



LOWER TRENT CONSERVATION

714 Murray Street, R.R. 1, Trenton, Ontario K8V 5P4

■ Tel: 613-394-4829 ■ Fax: 613-394-5226 ■ Website: www.ltc.on.ca ■ Email: information@ltc.on.ca

Registered Charitable Organization No. 107646598RR0001

NOTICE OF REGULAR MEETING OF THE LOWER TRENT CONSERVATION BOARD OF DIRECTORS

Board of Directors refers to the General Membership as set out in the Lower Trent Conservation Administrative By-Law No. 2021-01

Administration Office, 714 Murray Street, Trenton

Virtually [Join the Meeting](#)

Thursday, May 12, 2022

Time: 6:30 PM

AGENDA

1. Meeting called to order by the Chair
2. First Nations Acknowledgement
3. Disclosure of pecuniary interests
4. Approval of the Agenda
RECOMMENDED:
 THAT the agenda be approved as presented.
5. Delegations
 There are no delegations received for this meeting.
6. Public Input (3 minutes per speaker)
7. Adoption of the Minutes:
 - a. Regular Board Meeting Minutes of April 28, 2022

Page # 4

RECOMMENDED:

 THAT the Regular Board Meeting Minutes of April 28, 2022 be adopted.

8. Business Arising from the Previous Minutes

STANDING ITEMS**9. Correspondence – Rhonda Bateman, CAO/Secretary-Treasurer**

Page # 11

RECOMMENDED:

THAT the correspondence communicated be received as information.

- a. Mark DeJong – Minister’s Appointment Letter 2022-04-22
- b. Final CO Chair correspondence regarding Phase 2 Regulations 2022-04-27
 - CO Overview of CAA Phase 2 Regulations and Policy
 - MECP Minister’s Fee Classes Policy
- c. MNDMNRF – WECI 2022-2023 Funding Letter 2022-05-02

10. Section 28, Ontario Regulation 163/06, Development Interference with Wetlands & Alterations to Shorelines & Watercourses Regulation - Summary of Permits approved by staff for period from April 1, 2022 to April 30, 2022 – Janet Noyes, Manager, Development Services & Water Resources

Page # 26

RECOMMENDED:

THAT the summary of Section 28 Permits pursuant to Ontario Regulation 163/06 approved by staff for the period from April 1, 2022 to April 30, 2022 be received as information.

11. List of Monthly Payments Issued – Kelly Vandette, Manager, Corporate Services

Page # 28

RECOMMENDED:

THAT the list of payments of cheques and electronic funds transfers (EFTs) in the total amount of \$118,830.37 for the month of April 2022 be received as information.

12. Summary of Education & Outreach Activities – Rhonda Bateman

Page # 29

RECOMMENDED:

THAT the summary of Recent and Upcoming Education and Outreach Activities be received as information.

13. Updates

- a. Drinking Water Source Protection Update – Rhonda Bateman
- b. Bay of Quinte Remedial Action Plan Update – Rhonda Bateman
 - BQRAP Newsletter for April 2022

Page # 31

RECOMMENDED:

THAT the Drinking Water Source Protection Update; and

THAT the Bay of Quinte Remedial Action Plan Update be received as information.

- c. Planning & Regulations Update – Janet Noyes

- d. Flood Forecasting and Warning (FFW) and Ontario Low Water Response (OLWR) Update – Janet Noyes

RECOMMENDED:

THAT the planning and regulations update; and

THAT the flood forecasting and warning, and Ontario low water response updates be received as information.

STAFF REPORTS

14. Rescinding the Vaccination Policy – Rhonda Bateman

Page # 34

RECOMMENDED:

THAT the Interim Vaccination Policy approved under Resolution G153/21 be rescinded.

15. Office Re-Opening – Rhonda Bateman

Page # 35

RECOMMENDED:

THAT staff develop a new business model to address Customer Service needs specific to scheduled appointments.

16. Conservation Authorities Act Phase 2 Regulations – Rhonda Bateman

Page # 36

RECOMMENDED:

THAT the summary of the *Conservation Authorities Act* Phase 2 regulations be received as information.

17. 2023 Budget Planning and Process – Rhonda Bateman

RECOMMENDED:

THAT at least two Board members volunteer to participate in the upcoming budget process.

OTHER BUSINESS

18. In-Camera Session Related to Personnel Matters

RECOMMENDED:

THAT the Lower Trent Conservation Board of Directors move to in-camera session to discuss personnel matters.

19. CAO's Report – Rhonda Bateman

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RECOMMENDED:

THAT the CAO's Report be received as information.

20. Members Inquiries/Other Business

21. Adjournment

PLEASE CONTACT THE OFFICE IF YOU ARE UNABLE TO ATTEND THIS MEETING

Kelly Vandette, Manager, Corporate Services

613-394-3915 ext. #215

kelly.vandette@ltc.on.ca



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BOARD OF DIRECTORS

Board of Directors refers to the General Membership as set out in the Lower Trent Conservation Administrative By-Law No. 2021-01

REGULAR BOARD MEETING MINUTES

MEETING # 2022-03

DATE: April 28, 2022
TIME: 7:09 p.m.
LOCATION: Administration Office, 714 Murray Street, Trenton / Virtually
PRESENT:

ON SITE		REMOTE SITE
Eric Sandford (Chair)	Jim Alyea	Lynda Reid
Mark Bateman (Vice-Chair)	Bob Mullin	
Mary Tadman	Gene Brahaney	
Don Clark	Rick English	
Mark DeJong		

ABSENT/REGRETS: Mike Filip – technical connectivity difficulties
GUESTS: Barry Pomeroy, Township of Havelock-Belmont-Methuen
STAFF: Rhonda Bateman, Janet Noyes, Kelly Vandette

1. Meeting called to order by the Chair

The meeting was called to order by Chair Sandford at 7:09 p.m.

2. First Nation Acknowledgement by the Chair

“This land is located on the traditional territories of the Anishnabek, Huron-Wendat, and Haudenosaunee (Iroquois) peoples. We acknowledge our shared responsibilities and obligations to preserve and protect the land, air and water. We are grateful to have the privilege to meet, explore, and connect here on these shared lands. In the spirit of friendship, peace and respect, we extend our thanks to all the generations that came before us and cared for these lands - for time immemorial.”

3. Disclosure of pecuniary interests

There were no pecuniary interests disclosed at this meeting.

4. Approval of the Agenda

RES: G42/22

Moved by: Mark Bateman Seconded by: Bob Mullin
THAT the agenda be approved as presented.

Carried

5. Delegations

There were no delegations received for this meeting.

6. Public Input (3 minutes per speaker)

There was no Public Input or participation at this meeting.

7. Adoption of the Minutes:

RES: G43/22

Moved by: Jim Alyea Seconded by: Rick English
THAT the Regular Board Meeting and the In-Camera Minutes of March 10, 2022 be adopted.

Carried

8. Business arising from these minutes

There was no business arising from these minutes for this meeting.

STANDING ITEMS

9. Correspondence

Rhonda Bateman, CAO/Secretary-Treasurer spoke to the correspondence as provided in the agenda package:

- a. Mar. 18, 2022 – Parks Canada re: Consultations on Parks Canada’s Draft Management Plan for the Trent-Severn Waterway National Historic Site
- b. Mar. 24, 2022 – Ministry of Municipal Affairs and Housing re: Phase 2 Consultation on Urban River Valleys to Grow the Greenbelt
- c. Mar. 30, 2022 – Premier Doug Ford email re: South Eastern Ontario Production Accelerator Fund
- d. April 5, 2022 – Response letter from Minister of Finance
- e. Apr. 7, 2022 – Mr. Michael Acerra email re: LDD Inaction
- f. Apr. 12, 2022 - MECP Workshop Announcement

RES: G44/22

Moved by: Gene Brahaney Seconded by: Lynda Reid
THAT the correspondence communicated be received as information.

Carried

10. Section 28, Ontario Regulation 163/06, Development Interference with Wetlands & Alterations to Shorelines & Watercourses Regulation - Summary of Permits approved by staff for period from March 1, 2022 to March 31, 2022

RES: G45/22

Moved by: Don Clark Seconded by: Bob Mullin

THAT the summary of Section 28 Permits pursuant to Ontario Regulation 163/06 approved by staff for the period from March 1, 2022 to March 31, 2022 be received as information.

Carried

11. List of Monthly Payments Issued

RES: G46/22

Moved by: Jim Alyea

Seconded by: Mark Bateman

THAT the list of payments of cheques and electronic funds transfers (EFTs) in the total amount of \$123,333.79 for the month of March 2022 be received as information.

Carried

12. Summary of Education and Outreach Activities

Rhonda Bateman stated that, unfortunately, the Environmental Education Technician has resigned. This was not an expected departure with the upcoming Tri-County Children's Water Festival to be held May 26-27, 2022. She reassured the Board that staff are confident that they will, in conjunction with our partnering agencies, deliver a successful festival for the children. Hiring a replacement will take place after the Water Festival.

RES: G47/22

Moved by: Don Clark

Seconded by: Mary Tadman

THAT the summary of recent and upcoming education and outreach activities be received as information.

Carried

13. Updates

a. Drinking Water Source Protection Update

As the Source Protection Authority meeting was held prior to this meeting, no further update was required.

b. Bay of Quinte Remedial Action Plan Update

Rhonda Bateman said that the Annual Report for BQRAP is available on the website. They have updated/refreshed the BQRAP website for easier navigation and additional features.

RES: G48/22

Moved by: Rick English

Seconded by: Mary Tadman

THAT the Drinking Water Source Protection Update; and
THAT the Bay of Quinte Remedial Action Plan Update be received as information.

Carried

c. Planning and Regulations Update

Janet Noyes, Manager, Development Services and Water Resources provided the following update:

- The Hearing Board meeting scheduled for today was cancelled at the request of the proponent. It should be noted that preparation for the meeting which included staff time, legal counsel time and the opinion letter required a considerable amount of effort.
- Staff are extremely busy as the number of files continue to increase at this time compared to the past four years. The majority number of current file numbers were normally not reached until May, June or August in prior years.
- Staff have been requested by the Province to comment on Quinte West's Official Plan and staff will be attending consultation sessions, including natural heritage.
- No further updates on the three legal court cases at this time.
- Acknowledged that the municipal staff are busy as well and that LTC staff are spending time with new staff members.

d. Flood Forecasting and Warning (FFW) and Ontario Low Water Response (OLWR) Update

Janet Noyes provided the following update:

- On April 12th, the Warkworth Dam logs were put in.
- No information from WECl application has been received to date.
- 1 Flood Outlook was issued on March 17th but has been quiet since.
- Lake Ontario is stable.

