



Board of Directors Meeting

AGENDA

Annual General Meeting 2023
 February 23, 2023
 1:30 p.m. Guest Speaker
 1:50 p.m. Awards/Recognitions followed by
 Annual General Meeting
 Willson Hall, University of Guelph Ridgetown Campus

1.	First Nations Acknowledgement	
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1. First Nations Acknowledgement

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 Chippewas of the Thames First Nation, Oneida Nation of the Thames, Munsee Delaware Nation, Delaware Nation, and Caldwell Nation. 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. Chairs Remarks

Unique to Ontario, Conservation Authorities are local watershed management agencies that deliver services and programs to protect and manage impacts on water and other natural resources in partnership with all levels of government, landowners and many other organizations.

Conservation Authorities are organized on a watershed basis. In fact we are the only agency in Ontario formed on this basis. It is through our understanding of our watershed that we can continue the work of improving our local environment in a sustainable and effective way.

The purpose of the Conservation Authorities Act is to “provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario” (section 0.1, Conservation Authorities Act). The LTVCA continues to take this purpose as the guiding principle of our programs. Bill 23 has refocused our planning and regulations programs and describes provincial priorities for Conservation Authorities but we still are committed to working with municipalities, residents, businesses, stakeholders and watershed communities in addressing local environmental issues.

I would like to personally thank the board of the LTVCA for their work in 2022. Their efforts ensure that residents across the watershed have a voice in the delivery of our programs and services. This year we say good-bye to a number of valued board members. Linda McKinlay has worked tirelessly for the LTVCA as a board member, Vice Chair and Chair. Her “lets get things done” approach made sure the LTVCA was lead efficiently and effectively during her tenure. Additionally, this was done with a sense of humour that made working with her a pleasure. Mike Hentz has moved on to the position of Mayor of his municipality. We wish him success but will miss his wisdom and support. Christa Cowell is another member that will be missed. Her energy and straight forward approach made for better decisions and fuller discussions around issues brought to the board. John Wright brought practicality and local knowledge to the board. We thank him for his valuable input. Finally, I would like to thank JJ Strybosch who was with us for about 1 1/2 years for his positive input. Mr. Stybosch supported the board to think in a greener and more informed way.

The Lower Thames Valley Conservation Authority is committed to continuing to build positive and respectful relationships with the indigenous peoples of this area. We are excited to work with local nations as we reimagine the C.M. Wilson Learning Centre, making it a site where “two eyed seeing” can be taught and traditional ecological knowledge learned.

The Lower Thames Valley Conservation Authority has a long history in working with landowners, and all levels of government in the planning and delivery of watershed initiatives. The LTVCA looks forward to continuing this work to make the Lower Thames watershed better for future generations.

7. Approval of Previous Meeting Minutes



Board of Directors Meeting

DRAFT MINUTES

The meeting of the Lower Thames Valley Conservation Authority's Board of Directors was held in person and remotely via the LTVCA's Administration Office at 100 Thames Street, Chatham, at 2:00 P.M. on Thursday, December 15, 2022.

1. First Nations Acknowledgment

Mark Peacock read the First Nations acknowledgement.

2. Call to Order

Trevor Thompson called the meeting to order.

Roll Call

Chatham-Kent - T. Thompson
Dutton Dunwich - K. Loveland
Leamington - P. Tiessen
Strathroy Caradoc - S. Hipple

Chatham-Kent - A. Finn
Lakeshore - L. Vogler
Middlesex Centre – H. Aerts
West Elgin - R. Leatham

Regrets

Chatham-Kent - M. Bondy
Southwest Middlesex – M. Vink

London - JJ Strybosch
Southwold - S. Emons

3. Adoption of Agenda

BD-2022-65 A. Finn – R. Leatham

Moved that the agenda be adopted.

CARRIED

4. Disclosures of Conflicts of Interest

None Declared.

5. Approval of Previous Meeting Minutes

BD-2022-66 P. Tiessen – H. Aerts

Moved that the Board of Directors meeting minutes of November 10, 2022 be approved.

CARRIED

6. Business Arising from the Minutes

None declared.

7. Presentations

7.1) Update Bill 23

Mark Peacock provided an update to the Board on Bill 23.

7.2) 2023 Budget Review

Todd Casier provided a review of the 2023 budget process and the 2023 budget.

7.3) Imagine McGregor Project – Year End Summary

Alyssa Broeders presented a year end summary of the Imagine McGregor Project.

BD-2022-67 A. Finn – K. Loveland

Moved that the Board of Directors receive presentations 7.1) through to 7.3).

CARRIED

8. New Business

None noted.

9. Business for Approval

9.1) Income and Expenditure vs Budget to October 31, 2022

BD-2022-68 H. Aerts – R. Leatham

Moved that the Board of Directors receives the Budget vs Revenue and Expenditures report for the period ended October 31, 2022.

CARRIED

9.2) LTVCA Fee Policy and Schedules

BD-2022-69 S. Hipple – A. Finn

Moved that the Board of Directors approve the Fee Policy and Schedules, dated December 15, 2022, as presented. Fee Schedules to be marked 'Board Approved December 15, 2022'.

CARRIED

10. New Business

- 10.1) C.A.O.'s Report
- 10.2) Water Management
- 10.3) Planning and Regulations
- 10.4) Conservation Area Lands
- 10.5) Conservation Services
- 10.6) Communications, Outreach and Education
- 10.7) Wheatley Two Creeks Association Minutes – October 6, 2022

BD-2022-70 L. Vogler – K. Loveland

Moved that New Business items 10.1) to 10.7) be received for information.

CARRIED

11. Correspondence

- 11.1) Bill 23 LTVCA Letter to Premier Ford
- 11.2) Bill 23 Standing Committee Written Submission - Conservation Ontario
- 11.3) Bill 23 Municipal Support
- 11.4) Chiefs of Ontario and First Nations Oppose Bill 23: More Homes Built Faster Act

BD-2022-71 P. Tiessen – A. Finn

Moved that Correspondence items 11.1) to 11.4) be received for information.

CARRIED

12. Other Business

13. Adjournment

BD-2022-72 A. Finn – L. Vogler

Moved that the meeting be adjourned.

CARRIED

Trevor Thompson
Chair

Mark Peacock, P. Eng.
CAO/Secretary-Treasurer

9. Presentations

9.1) 2022 Annual Report

Amanda Blain will be providing a Power Point Presentation of the LTVCA's 2022 Annual Report.

9.2) Bill 23 and Regulations Update

Mark Peacock will be providing a Power Point Presentation on Bill 23 and Regulations Update.

9.3) Administration By-law Update

Valerie Towsley to present.

10. Business for Approval - Annual General Meeting

10.1) 2022 Annual Report

Recommendation: That the LTVCA's 2022 Annual Report be approved as presented.

10.2) 2022 Audited Financial Statements Presentation

A representative of the LTVCA's Auditor will be providing the Board of Directors with the Audited Financial Statements for the 2022 year ending.

Recommendation: That the LTVCA's 2022 Audited Financial Statements be approved as presented.

10.3) Election of Officers and Appointments to Committees

Before the election, the current Chair will vacate the position and Mr. Mark Peacock will assume the Chair for the purposes of the elections and declare all elected offices, positions and appointments vacant. Additional motions may be necessary should appointment of scrutineers be required in the event of an election.

Recommendation: That M. Peacock be appointed to chair the elections.

a) Chair

Recommendation: That the nominations be closed.

b) Vice-Chairs (2)

Recommendation: That the nominations be closed.

c) Executive Committee (3 members (maximum) to be elected + Chair & Vice-Chairs)

Recommendation: That the nominations be closed.

d) Ska-Nah-Doht Village & Museum Advisory Committee (3 members to be elected)

Recommendation: That the nominations be closed.

e) C.M. Wilson Learning Centre Advisory Committee (2 members maximum to be elected)

Recommendation: That the nominations be closed.

f) Ice Management Committee (2 members from Chatham-Kent, member from Lakeshore + Chair)

Recommendation: That the nominations be closed.

10.4) 2023 Budget and Levy

Date: February 23, 2023
Memo to: LTVCA Board of Directors
Subject: **2023 Budget and Levy**
From: Todd Casier, CPA, CA, Manager, Financial and Administrative Services

Background

The LTVCA Board adopted the Preliminary 2023 Budget and levy at its meeting on October 20, 2022, in accordance with the following resolution:

“That the 2023 preliminary budget totalling \$4,200,484 be approved and that the member municipalities be advised of the budget and their share of the proposed levy as calculated; it being noted that the Authority is required to provide 30 days’ notice of its intention to adopt a final budget and levy.

And that the final 2023 Budget be brought to the Annual Meeting of the Authority in 2023 for approval.”

Terms:

- Matching levy: municipal funding matching provincial grant under section 39 of the Conservation Authorities Act \$81,467 (non-weighted vote, one vote per member)
- Non Matching Levy: general municipal funding (weighted vote based one vote per member Current Value Assessment formula provided by province)
- Special Levy: municipal funding for projects specific to their area (non-weighted vote, one vote per member)

Current Situation

As per legal requirements the Preliminary Budget was circulated to all member municipalities on November 14, 2022 with an invitation to meet with each municipalities Executive Management Team or Council.

Several minor adjustments have since been incorporated into the 2023 Budget, with no additional impact on municipal levy.

Discussion

The 2023 Final Draft Budget of \$4,200,484 represents an increase of \$307,978 or 7.9% in overall spending in comparison to the 2022 approved budget of \$3,892,506. The greatest variances from 2022 to 2023 include:

- Planning and regulations increase due to increased permit demand and planning requirements for Bill 229 and Bill 23;
- Large increase in the ALUS program funding and partially off-set by a decrease in the Species at Risk grant;

The corresponding increase in the municipal levy is \$75,331 or 4.40%. As in previous years, annual adjustments to each municipality’s assessment within the watershed vary, ranging from 3.79% for Chatham-Kent to 8.58% for Southwold, as shown in the last column of the table accompanying the budget on page 16 of the agenda package.

In accordance with Ontario Regulation 139/96, whereby the “non-matching levy” must be approved by a recorded, “weighted” vote of the Authority, the levy is shown under five columns:

- Special benefiting (C-K Flood Control, Greening/Natural Heritage, totaling \$205,000);
- Non-matching, totaling \$1,500,488;

- Matching, totaling \$81,467 which is equal to the provincial grant provided under Section 39 of the Conservation Authorities Act;
- Total General Levy, \$1,581,955;
- Total Municipal Levy, \$1,786,955.

For the non-matching levy, votes are weighted in proportion to each municipality's share of the total Current Value Assessment (CVA), and approval requires that votes equal to or greater than 51% of the CVA be cast in favour of the levy. The "Non-Matching" levy for 2023 is \$1,500,488 as shown in column 5 on page 16 of the agenda package.

The remaining levy is voted on as one member, one vote, and consists of \$205,000 direct special benefit and \$81,467 matching levy, as shown in columns 4 and 6 on page 16 of the agenda package.

The following recommendation will be brought forward in the Annual General Meeting

Recommendation: That the non-matching levy of \$1,500,488 be approved and apportioned in accordance with the levy apportionment table. (weighted vote)

Recommendation: That the 2023 proposed budget totalling \$4,200,484 be adopted as presented, and that the matching levy of \$81,467 and the Chatham-Kent Greening, Natural Heritage and Flood Control Levy of \$205,000 be approved and apportioned in accordance with the table accompanying the budget.

The reports align with the following objectives of the LTVCA's Strategic Plan:

4. Improve Transparency and Understanding of Financial Statements

Respectfully Submitted

Todd Casier, CPA, CA
 Manager, Financial and Administrative Services

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

The reports align with the following objectives of the LTVCA's Strategic Plan:

4. Improve Transparency and Understanding of Financial Statements

**LOWER THAMES VALLEY CONSERVATION AUTHORITY
2023 FINAL DRAFT BUDGET**

F U N D I N G S O U R C E S

PG. NO.		2022 BUDGET	2023 BUDGET	2023 GRANTS	MATCHING GENERAL LEVY	DIRECT SPECIAL BENEFIT LEVY	NON MATCHING GENERAL LEVY	GENERAL REVENUES	FOUNDATION GRANTS & REVENUES	RESERVES
WATER MANAGEMENT										
2	FLOOD CONTROL STRUCTURES	183,084	187,142	31,071	31,071	125,000	0	0	0	0
2	EROSION CONTROL STRUCTURES	12	9	4	4	0	1	0	0	0
2	FLOOD FORECASTING AND WARNING	202,809	132,280	50,392	50,392	0	31,496	0	0	0
3	TECHNICAL STUDIES	124,632	179,707	55,000	0	0	124,707	0	0	0
3	PLANNING & REGULATIONS	379,055	485,410	0	0	0	320,410	165,000	0	0
3	WATERSHED MONITORING	124,124	205,314	165,000	0	0	40,314	0	0	0
3	SOURCE PROTECTION	31,885	30,519	28,000	0	0	2,519	0	0	0
3	THAMES MOUTH DEBRIS REMOVAL	0	0	0	0	0	0	0	0	0
	Water Management Subtotal	1,045,601	1,220,381	329,467	81,467	125,000	519,447	165,000	0	0
CONSERVATION & RECREATION PROPERTIES										
3	CONSERVATION AREAS	626,269	712,741	0	0	0	379,491	333,250	0	0
COMMUNITY RELATIONS AND EDUCATION										
4	COMMUNITY RELATIONS	161,756	185,449	0	0	0	185,449	0	0	0
4	CONSERVATION EDUCATION	84,130	33,940	0	0	0	21,940	12,000	0	0
4	SKA-NAH-DOHT VILLAGE	130,605	145,817	22,992	0	0	72,825	50,000	0	0
	Community Relations & Education Subtotal	376,491	365,206	22,992	0	0	280,214	62,000	0	0
CONSERVATION SERVICES/STEWARDSHIP										
5	CONSERVATION SERVICES (FORESTRY)	94,027	174,493	27,100	0	0	94,293	53,100	0	0
5	CHATHAM-KENT GREENING PROJECT	541,298	522,336	229,900	0	80,000	107,336	105,100	0	0
5	PHOSPHORUS REDUCTION	908,339	1,077,985	934,162	0	0	143,823	0	0	0
5	SPECIES AT RISK	300,481	127,342	111,650	0	0	15,692	0	0	0
	Conservation Services/Stewardship Subtotal	1,844,145	1,902,156	1,302,812	0	80,000	361,144	158,200	0	0
CAPITAL/MISCELLANEOUS										
5	ADMINISTRATION/MISCELLANEOUS	0	0	0	0	0	-30,000	30,000	0	0
5	EMPLOYMENT PROGRAMS (FED/PROV)	0	0	9,808	0	0	-9,808	0	0	0
	Capital/Miscellaneous Subtotal	0	0	9,808	0	0	-39,808	30,000	0	0
		3,892,506	4,200,484	1,665,079	81,467	205,000	1,500,488	748,450	-	-

**LOWER THAMES VALLEY CONSERVATION AUTHORITY
2023 FINAL DRAFT BUDGET**

FUNDING SOURCES

	2022 BUDGET	2023 BUDGET	2023 GRANTS	MATCHING GENERAL LEVY	DIRECT SPECIAL BENEFIT LEVY	NON MATCHING GENERAL LEVY	GENERAL REVENUES	FOUNDATION GRANTS & REVENUES	RESERVES
<u>WATER MANAGEMENT</u>									
<u>FLOOD CONTROL STRUCTURES</u>									
WAGES AND BENEFITS	119,840	119,465							
ADMINISTRATION OVERHEAD	24,553	23,049							
OPERATIONS	28,891	33,733							
ROUTINE MAINTENANCE	9,450	5,545							
PREVENTATIVE MAINTENANCE	350	5,350							
TOTAL FLOOD CONTROL STRUCTURES	183,084	187,142	31,071	31,071	125,000				
					(CHATHAM-KENT)				
<u>EROSION CONTROL STRUCTURES</u>									
WAGES AND BENEFITS									
ADMINISTRATION OVERHEAD	1	1							
OPERATIONS	11	8							
TOTAL EROSION CONTROL STRUCTURES	12	9	4	4		1			
<u>FLOOD FORECASTING AND WARNING</u>									
WAGES AND BENEFITS	149,820	90,118							
ADMINISTRATION OVERHEAD	27,198	16,292							
DATA COLLECTIONS	13,978	13,998							
FLOOD FORECASTING	2,650	2,650							
COMMUNICATIONS	2,400	2,400							
OPERATIONS CENTRE (RENT)	2,430	2,430							
FLOOD RESPONSE AND MONITORING	4,333	4,392							
TOTAL FLOOD FORECASTING & WARNING	202,809	132,280	50,392	50,392		31,496			

**LOWER THAMES VALLEY CONSERVATION AUTHORITY
2023 FINAL DRAFT BUDGET**

F U N D I N G S O U R C E S

	2022 BUDGET	2023 BUDGET	2023 GRANTS	MATCHING GENERAL LEVY	DIRECT SPECIAL BENEFIT LEVY	NON MATCHING GENERAL LEVY	GENERAL REVENUES	FOUNDATION GRANTS & REVENUES	RESERVES
<u>TECHNICAL STUDIES</u>									
WAGES AND BENEFITS	77,918	140,574							
ADMINISTRATION OVERHEAD	16,714	22,133							
AERIAL PHOTOGRAPHY & MAPPING OPERATING-MATERIALS, SUPPLIES, AND EXPENSES	0	0							
TOTAL TECHNICAL STUDIES	124,632	179,707	55,000			124,707			
<u>REGULATIONS AND PLAN REVIEW</u>									
WAGES AND BENEFITS	300,143	381,906							
ADMINISTRATION OVERHEAD	50,835	59,785							
OPERATING-MATERIALS, SUPPLIES, AND EXPENSES	28,077	43,719							
TOTAL REGS. & PLAN REVIEW	379,055	485,410				320,410	165,000		
<u>WATERSHED MONITORING</u>									
WAGES AND BENEFITS	54,463	131,496							
ADMINISTRATION OVERHEAD	16,646	25,287							
OPERATING-MATERIALS, SUPPLIES, AND EXPENSES	53,015	48,531							
TOTAL REGS. & PLAN REVIEW	124,124	205,314	165,000			40,314			
<u>SOURCE PROTECTION</u>									
THAMES MOUTH DEBRIS REMOVAL	31,885	30,519	28,000			2,519			
<u>CONSERVATION & RECREATION PROPERTIES</u>									
WAGES AND BENEFITS	308,163	332,561							
ADMINISTRATION OVERHEAD	83,988	87,784							
OPERATING- MATERIALS & SUPPLIES, STORAGE, RENTALS, INSURANCE, ETC.	234,118	292,396							
TOTAL CONS. & RECREATION PROPERTIES	626,269	712,741				379,491	333,250		

**LOWER THAMES VALLEY CONSERVATION AUTHORITY
2023 FINAL DRAFT BUDGET**

F U N D I N G S O U R C E S

	2022 BUDGET	2023 BUDGET	2023 GRANTS	MATCHING GENERAL LEVY	DIRECT SPECIAL BENEFIT LEVY	NON MATCHING GENERAL LEVY	GENERAL REVENUES	FOUNDATION GRANTS & REVENUES	RESERVES
<u>COMMUNITY RELATIONS AND EDUCATION</u>									
<u>COMMUNITY RELATIONS</u>									
WAGES AND BENEFITS	129,563	150,758							
ADMINISTRATION OVERHEAD	21,693	22,841							
OPERATING- MATERIALS & SUPPLIES, SERVICES, RENTALS, INSURANCE, ETC.	10,500	11,850							
TOTAL COMMUNITY RELATIONS	161,756	185,449				185,449			
<u>CONSERVATION EDUCATION</u>									
WAGES AND BENEFITS	69,729	26,891							
ADMINISTRATION OVERHEAD	11,282	4,180							
OPERATING- MATERIALS & SUPPLIES, SERVICES, RENTALS, INSURANCE, ETC.	3,119	2,869							
TOTAL CONSERVATION EDUCATION	84,130	33,940				21,940	12,000		
<u>SKA-NAH-DOHT VILLAGE</u>									
WAGES AND BENEFITS	104,940	120,508							
ADMINISTRATION OVERHEAD	17,515	17,959							
OPERATING- MATERIALS & SUPPLIES, SERVICES, RENTALS, INSURANCE, ETC.	8,150	7,350							
TOTAL SKA-NAH-DOHT VILLAGE	130,605	145,817	22,992			72,825	50,000		

**LOWER THAMES VALLEY CONSERVATION AUTHORITY
2023 FINAL DRAFT BUDGET**

F U N D I N G S O U R C E S

	2022 BUDGET	2023 BUDGET	2023 GRANTS	MATCHING GENERAL LEVY	DIRECT SPECIAL BENEFIT LEVY	NON MATCHING GENERAL LEVY	GENERAL REVENUES	FOUNDATION GRANTS & REVENUES	RESERVES
<u>CONSERVATION SERVICES</u>									
<u>FORESTRY</u>									
WAGES AND BENEFITS	51,260	107,852							
ADMINISTRATION OVERHEAD	12,610	21,491							
OPERATING- MATERIALS & SUPPLIES, STORAGE, RENTALS, INSURANCE, ETC.	30,157	45,150							
TOTAL FORESTRY	94,027	174,493	27,100			94,293	53,100		
<u>CHATHAM-KENT GREENING PROJECT</u>									
WAGES AND BENEFITS	172,189	176,485							
ADMINISTRATION OVERHEAD	72,592	64,333							
OPERATING- MATERIALS & SUPPLIES, STORAGE, RENTALS, INSURANCE, ETC.	296,517	281,518							
TOTAL CHATHAM-KENT GREENING	541,298	522,336	229,900		80,000	107,336	105,100		
<u>PHOSPHORUS</u>									
WAGES AND BENEFITS	354,150	510,040							
ADMINISTRATION OVERHEAD	121,816	132,769							
OPERATING- MATERIALS & SUPPLIES, STORAGE, RENTALS, INSURANCE, ETC.	432,373	435,176							
TOTAL PHOSPHORUS	908,339	1,077,985	934,162			143,823			
<u>SPECIES AT RISK</u>									
WAGES AND BENEFITS	150,466	105,171							
ADMINISTRATION OVERHEAD	40,297	15,684							
OPERATING- MATERIALS & SUPPLIES, STORAGE, RENTALS, INSURANCE, ETC.	109,718	6,487							
TOTAL CONS. SERVICES	300,481	127,342	111,650			15,692			
<u>CAPITAL/MISCELLANEOUS</u>									
ADMINISTRATION/MISCELLANEOUS	0	0				-30,000	30000		
EMPLOYMENT PROGRAMS (FED/PROV)			9,808			-9,808			

LOWER THAMES VALLEY CONSERVATION AUTHORITY

Levy for 2023 using Modified CVA

	Current Value Assessment (Modified CVA)	% of Levy	C-K Flood Control, Greening Levy 2023	Non- Matching Levy 2023	Matching Levy 2023	Total General Levy 2023	Total Municipal Levy 2023	Total Municipal Levy 2022	\$ Change from 2022 Levy	% Change from 2022
Dutton-Dunwich M	554,180,029	3.6831%	0	55,264	3,001	58,265	58,265	55,738	2,527	4.53%
Southwold Tp	172,076,120	1.1436%	0	17,160	932	18,092	18,092	16,662	1,430	8.58%
West Elgin M	646,846,548	4.2989%	0	64,505	3,502	68,007	68,007	65,212	2,795	4.29%
Lakeshore M	1,434,366,637	9.5328%	0	143,039	7,766	150,805	150,805	143,038	7,767	5.43%
Leamington M	356,697,324	2.3706%	0	35,571	1,931	37,502	37,502	35,651	1,851	5.19%
Chatham-Kent M	8,502,941,863	56.5105%	205,000	847,933	46,038	893,971	1,098,971	1,058,821	40,150	3.79%
London C	1,740,841,749	11.5696%	0	173,601	9,425	183,026	183,026	174,419	8,607	4.93%
Middlesex Centre M	255,957,269	1.7011%	0	25,524	1,386	26,910	26,910	25,220	1,690	6.70%
Southwest Middlesex M	452,526,174	3.0075%	0	45,127	2,450	47,577	47,577	44,901	2,676	5.96%
Strathroy - Caradoc M	930,218,792	6.1822%	0	92,764	5,036	97,800	97,800	91,962	5,838	6.35%
TOTAL	15,046,652,505	100%	\$205,000	\$1,500,488	\$81,467	\$1,581,955	\$1,786,955	\$1,711,624	\$75,331	4.40%

10.5) Appointment of Auditor

Recommendation: That the firm of Baker, Tilly CK, LP be appointed as the Lower Thames Valley Conservation Authority's auditor until the next Annual Meeting in February 2024.

10.6) Appointment of Bank

Recommendation: That the Canadian Imperial Bank of Commerce be appointed the Lower Thames Valley Conservation Authority's bank until the next Annual Meeting in February 2024.

