



MUNICIPALITY OF **West Elgin**

The Corporation of the Municipality of West Elgin

By-Law No. 2023-58

Being a By-law to Authorize the Execution of an Agreement with the Lower Thames Valley Conservation Authority for the Purpose of a Service Agreement for Mandatory and Non-Mandatory Services

Whereas Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority; and

Whereas Section 20 of the *Municipal Act, 2001*, S.O. 2001 as amended authorizes a municipality to enter into agreements; and

Whereas it is deemed expedient that The Corporation of the Municipality of West Elgin enters into an Agreement with the Lower Thames Valley Conservation Authority.

Now Therefore the Council of the Corporation of the Municipality of West Elgin enacts as follows:

1. That the Corporation of the Municipality of West Elgin hereby authorizes the agreement with the Lower Thames Valley Conservation Authority, Attached hereto as "Schedule A", pursuant to Ontario Regulation 686/21.
2. That the Mayor and Clerk are hereby authorized and directed to execute such agreement and any related documents and affix the Seal of the Corporation of the Municipality of West Elgin thereto.
3. This by-law shall come into force and effect on June 22, 2023.

Read a first, second, and third time and passed this 22nd day of June, 2023.

Richard Leatham
Mayor

Terri Towstiuć
Clerk

SCHEDULE 'A' to BY-LAW 2023-58

AGREEMENT FOR SERVICES

MUNICIPAL / LTVCA CATEGORIES OF PROGRAMS AND SERVICES AGREEMENT

THIS AGREEMENT dated this 22nd day of *June*, 2023.

BETWEEN

The LOWER THAMES VALLEY CONSERVATION AUTHORITY
(hereinafter called "Authority")

OF THE FIRST PART

– and –

The CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT
The CORPORATION OF THE MUNICIPALITY OF DUTTON DUNWICH
The CORPORATION OF THE MUNICIPALITY OF LAKESHORE
The CORPORATION OF THE MUNICIPALITY OF LEAMINGTON
The CORPORATION OF THE CITY OF LONDON
The CORPORATION OF THE MUNICIPALITY OF MIDDLESEX CENTRE
The CORPORATION OF THE MUNICIPALITY OF SOUTHWEST MIDDLESEX
The CORPORATION OF THE TOWNSHIP OF SOUTHWOLD
The CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC
The CORPORATION OF THE MUNICIPALITY OF WEST ELGIN
(Hereinafter called the "Members")

OF THE SECOND PART

WHEREAS, pursuant to Ontario Regulation 686/21(<https://www.ontario.ca/laws/regulation/210686>) Conservation Authorities are authorized to charge a levy to their members for delivery of mandatory services under the Regulation;

AND WHEREAS pursuant to Ontario Regulation 687/21(<https://www.ontario.ca/laws/regulation/210687>) Conservation Authorities are required to enter into an agreement to levy members for services provided to Members other than mandatory services;

AND WHEREAS the Conservation Authority is prepared to provide certain non-mandatory services to its Member Municipalities;

AND WHEREAS the Members wish to avail themselves of these services and to pay the amount levied for the services;

NOW THEREFORE, that in consideration of the terms of this Agreement, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The Authority agrees to provide to the Members the services outlined in the Inventory of Services and Programs attached hereto as Schedule A.
2. The Members agree to be charged a levy for such services, to be apportioned among the Members.
3. The Authority will not add to or delete from the services or programs funded through the levy without first consulting with the Members. The Agreement does not preclude the parties from

identifying opportunities for further collaboration to the benefit of both parties, and ensure efficiency, transparency and accountability in the use of resources, including in-kind services and assistance, coordination of complementary policy and program initiatives, and projects involving third parties. During the term of this agreement if additional programs and services are requested from the LTVCA to be delivered on behalf of the Municipality a separate agreement/MOU will be established with the requesting municipality.

4. The parties will maintain the current annual approval process for increasing the levy and budget (i.e. weighted vote based upon current value assessment in the watershed for approval of the levy).
5. The Members will continue to support the current Inventory of Services and Programs throughout the period of this Agreement.
6. That all elements of this Agreement will include consideration of Climate Change impacts.
7. This Agreement will be for a Term of five (5) years commencing on the date of the signature by the last of the parties.
8. The Municipality acknowledges and agrees that all Programs and Services identified in Appendix A shall also be included in a Watershed-based Resource Management Strategy that the LTVCA is required to develop and implement in accordance with the Conservation Authorities Act.