RES: G49/22

Moved by: Gene Brahaney

Seconded by: Rick English

THAT the planning and regulations updates; and
THAT the flood forecasting and warning (FFW), and Ontario low water
response (OLWR) updates be received as information.

Carried

STAFF REPORTS

14. Summary of Risk Management Official Activity Pursuant to Part IV of the Clean Water Act – Jan. 1 to Mar. 31, 2022

RES: G50/22

Moved by: Bob Mullin

Seconded by: Lynda Reid

THAT the Summary of Risk Management Official Activity Pursuant to Part IV of the Clean Water Act for the period of January 1 to March 31, 2022 report be received as information.

Carried

15. Conservation Lands Report - Jan. 1 to Mar. 31, 2022

Rhonda Bateman spoke to the Conservation Lands report as provided in the agenda package. In addition, Rhonda announced that David Beamer, Conservation Lands Manager has offered his resignation effective May 20th. His departure is due to a re-evaluation of career direction. We are sorry to see him go. The advertisement for replacement closes April 29th. We are hoping for some strong candidates in the running.

RES: G51/22

Moved by: Jim Alyea

Seconded by: Mark DeJong

THAT the Conservation Lands Report for the period of January 1 to March 31, 2022 be received as information.

Carried

16. 2021 Surplus Allocation

Rhonda Bateman spoke to the 2021 Surplus Allocation report as provided in the agenda package. She noted that the paragraph regarding the Salary Review exercise and the associated costs are not included in the allocations and is for information only. It will be brought forward for the 2023 budget process.

RES: G52/22

Moved by: Mark Bateman

Seconded by: Mary Tadman

THAT the staff report be accepted as information and further that surplus funds be used to supplement the conservation lands seasonal staffing position be approved.

Carried

17. Financial Report for Mar. 31, 2022

Kelly Vandette, Manager, Corporate Services spoke to the Financial Report for March 31, 2022 as provided in the agenda package. There are no issues or concerns for the first quarter expenditures or revenue reported.

RES: G53/22

Moved by: Don Clark

Seconded by: Jim Alyea

THAT the Financial Report for the period ending March 31, 2022 staff report be accepted as information.

Carried

18. Purchasing Policy – Review and Revisions

Kelly Vandette spoke to the review and revisions to the Purchasing Policy as provided in the agenda package. She highlighted the addition of charts and tables to simplify and clarify procurement processes.

RES: G54/22

Moved by: Bob Mullin

Seconded by: Mark Bateman

THAT the revised LTC Purchasing Policy and Procedures be adopted and effective immediately.

Carried

19. Website Redevelopment and Web Application Support Project

Kelly Vandette spoke to the *Website Redevelopment and Web Application Support Project* staff report as provided in the agenda package.

RES: G55/22

Moved by: Don Clark

Seconded by: Mark Bateman

THAT the Board receives the *Website Redevelopment and Web Application Support Project* staff report as information; and

THAT the approximate \$20,000 funding to support the project will be drawn from the capital reserve, information technology infrastructure budget line in 2022.

Carried

OTHER BUSINESS

20. CAO's Report

Rhonda Bateman spoke to her CAO report as provided in the agenda package.

She added that the Phase 2 regulations of the CA Act have been received. The regulations are focused on budget process and levy allocation methodology. There is a requirement to adopt the new budget process for the 2024 budget session which begins in June 2023. A staff report will be included along with the regulations in the next Board package.

Director English asked when will the office be open again. Rhonda Bateman commented that staff are available for appointments and will bring this back to the Board as there is a Joint Health and Safety Committee meeting in May and they will provide input for a recommendation on re-opening. There have been a few complaints from the public but nothing significant. Visitors are able to drop off packages and should not expect to see staff immediately. Scheduled appointments are encouraged due to several factors including the work from home arrangements, field work and site visits that do not guarantee drop ins will be able to meet with the appropriate staff member.

RES: G56/22

Moved by: Don Clark

Seconded by: Gene Brahaney

THAT the CAO's Report be received as information.

Carried

21. Members Inquiries/Other Business

Director Alyea shared his thoughts of the International Joint Commission (IJC) meeting that he recently attended and discussed with staff the changes over the years in the Lake Ontario water levels.

There were no other Board Members inquiries or other business.

22. Adjournment

There being no further business, the meeting was adjourned.

RES: G57/22

Moved by: Mary Tadman
THAT the meeting be adjourned.
Carried

Seconded by: Rick English

Time 8:03 p.m.

Eric Sandford, Chair

Rhonda Bateman, CAO/ST

DRAFT

Agenda Item #9.a - Correspondence

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement,
de la Protection de la nature et des
Parcs

Office of the Minister

Bureau du ministre

777 Bay Street, 5th Floor
Toronto ON M7A 2J3
Tel.: 416-314-6790

777, rue Bay, 5^e étage
Toronto (Ontario) M7A 2J3
Tél. : 416.314.6790



357-2022-585

April 22, 2022

Mr. Mark DeJong
106 Baptist Road
Alnwick-Haldimand ON K0K 1C0
Email: dejong.mark1968@gmail.com

Dear Mr. DeJong:

I am pleased to appoint you to serve at pleasure as the agricultural sector representative for the Lower Trent Conservation Authority (CA). The term of your appointment shall be effective as of the date of the first meeting of the CA following your appointment and shall end no later than June 30, 2025. This appointment is made pursuant to subsection 14(4) of the *Conservation Authorities Act* (the "CAA").

The purpose of your appointment is to represent perspectives from the local agricultural sector in CA governance and decision making. Your role is comparable to the municipally-appointed members of the CA, with some exceptions.

As the government-appointed agricultural sector member of the CA, you are expected to adhere to the terms and conditions outlined in Appendix I of this letter, in addition to following any relevant by-laws as prescribed by the CA. Please note that an element of public service is assumed with all public appointments, and you must adhere to the stipulations set out in the terms and conditions.

For each full day of formal business such as attendance at a meeting of the CA, preparatory work, or other reasonable work, you will be paid a \$150 per diem in accordance with Order in Council 190-2022 established for the remuneration of agricultural sector representatives appointed to a conservation authority. You will also be reimbursed for reasonably incurred work-related expenses in accordance with the Management Board of Cabinet's Travel, Meal and Hospitality Expenses Directive.

Your remuneration will be processed through the Ministry of the Environment, Conservation and Parks' (the Ministry) Conservation and Source Protection Branch in accordance with the Terms and Conditions laid out in Appendix I.

I look forward to hearing of your contributions and representation of the agricultural sector as a member of the CA. You will play an important role in ensuring agricultural sector perspectives are considered in the operations, governance and decision making of the CA as they deliver on their core mandate under the CAA.

Mr. Mark DeJong
Page 2.

As a government appointee, your name along with the municipality in which you reside, and biography, if you've consented, will be posted on the Public Appointments Secretariat website in accordance with the protocol for public appointments.

If you have any questions, please contact Kirsten Corrigan, Director of the Conservation and Source Protection Branch, at 705-987-5144.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Piccini". The signature is stylized with a large, looped initial "D" and a cursive "Piccini" following it.

David Piccini
Minister of the Environment, Conservation and Parks

Enclosure

c: Kirsten Corrigan, Director, Conservation and Source Protection Branch
Conservation Authority Office

Appendix I

Terms and Conditions of Appointment – Conservation Authority Agricultural Sector Member

Roles and Responsibilities:

- Complete required orientation and training provided by the Ministry of the Environment, Conservation and Parks (the Ministry) and the CA.
- Attend meetings of the CA as set by the CA, including meetings of any sub-committees meetings, as necessary.
- Submit an annual letter within two months of the end of the calendar year to the Minister on the work undertaken during the year as the agricultural sector member of the CA and highlight the accomplishments and challenges of fulfilling the terms and conditions of this appointment.
- You may provide input to CA discussions but are prohibited from voting on CA decisions related to the following:
 - enlarging the CA's area of jurisdiction;
 - amalgamating the CA with another conservation authority;
 - dissolving the CA; or
 - any budgetary matter.

Remuneration:

- Submit per diem and expenses to the Ministry's Conservation and Source Protection Branch for processing in accordance with direction provided by Ministry staff. The Ministry reserves the right to confirm details of the remuneration request with the Chief Administrative Officer/General Manager of the CA (e.g. meeting dates and duration).
- Per diem remuneration will be reimbursed as follows:
 - \$150 per diem for a full day attendance at a meeting of the conservation authority and any preparatory work in accordance with Order in Council 190-2022 established for the remuneration of agricultural sector representatives appointed to a conservation authority. For the purposes of remuneration, a "full day" is between 3 and 7.25 hours, which can be accumulated over multiple calendar days (e.g. 1 hour of preparatory work plus an additional 2.5 hours for meeting attendance the following day).
 - Any time submitted less than 3 hours will be reimbursed at half the noted per diem rate.
- Only one per diem for a calendar day can be claimed by any government appointee, in accordance with section 3.4 of the Agencies and Appointments Directive (AAD) of the Management Board of Cabinet (<https://www.ontario.ca/page/agencies-and-appointments-directive>).
- Work-related expenses will be reimbursed in accordance with the Management Board of Cabinet's Travel, Meal and Hospitality Directive (<https://www.ontario.ca/document/travel-meal-and-hospitality-expenses-directive>).