10.7) Appointment of Solicitor

Recommendation: That the firm of M. Gordnerlaw Professional Corporation be appointed the Lower Thames Valley Conservation Authority's solicitor until the next Annual Meeting in February 2024.

10.8) Authorization to Borrow

Recommendation: That the Authority Chair or Vice-Chair and the CAO/Secretary Treasurer be authorized to borrow from the Canadian Imperial Bank of Commerce a sum not to exceed \$300,000 for the Lower Thames Valley Conservation Authority and to be repaid from grants received from the Province of Ontario, Government of Canada, levies assessed the member municipalities and self-generated revenues.

10.9) Appointments to Conservation Ontario

Voting representative; 1st alternative; 2nd alternative.

Recommendation: That the "Chair" be appointed as Voting Representative; and the CAO as 1st Alternative.

10.10) 2023 Board of Directors Meeting Schedule

Thursday, April 20, 2023 – 2:00-4:00 pm

Thursday, June 15, 2023 – 2:00-4:00 pm

Thursday, August 17, 2023 – 2:00-4:00 pm

Thursday, October 19, 2023 – 2:00-4:00 pm

Thursday, December 14, 2023 – 2:00-4:00 pm

Thursday, February 22, 2024 – 2:00-4:00 pm

Recommendation: That the meeting schedule for 2023 and the Annual General Meeting for 2024 be endorsed.

10.11) Update to the Administration By-law 2023-02

Date: February 23, 2023
Memo to: LTVCA Board of Directors
From: Valerie Towsley, Watershed Resource Planner
Subject: Update to the Administration By-law – 2023-02

Background:

As a result of proclamation of governance-related clauses under Section 19.1 of the *Conservation Authorities Act*, changes to the current Administrative By-law and Code of Conduct, Conflict of Interest Guidelines and Procedure for Election of Officers Policy is required. This policy update was directed by information provided by Conservation Ontario (CO) through their development of the 'Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model' which guided the content of our policy. The goal was to ensure a high level of consistency between conservation authorities with respect to governance issues, based on a single model.

By-laws are considered a legal governing document. In the spirit of best management practices of transparency and accountability, the approach to the language and layout of the Administrative By-law is to ensure it is understandable to all who wish to review the document.

Changes to the 2018-01 Policy consist of either added/removed text, complete repeals of sections due to changes in the Act, and general word smithing. The following sections had amendments undertaken to them: Section II, Introduction, Section A: definitions, Section B: Governance [subsections 1a), 1b), 1c). 4, 6, 10, 13, 19, 21], Section C: Meeting Procedures [subsections 1 a & b, 2, 4, 10, 13, 14, 16, 18], Appendix E [11], and Sections III, IV, V, VI which are new to this policy.

Once approved by the Board, the updated Policy will be posted to the LTVCA's website under our 'Public Consultation' section for any feedback from the public. If any questions are generated through this process, staff will review and see if any changes to the Policy will be necessary, then bring it back to the Board for consideration.

The By-law is attached for the Boards review. This By-law requires three readings, with posting to the Authority's website for public review and commenting. The first reading will take place at this meeting, the second at the April Board of Directors meeting, with the final reading and passing of the By-law at the June meeting.

Recommendation: That the Board of Directors approves the first read of the revised Administrative By-law and Code of Conduct, Conflict of Interest Guidelines and Procedure for Election of Officers Policy – 2023-02; That the By-law be posted to the Authority's website for public consultation; and, That the previous Administrative By-law, 2018-01 be hereby repealed.

The reports align with the following objectives of the LTVCA's Strategic Plan:

- 7) Improve Internal Communications
- 9) Improve Internal Understanding of Roles & Responsibilities

Respectfully Submitted
Valerie Towsley
Watershed Resource Planner

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



**LOWER THAMES VALLEY
CONSERVATION AUTHORITY
Administrative By-Law – 2023-02
Best Management Practices
and
Code of Conduct
Conflict of Interest Guidelines
Procedure for Election of Officers**

REVISION NUMBER	REVISION DATE	APPROVAL AUTHORITY	DETAILS
ALL PRIOR BY-LAWS ARE REPEALED			
2018-01	October 18, 2018	LTVCA Board of Directors – approved October 18, 2018	Review date: Oct 21, 2027
2018-01 revis.	September 28, 2020	LTVCA Board of Directors – approved September 28, 2020	Re: Section C: Meeting Procedures for Electronic Meetings (Introduction, Subsections 1B, 2 and 10)
2023-02 update	February 23, 2023	LTVCA Board of Directors – approved _____	Re: Proclamation of governance-related clauses in the CA Act and other related changes (Section II, Introduction, Section A: definitions, Section B: Governance [subsections 1a), 1b), 1c). 4, 6, 10, 13, 19, 21], Section C: Meeting Procedures [subsections 1 a & b, 2, 4, 10, 13, 14, 16, 18], Appendix E [11], Sections III, IV, V, VI)

LOWER THAMES VALLEY CONSERVATION AUTHORITY

Administrative By-Law, Code of Conduct, Conflict of Interest Guidelines and Procedure for Election of Officers

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I. Background

1. Amendments to the *Conservation Authorities Act*

The *Conservation Authorities Act*, as amended by the *Building Better Communities and Conserving Watersheds Act, 2017*, provides direction for conservation authorities to make such by-laws as are required for its proper administration. The new bylaws will replace administrative regulations created under the repealed Section 30 of the Act. Current administrative bylaws will cease to be in force upon the earlier of a) December 12, 2018 (one year after Section 19.1 came into force), or b) the day the regulation is revoked by the authority.

Section 19.1 of the Act, sets out the requirements for by-laws as follows:

By-laws

19.1 (1) An authority may make by-laws,

- (a) respecting the meetings to be held by the authority, including providing for the calling of the meetings and the procedures to be followed at meetings, specifying which meetings, if any, may be closed to the public;
- (b) prescribing the powers and duties of the secretary-treasurer;
- (c) designating and empowering officers to sign contracts, agreements and other documents on behalf of the authority;
- (d) delegating all or any of its powers to the executive committee except,
 - (i) the termination of the services of the secretary-treasurer,
 - (ii) the power to raise money, and
 - (iii) the power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the authority;
- (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;
- (f) respecting the roles and responsibilities of the members of the authority and of its officers and senior staff;
- (g) requiring accountability and transparency in the administration of the authority including,
 - (i) providing for the retention of records specified in the by-laws and for making the records available to the public,
 - (ii) establishing a code of conduct for the members of the authority, and
 - (iii) adopting conflict of interest guidelines for the members of the authority;
- (h) respecting the management of the authority's financial affairs, including auditing and reporting on the authority's finances;
- (i) respecting the by-law review required under subsection (3) and providing for the frequency of the reviews; and
- (j) respecting such other matters as may be prescribed by regulation.

Conflict with other laws

(2) If a by-law made by an authority conflicts with any provision of the *Municipal Conflict of Interest Act* or the *Municipal Freedom of Information and Protection of Privacy Act* or a provision of a regulation made under one of those Acts, the provision of that act or regulation prevails.

Periodic review of by-laws

(3) At such regular intervals as may be determined by by-law, an authority shall undertake a review of all of its by-laws to ensure, amongst other things, that the by-laws are in compliance with any Act referred to in subsection (2) or any other relevant law.

By-laws available to public

(4) An authority shall make its by-laws available to the public in the manner it considers appropriate.

Transition

(5) An authority shall make such by-laws under this section as are required for its proper administration,

- (a) in the case of an authority that was established on or before the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, within one year of that day; and
- (b) in the case of an authority that is established after the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, within one year of the day the authority is established.

(6) REPEALED

Direction by Minister

(7) The Minister may give an authority a written direction to make or amend a by-law on any matter described in subsection (1), in accordance with the direction, within such period of time as may be specified in the direction.

Compliance

(8) The authority that receives a direction under subsection (7) shall comply with the direction within the time specified in the direction.

Regulation where failure to comply

(9) If an authority fails to adopt a by-law in accordance with the direction made under subsection (7), the Minister may make regulations in relation to the matters set out in the direction that are applicable in the area of jurisdiction of the authority.

Same

(10) Any regulation made by the Minister under subsection (9) prevails over any conflicting by-law that the authority may have adopted.

2. Purpose of Best Management Practices (BMP) and Administrative By-law

This document is intended to provide a model for an Administrative By-law and the Best Management Practices associated with the By-laws required under Section 19.1 of the *Conservation Authorities Act*. It is a guideline which can be used as the basis for such governing documents to be adopted by individual conservation authorities.

The Administrative By-law Model and Best Management Practices for Code of Conduct and Conflict of Interest are designed to ensure compliance with the requirements of Section 19.1.

Some wording in the Administrative By-law Model is suggested, but not required. Other sections are recommended, but the final wording will be specific to individual authorities. Those sections are highlighted, with explanations included.

It is a goal of this Administrative By-law Model and Best Management Practices to ensure a high level of consistency among conservation authorities, with respect to governance. One way to increase this consistency, is for all conservation authorities to adopt Administrative By-laws and Best Management Practices that are based on a single model. Alternatively, individual authorities may develop and approve their own versions of these documents, as long as these versions are compliant with the *Act* and other relevant legislation. A checklist is included, in Section IV, to assist conservation authorities in ensuring that their Administrative By-law and Best Management Practices will comply with Section 19.1 of the *Act*.

3. Basis of Best Management Practices (BMP) and Administrative By-law

By-laws are considered a legal governing document. In the spirit of best management practices of transparency and accountability, the approach to the language and layout of the Administrative By-law Model is to ensure it is understandable to the general public.

All existing conservation authority by-laws received by Conservation Ontario in July and August 2017 were reviewed during the preparation of the Administrative By-law template. The Conservation Ontario Working Group provided additional input in order to prepare that draft for review by all conservation authorities.

Where municipal legislation conflicts with any part of this by-law (e.g. *Municipal Conflict of Interest Act* or the *Municipal Freedom of Information and Protection of Privacy Act* or a provision of a regulation made under one of those Acts), the provision of that Act or regulation prevails.

Along with the issues identified by the Working Group the following resources were used as reference to research and analyze best management practices:

- Existing conservation authorities By-laws/Members Guidebooks/Policy and Procedures received by Conservation Ontario:
 - Sault Ste. Marie Conservation Authority
 - Toronto Region Conservation Authority
 - Upper Thames River Conservation Authority

- Central Lake Ontario Conservation Authority
 - Essex Region Conservation Authority
 - Kawartha Region Conservation Authority
 - Hamilton Conservation Authority
 - Lower Thames Conservation Authority
 - Nottawasaga Conservation Authority
 - Saugeen Valley Conservation Authority
 - Catfish Creek Conservation Authority
 - Grand River Conservation Authority
- Provincial and other best management practices for board governance: *Ontario Not-for-Profit Corporations Act*, Ministry of Municipal Affairs, Association of Municipalities Ontario, Board of Health Governance Toolkit, other local boards under the Municipal Act, Ontario Ombudsman Municipal Meetings FAQ, Ontario Ombudsman investigations, British Columbia Integrity Office
 - Not for Profit best management practices for board governance: First Reference Policy Pro, Board Governance Classics, *Canada Not-for-Profit Corporations Act*
 - Ontario legislation:
 - *Conservation Authorities Act*;
 - *Municipal Act, Municipal Conflict of Interest Act*;
 - *Municipal Freedom of Information and Protection of Privacy Act*; and
 - *Accessibility for Ontarians with Disabilities Act*.

4. Legal Review and Finalization of the April 2018 version

Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017* came into force on December 12, 2017. Each conservation authority had until December of 2018 to have Section 19.1 compliant by-laws in place. Due to timing of the 2018 municipal elections (October 22, 2018), conservation authorities adopted their new By-laws in the late summer or fall of 2018, prior to a significant turnover in the membership.

The draft BMP and Administrative By-law Model was circulated to all 36 conservation authorities in November 2017 and amendments were made further to the comments received. It was presented to Conservation Ontario Council on December 11, 2017, and received endorsement in principle.

South Nation Conservation coordinated a legal review of the document in February 2018.

Ministry of Natural Resources and Forestry staff reviewed the document and sought feedback from the Ministry of Municipal Affairs and the Association of Municipalities of Ontario. The requested changes resulting from those discussions have been incorporated. A 'final' version of the BMP and Administrative By-law Model was forwarded to MNR staff on March 7, 2018 and minor edits (e.g. wording changes, elimination of duplication) were undertaken at their request on April 5, 2018. This final version was brought to the April 16, 2018 Conservation Ontario Council meeting for endorsement. Beginning in April 2018, training and assistance was made available to individual conservation authorities so they could adopt their own version of the BMPs and Administrative By-law in 2018.

Any information provided in this document, including the Administrative By-law Model, is not intended to be a substitute for legal advice. Individual conservation authorities are recommended to obtain an independent legal review of their by-laws before final General Membership approval.

5. Revisions/Updates to the By-Law

As Minister Directions are issued under 19.1 (7) (see V. *Copies of Minister's Directions under Section 19.1(7)*) and as governance-related amendments to the *Conservation Authorities Act* occur (see VI. *Summaries of Governance-related Amendments to the Conservation Authorities Act*), amendments will be made to the *Conservation Authority Best Management Practices (BMPs) and Administrative By-Law Model* to keep Section II. *Administrative By-Law Model* updated as an ongoing BMP for reference and documentation of major amendments.

II. Administrative By-Law

Introduction

The Lower Thames Valley Conservation Authority is a non-share corporation, established under Section 3 of the *Conservation Authorities Act*, with the objects to provide, in the area over which it has jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, coal and minerals.

Under the Act, municipalities within a common watershed are enabled to petition the province to establish a conservation authority. The purpose of the Act is to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario. The Authority is comprised of its Members, appointed as representatives by the following Participating Municipalities:

<i>Municipality of Chatham-Kent</i>	<i>Municipality of Dutton Dunwich</i>
<i>Municipality of Lakeshore</i>	<i>Municipality of Leamington</i>
<i>City of London</i>	<i>Municipality of Middlesex Centre</i>
<i>Municipality of Southwest Middlesex</i>	<i>Township of Southwold</i>
<i>Municipality of Strathroy-Caradoc</i>	<i>Municipality of West Elgin</i>

An additional member may be appointed to the authority by the Minister as a representative of the agricultural sector.

The Lower Thames Valley Conservation Authority Board of Directors approved the following statements to govern the activities of the Conservation Authority:

Vision – The LTVCA....for a balanced and healthy watershed

Mission – Leading by example in environmental protection in partnership with the community

Core Values: Respect, Integrity, Commitment, Objectivity, Collaborative

The Members of the Conservation Authority form the General Membership of the Conservation Authority. The Members are bound by the Act and other applicable legislation. The Authority must always act within the scope of its powers. As a non-share corporation, the Authority has the capacity and, subject to the Act and other applicable legislation, the rights, powers and privileges of a natural person. The powers of a conservation authority to accomplish its objects are set out in the Act, including those identified under subsection 21(1).

Powers of authorities

21 (1) For the purposes of accomplishing its objects, an authority has power,

(a) to research, study and investigate the watershed and to support the development and implementation of programs and services intended to further the purposes of this Act;

- (b) for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land, with the consent of the occupant or owner, and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary;
- (c) to acquire by purchase, lease or otherwise any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired;
- (d) despite subsection (2), to lease for a term of five years or less land acquired by the authority;
- (e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith;
- (f) to enter into agreements for the purchase of materials, employment of labour and other purposes as may be necessary for the due carrying out of any project or to further the authority's objects;
- (g) to enter into agreements with owners of private lands to facilitate the due carrying out of any project;
- (h) to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them;
- (i) to erect works and structures and create reservoirs by the construction of dams or otherwise;
- (j) to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof;
- (k) to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole;
- (l) to use lands that are owned or controlled by the authority for purposes, not inconsistent with its objects, as it considers proper;
- (m) to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof;
- (m.1) to charge fees for services approved by the Minister;
- (n) to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations and individuals;
- (o) to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose;

(p) REPEALED;

(q) generally to do all such acts as are necessary for the due carrying out of any project or as may be desirable to further the objects of the authority.

A. Definitions

“**Authority**” means the Lower Thames Valley Conservation Authority.

“**Act**” means the *Conservation Authorities Act*, R.S.O. 1990, chapter C.27.

“**Chair**” means the Chairperson as referenced in the Act as elected by the Members of the Authority.

“**Chief Administrative Officer**” means the General Manager or Chief Administrative Officer of the Authority, and which may, by resolution of the Authority, include the responsibilities of the Secretary-Treasurer if so designated by resolution of the Authority.

“**Fiscal Year**” means the period from January 1 through December 31.

“**General Membership**” means all of the Members, collectively.

“**Levy**” means the amount of costs apportioned to participating municipalities in accordance with the Act and Regulations under the Act.

“**Majority**” means half of the votes plus one.

“**Members**” shall mean the members appointed to the Authority by the participating municipalities in the Authority’s area of jurisdiction.

“**Minister**” means the Minister as defined in the Act.

“**Non-matching Levy**” means that portion of an Authority’s levy that meets the definition of non-matching levy as found in Ontario Regulation 139/96.

“**Officer**” means an officer of the Authority empowered to sign contracts, agreements and other documents on behalf of the Authority in accordance with section 19.1 of the Act, which shall include the Chair, Vice-Chair(s) the Chief Administrative Officer and the Secretary-Treasurer (or the CAO/Secretary-Treasurer, if applicable).

“**Participating Municipality**” means a municipality that is designated by or under the Act as a participating municipality in a conservation authority.

“**Pecuniary Interest**” includes the financial or material interests of a Member and the financial or material interests of a member of the Member’s immediate family.

“**Secretary-Treasurer**” means Secretary-Treasurer of the Authority with the roles specified in the Act.

“**Staff**” means employees of the Authority as provided for under Section 18(1) of the Act.

“**Vice-Chair**” means the Vice-Chairperson as elected by the Members of the Authority. If a first and second Vice-Chair are elected, they shall be called First Vice-Chair and Second Vice-Chair.

“**Weighted Majority**” means the votes of 51 per cent of those represented after the votes are weighted by the percentage that applies under Ontario Regulation 139/96 for Municipal Levies.

B. Governance

1. Members

a) *Appointments*

Participating Municipalities within the jurisdiction of the Lower Thames Valley Conservation Authority shall appoint Members in accordance with Section 14 of the Act. An additional agricultural sector representative may be appointed to the Authority by the Minister.

Appointed Members must reside in a Participating Municipality within the Authority's area of jurisdiction. Participating municipalities must ensure that at least 70 percent of its appointees are selected from among the members of the municipal council or apply to the Minister for permission to appoint less than this percent. Additional appointees may include citizens as well as an additional member who may be appointed by the Minister as a representative of the agricultural sector.

Collectively, the appointed Members comprise the Authority, and for the purposes of this by-law are also referred to as the General Membership.

b) *Term of Member Appointments*

In accordance with Section 14 of the Act, a Member shall be appointed for a term of up to four years at the discretion of the appointing municipal council; such term beginning at the first meeting of the Authority following their appointment and ending immediately before the first meeting of the Authority following the appointment of their replacement. The Secretary-Treasurer shall notify the appropriate municipality in advance of the expiration date of any Member's term, unless notified by the municipality of the Member's reappointment or the appointment of their replacement. A Member is eligible for reappointment. A Member can be replaced by a Participating Municipality at the municipality's discretion prior to the end of their term.

c) *Powers of the General Membership*

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:

- i. 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;
- ii. Appointing a Chief Administrative Officer and/or Secretary-Treasurer;
- iii. Terminating the services of the Chief Administrative Officer and/or Secretary-Treasurer;
- iv. Approving establishing and implementing regulations, policies and programs;
- v. Awarding contracts or agreements where the approval of the Authority is required under the Authority's purchasing policy;
- vi. Appointing an Executive Committee and delegate to the Committee any of its powers except:
 - i. The termination of the services of the Chief Administrative Officer and/or Secretary-Treasurer,
 - ii. The power to raise money, and

- iii. The power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the Authority;
- vii. Approving by resolution, any new capital project of the Authority;
- viii. Approving by resolution, the method of financing any new capital projects;
- ix. Approving details on budget allocations on any new or existing capital projects;
- x. Approving of the total budget for the ensuing year, and approving the levies to be paid by the Participating Municipalities;
- xi. Receiving and approving the Financial Statements and Report of the Auditor for the preceding year;
- xii. Authorizing the borrowing of funds on the promissory note of the Authority in accordance with subsection 3(5) of the Act;
- xiii. Approving by resolution, any proposed expropriation of land or disposition of land, subject to the requirements under the Act;
- xiv. Approving permits or refusing permission as may be required under any regulations made under Section 28 of the Act, including the delegation of this responsibility to the Chief Administrative Officer and other Authority staff consistent with Regulation 152/06;
- xv. Holding hearings required for the purpose of reviewing permit applications, and advising every applicant of their right to appeal the decision to the Minister through the Ontario Land Tribunal.

d) Member Accountability

Participating Municipalities appoint Members to the Authority as their representatives. Members have the responsibilities of Directors of the corporation that is the Authority. While the administration is responsible for the day-to-day operations, the General Membership is responsible for matters of governance, ensuring compliance with applicable legislation, and ensuring appropriate policies are in place and for financial soundness of the Authority.

All Members have the responsibility to be guided by and adhere to the Code of Conduct (Appendix 1) and Conflict of Interest Policy (Appendix 2), as adopted by the Authority.

Members are responsible for:

- i. Attending all meetings of the Authority;
- ii. Understanding the purpose, function and responsibilities of the authority;
- iii. Being familiar with the Authority's statutory and other legal obligations;
- iv. With the administration, setting strategic direction for the Authority.

e) Applicable Legislation

In addition to the Act, the Members are subject to other legislation including, but not limited to:

- *Municipal Conflict of Interest Act*
- *Municipal Freedom of Information and Protection of Privacy Act*

If any part of the by-law conflicts with any provision of the *Municipal Conflict of Interest Act* or the *Municipal Freedom of Information and Protection of Privacy Act* or a provision of a regulation made under one of those acts, the provision of that act or regulation prevails.

f) Relationship Between Members and Staff

The General Membership relies on the Chief Administrative Officer and/or Secretary-Treasurer to manage the operations of the organization, including all employees of the Authority. The Chief Administrative Officer and/or Secretary-Treasurer is accountable to the Authority, working cooperatively to achieve the goals established by the Authority.

The General Membership will ensure that a process exists for regular performance evaluations of the Chief Administrative Officer and/or Secretary-Treasurer.

2. Officers

The Officers of the Authority, and their respective responsibilities, shall be:

Chair

- Is a Member of the Authority;
- Presides at all meetings of the General Membership (and Executive Committee if applicable);
- Calls special meetings if necessary;
- Acts as a public spokesperson on behalf of the General Membership;
- Serves as signing officer for the Authority;
- Ensures relevant information and policies are brought to the Authority's attention;
- Keeps the General Membership apprised of significant issues in a timely fashion;
- Performs other duties when directed to do so by resolution of the Authority.

Vice-Chair(s)

- Is/are a Member(s) of the Authority;
- Attends all meetings of the Authority (and Executive Committee if applicable);
- Carries out assignments as requested by the Chair;
- Understands the responsibilities of the Chair and acts as Chair immediately upon the death, incapacity to act, absence or resignation of the Chair until such time as a new Chair is appointed or until the Chair resumes their duties;
- Serves as a signing officer for the Authority.

Chief Administrative Officer (CAO)

Responsibilities of the CAO as assigned by the Authority include, but are not limited to the following:

- Is an employee of the Authority;
- Attends all meetings of the General Membership (and Executive Committee if applicable) or designates an acting CAO if not available;
- Works in close collaboration with the Chair and Vice-Chair(s) and keeps them apprised of relevant information and significant issues in a timely fashion;
- Develops a strategic plan for approval by the General Membership and implements short and long-range goals and objectives;
- Is responsible for the management of the operations of the Authority, including all staff and programs of the Authority;
- Ensures resolutions of the Authority are implemented in a timely fashion;
- Develops and maintains effective relationships and ensures good communications with Participating Municipalities, federal and provincial government ministries/agencies, Indigenous communities, other conservation authorities, Conservation Ontario, stakeholders, community groups and associations;
- Serves as a signing officer for the Authority.

Secretary-Treasurer

- Is an employee of the Authority;
- Fulfills the requirements of the Secretary-Treasurer as defined in the Act;
- Attends all meetings of the General Membership (and Executive Committee, if applicable);
- Is the custodian of the Corporate Seal;
- Serves as a signing officer for the Authority.

CAO/Secretary-Treasurer

The duties of the Chief Administrative Officer and the Secretary-Treasurer have been combined and assigned to a single position, in which case the person is an Officer called the Chief Administrative Officer/Secretary-Treasurer.

3. Absence of Chair and Vice-Chair(s)

In the event of the absence of the Chair and Vice-Chair(s) from any meeting, the members shall appoint an Acting Chair who, for the purposes of that meeting has all the powers and shall perform all the duties of the Chair.

