

May 21, 2019

Ms. Carolyn O'Neill
Great Lakes Office
40 St Clair Avenue West
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Toronto, ON
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Canada

Dear Ms. O'Neill

Re: ERO Registry Number 013-5018

Thank you for the opportunity to provide input on the *Conservation Authorities Act, R.S.O. 1990* changes posted by the Ministry of the Environment, Conservation, and Parks. The following are Niagara Region staff comments on the proposed changes.

Niagara Region staff are generally supportive of the updates being made to defining the mandatory programs and services, increasing transparency, establishing transition periods, enabling the Minister to investigate a conservation authority, and clarifying board members responsibilities.

Staff are also aware of the opportunity to comment on the proposal to streamline and focus conservation authorities development permitting and role in municipal review and will be providing comments to the Ministry of Natural Resource and Forestry on this matter under a separate cover.

We are hopeful these comments can be addressed prior to the release of the final *Bill 108, More Homes, More Choice Act, 2019*. If you have any questions please don't hesitate to contact me at (erik.acs@niagararegion.ca) or 905-980-6000 ext.3610.

Respectfully submitted,

Erik Acs
Manager of Community Planning

Modernizing the conservation authorities operations-Conservation Authorities Act
ERO number: 013-5018

Draft Document Proposed Changes	Niagara Region Staff Comments
<p>Clearly define the core mandatory programs and services provided by conservation authorities to be, natural hazard protection and management, conservation and management of conservation authority lands, drinking water source protection (as prescribed under the <i>Clean Water Act</i>), and protection of the Lake Simcoe watershed (as prescribed under the <i>Lake Simcoe Protection Act</i>)</p>	<p>Niagara Region staff supports this suggestion.</p> <p>Clearly defining the core mandatory programs and services is recommended to eliminate differences in program and service delivery. This proposed change would create consistency across the province and provide certainty on what services are provided on a mandatory basis, and what services can be provided through a memorandum of understanding.</p> <p>In addition to the above proposed changes, clearly defined funding mechanisms for core programs should also be established.</p>
<p>Increase transparency in how conservation authorities levy municipalities for mandatory and non-mandatory programs and services. Update the <i>Conservation Authorities Act</i>, an Act introduced in 1946, to conform with modern transparency standards by ensuring that municipalities and conservation authorities review levies for non-core programs after a certain period of time (e.g. 4-8 years)</p>	<p>Provincial funding to conservation authorities varies across the provinces 36 conservation authorities. Some authorities have budgets which are provincially funded by as much as 58% of total cost. Based on 2017 data, in Niagara the Niagara Peninsula Conservation Authority budget is funded 3% by the Province and 71% by municipal levies.</p> <p>Therefore it is important that programs and services operating are beneficial to the conservation mandate and reviewed periodically. With an increase in cost for the mandatory programs (drinking water source protection and management of natural hazards) it is unlikely non-mandatory programs will be able to run due to budget constraints. It is recommended that the Province encourage conservation authorities to explore opportunities to generate revenue using existing conservation authority assets.</p>
<p>Establish a transition period (e.g. 18-24 months) and process for conservation authorities and municipalities to enter into agreements for the delivery of non-mandatory</p>	<p>Niagara Region staff supports this suggestion, and would further add that the transition period apply to both entering agreements as well as exiting existing or future agreements.</p>

programs and services and meet these transparency standards	
Enable the Minister to appoint an investigator to investigate or undertake an audit and report on a conservation authority	Niagara Region staff supports this suggestion.
Clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority, similar to not-for profit organizations.	<p>Niagara Region staff supports this suggestion.</p> <p>Ensuring greater clarity of board members duty is an important objective raised in the Auditor General's Special Audit Report of the Niagara Peninsula Conservation Authority (2018). It is important for the Province to clarify and provide guidance to conservation authority board members on how to balance their roles and effectively deliver programs and services.</p>
<p>Proposing to proclaim un-proclaimed provisions of the <i>Conservation Authorities Act</i> related to:</p> <ul style="list-style-type: none"> • fees for programs and services • transparency and accountability • approval of projects with provincial grants • recovery of capital costs and operating expenses from municipalities (municipal levies) • regulation of areas over which conservation authorities have jurisdiction (e.g., development permitting) • enforcement and offences • additional regulations. 	<p>Niagara Region staff supports the proposal to proclaim portions of Section 21 of the Conservation Authorities Act, but has concerns with respect to the Minister regulating maximum fee amounts.</p> <p>As the geography of the conservation authorities varies according to each watershed, the delivery of programs incurs a different cost across the 36 conservation authorities in Ontario. Fees need to reflect local realities.</p>