Conflict of Interest and Ethics:

- Adhere to the conflict of interest rules set out in section 3.3 (Ethical Framework) of the AAD.
- Fulfill the duties of your appointment in a professional, ethical and competent manner and avoid any real or perceived conflict of interest.
- Perform all member functions in an independent manner and not as a representative of your employers, any organization to which you belong, or any other person or body.
- Abide by any code of conduct and conflict of interest policy adopted by the CA to the extent that it is complementary or in addition to the government directives.
- Avoid disclosing confidential information obtained in your role as the agricultural sector member of the CA except where authorized by law, and avoid using such confidential information outside of your role as a member of the CA.
- Endeavour to avoid creating the appearance of giving preferential treatment to any person or entity, do not offer any preferential treatment to any person or entity, and do not offer assistance to any person or any entity, other than the assistance given in the ordinary course of your role as a member of the CA.
- Recuse yourself from any discussions or decisions by the CA, should any matter come before the CA which directly involves any organizations that you have worked for or to which you belong, may belong or have belonged to.
- Notify the Minister, who will serve as your ethics executive, to seek immediate guidance should a matter arise that is a real or perceived conflict of interest.

Public Communications/Media:

- For media comments, responses, interviews, and news releases in response to issues that may have direct implications for either the Minister, the Ministry or the government, or are likely to result in inquiries being directed to the Minister or Government (including all funding or grant announcements and contentious issues):
 - Notify the Ministry's Conservation and Source Protection Branch immediately upon becoming aware of the issue.
 - Obtain Ministry approval before issuing any media communications in relation to the above.

As this appointment is made at pleasure in accordance with the Management Board of Cabinet's Agencies and Appointments Directive, it may be revoked at any time, without cause or should it be determined that the terms and conditions of your appointment were not adhered to.



April 27, 2022

Chairs, All Conservation Authorities
Via Email

Dear Chair,

Attached is an *Overview of the Conservation Authorities Act Phase 2 Regulation and Policy* which were released by the Ministry of Environment, Conservation and Parks (MECP) on the Environmental Registry of Ontario on Friday, April 22, 2022.

It appears that the MECP is building upon what is already working between conservation authorities and municipalities while incorporating recent changes to the *Conservation Authorities Act* and the three categories of programs and services that we can deliver.

Conservation Ontario will continue to support conservation authorities in successful implementation of the Phase 1 and 2 regulations and policy. Please feel free to contact myself or Conservation Ontario staff Kim Gavine, General Manager (kgavine@conservationontario.ca) to give us a heads up regarding any major concerns.

Sincerely,

A handwritten signature in black ink that reads 'Alan H. Revill'. The signature is written in a cursive, flowing style.

Alan Revill
Chair, Conservation Ontario

c.c. General Managers/CAOs, All Conservation Authorities



Overview of *Conservation Authorities Act* Phase 2 Regulations and Policy

This document represents a summary of the Phase 2 Regulations and Policy including:

- [O. Reg. 402/22: Budget and Apportionment](#)
- [O. Reg. 401/22: Determination of Amounts Under Subsection 27.2 \(2\) of The Act](#)
- [O. Reg. 400/22: Information Requirements](#)
- [O. Reg. 399/22: Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act](#)
- Policy: Minister's List of Classes of Programs and services in respect of which CAs may charge a Fee (separate pdf attachment in email and in decision posting link below)

This summary provides CO staff interpretation and current understanding of the regulations and the policy. The information contained within this document may be subject to change further to clarification from the Ministry of the Environment, Conservation, and Parks (MECP). As summarized in the [MECP Environmental Registry of Ontario decision posting: Requirements to increase transparency of CA operations and those related to fees that CAs may charge will be in place by January 1, 2023, while those related to budget and municipal levy apportionment processes will be in place by July 1, 2023, to align timing with CA 2024 budgets.](#)

Budget and Apportionment Regulation

This regulation incorporates two previous levy regulations with references to the 3 categories of programs and services that CAs deliver and includes detailed requirements for the CA budget and apportionment processes. The regulation retains the two existing voting methods and the three current methods of apportioning expenses/costs. For the budget process, the current process and practices including those for voting are detailed. As part of the budget process, and as per current practice, CAs are required to consider the use of self-generated revenue. Draft and final budgets must be posted on the CA's Governance webpage and a copy of the final budget provided to the Minister (MECP). As per the legislation, CAs are able to apportion costs for all category 1 (mandatory) programs and services and can only apportion costs for category 2 and 3 programs and services with agreements in place with the municipality(ies). General operating expenses or capital costs (formerly referred to as 'corporate administrative costs') can be levied without agreement and must be identified in the CAs' budget as such. It is understood that CAs can continue to use the minimum levy provisions in the Act [both the current ss. 27 (4) and unproclaimed provisions set out in the new ss. 27 (2)] without reference in the regulation.

Regulation for Determining Amounts Owed by Specified Municipalities

This regulation enables CAs that have ‘specified’ municipalities designated under the *Clean Water Act (CWA)* and/or the *Lake Simcoe Protection Act (LSPA)* to determine amounts owed by those ‘specified’ municipalities. Specified municipalities are municipalities that are not a ‘participating municipality’ of a CA under the *Conservation Authorities Act (CAA)* but are designated under the regulations made under the *CWA* or *LSPA*. Therefore, this regulation will not apply to all CAs. It applies to the Lake Simcoe Region Conservation Authority as part of the *LSPA* and for some Source Protection Authorities that extend beyond or outside of the CA boundary. For the apportionment of costs to specified municipalities, any of the three existing apportionment methods are eligible to be used.

Information Requirements Regulation

This regulation requires CAs to maintain a Governance webpage and to give notice to the Minister by January 1, 2023 that the requirements have been met. While still meeting *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* requirements, this webpage must include: CA membership (i.e., individual’s name, contact information and the appointing participating municipality); annual meeting schedule; full meeting minutes and agendas; category 2 (municipal) agreements and category 3 (other) cost apportioning agreements between the CA and municipalities; CA bylaws; the annual auditor’s report (see S. 38 of the *CAA*); and, any other documents the CA considers appropriate. Also, CAs are required to include a notice on their website and notify the Minister when it amends or enters into a new agreement with municipalities. The regulation provides an exception for CA/municipal agreements that relate to procurement processes or portions of agreements that contain information referred to in section 10 ‘Third party information’ and/or section 11 ‘Economic and other interests’ of *MFIPPA*. New or amended agreements must be posted within 30 days.

Amending O.Reg 687/21 re: establishment of fees for programs and services delivered under a cost apportioning agreement

This regulation makes a complementary amendment to the [Transition Plans and Agreements Regulation](#) to enable fees for category 3 (other) programs and services that are delivered under a cost apportioning agreement. It requires a CA and participating municipalities to include provisions in such agreements to establish user fees for those programs and services.

Policy: Minister’s List of Classes of Programs and Services for which a Conservation Authority may Charge a Fee

Upon proclamation of Section 21.2 ‘Fees for programs and services’ of the *CAA*, this policy publishes the Minister’s list of classes of programs and services for which a CA may charge a fee. The list is organized according to all three types of programs and services a CA can deliver and enables a fee to be charged for all three types where the user fee principle is appropriate. The list of classes of programs and services **will replace** the 1997 policy which listed specific activities for which a CA could charge a fee. In addition, all CAs are required to create a fee policy and fee schedule.

For further information, please contact: Kim Gavine, General Manager,
kgavine@conservationontario.ca

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.

Ministry of Northern Development, Mines,
Natural Resources and Forestry
Regional Operations Division
Integration Branch
300 Water Street
Peterborough, ON K9J 3C7
Tel.: 705-927-2644
Fax.: 705-755-5038

Ministère du Développement du Nord, des Mines,
des Richesses naturelles et des Forêts
Division des opérations régionales
Direction de l'intégration
300, rue Water
Peterborough (Ontario) K9J 3C7
Tél.: 705-927-2644
Télééc.: 705-755-5038

May 3, 2022

Rhonda Bateman
Chief Administrative Officer/Secretary-Treasurer
Lower Trent Region Conservation Authority
714 Murray Street
R.R. #1
Trenton, ON K8V 5P4

SUBJECT: Water and Erosion Control Infrastructure Program

Dear Ms. Bateman:

We are pleased to advise that the projects listed on the page below were successful under your application to the Water and Erosion Control Infrastructure (WECI) program. This year the Ministry of Northern Development, Mines, Natural Resources and Forestry and the WECI Committee received and reviewed 98 project applications from 27 conservation authorities. A total of 93 projects have been approved for funding.

A pre-populated Transfer Payment Agreement will be sent to you in the near future with instructions for completing the process. We would appreciate you returning the signed agreement as soon as possible. If changes have occurred to any of your successful projects (e.g. cancellations or cost reductions) please do not sign the agreement and contact Scott Bates so he can revise your agreement accordingly and send it back to you.

We look forward to our continued partnership with you in the delivery of natural hazards management that assists the province in protecting human life, property and natural resources.

If you have any questions about the WECI Program or the process for this year's Transfer Payment Agreements, please contact Scott Bates at (705) 868-2856 or scott.bates@ontario.ca.

Sincerely,



Dave Burritt, P.Eng.
Supervisor,
Surface Water Monitoring Centre

Lower Trent Region Conservation Authority – 2022-2023 Successful Projects

Project ID	Project Name and Description	Total Project Cost	Provincial Grant
R.22.001	Warkworth Dam - Stop Log Replacement	\$27,000.00	\$13,500.00
S.22.001	Warkworth Dam - Operations Manual	\$8,000.00	\$4,000.00
	TOTALS	\$35,000.00	\$17,500.00

Agenda Item #10.