4. Maximum Term for Chair and Vice-Chair(s)

Both the Chair and Vice-Chair shall hold office for a term of one year, and shall serve for no more than two consecutive terms. Notwithstanding these terms, the Minister may grant permission (upon application by an Authority or a participating municipality) for a Chair or Vice-Chair to serve for a term of more than one year or to hold office from more than two consecutive terms.

5. Representatives to Conservation Ontario Council

The Authority shall appoint two Representatives by Resolution of the General Membership, these representatives being the Chair (Voting Delegate) and the Chief Administrative Officer / Secretary-Treasurer (alternate) at the Annual General Meeting of each year. The Authority may appoint up to three Representatives to Conservation Ontario Council ("Council"), designated as Voting Delegate and Alternate(s). Council will consist of the Voting Delegates appointed by each Member Conservation Authority. The Voting Delegate and Alternates shall be registered with Conservation Ontario annually.

6. Election of Chair and Vice-Chairs

The election of the Chair and one or more Vice-Chairs shall be at the Annual General Meeting of each year in accordance with the Authority's Procedures for Election of Officers (Appendix 3). Successors to the positions of Chair and Vice-Chair(s) shall be a Member from a different participating municipality from the incumbent. Upon application by an Authority or a participating municipality, the Minister may grant permission for a member who was appointed to the Authority by the same participating municipality that appointed the outgoing Chair or Vice-Chair to serve as Chair or Vice-Chair.

7. Appointment of Auditor

The General Membership shall appoint an auditor for the coming year at the Annual General Meeting of each year in accordance with Section 38 of the Act.

8. Appointment of Financial Institution

The General Membership shall appoint a financial institution to act as the Authority's banker by Resolution at the Annual General Meeting of each year.

9. Appointment of Solicitor

The General Membership shall appoint a solicitor(s) to act as the Authority's legal counsel by Resolution at the Annual General Meeting of each year.

10. Financial Statements and Report of the Auditor

The Authority's accounts and transactions will be audited annually by a person licensed under the *Public Accounting Act, 2004* and shall ensure that the annual audit is prepared in accordance with generally accepted accounting principles for local governments recommended by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada.

The General Membership shall receive and approve the Audited Financial Statements and Report of the Auditor annually for the previous year at the Annual General Meeting of each year.

The Authority shall forward copies of the Audited Financial Statements and Report of the Auditor to Participating Municipalities and the Minister in accordance with Section 38 of the Act and will make the Audited Financial Statements available to the public on the Authority's website within sixty (60) days of receiving the Auditor's Report.

11. Borrowing Resolution

If required, the Authority shall establish a borrowing resolution by March 31 of each year and such resolution shall be in force until it is superseded by another borrowing resolution.

12. Levy Notice

The levy due to the Authority from participating municipalities shall be communicated to those municipalities in accordance with the Act and any applicable Regulations.

13. Signing Officers

All deeds, transfers, assignments, contracts, and obligations entered into by the Authority shall be signed by the signing officers of the Authority, as follows:

- a) The signing officers of the Authority, except as otherwise prescribed for financial transactions, shall be the Chair or Vice Chair(s), and the Chief Administrative Officer/Secretary-Treasurer.
- b) All deeds, transfers, assignments, contracts, and obligations entered into by the Authority with a total value of greater than \$50,000 must be signed by the Chair or the Vice Chair and the Chief Administrative Officer/Secretary-Treasurer. These officers are empowered to sign such documents as are necessary for works approved by the Authority and authorized by the Executive Committee or the Board of Directors.
- c) All deeds, transfers, assignments, contracts, and obligations entered into by the Authority with a total value of less than or equal to \$50,000 must be signed by the Chief Administrative Officer/Secretary-Treasurer.
- d) For the above purposes, the signing officers are empowered to arrange for the borrowing of the funds necessary for approved projects and programs of the Authority.

Signing authority that was authorized by any previous Administration Regulation or By-law is superseded by this by-law.

14. Executive Committee

The Authority may appoint an Executive Committee at the first meeting of the General Membership each year in accordance with Section 19 of the Act and Section 1(c)(vi) of this by-law.

15. Advisory Boards and Other Committees

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.

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.

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 dates of all advisory board and committee meetings shall be made available to all Members of the Authority.

16. Remuneration of Members

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.

The Authority shall reimburse Members' reasonable travel expenses incurred for the purpose of attending meetings and/or functions on behalf of the Authority. A per-kilometre rate to be paid for use of a personal vehicle shall be approved by Resolution of the General Membership from time-to-time. Requests for such reimbursements shall be submitted within a timely fashion and shall be consistent with Canada Revenue Agency guidelines.

17. Records Retention

The Authority shall keep full and accurate records including, but not limited to:

- i. Minutes of all meetings of the Authority, including registries of statements of interests in accordance with the *Municipal Conflict of Interest Act*;
- ii. Assets, liabilities, receipts and disbursements of the Authority and Financial Statements and Reports of the Auditors;
- iii. Human Resources Files for all employees and Members as applicable;
- iv. Workplace Health and Safety documents including workplace inspections, workplace accidents, investigations, etc.;
- v. Electronic Communications including emails;
- vi. Contracts and Agreements entered into by the Authority;
- vii. Strategic Plans and other documents providing organizational direction;
- viii. Projects of the Authority;
- ix. Technical Studies and data gathered in support of Programs of the Authority;
- x. Legal Proceedings involving the Authority;
- xi. Incidents of personal injury or property damage involving the Authority and members of the public.

Such records shall be retained and protected in accordance with all applicable laws and the Records Retention Policy of the Authority as approved by the General Membership from time-to-time.

18. Records Available to Public

Records of the Authority shall be made available to the public, subject to requirements of the *Municipal Freedom of Information and Protection of Personal Privacy Act* (MFIPPA).

The Authority shall designate a Member or a committee of Members to act as head of the Authority for the purposes of MFIPPA.

19. By-law Review

In accordance with the Act, these by-laws shall be reviewed by the Authority to ensure the by-laws are in compliance with the Act and any other relevant law. The General Membership shall review the by-laws on a regular basis to ensure best management practices in governance are being followed. The minimum number of years for such review will be five years or as needed to address any changes to the Act.

20. By-law Available to Public

In accordance with the Act, the Authority shall make its by-laws available to the public on the Authority's website. By-laws shall also be available for review by any member of the public at the Authority's administration centre or provided in alternative formats, in accordance with the *Accessibility for Ontarians with Disabilities Act*, if requested by interested parties.

21. Enforcement of By-laws and Policies

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 *Municipal Conflict of Interest Act*. The procedure includes, but is not limited to:

- an investigation will be conducted regarding the alleged breach;
- an opportunity will be provided to the affected member to respond to the allegation;
- the findings of the investigation and the affected member's response will be communicated to the General Membership in a closed meeting;
- the appointing municipality shall be notified of the outcome of the investigation.

The Executive Committee is responsible for undertaking enforcement or determining if it should be undertaken by an independent third party (e.g. Municipal Integrity Commissioner).

22. Indemnification of Members, Officers and Employees

The Authority shall maintain a liability insurance policy for Directors and Officers. The Authority undertakes and agrees to indemnify and save harmless its Members, Officers and Employees and their heirs and legal representatives, respectively, from and against all costs, charges and expenses, including all amounts paid to settle an action or satisfy any judgement, reasonably incurred by any such Member, Officer or Employee in respect of any civil, criminal or administrative action or proceeding to which any such Member, Officer or Employee is made a party by reason of being a Member, Officer or Employee of the Authority (except in respect of an action by or on behalf of the Authority to procure a judgment in its favour) if;

- such Member, Officer or Employee acted honestly, in good faith with a view to the best interests of the Authority and within the scope of such Member's, Officer's or Employee's duties and responsibilities, and,
- in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty that such Member, Officer or Employee had reasonable grounds for believing that the conduct was lawful.

C. Meeting Procedures

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. When the Authority or Executive Committee, as the case may be, are sitting as a Hearing Board, hearings will meet the requirements of the *Statutory Powers and Procedures Act SPPA*, the details of which are specified in the CA's Hearing Procedures which is based upon "Section 28(3) *Conservation Authorities Act* Hearing Guidelines" (CO/MNRF, 2005 as amended by CO 2018 and 2020), and including any future amendments).

1.A. Rules of Procedure

In all matters of procedure not specifically dealt with under the Act and this By-law, the current edition of Robert's Rules of Order, Bourinot's Rules of Order or other generally accepted rules of procedure shall be binding.

The Authority may choose to conduct its business as a committee of the whole.

1.B. Declared State of Emergency

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*.

- that may prevent the General Membership from meeting in person, a Member may participate in meetings electronically and shall have the ability to:
 - a. register a vote;
 - b. be counted towards determining quorum; and
 - c. participate in meetings closed to the public.
- that may prevent the General Membership from meeting in person, any date or timeline requirement established under any Section in this By-law shall be postponed until such time as the General Membership can reasonably address the issue.
- the Authority shall implement best practices to make meetings of the Authority open to the public in accordance with Subsection 15(3) of the Act. Where possible, the Authority will provide for alternative means for the public to participate in meetings electronically.
- that may prevent the General Membership from meeting in person, any hearing or appeal dealt with in this By-law may be conducted electronically with provisions for applicants and their agents to participate if the Authority decides to hold any such hearing or appeal.

2. Notice of Meeting

The General Membership shall approve a schedule for regular meetings in advance. The Secretary-Treasurer shall send Notice of regular meetings to all Members at least five calendar days in advance of a meeting. Notice of all regular or special meetings of the General Membership or its committees shall be made available to the public as soon as possible after its delivery to the General Membership.

Notice of any meeting shall indicate the time and place of that meeting and the agenda for the meeting.

All material and correspondence to be dealt with by the Authority at a meeting will be submitted to the Secretary-Treasurer in advance of the meeting where it is to be dealt with. This shall be at least 14 days prior to the meeting, if it is to be included in the published agenda, or 4 days if it is to be introduced at the meeting.

The chair may, at their discretion, call a special meeting of the Authority as necessary on five calendar days' notice in writing or email. That notice shall state the business of the special meeting and only that business shall be considered at that special meeting. Any member, with 50% support of the other members, may also request the Chair to call a meeting of the Authority and the Chair will not refuse.

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 12 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.

The Chair or the Secretary-Treasurer may, if it appears that a storm or like occurrence will prevent the members from attending a meeting, postpone that meeting by advising as many members as can be reached or, if warranted, hold the meeting electronically provided quorum and public attendance can be met. Postponement shall not be for any longer than the next regularly scheduled meeting date.

3. Meetings Open to Public

All meetings of the General Membership and Executive Committee, if applicable, shall be open to the public.

A meeting or part of a meeting may be closed to the public if the subject matter being considered is identified in the closed meeting section of the Agenda and the subject matter meets the criteria for a closed meeting as defined in this by-law.

4. Agenda for Meetings

Authority staff, under the supervision of the Secretary-Treasurer, shall prepare an agenda for all regular meetings of the Authority that shall include, but not necessarily be limited to, the following headings:

1. First Nations Acknowledgement
2. Call to Order
3. Adoption of Agenda
4. Disclosure of Conflicts of Interest
5. Approval of Previous Meeting Minutes
6. Business Arising from the Minutes
7. Presentations
8. New Business
9. Business for Approval
10. Business for Information
11. Correspondence
12. Other Business
13. Adjournment

The agenda for special meetings of the Authority shall be prepared as directed by the Chair.

Agendas for meetings shall be forwarded to all Members at least five calendar days in advance of the meeting. Such agendas shall be made available to the public on the Authority's website at the same time, unless the meeting is closed to the public in accordance with this by-law. Such agendas shall also be available in alternative formats, in accordance with the *Accessibility for Ontarians with Disabilities Act*, if requested by interested parties.

5. Quorum

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.

If there is no quorum within one half hour after the time appointed for the meeting, the Chair for the meeting shall declare the meeting adjourned due to a lack of a quorum, or shall recess until quorum arrives, and the recording secretary shall record the names of the Members present and absent.

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. 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.

Where the number of Members who are disabled from participating in a meeting due to the declaration of a conflict of interest is such that at that meeting the remaining Members are not of sufficient number to constitute a quorum, the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two.

6. Order of Business

The business of the Authority shall be taken up in the order in which it stands on the agenda unless otherwise decided by a majority of those Members present.

No Member shall present any matter to the Authority for its consideration unless the matter appears on the agenda for the meeting of the Authority or leave is granted to present the matter by the affirmative vote of a majority of the Members present.

7. Debate

The Authority shall observe the following procedures for discussion/debate on any matter coming before it:

- a) A Member shall be recognized by the Chair prior to speaking;
- b) Where two or more Members rise to speak, the Chair shall designate the Member who has the floor, who shall be the Member who in the opinion of the Chair was first recognized;
- c) All questions and points of discussion shall be directed through the Chair;
- d) Where a motion is presented, it shall be moved and seconded before debate;
- e) No Member shall speak more than once to the same question without leave from the Chair, except in explanation of a material part of the speech;
- f) No Member shall speak more than 10 minutes without leave of the Chair;

- g) Any Member may ask a question of the previous speaker through the Chair;
- h) The Member who has presented a motion, other than a motion to amend or dispose of a motion, may speak again to the motion immediately before the Chair puts the motion to a vote;
- i) When a motion is under debate, no motion shall be received other than a motion to amend, to defer action, to refer the question, to take a vote, to adjourn, or to extend the hour of closing the proceedings;
- j) When a motion is under consideration, only one amendment is permitted at a time.

8. Matters of Precedence

The following matters shall have precedence over the usual order of business:

- a) a point of order;
- b) matter of privilege;
- c) a matter of clarification;
- d) a motion to suspend a rule of procedure or to request compliance with the rules of procedure;
- e) a motion that the question be put to a vote;
- f) a motion to adjourn.

9. Members' Attendance

The Authority shall provide a listing of Members' attendance at scheduled meetings of the Authority to the Participating Municipalities at least annually.

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.

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.

The Members shall prepare a procedure for reporting excessive absences by a member to the appointing Municipality.

10. Electronic Meetings and Participation

Electronic meetings are permitted and must follow/accommodate all of Section C. Meeting Procedures identified in this by-law, or in the case of Hearings, the CA's Hearing Procedures which is based upon the "Section 28(3) *Conservation Authorities Act* Hearing Guidelines" (CO/MNRF, 2005 as amended by CO 2018 and 2020), and including any future amendments.

A Member can participate electronically in a meeting that is open or closed to the public and in either case may be counted in determining whether or not a quorum of members is present at any point in time. Electronic meetings must permit all participants to communicate adequately with each other during the meeting. For open electronic meetings, the public must be able to attend the meeting electronically and be able to observe all that Members can hear and see at the meeting.

11. Delegations

Any person or organization who wishes to address the Authority may make a request in writing or email to the Secretary-Treasurer. The request should include a brief statement of the issue or matter involved and indicate the name of the proposed speaker(s). If such request is received 14 days in advance of a scheduled meeting, the delegation shall be listed on the published agenda.

Any person or organization requesting an opportunity to address the Authority, but not having made a written request to do so in the timelines specified above, may appear before the meeting if approved by two thirds of Members present, or shall be listed on the published agenda for the following meeting.

Except by leave of the Chair or appeal by the leave of the meeting, delegations shall be limited to one (1) speaker for not more than 10 minutes.

Speakers will be requested not to repeat what has been said by previous speakers at the meeting. A returning delegation will only be allowed to speak again if new, relevant information has become available since their previous presentation. The Chair may choose to end a returning delegation's presentation if, in the opinion of the Chair, the new information being presented is not relevant to a decision facing the General Membership.

12. Annual Meeting

The Authority shall designate one meeting of the General Membership each year as the annual meeting. The Annual Meeting shall occur prior to March 1 of the year and shall include the following items on the agenda, in addition to the normal course of business items:

- i. introduction of new members,
- ii. the election of the chair,
- iii. the election of the vice-chair
- iv. the election of the Executive Committee of the Authority
- v. the election and appointment of members to committees of the Authority
- vi. the appointment of Authority representative to Conservation Ontario Council
- vii. the presentation of the auditors report for the preceding year
- viii. the appointment of the auditor for the upcoming year
- ix. the appointment of solicitor(s)
- x. the appointment of financial institution(s)
- xi. approval of members per diem and mileage rates
- xii. approval of the current year meeting times and dates
- xiii. the adoption of the current year's budget

13. Meetings with Closed "In Camera" Sessions

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.

Meetings may be closed to the public if the subject matter being considered relates to:

- a) The security of the property of the Authority;
- b) Personal matters about an identifiable individual, including employees of the Authority;
- c) A proposed or pending acquisition or disposition of land by the Authority;
- d) Labour relations or employee negotiations;
- e) Litigation or potential litigation, including matters before administrative tribunals (e.g. Ontario Land Tribunal), affecting the Authority;

- f) Advice that is subject to solicitor-client privilege;
- g) A matter in respect of which the General Membership, Executive Committee, Advisory Board or committee or other body may hold a closed meeting under another act;
- h) Information explicitly supplied in confidence to the Authority by Canada, a province or territory or a Crown agency of any of them;
- i) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Authority, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) A trade secret or scientific, technical, commercial or financial information that belongs to the Authority and has monetary value or potential monetary value; or
- k) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Authority.

The Authority shall close a meeting if the subject matter relates to the consideration of a request under MFIPPA, and the Authority is the head of an institution for the purposes of MFIPPA.

Before holding a meeting or part of a meeting that is to be closed to the public, the Members shall state by resolution during the open session of the meeting that there will be a meeting closed to the public and the general nature of the matter to be considered at the closed meeting. Once matters have been dealt with in a closed meeting, the General Membership shall reconvene in an open session.

The General Membership shall not vote during a meeting that is closed to the public, unless:

- a) the meeting meets the criteria outlined in this by-law to be closed to the public; and
- b) the vote is for a procedural matter or for giving directions or instructions to Officers, employees or agents of Authority.

Any materials presented to the General Membership during a closed meeting shall be returned to the Secretary-Treasurer prior to departing from the meeting and shall be treated in accordance with the Authority's procedures for handling confidential material.

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(s).

14. Voting

In accordance with Section 16 of the Act:

- a) each Member is entitled to one vote,
- b) a majority vote of the Members present at any meeting is required upon all matters coming before the meeting, and
- c) the Chair is entitled to one vote.

Where a member has been appointed by the Minister as a representative of the agricultural sector, the member shall not vote on: a resolution to enlarge an authority's area of jurisdiction; a resolution to amalgamate the Authority with another conservation authority; a resolution to dissolve the Authority; or, a resolution related to any budgetary matter.

If any Member who is qualified to vote abstains from voting, they shall be deemed to have voted neither in favour nor opposed to the question, which will not alter the number of votes required for a majority.

On a tie vote, the motion is lost.

Interrelated motions shall be voted on in the order specified in Robert's Rules of Order, Bourinot's Rules of Order or other generally accepted rules of procedure.

Unless a Member requests a recorded vote, a vote shall be by a show of hands or such other means as the Chair may call. No question shall be voted upon more than once at any meeting, unless a recorded vote is requested.

If a member present at a meeting at the time of the vote requests immediately before or after the taking of the vote that the vote be recorded, each member present taken by alphabetical surname with the Chair voting last, except a member who is disqualified from voting by any Act, shall announce their vote openly answering "yes" or "no" to the question, and the Secretary-Treasurer shall record each vote.

At the meeting of the Authority at which the Non-Matching Levy is to be approved, the Secretary-Treasurer shall conduct the vote to approve the Non-Matching Levy by a Weighted Majority of the Members present and eligible to vote, in accordance with Ontario Regulation 139/96.

Where a question under consideration contains more than one item, upon the request of any Member, a vote upon each item shall be taken separately.

Except as provided in Section B, Paragraph 6 of this By-law (Election of Chair and Vice-Chair), no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

15. Notice of Motion

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 seven business days prior to the date and time of the meeting and 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.

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.

Recommendations included in staff reports 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.

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 a 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 a majority of the members of the Authority present.

16. Motion to Reconsider

If a motion is made to reconsider a previous motion, a two-thirds majority vote shall be required in order for reconsideration to take place. If a motion to reconsider is passed, the original motion shall then be placed on the agenda at a future meeting to be debated and voted upon, and the result of that vote, based on a simple majority, shall supersede.

17. Duties of the Meeting Chair

It shall be the duty of the Chair, with respect to any meetings over which they preside, to:

- a) Preserve order and decide all questions of order, subject to appeal; and without argument or comment, state the rule applicable to any point of order if called upon to do so;
- b) Ensure that the public in attendance does not in any way interfere or disrupt the proceedings of the Members;
- c) Receive and submit to a vote all motions presented by the Members, which do not contravene the rules of order or regulations of the Authority;
- d) Announce the results of the vote on any motions so presented;
- e) Adjourn the meeting when business is concluded.

18. Conduct of Members

Members shall maintain a high standard for conduct and at all times comply with applicable laws and the Authority's Code of Conduct (Appendix 1).

No Member at any meeting of the Authority shall:

- a) Speak in a manner that is discriminatory and/or derogatory in nature based on an individual's race, ancestry, place of origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability;
- b) Leave their seat or make any noise or disturbance while a vote is being taken or until the result is declared;
- c) Interrupt a Member while speaking, except to raise a point of order or a question of privilege;
- d) Speak disrespectfully or use offensive words against the Authority, the Members, staff, or any member of the public;
- e) Speak beyond the question(s) under debate;
- f) Resist the rules of order or disobey the decision of the Chair on the questions or order or practices or upon the interpretation of the By-laws.

19. Minutes of Meetings

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.

If a recording secretary is not present in a closed session, the Secretary-Treasurer shall take notes of any direction provided, for endorsement by the Chair and Vice-Chair.

Minutes of all meetings shall include the time and place of the meeting and a list of those present and shall state all motions presented together with the mover and seconder and voting results.

The Secretary-Treasurer or designate shall include draft minutes of the previous meeting available to each member of the Authority at the same time as agendas for the next meeting are distributed.

After the minutes have been approved by resolution, original copies shall be signed by the Secretary-Treasurer and the Chair, and copies of all non-confidential minutes shall be posted on the Authority's website.

Minutes shall be made available for review on the Authority's website within 30 days of the meeting. Minutes shall be made available in alternative formats, in accordance with the *Accessibility for Ontarians with Disabilities Act*, if requested by interested parties.

D. Approval of By-law and Revocation of Previous By-law(s)

By-law number 2018-01 is hereby repealed;

By-law number 2023-02 shall come into force on the ___ day of _____, 2023.

READ A FIRST TIME

February 23, 2023
Date

READ A SECOND TIME

Date

READ A THIRD TIME AND FINALLY PASSED

Date

Signed:

Chair _____

CAO / Secretary-Treasurer _____
Mark Peacock, P. Eng.

E. Appendices to the Administrative By-law

Appendix 1 - Code of Conduct

1. Background

The Lower Thames Valley Conservation Authority demands a high level of integrity and ethical conduct from its General Membership. The Authority's reputation has relied upon the good judgement of individual Members. A written Code of Conduct helps to ensure that all Members share a common basis for acceptable conduct. Formalized standards help to provide a reference guide and a supplement to legislative parameters within which Members must operate. Further, they enhance public confidence that Members operate from a base of integrity, justice and courtesy.

The Code of Conduct is a general standard. It augments the laws which govern the behaviour of Members, and it is not intended to replace personal ethics.

This Code of Conduct will also assist Members in dealing with confronting situations not adequately addressed or that may be ambiguous in Authority resolutions, regulations, or policies and procedures.

2. General

All Members, whether municipal councillors or appointed representatives of a municipality, are expected to conduct themselves in a manner that reflects positively on the Authority.

All Members shall serve in a conscientious and diligent manner. No Member shall use the influence of office for any purpose other than for the exercise of their official duties.

It is expected that Members adhere to a code of conduct that:

- i. upholds the mandate, vision, mission and values of the Authority;
- ii. considers the Authority's jurisdiction in its entirety, including their appointing municipality;
- iii. respects confidentiality;
- iv. approaches all Authority issues with an open mind, with consideration for the organization as a whole;
- v. exercises the powers of a Member when acting in a meeting of the Authority;
- vi. respects the democratic process and respects decisions of the General Membership, Executive Committee, Advisory Boards and other committees;
- vii. declares any direct or indirect pecuniary interest or conflict of interest when one exists or may exist; and
- viii. conducts oneself in a manner which reflects respect and professional courtesy and does not use offensive language in or against the Authority or against any Member or any Authority staff.

3. Gifts and Benefits

Members shall not accept fees, gifts, hospitality or personal benefits that are connected directly or indirectly with the performance of duties, except compensation authorized by law.

4. Confidentiality

The members shall be governed at all times by the provisions of the *Municipal Freedom and Information and Protection of Privacy Act*.

All information, documentation or deliberations received, reviewed, or taken in a closed meeting are confidential.

