Policy will need to be updated to allow for insurance increase’s to be offset by the

reserve, which was set up to cover the cost of any deductible in the event of a claim. Other reserves may also be considered at the time of budget preparation.

The Authority is part of the Conservation Ontario Group Insurance Program along with the thirty-five other Authorities. This Conservation Ontario Insurance Working Group, which has members from a variety of Conservation Authorities and Conservation Ontario, has worked with Marsh Canada, our broker, to understand the unique insurance needs of the Authorities and to obtain the best possible rates. Staff do not recommend seeking insurance outside the group plan, due to unique nature of our business.

Below is an illustration of the rate increases since 2018:

| Year | Cost \$ | Increase form Previous Year \$ | Increase from Previous Year % |
|-------------|--------------------|---|--|
| 2018 | 41,629.00 | 77.00 | 0.19 |
| 2019 | 41,303.00 | (326.00) | (0.78) |
| 2020 | 48,015.00 | 6,712.00 | 16.25 |
| 2021 | 56,087.00 | 8,072.00 | 16.81 |
| 2022 | 72,704.00 | 16,617.00 | 29.63 |

FINANCIAL IMPLICATIONS

With the increase in insurance premiums likely to continue, the levy will likely increase. The levy increase can be offset by accessing the reserves. If the Insurance Reserve is used Reserve Policy will need to be updated to allow for this use. The reserve, as currently constituted, does not allow for offsetting premiums. This change can be considered during the Reserve Policy review scheduled in 2022. It is noted that there are limited funds (\$30,00.00) in the Insurance Reserve and these funds would be used up quickly.

CONCLUSION

The continual increase in insurance premiums will put a strain on the levy going forward. The Authority can absorb the increases through levy and/or accessing reserves. One option could be using the Insurance Reserve; however, the Insurance Reserve as currently constituted, does not allow for this use. The Insurance Reserve Policy will need to be updated to allow for the accessing of the reserve to cover premium increases, if warranted. The Reserve Policy is scheduled to be reviewed in 2022.

BACKGROUND

Insurance coverage has been increasing at an alarming rate since 2020 due to the following causes, as reported by the insurer:

General Contributing Cause of Increases.

- Persistently low interest rates have dampened insurer returns on their investment portfolios.
- Extreme catastrophic weather flooding and wildfires over the past few years have had a direct impact on pricing. Extreme weather events once priced as a 1 in 100-year events have occurred multiple times in the past 5-10 years prompting sustained escalation in rates.
- Increased cost of repairs due to specialized materials, labour costs, and expensive electronics.
- Medical inflation - advances in higher priced treatments and rehabilitation. Increased availability and usage.
- The influence of advanced science and technology on litigation.
- Litigiousness continues to escalate. Increasing propensity for the public to sue including massive growth of plaintiff law firms. Litigation funding and increasing Defense Costs.
- Increase in mega-settlements and jury awards.
- Social inflation – Increasing probability of the legal system to find blame and award larger judgements against organizations. “Companies continue to be held accountable for social ills, whether they were actors or bystanders. Today’s courts seem numb to monetary values,” Willis Towers Watson added. New concepts of negligence from the increasing perception of blame, deep-seated institutional distrust, increasing perception of the value of an injury, leading to higher jury awards, and legislated rises in compensation benefit levels.
- The growth of class action lawsuits, the massive growth of plaintiff law firms, contingency based legal costs.
- Increased frequency and severity of claims.
- Insurers have continued to underestimate and set aside adequate funds to meet increasingly long tail legal battles.
- Decade long flat reduction in rates (i.e., flat premiums while underlying size and exposures of organizations and their loss cost trends continued to grow).

The Authority is part of the Conservation Ontario Group Insurance Program along with the thirty-five other Authorities. This working group has worked with Marsh Canada, our broker, to obtain the best possible rates.

REFERENCE MATERIAL ATTACHED

None

PREPARED BY:

Mark Ambrose, Finance Manager

| | |
|--|-------------------------------|
| <p>THIS REPORT SIGNED AND VERIFIED BY:</p> <p><i>Tammy Cook</i></p> <p>Tammy Cook Chief Administrative Officer</p> | <p>DATE: May 18, 2022</p> |
|--|-------------------------------|



LAKEHEAD REGION
CONSERVATION AUTHORITY

May 25, 2022

Moved By _____
Seconded By _____

“THAT: having examined the accounts for the period April 1, 2022 to April 30, 2022 cheque #2553 to #2574 for \$91,932.63 and preauthorized payments of \$159,322.35 for a total of \$251,254.98, we approve their payment.”