Summary of Permits Approved by Staff

ONTARIO REGULATION 163/06 - *Development, Interference with Wetlands and Alterations to Shorelines & Watercourses*

Prepared by: Janet Noyes, Manager Development Services & Water Resources

For Period: April 1 to April 30, 2022

Permit #	Municipality	Ward	Geographic Township	Concession	Lot	Street Address	Regulated Area	Permitted Activity
P-22-030 (Compliance)	Alnwick/ Haldimand	Haldimand	Haldimand	B	20	287 Orchard Grove Road	Grafton Swamp PSW (allowance)	Install a swimming pool and pool equipment shed
P-22-038 (Compliance, Minor)	Alnwick/ Haldimand	Alnwick	Alnwick	4	10	244 Hampton Crescent	Rice Lake Flood Hazard	Place fill material on the property
P-22-043 (Minor)	Alnwick/ Haldimand	Haldimand	Haldimand	A	6	County Road 2	Lake Ontario Tributary	Concrete repairs to an existing culvert
P-22-050	Stirling- Rawdon	Stirling Village	Sidney	9	23 & 24	Aberdeen & John Streets	Stirling PSW (allowance)	Installation of water, storm and sanitary sewer infrastructure, utility installation and road construction in subdivision
P-22-052	Quinte West	Trenton	Murray	2	1	6 Douglas Road	Glen Miller Creek Floodplain	site grading and fill placement related to stripping topsoil, placing granular material, constructing asphalt cart path and installing a culvert for a watercourse crossing
P-22-057	Alnwick/ Haldimand	Alnwick	Alnwick	7	24	21 West Court	Rice Lake Flood Hazard	Demolish metal shed and construct a boathouse
P-22-060 (Compliance)	Trent Hills	Seymour	Seymour	13	14	200 Lake Road	Trent River Floodplain	Remove one of two 8' x 12' storage sheds
P-22-061 (Compliance)	Trent Hills	Seymour	Seymour	9	14	6677 County Road 50	Trent River Floodplain	Removal and replacement of existing block foundation and replacement of the 23 m ² (250 ft ²) deck.
P-22-062	Quinte West	Murray	Murray	B	15	54 Hutchinson Road	Unevaluated Wetland (allowance)	Construct a 70 m ² (25' x 30') detached accessory structure
P-22-064 (Compliance)	Trent Hills	Percy	Percy	11	6	Trentview Drive	Trent River Floodplain	Remove stumps, dead brush, fallen trees and garbage
P-22-065	Quinte West	Murray	Murray	2	13	Helyer Road	Valley system of two Mayhew Creek tributary streams	Installation of underground servicing and trail works in Woodland Heights subdivision
P-22-066	Alnwick/ Haldimand	Alnwick	Alnwick	4	10	190 Ingham Road - Unit 9	Rice Lake Flood Hazard (allowance)	Construct a 56 m ² (600 ft ²) detached accessory structure
P-22-067	Quinte West	Trenton	Sidney	1	1	150 North Murray Street	DND Creek Floodplain	Construct additional parking area and stormwater quality/quantity control infrastructure.
P-22-068	Trent Hills	Seymour	Seymour	13	11	194 Puffball Inn Road	Nappan Island Complex PSW (allowance)	Construct a 22 m ² (12' x 20') detached accessory structure with concrete pad foundation
P-22-070	Trent Hills	Seymour	Seymour	13	11	204 Puffball Inn Road	Nappan Island Complex PSW (allowance)	Construct a 22 m ² (12' x 20') detached accessory structure with concrete pad foundation and 98 m ² (7' x 14') deck.
P-22-071	Alnwick/ Haldimand	Alnwick	Alnwick	4	10	190 Ingham Road - Unit 1	Rice Lake Flood Hazard (allowance)	Demolish and reconstruct single-family dwelling and decommission and replace septic system
P-22-072	Trent Hills	Seymour	Seymour	14	13	188 Franklin Road	Trent River Floodplain; Nappan Island Complex PSW	Construct an outdoor gazebo with outdoor kitchen on a concrete pad



Summary of Permits Approved by Staff
ONTARIO REGULATION 163/06 - Development, Interference with Wetlands and Alterations to Shorelines & Watercourses
Prepared by: Janet Noyes, Manager Development Services & Water Resources
For Period: April 1 to April 30, 2022

Permit #	Municipality	Ward	Geographic Township	Concession	Lot	Street Address	Regulated Area	Permitted Activity
P-22-075	Quinte West	Murray	Murray	A	19	189 Whispering Woods Drive	Unevaluated Wetland (allowance)	Install a pool, construct a pool house and landscaping of back yard
P-22-077	Trent Hills	Seymour	Seymour	13	9	298 Cedar Shores Drive	Trent River Floodplain (allowance); Nappan Island Complex PSW (allowance)	Construct a 83 m2 (28' x 32') detached accessory structure
P-22-078 (Compliance, Minor)	Trent Hills	Seymour	Seymour	14	6	41 Daley Drive	Trent River Floodplain	Construct a 8.4 m2 (90 ft2) shed
P-22-082	Quinte West	Murray	Murray	3	12	41 Whaley Road	Unevaluated Wetland (allowance)	Construct a detached accessory structure
P-22-083	Quinte West	Murray	Murray	Canal Reserve		6 Bigford Road	Presqu'île Bay Marsh PSW (allowance)	Construct a detached accessory structure
P-22-084 (Minor)	Quinte West	Frankford	Sidney	5	3	3 South Trent Street	Cold Creek and Trent River Floodplain	Minor landscaping with paving stones and gardens for a historical pedestal sign
AMENDMENTS								

**Lower Trent Conservation
PAYMENTS LOG - APRIL 2022**

CHEQUE # / EFT #	PAYEE	DETAILS	AMOUNT	DATE DD-MM-YYYY
60202578	Sun Life Assurance	Apr/22 Group Benefits Premium	7,119.58	2022-04-01
60526461	OMERS	Apr/22 Pension Contributions	21,157.92	2022-04-27
60526430	Jani-King of Eastern Ontario	Apr/22 Cleaning - Admin and Workshop	1,127.74	2022-04-27
15281	Templeman LLP	Legal - HR matters	889.88	2022-04-14
15282	OT Group - DCB Business Systems	Mar/22 Photocopier Usage Services	204.60	2022-04-14
15283	Trenton Home Hardware Building	Mar/22 Facilities Materials & Supplies	359.68	2022-04-14
15284	Purolator Inc.	Courier Services	5.09	2022-04-14
15285	Cormier's Auto Repair	Vehicle Maintenance	85.54	2022-04-14
15286	Free Flow Petroleum	Mar/22 Vehicle & Equipment Fuel	807.80	2022-04-14
15287	City of Quinte West	Monthly Utilities - Workshop	113.96	2022-04-14
15288	Hydro One Networks Inc.	Monthly Utilities - Admin and Workshop	895.05	2022-04-14
15289	Postmedia Payment Centre	BQRAP - Advertising	632.80	2022-04-14
15290	Battlefield Equipment Rentals	PPE and Equipment supplies	40.05	2022-04-14
15291	Cogeco Connexion Inc.	Monthly Internet - Workshop	90.34	2022-04-14
15292	Telizon Inc	Monthly Telephone Lines	459.85	2022-04-14
15293	The Napanee Beaver	BQRAP - Stewardship Advertising	248.60	2022-04-14
15294	Corina Brdar	Discover Our Watershed Event - Prof Services	50.00	2022-04-14
15295	Luci Dilkus	Discover Our Watershed Event - Prof Services	50.00	2022-04-14
15296	Caduceon Enterprises Inc.	Mar/22 Water Sampling Analysis	1,597.48	2022-04-14
15297	Nesda Technologies Ltd.	BQRAP - website support	155.38	2022-04-14
15298	JB Print Solutions	Name badges	101.78	2022-04-14
15299	B&T Sales	Janitorial Supplies	67.69	2022-04-29
15300	Brighton Springs	Water Supply - Admin Bldg	40.00	2022-04-29
15301	Bell Mobility Inc.	Cellular Services	182.02	2022-04-29
15302	Bell Canada	FFW Web Hosting 'Apr/22 STMT - HST = \$777.95, Admin = \$622.56, CL = \$359.05, BQRAP \$2,406.25, Youth = \$634.88, E&O =	26.49	2022-04-29
15303	CIBC - VISA	\$21.12, WSS = \$3,114.12, SP = \$20.25	7,956.18	2022-04-29
15304	Cormier's Auto Repair	Vehicle Maintenance	66.61	2022-04-29
15305	Enbridge - Uniongas	Monthly Utilities - Workshop & Admin Office	422.34	2022-04-29
15306	Hydro One Networks Inc.	Monthly Utilities - Goodrich-Loomis Centre	73.32	2022-04-29
15307	Marsh Canada Limited	Apr/22-Mar/23 Insurance Coverage	65,353.96	2022-04-29
15308	OT Group - DCB Business Systems	Apr/22 Photocopier Usage Services	353.48	2022-04-29
15309	Quinte Broadcasting Company	BQRAP - Advertising	1,799.52	2022-04-29
15310	Receiver General for Canada -	Glen Miller CA - Annual Lease	113.00	2022-04-29
15311	Staples Commercial	Office Supplies	197.38	2022-04-29
15312	The Napanee Beaver	BQRAP - Advertising	248.60	2022-04-29
15313	Trenton Home Hardware Building	CL Supplies	117.72	2022-04-29
15314	Ultramar - Parkland Corporation	Utilities - Furnace Fuel Goodrich-Loomis	1,262.94	2022-04-29
15315	Waste Management of Canada	May/22 Waste Dumpster Services	72.91	2022-04-29
15316	W.I. Villager Ltd.	LTC Clothing - Caps	611.91	2022-04-29
15317	WSIB Ontario	Apr/22 Premium	3,671.18	2022-04-29

Total of Cheques & EFTS April 2022 \$ 118,830.37



LOWER TRENT
CONSERVATION

STAFF REPORT

Date: April 2022
To: Board of Directors
Re: Summary of Education and Outreach Events for April 2022
Prepared by: Anne Anderson, Manager of Community Outreach and Special Projects, Corinne Ross, Communications Specialist, Jenn McCallum, Environmental Education Technician

The following is a list of education and outreach activities staff have been working on.

Here is a photo from the April 4 visit to St. Mary Catholic School in Trenton. Jenn McCallum and Renee Richardson led programming with four classes about animal activities and behaviour during the spring.