Members shall not disclose or release by any means to any member of the public, either in verbal or written form, any confidential information acquired by virtue of their office, except when required by law to do so.

Members shall not permit any persons, other than those who are entitled thereto, to have access to information which is confidential.

In the instance where a member vacates their position on the General Membership they will continue to be bound by MFIPPA requirements.

Particular care should be exercised in protecting information such as the following:

- i. Human Resources matters;
- ii. Information about suppliers provided for evaluation that might be useful to other suppliers;
- iii. Matters relating to the legal affairs of the Authority;
- iv. Information provided in confidence from an Aboriginal community, or a record that if released could reasonably be expected to prejudice the conduct of relations between an Aboriginal community and the Authority;
- v. Sources of complaints where the identity of the complainant is given in confidence;
- vi. Items under negotiation;
- vii. Schedules of prices in tenders or requests for proposals;
- viii. Appraised or estimated values with respect to the Authority's proposed property acquisitions or dispositions;
- ix. Information deemed to be "personal information" under MFIPPA.

The list above is provided for example and is not exhaustive.

5. Use of Authority Property

No Member shall use for personal purposes any Authority property, equipment, supplies, or services of consequence other than for purposes connected with the discharge of Authority duties or associated community activities of which the Authority has been advised.

6. Work of a Political Nature

No Member shall use Authority facilities, services or property for their election or re-election campaign to any position or office within the Authority or otherwise.

7. Conduct at Authority Meetings

During meetings of the Authority, Members shall conduct themselves with decorum. Respect for delegations and for fellow Members requires that all Members show courtesy and not distract from the business of the Authority during presentations and when others have the floor.

8. Influence on Staff

Members shall be respectful of the fact that staff work for the Authority as a whole and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence.

9. Business Relations

No Member shall borrow money from any person who regularly does business with the Authority unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No Member shall act as a paid agent before the Authority, the Executive Committee or an advisory board or committee of the Authority, except in compliance with the terms of the *Municipal Conflict of Interest Act*.

10. Encouragement of Respect for the Authority and its Regulations

Members shall represent the Authority in a respectful way and encourage public respect for the Authority and its Regulations.

11. Harassment

It is the policy of the Authority that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment. Harassment of another Member, staff or any member of the public is misconduct. Members shall follow the Authority's Harassment Policy as approved from time-to-time.

Examples of harassment that will not be tolerated include, but is not limited to: verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts related to an individual's race, religious beliefs, colour, gender, physical or mental disabilities, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation. The Authority will also not tolerate the display of pornographic, racist or offensive signs or images; practical jokes that result in awkwardness or embarrassment; unwelcome invitations or requests, whether indirect or explicit and any other prohibited grounds under the provisions of the *Ontario Human Rights Code*.

12. Breach of Code of Conduct

Should a Member breach the Code of Conduct, they shall advise the Chair and Vice-Chair(s), with a copy to the Secretary-Treasurer, as soon as possible after the breach.

Should a Member allege that another Member has breached the Code of Conduct, the said breach shall be communicated to the Chair, with a copy to the Secretary-Treasurer, in writing. In the absence of the Chair, or if a Member alleges that the Chair has breached the Code of Conduct, the said breach shall be communicated to the Vice-Chair(s), with a copy to the Secretary-Treasurer, in writing.

Should a member of the public or a municipality allege that a Member has breached the Code of Conduct, the party making the allegation will be directed to follow the notification procedure outlined above.

Any breach, or alleged breach, of the Code of Conduct shall be investigated in accordance with the Enforcement of By-laws and Policies procedure referred to in the Authority's Administrative By-law.

Appendix 2 - Conflict of Interest

1. *Municipal Conflict of Interest Act*

The Authority Members commit themselves and the Authority to ethical, businesslike, and lawful conduct when acting as the General Membership. The Authority is bound by the *Municipal Conflict of Interest Act*. This by-law is intended to assist Members in understanding their obligations. Members are required to review the *Municipal Conflict of Interest Act* on a regular basis.

2. *Disclosure of Pecuniary Interest*

Where a Member, either on their own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Authority, Executive Committee, Advisory Board or committee at which the matter is the subject of consideration, the Member:

- a) shall, prior to any consideration of the matter at the meeting, disclose the pecuniary interest and the general nature thereof;
- b) shall not take part in the discussion of, or vote on any question in respect of the matter; and,
- c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

3. *Chair's Conflict of Interest or Pecuniary Interest*

Where the Chair of a meeting discloses a conflict of interest with respect to a matter under consideration at a meeting, another Member shall be appointed to chair that portion of the meeting by Resolution.

4. *Closed Meetings*

Where a meeting is not open to the public, a Member who has declared a conflict of interest shall leave the meeting for the part of the meeting during which the matter is under consideration.

5. *Member Absent*

Where the interest of a Member has not been disclosed by reason of their absence from the particular meeting, the Member shall disclose their interest and otherwise comply at the first meeting of the Authority, Executive Committee, Advisory Board or Committee, as the case may be, attended by them after the particular meeting.

6. *Disclosure Recorded in Minutes*

The recording secretary shall record in reasonable detail the particulars of any disclosure of conflict of interest or pecuniary interest made by Members and whether the Member withdrew from the discussion of the matter. Such record shall appear in the minutes/notes of that particular meeting of the General Membership, Executive Committee, advisory board or committee, as the case may be.

7. *Breach of Conflict of Interest Policy*

Should a Member breach the Conflict of Interest Policy, they shall advise the Chair and Vice-Chair(s), with a copy to the Secretary-Treasurer, as soon as possible after the breach.

Should a Member allege that another Member has breached the Conflict of Interest Policy, the said breach shall be communicated to the Chair, with a copy to the Secretary-Treasurer, in writing. In the absence of the Chair, or if a Member alleges that the Chair has

breached the Conflict of Interest Policy, the said breach shall be communicated to the Vice-Chair(s), with a copy to the Secretary-Treasurer, in writing.

Should a member of the public or a municipality allege that a Member has breached the Conflict of Interest Policy, the party making the allegation will be directed to follow the notification procedure outlined above.

Any breach, or alleged breach, of the Conflict of Interest Policy 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.

Appendix 3 - Procedure for Election of Officers

1. Voting

Voting shall be by secret ballot and no Members may vote by proxy.

2. Acting Chair

The General Membership shall appoint a person, who is not a voting Member, as Acting Chair or Returning Officer, for the purpose of Election of Officers.

3. Scrutineer(s)

The appointment of one or more scrutineers is required for the purpose of counting ballots, should an election be required. All ballots shall be destroyed by the scrutineers afterwards. The Acting Chair shall call a motion for the appointment of one or more persons, who are not Members or employees of the Authority, to act as scrutineers. A Member, who will not stand for election, may be appointed as an additional scrutineer if requested.

4. Election Procedures

The Acting Chair shall advise the Members that the election will be conducted in accordance with the Act as follows:

- a) The elections shall be conducted in the following order:
 - i. Election of the Chair, who shall be a Member of the Authority,
 - ii. Election of one or more Vice-Chairs, who shall be Members of the Authority;
- b) The Acting Chair shall ask for nominations to each position;
- c) Only current Members of the Authority who are present may vote;
- d) Nominations shall be called three (3) times and will only require a mover;
- e) The closing of nominations shall require both a mover and a seconder;
- f) Each Member nominated shall be asked to accept the nomination. The Member must be present to accept the nomination unless the Member has advised the Secretary-Treasurer in writing or by email in advance of the election of their willingness to accept the nomination;

If one Nominee:

- g) If only one nominee, the individual shall be declared into the position by acclamation;

If More than One Nominee:

- h) In the event of an election, each nominee shall be permitted not more than three (3) minutes to speak for the office, in the order of the alphabetical listing by surnames;
- i) Upon the acceptance by nominees to stand for election to the position of office, ballots shall be distributed to the Members by the scrutineers for the purpose of election and the Acting Chair shall ask the Members to write the name of one individual only on the ballot;
- j) The scrutineers shall collect the ballots, leave the meeting to count the ballots, return and advise the Acting Chair who was elected with more than 50% of the vote.

A majority vote shall be required for election. If there are more than two nominees, and upon the first vote no nominee receives the majority required for election, the name of the person with the least number of votes shall be removed from further consideration for the office and new ballots shall be distributed. In the case of a vote where no nominee receives the majority required for election and where two or more nominees are tied with the least number of votes, a special vote shall be taken to decide which one of such tied nominees' names shall be dropped from the list of names to be voted on in the next vote.

Should there be a tie vote between two remaining candidates, new ballots shall be distributed and a second vote held. Should there still be a tie after the second ballot a third vote shall be held. Should there be a tie after the third vote, the election of the office shall be decided by lot drawn by the Acting Chair or designate.

III. Checklist for compliance with Section 19.1

Proposed Conservation Authorities Act Section 19.1(1) An authority may make by-laws:	Template By-law
(a) respecting the meetings to be held by the authority, including providing for the calling of the meetings and the procedures to be followed at meetings, specifying which meetings, if any, may be closed to the public;	<u>Part II Administrative By-law, Section C – Meeting Procedures</u> 1. Rules of Procedure 2. Notice of Meeting 13. Meetings with Closed “In Camera” Sessions
(b) prescribing the powers and duties of the secretary-treasurer;	<u>Part II Administrative By-law, Section B – Governance</u> 2. Officers
(c) designating and empowering officers to sign contracts, agreements and other documents on behalf of the authority;	<u>Part II Administrative By-law, Section B – Governance</u> 1(c) Powers of the General Membership 2. Officers 13. Signing Officers
(d) delegating all or any of its powers to the executive committee except, i. the termination of the services of the CAO/secretary-treasurer, ii. the power to raise money, and iii. the power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the authority;	<u>Part II Administrative By-law, Section B – Governance</u> 1(c) Powers of the General Membership 2. Officers
(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;	<u>Part II Administrative By-law, Section B – Governance</u> 1(c) Powers of the General Membership 14. Executive Committee 15. Advisory Boards and Other Committees
(f) respecting the roles and responsibilities of the members of the authority and of its officers and senior staff;	<u>Part II Administrative By-law, Section B – Governance</u> 1. Members 2. Officers
(g) requiring accountability and transparency in the administration of the authority including, (i) providing for the retention of records specified in the by-laws and for making the records available to the public,	<u>Part II Administrative By-law, Section C – Meeting Procedures</u> 3. Meetings Open to Public <u>Part II Administrative By-law, Section B – Governance</u> 17. Records Retention 18. Records Available to Public

Proposed Conservation Authorities Act Section 19.1(1) An authority may make by-laws:	Template By-law
(ii) establishing a code of conduct for the members of the authority, and	Appendix 1 – Code of Conduct
(iii) adopting conflict of interest guidelines for the members of the authority;	Appendix 2 - Conflict of Interest
(h) respecting the management of the authority's financial affairs, including auditing and reporting on the authority's finances;	Part II Administrative By-law, Section B – Governance 10. Financial Statements and Report of the Auditor
(i) respecting the by-law review required under subsection (3) and providing for the frequency of the reviews; and	Part II Administrative By-law, Section B – Governance 19. By-law Review
(j) respecting such other matters as may be prescribed by regulation.	To be developed as required

Proposed Conservation Authorities Act Sections 19.1 (2), (3) and (4)	Template By-law
Conflict with other laws (2) If a by-law made by an authority conflicts with any provision of the Municipal Conflict of Interest Act or the Municipal Freedom of Information and Protection of Privacy Act or a provision of a regulation made under one of those Acts, the provision of the Act or regulation prevails.	Part II Administrative By-law, Section B – Governance 1(e) Applicable Legislation
Periodic review of by-laws (3) At such regular intervals as may be determined by by-law, an authority shall undertake a review of all of its by-laws to ensure, amongst other things, that the by-laws are in compliance with any Act referred to in subsection (2) or any other relevant law.	Part II Administrative By-law, Section B – Governance 19. By-law Review
By-laws available to public (4) An authority shall make its by-laws available to the public in the manner it considers appropriate.	Part II Administrative By-law, Section B – Governance 20. By-law Available to Public

IV. Copies of Minister's Directions under Section 19.1(7)

Ministry of the Environment,
Conservation and Parks

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

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

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Tel.: 416.314.6790



March 26, 2020

TO: Conservation Authorities as listed in the attached **Schedule "A"**

SUBJECT: Minister's Direction for Conservation Authorities during the COVID-19
Outbreak

As the COVID-19 outbreak continues to evolve locally and globally, I am writing to provide direction on how conservation authorities can continue operations while maintaining a safe physical distance. To ensure conservation authorities can continue to conduct meetings and hearings as necessary, we are giving conservation authorities the ability to amend their administrative by-laws to allow for virtual meetings, including by teleconference.

As such, I am issuing this Minister's Direction ("Direction") pursuant to subsection 19.1 (7) of the *Conservation Authorities Act*. This Direction applies to all conservation authorities in Ontario, listed in **Schedule "A"** as attached. For greater certainty, this Direction also applies to conservation authorities when meeting as a source protection authority under the *Clean Water Act, 2006*.

The *Conservation Authorities Act* requires that, "[e]very meeting held by the authority shall be open to the public, subject to such exceptions as may be specified in the by-laws of the authority." Further, at any meeting that is held, "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". It has been brought to my attention that the administrative by-laws that conservation authorities have adopted pursuant to subsection 19.1 (1) of the Act may create barriers in meeting these provisions of the Act during this time of emergency, where in-person attendance may not be feasible.

The primary purpose of this Direction is to enable conservation authorities to convene a meeting electronically in order to make the necessary amendments to their by-laws to deal with emergencies. This Direction identifies the minimum areas where the by-laws should be amended, in the manner deemed appropriate by the authority, to make provision for emergency situations. However, each conservation authority, depending on their individual by-laws, may identify the need to make other necessary amendments to respond to emergencies.

Accordingly, I am directing that the conservation authority review and amend their by-laws, as applicable, to ensure they comply with the following Direction and take the other necessary steps as set out in this Direction.

Electronic participation, emergencies

1. During any period where an emergency has been declared to exist, in all or part of an area over which a conservation authority has jurisdiction, under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, that may prevent members of the authority from meeting in person, the by-laws provide:
 - a. That members of the authority be permitted to participate in meetings electronically, which shall include the ability of those members participating electronically to register votes.
 - b. That any member of the authority who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time during the meeting in accordance with the requirement in subsection 16 (2) of the *Conservation Authorities Act*.
 - c. That any member of the authority can participate electronically in a meeting that is closed to the public.
 - d. That any hearing or appeal that is dealt with in the by-laws can be conducted electronically with provisions for applicants and their agents to participate, if the conservation authority holds any such hearing or appeal during any period where an emergency has been declared to exist.

Meetings open to the public

2. Conservation authorities must continue to implement best practices to make board meetings open to the public in accordance with subsection 15 (3) of the *Conservation Authorities Act*. Where possible, conservation authorities must provide for alternative means to allow the public to participate in any meetings electronically.

General, emergency measures

3. If there is anything that is required to be done under the by-laws during the emergency, including the holding of an annual general meeting, that the by-laws permit postponement to a later date.

Publication of information

4. The conservation authorities listed in Schedule "A" shall make this Direction publicly available on a website or other electronic means.

5. In accordance with subsection 19.1 (4) of the *Conservation Authorities Act*, an authority shall make any by-laws that are amended in accordance with this Direction available to the public in the manner it considers appropriate.

Implementation procedure

6. A conservation authority may hold a special meeting to amend a by-law for the purposes of implementing this Direction.
7. Despite any provision in a by-law made under subsection 19.1 (1) of the *Conservation Authorities Act*, members of the authority can participate electronically in any special meeting that is required to implement this Direction.
8. A member of the authority that is participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

Effective date

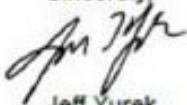
9. This Direction is effective immediately. If it is in the public interest to do so, I will provide further direction or clarification, at a later date, related to the matters set out in this Direction.

If you have any questions related to this Direction, please contact:

Chloe Stuart
Assistant Deputy Minister, Land and Water Division, MECP
Robinson PI South Tower, 6th Floor
300 Water Street
Peterborough ON K9J 3C7
(705) 755-5341
chloe.stuart@ontario.ca

To learn more about how the province continues to protect Ontarians from COVID-19, please visit www.ontario.ca/coronavirus.

Sincerely,



Jeff Yurek
Minister of the Environment, Conservation and Parks

c: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable John Yakabuski, Minister of Natural Resources and Forestry
Ms. Kim Gavine, General Manager, Conservation Ontario

Ministry of the Environment,
Conservation and Parks

Office of the Minister

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

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



September 10, 2020

TO: Conservation Authorities as listed in the attached **Schedule "A"**

SUBJECT: Amendment to the Minister's Direction for Conservation Authorities during
the COVID-19 Outbreak

On March 26, 2020, I issued a Minister's Direction ("Direction") pursuant to subsection 19.1 (7) of the *Conservation Authorities Act* that applied to all conservation authorities in Ontario, listed in **Schedule "A"** as attached. The Direction enabled conservation authorities to convene a meeting electronically in order to make the necessary amendments to their administrative by-laws to deal with both provincial and municipal emergencies. It identified the minimum areas where the by-laws should be amended, in the manner deemed appropriate by the CA, to make provision for emergency situations (e.g., electronic participation in meetings and hearings and achieving quorum while participating electronically). The Direction also identified that each conservation authority, depending on their individual by-laws, may identify the need to make other necessary amendments to respond to emergencies.

It has come to my attention that certain conservation authorities amended their by-laws to allow virtual meetings only during declared emergencies. Now that the provincially declared state of emergency has ended and municipally declared state of emergencies have or may end, conservation authorities may be prevented from continuing to be able to meet virtually. As such, I am amending the Direction that I issued on March 26, 2020 to remove this barrier. I am directing the conservation authorities listed in Schedule "A" to meet virtually for the purpose of reviewing and amending their by-laws, as applicable, to allow for members of a conservation authority to participate electronically in meetings when it is deemed appropriate by the conservation authority to do so. For greater certainty, the other provisions of the Direction continue to apply.

1

Effective Date

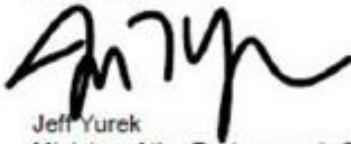
This amendment to the March 26, 2020 Direction is effective immediately. If it is in the public interest to do so, I will provide further direction or clarification at a later date related to the matters set out in this Direction.

If you have any questions related to this Direction, please contact:

Chloe Stuart
Assistant Deputy Minister, Land and Water Division
Ministry of the Environment, Conservation and Parks
Robinson Pl South Tower, 6th Floor
300 Water Street
Peterborough, ON, K9J 3C7
(705) 755-5341
chloe.stuart@ontario.ca

To learn more about how the province continues to protect Ontarians from COVID-19, please visit www.ontario.ca/coronavirus.

Sincerely,



Jeff Yurek
Minister of the Environment, Conservation and Parks

c: Steve Clark, Minister of Municipal Affairs and Housing
John Yakabuski, Minister of Natural Resources and Forestry
Kim Gavine, General Manager, Conservation Ontario

V. Summaries of Governance-related Amendments to the Conservation Authorities Act

i) *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*

Amendments to the *Conservation Authorities Act*, through the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020*, were proclaimed on February 2nd, 2021. Amendments were related to governance of conservation authorities, and included: changes to CA-municipal membership provisions (s.14(1.1)), requirements for CAs to make membership agreements publicly available (s.14(2.2)(2.3)), the Ministers power to appoint a member from the agricultural sector (s.14(4)(4.0.1)), limitations on terms of CA chairs and vice chairs (s.17(1.1)(1.2)(1.3)), minor amendments to the ‘powers of authorities’(s.21(1)), and a requirement for CAs to follow generally accepted accounting principles (s.38(1)(4)).

Although not requiring amendments to the Administrative By-Laws (and therefore not reflected in the table below), it is noted that included in these amendments is a new ability for the Minister to appoint one or more investigators, at any time, to conduct an investigation of an authority’s operations, including the programs and services it provides (s. 23.1 (4) – (10)). In the event an investigator is appointed, the CA may need to provide the investigator with documents or records as required, and may be required to pay all or part of the cost of an investigation. If, after reviewing an investigator’s report, the Minister believes that an authority has failed, or is likely to fail, to comply with a provision of the CA Act or the regulation, or any other Act or regulations that applies to the authority, the Minister may order the Authority to do or refrain from doing anything, or recommend to the LGIC (Lieutenant Governor in Council) that an administrator be appointed to take over control and operation of the authority (s. 23.2, 23.3).

Amendments to the <i>Conservation Authorities Act (February 2nd, 2021 proclamations)</i>	Template By-law
<p>Section 14 (1.1)</p> <p>Members of council appointed (1.1) When appointing members of an authority, the council of a participating municipality shall ensure that at least 70 per cent of its appointees are selected from among the members of the municipal council, subject to subsection (1.2).</p> <p>Section 14 (1.2)</p> <p>Exception (1.2) Upon application by a participating municipality, the Minister may grant permission to the municipality to select less than 70 per cent of its appointees to an authority from among the members of the municipal council, subject to such conditions or restrictions as the Minister considers appropriate.</p>	<p><u>Part II Administrative By-law, Section B - Governance</u></p> <p>4. Members</p>

<p>Section 14 (2.2)</p> <p>Municipal agreement (2.2) If the participating municipalities of an authority enter into an agreement with respect to the total number of municipally appointed members of the authority and the total number of members each municipality may appoint, the authority shall, within 60 days after the agreement is executed,</p> <ul style="list-style-type: none"> a) provide a copy of the agreement to the Minister; and b) make the agreement available to the public by posting it on the authority's website and by any other means the authority considers appropriate. <p>Section 14 (2.3)</p> <p>Same, transition (2.3) If an agreement referred to in subsection (2.2) is in force on the day subsection 2 (4) of Schedule 6 to the <i>Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020</i> comes into force, the relevant authority shall provide a copy of the agreement to the Minister within 60 days after that day.</p>	<p><u>Part II Administrative By-law, Section B - Governance</u> 1. Members</p>
<p>Section 14 (4)</p> <p>Member from agricultural sector appointed (4) In addition to the members of an authority appointed in accordance with subsections (1) to (2.1), an additional member may be appointed to the authority by the Minister as a representative of the agricultural sector.</p> <p>Section 14 (4.0.1)</p> <p>Limitation on voting (4.0.1) The member of an authority appointed under subsection (4) shall not vote on,</p> <ul style="list-style-type: none"> a) a resolution to enlarge an authority's area of jurisdiction that is presented at a meeting called under section 10; b) a resolution to amalgamate an authority with another authority that is presented at a meeting called under section 11; c) a resolution to dissolve the authority that is presented at a meeting called under section 13.1; or d) a resolution relating to any budgetary matter that is presented at a meeting held under section 16. <p>Section 14 (4.1)</p> <p>Term (4.1) A member shall be appointed for a term of up to four years, as may be determined by the council that appoints the member or, in</p>	<p><u>Part II Administrative By-law – Introduction</u></p> <p><u>Part II Administrative By-law, Section B - Governance</u> 1. Members</p> <p><u>Part II Administrative By-law, Section C – Meeting Procedures</u> 12. Voting</p>

<p>the case of a member appointed under subsection (4), by the Minister.</p>	
<p>Section 15 (2.1)</p> <p>Agenda, minutes to be made public (2.1) Subject to the <i>Municipal Freedom of Information and Protection of Privacy Act</i>, the authority shall,</p> <ul style="list-style-type: none"> a) make the agenda for a meeting of the authority or of its executive committee available to the public before the meeting takes place; and b) make the minutes of a meeting of the authority or of its executive committee available to the public within 30 days after the meeting. <p>Section 15 (2.2)</p> <p>Same (2.2) An agenda for a meeting or its minutes that are to be made available to the public under subsection (2.1) shall be made available by posting them on the authority’s website and by any other means the authority considers appropriate.</p>	<p><u>Part II Administrative By-law, Section C – Meeting Procedures</u> 19. Minutes of Meetings</p>
<p>Section 17 (1.1)</p> <p>Term of chair, vice-chair (1.1) A chair or vice-chair appointed under subsection (1) shall hold office for a term of one year and shall serve for no more than two consecutive terms.</p> <p>Section 17 (1.2)</p> <p>Representation from each municipality (1.2) An authority in respect of which more than one participating municipality has been designated shall appoint chairs and vice-chairs from among the members appointed to the authority by each participating municipality on a rotating basis so as to ensure that a member appointed to the authority by a particular participating municipality cannot be appointed to succeed an outgoing chair or vice-chair appointed to the authority by the same participating municipality.</p> <p>Section 17 (1.3)</p> <p>Exception (1.3) Despite subsections (1.1) and (1.2), upon application by an authority or a participating municipality, the Minister may grant permission to the authority or participating municipality to, subject to such conditions or restrictions as the Minister considers appropriate,</p>	<p><u>Part II Administrative By-law, Section B - Governance</u> 4. Maximum Term for Chair and Vice-Chair(s)</p> <p><u>Part II Administrative By-law, Section B - Governance</u> 6. Election of Chair and Vice-Chairs</p>

