



# Board of Directors Meeting

## A G E N D A

**June 2, 2021**

**1:00 p.m.**

1. First Nations Acknowledgement
2. Call to Order
3. Adoption of Agenda
4. Disclosure of Conflicts of Interest
5. Presentation
  - 5.1) Phase 1 REGULATORY PROPOSAL CONSULTATION GUIDE for the Conservation Authorities Act  
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# 1. First Nations Acknowledgement

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We will begin by acknowledging that the land on which we gather is the traditional territory of First Nations people who have longstanding relationships to the land, water and region of southwestern Ontario. We also acknowledge the local lower Thames River watershed communities of this area, which include Chippewa's of the Thames First Nation, Oneida Nation of the Thames, Munsee Delaware Nation and Delaware Nation at Moraviantown. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original peoples of Turtle Island (North America). We are thankful for the opportunity to live, learn and share with mutual respect and appreciation.

# 5. Presentation

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## 5.1) Phase 1 Regulatory Proposal Consultation Guide for the Conservation Authorities Act – presentation and discussion on comments

Mark Peacock will provide a power point presentation, reviewing the Discussion Paper and providing comments made by staff and other Conservation Authorities received to date.

# 6. New Business

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## 6.1) Phase 1 Regulatory Proposal Consultation Guide for the Conservation Authorities Act CAA

### C.A.O. / Secretary Treasurer Report

Date: June 2, 2021

Memo to: LTVCA Board of Directors

Subject: C.A.O.'s Report

From: Mark Peacock, P. Eng., C.A.O. / Secretary Treasurer

**Re: Staff Report Phase 1 REGULATORY PROPOSAL CONSULTATION GUIDE for the Conservation Authorities Act CAA**

#### **Background:**

On December 8, 2020, legislative amendments to the Conservation Authorities Act, as part of Bill 229, the Protect, Support and Recover from COVID-19 Act, 2020, received Royal Assent. The Ministry of Environment, Conservation and Parks is moving forward with the first phase of regulatory proposals detailing the requirements for programs and services and how they should be implemented. To initiate the new regulations development, a discussion paper has been posted to the Environmental Registry of Ontario. A copy of the discussion paper was attached to the email sent to directors on May 21 2021.

This first phase of proposals regulations are focused on:

- Mandatory programs and services conservation authorities would be required to provide, including core watershed-based resource management strategies.
- The proposed agreements that may be required with participating municipalities to fund non-mandatory programs and services with municipal dollars.
- The transition period to establish those agreements.
- The consolidation of the current individual conservation authority 'Conservation Area' regulations made under Section 29 of the Conservation Authorities Act into one Minister's regulation.
- Requirements for each conservation authority to establish a community advisory board to include members of the public, and how they may be governed.

There was an opportunity for CAs to participate in a webinar with MECP staff from the Conservation and Source Protection Branch. The webinar with ministry staff from the Conservation and Source Protection Branch was to provide input on the regulatory proposals. Staff from the Ministry of Natural Resources and Forestry were present to discuss aspects of the proposal that relate to that ministry's natural hazard responsibilities. The Webinar attended by LTVCA staff was held on May 27, 2021 (10:30 am - 12 pm)

## **Discussion:**

The discussion paper was provided to the LTVCA by the minister's office late in the day on Thursday May 13th. The CAO met with all 36 CAOs and Conservation Ontario staff Monday morning, May 17, for a detailed review of the paper. Additionally, the Chair of Conservation Ontario, Andy Mitchell, scheduled an information session this week with conservation authority Chairs and CAOs to discuss the MECP's Conservation Authorities Act Phase 1 Consultation Guide. Chair Thompson and CAO Mark Peacock attended the session on Wednesday night May 19, 2021.

First impressions: The discussion paper is what we expected given the legislation and discussions with the province so far. However, there are definitely some positives and these are:

1. A number of items indicate the province listened to CA input,
2. The Transition Period has been extended thereby implementing the new levy process in 2023 and not 2022 as originally stated,
3. The inclusion of a "Watershed Based Natural Resource Strategy" allows watershed management principals to be brought to the levy and mandate discussions. This may support many of our non-mandatory programs,
4. The discussion of "Minimum Levy" may simplify the negotiations we will have around administrative costs and overhead,
5. The "Community Advisory Boards" may help us with community support for our programs but there may be practical issues,
6. Many CAs have expressed concerns about the cost of implementing the transition plan, watershed based resource management strategy and the Community Advisory Boards.

The Discussion Paper was provided to the Board of Directors by email on May 21, 2021. We believe that a number of important comments are necessary to create regulations that best allow us to provide services to our communities.

## **June 2, 2021 Board Meeting**

The June 2, 2021 has been set up to review the elements of the Discussion Paper and to develop board consensus on comments to be provided to the province. A detailed power point presentation will be provided, reviewing the Discussion Paper and providing comments made by staff and other Conservation Authorities received to date.

## **Moving Forward – Preliminary Work Plan for Period June 2021 to June 2022**

A number of tasks have to be accomplished in the next 12 months. These tasks include:

1. Development of a Transition Plan including board, municipal and public review – to be completed by Dec 31, 2021
2. Completion of a Watershed Based Resource Management Strategy – Draft to be complete June 30, 2022 – technical elements of plan will be based on recently approved Thames River Watershed Plan – A Shared Waters Approach
3. Negotiation of MOUs (Memorandums of Understanding) with municipalities – these will include agreements to fund non-mandatory programs and to provided planning or other specific municipal defined services. – to be completed June 30, 2022

4. Development of Community Advisory Board – no date set but assumed to be implemented starting January 1, 2023

### **Staffing to Complete Tasks**

As the LTVCA was intending to complete a new strategic plan over the next year, the Watershed Based Resource Management Strategy will in many ways form that strategic plan. The board approved \$20,000 in the 2021 budget for the beginning of the strategic plan. Approximately the same amount will be required to complete the work in 2022. It is proposed that the senior Resource Technician, Valerie Towsley, who has begun negotiations with municipalities for Planning Agreements, be reassigned to support the CAO in addressing changes to provincial requirements under the Conservation Authorities Act. Specifically, this will include the tasks of preparing the Transition Plan, developing MOUs (Memorandums of Understanding) with municipalities, development of the Watershed Based Resource Management Strategy, developing the Community Advisory Board and completing the reporting and public consultation associated with these tasks. The funding set aside for her current position will be used to hire a back fill staff member to complete her current planning and regulations role (12 month contract).

### **Recommendation:**

The C.A.O. / Secretary Treasurer Report be received for information.

The report aligns with the following objectives of the LTVCA's Strategic Plan:

1. Strengthen and Increase Collaboration with Community Stakeholders

Respectfully Submitted

Mark Peacock, P. Eng.  
C.A.O. / Secretary Treasurer

# 7. Correspondence

## 7.1) Draft CA Act Regulatory Proposal Preliminary Assessment and Response (May 21, 2021)

Section of the <i>Conservation Authorities Act</i> in plain language	Section of the Consultation Guide	Brief Description of what it's trying to achieve (from discussion guide – MECP's stated intent)	Advantages / Benefits	Potential Issues	Preliminary Response / Positioning content for a cover letter with Attachments of more detailed comments
<b>PART ONE: PROGRAMS AND SERVICES DELIVERED BY CONSERVATION AUTHORITIES</b>					
<b>Section 1: Mandatory Conservation Authority Programs and Services Regulation</b>					
<p>21.1(1) <i>Mandatory programs and services</i> Program or services that meet any of the following descriptions and that have been prescribed by regulations:</p> <ol style="list-style-type: none"> <li>I. related to the risk of natural hazards (A.)</li> <li>II. related to the conservation and management of lands owned or controlled by the authority including any interests in land registered on title (B.)</li> <li>III. duties and functions related to Source Protection Authority (C.)</li> <li>IV. duties, function and responsibilities under an Act prescribed by the Regulations (E.)</li> </ol> <p>Also, other programs and services that have been prescribed in regulations on or before the first anniversary of the day prescribed. (F.)</p> <p>21.1 (2) Lake Simcoe Region Conservation Authority to deliver programs and services prescribed by regulations (D.)</p> <p>40(1)(b) LGIC may make regulations prescribing mandatory programs and services; respecting standards and requirements applicable to programs and services</p>	<p>A Mandatory Programs and Services Related to the Risk of Natural Hazards</p> <p>B Mandatory Programs and Services Related to the Management of Conservation Authority Land</p> <p>C Mandatory Programs and Services Related to Source Protection Authority Responsibilities under the <i>Clean Water Act, 2006</i></p> <p>D Mandatory Programs and Services Related to Lake Simcoe Region Conservation Authority Responsibilities Under the <i>Lake Simcoe Protection Act, 2008</i></p>	<p>MECPs intent is to establish mandatory programs and services which <b>must</b> be provided by CAs (where applicable, e.g., only LSRCA has duties related to the LSPP).</p> <p>Mandatory programs and services would be funded by provincial grants and/or CA self-generated revenue (e.g., user fees). Where those sources of revenue cannot finance the entire cost of those programs, financing will come from the municipal levy.</p> <p>In addition to the mandatory programs and services (A-E), MECP is proposing to prescribe two additional programs and services in regulation ('F' in the previous column). These would include:</p> <ul style="list-style-type: none"> <li>• Development of a core watershed-based resources management strategy (within the context of the mandatory programs and services)</li> <li>• Provincial water quality and groundwater quantity monitoring</li> </ul>	<p>Key elements of the mandatory programs are clearly identified without being overly prescriptive thus providing a common framework.</p>	<p>A. Natural Hazards: Recent 50% cut to MNRF funding makes effective implementation challenging</p> <p>See detailed comments in Attachment 1.</p> <p>B. CA Lands As a "new" mandatory program and service area; a number of the key elements for "Management of CA land" will require time and staff resources to put into effect.</p> <p>The designation of recreational and education services on Conservation lands as non-mandatory will be challenging in respect of capital investments and in tracking which expenses are mandatory or non-mandatory.</p> <p>See detailed comments in Attachment 1.</p> <p>C. Source Protection Ongoing MECP funding for implementation of this program is necessary</p> <p>D. Lake Simcoe</p>	<p><b>PART ONE: PROGRAMS AND SERVICES DELIVERED BY CONSERVATION AUTHORITIES; Section 1: Mandatory Conservation Authority Programs and Services Regulation</b></p> <p>Using the Mandatory programs and services regulation framework, conservation authorities can review the current scope of their programs and services and make adjustments to align with regulated standards and requirements. The addition of the watershed-based resources management strategy is positive as it provides a longer-term perspective as well as an organizing framework for categorizing the mandatory and non-mandatory programs and services for consultation with municipalities and for the establishment of an agreement with multiple schedules. Conservation Ontario will work with the conservation authorities on development of a template in this regard that would also serve for standardizing the language used with municipalities in the inventory of CA mandatory and non-mandatory programs and services required for their local Transition Plans. Notwithstanding the points of clarification provided in Attachment 1, Conservation Ontario strongly supports inclusion of a mandatory Core Watershed-based Resource Management Strategy as it will enable and encourage the integration of all other mandatory programs and identify non-mandatory programs.</p> <p>In general, the Natural Hazard Mandatory program is consistent with the long-standing funding partnership with MNRF for delivery and some detailed comments are provided in Attachment 1. The recent 50% cut to MNRF funding for the natural hazards program makes ongoing effective implementation challenging and it is our understanding from <i>Ontario's Flooding Strategy</i> that MNRF will continue to provide funding in support of these mandatory programs.</p>

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	E Mandatory Programs and Services Related to a Conservation Authority's Responsibilities under an Act Prescribed by Regulation			E. SIDE NOTE: only includes On-site sewage systems approvals by North Bay-Mattawa Conservation Authority as prescribed under the <i>Building Code Act, 1992</i> .	With regard to the mandatory program and services related to the management of conservation authority land, there are new mandatory requirements proposed (e.g. strategy, management plans). Flexibility is appropriate with regard to the details of how/when these are to be prepared and their scope to allow for regional variations and to assist in limiting implementation costs. Additionally, "passive recreational opportunities" like walking trails that are provided free of charge to the public should be included as part of the mandatory program related to the management of CA land.
	F Core Watershed-Based Resource Management Strategy  Mandatory Programs and Services Prescribed in Regulation <i>(Within the Year after the Transition Period for Municipal Funding Agreements for Non-Mandatory Programs and Services)</i>		F. Core Watershed-Based Resource Management Strategy The creation of a core watershed-based strategy will enable and encourage the integration of all other mandatory programs and identify non-mandatory programs.  Provides an organizing framework for categorizing the mandatory and non-mandatory programs and services for consultation with municipalities and for the establishment of an agreement with multiple schedules	F. Core Watershed-Based Resource Management Strategy Inclusion of non-mandatory programs in the Watershed-based resource management strategy will require agreement of any municipality funding a non-mandatory service  Management actions categorized as watershed stewardship, recreation, and education services continue to be identified as non-mandatory (with the exception of natural hazards education) and will require other funding sources (e.g. MOU/agreement, partner)	Conservation Areas provide safe and enjoyable recreational experiences in areas where Ontarians need them most. In many cases there is no revenue generated by the use of passive recreational lands. Being required to close these properties due to a lack of funding will have a negative impact. Conservation Ontario recommends that recreational opportunities (e.g. walking trails) provided on non-revenue generating lands be considered mandatory programs and services.  It is appropriate that the Mandatory programs and services for conservation authorities related to Source Protection Authority Responsibilities under the <i>Clean Water Act</i> remain intact. It is our understanding that MECP will continue to provide funding if conservation authorities are required to exercise and perform the powers and duties of a drinking water source protection authority; and implement programs and services related to those responsibilities.
	F Provincial Water Quality (PWQMN) and Groundwater Quantity (PGMN) Monitoring  Mandatory Programs and Services Prescribed in Regulation <i>(Within the Year...Services)</i>		F. Provincial Water Quality (PWQMN) and Groundwater Quantity (PGMN) Monitoring  Successful, long standing cost share partnership providing long-term trend data		Both the provincial water quality (PWQMN) & water quantity (PGMN) monitoring programs are examples of successful cost sharing programs between MECP and conservation authorities. These long standing programs provide important trend data in support of effective water management.  Attachment 1 provides specific detailed comments on some of the Mandatory programs and services (A to F) that would further improve the framework for clarity regarding current and future practice.

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<p>27 (1-5) <i>Recovery of Operating Expenses</i></p> <p>CAs will annually determine operating expenses for the subsequent year and apportion those expenses to participating municipalities.</p> <p>Operating expenses for "other programs and services" (i.e. those that the CA considers advisable) shall not be included in the calculation unless it is identified in an agreement. [NOTE: 'other programs and services' that do not require municipal levy and therefore an agreement would need to obtain operating expenses from the contract agreement. By default, it appears mandatory and municipal programs and services are included]</p> <p>A CA may establish a fixed minimal amount as the portion of the authority's operating expenses that a participating municipality is required to pay each year, and may apportion that amount to the municipality instead of the annually calculated amount in any year where the fixed amount exceeds the calculated amount.</p> <p>Notice of the amount (calculated or minimum fixed) will be sent in writing to the participating municipality.</p> <p>40(3)(e) <b>LGIC may make regulations</b> governing the apportionment of an authority's operating expenses for the purposes of section 27, prescribing expenses as operating expenses for the purposes of section 27, governing the amount that participating municipalities are required to pay under section 27, including the fixed amount that a participating municipality may be</p>	<p>Conservation Authority costs not related to delivery of programs and services</p>	<p>MECP intends to proclaim the un-proclaimed sections of the CA Act to enable a CA to establish a fixed minimal amount as the portion of the conservation authority's operating expenses that a participating municipality is required to pay each year.</p> <p>To be further consulted on in Phase 2.</p>	<p>Eligible operating expenses are defined for ongoing function of the Conservation Authority</p> <p>Each municipality will be responsible for a minimal amount.</p> <p>Important to have this finalized as part of the overall package to enable full understanding of budget implications to each municipal partner</p> <p>Mandatory and municipal programs and services are included.</p>	<p>The intent is unclear with regard to whether this minimum levy applies to only mandatory programs given its placement in the table of contents and opening paragraphs. CAs may be challenged in determining which fixed operating costs apply to mandatory services and can be assessed as part of a minimum levy and which are applicable to "other programs and services" (i.e. those that the CA considers advisable) that do not have a municipal agreement (see highlighted text for plain language CO staff interpretation of the legislation)</p>	<p><b>PART ONE: PROGRAMS AND SERVICES DELIVERED BY CONSERVATION AUTHORITIES; Conservation Authority Costs Not Related To Delivery Of Programs And Services</b></p> <p>It is appropriate that this proposal will be finalized concurrently with the consultation on the municipal levy regulation in phase ii). As conservation authorities pursue MOUs/agreements with their member municipalities, all concerned will want to understand the full budget implications of comprehensive (i.e. mandatory and non-mandatory) CA program and service delivery including these ongoing operating expenses. Placement of this section in the Mandatory program and services section seems to imply that application would be limited to overhead of mandatory program delivery which would be inconsistent with the legislative framework [Section 27 (1), (1.1) and (1.2)] that provides for delivery of programs and services that are mandatory, municipal and, for "other" (i.e. those that the CA considers advisable) only where there is a municipal agreement in place.</p>