SIGNED SEALED AND DELIVERED THIS 22ND DAY OF JUNE , 2023.

THE LOWER THAMES VALLEY CONSERVATION AUTHORITY

Per: Carol Emons
Chair -

Per: Mark Peacock
CAO / Secretary Treasurer – Mark Peacock

I/we have the authority to bind the Corporation

SIGNED SEALED AND DELIVERED THIS 22ND DAY OF JUNE, 2023.

THE CORPORATION OF THE MUNICIPALITY OF WEST ELGIN

Per: Richard Leatham
Richard Leatham, Mayor

Per: Terri Towstiuc
Terri Towstiuc, Clerk

I/we have the authority to bind the Corporation

APPENDIX A

Category 1: Mandatory Services – Risk of Natural Hazards, Flood and Erosion

a) Preparedness

- i) Flood and or erosion risk emergency response planning with municipal members
- ii) Flood and or erosion risk mapping updates
- iii) Administration of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation in flood prone, watercourse, riverine/valleys, shoreline, dynamic beaches and wetlands
- iv) Plan input and review support to municipalities regarding natural hazard policies and development applications

b) Monitoring

- i) Year round monitoring and data acquisition for lake levels, wind upset, river levels, snow pack, ice thickness, precipitation, weather forecasts and runoff potential
- ii) Maintenance of all rainfall and streamflow monitoring equipment
- iii) Development and maintenance of flood forecasting software and hardware
- iv) Monitoring bluff collapse, gully and toe erosion along the Thames River, Lake St. Clair and Lake Erie shorelines
- v) Low Water Response Monitoring across the watershed especially during drought conditions

c) Flood and Erosion Control Infrastructure (Sixth Street Dam and Pumping Station, Rivard Dam and Diversion Channel, Sharon Creek Morning glory spillway)

- i) Annual inspections
- ii) Annual minor maintenance
- iii) Major maintenance

d) Response

- i) Provide flood and or erosion forecasting / warnings and updates to municipalities regarding flood and or erosion events
- ii) Work with municipal partners to design and implement mitigative measures to address these natural hazards
- iii) For Low Water updates, undertake rainfall calculations and provide updates to the Committee members / postings to the community

Identification of Additional and or Enhanced Services to Meet Regulatory Requirements

1. Managing the risk posed by the natural hazards within their jurisdiction, including flooding, erosion, dynamic beaches, hazardous sites, hazardous lands, low water and drought conditions. This program or service shall be designed to:

Develop an awareness of areas important for the management of natural hazards (e.g. wetlands, rivers and streams, shoreline areas, unstable soils, etc.)

- Understand risks associated with natural hazards and how they will change as the climate changes
 - Manage risks associated with natural hazards
 - Promote public awareness of natural hazards
- The LTVCA will provide a comprehensive communications, education and outreach program to meet these regulatory requirements.
 - The LTVCA will identify where expertise can be found that is needed to develop a better understanding of the impact of climate change on natural hazards and low water or drought conditions in the watershed.
 - The LTVCA will review and streamline processes where possible.

2. Ice Management services (preventative and/or remedial) as appropriate and as supported by the CA's Flood Contingency Plan, including:

- LTVCA will continue to update the Flood Contingency Plan for the Thames River as needed, and provide it to our emergency services contacts and our municipal members. (we don't actively 'manage' ice jams, determined non-effective and costly and could pose a liability to the Authority if other areas flood as a result of the activity)
- LTVCA will review dock applications and their tolerances for ice damage with respect to the LTVCA's Dock Policy and the Technical Report, Ice Guideline and the Ice Guideline for Docks.

Infrastructure - Operation, maintenance, repair and decommissioning of Flood and Erosion Control Structures.