| | | |
|------|---|-----------|
| 2553 | Capstone Development and Training: Search Warrant Course | 56.50 |
| 2554 | Central Carwash: Fuel March | 543.53 |
| 2555 | Creekside Nursery and Garden Centre: Snow Plowing March | 2,113.10 |
| 2556 | EOR Canada Inc.: Consulting Fees Mountdale Boat Launch | 18,742.18 |
| 2557 | Lowery's: Office Supplies | 130.09 |
| 2558 | McKittricks: Ward File | 1,220.40 |
| 2559 | Mitacs: Mitacs Accelerate Project | 4,237.50 |
| 2560 | Northern Turf Equipment: Various Equipment Repairs | 507.37 |
| 2561 | Northern Wildflowers: Various Vegetation | 2,361.65 |
| 2562 | Rachael Z Bezanson: Ice for SWAP | 45.04 |
| 2563 | Signs Now: Fisherman's West Sign | 885.92 |
| 2564 | Superior Outdoors Inc. The Walleye: 1/4 Page ad in the Walleye | 175.15 |
| 2565 | Thunder Bay Answering Service Inc.: Feb March Answering Service | 479.12 |
| 2566 | WSIB: Jan-Mar WSIB | 6,206.24 |
| 2567 | Innovated Solutions: Cloud Protection May | 133.34 |
| 2568 | 2611943 Ontario Ltd.: Garbage removal Mission | 226.00 |
| 2569 | Canada Post: PO Box LCF | 272.33 |
| 2570 | CDS Consulting Limited: Consulting John St. Diversion Project | 5,141.50 |
| 2571 | Hatch Ltd.: CPR trap dredging project | 41,810.02 |
| 2572 | Grant Thornton LLP: Second Interim billing 2021 Audit | 6,045.50 |
| 2573 | Lowery's: Photocopying Charges | 329.28 |
| 2574 | Thunder Bay Broom & Chemicals: Janitorial Supplies | 270.87 |
| | | 91,932.63 |

Chair

| | | |
|----|--|------------|
| PA | Payroll and Per Diems | 72,303.42 |
| PA | Royal Bank Group Retirement RRSP and TFSA | 12,151.96 |
| PA | RWAM and Lifeworks Benefits | 2,497.60 |
| PA | Enbridge | 1,090.00 |
| PA | Synergy North | 491.99 |
| PA | Visa Routine Monthly Expenses | 7,272.43 |
| PA | Banking and Visa Fees | 428.83 |
| PA | Postage | 56.50 |
| PA | Receiver General of Canada March and April | 62,742.72 |
| PA | Photocopier Lease | 286.90 |
| | | 159,322.35 |
| | | 251,254.98 |

Chair

Res# _____/22

Monthly Plan Input/Review and Fill Regulations Administration
April 1 to April 30, 2022

| Municipality | Minor Variance (A) | Consent (B) | Official Plan | Official Plan/ Zoning By-Law Comprehensive Review | Zoning By-Law (Z) | Subdivisions | Clearances | Reality Services | Lawyer Inquiries | Letter of Opinion (Other) | Total |
|----------------------|-----------------------|----------------|---------------|--|----------------------|--------------|-----------------|---------------------|---------------------|---------------------------------|----------|
| City of Thunder Bay | | B-20-2022 | | | | | 2351 Highway 61 | 226 Kingston Street | 693 Dalhousie Drive | Phase I ESA - 639 McLaughlin St | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | Total | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | 5 |
| Oliver Paipoonge | | 18/08/22 | | | | | | | 4889 Oliver Road | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | Total | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 |
| O'Connor | | | | Final Draft Zoning By-Law | | | | | | | |
| Total | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Neebing | | B03-2022 | | | | | | | | Pine River Bridge Highway 595 | |
| | | B02-2022 | | | | | | | | | |
| | | V01-2022 | | | | | | | | | |
| Total | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | |
| Shuniah | A5/22 | | | | | | | | | | |
| | A4/22 | | | | | | | | | | |
| Total | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Conmee | | | | | | | | | | | |
| | | | | | | | | | | | |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Gillies | | | | | | | | | | | |
| | | | | | | | | | | | |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Dorion | | | | | | | | | | | |
| | | | | | | | | | | | |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Rural Planning Board | | 18/09/22 | | | | | | | | | |
| | | 18/10/22 | | | | | | | | | |
| | | | | | | | | | | | |
| Total | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | |
| Monthly Total | 2 | 7 | 0 | 1 | 0 | 0 | 1 | 1 | 2 | 2 | |