Photo credit: Serge Lavoie

RECENT EDUCATION & OUTREACH EVENTS

Date	Event	Approximate Attendance
April 2	Special Event: EcoArt Expressive Workshop, Proctor Park Conservation Area - Ewa Bednarczuk, Ecology and Stewardship Specialist	3
April 4	Youth education: St. Mary CS, Trenton (in person, outdoors in the school yard) – Grades 3/4 and 4/5 (4 classes), Animal behaviours during the spring - Jenn McCallum, Environmental Education Technician	67
April 9	Special Event: Natural Journaling Workshop, Goodrich Loomis Conservation Area - Ewa Bednarczuk, Ecology and Stewardship Specialist	11
April 11	Youth education: Stirling Public School (in person, outdoors in the school yard) – Grade 8, Love Your Watershed pilot program visit #3 meeting - Jenn McCallum, Environmental Education Technician	2

April 21-22	Youth Education: Virtual Environmental Symposium with the Kawartha and Pine Ridge District School Board (KPRDSB) and Peterborough, Victoria, Northumberland, and Clarington Catholic District School Board (PVNCCDSB) – pre-recorded Slytherin Snakes program - Jenn McCallum, Environmental Education Technician	225 (9 classes; but could be up to 875-1000, students included in Google Classroom who may have accessed recording)
Total		308+

Social Media Posts

Date	Post	People Reached
April 1	Discover Our Watershed Series – Eco Art	1,180
April 6	Discover Our Watershed Series – Nature Journaling	470
April 7	Tri-County Registration – Coming Soon	1,063
April 8	Tri-County Registration – Registration is open	693

Lower Trent General Communications

Date	Post	People Reached
April 5	Conservation Lands Supervisor – Job Opening	3,235
April 12	Wildflower Kits	591
April 21	Quinte West Community Tree Giveaway	337

UPCOMING EDUCATION & OUTREACH EVENTS

May 3	Youth Education: Bayside Highschool – Tri-County Children’s Water Festival Overview
May 6	Youth Education: Trenton Highschool – Tri-County Children’s Water Festival Overview
May 7	Special Event: Quinte West Wellness Expo
May 27-28	Youth Education: Tri-County Children’s Water Festival

Agenda Item #13.b

Waterlogs - April 2022

Today, the Bay of Quinte is a healthy and vibrant ecosystem.
Now, we must focus on keeping it this way

WHY DOES THE BAY NEED A PHOSPHORUS MANAGEMENT PLAN?

What's the difference between point and non-point sources.



POINT SOURCE

Point source pollution is defined as coming from a single point, such as a factory or sewage treatment plant.



NON-POINT SOURCE

A non-point source is not so easily identifiable as the pollution comes from diffuse and variable points across the landscape such as agricultural erosion and runoff or stormwater runoff.

The main issue with the Bay has always been the amount of excess phosphorus entering it from multiple sources both urban and rural.

Since the 1970s, there have been significant reductions in the amount of phosphorus entering the Bay from urban and rural stormwater run-off and sewage treatment plants. However, despite this progress, phosphorus levels and growth of undesirable algae blooms continues to be an ongoing issue in the Bay. As a result, the development of a Long-Term Phosphorous Management Plan (PMP) for the Bay of Quinte is one of the remaining key activities to be undertaken before removing the Bay from the Areas of Concern list can be considered.

The Phosphorus Management Plan includes setting a long term phosphorus concentration target, as well as phosphorus loading targets for the key sources of phosphorus and proposed actions to meet the targets. The strategy will

continue to build on the successes that have been realized through the Remedial Action Plan, while acknowledging that population increases, development pressures and climate change will present future challenges that will need to be continuously addressed.

The Bay of Quinte is a major generator of economic activity for the area (fishing, cottages, recreational boating) and a source of drinking water for many residents. Overall, the plan will help maintain and improve the water quality and subsequently ecosystem health/quality in the Bay of Quinte and its watershed.

The philosophy behind the plan is:

1. The goal is to restore and maintain the Bay to a healthy and sustainable condition for the long term by reducing the risk of harmful algae blooms, while maintaining the sustainable fisheries in the Bay.
2. The strategy is to be based on best available science and modelling studies, the best available technology for wastewater and stormwater treatment, and the adoption of long-term stewardship initiatives.
3. The strategy will rely on a watershed based adaptive management approach - review and update of the strategy will be based on advances in Best Management Practices, science, and technology.

Over the next couple of months key aspects of the plan will be covered in this newsletter. As a starting point here is the **BQRAP Discussion Paper** that is the base of the Plan.

www.bqrap.ca

In partnership locally with Lower Trent Conservation and Quinte Conservation



Bay of Quinte Remedial Action Plan

FREE

Septic tank pump out

Do you live on the Bay of Quinte or one of its tributaries?
(up to 10 kms up the tribs)

www.bqrap.ca



Bay of Quinte
Remedial Action Plan
Healthy Bay • Healthy Community

In partnership locally with Lower Trent Conservation and Quinte Conservation



Caring for your Septic System

Healthy Bay • Healthy Community

Failed septic systems can be hazardous to the environment and your pocketbook. They can degrade water quality and reduce your property value. Here are some valuable tips to ensure the longevity of your system.

DO's

- DO** familiarize yourself with the location of your system.
- DO** keep an "as built" system diagram in a safe place for reference.
- DO** divert surface water away from your leaching bed.
- DO** pump out your tank on a regular basis (3-5 years).
- DO** repair leaky plumbing fixtures.
- DO** conserve water to reduce the amount of wastewater that must be treated.
- DO** replace old toilets with low-flush models.
- DO** keep lint out of your septic system by cleaning the lint filter on your washing machine.
- DO** keep the tank access lid secure to the riser all the time.
- DO** keep accurate records of septic system maintenance and service calls.

DONT's

- DONT** flush hazardous chemicals, paint, cigarette butts, sanitary products, or pharmaceuticals.
- DONT** use a garbage disposal or garburator.
- DONT** plant trees or shrubs too close to the system or leaching bed.
- DONT** use special additives that are touted to enhance the performance of your tank or system.
- DONT** dig without knowing the location of your septic system.
- DONT** drive over your tank or leaching bed.
- DONT** enter a tank - gases and lack of oxygen can be fatal.
- DONT** connect rain gutters, storm drains or allow surface water to drain into a sewage system.
- DONT** leave interior faucets on and protect water lines during cold spells — insulate your faucets and plumbing.
- DONT** connect water softeners to your system, the salt content can destroy the bacteria and tank and can overload the system when backwashing.

YOU ARE RESPONSIBLE FOR YOUR SEPTIC SYSTEM

Most rural homes and cottages use a septic system.

When working properly, septic systems can provide a safe and reliable way to treat your household wastewater. If you do not properly care for your septic system it could add excess phosphorus to nearby waterbodies causing algal blooms, and excess plant growth. As well as, bacteria that can cause localized health impacts for homeowners and their neighbours.

You own your septic system and are responsible for its safe operation, maintenance, and repair.

REGULAR MAINTENANCE

Regular maintenance can add years to the life of your system, saving you costly repairs and protecting the local environment.

Our septic team will provide you with information on how to extend the longevity of your septic system.

BOOK YOUR SEPTIC SITE VISIT, TODAY



WATER LEVELS AND FLOWS



Water Levels can be a touchy topic depending where you live on the Great Lakes System. Sometimes people feel they are too high and others they are too low. It's a balancing act to keep the interests of the numerous parties, that rely on the system, taken into account. The **International Lake Ontario - Saint Lawrence River Board (ILO-SLRB)** was established by the **International Joint Commission (IJC)** in its 2016 Order of Approval. The Board's main duty is to ensure that outflows from Lake Ontario meet the requirements of the IJC's Order implementing Plan 2014. The Board also communicates with the public about water levels and flow regulation, and works with the Great Lakes – St. Lawrence River Adaptive Management (**GLAM**) Committee which monitors the performance of the regulation plans in the Great Lakes. You can find weekly updates on levels and flow on the **ILO-SLRB Facebook page**.

INCREASED GRANT INCENTIVES

**Time to make your lawn useful by
Building a Rain Garden.**



Why a Rain Garden? Because it has a job to do.

- Providing habitat for wildlife, such as birds, butterflies, and bees
- Helping protect streams, rivers, and lakes from pollutants carried by stormwater runoff
- Increasing the amount of water entering the ground, which re-charges aquifers
- Beautifying your yards and neighbourhood

If you live in Belleville, Trenton, Napanee, Deseronto or Picton you could be eligible for a grant of up to \$750 towards native plants, soil, compost, gravel, mulch, a contractor or rental equipment to establish a functioning rain garden.

Details at: www.bqrap.ca



Bay of Quinte
Remedial Action Plan
Healthy Bay • Healthy Community

Help your lawn provide a habitat for birds, butterflies, and bees, protect our streams rivers and lakes from pollutants, and beautify your neighbourhood.

It's time to transform your lawn, **it's time to build a rain garden.**

If you live in Belleville, Trenton, Napanee, Deseronto or Picton you could be eligible for a grant of up to \$750 towards native plants, soil, compost, gravel, mulch, or contractors or rental equipment to help establish a rain garden.

For details contact -
Jason Jobin, BQRAP Environmental Technician, Lower Trent Conservation,
P: 613-394-3915 ext. 225, E: jason.jobin@ltc.on.ca
or
Mary Gunning, BQRAP Environmental Technician, Quinte Conservation
P: 613-968-3434 ext. 106, E: mgunning@quinteconservation.ca

Rural Stewardship Projects

LIVESTOCK FENCING

- Install fencing to restrict livestock access to a waterway or wetland.
- Grant rate - 75% - maximum up to \$7,500**

ALTERNATE WATERING SYSTEMS

- To be eligible for funding, livestock must be fenced out of a waterway or wetland
- Grant rate - 75% - maximum up to \$7,500**

WATERWAY PLANTING PROJECTS

- A permanently vegetated strip along a waterway or wetland
- Grant rate - 100% - maximum up to \$1,000**

Erosion/Water Quality Improvement Projects

- stream bank stabilization • barnyard runoff control
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LOWER TRENT
CONSERVATION

STAFF REPORT

Date: May 3, 2022
To: LTC Board of Directors
Re: Rescinding the Vaccination Policy
Prepared by: Rhonda Bateman, CAO/Secretary-Treasurer

PROPOSED RESOLUTION:

THAT the Interim Vaccination Policy approved under Resolution G153/21 be rescinded.

BACKGROUND:

The Interim Vaccination Policy was implemented initially to ensure the protection of LTC staff and Board members. The Vaccination Policy was applicable to all visitors and contractors entering the LTC administrative building.

DISCUSSION:

COVID-19 double vaccinations are no longer provincially mandated nor are the subsequent boosters. The province has withdrawn most COVID-19 precautionary measures that were previously enforced for workplaces. As this policy is no longer valid, staff recommends the rescinding of the interim policy.

The internal COVID protocols established for staff, such as masking when not in one's office, sanitary measures and sign-in tracking sheets will remain in place in the short term.

In addition, a modified sign-in sheet will be produced for visitors.

RECOMMENDATION:

THAT the Interim Vaccination Policy approved under Resolution G153/21 be rescinded.