Section of the <i>Conservation Authorities Act</i> in plain language	Section of the Consultation Guide	Brief Description of what it's trying to achieve (from discussion guide – MECP's stated intent)	Advantages / Benefits	Potential Issues	Preliminary Response / Positioning content for a cover letter with Attachments of more detailed comments
required to pay under subsection 27 (2), and restricting and prohibiting the apportionment of certain types of operating expenses					
<b>Section 2: Non-Mandatory Conservation Authority Programs and Services</b>					
<p>21.1.2 (1-4) <b>Other programs and services</b> CA, within its area of jurisdiction, can deliver any other programs and services that it determines are advisable to further the purposes of the Act.</p> <p>Shall be provided in accordance with such standards and requirements as may be prescribed.</p> <p>If municipal levy is required to deliver the program or service, an Agreement is required.</p> <p>40(3)(c) <b>Minister may make regulations</b> to prescribe standards and requirements for Agreements for the non-mandatory programs and services</p>	Regulation for Municipal Agreements	<p>MECP intent is to proclaim the un-proclaimed sections of the CA Act which would provide standard / consistent requirements for agreements between CAs and partner municipalities for the use of levy funds to finance non-mandatory programs and services which the authority has determined are advisable to further the purposes of the Act.</p> <p>MECP intends to allow agreements to be flexible to reflect specific program or service circumstances.</p>	Flexibility in the agreements form/content is positive	See comments on timing below.	<p><b>PART ONE: PROGRAMS AND SERVICES DELIVERED BY CONSERVATION AUTHORITIES, Section 2: Non-Mandatory CA Programs and Services</b></p> <p>Although challenging, the proposed timeframes for the transition period should enable time for the Transition Plans to be developed in consultation with municipalities, time for consultations on the inventory programs and services with municipalities to occur, time for all of this to be coordinated with the new municipal levy regulation proposed for phase ii) and including confirmation of the approach to the CA operational/overhead costs, and time for the agreements to be reached in advance of the municipal budget discussions for the 2023 fiscal year. The challenging timelines can only be met if the actual regulations (both phase 1 and phase 2) are enacted expeditiously. Allowing the agreements to be flexible to reflect specific program or service circumstances will facilitate the ability to finalize them more quickly. As previously stated, Conservation Ontario will work with the conservation authorities on development of a Transition Plan template to facilitate timely completion. The submission of the Transition Plan by December 2021 to the government, our municipal partners and sharing it with the public demonstrates our commitment to transparency and accountability. The quarterly reporting to the government and the public on the progress of obtaining these agreements is positive for transparency and accountability and, given the pressures to meet these timelines, it needs to be kept simple. Conservation Ontario can work with the CAs on development of a standard reporting template. It is noted that the timing of CA/municipal budget processes for the 2023 budget year will necessitate that the agreements be drafted well before December 31, 2022 but this date provides maximum flexibility for their finalization. CAs support that the agreements be available to the public online. For those exceptional circumstances that delay implementation, it is appreciated that a safety net is provided in the form of the ability for the Minister to grant an extension to the Transition Period should a conservation authority and the municipalities require it. It is noted that</p>
<p>21.1.4 (1, 2) Every CA must develop and implement a transition plan for the purpose of ensuring that it will be in compliance by December 31, 2022. The contents of the Transition Plan include:</p> <ul style="list-style-type: none"> <li>• An overall work plan and timeline to develop and enter into agreements with municipalities</li> <li>• Inventory of authority's programs and services</li> <li>• Consultation with member municipalities on the inventory</li> <li>• If municipal levy required for any programs, step to be taken to enter into Agreements</li> </ul>	Transition Plans	<p>Proposed regulation would outline aspects to be included in each CAs transition plan. MECPs intent is to ensure each CA has a consistent format for implementing a transition plan to transition to the new funding model by January 1, 2023.</p> <p>CAs would be required to submit copies of their transition plans to the MECP for information purposes, to their municipal partners, and to make the plan available to the public.</p>	<p>Having the Transition Plans in place will set the stage for successfully communicating compliance requirements and meeting them in partnership with our municipalities</p> <p>Submitting copies to the Province and our municipal partners and making them available to the public demonstrates our commitment to transparency and accountability</p>	<p>The development of a detailed transition plan by December 31, 2021 will be challenging for many CAs due to limited staff resources/capacity. As the current proposals do not represent the prescribed regulations, CAs will have less than five months once the new phase i regulations are in place.</p> <p>Timelines may be challenging to meet dependent on effectiveness of CA/municipal coordination and cooperation.</p>	

Section of the <i>Conservation Authorities Act</i> in plain language	Section of the Consultation Guide	Brief Description <i>of what it's trying to achieve (from discussion guide – MECP's stated intent)</i>	Advantages / Benefits	Potential Issues	Preliminary Response / Positioning <i>content for a cover letter with Attachments of more detailed comments</i>
<ul style="list-style-type: none"> <li>Such other matters as prescribed in regulation 40(3)(g)</li> </ul> <p><b>Minister may make regulations</b> governing matters to be addressed in a Transition Plan</p>	<p>Prescribed Date for Completing Municipal Agreements &amp; Extension to the Transition Period</p>	<p>MECP is proposing January 1, 2023 as a date by which all agreements for the use of municipal levy funding for non-mandatory programs and services must be in place. The proposed deadline would bring the new proposed financial structure for CAs into practice for the authority and municipal fiscal year of 2023. Quarterly reporting on progress is proposed as a requirement; MECP has offered to create a template for it.</p> <p>Should extensions to the transition period be required, MECP may consider extension if submitted at least 90 days before the end of the transition period, with the support of one-or-more participating municipalities.</p>	<p>Quarterly reporting demonstrates transparency and accountability</p> <p>December 31, 2022 date for final municipal agreements maximizes timing for implementation in the 2023 budget year</p> <p>Making agreements available to the public online demonstrates transparency.</p> <p>Extension to transition period provides a safety net for 'worst case scenarios' that may occur and prevent compliance with the transition period.</p>	<p>Quarterly reporting should not create unnecessary administrative burden; keep it simple. CO can work with the CAs on development of a standard reporting template.</p> <p>CA/municipal budget processes for the 2023 budget year will necessitate that the agreements be drafted (agreement in principle) well before December 31, 2022. Many CAs will be asked for budgets in the second and third quarters of 2022.</p> <p>Finalizing municipal agreements for the 2023 budget year will be challenged by a lack of availability of phase ii regulations that will help define full budget implications.</p> <p>Municipal Agreements will be negotiated during municipal elections where several councils may be in a "lame duck" situation and the final agreement is due 6 weeks after new municipal council will be elected</p>	<p>CAs do not fully control timing in respect of implementation as they are subject to municipal participation, timelines and agreement.</p>