Monthly Plan Input/Review and Fill Regulations Administration
May 1 to 18, 2022

| Municipality | Minor Variance (A) | Consent (B) | Official Plan | Official Plan/ Zoning By-Law Comprehensive Review | Zoning By-Law (Z) | Subdivisions | Clearances | Realty Services | Lawyer Inquiries | Letter of Opinion (Other) | Total |
|----------------------|--------------------|-------------|---------------|---|-------------------|--------------|------------|-----------------|---------------------|---------------------------|-----------|
| City of Thunder Bay | A-30-2022 | 8-28-2022 | | | | | | | 1030 Riverdale Road | | |
| | A-27-2022 | 8-34-2022 | | | | | | | | | |
| | A-33-2022 | 8-35-2022 | | | | | | | | | |
| | | 8-36-2022 | | | | | | | | | |
| Total | 3 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 8 |
| Oliver Paipoonge | | | | | | | | | | | |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| O'Connor | | | | | | | | | | | |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Neebing | | | | | | | | | 622 Memory Road | | |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Shuniah | | | | | Z3/22 Z2/22 | | | | | | |
| Total | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| Comnee | | | | | | | | | | | |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Gillies | | | | | | | | | | | |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dorion | | | | | | | | | | | |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rural Planning Board | | | | | | | | | | | |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Monthly Total | 3 | 4 | 0 | 0 | 2 | 0 | 0 | 0 | 2 | 0 | 11 |



Monthly Project Update

| | |
|---------------------|------------------------|
| MEETING DATE | May 25, 2022 |
| STAFF NAME | Ryan Mackett |
| POSITION | Communications Manager |

2021 Annual Report

The 2021 Annual Report was scheduled to be distributed by the Chronicle Journal on May 28, however due to a paper shortage the printing is delayed until May 30, which will push back the distribution of the report as well. Additionally, the paper shortage resulted in an increase in the cost of printing by approximately \$2,400.00.

2022 Dorion Birding Festival

The modified, in-person 2022 Dorion Birding Festival scheduled for Saturday, May 28, 2022, has completely sold out. Approximately 97 people will be participating. Staff look forward to bringing back the full Festival once again in 2023.

2022 Tree Seedling Program

Tree Seedling Pick-Up Day was held from 9:00 a.m. – 7:00 p.m. on Wednesday, May 18 at the LRCA Administrative Office. There were 109 seedling orders placed as part of the 2022 program, totalling 7,704 seedlings total (7,000 1-year-old seedlings and 704 2-year-old seedlings).

2022 Arbor Week Complementary Education Program

The LRCA’s Arbor Week program was held the week of May 9-13, 2022. Ten classes from 7 schools participated, totalling 222 students.

2022 Wine Tasting and Dinner at Whitewater

The 2022 Wine Tasting & Dinner at Whitewater fundraising event was held on Thursday, May 12, 2022. There were 89 tickets sold. The silent auction brought in \$4,285.00 in revenue, with ticket sales bringing in an additional \$3,180.86, resulting in a total profit of approximately \$7,465.00.

Children's Water Festival

Staff are currently planning the 2022 Lakehead Children's Water Festival, which will be held June 7, 8, and 9 at the LRCA Administrative Office.

Pride Month

During the month of June, the LRCA will be flying the pride flag alongside the Canada and Ontario flags. The pride flag will be provided free of charge by Rainbow Collective. This symbolic show of support reaffirms the LRCA's position as a safe, inclusive work environment and non-discriminatory public spaces for all members of the community.



Monthly Project Update

| | |
|---------------------|---------------|
| MEETING DATE | May 25, 2022 |
| STAFF NAME | Ryne Gilliam |
| POSITION | Lands Manager |

2022 Summer Field Staff

The LRCA has hired its seasonal field crew staff for 2022. Amanda Donolovitch will be returning and is now in the capacity of the Floodway Labourer position. She began on May 16th and will complete her contract on November 4th. Chance Brown and Jordan Gabriele were hired as the Conservation Area Labourers Crew, they began on May 24th and will complete their contracts on September 2nd. Michaela Kloot and Baily Smith were hired as the River Clean Up Crew, they began work on May 24th and will complete their contracts on August 26th.

Wishart Forest and the Black Sheep Mountain Bike Club

LRCA Staff have been in contact with the Black Sheep Mountain Bike Club regarding developing Wishart Forest into a mountain bike friendly destination. Further information will be made available as the investigation continues.

LRCA Administration Building Electrical Project Update

LRCA Staff have conducted their first meeting on May 18th with TBT Engineering (Contract Administrator) regarding the electrical upgrade project of the LRCA Administration Building. Further information will be provided as the project occurs.