LOWER TRENT
CONSERVATION

STAFF REPORT

Date: May 3, 2022
To: LTC Board of Directors
Re: Office Re-Opening
Prepared by: Rhonda Bateman, CAO/Secretary-Treasurer

PROPOSED RESOLUTION:

THAT staff develop a new business model to address Customer Service needs specific to scheduled appointments.

BACKGROUND:

The question was raised at the April Board meeting as to when the LTC Administrative Office will be re-opened to the public.

DISCUSSION:

COVID-19 has been the driving force for the closure of the LTC administrative office.

The new Personnel Policy allows for staff to work from home which results in less staff members present on a daily basis at the office.

The field season affects the availability of staff on a daily basis.

The option for in-person meetings are available when scheduled by staff members.

The administrative office layout is not conducive to an open door policy.

The Joint Health and Safety Committee are not in favour of reopening the office to the public due to the points noted above. They recommend that a change in the current/historic business model be considered and that a new model should be implemented to improve Customer Service. This model should include options to make in-person appointments easier to schedule. A review of options being utilized at our neighbouring CAs will assist in the development of a new model. Options for re-opening will be considered with this review.

RECOMMENDATION:

That the staff develop an alternate business model for public appointments that will improve customer service.



LOWER TRENT
CONSERVATION

STAFF REPORT

Date: May 3, 2022
To: LTC Board of Directors
Re: Phase 2 Regulations
Prepared by: Rhonda Bateman, CAO/Secretary-Treasurer

PROPOSED RESOLUTION:

THAT the summary of the *Conservation Authorities Act* Phase 2 regulations be received as information

BACKGROUND:

Phase 2 Regulations were released last month by the Ministry of the Environment, Conservation and Parks (MECP). These regulations are in regard to several topics including Information requirements, *Clean Water Act* Apportionment, Budget and Levy Apportionment and Fee Schedules. The regulations are attached as is a [presentation from MECP](#) which will be referenced during the meeting.

DISCUSSION:

In regard to Information Requirements ([O. Reg. 400/22](#)), the intent is to increase transparency by requiring the posting of agendas, minutes, legislative information, audits, budgets, fee schedules, etc. on the CAs website under the heading of Governance. This is standard LTC practice and will be considered within the website redevelopment exercise.

[O. Reg. 401/22](#): Determination of Amounts Under Section 27.2 (2) of the Act (amounts owed by specified municipalities), applies to CAs with both participating and specified municipalities for the purposes of apportioning *Clean Water Act, 2006* (CWA) operating expenses and capital costs. The regulation details the methods available to CAs to determine amounts owing by their specified municipalities for CA programs and services provided in respect of the CWA. Although MECP is currently funding the CWA program, this regulation enables the downloading of the program costs to participating municipalities.

[O. Reg. 402/22](#) Budget and Apportionment provides details on the CA budget process and municipal apportionment methods for levying participating municipalities and includes revocation of the current regulations that govern municipal levies. The base apportionment calculation used for several decades is still an available option. This regulation has specific requirements regarding the budget process and voting requirements. There are concerns with this regulation that the current watershed model of sharing expenses for the benefit of all residents will be altered drastically. This will require a great deal of discussion over the next budget exercise.

Regulations related to budget and municipal levy apportionment (O. Reg. 402/22)/ determination of amounts owing (O. Reg. 401/22) will take effect **July 1, 2023**.

The Information regulation (O. Reg. 400/22) and the Minister's list related to fees that CAs may charge for classes of programs and services will take effect in **January 1, 2023**.

Français

ONTARIO REGULATION 399/22
made under the
CONSERVATION AUTHORITIES ACT

Made: April 11, 2022
Filed: April 20, 2022
Published on e-Laws: April 21, 2022
Printed in *The Ontario Gazette*: May 7, 2022

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

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ONTARIO REGULATION 400/22
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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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ONTARIO REGULATION 401/22
made under the
CONSERVATION AUTHORITIES ACT

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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

Pris le : 11 avril 2022

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ONTARIO REGULATION 402/22
made under the
CONSERVATION AUTHORITIES ACT

Made: April 14, 2022
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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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Conservation Authorities Act **Phase 2 Regulations and Policy**

Guidance to Support Implementation of Phase 2 Regulations and Policy

April 27, 2022

Ministry of the Environment, Conservation and Parks

Provide an overview and supporting information about the implementation of the Phase 2 regulations and policy made under the *Conservation Authorities Act (CAA)*.

Outline

- **Context**
 - Legislative Changes
 - Phase 1 Regulations
- **Overview of Phase 2 Regulations and Policy**
 - Consultation
 - Outcomes
 - Effective Dates
- **Part 1: Apportionment and Determination of Amounts Owed by Municipalities**
 - Conservation authorities (CAs) with only participating municipalities
 - CAs with participating and specified municipalities in relation to *Clean Water Act, 2006* and *Lake Simcoe Protection Act, 2008*
- **Part 2: Budget**
- **Part 3: Fee Classes Policy**
- **Part 4: Transparency of CA Operations**
 - Amendments to O. Reg. 687/21: Transition Plans and Agreements regulation
 - O. Reg. 400/22: Information Requirements regulation
- **Next Steps**

Context

Legislative Changes

- Amendments to the CAA in 2017, 2019 and 2020 helped to ensure CAs focus and deliver on their core mandate and improve overall CA governance, oversight, transparency and accountability.
- The CAA and O. Reg. 687/21 “Transition Plans and Agreements” regulation define three categories of CA programs and services:
 - **Category 1:** Mandatory programs and services (section 21.1).
 - **Category 2:** Municipal programs and services a CA provides on behalf of municipalities under a memorandum of understanding or such other agreement (section 21.1.1).
 - **Category 3:** Programs and services that a CA determines are advisable to provide in its jurisdiction to further the purposes of the CAA (section 21.1.2).
- Un-proclaimed provisions in the CAA are being proclaimed in stages.
- A Minister’s CA Working Group, which included CAs, municipalities and other stakeholders, provided input on regulations and policy to bring together diversity of insight and experiences.

Phase 1 Regulations

- Phase 1 regulations were finalized in October 2021 (ERO [notice number 019-2986](#)), which specify the programs and services that CAs must provide (i.e., Category 1 programs and services), set out transition plans and agreements requirements, and consolidate the ‘conservation area’ regulations:
 1. **O. Reg. 686/21:** Mandatory Programs and Services
 2. **O. Reg. 687/21:** Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act
 3. **O. Reg. 688/21:** Rules of Conduct in Conservation Areas
- CAs and municipalities are working together to transition to the new funding framework by January 1, 2024 (the transition date).
- Flexibility for CAs and municipalities to deliver programs and services to meet local needs and new abilities for municipalities to make funding decisions.

Transition Period

- CAs are actively transitioning to the new funding framework and alignment with the three categories of programs and services established by the CAA and Phase 1 regulations.
- CAs submitted their transition plans to the Ministry of the Environment, Conservation and Parks (MECP) by December 31, 2021 and their inventories of programs and services by February 28, 2022.
- Throughout the transition period, CAs must consult with municipalities on municipal expectations for the CA inventory, including classification of programs and services, actual costs provided for programs and services, how costs were developed etc.
- Municipalities may decide what CA determined programs and services (category 3) will be funded using the municipal levy by entering into a cost apportioning agreement.
- CAs must submit six quarterly reports to the MECP (ca.office@ontario.ca), the first due July 1, 2022 and the last due October 1, 2023.
- The Phase 2 regulations and policy are important to ensure a smooth transition by January 1, 2024.

Overview of Phase 2 Regulations and Policy

- The regulatory and policy proposals were consulted on from January 26, 2022 through February 25, 2022, which included posting on the Environmental Registry of Ontario (ERO) and webinars.
- All the feedback received during the consultation period was considered, and the final regulations and policy reflect what we heard.
- The Phase 2 regulations and policy under the CAA have been finalized ([ERO notice number 019-4610](#)).
- Outcomes:
 - Implement recent amendments to the CAA and build on the Phase 1 regulations.
 - Improve CA governance, oversight, transparency, and accountability.
 - Build on what is working well and provide flexibility at local level.
 - Support a smooth transition by January 1, 2024 of CAs to the new funding framework and alignment with the three categories of programs and services.

- The final regulations and policy are financial and administrative in nature.
- 1. **O. Reg. 402/22: Budget and Apportionment**
 - Details CA budget process and municipal apportionment methods for levying participating municipalities and includes revocation of the current regulations that govern municipal levies.
- 2. **O. Reg. 401/22: Determination of Amounts Under Section 27.2 (2) of the Act (amounts owed by specified municipalities)**
 - Applies to CAs with both participating and specified municipalities for the purposes of apportioning *Clean Water Act, 2006 (CWA)* and *Lake Simcoe Protection Act, 2008 (LSPA)* operating expenses and capital costs.
 - Details the methods available to CAs to determine amounts owing by their specified municipalities for CA programs and services provided in respect of these Acts.

3. Fee Classes Policy

- Published Minister's list of the classes of programs and services for which a CA may charge a fee.

4. [O. Reg. 399/22](#): Amendments to Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act (O. Reg 687/21)

- Increases transparency regarding the use of user fees for category 3 programs and services (those that a CA determines are advisable to provide in its jurisdiction), where a cost apportioning agreement is in place.
- Revokes requirement to publish cost apportioning agreements on CA websites, which is now captured in O. Reg. 400/22.

5. O. Reg. 400/22: Information Requirements

- Increases transparency of CA operations by requiring the posting of prescribed information on a Governance section of a CA's website.

- Requirements to increase transparency of CA operations (O. Reg. 400/22) and the Minister's list related to fees that CAs may charge for classes of programs and services will be in place by **January 1, 2023**.
- Regulations related to budget and municipal levy apportionment (O. Reg. 402/22) / determination of amounts owing (O. Reg. 401/22) will take effect **July 1, 2023**, as will corresponding provisions in the CAA.
- Therefore, the budget and apportionment/amounts owing regulations will apply to CA 2024 budgets, that begin to be developed in 2023, and to budgets for subsequent calendar years.

