



**Corporation of the Town of Ingersoll
Council Agenda
Special Meeting of Council
Town Centre, Council Chambers
Thursday, September 15, 2016, 6:00 p.m.**

Call to Order

Disclosures of Pecuniary Interest

Other Business

- 1) Discussion on public consultation on Conservation Authorities
 - a. UTRCA – Memo – [Conservation Authorities Act Review Comments – For Approval](#)
 - b. [Conserving our Future Proposed Priorities For renewal](#)
- 2) [Report T-022-16](#) Shared Court Security Funding Model
 - a. [CS 2016-23 Shared Court Security Funding Model](#)

Upcoming Council Meetings

Regular Meeting of Council
Tuesday, October 11, 2016, 6:00 p.m.
Town Centre, Council Chambers

Adjournment

To: UTRCA Board of Directors
From: Ian Wilcox, General Manager
Date: August 10, 2016
Subject: Conservation Authorities Act
Review Comments- For Approval

Agenda #: 8 (a)
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Recommendation: That the Board of Directors approve the attached letter and attachment as the UTRCA's response to the public review of the Conservation Authorities Act as posted on the Environmental Bill of Rights (EBR) Registry.

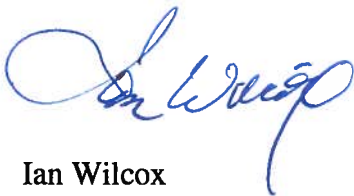
Discussion

The Ontario Ministry of Natural Resources and Forestry is leading a public review of the Conservation Authorities Act. UTRCA staff and Directors have participated in two public workshops as part of this review and the Authority has been invited to submit written comments through the EBR by September 9th.

Conservation Ontario (CO) has been very involved in the Act's review and has coordinated recommendations based on input from all Conservation Authorities. The UTRCA supports CO's position and staff believe that reinforcing their recommendations will best serve to improve and strengthen the Act.

Please find attached a draft letter for your review, as well as a copy of Conservation Ontario's detailed submission. If approved, these documents will be forwarded to the Province through the EBR as the UTRCA's formal written submission.

Prepared and Recommended by:



Ian Wilcox



"Inspiring a Healthy Environment"

8(a)

August 9, 2016

DRAFT

Alex McLeod
Policy Officer
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Policy Division
Natural Resources Conservation Policy Branch
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Dear Mr. McLeod,

Re: *Conserving our Future: Proposed Priorities for Renewal* (EBR 012-7583)

On behalf of the Board of Directors of the Upper Thames River Conservation Authority (UTRCA), I would like to thank you for the opportunity to comment on the *Conserving Our Future: Proposed Priorities for Renewal*. The UTRCA has been supportive of the Conservation Authorities Act review and has been encouraged by the Province's positive and constructive approach. The Ministry of Natural Resources and Forestry is to be commended for their leadership and focus regarding this file.

The UTRCA is one of 36 Conservation Authorities in Ontario whose programs and services are authorized under the Conservation Authorities Act. We believe strongly in the founding principles of the Act, those being a watershed jurisdiction, cost shared programs, and local initiative and governance. And while these principles remain as valid today as they were in 1946, and we believe the Conservation Authorities Act has served our local watershed and the Province of Ontario very well for the past 70 years, we recognize there are areas where the Act can be improved.

Specifically, the UTRCA supports the following recommendations, developed in cooperation with the 35 other Conservation Authorities in Ontario, and Conservation Ontario:

- 1. Conservation Authorities do not have a 'core mandate' solely focused on natural hazards management.** The *CA Act* (Sections 20 and 21) enables a very broad mandate for Conservation Authorities to undertake watershed-based programs and activities deemed to be vital to the "conservation, restoration, development and management of natural resources".
- 2. Conservation Authorities are the delivery agents for Integrated Watershed Management (IWM).** Integrated watershed management is an approach that requires us to manage human activities and natural resources, together, on a watershed basis to ensure the sustainable and resilient ecological and socio-economic well-being of Ontario.



"Inspiring a Healthy Environment"

3. Conservation Authorities need to work at a more formalized 'inter-ministerial' table. This recognizes that Conservation Authorities' programs and services benefit many ministries and help to address multiple provincial priorities through integrated watershed management. Ongoing sustainable funding to support these priorities needs to come from multiple ministries.