<ul style="list-style-type: none"> a) appoint a chair or vice-chair for a term of more than one year or to hold office for more than two consecutive terms; or b) appoint as chair or vice-chair of the authority a member who was appointed to the authority by the same participating municipality that appointed the outgoing chair or vice-chair. 	
<p>Section 21 (1)</p> <p>Powers of authorities</p> <p>For the purposes of accomplishing its objects, an authority has power,</p> <ul style="list-style-type: none"> a) to research, study and investigate the watershed and to support the development and implementation of programs and services intended to further the purposes of this Act; b) for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land, with consent of the occupant or owner, and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary; c) to acquire by purchase, lease or otherwise any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired; d) despite subsection (2), to lease for a term of five years or less land acquired by the authority; e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith; f) to enter into agreements for the purchase of materials, employment of labour and other purposes as may be necessary for the due carrying out of any project or to further the authority's objects; g) to enter into agreements with owners of private lands to facilitate the due carrying out of any project; h) to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them; i) to erect works and structures and create reservoirs by the construction of dams or otherwise; j) to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof; k) to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole; 	<p><u>Part II Administrative By-law – Introduction</u></p>

<ul style="list-style-type: none"> l) to use lands that are owned or controlled by the authority for purposes, not inconsistent with its objects, as it considers proper; m) to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof; (m.1) to charge fees for services approved by the Minister; n) to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations and individuals; o) to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose; p) Repealed: 2020, c. 36, Sched. 6, s. 7 (4). q) generally to do all such acts as are necessary for the due carrying out of any project or as may be desirable to further the objects of the authority. 	
<p>Section 38 (1)</p> <p>Annual audit (1) Every authority shall cause its accounts and transactions to be audited annually by a person licensed under the <i>Public Accounting Act, 2004</i> and shall ensure that the annual audit is prepared in accordance with generally accepted accounting principles for local governments recommended by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada, as they exist from time to time.</p> <p>Section 38 (4) Report made publicly available (4) Within 60 days of receiving the auditor's report, an authority shall make the report available to the public on its website and by any other means that the authority considers appropriate.</p>	<p><u>Part II Administrative By-law, Section B - Governance</u> 10. Financial Statements and Report of the Auditor</p>

10.12) Chatham-Kent Tree Nursery Lease

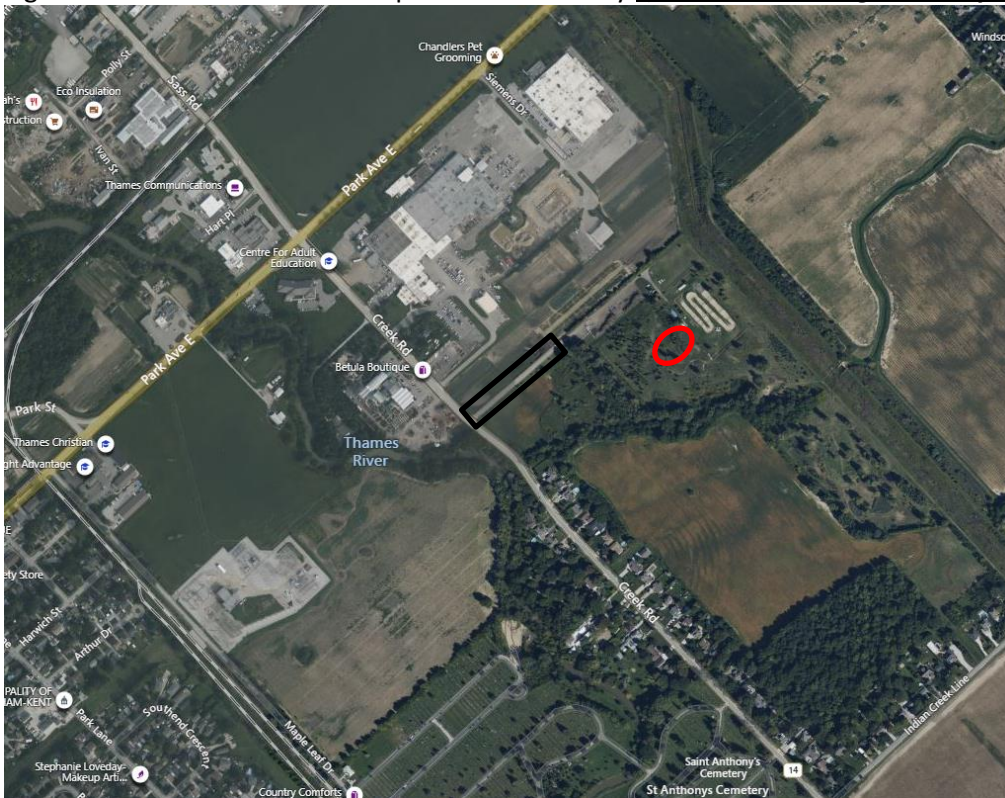
Date: February 23, 2023
Memo to: LTVCA Board of Directors
Subject: Chatham-Kent Tree Nursery Lease Report
From: Mark Peacock, P. Eng., C.A.O. / Secretary Treasurer

Background

The Lower Thames Valley Conservation Authority entered into a 20 year lease agreement with the Municipality of Chatham-Kent on June 1, 2002 for the Municipality of Chatham-Kent use of lands adjacent the McGregor Creek Diversion Channel. This agreement was for the exclusive use of one parcel on lands purchased for use as maintenance/soil storage area for the McGregor Creek diversion (22843 Creek Road). The original area in question is approximately 168m x 50m or .84 ha in size. The parcel used as a Leaf / Yard Waste Depot includes a portable office structure and a retaining wall where yard waste s contained.

The agreement also provides for use of the right of way from Creek Road into the site (approximately 7m x 144m or 0.1 ha in size).

Figure 1: General Location of Proposed Tree Nursery. **(site in red and Right of Way in black)**



The LTVCA has had a very positive relationship with the Municipality of Chatham-Kent in the operation of the depot. The municipality has improved the property, adding the portable office and road amenities associated with the use of the site as a leaf and waste depot. Over the last year staff from the LTVCA and the municipality negotiated an extension of the lease. The extension for the lease was reviewed and approved by both the LTVCA board and the Municipality of Chatham-Kent council.

Tree Nursery Proposal

The municipality is proposing an additional area to be leased for the operation of a fenced tree nursery. The area required would be approximately 1 acre in size. No structures are proposed. The area of the nursery is proposed to be fenced and water is proposed to be extended from the municipal system to allow watering of nursery stock.

A detailed plan of the proposed leased area is attached to this report.

Staff Summary:

It is recommended that, the Municipality of Chatham-Kent be allowed to develop a tree nursery on LTVCA Diversion Channel lands through an amending agreement to the existing Leaf / Yard Waste lease.

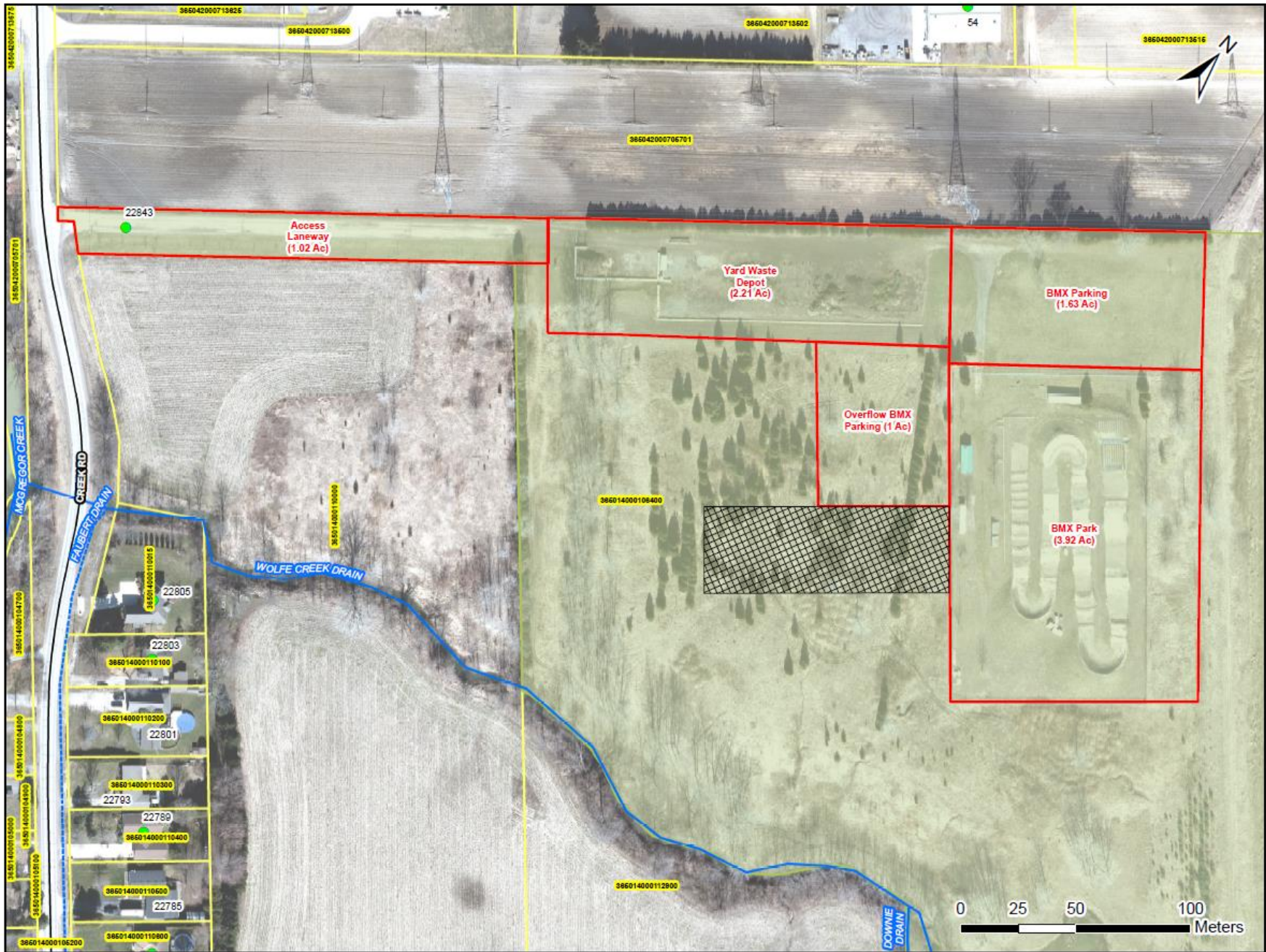
LTVCA staff recommends signing of a lease amendment for a 10 year period.

<p>Recommendation: The C.A.O. / Secretary Treasurer and the Chair be authorized to sign a lease amendment with the Municipality of Chatham-Kent upon review of the final document by the LTVCA lawyer.</p>

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



11. Business for Information

11.1) Bill 23 and Regulations Update

Date: February 23, 2023
Memo to: LTVCA Board of Directors
Subject: Bill 23 and Regulations Update
Report From: Mark Peacock, P. Eng., C.A.O. / Secretary Treasurer

Summary

- On December 28, 2022, the MNRF sent a letter to all Conservation Authorities and municipalities informing us that the province had passed O. Reg 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Act.
- Some amendments of Bill 23 conflict with the previous requirements put forward under Bill 229. Administration, through Conservation Ontario is currently assessing how to best address and move forward to comply with the current legislation (Bill 23).
- There are several sections of the legislation currently not yet proclaimed. It is unknown at this time the implications of the yet to be proclaimed sections, nor when these changes will be promulgated.
- Specific amendments to the Conservation Authorities Act, as proclaimed under Bill 229 (Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020 remain in place and LTVCA is expected to fulfill the requirements under the Transition Plan. Under LTVCA's Transition Plan, as required by Bill 229, several significant reports and other deliverables (i.e., MOUs with municipalities for Category 3 Non-Mandatory Services) will remain ongoing throughout 2023 and 2024.

Discussion

Implications for Planning and Permitting

O. Reg. 596/22 changes the review and commenting services that Conservation Authorities may provide to municipalities effective January 1, 2023. Sections 21.1.1 and 21.1.2 of the Conservation Authorities Act prohibits Conservation Authorities from providing a program or service related to reviewing and commenting on proposals, applications, or other matters under prescribed Acts. These prohibitions are specific to LTVCA's non-mandatory review and commenting services for development applications (i.e., natural heritage review and commenting) and are related to the prescribed Acts, as per O. Reg. 596/22, which are as follows:

- The Aggregate Resources Act
- The Condominium Act, 1998
- The Drainage Act
- The Endangered Species Act, 2007
- The Environmental Assessment Act
- The Environmental Protection Act
- The Niagara Escarpment Planning and Development Act
- The Ontario Heritage Act
- The Ontario Water Resources Act
- The Planning Act

LTVCA staff are committed to working with our watershed municipalities and partners as this work transitions.

The legislative changes including O. Reg. 596/22, does not affect Conservation Authorities' provision of mandatory programs or services (Category 1) related to reviewing and commenting on a proposal, application, or other matter under those Acts listed above. Plan review and commenting under the Mandatory Program and Services Regulation (O. Reg. 686/21), which includes natural hazards and source water protection, continues to be unaffected and circulation of application will continue as outlined below:

O. Reg. 686/21, Section 7. (1) An authority shall provide programs and services to ensure the authority satisfies the functions and responsibilities set out in subsection (2), whether acting on behalf of the Ministry of Natural Resources and Forestry or in its capacity as a public body under the Planning Act, for the purposes of helping to ensure that the decisions under that Act are,

- (a) consistent with the natural hazards policies in the policy statements issued under section 3 of the Planning Act, but not including those policies related to hazardous forest types for wildland fire; and
- (b) where applicable, conform with any natural hazards policies included in a provincial plan as defined in section 1 of the Planning Act, but not including those policies related to hazardous forest types for wildland fire.

Municipal Requirements for Circulation of Planning Applications to Conservation Authorities

As noted above, municipalities' responsibilities, as identified by current Planning Act regulations, are required to circulate planning applications that are within LTVCA's entire watershed. LTVCA's commenting role is not limited specifically to mapped regulated watercourse extents, or visual depictions of the Section 28 limit of regulated area. The entirety of the watershed boundaries are to be considered when municipalities circulate to our office and should not be interpreted to be limited to applications located within the Section 28 regulated areas.

LTVCA has commenting responsibilities, as delegated by the MNRF and as approved and required by the Board, addressing natural hazards. In addition, LTVCA has responsibilities to comment on Source Water Protection, as delegated through Ministry Environment, Conservation, and Parks (MECP), as per O. Reg. 686/21 and the current Provincial Policy Statement.

The scope of LTVCA's review of development proposals will continue to include assessments of impacts on wetlands and stormwater management requirements, as it relates to natural hazards management and source water protection.

Historically, LTVCA had provided limited commenting on natural heritage as part of its review of applications and circulations as an additional service to member municipalities. Commenting, specifically as it relates to natural heritage as a result of regulations under the Act, is no longer able to be provided directly to municipalities.

New Obligations for Municipalities Relating to Natural Heritage

Municipalities are now solely responsible for compliance with Provincial Policy Statement 2.1; Natural Heritage Assessments and Inventories. Historically, municipalities locally relied on the expertise and scientific knowledge of LTVCA staff to meet these responsibilities. The current amended Conservation Authorities Act, specifically section 21.1.1 (1.1) and 21.1.2 (1.1), prohibit Conservation Authority staff from providing this service to member municipalities. Should individual municipalities lack internal expertise, municipalities have the option to outsource this function to consulting firms. In addition, these consulting firms had relied on Conservation Authority staff to provide natural heritage data to them to complete the required natural heritage assessments. This now is an ambiguous and precarious position for member municipalities, which may be significantly impacted by potential delays on turnaround times respecting Planning Act submissions and subsequent approvals.

LTVCA has been historically involved and developed expertise in collecting, cataloging, mapping, and managing scientific natural heritage data for our region. There is no clear direction from the province regarding how significant data and knowledge will be transferred and provided to stakeholders, ratepayers, and consultants for development proposals

without Authority oversight and involvement. Related budgetary impacts to the Authority relative to provision of this data and safeguard of scientific data are undetermined at this time.

The planning process, as referred to in the Provincial Policy Statement, has been implemented by the province since the late 1990s. This planning policy statement has directed the need to give consideration to the natural environment and plan for development to proceed outside of identified natural landscapes and hazard areas. Should the province amend the existing Provincial Policy Statement, the protection systems, planning process and sustainability of development will be threatened. An immediate concern exists that the province is intending to proceed with amendments to the current Provincial Policy Statement thereby weakening this vital planning document.

Section 28 of the Conservation Authority Act – Permitting Activities

Permitting activities under Section 28 of the Conservation Authorities Act remains unaffected and has been reinforced by the province as a Mandatory Service (Category 1). Should there be uncertainty with municipal administrative staff, LTVCA Regulations staff will continue to provide clarification to municipalities regarding processes under Section 28.

Provisions within the Act related to the exemption of Section 28 approvals for development proposals approved under the Planning Act, are currently not yet proclaimed. Potential Ministerial exemption of Conservation Authorities Act permits (Section 28) would require a regulation to be promulgated at a later date. We currently do not have any new information regarding this potentiality.

A new Section 28 Regulation has not been released, and the timing of an updated/amended regulation is not known. This new regulation will create one regulation for all Conservation Authorities rather than the 36 that we currently have in place.

Minister’s Zoning Orders (MZOs) and Community Infrastructure and Housing Accelerator Orders (CIHAs)

There are new provisions related to Minister’s Zoning Orders (MZOs) and Community Infrastructure and Housing Accelerator Orders (CIHAs) for which the Minister can impose or review conditions of Section 28 permits. This component of the legislation came into effect on November 28, 2022. If an order as referred to above, is issued to one or more of our watershed municipalities, LTVCA staff will collaborate with municipalities on any required permitting responsibilities of the Authority. Conservation Authorities are being informed that MZOs and the CIHAs will be prioritized over other applications. These types of orders over-ride existing Board policies that address the concern for the impact on the local watershed. Additionally, this conflicts with current Board-approved administrative policies relative to approvals. At this time, the Authority lacks the clarity to be able to articulate additional potential costs due to staff time and technical resourcing required to meet the obligation of MZOs and CIHAs.

Under the newly added Section 21.3 of the Conservation Authorities Act, the Minister provided direction to all Conservation Authorities, to maintain planning and permitting fees as of December 28, 2022, through the year 2023. Therefore, LTVCA fees, as approved in December 2022, for development reviews remain consistent through 2023.

The impact of the fee freeze cannot be quantified at this time due to a concurrent decline in application and property inquiry volumes that was observed late in 2022 and continues at this time.

Other Services provided through Memorandums of Understanding (MOUs) / Agreements

The recent legislative changes do not affect other non-mandatory services provided to municipalities. LTVCA will continue to work on formalizing MOUs, as required for Category 2 and 3 services.

LTVCA's Transition Plan (resulting from Bill 229) required a comprehensive inventory of our Programs and Services to be completed. Category 2 and 3 (Non-Mandatory Programs and Services) will be subject to these agreements and include such programs as: Education and Interpretive services (offered virtually, off-site and at our Conservation Areas), tree planting on private lands, agricultural stewardship and outreach programs, and water quality monitoring at sites, other than provincially designated monitoring locations.

Additional Regulatory Requirements

Many recent amendments to the Act [i.e., previous to and with Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures)] are not yet proclaimed. Many of the amendments are sections of the regulatory framework of the Conservation Authorities Act. Once approved, these amended sections will dictate the need to modify current Board-approved guidelines, policies, and procedures. It is unknown when additional proclamation will trigger implementation of these amended sections. There will be budgetary implications related to administrative work to refine local implementation strategies.

Continuing under O. Reg. 686/21: Mandatory Programs and Service, there are six major deliverables to be completed by December 31, 2024 that are mandated by the province. The breadth and scope of this work has not been planned or budgeted for historically. These requirements include:

1. Ice Management Plan(s) – Section 4
2. Natural Hazard Infrastructure Operational Management Plan(s) – Section 5
3. Natural Hazard Infrastructure Asset Management Plan(s) – Section 5
4. Conservation Area Strategy – Section 10
5. Conservation Land Inventory – Section 11
6. A Watershed-Based Resource Management Strategy – Section 12 (4) – (9)

The LTVCA staff that have been responsible for reviewing, commenting, providing pre-consultation, and issuing permits/clearances under various development applications during record number of inquiries and applications which started in 2015, peaking in 2021 and continuing throughout 2022. These are the staff who will be redirected from this process to satisfy current provincial directives. This will inevitably create delays which is purportedly the impetus for implementing this most recent amended legislation. Staff remain engaged and currently working to develop the components informing these deliverables and this work will continue throughout 2023 and 2024. There are also financial implications due to the resulting additional work load.

Conservation Authority Lands

Further amendments were made to O. Reg. 686/21 with the enactment of Bill 23 (More Homes, Built Faster 2022) to require Conservation Authorities to identify conservation authority lands suitable for housing. This requirement is part of the preparation of the land inventory required to be completed by Conservation Authorities by December 31, 2024, as listed above. With the amendment, considerations as to whether lands are suitable for housing, have been included in the regulation.

The process of completing all of the above deliverables and related reporting, in addition to other requirements of the Transition Plan will need to be accounted for in LTVCA's 2023 and 2024 budgets. Administration is still assessing work plans, and an evaluation of anticipated costs are at this time not yet fully known.

Recommendation: THAT the Board of Directors receive this report for information; and further,

THAT the Lower Thames Valley Conservation Authority continue to meet the obligations under the Conservation Authorities Act; and further,

THAT Administration continue to evaluate anticipated financial implications in 2023 and in preparation of the 2024 budget and advise the Board as additional regulation and legislative impacts become known.

This 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

11.2) C.A.O.s Report

The LTVCA believes that the responsible care of our natural resources and wildlife on a watershed basis is essential to balancing human and economic needs against the needs of our natural environment. The LTVCA adopted the phrase “The LTVCA...for a balanced and healthy watershed”, to describe the vision we have for the Lower Thames watershed. As caretakers of our environment, we need to continue to develop approaches to plan, promote and implement programs, projects and practices that protect and restore natural resources.

“All life requires water and yet our global water supplies are quickly being dried up and polluted. The First Nations peoples of North America have a special relationship with water, built on our subsistence ways of life that extends back thousands of years. Our traditional activities depend on water for transportation, for drinking, cleaning, purification, and provides habitat for the plants and animals we gather as medicines and foods. Our ability to access good water shapes these traditional activities and our relationships with our surroundings. As Indigenous peoples, First Nations recognize the sacredness of our water, the interconnectedness of all life and the importance of protecting our water from pollution, drought and waste.” Assembly of First Nations web site.

The LTVCA is proud to have partnerships with many of the indigenous communities in this watershed. “Leading by example in environmental protection in partnership with the community’ is our Mission. It is through the work of watershed communities that we improve our lands and waters for future generations.

We acknowledge the financial support of our 10 member municipalities, our granting partners and dedicated volunteers. In addition to municipal support, community and government partnerships assisted programs with over \$2 million in 2022.

I would like to thank all staff members for the positive and professional manner that they have addressed the challenges we have faced during this time of change. I am privileged to be supported by a committed board and, a competent and dedicated staff.

As reported last year, the Lower Thames Valley Conservation Authority is continuing to develop a new strategic Plan by 2024 which will respond to both community input and the new requirements of the provincial government found in changes to the Conservation Authorities Act. This plan will provide meaningful milestones for Lower Thames Conservation. I look forward to working to continue to develop recommendations that will guide the work of the Conservation Authority into the future.

We look forward to 2023, filled with new challenges and rewards as we all work together to improve our watershed for the benefit of our lower Thames community.

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

11.3) Water Management

11.3.1) Flood Forecasting and Operations

Flood Messaging and Flood Events

There have been eight flood messages issued since the last written report to the Board of Directors in December. Four of these messages were Shoreline Condition Statement – Flood Outlook messages for the Lake Erie shoreline and Erie Shore Drive in particular. The messages were issued on December 14th, January 27th, and February 8th and 14th. No significant flooding was reported for any of these events. There was also a Flood Watch issued for the shoreline on December 22nd, due to both a Winter Storm Warning and a Marine Storm Warning being issued by ECCC calling for very high winds. Due to the storm, LTVCA staff were not able to get out to Erie Shore Drive to see if there were any effects from the storm. When staff did visit on the 26th, it appeared that a large berm of ice had built up along the shoreline which seemed to have provided protection to the homes. No significant signs of damage were observed and nothing was reported to the LTVCA.