3. Review of applications and issuance of permits under Section 28 and 28.0.1 of the Conservation Authorities Act (as amended from time to time), including associated enforcement activities

- The LTVCA will provide technical support for reviewing applications for development within Regulated Areas
- The LTVCA currently has limited ability to act on enforcement activities due to influx of applications and increased number of complaints received

The flood plain / erosion mapping / modeling that is currently in place for LTVCA watercourses requires updating

- Data collection, mapping, data sets, watershed photography
- Development and use of systems to collect and store data and to provide spatial geographical representations of data
- Studies and projects are required to inform natural hazard management programs including: floodplain management, watershed hydrology, regulation area mapping update, flood forecasting system assessment, floodplain policy, Lake Erie and St. Clair shoreline management

Category 1: Mandatory Services – Conservation Areas

Conservation Area Services

Includes the management, development and protection of significant natural resource lands, features and infrastructure on authority owned lands. The LTVCA has 34 conservation areas, with a land base of 1,713.58 acres (703.58 hectares) and continually increases this area by acquisitions and donations.

Service Components:

- a) Management and Development of Authority lands
 - Build resiliency and demonstrate good resource management within all conservation areas, ranging from day-use lands, wetlands and forest tracts
- i) Lands and Infrastructure – inspections, maintenance and enforcement
 - Identification and removal of hazards to reduce liability
 - Maintain essential infrastructure and dispose of surplus items
 - Manage public use that is compatible with the land and enforcement of regulations
- ii) Water Control Structures – inspections, maintenance and operations
 - Operation of dams following regulatory requirements
 - Develop and monitor funding agreements with municipality(s) where dams are located for maintenance and major repairs
- iii) Forest Management
 - Implement activities identified in Managed Forest Plans (MFTIP's) to improve forest health, including harvesting, tree planting and monitoring of woodlots
 - Removal of invasive species and monitoring of disease and pests
- iv) Administration
 - Development of policies and procedures for conservation area use
- b) Land Acquisition
 - i) Review land donations or purchases for conservation purposes
 - Identify benefits and concerns for potential land acquisitions based on the LTVCA's Land Acquisition and Disposal Policy
- c) Leasing and Agreements on Authority Lands
 - i) Review agreements that are compatible with the land use
 - ii) Monitoring of agreements

Required Services: Ontario Regulation 686/21

Identification of Additional and or Enhanced Services to Meet Regulatory Requirements

1. A Conservation Area Strategy, prepared on or before December 31, 2024 for all lands owned or controlled by the authority. The Strategy will include:
 - Objectives to provide decision making on lands including acquisition and disposition
 - An assessment of how lands owned may augment natural heritage / hazard strategies, and integrate with provincial, municipal or publicly accessible lands and trails
2. An Inventory of Conservation Authority lands, prepared on or before December 31, 2024, including:
 - Identification of all parcel details including historical information, location and surveys
 - Designation of land use categories based on activities or other matters of significance related to the parcel
3. Programs and services to ensure that the authority performs its duties, functions, and responsibilities to administer regulations made under Section 29 of the Conservation Authorities Act
 - Enforcement of Regulation 686/21 – Rules of conduct in conservation areas
 - Enhanced enforcement and control measures are required to limit trespassing of unauthorized vehicles on, and unauthorized use of, conservation area lands

Category 1: Watershed Monitoring and Reporting	Required Services: Ontario Regulation 686/21
Services and Programs: Category 1 – Mandatory Program	Identification of Additional and or Enhanced Services to Meet Regulatory Requirements
<p>Monitoring and Reporting</p> <p>i) Provincial Water Quality Monitoring Network (PWQMN)</p> <ul style="list-style-type: none">• A long standing (50+ years) CA/MECP partnership for stream water quality monitoring at 22 sites. CA takes water samples; MECP does lab analysis and data management. CA uses information for watershed report cards and stewardship project prioritization. <p>ii) Provincial Groundwater Monitoring Network (PGMN) (MECP funded network installation)</p> <ul style="list-style-type: none">• A long-standing CA/MECP partnership for groundwater level and quality monitoring at 7 stations. Costs include equipment, data collection, analysis, data management and reporting. MECP funded network installation. <p>iii) Thames River Clearwater Revival, Watershed Wide Strategic Resource Management Plans, Watershed Report Cards, individual Watershed and Sub-watershed Plans</p> <ul style="list-style-type: none">• Collaborative project of federal and provincial agencies, municipalities, First Nations and Thames River conservation authorities to address broader-watershed scale water quality and quantity issues in river and contributing watersheds	<p>Programs and services to support the authority’s functions and responsibilities related to the development and implementation of a watershed-based resource management plan on or before December 31, 2024</p>