4. Conservation Authorities are committed to improving client service delivery standards, with appropriate resourcing. Varying financial capacity/disparity among Conservation Authorities impacts the programs and services that are available on a province-wide basis. Frameworks for improvement need to allow flexibility to reflect local watershed needs and reflect best practices on a continual basis.

Full and detailed comments as submitted by Conservation Ontario are endorsed by the UTRCA Board of Directors and are attached to this letter for reference.

Again, we appreciate the opportunity to comment and look forward to constructive improvements and a strengthening of the Conservation Authorities Act so that we may continue the 70 year legacy of effective environmental management in Ontario.

Sincerely,

Murray Blackie
Chair, Upper Thames River Conservation Authority



Alex McLeod, Policy Officer
Ministry of Natural Resources and Forestry
Policy Division
Natural Resources Conservation Policy Branch
Water Resources Section
300 Water Street
Peterborough, Ontario, K9J 8M5

July 28, 2016

Dear Mr. McLeod:

Re: *Conserving our Future: Proposed Priorities for Renewal* (EBR 012-7583)

Thank you for the opportunity to comment on the *Conserving Our Future: Proposed Priorities for Renewal*. Conservation Ontario represents Ontario's 36 Conservation Authorities (CAs), which are local watershed management agencies, mandated to ensure the conservation, restoration and responsible management of Ontario's water, land and natural habitats through programs that consider human, environmental and economic interests and needs.

The following comments are submitted for your consideration based upon a review by CAs and these were endorsed by majority electronic vote (July 28, 2016) of the Conservation Ontario Council. These comments reflect the collective considerations of CAs and are not intended to limit consideration of comments shared individually by CAs.

Conservation Ontario (CO) acknowledges the efforts of staff from the Ministry of Natural Resources and Forestry (MNRF) who met with CO staff throughout the spring and summer of 2016 to discuss recommendations.

GENERAL COMMENTS

In June, Conservation Ontario and Conservation Authority staff participated in multi-stakeholder engagement sessions that were held across the Province to discuss the *Conserving Our Future: Proposed*

Priorities for Renewal as well as a two-day multi-stakeholder external advisory committee meeting organized by the Parliamentary Assistant Eleanor McMahon. Following these meetings, Conservation Ontario identified a number of key messages which provide further context for the legislative amendments and work plan priorities identified in this letter. The key messages include:

1. **Conservation Authorities do not have a ‘core mandate’ solely focused on natural hazards management.** The *CA Act* (Sections 20 and 21) enables a very broad mandate for Conservation Authorities to undertake watershed-based programs and activities deemed to be vital to the “conservation, restoration, development and management of natural resources”.
2. **Conservation Authorities are the delivery agents for Integrated Watershed Management (IWM).** Integrated watershed management is an approach that requires us to manage human activities and natural resources, together, on a watershed basis to ensure the sustainable and resilient ecological and socio-economic well-being of Ontario.
3. **Conservation Authorities need to work at a more formalized ‘inter-ministerial’ table.** This recognizes that Conservation Authorities’ programs and services benefit many ministries and help to address multiple provincial priorities through integrated watershed management. Ongoing sustainable funding to support these priorities needs to come from multiple ministries.
4. **Conservation Authorities are committed to improving client service delivery standards, with appropriate resourcing.** Varying financial capacity/disparity among Conservation Authorities impacts the programs and services that are available on a province-wide basis. Frameworks for improvement need to allow flexibility to reflect local watershed needs and reflect best practices on a continual basis.

These key messages are further elaborated on in the priorities laid out below in our submission which are categorized either as short term priorities (i.e. Legislative amendments – within the next several months) or longer term priorities (i.e. 2017-2021 MNRF/CO/CA shared work plan). The priorities, as outlined below, are intended to move the CAA Review forward in such a way as to result in some substantive changes that improve and support CA service/program delivery for the people of Ontario while minimizing administrative burden. Conservation Ontario’s comments are focused upon addressing the need for a more efficient and effective approach to environmental and resource management in Ontario to face today’s escalating and more complex challenges such as climate change and land use changes.