Key Takeaways

- Requirements apply existing budget and municipal levy apportionment methods and processes to 3 categories of CA programs and services.
- Regulations apply to all 36 CAs promoting consistency while leaving flexibility to recognize local needs.
- Will result in increased transparency: distribution and posting of CA budgets, summarizing how the CA considered opportunities for self-generated revenue, stand-alone identification of costs not related to programs and services, 'Governance' section on CA webpage with member information, by-laws, and CA-municipal agreements, among other things.
- The CA can now determine amounts owed by municipalities benefiting from the source water protection program under the CWA and the LSPA (note: no provincial funding changes).
- A Minister's list of classes of programs and services for which a CA can charge a user fee has been established. If the CA wishes to charge a user fee, they must develop a fee policy. Also, category 2 MOUs/other agreements and category 3 cost apportioning agreements with a municipality will be required to include provisions permitting the CA to charge user fees.

Part 1:

Levy Apportionment and Determination of Amounts Owed by Municipalities

CAAs with Only Participating Municipalities Page 67

- “Budget and Apportionment” regulation (O. Reg. 402/22) applies.
- Largely mirrors existing levies regulations, provincial policy, and existing practices of CAs and participating municipalities.
- Consolidates the two existing LGIC levies regulations, which are now revoked and replaced (O. Reg. 670/00 and O. Reg. 139/96).
- Includes and adapts current CA budget practices in provincial policy within the new regulatory framework.
- Adapts the three current methods of apportioning CA expenses/ costs included in the CAA and existing levy regulations to the new CA framework.

Apportionment Methods for Category 1 Programs and Services

Apportionment Method	When Used
Modified current value assessment (MCVA) method using MPAC data	<i>Operating expenses and capital costs where <u>all</u> participating municipalities benefit (and benefit is not disproportionate)</i>
Benefit-based apportionment method: Determined based on the benefit obtained by each participating municipality(ies)	<p><i>Operating expenses and capital costs where <u>one or some</u> participating municipalities benefit</i></p> <p><i>Operating and capital costs where <u>all</u> participating municipalities benefit <u>and</u> where <u>benefit is disproportionate</u></i></p>
By agreement between CA and participating municipality(ies) (where CA has entered into an agreement with municipality(ies) with respect to apportionment)	<p><i>Operating expenses where <u>one or some</u> participating municipality(ies) municipalities benefit</i></p> <p><i>Capital costs where all or some benefit</i></p> <p><i>CWA/LSPA operating expenses and capital costs where all or some benefit</i></p>

Levy Apportionment Methods by Category of Programs and Services

Types of Costs	Description
<p>Category 1 – all mandatory programs and services</p>	<ul style="list-style-type: none"> • <i>Operating expenses</i> for programs and services that <u>benefit all</u> participating municipalities (i.e. general levy) would be apportioned using the MCVA or benefit-based methods. For CWA/LSPA <i>operating expenses</i>, agreement method is also available. • <i>Capital costs</i> that <u>benefit all</u> would use the MCVA, benefit-based or agreement methods. • <i>Capital costs and operating expenses</i> for programs and services that <u>benefit only one or some municipalities</u> (e.g. ice management, certain infrastructure operation/ maintenance costs) may be apportioned by benefit-based or agreement methods.
<p>Category 2 - all municipal programs and services</p>	<ul style="list-style-type: none"> • <i>Capital costs and operating expenses</i> would be apportioned directly and entirely to the participating municipality that has entered into the MOU or other agreement under s. 21.1.1 of CAA with the CA for the CA to provide the program and service on the municipality's behalf.
<p>Category 3 - other programs and services</p>	<ul style="list-style-type: none"> • <i>Capital costs and operating expenses</i> would be apportioned in accordance with cost apportioning agreement. If agreement is silent, then MCVA or benefit-based methods.

Types of Costs	Description
<p>Operating expenses or capital costs incurred <u>not</u> related to provision of program or service</p>	<ul style="list-style-type: none"> • Regulation defines these as “<i>general operating expenses and capital costs</i>”. • Examples may include corporate costs that are not related to any specific program or service, but are required to maintain the organization, for example: CA member salaries and per diems (governance costs), clerical support, financial (i.e. accounting, payroll), general asset management planning, IT staff, senior management costs, legal costs, office equipment, office occupancy costs (i.e. heating, utilities), depreciation on owned buildings and equipment, office maintenance, repairs. • Does not require MOUs or agreements to levy these costs to a participating municipality. <i>General operating expenses</i> would be apportioned using the MCVA method. <i>General capital costs</i> would be apportioned by MCVA or agreement methods.

CAAs with Participating and Specified Municipalities

- Both the “Budget and Apportionment” regulation (O. Reg. 402/22) and “Determination of Amounts Under Subsection 27.2 (2) of the Act” regulation (O. Reg. 401/22) apply.
- **Specified municipality:** a municipality (whole or part) that is geographically outside of any CA jurisdiction and not a participating municipality of the CA and is designated as a participating municipality for a source protection authority under the CWA or for the purposes of the LSPA.
- The regulations do not affect provincial funding of the drinking water source protection program under the CWA or work under the LSPA.
- As part of the annual budget process, CAs determine which of its specified municipalities will owe amounts for category 1 or 2 CWA or LSPA programs and services.
 - **To owe any amounts for a category 1 CWA or LSPA program and service, a specified municipality must benefit from that program or service.**
- If the CA determines that it will only apportion CWA or LSPA costs and expenses to participating municipalities of the CA, the “Budget and Apportionment” (O.Reg. 402/22) applies.
- The “Budget and Apportionment” also continues to apply when CAs are apportioning **non-CWA** and LSPA operating expenses and capital costs to their participating municipalities.

- If the CA determines that specified municipalities will owe amounts for category 1 CWA or LSPA programs and services, the “Determination of Amounts Under Subsection 27.2 (2) of the Act” (O. Reg. 401/22) regulation applies when apportioning the amounts owed by both the CA’s participating and specified municipalities.
- CAs apportioning operating expenses and capital costs for CWA and LSPA programs and services to both participating and specified municipalities **must read both** regulations together to determine which apportionment methods apply.
 - For example, CAs would use the “Budget and Apportionment” regulation (rather than O. Reg. 401/22) to apportion category 2 CWA and LSPA operating expenses and capital costs to their participating municipalities.

Apportionment Methods by Category of CWA/LSPA Programs and Services Among Participating and Specified Municipalities

Types of Costs	Description
Category 1 - mandatory CWA/LSPA programs and services	<ul style="list-style-type: none"> • <i>Operating expenses</i> for programs or services that <u>benefit all</u> participating and specified municipalities (i.e. general levy) would be apportioned using the MCVA or agreement methods. • <i>Capital costs</i> that <u>benefit all</u> would be apportioned using the MCVA, benefit-based or agreement methods. • <i>Capital costs and operating expenses</i> for programs or services that <u>benefit only one or some</u> participating and specified municipalities would be apportioned by the benefit-based or agreement methods.
Category 2 CWA/LSPA programs and services	<ul style="list-style-type: none"> • <i>Capital costs and operating expenses</i> would be apportioned directly and entirely to the specified or participating municipality that has entered into an MOU or agreement with the CA under s. 21.1.1 of the CAA for the CA to provide the program or service on the municipality's behalf.

Summary of Apportionment Methods

MECP has developed a reference document (attached) to support CAs and others in reviewing the methods available when determining how to apportion amounts owed by participating and specified municipalities as set out in the "Budget and Apportionment" (O. Reg. 402/22) regulation and "Determination of Amounts Under Subsection 27.2 (2) of the Act" (O. Reg. 401/22) regulation.

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"> MCVA, or Benefit-based and Agreement for CWA/LSPA <i>Reg. 402/22 ss. 8(2); clause 8(3)(b); ss. 8(4); s. 12 p. 3</i>	<ul style="list-style-type: none"> MCVA Benefit-based, or Agreement <i>Reg. 402/22 ss. 8(2); clause 8(3)(b), ss. 8(4); s. 12 p. 2 and 3</i>	<ul style="list-style-type: none"> Benefit-based, or Agreement <i>Reg. 402/22 clause 8(3)(a), ss. 8(4); s. 12 p. 1-3</i>
CWA / LSPA – CAs with ' <i>specified</i> ' municipalities ²	<ul style="list-style-type: none"> MCVA, or Agreement <i>Reg. 401/22 ss. 5(4); s. 8, and Reg. 402/22 ss. 8(4) and (5)</i>	<ul style="list-style-type: none"> MCVA Benefit-based, or Agreement <i>Reg. 401/22 ss. 5(4); 5(5) p. 2; s. 8, and Reg. 402/22 ss. 8(4) and (5)</i>	<ul style="list-style-type: none"> Benefit-based, or Agreement <i>Reg. 401/22 ss. 5(5) p. 1; s. 8, and Reg. 402/22 ss. 8(4) and (5)</i>

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</i> ' municipalities ¹	<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"> In accordance with cost apportioning agreement 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)	
	<u>Operating Expenses</u> (CAA s. 27)	<u>Capital Costs</u> (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>

“Budget and Apportionment” regulation (O. Reg. 402/22) also includes a process of engagement with municipalities and voting by CA members appointed by participating and specified municipalities on any levy / amounts owing, and for annual budget decisions.

Weighted Vote

- Required method for the vote on municipal levy / amounts owing. Optional for the vote on the final annual budget.
- Based on ‘pay for say’ principle, where the weighting of the member’s vote generally reflects the percentage of municipal levy their appointing participating or specified municipality pays to the CA.
- Each CA member’s vote is weighted by the ratio that the MCVA for the municipality of the appointed member bears to the CA’s MCVA.
- One municipality cannot have a weighted vote that exceeds 50% of the overall vote unless that municipality appoints more than 50% of the actual CA members.

One-Member-One-Vote

- Required method for the vote to approve the draft budget for circulation/ consultation. Optional for the vote on the final annual budget.
- No weighting involved.
- Each member’s vote counts equally regardless of the levy percentage the member’s appointing municipality pays.
- Methods for voting on the final annual budget is variable among CAs. Maintaining the option in the regulation to use weighted vote or one-member-one-vote for a vote on the final budget, in accordance with the CA’s by-laws, allows for flexibility across CAs.

Part 2:

Budget

Budgetary Process

- “Budget and Apportionment” regulation (O. Reg. 402/22) and “Determination of Amounts Owed Under Subsection 27.2 (2) of the Act” regulation (O. Reg. 401/22) apply.
- The two regulations work together to inform the annual budgetary process of CAs.