Category 1: Mandatory Services – Drinking Water Source Protection	Required Services: Ontario Regulation 686/21
Drinking Water Source Protection	Identification of Additional and or Enhanced Services to Meet Regulatory Requirements
<p>Services:</p> <ul style="list-style-type: none"> a) Governance – Leadership <ul style="list-style-type: none"> • Thames - Sydenham & Region Drinking Water Source Protection Authority, Source Protection Committee and Joint Management • Maintenance of local source protection program, including issues management b) Communications <ul style="list-style-type: none"> • Promote the local source protection program c) Program implementation <ul style="list-style-type: none"> • Ongoing support of local source protection program • Implementation of Source Protection Plan policies where applicable • Review of local applications / planning proposals / decisions in vulnerable areas to ensure source protection is considered d) Technical Support <ul style="list-style-type: none"> • Support the preparation of amendments to local assessment reports and source protection plans to incorporate regulatory changes as well as technical assessment completed for new and expanding drinking water systems • Review technical information received regarding changes to the landscape, such as new transport pathways in WHPA and IPZ's, to determine if assessment reports or source protection plans should be revised <p><u>Note:</u> This program is currently funded by the Ministry of Environment, Conservation and Parks.</p>	<p>No additional changes need to be made to existing services</p>

Category 1: Mandatory Services	Required Services: Ontario Regulation 686/21
Corporate Services	Identification of Additional and or Enhanced Services to Meet Regulatory Requirements
<ul style="list-style-type: none"> a) Governance and Leadership Responsibilities <ul style="list-style-type: none"> i) Setting priorities and policies ii) Financial planning and monitoring iii) Services and project development iv) Conservation Ontario Council and Committees v) Reporting to member municipalities b) Administration / Human Resources / Equipment <ul style="list-style-type: none"> i) Human resources planning and administration ii) Workspace and equipment management iii) Records retention and management iv) Compliance with legislation related to employment, health and safety, accessibility, etc. c) Financial Management <ul style="list-style-type: none"> i) Bookkeeping, investments, banking, financial planning ii) Tangible capital asset management iii) Management of financial agreements with external funders d) Communications <ul style="list-style-type: none"> i) Communications strategy development and implementation e) Information technology management and geographic information system <ul style="list-style-type: none"> i) Provide IT and GIS support f) Vehicles, Equipment and Infrastructure <ul style="list-style-type: none"> i) Provide and maintain vehicles and equipment ii) Maintain and upgrade buildings and related infrastructure g) Strategic Development <ul style="list-style-type: none"> i) An updated Strategic Plan is required by January 2024 	<p>LTVCA Asset Management Plan due on or before December 31, 2024</p>

Category 2:	Additional Regulatory Requirements: Ontario Regulation 686/21
Private Land Stewardship Program	Identification of Additional and or Enhanced Services to Meet Regulatory Requirements
<ol style="list-style-type: none"> 1. Best Management Practices <ol style="list-style-type: none"> i. Mitigate flood and erosion hazards on private lands (overlaps Cat 1 program) ii. Improve and protect water quality iii. Restore flood plains and river valleys (overlaps Cat 1 program) iv. Reduce nutrient contamination v. Restore and enhance wetlands to reduce flooding peaks and augment low flow (overlaps Cat 1 program) vi. Management of terrestrial non-native invasive species vii. Protect groundwater viii. Improve aquatic species at risk habitat 2. Tall grass prairie establishment, tree planting and forestry services <ol style="list-style-type: none"> i. Forestry services including planting, plan development, tree and shrub planting ii. Private woodlot stewardship, technical assistance iii. Tall grass prairie plan development and implementation 	<ol style="list-style-type: none"> i. Apply for and maintain external funding