**PART TWO: GOVERNANCE AND OVERSIGHT OF CONSERVATION AUTHORITIES**

<p>18(2,3) A CA shall establish advisory boards as may be required by regulation and may establish such other advisory boards as it considers appropriate.</p> <p>40 (1)(a) <b>The LGIC may make regulations to require</b> CAs to establish advisory boards and prescribing requirements regarding the composition, functions, powers, duties, activities, and procedures of an advisory board</p>	<p>Regulation to Require 'Community' Advisory Boards</p>	<p>MECP would proclaim current un-proclaimed sections of the CA Act to develop a LGIC regulation which would require CAs to establish community advisory boards.</p> <p>Regulations would prescribe some general aspects related to the composition, procedures and accountability of the community advisory board and some minimum requirements for Terms of references. Overall CAs would have the ability to scope the Community Advisory Board to their needs by outlining specific details related to composition, activities, functions, duties and procedures within a Terms of Reference Document.</p>	<p>Provides a mechanism for the CA to invite members of the public, stakeholders and Indigenous communities to a formal table thus demonstrating inclusiveness</p> <p>Province is establishing minimum requirements without being overly prescriptive</p> <p>Selection of Community Advisory Board members is by the General Membership</p> <p>Flexibility to define the terms of reference based upon what the CA feels would be relevant and effective for the watershed and for the volunteers</p> <p>Multiple boards allowed and existing boards allowed to continue</p>	<p>Difficult to effectively engage a broad advisory group without attention to scope and relevance to their local geography</p> <p>Setting up and managing advisory boards will require staff and other resources which will be significantly challenged by the Transition Plan requirements and timelines. Deferral of their formation to after the CA General Membership is reconstituted after the 2022 Municipal elections would be preferred.</p>	<p><b>PART TWO: GOVERNANCE AND OVERSIGHT OF CONSERVATION AUTHORITIES; Regulation to Require 'Community' Advisory Boards</b></p> <p>CAs rely upon and support engagement of the public and stakeholders and Indigenous communities in their watershed management work. CAs will establish Community Advisory Boards to ensure that they are relevant and effective for the needs of the watershed, as provided by the framework proposed. Currently, conservation authorities have the ability to establish Advisory Boards and committees in their Administrative By-laws as enabled through <i>Section 19.1 (1) An authority may make by-laws,</i></p> <p>...</p> <p><i>(e) providing for the composition of its executive committee and for the establishment of other committees that it considers advisable and respecting any other matters relating to its governance;</i></p> <p>For the Ministry's reference, Attachment 2 provides relevant excerpts from "Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model" (CO, April 2018) and it is respectfully submitted that an additional regulation to address Community Advisory Boards in CA By-Laws may be unnecessary in this regard. In any case, it is recognized that the regulation to require Community Advisory Boards would make creation of a Community Advisory Board mandatory and CA by-laws will be updated to be consistent with the regulation(s). It is requested that the regulation not restrict or complicate the ability to convert existing Community Advisory Boards or Committees to meet the minimum requirements. Given the limited staff resources in many CAs that will be challenged to meet the Transition Plan requirements and timelines, it is further requested that the regulation allow deferral of the establishment of these mandatory Community Advisory Boards to be the responsibility of the 2023 CA General Membership. Advisory boards should be used to augment not duplicate activities of authority.</p>
	<p>Regulation to Require 'Community' Advisory Boards – CA By-Laws (Pg. 27)</p>	<p>MECP is proposing a Minister's regulation to provide clarity that CA by-laws are applicable to the advisory boards.</p>	<p>Ministry proposed items to be prescribed are already addressed in the "Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model" (CO, April 2018) including clauses that address Advisory Boards further to section 19.1(1) (e) so can suggest that the MECP may skip creation of this proposed regulation.</p> <p>The CA bylaws (and the Admin By-Law Model) can be updated for consistency with this regulation and the regulation to require Community Advisory Boards</p>	<p>Only item proposed to be prescribed that does not have proposed wording in the Model By-Law is the 'process for member removal'. Sections 9 and 21 speak to notifying the appointing municipality of infractions without specifically referencing removal of a member.</p>	

**PART THREE: OTHER REGULATORY MATTERS**

<p>29 (1) <b>Minister may make regulations</b> with respect to land and other property owned or controlled by CAs. Regulations may include aspects relating to CA operation and management of lands.</p>	<p>Section 29 Minister's Regulation</p>	<p>The current individual CA section 29 "Conservation Areas" regulations would be consolidated into a single Minister's Regulation. Current regulations would continue to be in effect until the new Minister's regulation replaces them.</p> <p>MECP's intent is for the new regulation to be broadly consistent with the principles and content that has been used for the individual CA "Conservation Areas" regulations.</p>	<p>A commitment to maintaining the S. 29 regulation and consolidation of individual CA regulations into one Minister's regulation is positive.</p>	<p>With increased use of conservation areas further to the Pandemic, compliance issues and having the appropriate tools is an area of concern. At a minimum, the consolidated Section 29 regulation should include updates in this regard.</p>	<p><b>PART THREE: OTHER REGULATORY MATTERS; Section 29 Minister's Regulation</b></p> <p>Conservation Ontario is pleased to see the province's commitment to maintaining this regulatory program. The consolidation of the individual Conservation Areas regulations into one Minister's regulation will assist the public in understanding the CAs' regulatory authority under Section 29. The regulation, however, requires updates. Conservation areas have experienced a significant increase in use throughout the pandemic period. There is a need to undertake a review of the S. 29 compliance program area and update of the S. 29 regulation to ensure that it provides sufficient tools to ensure compliance with the regulation. The basis for additional updates to the regulation is provided in Attachment 3.</p>
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## 7.2) Attachment 1: Mandatory Programs and Services Delivered by CAs

### Part One: Programs and Services Delivered By Conservation Authorities

#### A: Mandatory Programs and Services Related to the Risk of Natural Hazards

Conservation Ontario offers the following detailed comments related to the mandatory programs and services related to the risk of natural hazards.

Text from the Regulatory Proposal Consultation Guide – Risk of Natural Hazards	Conservation Ontario Comments
<p>Administration of permits issued under section 28.1 of the <i>Conservation Authorities Act</i>, including associated enforcement activities (sections 28.1 and 28.1.2 once proclaimed). Where appropriate, conservation authority administration of permits may include coordinated involvement in other review or approval processes in accordance with applicable law (e.g. conservation authorities’ role in commenting on <i>Environmental Assessment Act</i>, <i>Drainage Act</i>, <i>Aggregate Resources Act</i>, <i>Niagara Escarpment Planning and Development Act</i> proposals.)</p>	<p>Conservation Ontario is pleased to see that the S. 28 permitting process is being recognized as an overall important component of Ontario’s natural hazard management. Conservation Ontario is also pleased to see the acknowledgement of the interrelationship between CA comments provided on proposals made under other applicable law and the CA permitting process. It is noted that not all involvement in other review or approval applicable law processes culminates in the issuance of a permit under the <i>Conservation Authorities Act</i> (for example, applications made under the <i>Aggregate Resources Act</i>). There is a need to further clarify the phrase “where appropriate” or perhaps replace it with “where applicable”.</p>
<p>Land-use planning input on behalf of the Ministry of Natural Resources and Forestry related to the Natural Hazards policies of the PPS, 2020 under the <i>Planning Act</i> (excluding policies associated with wildland fires) in accordance with Provincial One Window Planning Service protocols, including, when appropriate, <i>Planning Act</i> appeals to the Local Planning Appeal Tribunal related to Natural Hazard policies, and input into review of applications for new or amended Special Policy Areas.</p>	<p><u>Conservation Ontario recommends the following edits to this paragraph:</u></p> <p>Land-use planning <del>input</del> on behalf of the Ministry of Natural Resources and Forestry related to the Natural Hazards policies of the PPS, <del>2020</del> under the <i>Planning Act</i> (excluding policies associated with wildland fires) in accordance with Provincial One Window Planning Service protocols, including, when appropriate, <i>Planning Act</i> appeals to the Local Planning Appeal Tribunal related to Natural Hazard policies, and input into review of applications for new or amended Special Policy Areas. <b>Conservation authority administration of the planning program may include coordinated involvement in other review or approval processes in accordance with applicable law (e.g. conservation authorities’ role in commenting on <i>Environmental Assessment Act</i>, <i>Aggregate Resources Act</i>, and <i>Niagara Escarpment Planning and Development Act</i> proposals).</b></p> <p>Conservation Ontario appreciates the province’s continued recognition of the important role that CAs</p>