Element	Description
Draft Annual Budget	<ul style="list-style-type: none"> • CA staff prepare draft budgets outlining all anticipated revenues and expenditures, and including proposed municipal levy / amounts owing. • Participating and specified municipalities coordinate and communicate timelines and expectations for the levy / amounts owing and overall budget. • Budgets must include a summary of how CA considered opportunities for self-generated revenue. • CAs provide specified* municipalities a notice of the meeting to vote on the draft budget for consultation purposes where budget contains amounts owing in connection with CWA or LSPA category 1 programs and services. • CA members appointed by participating and specified municipalities hold meetings to review and approve the preliminary draft budget for consultation purposes by “one member/one vote”. • CA provides a copy of the draft budget and all financial information for determining the levy / amounts owing to each participating and specified municipality and posts the budget and financial information on the Governance section of CA website.

*Note: CA members appointed by specified municipalities are included for the purposes of voting when amounts will be owing for Category 1 CWA/LSPA programs and services. In this scenario, the vote on portions of the draft budget relating to CWA or LSPA programs and services that includes these additional members shall occur before the vote on the draft budget by members appointed by participating municipalities under the CAA (though may occur on same day).

Continued

Element	Description
Notification of meeting on levy / amounts owing	<ul style="list-style-type: none"> • Minimum 30 days’ notice to participating and any specified municipalities with amounts owing in connection with category 1 CWA/LSPA programs and services of meeting(s) to decide on the levy / amounts owing, accompanied by the most recent draft budget and amount each municipality owes.
Vote on levy / amounts owing	<ul style="list-style-type: none"> • CA members appointed by participating and specified municipalities with amounts owing meet to review and approve the levy / amounts owing by ‘weighted’ majority vote of members present. • Vote(s) to approve any apportionments of category 1 CWA/LSPA operating expenses and capital costs among participating and specified municipalities must occur before vote(s) on apportionments of other operating expenses and capital costs. Note: Notices of levy / amounts owing can not be sent to municipalities until these votes occur.
Vote on final budget	<ul style="list-style-type: none"> • Overall CA budget may be approved by majority vote of members present via: ‘weighted vote’ or ‘one member/one vote’ method as required to do so by the CA’s by-laws.
Copies of final budget	<ul style="list-style-type: none"> • CAs circulate a copy of final approved CA budget to the Minister and participating and specified municipalities and publish it on the Governance section of CA website.

Part 3:

Fee Classes Policy

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

- CAs currently charge user fees for various programs and services. Once section 21.2 of the CAA is proclaimed (January 1, 2023), the CA can only charge a fee if:
 - the program or service is included in the Minister's list of classes of programs and services.
 - the CA has updated and published its written **fee policy**, which includes a fee schedule listing the fee amounts it will be charging for each program and service it provides.
- Each CA's fee policy must also indicate the frequency within which the policy will be reviewed, process for carrying out and giving notice of the review, and circumstances in which a person may request the CA reconsider the fee it was charged, along with applicable procedures to the reconsideration.
- Minister's fee classes policy enables CAs to charge fees when a person directly benefits from a program or service delivered by a CA (i.e. the 'user-pay' principle), and sets out criteria for each category of program and service.

Fee Classes

List of Classes	Criteria	Examples
<p>Category 1 - mandatory programs and services</p> <p>(O. Reg. 686/21)</p>	<p>Where user-pay principle is appropriate.</p>	<p>Natural hazard permit fees, natural hazard reviews of <i>Planning Act</i> applications and associated inquiries; activities on conservation area land; review of proposals/applications and associated inquiries as set out in O. Reg. 686/21 (e.g. <i>Niagara Escarpment Planning and Development Act</i>).</p>
<p>Category 2 – municipal programs and services</p>	<p>Where user-pay principle is appropriate and provisions permitting CA to charge a fee are set out in an MOU or other agreement between the CA and the municipality.</p>	<p>Commenting on <i>Planning Act</i> applications for natural heritage or other matters requested by a municipality.</p>

Continued

List of Classes	Criteria	Examples
<p>Category 3 – CA determined programs and services:</p> <p>financed <u>with</u> municipal levy, which will require a <u>cost apportioning agreement</u> with participating municipalities on or after January 1, 2024</p>	<p>Where user-pay principle is appropriate and where a cost apportioning agreement has been entered into, provisions for fees are set out in the cost apportioning agreement.</p> <p><i>Exception: no provision in the agreement is required in order for CA to charge fees for park or recreational programs and services offered by CA on CA owned or controlled land (e.g. recreation that requires direct CA support or supervision, including facility and equipment rentals); community relations; public education services related to conservation, restoration and management of natural resources; provision of information to the public; sale of products.</i></p>	<p>Private land stewardship extension services partially funded by municipal levy.</p>
<p>financed <u>without</u> municipal levy</p>	<p>Where user-pay principle is appropriate.</p>	<p>Same examples as row above without financing from municipal levy.</p>

Part 4:

Transparency of CA Operations

1. To support fee classes for category 3 programs and services and increase transparency in the application of user fees:
 - **Amendments to the Transition Plans and Agreements regulation (O. Reg. 687/21)** ensure cost-apportioning agreements include provisions for the charging of fees where the participating municipality and CA agree that user fees can be charged for those programs and services.
2. The **Information Requirements regulation (O. Reg. 400/22)** requires CAs to maintain a *Governance* section on their website in an easily accessible location that includes:
 - CA members, appointing participating municipality, and contact information
 - CA by-laws
 - Category 2 MOUs or similar agreements* (i.e., higher level parent agreements that typically run several years)
 - Category 3 cost apportioning agreements*
 - CA meeting schedules, minutes and agendas, including any attachments
 - Annual auditors report prepared under s. 38 of the CAA
 - Any other document, such as strategic plans, that are appropriate to post

- CAs are also required to post their draft and final budgets on the *Governance* section of their websites pursuant to “Budget and Apportionment” (O. Reg. 402/22) regulation.
- **Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)* applies to material required to be posted on CA websites. Further, CAs do not need to post agreements that relate to a procurement process or portions of agreements that contain commercially sensitive information, as described in sections 10 and 11 of MFIPPA.

By January 1, 2023, every CA shall:

1. Publish the information required to the *Governance* section on their website.
2. Provide the information to the Minister, which may be done by providing a link to the information on the website, with written notice confirming the publication.

Updates:

- Generally, the *Governance* section shall be updated with any changes in a timely manner.
- New or amended category 2 MOUs/other agreements and category 3 cost apportioning agreements shall be posted to the *Governance* section within 30 days. For these updates, the CA must publish a notice on the CA website and provide notice to the Minister, and such notices must include an explanation of and a link to the updated information.

Next Steps

Next Steps

- A decision notice about the final regulations and policy is available on the Environmental Registry of Ontario ([notice number 019-4610](#)).
- Feel free to reach out to us with inquiries about the Phase 2 regulations and policy by emailing: ca.office@ontario.ca.
- Deliverables required under the regulations may also be submitted to ca.office@ontario.ca.



LOWER TRENT
CONSERVATION

CAO REPORT

Date: May 3, 2022
To: Board of Directors
Prepared by: Rhonda Bateman, Chief Administrative Officer

STUDENT EMPLOYMENT

Canada Summer Jobs has supplied us with partial funding for two summer positions, those with our benthic monitoring student positions. We were disappointed that the funding was not available for our conservation lands students, education assistant or records management positions. Conservation Lands will be hiring one student within the budget parameters and the education assistant position will be funded through the education budget.

STAFFING

The Conservation Lands Supervisor position interviews will be held on Monday May 9th. The interviewers will be Chair Sandford, Manager of Corporate Services, Kelly Vandette and myself.

MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS (MECP)

Summary of the MECP Program and Service Inventory Meeting

The rationale behind the meeting held on May 2nd was MECP outlining issues that were identified during the MECP analysis of the P/S inventories received by all 36 CAs, which are listed below. I would preface the “observations” with the intent of the inventory distributed by Lower Trent was to meet the regulatory requirements and was written for the ease of use by our municipal partners in the upcoming agreement negotiations.

Comment: All program and service inventories were received on time.

Observation 1 - Inventories are not always transparent in the method used for program/service cost estimates.

There were four methods identified in the regulation but MECP expected that most CAs would use a five-year average method to determine program costs. Many CAs did not. The major concern is that there were a few CAs that did not indicate their rationale for alternate methods. LTC used 2022 budget estimates and included the rationale behind the decision. No further action required.

Observation 2 - Misclassification of category 2 and 3 programs and services as category 1.

The only concern that applied to LTC is the inclusion of the watershed-based resource management strategy as a Category 1 program. The rationale for LTC’s decision is that the strategy is required as a mandated deliverable under O. Reg. 686/21. We will follow-up to determine the correct Categorization for this strategy. It appears that the MECP has determined that although they are requiring this document, they want CAs to create an agreement to produce it rather than place it in levy.

Observation 3 - Classification of programs and services as more than one category.

LTC placed Land Acquisition as a Category 2/3 due to the fact that there may be an agreement developed with the municipality to acquire a property, assist with the acquisition, tax relief agreement, maintenance or recreation agreements. Correction required, to place under Category 3 only.

Observation 4 - Inventories do not always show municipalities/MOUs for category 2 programs or services.

LTC's inventory showed all municipal agreements with date of expiration.

Observation 5: Intention to enter into cost apportioning agreements for category 3 programs and services not always signalled.

LTC met the requirements and also listed an open placeholder as new opportunities are always being introduced or being researched. Currently none of our Category 3 programs are being funded with municipal funding.

Observation 6: General Activities

The allocation of non-program related expenses. LTC grouped all of these considerations under Corporate Services. There should be no concerns moving forward.

STEWARDSHIP AND OUTREACH

The Native Plant sale at LTC has begun with the first round for the pick-up of bareroot tree and shrub seedlings occurring April 28th and April 29th. The next round for trees and wildflower kits will be in early June. LTC has partnered with Hastings County and our municipal partners in the implementation and coordination of the tree give-away on May 7th.

CONSERVATION ONTARIO

Conservation Ontario hosted a meeting of the General Managers on Monday April 25th to review the four new regulations released by MECP.