Category 3: Watershed Stewardship Extension, Forestry and Monitoring Services

1. Provide stewardship services to watershed landowners and municipalities that will:
 - a) Help improve the health and resiliency of rivers, lakes, soil and forests
 - b) Help keep soil and nutrients on the landscape and out of watercourses
2. Restoration of natural areas:
 - Projects include: flood plains, river valleys, riparian areas, forests, grasslands and wetlands
 - Technical support for landowners
 - Support with funding applications
 - Coordination of planting projects (this service is funded by a user fee)
 - Purchase of trees and shrubs in bulk for municipalities and residents (this service is funded by a user fee)
 - Benefits include:
 - Increases natural areas and habitat on the landscape
 - Improves water quality
 - Promotes storm water retention on the landscape and reintegration back into the ground water table
 - Aides in Climate Change resiliency
3. Soil and Water Conservation:
 - Rural storm water management and cover crops
 - Technical support for landowners
 - Support with funding applications
 - Benefits: reduces soil erosion and improves soil health for agricultural production
4. Watershed Stewardship / Agricultural Programs and Projects:
 - Delivery of rural water quality programs
 - Leverage other funding to support our extension work
 - Develop proposals and necessary partnerships to secure funding

5. Natural Heritage Systems Implementation

6. Costs to Operate CA's

- Costs to operate campgrounds and associated facilities on LTVCA lands. CM Wilson CA – 66% Active; Big Bend CA – 66% Active; Warwick CA – 66 % Active

7. Land acquisition

- Strategic acquisition of environmentally-significant properties. Average appraisal, legal and other fees over last five years equates to \$10,000 per year. Average land donation equates to \$225,000 per year over the last five years. Periodic based on timing of donations.

8. Watershed Health Monitoring and Watershed Report Card Reporting:

- Monitor and report on the health of forests, rivers and soil
- Used to help track progress and to focus extension services
- Used to determine extent and type of stewardship work needed in the watershed
- The information is required to support the need for funding for stewardship projects when applying to Provincial, Federal and NGO agencies
- Conservation Authorities report on local watershed conditions every five years
- The LTVCA watershed is divided into 57 sub-watersheds grouped into 8 in the Watershed Report Card
- Understanding of the watershed, focuses efforts and tracks progress (report card undertaken every five years)

9. Surface Water Quality Monitoring Program (benthic, spills, algae blooms)

10. Species At Risk Program

- Species at risk research and assessment
- Assisting landowners with land restoration projects and improving Species at Risks habitats on private and CA lands

11. Agricultural Research and Stewardship Programs

- Stewardship and research undertaken jointly with the agriculture community
- Programs address nutrient run off, healthy soils and development/implementation of local Best Management Practices

12. School Programs

- Curriculum-based education programs for elementary and secondary students
- The programs focus on local watersheds, ecosystems, and environmental issues
- Programs take place at schools (indoors and outdoors), field trips to conservation areas, community parks and through online learning

13. Community programs and events e.g. Chatham-Kent Water Festival

- Education and outreach programs and community events to assist in achieving the objectives of the conservation authority

14. Ska-Nah-Doht Longhouse Village and Museum

- First Nations education and programs

Category 3: CM Wilson Conservation Area Campground / Education Centre

- LTVCA provides overnight and seasonal camping at the CM Wilson Conservation Area
- LTVCA provides educational and community programming at the CM Wilson Education Centre
- The campground and education programs are partially funded by user fees charged for programs, day use and overnight camping to the area
- Revenue raised is used to fund the operations of the campground, with any surplus revenue used to fund education and community programs

Category 3: Big Bend Conservation Area Campground

- LTVCA provides overnight and seasonal camping at the Big Bend Conservation Area
- The campground is funded by user fees charged for day use and overnight camping to the area
- Revenue raised is used to fund the operations of the campground, with any surplus revenue used to fund operation / maintenance of conservation authority lands

Category 3: EM Warwick Conservation Area Campground

- LTVCA provides overnight and seasonal camping at the EM Warwick Conservation Area
- The group camping facility is funded by user fees charged for overnight camping to the area
- Revenue raised is used to fund the operations of the group camping facilities, with any surplus revenue used to fund operation / maintenance of conservation authority lands

Category 3: Longwoods Road Conservation Area / Ska-Nah-Doht Longhouse Village and Museum

- LTVCA provides educational and historic learning at the Longwoods Road Conservation Area / Ska-Nah-Doht Longhouse Village and Museum
- The conservation area programs are partially funded by user fees charged for day use programs, special events and parking to the area
- Revenue raised is used to fund the operations of the resource centre museum and the historic village and buildings, with any surplus revenue used to fund education and community programs