There were also three messages issued with respect to the Thames River and local watercourses. These messages were all Watershed Condition Statement – Flood Outlook messages. Rainfall Warnings issued by ECCC led to messages being issued on December 30th and January 2nd. However, the actual rainfall came in much lower than predicted for these events, and dry conditions leading up to the events meant there was little runoff. The other message was issued on February 8th. While less rain was seen during this event, ground conditions were now more wet and there was some snowpack to contribute extra water. The river rose higher than it had in January, but still not high enough that messages would typically get issued for flooding of the river flats. The McGregor Creek Diversion Channel did not need to be operated for any of these events either.

Risk for Spring Freshet Flooding

Every year the LTVCA undertakes several monitoring programs to help determine the risk of ice jam flooding in the lower reaches of the river, together with monitoring of general watershed conditions for an indication of how large a spring freshet the watershed may see.

Bathymetry work at the mouth of the Thames River in Lake St. Clair is conducted to determine whether the offshore sandbar may impede river ice as it pushes out into the lake, thereby causing an ice jam. Previous studies noted that the river generally maintains a passage through the sandbar around 1.8 m, and that should it become any shallower it may present a concern for ice jamming. Bathymetry work conducted on December 2nd, 2022 indicated that the passage over the sandbar was deeper than 1.8 m and lake levels are currently higher than they were when that work was conducted.

Regardless of the lake depth at the outlet of the river, there will be no ice jam at the mouth this spring. The river froze over on December 24th, 2022, but had melted out and opened up again by the 30th. The river started to freeze over again on February 1st, but by the 6th there was still some open water under bridges and in areas with warm water inputs. Warm temperatures and rain event on February 9th caused the river to mostly melt out and flush out its remaining ice on the 10th. Lake St. Clair has also lost most of its ice cover, including around the mouth of the Thames. Despite a forecast calling for a return of daytime average temperatures below freezing for the last week of February, it is highly unlikely that enough ice will reaccumulate on the river to create any risk of ice jamming.

A typical spring freshet flood is caused by a combination of warm temperatures and rain on snow causing additional runoff. At this time, almost all of the snowpack has melted out of the Lower Thames watershed. Before the February 9th rain event, the Upper Thames River Conservation Authority estimated that there was 30-35 mm of water equivalent in the snowpack in the upper watershed. Warm temperatures and rain since then have reduced the snowpack, but satellite imagery indicates that there is still snow in the upper watershed. Snow surveys will be conducted by the UTRCA mid-February (after this report is issued) which will give a clearer understanding of the risk of a spring freshet flood.

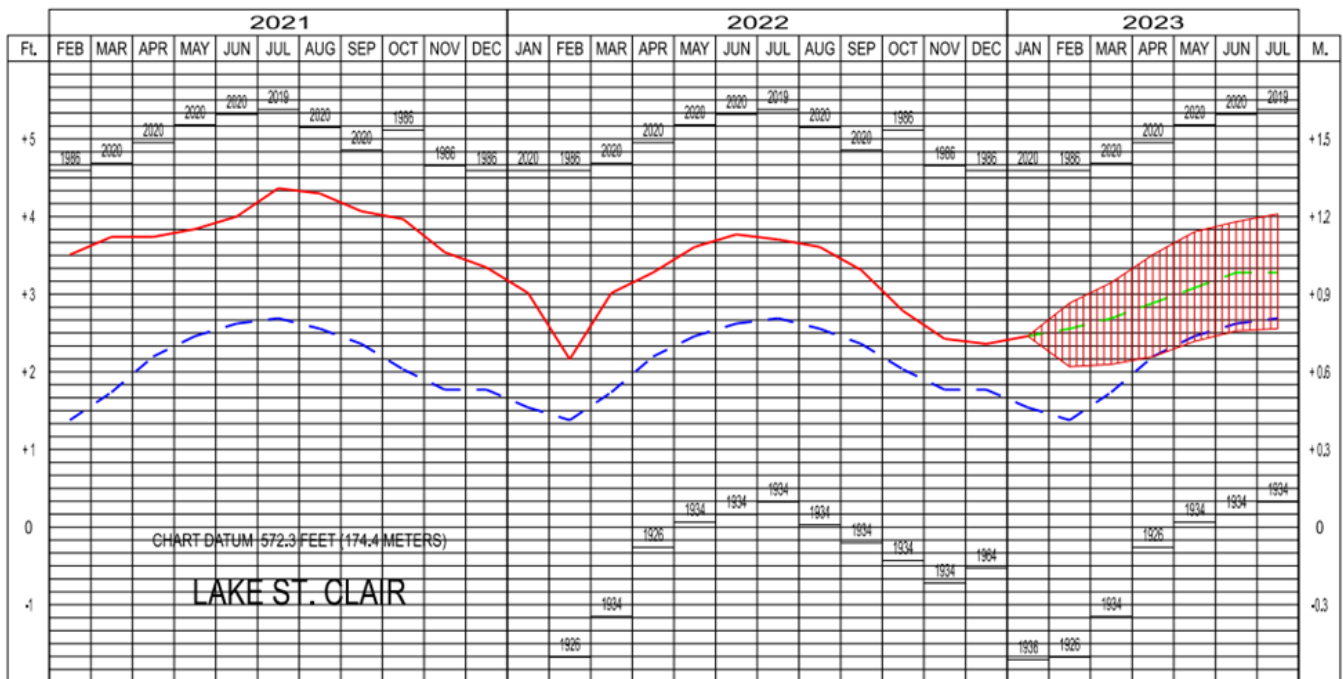
Report on Lake Conditions

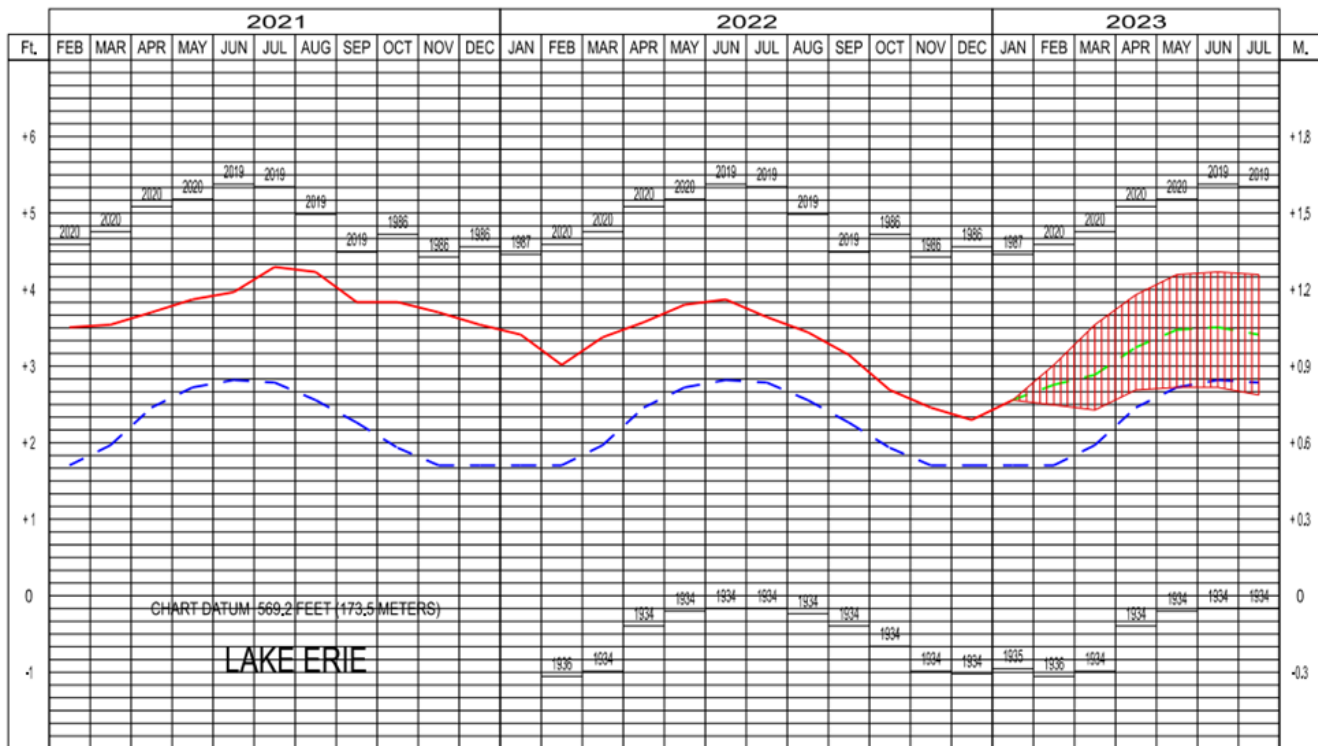
Average daily water levels on Lake Erie at the beginning of February were around 174.32 m (I.G.L.D.). The all-time record high monthly average for February was 174.90 m, set in 2020. Water levels at the beginning of February were still 30 cm above what would be considered normal for the month of February. While Lake Erie water levels had dropped more than normal during the latter half of last year due to dry conditions, they began an early rise in January and are nearly back up to where they were at this time last year. Forecasts suggest water levels will rise around 5 cm by the beginning of March.

Average daily water levels on Lake St. Clair at the beginning of February were around 175.14 m (I.G.L.D.). The all-time record high monthly average for February was 175.80, set in 1986. Water levels at the beginning of February were 32 cm above what would be considered normal for the month of February. Water levels on Lake St. Clair have been relatively stable since the beginning of the year, when they usually drop into February before rising into March. Forecasts suggest water levels will rise around 5 cm by the beginning of March.

Stronger wind events (most likely gale force wind events lasting several hours in duration) are now required to cause minor flooding along the LTVCA’s Lake St. Clair shoreline and along most of its Lake Erie shoreline. However, the damage caused by high lake levels over the last few years along Erie Shore Drive means it’s likely still more vulnerable at lower wind speeds. It may be that sustained wind speeds in the 50 km/hr range lasting for several hours may still be able to cause some flooding. LTVCA staff will be monitoring wind events to determine what the new thresholds for flooding are.

The figures below are published by the U.S. Army Corp of Engineers and graph the monthly average water levels and water level forecast over the next 6 months. These versions were published at the beginning of February.





11.3.2) Flood Control Structures

There has been little activity surrounding the LTVCA’s flood control structures over the last few months. There tends to be little activity over the winter other than some seasonal maintenance. The rainfall and snowmelt events that did occur did not produce enough runoff to require operations.

As part of regular operations and maintenance, divers are brought in every year just before McGregor Creek freezes over to clean the gates of the 6th Street Dam. This is required as the dam was designed with the gates lying flat on the bottom of the creek. Any debris that accumulates on the gates, or garbage that is thrown off the walkway onto the gates, could prevent the gates from being properly closed when operations are required. By doing this just before the creek freezes over, the hope is that the ice will limit the amount of debris and garbage that can accumulate on the gates in case divers can’t perform a cleaning immediately before operations area required. Divers from Watech Services out of London cleaned the gates on December 21st.

11.3.3) Low Water Response Program

The Low Water Response Program looks at both precipitation and flow in local watercourses in determining whether there is a low water condition. For precipitation, both 18-month and 3-month rainfall totals are examined and the program thresholds are: Level 1, 80% of average; Level 2, 60% of average; and Level 3, 40% of average. For flows, the average flow over the last month is examined and the summer/autumn/winter thresholds are: Level 1, 70% lowest average summer flow (LASF); Level 2, 50% LASF; and Level 3, 30% LASF. During the growing season, LTVCA staff create a brief report summarizing conditions around the watershed, which is available by request. Outside of the growing season, the LTVCA relies on provincial level summary reports provided by the MNRF to keep up-to-date. However, due to uncertainty with regards to recent conditions, a summary report was completed at the beginning of February.

A Low Water Level 1 Condition was declared in June based on the rainfall deficit seen over the prior 3-month period. Since June, much of the watershed had seen rainfall totals below the Level 1 Condition criteria, with many areas in Chatham-Kent seeing Level 2 Conditions. While conditions improved at times, an overall dry season led the LTVCA to keep the Low Water Level 1 Condition in place for the remainder of 2022.

Rainfall analysis done at the beginning of February calculated 3-month rainfall totals around the watershed in the Low Water Level 1 Condition range. Only the rain gauge at Ridgetown showed a 3-month rainfall total above 80%. This is significant as the Ridgetown gauge is the only gauge the province uses for Low Water Response Program screening in the Lower Thames. The larger rainfall deficits were experienced in November and to a lesser extent December. For the 18-month indicator, only one gauge near Chatham indicated a Level 1 Condition. The streamflow indicator only uses 1 month of data. The near normal amount of precipitation in January, of which a significant amount came as rain, caused flows in the Thames River and McGregor Creek to be well above any Low Water Condition threshold.

Given the 3-month rainfall deficit throughout the watershed, the LTVCA started the year in a Low Water Level 1 Condition. Based on the updated analysis done at the beginning of February, the LTVCA remains in Level 1 Condition. The recommended action under a Low Water Level 1 Condition is to use existing communication channels to seek a voluntary 10% reduction in water usage from the relevant water sources. Since the growing season is over now, there are essentially no water takings from the Thames River or local watercourses occurring anyways.

Further information on the Provincial Low Water Response Program can be found at <https://www.lioapplications.lrc.gov.on.ca/webapps/swmc/low-water-response/>

11.3.4) Watershed Monitoring

Watershed-wide, surface water quality monitoring continues at 22 sites throughout the watershed. The Provincial (Surface) Water Quality Monitoring Program (PWQMN) has again supplemented its regular sampling season with some additional winter sampling. Therefore, some of the lab load from winter sampling has gone to the MECP for analysis. In addition to regularly scheduled sampling, now that the region is starting to see some more rainfall, there have been several sampling runs to capture event based runoff. This type of sampling is important as studies have shown increased nutrient runoff during winter and spring melt events.

The reports align with the following objectives of the LTVCA's Strategic Plan:

2. Strengthen and Increase Collaboration with Community Stakeholders
3. Increase the Awareness of the Value of Good Watershed Stewardship
4. Improve Capital Asset Review

11.4) Planning and Regulations

11.4.1) Planning

From the end of November 2022 through to the end of January 2023, there were 71 planning submissions reviewed by staff for this reporting season with respect to the Provincial Policy Statement, Section 28 of the Conservation Authorities Act and Ontario Regulation 152/06. On average it takes roughly 5 days to respond to submissions, ranging from same day response to 15 days for more involved planning submissions. There have also been 20 phone calls and over 91 email responses to inquiries that staff have responded to.

Planning Numbers	2021 Totals	Jan Totals	Feb Totals	March Totals	Apr Totals	May Totals	June Totals	July Totals	Aug Totals	Sept Totals	Oct Totals	Nov Totals	Dec Totals	2022 Totals	Jan Totals
Chatham-Kent	306	16	11	16	23	23	14	17	22	17	15	10	20	204	21
Elgin	79	5	4	4	8	7	21	12	7	9	5	5	5	92	14
Essex	36	4	1	1	2	6	2	4	3	6	2	1	0	32	4
Middlesex	54	4	1	5	3	4	8	0	7	1	6	3	2	44	5
Total Numbers	475	29	17	26	36	40	45	33	39	33	28	19	27	372	44

**OP, ZBL, OPA, ZBLA, Consents, Minor Variances, Plans of Subdivision, Legal Inquiries*

Planning Fees

Planning fees generated from the signing of three of our Municipal MOU's in 2022 resulted in \$1,000.00 in planning fees being obtained from West Elgin (agreement signed on June 23, 2022), \$530.00 from Southwold (agreement signed on July 11, 2022), with fees from Dutton Dunwich still to be submitted (information to be available at the time of the meeting) (agreement signed on April 12, 2022). There is also a Plan of Subdivision which will be generating \$10,000 in review fees (money not yet received as subdivision is still in the preliminary stages). This fee will cover staff expenses in reviewing the plan of subdivision, the storm water management pond, site grading plans and how this development addressed regulatory concerns.

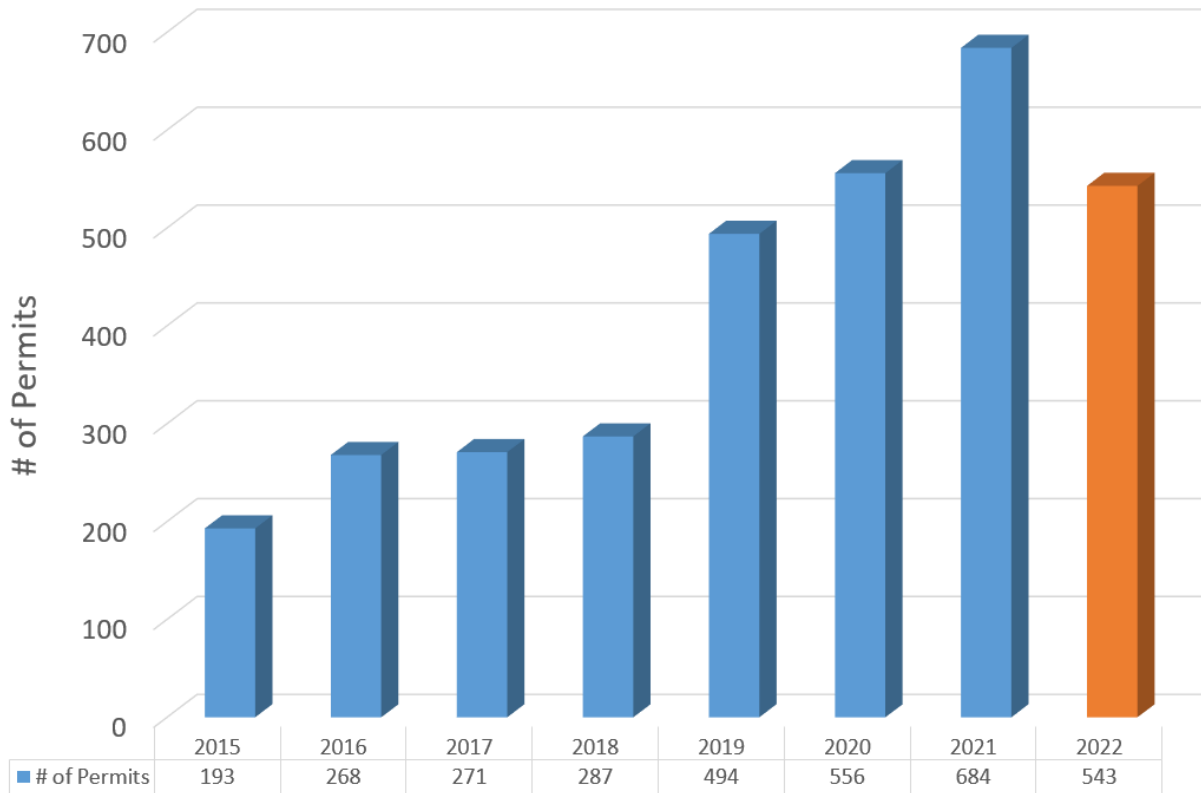
11.4.2) Section 28 Regulations / Permitting

Permitting

In December 2022, staff received 22 permit applications with respect to Section 28 of the Conservation Authorities Act and Ontario Regulation 152/06. For the entire 2022 year, staff received a total of 543 new permit applications for review and seven Hearings with the Executive Committee were conducted. One Hearing decision by the Executive Committee has been appealed to the Ontario Land Tribunal.

Following six consecutive record-breaking years, the number of permit applications "slowed" down in 2022 to be similar to the number observed in 2020. The number of applications is over 180% of the number received in 2015. The below figure illustrates the rising number of development applications in hazardous areas since 2015.

Volume of Permit Applications



Below are some Section 28 permitting statistics for 2022:

- 90 properties were surveyed for flood proofing requirements related to Ontario Regulation 152/06 as well as related to municipal zoning by-laws / official plan requirements;
- 68% of all applications were within Chatham-Kent;
- 52% of the applications were for private property owners for projects such as construction or modification of structures, shoreline protection repairs, and/or bank alterations;
- 25% of applications were for utilities (such as for oil, gas, or communication);
- 22% of applications were for municipal or county projects (drainage or infrastructure);
- 1% of applications were for stewardship permits (fees waived); and,
- Total of permit application & hearing fees = \$110,900.00.

Historically, January tends to be a slower period for permitting which allows staff to catch up on filing from the previous year, complete policy updates and other items on the department’s work plan for the year. Historically, the number of incoming permit applications ranges between 10 and 20 for the month. In January 2023, staff received 34 new permit applications for review.

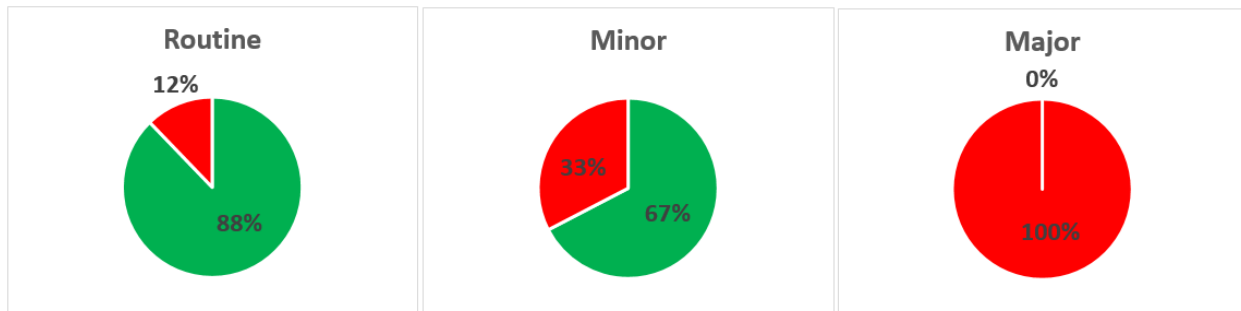
11.4.3) 2022 Permit Processing Timelines

Conservation Ontario developed a document entitled “Client Service Standards for Conservation Authority Plan and Permit Review” with input from Conservation Ontario Timely Reviews and Approvals Taskforce as well as stakeholders such as the Ontario Home Builders’ Association. Conservation Ontario Council endorsed the document on 24 June 2019. The LTVCA Board of Directors adopted the client service standards at the board meeting on August 22, 2019 including regular reporting on the LTVCA’s performance with respect to the client service standards.

Permit applications are broken down into three categories based on the complexity of the application: routine, minor, and major applications. Routine applications are generally quick and fairly standard with minimum staff requirements for review (e.g. municipal drain maintenance), minor applications don't require a lot of staff time, and major applications require significant review and staff time. The following are the delivery standards for making a decision on a complete application:

Application Category	Delivery Standard
Routine	14 Days
Minor	21 Days
Major	28 Days

Using the customer service standards developed by Conservation Ontario, the below charts indicate that 88% of routine applications met their delivery standard, 67% of minor applications met their delivery standard, and 0% of major applications met their delivery standard for permits / decisions issued in 2022.



Complexity of Application	# Applications Reviewed Within the Following Days				
	0 - 14 Days	15 - 21 Days	21 - 28 Days	29 - 90 Days	> 90 Days
Routine	115	2	1	13	0
Minor	170	111	44	91	1
Major	0	0	0	0	7

The percentage of routine applications meeting their delivery standards has slightly decreased between 2021 (96%) and 2022 (88%) however, minor application turnaround time has improved from 52% in 2021 to 67% in 2022. There was no improvement in turnaround times for major applications.

11.4.4) Property Inquiries

In 2022, the Water Resources and Regulations Technician and the Administrative Assistant received and responded to 1,905 property inquiries which was an increase of 274 over that received in 2021. During the first month of 2023, the Water Resources and Regulations Technician has received 73 property inquiries. At the time of writing of this staff report, the current response time to property and pre-consultation inquiries is approximately 0 to 5 business days for emails and 3 to 7 business days for phone calls. There has been a significant improvement in inquiry response times between 2021 and 2022.

Some of the reasons that regulations and planning staff receive property inquiries include:

- Realtors looking to sell a property and wanting to know any potential restrictions for future buyers.
- People purchasing property who want to know more about the site-specific hazards and regulations.
- Landowners wanting to learn about best management practices specific to their property.

- Landowners wanting specific information on what is permitted in regulated areas.
- Insurance companies looking for floodplain information.
- Municipal staff or utility companies planning future projects.

11.4.5) Section 28 Enforcement:

34 new complaints / tips were received in 2022 however only two Notices of Violation were issued primarily due to staffing resource issues. 26 of the 34 complaints / tips were violations or potential violations of the Conservation Authorities Act. None of the 26 files have been closed. Of the 34 complaints / violations received, 18 were in Chatham-Kent, nine were in Lakeshore, three were in Southwest Middlesex, and two each were in Leamington, West Elgin, and Southwold.

As of 31 January 2023, two new complaints / tips have been received from the public.

