

CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY
AGENDA ADDENDUM

AUTHORITY MEETING - Tuesday, September 19, 2023 - 5:00 P.M.

AGENDA ITEM:

**SUPPORTING
DOCUMENTS**

CHIEF ADMINISTRATIVE OFFICER

(1) Staff Report #5844-23

H1 to H3

Re: Memorandum of Understandings to Govern Municipal Funding
for Programs and Services provided by CLOCA – Extension Request

REPORT

CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY

DATE: September 19, 2023
FILE: ASLA3
S.R.: 5844-23
TO: Chair and Members, CLOCA Board of Directors
FROM: Chris Darling, Chief Administrative Officer
SUBJECT: **Memorandum of Understandings to Govern Municipal Funding for Programs and Services provided by CLOCA – Extension Request**

APPROVED BY C.A.O. 

On June 20, 2023, the Board received the attached staff report and authorized the Chair and CAO to execute the legislative required funding agreement between CLOCA and the Region of Durham for non-mandatory programs. The legislated deadline for the executed agreements is January 1, 2024.

Today, Regional staff verbally indicated that they are requesting that the 5 conservation authorities having jurisdiction in the Region make a request for an extension to January 31, 2024.

The legislation allows conservation authorities to make a request to the province for an extension to the deadline. Such a request must be made on or before October 1, 2023.

The following is an extract from Ont. Regulation 687/21

Extension of transition date

10. (1) *For the purposes of subsections 25 (1.3) and 27 (1.3) of the Act, an authority may be granted an extension of time beyond the transition date in the following circumstances:*

1. *The authority submits a request for the extension to the Ministry on or before October 1, 2023.*
2. *The request demonstrates that additional time is required for any of the following reasons:*
 - i. *The authority and one or more participating municipalities need time to conclude a cost apportioning agreement for a particular program or service that the authority intends to provide under section 21.1.2 of the Act after the transition date.*
 - ii. *The authority needs more time to wind down a particular program or service that was provided by the authority under section 21.1.2 of the Act before the transition date but that will no longer be provided after the transition date.*

(2) *The length of the extension shall be specified in the notice given by a person designated by the Minister under subsection 25 (1.3) or 27 (1.3) of the Act.*

Regional staff are of the position that more time beyond the deadline is required to finalize the specific wording of consistent agreements for all 5 conservation authorities and report to Regional Council. They are targeting a report for their December 20th Regional Council meeting. To facilitate this reporting schedule, they are recommending that all 5 conservation authorities request the Province for an extension to January 31, 2024 for agreements to be in place.

RECOMMENDATION:

THAT the Board authorize the CAO to submit a request to the Minister for an extension to the deadline for funding agreements to January 31, 2024.

REPORT

CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY

DATE: June 20, 2023
FILE: ASLA3
S.R.: 5838-23
TO: Chair and Members, CLOCA Board of Directors
FROM: Chris Darling, Chief Administrative Officer
SUBJECT: **Memorandum of Understandings to Govern Municipal Funding for Programs and Services provide by CLOCA**

APPROVED BY C.A.O. 

Purpose:

To seek endorsement from the Board to circulate draft Memorandum of Understandings (MOUs) between CLOCA and our municipal partners as outlined in attachments 3 and 4 and to authorize the Chair and CAO to execute the MOUs between CLOCA and partner municipalities subject to any minor revisions as may be required.

Background

The Conservation Authorities Act (CA Act) has been amended several times since 2017 to provide further clarity and transparency surrounding the programs and services that conservation authorities provide including changes to conservation authority budgeting and levy processes. To implement these changes the CA Act requires conservation authorities to complete a Transition Plan by December 31, 2021, a Program Inventory by February 28, 2022, and complete Municipal Funding MOUs by January 1, 2024.

CLOCA completed the Transition Plan and the Program Inventory as seen in Attachments 1 and 2 to this report. The Program Inventory lists current programs and services and categorize them into three categories in accordance with the CA Act as follows:

- **Category 1** – those prescribed as mandatory by the province related to managing natural hazards, conservation, and management of owned land by the CA, duties and functions under the Clean Water Act and the implementation of the provincial groundwater monitoring and stream monitoring program. Mandatory programs and services are to be funded by the Participating Municipality (Durham Region is CLOCA's Participating Municipality).
- **Category 2** – Non-mandatory municipal programs and services CAs agree to provide at the request of a municipality provided an agreement for such service is in place by January 1, 2024. Examples include environmental monitoring and restoration and climate change assessment.
- **Category 3** – Conservation authorities can also deliver programs and services that further the conservation, restoration, development, and management of natural resources in their watershed, but a cost apportioning agreement must be in place by January 1, 2024, if the program is support by municipal funding. Examples include land acquisition, environmental outreach and education not related to a mandatory program.

Cont'd

Memorandum of Understandings

Agreements between the conservation authorities and their partner municipalities are required for Category 2 and any Category 3 programs and services that require municipal funding.

Currently CLOCA receives the majority of municipal funding for Category 2 and 3 programs and services from the Region of Durham. The City of Oshawa provides funding for monitoring of the Oshawa Second Marsh and the Oshawa Water Monitoring Consortium. There are also a number of examples of past municipal funding for special projects.

Two MOUs are proposed, one for the Region of Durham as CLOCA's Participating Municipality and a second for CLOCA's non-participating municipalities. The MOUs are nonbinding and do not have any direct financial implications to partner municipalities. The MOUs identify proposed principles, terms and conditions that would govern CLOCA's delivery of Category 2 and 3 programs and services. The municipal cost for any CLOCA program and services would be identified and considered as part of the 2024 (and future) budget processes and any such budget approval would form a schedule to the parent MOU.

The attached draft MOUs have been coordinated and are consistent with our adjacent conservation authorities that share partner municipalities.

RECOMMENDATION:

THAT the Board of Directors of the Central Lake Ontario Conservation Authority endorse the circulation of the attached draft Memorandum of Understandings (MOUs) between CLOCA and our municipal partners and authorize the Chair and CAO to execute the MOUs subject to any minor revisions as may be required.

ATTACH.