Text from the Regulatory Proposal Consultation Guide – Risk of Natural Hazards	Conservation Ontario Comments
	<p>play in protecting life and property through their delegated role in plan input and review from MNRF. Conservation authorities would be pleased to participate as part of the provincial One Window Service Protocol. In order to fulfill that requirement CAs will require access to the Protocol as well as training regarding its implementation from the province. It is expected that CAs will retain the ability to independently appeal decisions related to natural hazards through the Local Planning Appeal Tribunal representing the provincial interest. As part of the provincial One Window Service Protocol it is expected that CAs could also participate in an appeal led by the province via the MMAH.</p> <p>It is recommended that the regulation remove reference to the date of the PPS to avoid the regulation becoming stale-dated. Conservation Ontario has identified a need to update the Special Policy Areas guidelines to reflect current practice and realities. This should be considered (along with an update to the Technical Guides) as part of implementation support materials for this regulation.</p>
<p>Flood forecasting and warning in accordance with and, at a minimum, to the extent described by approved provincial standards.</p>	<p>It is recognized that the Provincial Flood Forecasting and Warning Guidelines are currently under review and Conservation Ontario looks forward to their release.</p>
<p>Operation and maintenance of:</p> <ul style="list-style-type: none"> <li>● any water control infrastructure (including soft or hard structures) owned or controlled by the conservation authority that mitigates risk to life and property damage from flooding or supports low flow augmentation;</li> <li>● any erosion control infrastructure owned or controlled by the conservation authority;</li> <li>● the completion of operational and asset management plans; and</li> <li>● infrastructure operations, maintenance, rehabilitation/repair and the undertaking of any associated</li> </ul>	<p>Conservation Ontario recommends that this description include mitigation or new actions taken to reduce flood and other hazards. This description appears to exclude the CA role related to the implementation of the <i>CO Class EA for Remedial Flood and Erosion Control Projects</i> which should be added in. While it is recognized that some new remedial flood or erosion control projects would fall under capital expenses, a greater emphasis on mitigation actions is required in this paragraph.</p>

Text from the Regulatory Proposal Consultation Guide – Risk of Natural Hazards	Conservation Ontario Comments
<p>necessary technical or engineering studies, including dam safety studies and emergency preparedness plans.</p>	
<p>ice management services (preventative or remedial) as appropriate and as supported by an authority approved ice management plan, including:</p> <ul style="list-style-type: none"> <li>● development and updating of plans;</li> <li>● control of ice, including potential standby equipment (e.g. icebreaker put in place in advance of ice season to prevent ice formation); and</li> <li>● addressing ice-related erosion.</li> </ul>	<p>Conservation Ontario is pleased to see the development of plans included in this list. It is recommended that this list also include the cost of hiring, leasing, purchasing and/or maintaining of equipment and personnel to undertake this work.</p>
<p>Low water monitoring and communications in accordance with and, at a minimum, to the extent described by approved provincial standards.</p>	
<p>Collection, provision, and management of information as needed to support the conservation authorities to:</p> <ul style="list-style-type: none"> <li>● delineate and map hazard areas;</li> <li>● develop plans and policies to guide appropriate management and use of hazard lands within the conservation authority's jurisdiction, including shorelines and rivers;</li> <li>● study surface water flows and levels (e.g. low/peak flow, water budget, surface/groundwater interactions, flood hazard);</li> <li>● study stream morphology;</li> <li>● study the potential impact of changing climatic conditions on natural hazards; and</li> <li>● study design to mitigate natural hazards.</li> </ul>	<p>Conservation Ontario recommends the following <u>edits to this paragraph</u>:</p> <p>Collection, <b>development</b>, provision, consultation and management of information <b>and strategies</b> as needed to support the conservation authorities to:</p> <ul style="list-style-type: none"> <li>● delineate and map hazard areas;</li> <li>● <b>develop and implement a strategy to increase information on natural hazards within the conservation authority's jurisdiction;</b></li> <li>● develop plans and policies to guide appropriate management and use of hazard lands within the conservation authority's jurisdiction, including <b>lakes</b>, shorelines and rivers;</li> <li>● study <b>and ground</b> water flows and levels (e.g. low/peak flow, water budget, surface/groundwater interactions, flood hazard);</li> <li>● study stream morphology;</li> <li>● <b>identify wetland areas;</b></li> <li>● study the potential impact of changing climatic conditions on natural hazards; and</li> <li>● study design to mitigate natural hazards.</li> </ul>

Text from the Regulatory Proposal Consultation Guide – Risk of Natural Hazards	Conservation Ontario Comments
	These proposed edits would ensure clarity and transparency regarding the full breadth of the program area. For example, in some cases this information may not exist, so the CAs would need to develop a strategy to collect the data.
Communications, public awareness and education regarding the risk of natural hazards present within the jurisdiction of the authority to public safety, and to consult on program components as required.	Conservation Ontario supports this proposed paragraph.

### B: Mandatory Programs and Services Related to the Management of Conservation Authority Land

Conservation Ontario offers the following detailed comments related to the mandatory programs and services related to the management of conservation authority land.

Text from the Regulatory Proposal Consultation Guide – CA Land	Conservation Ontario Comments
<p>1. Administration of the section 29 Minister's regulation of 'Conservation Areas' or land owned by conservation authorities including the setting out of fees, permits and enforcement activities.</p>	Conservation Ontario would like to work with the government on a review and update of this program area to ensure that the regulations are meeting the needs of today's park users and the CAs. Detailed comments have been provided in our response to <b>Part Three</b> of this consultation guide.
<p>2. A conservation authority shall have a strategy for all conservation authority owned or controlled lands which could include:</p> <ul style="list-style-type: none"> <li>● Guiding principles, objectives, including for an authority's land acquisition and disposition strategy, land use categories on conservation authority owned land, recommended management principles for different land categories, etc.</li> <li>● A broader jurisdictional assessment using existing information (for example natural hazard information from an existing watershed plan or study, or other existing sources for natural heritage systems, wildlife corridors,</li> </ul>	Conservation Ontario is supportive of the transparency and consistency between the CAs that will be established through the creation of these land management strategies. It is recommended that the CA Members be empowered to establish reasonable timelines regarding the completion of this strategy. Additional financial resources will be required.