Monthly Project Update

| | |
|---------------------|-------------------|
| MEETING DATE | May 25, 2022 |
| STAFF NAME | Gail Willis |
| POSITION | Watershed Manager |

Water and Erosion Control Infrastructure (WECI) Program 2022-2023

LRCA staff have received a Transfer Payment Agreement with the Ministry of Northern Development, Mines, Natural Resources & Forestry to undertake the CPR Sediment Trap Dredging Project on the Neebing-McIntyre Floodway this year. The funding provides 50% of the total project cost of \$375,000.00.

Watershed Conditions – Flood Forecasting

The LRCA issued several flood messages due to the above average precipitation over the last month. Cumulative 30 day precipitation as of May 18th ranged between 94 mm to 191 mm. On April 22nd and April 29th, a local Flood Watch was issued due to expected heavy rainfall and potential thunderstorm activity combined with the above average snowpack we received this season.

On May 3rd, the LRCA issued a local Water Safety Watershed Condition Statement due to the high water levels in area watercourses in response to the recent rainfall and snowmelt, which warranted additional monitoring of weather conditions. On May 11th, a local Flood Outlook was issued by LRCA staff due to significant rainfall that was expected overnight.

On May 12th, a local Flood Warning was issued by LRCA. Roads were reported to be overtopped within the Whitefish River watershed, and the Village of Hymers experienced flooding. Water levels within area watercourses increased over the day. The Kaminisitiquia River, Current River, and McIntyre River were extremely high. By the end of the day, area watercourses began to peak, and many flooded roads were reported throughout the area of jurisdiction.

Due to the flooding in the City of Thunder Bay, LRCA staff participated in the City of Thunder Bay’s Infrastructure & Operations Department’s emergency response plan meetings, as well as a meeting with the Municipal Emergency Control Group, to provide an update on the current and predicted watershed conditions.

The Flood Warning message was terminated on May 16th. A full report on the May flood event will be circulated when completed.

The Neebing McIntyre Floodway diverted for one day on April 25th, which was the first time flows had diverted in five years. It diverted again on April 30th and continued to divert until May 16th (17 days total).

Further, on May 13th, a Flood Warning for the Thunder Bay District was issued by the Ministry of Northern Development, Mines, Natural Resources and Forestry for residents in the Kaministiquia River, Whitefish River, Dog Lake, Shebandowan, Kashabowie, and Lac des Mille Lacs watersheds.

Watershed Conditions – Snow Surveys and Lake Superior Levels

Staff conduct snow surveys on a bimonthly basis on the 1st and 15th of the month between November and May of each year. There are three historical snow survey locations which are located at Hazelwood Lake Conservation Area (Current River), Madeline Street (McVicar Creek), and Vibert Road (Pennock Creek). Snow depth and weight (water content) are collected and forwarded to the MNR's Surface Water Monitoring Centre as part of the Flood Forecasting Program.

Due to the heavy rain and higher temperatures early May, snow survey locations had no snow on May 15th.

Lake Superior's beginning of May water level was at seasonal average, which is 18 cm below last year's water level and 42 cm below the record high (1918-2021).

Kam River Standing Advisory Committee

On May 3rd, the Watershed Manager attended the annual Kam River Standing Advisory Committee meeting. The Standing Advisory Committee is made up of representatives from various regulatory agencies as well as various interest and user groups. Presentations were provided by OPG overviewing the past years operations and adherence to the Watershed Management Plan.

Annual Rain Gauge Inspection

On May 4th and 5th, the LRCA conducted its annual inspection at the nine rain gauge stations with the LRCA jurisdiction. The inspection involved removing debris with the tipping buckets, recording gauge conditions (i.e. missing bolts, damage, etc.) and a calibration check. The calibration check consisted of pouring water down the tipping buckets, downloading the gauges at the office and observing if the tipping buckets are operating correctly.

Wetland Management Meeting & Consultation

On May 10th, the CAO and applicable LRCA staff met with City of Thunder Bay staff from the Planning Department as well as members of the Thunder Bay Field Naturalists to overview and

discuss the LRCA's completed wetland studies, proposed wetland policy, scope of required Environmental Impact Statements for development proposals, and planned wetland training.

2022 Summer Staff

The LRCA has received funding from Canada Summer Jobs program to hire three summer students for a 16 week term in 2022, starting May 9th and ending August 26th. Cody Lane and Ethan Johnston were hired to fill the two Environmental Technician positions and will assist our GIS/Water Resources Technologist to administer the LRCA's long-term and real-time watershed monitoring programs, as well as update the watershed assessment report for the Mosquito Creek watershed. Mustafa Salih was hired to fill the Civil Engineering Technician position to assess the capacity of the existing water crossings and evaluate access and egress during various return period flood events for rural Municipalities.