Staff Report

O.Reg. 152/06 Permit Applications
(Permits Issued in Dec 2022 and Jan 2023)

B.D. 02/23/2023

App No.	Location	Community/ Township	Municipality	Decision	Processing Time (days)
2022 Permits					
448-2022	McDowell Drain at Botany Line	Howard	Chatham-Kent	Granted: Dec 21, 2022	49
449-2022	White Drain at Burke Line	Harwich	Chatham-Kent	Granted: Dec 21, 2022	49
450-2022	McGregor Creek Drain at Mull Road	Harwich	Chatham-Kent	Granted: Dec 21, 2022	49
451-2022	McGregor Creek Drain at Pine Hurst Line	Harwich	Chatham-Kent	Granted: Dec 21, 2022	49
452-2022	Enos Smith Drain at Mull Road	Harwich	Chatham-Kent	Granted: Dec 21, 2022	49
453-2022	Thames River at Arkwood Road	Chatham	Chatham-Kent	Granted: Dec 21, 2022	49
454-2022	Thames River at Kent Bridge Road	Chatham	Chatham-Kent	Granted: Dec 21, 2022	49
455-2022	Curtis Drain at Mull Road	Harwich	Chatham-Kent	Granted: Dec 21, 2022	49
456-2022	Field Creek Drain at River Line	Harwich	Chatham-Kent	Granted: Dec 21, 2022	49
457-2022	Natural Watercourse at River Line	Harwich	Chatham-Kent	Granted: Dec 21, 2022	49
458-2022	McCargor Drain at River Line	Harwich	Chatham-Kent	Granted: Dec 21, 2022	49
459-2022	Willian Drain at River Line	Howard	Chatham-Kent	Granted: Dec 21, 2022	49
508-2022	19060 Haven Ave	Lighthouse Cove	Lakeshore	Granted: Dec 29, 2022	37
515-2022	19025 Crest River Avenue	Lighthouse Cove	Lakeshore	Granted: Dec 01, 2022	3
520-2022	McCallum Drain	Harwich	Chatham-Kent	Granted: Dec 01, 2022	1
521-2022	9 Victoria Avenue	Chatham	Chatham-Kent	Granted: Dec 02, 2022	2
522-2022	11900 Graham Road	West Lorne	West Elgin	Granted: Dec 08, 2022	6
523-2022	Fingal Line at Port Talbot Creek	Dunwich	Dutton Dunwich	Granted: Dec 05, 2022	3
524-2022	Pain Court Creek Drain	Dover	Chatham-Kent	Granted: Dec 05, 2022	0
525-2022	24665 Pioneer Line	West Lorne	West Elgin	Granted: Dec 08, 2022	3
526-2022	20956 Cemetery Road	Wheatley	Chatham-Kent	Granted: Dec 08, 2022	1
527-2022	15994 Furnival Road	Aldbrough	West Elgin	Granted: Dec 14, 2022	2
528-2022	22499 Gray Line Road	Aldbrough	West Elgin	Granted: Dec 14, 2022	4
529-2022	Proctor Drain	Harwich	Chatham-Kent	Granted: Dec 12, 2022	1
530-2022	115 Sass Road	Chatham	Chatham-Kent	Granted: Dec 19, 2022	6
531-2022	Miller Drain	Orford	Chatham-Kent	Granted: Dec 14, 2022	1
532-2022	24319 Town Line	Dover	Chatham-Kent	Granted: Dec 14, 2022	1
533-2022	7310 Coyne Road	Duttona Beach	Dutton Dunwich	Granted: Dec 16, 2022	1
534-2022	Hendry Drain	Caradoc	Strathroy-Caradoc	Granted: Dec 15, 2022	1
535-2022	9525 River Line	Harwich	Chatham-Kent	Granted: Dec 19, 2022	4
536-2022	22499 Gray Line Rd	Aldbrough	West Elgin	Granted: Dec 19, 2022	3

App No.	Location	Community/ Township	Municipality	Decision	Processing Time (days)
2022 Permits					
537-2022	Dude Ranch Hill Drain	Dutton	Dutton Dunwich	Granted: Dec 21, 2022	5
540-2022	5386 Pain Court Line	Dover	Chatham-Kent	Granted: Dec 29, 2022	13
541-2022	Philips Drain	Caradoc	Strathroy-Caradoc	Granted: 04 Jan, 2023	13
542-2022	Morrison Drain	Harwich	Chatham-Kent	Granted: 04 Jan, 2023	13
543-2022	Fulton Drain	Southwold	Southwold	Granted: 04 Jan, 2023	12
2023 Permits					
001-2023	Boulley Pumping Scheme	Tilbury North	Lakeshore	Granted: Jan 06, 2023	1
002-2023	Morrison Drain	Harwich	Chatham-Kent	Granted: Jan 09, 2023	4
004-2023	6078 Thirteenth Line	Raleigh	Chatham-Kent	Granted: Jan 09, 2023	16
005-2023	6th and 7th Side Road Drain at Drake Road	Raleigh	Chatham-Kent	Granted: Jan 16, 2023	6
006-2023	423 King Street West	Chatham	Chatham-Kent	Granted: Jan 10, 2023	7
007-2023	11530 Rondeau Drive	Rondeau Bay Estates	Chatham-Kent	Granted: Jan 16, 2023	4
008-2023	600 Ross Lane	Erieau	Chatham-Kent	Granted: Jan 16, 2023	4
009-2023	D. K. Andrews Drain	Aldborough	West Elgin	Granted: Jan 16, 2023	4
014-2023	11763 Bates Drive	Morpeth	Chatham-Kent	Granted: Jan 19, 2023	2
015-2023	11573 Ridge Line	Harwich	Chatham-Kent	Granted: Jan 17, 2022	0
016-2023	364 Grand Avenue East	Chatham	Chatham-Kent	Granted: Jan 19, 2023	1
017-2023	195 Peel Street	Shrewsbury	Chatham-Kent	Granted: Jan 19, 2023	1
018-2023	6176 Grand River Line	Dover	Chatham-Kent	Granted: Jan 18, 2023	0
019-2023	West Two Creeks Drain	Wheatley	Chatham Kent	Granted: Jan 19, 2023	0
020-2023	Pearce Drain	Dunwich	Dutton Dunwich	Granted; Jan 24, 2023	5
021-2023	5525 McDouagll Line	Tilbury East	Chatham Kent	Granted: Jan 24, 2023	4
022-2023	Park Avenue West	Chatham	Chatham Kent	Granted: Jan 24, 2023	1
023-2023	McCallum Drain	Mosa	Southwest Middlesex	Granted: Jan 24, 2023	39
024-2023	11348 Talbot Trail	Harwich	Chatham-Kent	Granted: Jan 24, 2023	1
028-2023	Lodge & Graham Drain	Dunwich	Dutton Dunwich	Granted: Jan 25, 2023	1
030-2023	Kneebone Drain	Harwich	Chatham-Kent	Granted: Jan 31, 2023	4
031-2023	Cyrus Huffman Drain	Harwich	Chatham-Kent	Granted: Jan 31, 2023	4
032-2023	McGregor Watterworth Drain	Howard	Chatham-Kent	Granted: Jan 31, 2023	0
033-2023	Callow Drain	Howard	Chatham-Kent	Granted: Jan 31, 2023	1

11.5) Conservation Services

11.5.1) Stewardship Report

General Update

Our stewardship team is continuing to grow, we are happy to welcome back Amanda Blain from maternity leave and are currently interviewing for the Wetland Technician position.

In the eastern district, the last month to plan tree-planting projects has seen a large increase in the uptake of this program. The Conservation Services Assistant, Eastern has planned the planting of 45,000 trees to date through both project and seedling sales orders, but due to the need of some farms to reschedule their projects until 2024, there are now 37,000 trees expected to be planted this spring. Project interest continues to come in, so final numbers are still not set.

Outreach events have included a booth promoting farmland stewardship at the Chatham-Kent Farm Show, an ALUS-organized tree planting night that generated interest in several new windbreak projects and a community schoolyard project, and a speaking engagement with the Rodney Horticultural Society.

Our application for the Grassland Stewardship Initiative has been approved in full, with Grasslands Ontario agreeing to contribute over \$8,000 to the establishment and monitoring of a 5.2 acre prairie project. LTVCA is also involved in planning a cooperative regional application for the 2 Billion Trees program in partnership with the City of London, Ministry of Transportation, Upper Thames River Conservation Authority, St. Clair Region Conservation Authority, and ALUS that is expected to result in the planting of trees along MTO-owned highways in the region, particularly the 401, 402, and Highway 3.

ALUS Middlesex

ALUS Middlesex started off its sixth-year as an organization by seeking out new opportunities to engage with farmers and build partnerships within the community. ALUS Middlesex recently partnered with LTVCA and the St. Clair Conservation Authority to bring an information night to the rural community of Glencoe. More than 20 farmers of the community stopped by the Glencoe agricultural hall to learn from ALUS and Conservation staff about Spring tree plantings. Attendees learned about the different machine and hand planting techniques, asked staff questions and, with mapping technology made available at the event, took part of their very own virtual site visits!

Machine tree planting on display at Glencoe outreach night



Working with ALUS national to showcase conservation efforts by farmers, ALUS Middlesex coordinated a photo-opportunity with a local farmer who has been working with ALUS Middlesex since 2017. The recent winter weather allowed us to capture a snowy 2-acre tree planting from 2022, which acts a buffer between agricultural activities and the Big Munday Creek.



Landowner and photographer walking ALUS project site.

Our February PAC meeting, hosted at the Westminster Ponds Environment and Sustainability Centre, saw 11 new projects approved, with a focus on habitat and water quality projects, aimed at helping species at risk. ALUS Middlesex fundraising has seen an increase in support from ALUS national and we're committed to strengthening our relationships with local funding sources. By signing on to be a leading community on a new pilot project with the New Acre Project, a division of ALUS national, ALUS Middlesex will work to develop strategies to identify funding sources and expand our support more locally. Program delivery, and especially project planning and outreach, will be on-going as ALUS Middlesex staff prepare to move to a new office space at the Burwell House over the next month.

ALUS Elgin

ALUS Elgin has had a busy start to 2023. We have been working with landowners and project partners to conduct site visits and develop project plans for new projects of diverse ecosystem types. Furthering our reach, ALUS Elgin has collaborated with the New Acre Project to create partnerships opportunities with local businesses in Elgin County which to increase our capacity in farmer-led stewardship.

We have also been invested in learning more about existing partnerships with the distribution of a participant feedback survey. The feedback we receive from this survey will allow us to better understand the reasons why participants enrolled and continue to stay in or program and what we can do to improve participant experience.

To expand on our understanding around the impacts of our stewardship projects, and to engage with young academic professionals, ALUS Elgin is collaborating with Western University's Community Education Learning course to complete a project that identifies the connections between environmental and human health. Students will communicate their findings in a series of photo essays that will be shared with public.

Coming up in late-February, ALUS Elgin will be hosting our first PAC meeting of the year; during which new projects, members and upcoming events will be discussed and PAC elections conducted.



An existing ALUS Elgin wetland project, near Lake Erie, captured during a site visit to discuss more projects in the 2023 year.

ALUS Chatham-Kent

ALUS Chatham-Kent began 2023 with finalizing reports for 2022. Focus has now shifted to preparing for the coming field season and planning new projects. There has been a lot of interest already and a number of landowners who expressed interest in the program last fall will be establishing a project this year. Tree planting is the most popular project to plan during this time of year, with wetlands and tallgrass prairie projects to follow as spring draws closer.

The ALUS Chatham-Kent Partnership Advisory Committee (PAC) had its first meeting of 2023 on February 8. Multiple projects were proposed and approved to move forward. In addition to new projects, the PAC will be inviting five new members to join the committee in 2023. The group is eager to make 2023 a success and will be meeting twice as often as previous years.

Imagine McGregor

The Imagine McGregor has had a strong start to the year, with big tickets events such as the start of the second annual Winter Webinar Series & the opening of the Imagine McGregor Through the Eyes of Youth Art show.

The Winter Webinar Series kicked off in January with a riveting talk by local environmentalist Rick Gray, who spoke about the importance of gardening with native plants and how to do so.

The series continued with Carol Koziol, the Founder of the Canadian Ecopsychology Network, who spoke about the importance of interacting with and appreciating nature, and its impact on both physical and mental health.

Between the two webinars, we had over 200 live viewers, and over 400 views on the recorded versions of the LTVCA YouTube channel so far. We hope to increase these numbers with our two upcoming webinars, one of which will be presented by our very own community educator Thomas Martel, who will share traditional knowledge of native plants.



The Imagine McGregor Through the Eyes of Youth Art Show had its two day grand opening on January 19th & 20th at William St. Cafe. The environmentally themed art was created by local high school students from Ursuline College Chatham, with the aim of the show being to raise awareness of environmental issues and to spark hope for the future. The event was a huge success, with over 150 members of the public coming to the opening and providing great feedback. The event was catered with vegetarian hors d'oeuvres by the Cafe, who also focused on promoting a “zero-waste” lifestyle to help the environment.



Attendees voted on their favourite art work for a “People’s Choice Award”, and a judges panel voted on the “Most Environmentally Significant Piece.” The winners were awarded gift cards to local businesses and an art supply store. The show was generously funded through grants from Together CK and Wildlife Habitat Canada.

LTVCA staff are leading by example in urban stewardship by completing a garbage pickup of the area surrounding the head office on Thames St. Taking on such a task may seem simple, but can make quite a difference in helping the environment.



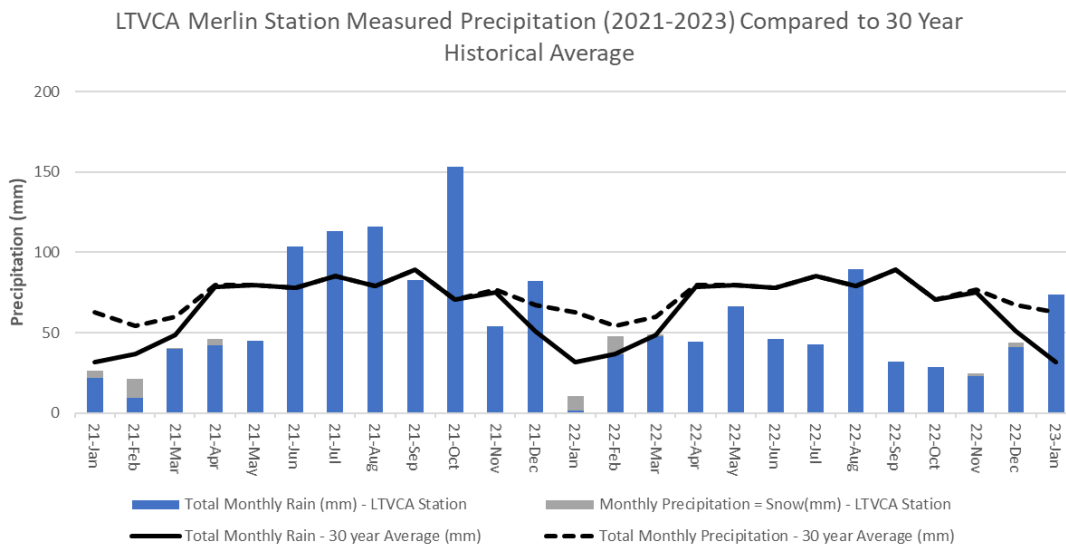
Planning is well underway for urban stewardship projects this coming spring and summer, including tree plantings, pollinator garden creations, and garbage pickups. We will be re-engaging with groups that volunteered last year including Community Living Chatham, Enbridge, local Rotary clubs, and highschool students, and also looking to expand our volunteer database by partnering with new local businesses and groups.

11.5.2) Phosphorus Reduction Initiatives

On-Farm Applied Research & Monitoring (ONFARM) Program



From December 2022 to January of 2023, LTVCA project staff continued to collect water quality and quantity data in the Jeannettes Creek ONFARM study subwatershed. Approximately 117.5mm of precipitation was recorded at the Merlin edge of field sites during the period.



During January of 2023, total monthly precipitation was in excess of the 30-year average for the region for the first time since August. However, 2022 was an extremely dry year, in total we observed 525 mm of rainfall, which was 357mm below the annual average for the region (882mm). During January and February, 2 significant flow events were observed and sampled. The landscape is once again saturated and we expect flow events to occur more frequently throughout the remainder of the Winter.

The ONFARM project will conclude on February 23rd of 2023. The final ONFARM forum was hosted on February 9th and results from the 4-year project were shared with the broader public. The LTVCA Agricultural Program Coordinator presented the preliminary results from the Jeannettes Creek edge-of-field BMP verification sites during the Forum and participated in panel discussions. In Total 290 people registered for the forum, with 200 attending the event. Additional case studies and result reports will be released at a later date.

To learn more about the LTVCA's involvement in this initiative, watch the linked YouTube video: <https://www.youtube.com/watch?v=TON9EreMDXM>



LTVCA: Soil Health Program 2022/23 – Update

The objective of the program is to provide financial support to farmers who are planting cover crops to sequester carbon, improve soil health, and to reduce agriculturally sourced phosphorus loads. During December of 2022 to January of 2023 LTVCA staff completed processing all the cover crop planting claim submissions for 2022 projects. The LTVCA contributed \$138,420.85 to 70 farm businesses to offset the cost of planting of 9,785 acres of cover crops in the watershed during 2022. This is on par, with the total funding and acres planted through the program during 2021.



Project staff are now focusing on aggregating the necessary soil and crop management data for all the fields where the plantings occurred during 2022. This data will be used by ECCC staff to estimate the amount of carbon that was sequestered in the soil through the cover crop plantings.

During March, LTVCA staff will contact the farm businesses that were approved for 2 years of funding through the program to validate their 2023 cover crop planting plans. If all 2023 projects proceed as planned, a total of 9,300 acres of cover crops will be planted. This would equate to a total financial contribution \$140,000.00.

This project is undertaken with the financial support of the Nature Smart Climate Solutions Fund, a Government of Canada Department of Environment and Climate Change program, in partnership with Conservation Ontario. The LTVCA has been approved for \$423,000.00 in funding to administer the program from 2022-2024. The majority of the funding will be allocated to provide incentives to farm businesses to plant cover crops during 2022 and 2023. The LTVCA will also receive funds to offset the cost of administering the program.

11.5.3) Species at Risk (SAR)

Aquatic Species at Risk (SAR)



Nine interpretive signs were installed at Big Bend, Dutton-Dunwich, Delaware, Rondeau Bay Marshes and McGeachy Pond Conservation Areas. These signs raise awareness about local fish and mussel SAR and aquatic invasive species and encourage citizens to take action to protect SAR and monitor them through citizen science apps (e.g. iNaturalist, EDDMapS and Clam Counter). Dynamic QR codes track public engagement generated by the signs.

A draft technical report, describing how to conduct a threat assessment for aquatic SAR, was submitted to Fisheries and Oceans Canada (DFO) for comment prior to publication. In addition, a funding proposal has been submitted to DFO's Habitat Stewardship Program to support the continuation of the LTVCA's aquatic SAR program for the next three fiscal years (2023/24 – 2025/26).

Figure 1: A fish SAR interpretive sign installed at the Rondeau Bay Marshes Conservation Authority raises awareness of threats to SAR and lets people know how they can reduce threats and participate in citizen science.

Terrestrial Species at Risk (SAR)

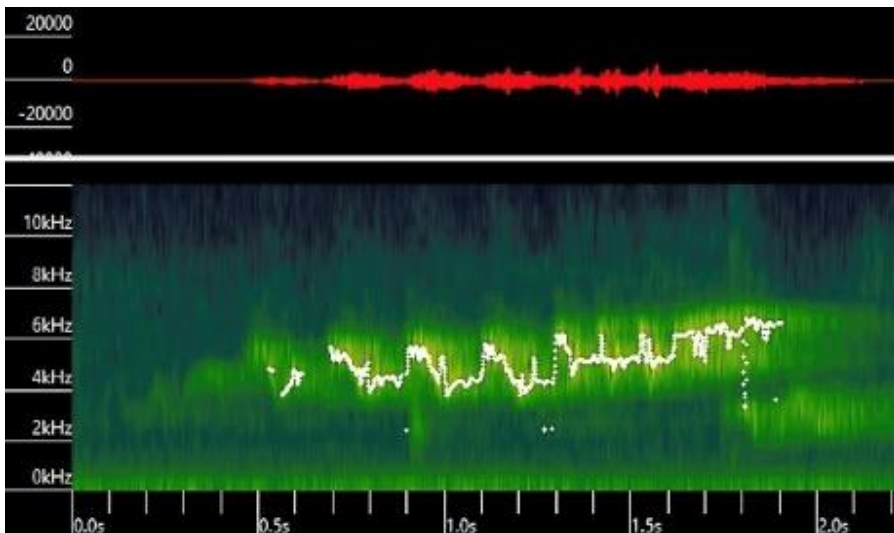


Figure 2: Sonogram (pictorial representation) of the song of a threatened Cerulean Warbler from the Mosa Forest Conservation Area (Kaleidoscope Pro).

Local bird expert Jeremy Bensette has been contracted to analyze bird and amphibian sonograms recorded at the Mosa Forest and Ashton Forest Conservation areas during the spring and summer of 2022. This information will inform the development of property management plans.

11.6) Communications, Outreach and Education

11.6.1) Social Media

As of February 12, 2023 the **Lower Thames Valley Conservation Authority's Facebook** page has 3230 Followers, the **Instagram page for the Authority** has 1105 Followers, and the Authority has 1245 Followers on **Twitter**.

The Communications, Education, and Outreach team as currently assessing the format and continuation of daily departmental posts and the circulation of these by email. Timely content and the promotion of Authority activities will continue as usual.

11.6.2) Upcoming Public Events and Opportunities at Longwoods Road Conservation Area and Ska-Nah-Doht Village

Public Snowshoeing

- While snow has been intermittent the Education Team has planned a number of public snowshoe rental dates around community group bookings and pre-organized rental groups.

March Break

- Daily themed programming at Longwoods Road and other Conservation Areas.
- Outreach with the London Public Library System.

Mon	Tue	Wed	Thu	Fri
Timed Happening 10:30 a.m. Sensational Seasons Guided Walk 1:00 p.m. Sensational Seasons Guided Walk On-Going Activity Pottery Making (\$)	On-Going Activity Excavate a Cookie (\$) Colouring Pages Nature Bingo	Timed Happening 10:30 a.m. Ska-Nah-Doht Village Tour 1:00 p.m. Ska-Nah-Doht Village Tour On-Going Activity Tool Making	Timed Happening 10:30 a.m. Habitats and Communities Exploration 1:00 p.m. Habitats and Communities Exploration On-Going Activity Excavate an Owl Pellet (\$)	Timed Happening 10:30 a.m. Medicine Walk 1:00 p.m. Medicine Walk On-Going Activity Clay Animal Footprint Making (\$)

\$ indicates a fee of \$3.50 per activity.

March Break 2023 Schedule for Longwoods Road Conservation Area

11.6.3) Education Programming

The Education team at Longwoods Road Conservation Area continues to provide school and community group opportunities, including snowshoeing when able. On average we are programming 3 or 4 days of the week at this time of the year. We also have a number of in-class programs scheduled for schools that are unable to make it for on-site programming.

Sponsorship requests for the River and Creek Safety Program have been sent out and responses are coming in. It is anticipated that we will be in-class at schools the latter half of March providing this program to Grade 2 classes, with a public River and Creek Safety Program being considered for late March.

Progress continues to be made towards the initiation of education programs at C.M. Wilson Conservation Area. The Education team at C.M. Wilson have been preparing the facility and learning programming in the interim. It is intended that some conservation related items from Ska-Nah-Doht Museum / the Resource Centre will be relocated to the education centre at C.M. Wilson over the coming weeks in preparation for class visits.

Curriculum connections and education kits for both locations are being updated as programs continue to be reintroduced following their restriction during COVID-19.

11.6.4) Ska-Nah-Doht Village and Museum

As of February 12, 2023 the **Ska-Nah-Doht Village's Facebook** page has 3012 Followers for an increase of 97 Followers since December 1, 2022. The **Instagram page for the Village** has 501 Followers for an increase of 30 new Followers, since December 1, 2022.

50th Anniversary

In 2023, Ska-Nah-Doht Village and Museum commemorates its 50th anniversary. While plans are being made for commemoration throughout the year a temporary exhibit featuring archival material and memorabilia from our last 50 years has been installed. A note regarding language has been included in this exhibit as the terms used during parts of our history may be inaccurate, offensive, or outdated.



50th Anniversary Exhibit

An application to Visit Middlesex's Tourism Initiative Sponsorship program has been submitted to support the commemoration of our 50th anniversary and facilitate exhibit updates at the Museum. It is the purpose of this grant to encourage regional tourism and support of the local economy.

Heritage Log Cabin Revitalization Project

Highway signage and exhibit cases for the Heritage Log Cabin Revitalization Project remain in production. The Log Cabin signs are complete and will be erected in early spring.

The Curator will continue to connect and collaborate with the home Nation of each cabin as exhibits are developed and installed in each building.

11.7) Wheatley Two Creeks Association Minutes - December 1, 2022

WHEATLEY TWO CREEKS ASSOCIATION

Minutes of regular meeting held at the Wheatley Friendship Club Dec. 1st 2022

Attendance: Rick Taves, Mark Peacock, Lorna Bell, Bruce & Marj Jackson, Mike Diesbourg, Roger Dundas, Gerry Soulliere, Joe Pinsonneault, Lee & Linda Pearce, Pauline Sample.