Text from the Regulatory Proposal Consultation Guide – CA Land	Conservation Ontario Comments
<p>connecting conservation land through trails, linking with others' land and trails, etc.)</p> <ul style="list-style-type: none"> <li>Public participation in the planning process when developing or updating the 'overarching' conservation authority land strategy.</li> </ul>	
<p>3. A conservation authority shall have a policy regarding the securement/acquisition and disposition of land owned or controlled by the authority. This policy shall be approved by the authority by resolution.</p> <ul style="list-style-type: none"> <li>Land acquisition or securement policy shall be in accordance with current legislation and provincial policy for conservation authority land securement / acquisition.</li> <li>Much conservation authority owned land was purchased using provincial grants issued under the <i>Conservation Authorities Act</i> and the purchase cost shared by municipal levy. For the disposition of lands purchased in this manner, a conservation authority requires Minister's approval to dispose of that conservation authority owned land.</li> <li>The government is proposing that the requirements for a Minister's approval on the disposition of conservation authority property (land/fixed assets) (should not involve the disposition of conservation authority property that relate to hazardous lands) will continue as set out in current provincial policy.</li> <li>Generally, current ministry policy would not support the approval of</li> </ul>	<p>Conservation Ontario is supportive of the transparency and consistency between the CAs that will be established through the creation of the policies regarding the securement/acquisition and disposition of land. It is recommended that the CA Members be empowered to establish reasonable timelines regarding the completion of this policy.</p> <p>Conservation Ontario requests that the province review and update the current provincial policy regarding disposition of conservation authority property in conjunction with conservation authorities. It is recommended that the province not limit CA disposition of natural heritage lands where another appropriate steward can be identified (e.g. a land trust).</p>

Text from the Regulatory Proposal Consultation Guide – CA Land	Conservation Ontario Comments
<p>dispositions of conservation authority property that relate to hazardous lands, provincially significant conservation land, natural heritage features or areas (including environmentally/ecologically sensitive land) or for managed/agreement forest lands</p>	
<p>4. A conservation authority shall have a management plan for each property owned or controlled by the authority. For groups of smaller properties that are, for example, related in environmental sensitivity or land use, one management plan could cover the multiple properties.</p> <ul style="list-style-type: none"> <li>• The management plans may consider specific objectives, including: the purpose for the original acquisition, function, features, special features/sensitive areas for protection, use, infrastructure, public input; or other considerations that the authority decides may be applicable.</li> <li>• The management plans may involve, as appropriate, a resource inventory.</li> <li>• An authority shall update/approve the management plans when the authority deems necessary.</li> </ul>	<p><u>Conservation Ontario recommends the following edits to this paragraph for clarity purposes:</u></p> <p>A conservation authority shall have a management plan for each property <b>or type of property</b> owned or controlled by the authority. For groups of smaller properties that are, for example, related in environmental sensitivity or land use, one management plan could cover the multiple properties.</p> <p>Conservation Ontario is supportive of the transparency and consistency between the CAs that will be established through the creation of management plans for CA properties. It is recommended that the CA Members be empowered to establish reasonable timelines regarding the completion of these plans. Additional financial resources will be required.</p>
<p>5. Management and maintenance of conservation authority owned or controlled lands (based in the management plans) related to:</p> <ul style="list-style-type: none"> <li>• Land management and stewardship activities related to protecting natural heritage systems/features/values to ensure the property is maintained in accordance with the authority approved management plan for natural</li> </ul>	<p>Conservation Ontario recommends that risk reduction not be limited to illegal activities. It is part of ongoing maintenance and repair to ensure public and CA staff safety on the property.</p>

Text from the Regulatory Proposal Consultation Guide – CA Land	Conservation Ontario Comments
<p>heritage management.</p> <ul style="list-style-type: none"> <li>● Employing best management practices to protect and conserve provincially significant conservation lands and natural heritage features as appropriate including environmentally or ecologically sensitive lands (for habitat restoration/rehabilitation, invasive species control, fish and wildlife monitoring).</li> <li>● Monitoring and enforcement actions to ensure the maintenance of the property boundaries and also the land title from encroachments as well as to ensure the ecological integrity of conservation authority owned properties, to address illegal activity, with a goal also of reduction of liability and risk associated with the use of the properties.</li> <li>● Identification, mapping and assessments as appropriate to determine maintenance and repair needs as well as whether changes are required to any management plan.</li> </ul>	
<p>Note that other land uses, such as the provision of recreational opportunities or environmental education, on conservation authority owned land are not mandatory programs or services (including management and maintenance of lands for these purposes).</p>	<p>Conservation Ontario recommends that recreational opportunities (e.g. walking trails) provided on non-revenue generating lands be considered mandatory programs and services.</p>

**F: Mandatory Programs and Services Prescribed in Regulation: Core Watershed-based Resource Management Strategy**

Conservation Ontario offers the following detailed comments related to the mandatory programs and services (prescribed in regulation) related to the Core Watershed-based Resource Management Strategy

Text from the Regulatory Proposal Consultation Guide – Watershed-based Strategy	Conservation Ontario Comments
<p>Page 18, Table <i>Mandatory Programs and Services that would be incorporated in the strategy</i></p> <p>Page 19, Table <i>Non-Mandatory Programs and Services on Behalf of a Municipality</i></p> <p>Page 20, Table <i>Non-Mandatory Programs and Services an Authority Determines Are Advisable</i></p>	<p>It is noted that the table (p18) of Mandatory Programs and Services that would be incorporated into the Core Watershed-based Resource Management Strategy, is not comprehensive as, for example, the mandatory Drinking Water Source Protection Program is missing. Clarification that the tables are for example purposes only and not intended to be limiting would be helpful for future discussions with municipal partners.</p> <p>The Table “Non-Mandatory Programs and Services an Authority Determines Are Advisable” appears to unintentionally exclude municipal agreements as a potential funding mechanism for programs/activities on CA owned land for purposes of resource development, recreation, and, education, training and cultural purposes (last three rows). So as not to be seen as limiting, this column would more accurately be titled “<b>Examples of Potential Funding Mechanisms</b>”.</p> <p>Corrections could be made to all three tables (pp. 18,19,20) such that they should all indicate that these are “<b>Examples of Potential Funding Mechanisms</b>”.</p>

### 7.3) Attachment 2: Community Advisory Boards Related Excerpts from the CA BMP and Administrative By-Law Model (May 21 2021)

<p>Excerpts from "Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model" (CO, April 2018) Regarding Advisory Boards</p>	<p>Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities</p> <p><i>Part Two, Section 1: Regulation to Require 'Community' Advisory Boards</i></p>
<p><b>Section B. Governance, 1. Members c) Powers of the General Membership, p.11</b>          "Subject to the Act and other applicable legislation, the General Membership is empowered without restriction to exercise all of the powers prescribed to the Authority under the Act. In addition to the powers of an authority under s.21 of the Act for the purposes of accomplishing its objects, as referenced in the introduction of this By-law model, the powers of the General Membership include but are not limited to:</p> <p>L. Approving by resolution, the creation of Committees and/or Advisory Boards, the members thereof and the terms of reference for these Committees and/or Advisory Boards; ....</p>	<p><b>p. 27</b>          MECP is proposing to proclaim an un-proclaimed provision of the CA Act to enable the creation of an LGIC regulation to require conservation authorities to establish community advisory boards that can include members of the public, to provide advice to the authority.</p> <p>The government is also proposing to make a Minister's regulation to provide greater clarity that conservation authority by-laws are applicable to the community advisory boards.</p>
<p><b>Section B. Governance, 15. Advisory Boards and Other Committees, p.15</b>          "In accordance with Section 18(2) of the Act, the Authority shall establish such advisory boards as required by regulation and may establish such other advisory boards or committees as it considers appropriate to study and report on specific matters.</p> <p>The General Membership shall approve the terms of reference for all such advisory boards and committees, which shall include the role, the frequency of meetings and the number of members required.</p>	<p><b>p. 27</b>          MECP is proposing to proclaim an un-proclaimed provision of the CA Act to enable the creation of an LGIC regulation to require conservation authorities to establish community advisory boards that can include members of the public, to provide advice to the authority.</p> <p><b>p. 28</b>          The government would defer other specific details related to the composition, activities, functions, duties, and procedures of the community advisory board to a Terms of Reference document, which would be developed and approved by each authority and reiterated in the authority's by-laws (as enabled by a proposed new regulation to provide greater clarity that conservation authority by-laws may speak to the community advisory boards as prescribed).</p> <p><b>p. 29</b></p>

Resolutions and policies governing the operation of the Authority shall be observed in all advisory board and committee meetings.

Each advisory board or committee shall report to the General Membership, presenting any recommendations made by the advisory board or committee.

