
HALDIMAND COUNTY

Memorandum CDS-M01-2021 Conservation Authority Changes

For Consideration by Council on November 1, 2021



To: Mayor Hewitt and Members of Council

From: Mike Evers, MCIP, RPP, General Manager, Community & Development Services

On Thursday, October 7, 2021 the Province filed three new regulations under the *Conservation Authorities Act* to implement the changes that were required by Bill 229, the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*. The new regulations will have impacts on municipalities to varying degrees. This memo is intended to briefly outline anticipated impacts for Haldimand County as it relates to two (2) of the regulations.

1. **Mandatory Programs and Services (O. Reg. 686/21):** This regulation prescribes the mandatory programs and services Conservation Authorities (CAs) would be required to provide, including core watershed-based resource management strategies.

Anticipated impact: The impact of this regulation is expected to be minimal. The CAs are obligated to continue to provide the County with services such as assessing risk of natural hazards, conservation and management of lands (including low-maintenance passive recreation like trails, day use parks and picnicking areas), and drinking water source protection. These are services that the County currently fund, and would continue to do so, through the annual CA levy. As Council is aware, each year the CA levy does increase by a nominal percentage and it is not expected that would change as a result of this regulation.

2. **Transition Plans and Agreements for Programs and Services (O. Reg. 687/21):** This regulation requires Conservation Authorities to have mutually agreed upon Memorandums of Understanding (MOUs) or other such agreements (service contracts) with their participating municipalities for the funding of non-mandatory programs and services to be delivered on behalf of a municipality at municipal request through a municipal levy.

Anticipated impact: The impact of this regulation will depend on the range of programs and services that are inventoried and which the County deems as critical for its constituents. The County would decide whether or not to fund the inventoried programs and services by entering into time limited agreements with its Conservation Authorities. This would provide the County with greater control and choice and increase transparency in the use of municipal taxpayer funds to pay for Conservation Authority-initiated programs and services.

As noted, the extent of non-mandatory program and service provision will directly impact the extent of the municipal funding required. Non-mandatory programs/services could include things such as recreation/education programs and review/input on certain policy initiatives (e.g. natural heritage policies).

The Province has proposed that Conservation Authorities could continue to provide non-mandatory programs and services without any municipal agreement if the programs and services are funded by revenue that is not from a municipal levy. For example, this could include authority self-generated revenue such as from resource development, conservation area access fees (which could include a facility such as Byng), through contracts with others (government, environmental organizations, etc.) or through government grants.

It should be noted that the County currently has a Memorandum of Understanding (MOU) with its three (3) CAs for specific service provision. The MOU focuses primarily on *Planning Act* matters (i.e. development application reviews) and sets out a fee-for-service program. This MOU will need to be reviewed and revised to reflect current regulatory directives.

Summary

Over the course of the coming months, County staff will be participating in meetings with representatives of the various CAs to better understand and determine what these changes will mean for the County, Conservation Authorities in general, and for our budgeting process. On the latter, staff can confirm that there are no immediate financial implications to the 2022 budgets of the County. Transition plans and CA/municipal agreements will need to be negotiated and implemented over the next 1-2 years. Depending on the nature of the agreements, there could be a County budget impact as early as 2023 relative to funding for non-mandatory programs. The extent of that impact is not known at this time but staff will continue to update Council as this process evolves.