Agenda: Moved by Lorna, sec. by Lee agenda be accepted as outlined. (Carried)

Minutes: Moved by Phil, sec. by Roger minutes be accepted as read (Carried)

Note: We will not be providing a bottle and can return rack as was stated in Dec. minutes.

Mem. Groves: A couple of trees need to be trimmed.

Prop. & Equip.: The \$5000.00 budget for the storage area that the Early On Preschool group needs may not be enough. Mark proposed giving us a Sea Can which would then be covered with wood. They could also buy a prebuilt one. Joe will also look into building it ourselves. The new sign stating that Two Creeks is run by volunteers is ready to be installed. Gerry will put a sign and lights on the UTV which he will drive in the Xmas parade. Mark will look into acquiring a used culvert and also ask Valerie Towsley at Lower Thames to look into who is responsible for replacing it. Roger will buy a new battery charger to be kept in our shed.

Concerts: So far 5 bands have been booked.

Financial Report: Submitted by Roger. Account balance as of Oct. 31 was \$27,237.96. Account balance as of Nov. 30 was \$23,158.41. Moved by Roger, sec. by Phil report be accepted as given. (Carried)

Correspondence: None

Old Business: None

New Business: None

Adjournment: Gerry moved for adjournment at 6:45pm

Phil Humphries, secretary.

Recommendation: That the above reports, 11.2) through to 11.8) be received for information.
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12. Correspondence

12.1) Ministers direction for conservation authorities regarding fee changes associated with planning, development and permitting fees

Ministry of Natural
Resources and Forestry

Office of the Minister

99 Wellesley Street West
Room 6630, Whitney Block
Toronto, ON M7A 1W3
Tel.: 416-314-2301

Ministère des Richesses
naturelles et des Forêts

Bureau du ministre

99, rue Wellesley Ouest
Bureau 6630, Édifice Whitney
Toronto ON M7A 1W3
Tél.: 416 314-2301



December 28, 2022

TO: Conservation authorities as listed in the Attachment A "Minister's Direction to Not Change Fees"

SUBJECT: Minister's direction for conservation authorities regarding fee changes associated with planning, development and permitting fees

In support of Ontario's Housing Supply Action Plan: 2022-2023, the province made a series of legislative changes through the *More Homes Built Faster Act, 2022* (Bill 23) to help achieve the goal of building 1.5 million homes over the next 10 years. These changes accelerate housing development approvals while continuing to protect Ontario families, communities, and critical resources. A number of these changes affect conservation authorities and are intended to support faster and less costly approvals, streamline conservation authority processes, and help make land suitable for housing available for development.

To this end, pursuant to subsection 21.3 (1) of the *Conservation Authorities Act*, which is in effect January 1, 2023, I am issuing a Minister's Direction ("Direction"), attached to this letter as Attachment "A". Subsection 21.3 (1) provides that the "Minister may give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10), in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction."

The purpose of this Direction, which is effective from January 1, 2023 to December 31, 2023, is to require a conservation authority not to change the amount of the fee it charges or the manner in which it determines the fee for any program or service that may be provided by the conservation authority. This relates to reviewing and commenting on planning and development related proposals or land use planning policies, or for permits issued by conservation authorities. For greater certainty, the "Prescribed Acts – subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Act" regulation (O. Reg. 596/22), effective January 1, 2023, prohibits a CA from providing a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on a proposal, application, or other matter

1

made under prescribed Acts. This regulation therefore precludes the charging of a fee by a conservation authority for these specific programs or services provided under subsections 21.1.1 (1) or 21.1.2 (1.1) of the *Conservation Authorities Act*.

The conservation authorities listed in Appendix A of the Direction are encouraged to make the Direction publicly available on the Governance section of their websites.

Pursuant to subsection 21.2 (3) of the Act, I am also re-distributing the Minister's list of classes and programs and services in respect of which conservation authorities may charge a fee along with this Direction, with editorial changes to reflect the recent legislative and regulatory changes.

If you have any questions, please contact Jennifer Keyes, Director, Resources Planning and Development Policy Branch, at Jennifer.Keyes@ontario.ca or 705-761-4831.

If it is in the public interest to do so, I will provide further direction or clarification at a later date related to the matters set out in this Direction.

Sincerely,



The Honourable Graydon Smith
Minister of Natural Resources and Forestry

- c: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
- The Honourable David Piccini, Minister of the Environment, Conservation and Parks

**Minister's Direction Issued Pursuant to Section 21.3 of the *Conservation Authorities Act*
(this "Direction")**

WHEREAS section 21.2 of the *Conservation Authorities Act*, in effect on January 1, 2023, permits a Conservation Authority to charge a fee for a program or service if the program or service is included in the Minister's list of classes of programs and services in respect of which a Conservation Authority may charge a fee;

AND WHEREAS subsections 21.2 (6) and 21.2 (7) of the *Conservation Authorities Act* provide that a Conservation Authority shall adopt a written fee policy that includes a fee schedule listing the programs and services that it provides in respect of which it charges a fee, and the amount of the fee charged for each program or service or the manner in which the fee is determined (a "**Fee Schedule**");

AND WHEREAS subsection 21.2 (10) of the *Conservation Authorities Act* provides that a Conservation Authority may make a change to the list of fees set out in the fee schedule or to the amount of any fee or the manner in which a fee is determined, provided the authority shall give notice of the proposed change to the public in a manner it considers appropriate;

AND WHEREAS section 21.3 of the *Conservation Authorities Act* provides the Minister with the authority to give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10), in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction;

NOW THEREFORE pursuant to the authority of the Minister of Natural Resources and Forestry under section 21.3, the Conservation Authorities set out under Appendix "A" of this Direction (the "**Conservation Authorities**" or each, a "**Conservation Authority**") are hereby directed as follows:

Fee Changes Prohibition

1. Commencing on the Effective Date and for the duration of the Term of this Direction, a Conservation Authority is prohibited from making a change under subsection 21.2 (10) of the *Conservation Authorities Act* to the amount of any fee or the manner in which a fee is determined in its fee schedule if such a change would have the effect of changing the fee amount for the programs and services described in paragraphs 2 and 3 of this Direction.

Program and Service Fees Impacted

2. This Direction applies to any fee set out in the Fee Schedule of a Conservation Authority, including without limitation fees for any mandatory program or service (Category 1), municipal program or service (Category 2), or Conservation Authority recommended program or service (Category 3) related to reviewing and commenting on

planning and development related proposals, applications, or land use planning policies, or for Conservation Authority permitting.

3. For greater certainty, this Direction applies to any fees in respect of the following programs or services provided under the Mandatory Programs and Services regulation ([O. Reg. 686/21](#)):
 - a. Section 6: programs and services related to reviewing applications and proposals under the *Aggregate Resources Act*, *Drainage Act*, *Environmental Assessment Act*, and the *Niagara Escarpment Planning and Development Act*, for the purpose of commenting on the risks related to natural hazards arising from the proposal,
 - b. Section 7: programs and services related to ensuring that decisions under the *Planning Act* are consistent with the natural hazards policies in the policy statements issued under section 3 of the *Planning Act* and are in conformance with any natural hazard policies included in a provincial plan as defined in section 1 of that Act,
 - c. Section 8: programs and services related to Conservation Authority duties, functions, and responsibilities to administer and enforce section 28 and its regulations, section 28.0.1, and section 30.1 of the *Conservation Authorities Act*,
 - d. Paragraph 4 of subsection 13 (3): programs and services related to reviewing and commenting on any proposal made under another Act for the purpose of determining whether the proposal relates to a significant drinking water threat or may impact any drinking water sources protected by a source protection plan, and
 - e. Subparagraph 4 iv of section 15: programs and services related to reviewing and commenting on proposals made under other Acts for the purpose of determining the proposal's impact on the Lake Simcoe Protection Plan and the Lake Simcoe watershed.

Application

4. This Direction, applies to all Conservation Authorities in Ontario, listed in Appendix "A" to this Direction.
5. For greater certainty, this Direction also applies to the Conservation Authorities listed in Appendix "A" to this Direction when such Conservation Authorities are meeting as a source protection authority under the *Clean Water Act, 2006*.

Effective Date and Term

6. This Direction is effective from January 1, 2023 (the "**Effective Date**").
7. The term of this Direction is the period from the Effective Date to December 31, 2023 (the "**Term**").

Amendments

8. This Direction may be amended in writing from time to time at the sole discretion of the Minister.

**HIS MAJESTY THE KING IN RIGHT OF ONTARIO
as represented by the
Minister of Natural Resources and Forestry**



The Honourable Graydon Smith
Minister of Natural Resources and Forestry
December 28, 2022

APPENDIX A

LIST OF CONSERVATION AUTHORITIES TO WHICH THE DIRECTION APPLIES

Ausable Bayfield CA

R.R. #3
71108 Morrison Line
Exeter ON N0M 1S5
Brian Horner
bhorner@abca.on.ca

Cataraqui Region CA

Box 160
1641 Perth Road
Glenburnie ON K0H 1S0
Katrina Furlanetto
kfurlanetto@crca.ca

Catfish Creek CA

R.R. #5
8079 Springwater Road
Aylmer ON N5H 2R4
Dusty Underhill
generalmanager@catfishcreek.ca

Central Lake Ontario CA

100 Whiting Avenue
Oshawa ON L1H 3T3
Chris Darling
cdarling@cloca.com

Credit Valley CA

1255 Old Derry Rd
Mississauga ON L5N 6R4
Quentin Hanchard
quentin.hanchard@cvc.ca

Crowe Valley CA

Box 416
70 Hughes Lane
Marmora ON K0K 2M0
Tim Pidduck
tim.pidduck@crowevalley.com

Essex Region CA

Suite 311
360 Fairview Ave West
Essex ON N8M 1Y6

Tim Byrne
tbyrne@erca.org

Ganaraska Region CA
Box 328
2216 County Road 28
Port Hope ON L1A 3V8
Linda Laliberte
llaliberte@grca.on.ca

Grand River CA
Box 729
400 Clyde Road
Cambridge ON N1R 5W6
Samantha Lawson
slawson@grandriver.ca

Grey Sauble CA
R.R. #4
237897 Inglis Falls Road
Owen Sound ON N4K 5N6
Tim Lanthier
t.lanthier@greysauble.on.ca

Halton Region CA
2596 Britannia Road West
Burlington ON L7P 0G3
Hassaan Basit
hbasit@hrca.on.ca

Hamilton Region CA
P.O. Box 81067
838 Mineral Springs Road
Ancaster ON L9G 4X1
Lisa Burnside
lisa.burnside@conservationhamilton.ca

Attachment A

Kawartha Region CA
277 Kenrei (Park) Road
Lindsay ON K9V 4R1
Mark Majchrowski
mmajchrowski@kawarthaconservation.com

Kettle Creek CA
R.R. #8
44015 Ferguson Line
St. Thomas ON N5P 3T3
Elizabeth VanHooren
elizabeth@kettlecreekconservation.on.ca

Lake Simcoe Region CA
Box 282
120 Bayview Parkway
Newmarket ON L3Y 3W3
Rob Baldwin
r.baldwin@lsrca.on.ca

Lakehead Region CA
Box 10427
130 Conservation Road
Thunder Bay ON P7B 6T8
Tammy Cook
tammy@lakeheadca.com

Long Point Region CA
4 Elm Street
Tillsonburg ON N4G 0C4
Judy Maxwell
jmaxwell@lprca.on.ca

Lower Thames Valley CA
100 Thames Street
Chatham ON N7L 2Y8
Mark Peacock
mark.peacock@ltvca.ca

Lower Trent Region CA
R.R. #1
714 Murray Street
Trenton ON K8V 5P4
Rhonda Bateman
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Maitland Valley CA
Box 127

Attachment A

1093 Marietta Street
Wroxeter ON N0G 2X0
Phil Beard
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Mattagami Region CA
100 Lakeshore Road
Timmins ON P4N 8R5
David Vallier
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Mississippi Valley CA
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Carleton Place ON K7C 3P1
Sally McIntyre
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Niagara Peninsula CA
250 Thorold Road West, 3rd Floor
Welland ON L3C 3W2
Chandra Sharma
csharma@npca.ca

Nickel District CA
199 Larch St
Suite 401
Sudbury ON P3E 5P9
Carl Jorgensen
carl.jorgensen@conservationsudbury.ca

North Bay-Mattawa CA
15 Janey Avenue
North Bay ON P1C 1N1
Chitra Gowda
chitra.gowda@nbmca.ca

Nottawasaga Valley CA
8195 Line 8
Utopia ON L0M 1T0
Doug Hevenor
dhevenor@nvca.on.ca

Attachment A

Otonabee Region CA
250 Milroy Drive
Peterborough ON K9H 7M9
Janette Loveys Smith
jsmith@otonabeeconservation.com

Quinte CA
R.R. #2
2061 Old Highway #2
Belleville ON K8N 4Z2
Brad McNevin
bmcnevin@quinteconservation.ca

Raisin Region CA
PO Box 429
18045 County Road 2
Cornwall ON K6H 5T2
Richard Pilon
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Rideau Valley CA
Box 599
3889 Rideau Valley Dr.
Manotick ON K4M 1A5
Sommer Casgrain-Robertson
sommer.casgrain-robertson@rvca.ca

Saugeen Valley CA
R.R. #1
1078 Bruce Road #12, Box #150
Formosa ON N0G 1W0
Jennifer Stephens
j.stephens@svca.on.ca

Sault Ste. Marie Region CA
1100 Fifth Line East
Sault Ste. Marie ON P6A 6J8
Corrina Barrett
cbarrett@ssmrca.ca

South Nation River CA
38 Victoria Street
P.O. Box 29
Finch ON K0C 1K0
Angela Coleman
acoleman@nation.on.ca

St. Clair Region CA
205 Mill Pond Crescent

Attachment A

Strathroy ON N7G 3P9
Ken Phillips
kphillips@scrca.on.ca

Toronto and Region CA
101 Exchange Avenue
Vaughan ON L4K 5R6
John MacKenzie
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Upper Thames River CA
1424 Clarke Road
London ON N5V 5B9
Tracey Annett
annett@thamesriver.on.ca

12.2) Policy: Ministers list of classes of programs and services in respect of which conservation authorities may charge a fee

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

December 28, 2022

Preamble

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

Categories of conservation authority programs and services

The *Conservation Authorities Act* establishes three categories of programs and services that a conservation authority may provide:

- Category 1: Mandatory programs and services, which are those that a conservation authority is required to provide under section 21.1 of the Act, and that are described in the "Mandatory Programs and Services" regulation (O. Reg. 686/21).
- Category 2: Municipal programs and services, which are those that a municipality, situated in whole or in part within a conservation authority's area of jurisdiction, requests a conservation authority to provide on behalf of the municipality pursuant to s. 21.1.1 of the Act under a memorandum of understanding or other agreement.
- Category 3: Other programs and services that the conservation authority determines are advisable to provide, pursuant to section 21.1.2 of the Act, to further the purposes of the Act.

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

Section 21.2 of the *Conservation Authorities Act* requires a conservation authority to administer the charging of fees in a transparent and accountable manner by adopting and publishing a written fee policy, which includes a fee schedule that lists the programs and services for which an authority charges a fee and the amount to be charged. Conservation authorities must maintain their fee schedule and if an authority wishes to make changes to its fee schedule, it must notify the public of the proposed change (e.g., on its website). In its fee policy, a conservation authority must also set out the frequency with which it will conduct a review of its fee policy, including its fee schedule, the process for carrying out a review of the fee policy, including the rules for giving notice of the review and any changes as a result of a review, and the circumstances under which any person may request the

authority to reconsider a fee that was charged to the person and the procedures applicable to the reconsideration. Decisions regarding the fee policy and fee schedule are made by the members of a conservation authority, comprised of representatives appointed by the participating municipalities and the agricultural sector representative member, where appointed by the Minister of Natural Resources and Forestry.

Reconsideration of fee charged

A conservation authority's fee policy must define the circumstances in which a person may request that the authority reconsider a fee that was charged and the procedures applicable to the reconsideration. Where the authority's fee policy permits a person to request the authority to reconsider the fee it has charged that person because it is contrary to the authority's fee schedule or excessive in relation to the program or service for which it was charged, that person may apply to the authority, in accordance with the procedures set out in the authority's fee policy, to request a reconsideration of the fee. After receiving and considering the request, the authority may vary the amount of the fee to be charged to an amount the authority considers appropriate, order that no fee be charged, or confirm the original amount of the fee.

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

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

Prescribed Acts

Pursuant to subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the *Conservation Authorities Act*, the Minister may make regulations to prohibit a CA from providing a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on a proposal, application, or other matter made under a prescribed Act. This precludes the charging of a fee by a conservation authority for any such program or service under an Act that has been prescribed for the purposes of subsections 21.1.1 (1.1) or 21.1.2 (1.1).

User-Pay Principle

The fees that conservation authorities charge, in accordance with the Minister's Fee Classes Policy, are considered 'user fees.' 'User fees' are fees paid to an authority by a

person or organization for a service that they specifically benefit from. This includes use of a public resource (e.g., park access or facility rental) or the privilege to do something (e.g., receive an approval through a permit or other permission to undertake a regulated activity).

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

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

Fee amounts

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

Minister’s direction re fee changes

Pursuant to subsection 21.3 (1) of the *Conservation Authorities Act*, the Minister may give a written direction to a conservation authority directing it not to change the amount of any fee it charges, or the manner in which a fee is determined, in respect of a program or

service that is set out in this Minister’s list of classes of programs and services in respect of which a conservation authority may charge a fee. Any conservation authority that receives a direction is required to comply within the time specified in the direction.

Minister’s fee classes

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

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

Classes of programs and services	Criteria
Category 1 mandatory programs and services (section 21.1 of the <i>Conservation Authorities Act</i>) and programs and services provided in accordance with the Mandatory Programs and Services Regulation (O. Reg. 686/21)	Category 1 programs and services where the following requirement is met: <ul style="list-style-type: none"> • The User-Pay Principle is appropriate.
Category 2 municipal programs and services – i.e., those programs and services an authority provides on behalf a municipality pursuant to a memorandum of understanding or service level agreement or other agreement (section 21.1.1 of the <i>Conservation Authorities Act</i>)	Category 2 programs and services, subject to any limitations that may be set out in the <i>Conservation Authorities Act</i> or its regulations, and where the following requirements are met: <ul style="list-style-type: none"> • The User-Pay Principle is appropriate; and • The parties agree through provisions in a memorandum of understanding, service level agreement, or other agreement governing the provision of the Category 2 program or service that the authority should be permitted to charge a fee for that program or service.
Category 3 authority determined programs and services (section 21.1.2 of the <i>Conservation Authorities Act</i>) that are financed in whole or in part by the municipal levy and on or after January 1, 2024 will require a cost apportioning agreement	Category 3 programs and services, subject to any limitations that may be set out in the <i>Conservation Authorities Act</i> or its regulations, that are financed in whole or in part by the municipal levy, and where the following requirements are met: <ul style="list-style-type: none"> • The User-Pay Principle is appropriate; and • Where a cost apportionment agreement has been entered into for a Category 3 program or service, the agreement includes provisions permitting the authority to charge a fee for the program or service. This requirement does not apply where the cost

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

Disclaimer

This Minister's Fee Classes Policy summarizes some of the requirements in the *Conservation Authorities Act* with respect to the charging of a fees by a conservation authority for programs and services. This document should not be construed as legal advice or a substitute for seeking independent legal advice. Anyone seeking to fully understand how the Act and regulations may apply to the charging of fees by a conservation authority for programs or services should refer to the Act and regulations. The Act and associated regulations take precedence in the event of any inconsistency with this policy.

12.3) Legislative and regulation changes affecting conservation authorities



Ministry of Natural Resources and Forestry

Ministère des Richesses naturelles et des Forêts

Resources Planning and Development Policy Branch
Policy Division
300 Water Street
Peterborough, ON K9J 3C7

Direction des politiques de planification et d'exploitation des ressources
Division de l'élaboration des politiques
300, rue Water
Peterborough (Ontario) K9J 3C7

To: Conservation authorities and participating municipalities, Conservation Ontario and the Association of Municipalities of Ontario

From: Jennifer Keyes, Director

Date: December 28, 2022

Subject: Legislative and regulation changes affecting conservation authorities

Good afternoon,

I am writing to provide you with information on amendments to the *Conservation Authorities Act* made as part of the *More Homes Built Faster Act, 2022*, as well as two regulations that have been approved by the province in support of Ontario's Housing Supply Action Plan, both of which will come into effect on January 1, 2023. In addition, the Minister of Natural Resources and Forestry has issued a direction regarding fees that will be distributed separately from this letter. A notice will be posted to the Environmental Registry of Ontario (ERO) in the coming weeks regarding these decisions.

Legislative Amendments

As you are likely aware, the *More Homes Built Faster Act, 2022* was passed this Fall, receiving Royal Assent on November 28, 2022. Several changes were made to the *Conservation Authorities Act* that are intended to further focus conservation authorities on their core mandate, support faster and less costly approvals, streamline conservation authority processes, and help make land suitable for housing available for development.

Notably, one part of the *More Home Built Faster Act, 2022* which came into effect upon Royal Assent were changes to Section 28.0.1 of the *Conservation Authorities Act*, which include provisions to require a conservation authority to issue a permission or permit where a Minister's Zoning Order has been made under section 47 of the *Planning Act*. This section was amended to also apply to orders made under section 34.1 of the *Planning Act*, otherwise known as the "community infrastructure and housing accelerator" tool, in addition to some other minor changes.

Other changes, which will come into effect on January 1, 2023, include:

- Updates to Section 21 of the Act so that a disposition of land in respect of which the Minister has made a grant under section 39 requires authorities to provide a notice of the proposed disposition to the Minister instead of requiring the Minister's approval. Authorities will also be required to conduct public consultations before disposing of lands that meet certain criteria.
- Sections 21.1.1 and 21.1.2 of the Act which provide that authorities may not provide a program or service related to reviewing and commenting on proposals, applications, or other matters under prescribed Acts.
- A new section 21.3 that enables the Minister to issue temporary direction to a conservation authority preventing the authority from changing the amount of a fee it charges under subsection 21.2 (10) of the Act.

Remaining legislative changes regarding conservation authority development regulations will not come into effect until proclaimed, following the creation of a new Minister's regulation with supporting regulatory details. This regulation is currently being consulted on until December 30th on the ERO, #019-2927: [Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario.](#)

New Regulatory Requirements

Following the passing of these legislative amendments, the government has proceeded with making two regulations, both of which will come into effect on January 1, 2023.

Amendments were made to [Ontario Regulation 686/21: Mandatory Programs and Services](#) to require conservation authorities to identify conservation authority lands suitable for housing. This requirement is part of the preparation of the land inventory required to be completed by conservation authorities by December 31, 2024, and certain considerations for identifying whether or not lands are suitable for housing are listed.

A new Minister's regulation (Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Act) was also made to focus conservation authorities' role when reviewing and commenting on proposals, applications, or other matters related to development and land use planning. Under this regulation, conservation authorities are no longer able to provide a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on a proposal, application, or other matter made under the following Acts:

- *The Aggregate Resources Act*
- *The Condominium Act, 1998*
- *The Drainage Act*
- *The Endangered Species Act, 2007*
- *The Environmental Assessment Act*
- *The Environmental Protection Act*
- *The Niagara Escarpment Planning and Development Act*
- *The Ontario Heritage Act*
- *The Ontario Water Resources Act*
- *The Planning Act*

This regulation does not affect conservation authorities' provision of mandatory programs or services (Category 1) related to reviewing and commenting on a proposal, application, or other matter made under those Acts.

An administrative update to the "Determination of Amounts Owing Under Subsection 27.2 (2) of the Act" regulation (O. Reg. 401/22) was also made to update the methods of determining amounts owed by specified municipalities for operating expenses and capital costs related to mandatory the *Clean Water Act, 2006* and *Lake Simcoe Protection Act, 2008* programs and services to enable use of a benefit-based apportionment method.

I appreciate that with these most recent amendments, along with changes made over the last number of years, this is a time of significant transition for conservation authorities and their member municipalities. Throughout this time, conservation authorities have continued to deliver on their important roles in protecting people and property from natural hazards, conserving and managing lands, and drinking water source protection.

The ongoing efforts of conservation authorities to implement these changes is acknowledged, including initiatives led by conservation authorities and Conservation Ontario that have contributed to the Government's objectives of improving accountability and transparency and supporting timely development approvals to help address Ontario's housing supply crisis.

If you have any questions, please reach out to the Ministry of Natural Resources and Forestry at ca.office@ontario.ca. I look forward to working with you in the coming year.

Sincerely,



Jennifer Keyes

Director, Resources Planning and Development Policy Branch
Ministry of Natural Resources and Forestry

13. Other Business