The government intends to require that the Terms of Reference also outline specific functions and activities of the community advisory board scoped to the authority's needs, and at a minimum enable community advisory board members to:

- Provide advice and recommendations to the authority on the authority's strategic priorities and associated policies, programs and services
- Discuss opportunities to co-ordinate with other environmental initiatives in the authority's jurisdiction (e.g. municipal)
- Identify opportunities for community engagement
- Suggest potential community outreach opportunities
- Carry out any other functions as identified in the Terms of Reference.

p. 29

The government intends to prescribe the following matters related to accountabilities of the community advisory board:

- Requiring that all meeting minutes, and the current Terms of Reference, be posted on the internet

p. 29

The government intends to prescribe the following aspects related to procedures of the community advisory board:

- Requiring that meeting procedures and relevant policies regarding community advisory board operation be outlined in the Terms of Reference, including quorum, chair, vice-chair and secretary and aligned with conservation authority procedures under *Conservation Authorities Act* s.19.1 administrative by-laws

p. 29

The government intends to prescribe the following matters related to accountabilities of the community advisory board:

- Stipulating reporting mechanisms and accountability of the community advisory board to the authority

<p>The dates of all advisory board and committee meetings shall be made available to all Members of the Authority.</p> <p>[CA SPECIFIC: a list of standing advisory boards and committees that must be appointed, could be included here or as an Appendix, which may be amended from time to time.]</p>	
<p><b>Section B. Governance, 16. Remuneration of Members, p.16</b>  [CA SPECIFIC, suggested wording only:]  “The Authority shall establish a per-diem rate from time to time to be paid to Members for attendance at General Meetings and Advisory Board or Committee meetings, and at such other business functions as may be from time to time requested by the Chair, through the Secretary-Treasurer. In addition, an honorarium may be approved by the Authority for the Chair and Vice-chair(s) as compensation for their additional responsibilities. A single per-diem will be paid for attendance at more than one meeting if they occur consecutively on the same day.”</p>	
<p><b>Section C. Meeting Procedures. Introductory Paragraph, p.18</b>  [Note: The Meeting Procedures included in this sample By-law are representative of those in use by a number of CAs. They are intended as a guideline and may be modified as required by an individual CA, as long as the CA’s adopted procedures comply with the requirements outlined in Section 19.1 of the <i>Conservation Authorities Act</i>.]  “The Meeting Procedures below governing the procedure of the Authority shall be observed in Executive Committee and Advisory Board meetings, as far as they are applicable, and the words Executive Committee or Advisory Board may be substituted for the word Authority as applicable.”</p> <p><b>Section C. Meeting Procedures, 2. Notice of Meeting, p.19</b>  “The Chair or the Secretary-Treasurer may, by notice in writing or email, deliver to the members so as to be received by them at least [CA SPECIFIC: typically 12 -24 hours] hours before the hour appointed for the meeting, postpone or cancel any meeting of an Advisory Board or other committee until the next scheduled date for the specific Advisory Board or committee affected.”</p> <p><b>Section C. Meeting Procedures, 5. Quorum, p.19</b></p>	<p><b>p. 28</b>  The government intends to prescribe the following aspects related to procedures of the community advisory board:</p> <ul style="list-style-type: none"> <li>• Requiring that meeting procedures and relevant policies regarding community advisory board operation be outlined in the Terms of Reference, including quorum, chair, vice-chair and secretary and aligned with conservation authority procedures under <i>Conservation Authorities Act</i> s.19.1 administrative by-laws</li> </ul>

"At any meeting of the General Membership, a quorum consists of one-half of the Members appointed by the Participating Municipalities, except where there are fewer than six such Members, in which case three such Members constitute a quorum. At any Executive Committee (if applicable), advisory board or committee meeting, a quorum consists of one-half of the Members of the Executive Committee (if applicable), advisory board or committee.

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If during an Authority or Advisory Board or Committee meeting a quorum is lost, then the Chair shall declare that the meeting shall stand recessed or adjourned, until the date of the next regular meeting or other meeting called in accordance with the provisions of this by-law. [CA SPECIFIC: Some CAs include the following provision: "Agenda items including delegations present may be covered and presented and issues discussed, but no formal decisions may be taken by the remaining Members which do not constitute a quorum."] "

**Section C. Meeting Procedures, 13. Meetings with Closed "In Camera" Sessions, p. 22**

"Every meeting of the General Membership, Executive Committee and Advisory Boards, if applicable, shall be open to the public as per Section 15(3) of the Act, subject to the exceptions set out below.

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A meeting of the Authority, executive committee, advisory board or other committee may also be closed to the public if:

- a) the meeting is held for the purpose of educating or training the Members, and
- b) at the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the authority, the executive committee, advisory board or other committee.

**Section C. Meeting Procedures, 15. Notice of Motion, p.23**

"Written notice of motion to be made at an Authority, executive committee, advisory board or committee meeting may be given to the Secretary-Treasurer by any Member of the Authority not less than [CA SPECIFIC: typically seven business days] prior to the date and time of the meeting and

**p. 28**

The government intends to prescribe the following aspects related to procedures of the community advisory board:

- Requiring that meetings of the community advisory board be open to the public, with limited exceptions

<p>shall be forthwith placed on the agenda of the next meeting. The Secretary-Treasurer shall include such notice of motion in full in the agenda for the meeting concerned.</p> <p>Recommendations included in reports of advisory boards or committees that have been included in an agenda for a meeting of the General Membership or Executive Committee (if applicable), shall constitute notice of motion for that meeting.</p> <p>...</p> <p>Notwithstanding the foregoing, any motion or other business may be introduced for consideration of the Authority provided that it is made clear that to delay such motion or other business for the consideration of an appropriate advisory board or committee would not be in the best interest of the Authority and that the introduction of the motion or other business shall be upon an affirmative vote of [CA SPECIFIC: either a majority or two-thirds] of the members of the Authority present."</p> <p><b>Section C. Meeting Procedures, 19. Minutes of Meetings, p. 25</b>          "The Secretary-Treasurer shall undertake to have a recording secretary in attendance at meetings of the Authority, the Executive Committee and each advisory board or committee. The recording secretary shall make a record in the form of minutes of the meeting proceedings and in particular shall record all motions considered at the meeting.</p>	<p>p. 29          The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> <li>• Requiring that <b>all meeting minutes, and the current Terms of Reference, be posted on the internet</b></li> </ul>
<p>Additional Excerpts without specific reference to Advisory Boards but addressing aspects proposed to be prescribed:</p>	
<p><b>Section C. Meeting Procedures, 9. Members' Attendance, p. 20</b>          The Authority shall provide a listing of Members' attendance at scheduled meetings of the Authority to the Participating Municipalities at least annually.</p> <p>Upon a Member's vacancy due to death, incapacity or resignation occurring in any office of the Authority, the Authority shall request the municipality that was represented by that Member appoint a Member replacement.</p> <p>[CA SPECIFIC: Some CA's may wish to include a procedure for reporting excessive absences by a Member to their appointing municipality.</p>	<p>p. 29          The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> <li>• Ensuring consistent attendance, codes of conduct etc. (aligned with the s.19.1 conservation authority administrative by-law)</li> </ul> <p>p. 29          The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> <li>• Establishing processes for member removal</li> </ul>

<p>If a Member is unable to attend any meeting and wishes to bring any additional information or opinion pertaining to an agenda item to the General Membership, the Member shall address in writing or email to the Chair or Secretary-Treasurer such correspondence prior to the start of the meeting. The correspondence shall be read aloud by the Secretary-Treasurer without comment or explanations.</p>	
<p><b>Section B. Governance, 21. Enforcement of By-laws and Policies, p. 17</b>  The Members shall respect and adhere to all applicable by-laws and policies (for example, the Code of Conduct and Conflict of Interest). The Authority may take reasonable measures to enforce its by-laws and policies, including the enforcement mechanisms under the <i>Municipal Conflict of Interest Act</i>.  [CA SPECIFIC: The procedure for enforcement will vary among CA's. As a minimum, the procedure should include:</p> <ul style="list-style-type: none"> <li>- an investigation will be conducted regarding the alleged breach;</li> <li>- an opportunity will be provided to the affected member to respond to the allegation;</li> <li>- the findings of the investigation and the affected member's response will be communicated to the General Membership in a closed meeting;</li> <li>- the appointing municipality shall be notified of the outcome of the investigation</li> </ul> <p>NOTE: both the Conflict of Interest and Code of Conduct draft policies indicate: <i>Any breach, or alleged breach, ... shall be investigated in accordance with the Enforcement of By-laws and Policies procedure outlined or referred to in the Authority's Administrative By-law.</i></p>	<p>p. 29  The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> <li>• Ensuring consistent attendance, codes of conduct etc. (aligned with the s.19.1 conservation authority administrative by-law)</li> </ul> <p>p. 29  The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> <li>• Establishing processes for member removal</li> </ul>

## 7.4) Attachment 3: Section 29 Minister's Regulation (May 21 2021)

### Part Three: Other Regulatory Matters

#### Section 29 Minister's Regulation

Conservation Ontario notes that the ministry is intending for the Minister's regulation to be broadly consistent with the provincial content that has been used in the past. Conservation Ontario recommends that the province defer the approval of a new Section 29 regulation until such time as a fulsome review and update of the regulation can be undertaken. To support this position, Conservation Ontario offers the following detailed comments related to the Section 29 Minister's Regulation.

Under the *Conservation Authorities Act*, conservation authorities are required to provide programs and services related to the conservation and management of lands owned or controlled by the authority. This includes a regulation made under Section 29 of the *Conservation Authorities Act* regarding public use of authority's property. It is proposed that the Section 29 regulation be redesigned to better align with by-laws made under the *Municipal Act* related to the use of municipal property including parks, and the [Provincial Parks and Conservation Reserves Act](#), 2006 and its associated regulations, including O. Reg. 347/07: [Provincial Parks: General Provisions](#).

Collectively, conservation authorities own and protect a total of 150,000 hectares of land, including forests, wetlands, areas of natural and scientific interest, recreational lands as well as land for flood and erosion control. Among these lands are approximately 500 Conservation Areas, many of which are publicly accessible, representing 80,000 hectares of property. Throughout the pandemic and particularly in southern Ontario, conservation authorities have seen a huge increase in the number of people attending Conservation Areas. For example, Credit Valley Conservation received over 1 million visitors in 2020 alone even with the COVID-19 restrictions in place.

Conservation Areas differ significantly in terms of size and amenities. Many are local areas which are akin to municipal parkland. Others include a number of amenities including water parks, marinas, ski hills and education buildings. Conservation Areas include more than 8,400 campsites, some accessible by public transit, which allows a greater number of Ontarians to experience camping. Given the wide array of uses and the potential for overnight visits, conservation authorities need the legislative tools to effectively protect their properties, provide opportunities for ecologically sustainable outdoor recreation opportunities, provide opportunities for Ontarians to increase their knowledge of Ontario's natural heritage and to facilitate scientific research and monitoring on the landscape.

There is a public expectation that conservation authorities will ensure the orderly use of their Conservation Areas to ensure public safety and security, cleanliness and to minimize impacts on other enforcement agencies, including municipal by-law officers and police departments.

#### **Proposed Additions and Amendments**

Given the similarities between the activities of municipal by-law officers and provincial park wardens, conservation authorities request the following amendments to the compliance program and associated

regulations to ensure that they can continue to provide high quality recreational experiences to the public while providing a similar level of service as municipalities and the province.

Proposed Addition/Amendment	Description	Rationale
<p>Include "peace officer" in the definition of conservation authority officer.</p>	<p>Currently municipal by-law officers and park wardens are included in the definition of "peace officer" for purposes of enforcing their regulation.</p>	<p>Many conservation authority staff are designated by their municipal partners as by-law officers to enforce municipal by-laws (e.g. Niagara Region's Municipal Tree Cutting By-law). This amendment would make CA officers more comparable to municipal by-law officers and provincial park wardens. Designating CA staff as peace officers will provide them with the protections afforded to similar officers under the Criminal Code of Canada and will give CA staff the appropriate standing should they need to testify in front of the courts.</p>
<p>Require the public to identify themselves to a Provincial Offences Officer</p>	<p>Include a requirement within the regulation that the public identifies themselves when asked by a Provincial Offences Officer. Conservation Authorities staff are currently afforded this tool by the Province in order to assist the Province with compliance with the <i>Emergency Management and Civil Protection Act</i> orders.</p>	<p>While conservation authorities have had the ability to issue certificates of offence (tickets) for many years, they lack the ability to require that an individual identify themselves to the Provincial Offences Officer. This significantly limits the CA's ability to enforce the S. 29 regulation when necessary and/or unnecessarily complicates the process.</p>
<p>Campsite permit holder responsibility</p>	<p>Enable the CA to cancel the camping permit of a person who is in contravention of the regulation or a provision of the <i>Liquor License Act</i>. Require that the campsite permit holder provide the permit for inspection by an officer.</p>	<p>Under the <i>Provincial Parks and Conservation Reserves Act, 2006</i> the registered permit holder has to produce the campsite permit upon request. Conservation areas which contain campsites should also have the same standards to create greater consistency across the province and to reinforce the</p>

Proposed Addition/Amendment	Description	Rationale
		responsibility of the registered permit holder.
Seizure of an object	Create the ability for a Provincial Offences Officer to seize an object which is part of an offence	Under the current S. 29 regulation there are a number of offences which are subject to Part I (tickets). For example, it is unlawful to ignite fireworks. A S. 29 officer may choose to issue a ticket to a person of legal age who is discharging the fireworks, but they have no ability to seize any remaining fireworks on site. This has led to additional problems in conservation areas in the past.
Update of Set Fines	Set fines are the amount of money that is associated with a ticket. Most conservation authorities do not issue tickets for infractions on their properties; however, it is one of the few compliance tools that CAs have available to them.	With the creation of a single regulation to be implemented by all conservation authorities new set fines will need to be established for routine offences. Prior to the establishment of new set fines, a review and update of the fines should be undertaken to ensure consistency with comparable pieces of legislation (e.g. municipal by-laws). The set fines for conservation areas were last updated in 2012.
Expand the Class Designation for CA Officers	Currently conservation authority staff are designated by the Minister of Natural Resources and Forestry to enforce the <i>Conservation Authorities Act</i> and the <i>Trespass to Property Act</i> . Conservation authorities would greatly benefit from an expansion in the Class Designation process to include: <i>Highway Traffic Act</i> , <i>Liquor Licence Act</i> , <i>Motorized Snow Vehicles Act</i> , and the <i>Off-Road Vehicles Act</i> . This would be consistent with the provincial park warden (superintendent/assistant superintendent) Class Designation.	Conservation authorities provide programs and services to the public which include trails and, in some cases, overnight camping. Due to the significant increase in use of these properties as a result of the pandemic, conservation authorities and municipalities have been struggling to control parking and access to these sites via various off-road vehicles. Including these designations would allow CAs to better manage their lands,

Proposed Addition/Amendment	Description	Rationale
		decrease demand on municipal by-law officers to manage traffic and prevent destruction of conservation authority property. These designations would be consistent with 29 (1) (a)(b)(e) of the <i>Conservation Authorities Act</i> .
Include the ability to stop a vehicle that is in contravention of the regulations	Currently the S. 29 regulation includes prohibitions related to the <i>Highway Traffic Act</i> , including prohibiting the operation of a motor vehicle at a speed exceeding 20 km / hour.	The incorporation of key elements of the <i>Highway Traffic Act</i> is an important public safety consideration for conservation areas. Unfortunately, many of the current tools are ineffective as conservation authority staff are unable to stop drivers who are in contravention of the <i>Highway Traffic Act</i> in conservation areas. Allowing speeding drivers to be stopped will help to protect the most vulnerable users of conservation areas (small children/ people with limited mobility).
Improve the ability for CAs to integrate compliance work with municipalities	Expand the definition of officer to include other types of Provincial Offences Officers (for example, Municipal Law Enforcement Officers) and to remove limitations associated with having only one enforcement lead.	Many conservation authorities work closely with their municipal partners to address non-compliance issues in and around conservation areas. This has included the designation of conservation authority staff as Municipal Law Enforcement Officers (MLEOs). These amendments are intended to maximize flexibility in approach and to share resources between municipalities and conservation authorities where there is agreement to do so.

# 8. Adjournment

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