1.0 Conservation Ontario Priority #1: Legislative Amendments

Legislating additional administrative burdens without addressing the provincial funding shortfall to support the basic operational capacity of a watershed management agency will result in further widening of gaps in capacity and service delivery among Conservation Authorities. It will result in a reduced focus on addressing our critical environmental management issues of today; including climate change and Great Lakes water protection. Conservation Ontario does not support legislative amendments that add administrative burdens without beneficial outcomes for better natural resource management. It is important that through this review process, the Act and its regulations not become mired in excessive details best captured in non-legislative documents like policies and guidelines to

ensure they can be updated and adjusted as needed with ease. With regard to the recommended legislative amendments that follow, Conservation Ontario continues to be committed to working with Ministry of Natural Resources and Forestry staff on their refinement.

These are not presented in order of priority but in the order that we think they would appear in the legislation and it is noted that additional resources may be required in order to meet any additional legislated administrative responsibilities to ensure a consistent approach.

1.1 Preamble and/or Purpose Statement (new Sections)

It has become evident through the course of the *Conservation Authorities Act* review that there is confusion amongst the Ontario public and others with regard to the mandate of Conservation Authorities. We are therefore recommending that a Purpose Statement and Preamble be included as part of the *Conservation Authorities Act*.

The Purpose Statement and Preamble, proposed in Attachment 1, reinforce Ontario's various legislative decisions that Conservation Authorities, as watershed management agencies, are an effective delivery mechanism to address the uncertain and escalating environmental conditions which impact important water and land resources. These are detailed in the rationale section of the tables in Attachment 1.

As currently written, Conservation Authorities feel that the Act mandates them to manage our natural resources and human activities together on a watershed basis using an integrated watershed management approach. This clarity does not appear to be universally understood across stakeholder groups such that a Purpose Statement and Preamble is recommended as proposed in Attachment 1. Practically speaking, it is expected that this would provide a contextual framework for future work on an Integrated Watershed Management Provincial Policy (see Priority 2.1) as well.

1.2 Delegation to Conservation Authorities with funding (new Section)

It is recognized from the *Conserving Our Future: Proposed Priorities for Renewal* that it is considered necessary for a new Section in the Act that the Province formally delegate natural resource conservation and management programs and services to Conservation Authorities. In order to avoid additional financial burden to current municipal funders, delegation of additional provincial programs and services to Conservation Authorities should be accompanied with financial resources or the ability to obtain funding through other sources of revenue (see September 2015 submission for details).

Conservation Ontario does not support additional clauses for delegation to other entities where CAs exist. Given the current concerns around consistency, clarity, and transparency, CAs feel this may create even more inconsistencies around conservation and natural resource management in the province. The focus in this review should be on improving the existing mechanism, Conservation Authorities, which were created for delivery of such programs on a watershed basis in partnership with government bodies, participating municipalities and other stakeholders. Notwithstanding this opposition to such a clause being put in the CAA, it is noted that the Minister already has these abilities under Section 13.1 (1) of the *Ministry of Natural Resources Act*.

Delegation of programs to entities where Conservation Authorities do not exist does not appear to fit within the context of this review, either, and the Minister already has these abilities under Section 13.1 (1) of the *Ministry of Natural Resources Act*. Additional clauses in this regard are not supported.

1.3 Enable Counties to participate in a Conservation Authority (Section 4.0)

Section 2 of the *Conservation Authorities Act* addresses municipal representatives appointed to form a Conservation Authority Board. Further, Section 4 of the Act outlines that a regional municipality shall act in the place of the local municipalities within the regional municipality for the purpose of appointing representatives.

Regional municipalities are upper-tier municipalities; however, the Act does not specifically enable Counties (or Districts) that are upper tier municipalities to participate in a Conservation Authority. The opportunity should be created for consideration of Counties, as upper tier municipalities, to be the one window for the local municipalities to participate on a CA Board. This option should be provided for local consideration as it could have efficiency benefits to the operations of a CA with regard to i) budget approval through a single entity accustomed to delivery of services at a larger scale, and, ii) reporting to a single upper-tier municipality versus many presentations to local municipalities, and, iii) reduction of the size of CA Boards. As well, this proposed amendment enables a model whereby County systems could easily ensure that the local municipalities continue to be involved in the CA by, for example, requesting the local municipalities to provide the names of those who they would like to serve on the CA. The County could then appoint the members, could have their own representative, and pay the levy.

In conclusion, it is recommended that the CAA be modernized to enable Counties (or Districts), as upper-tier municipalities, to participate in a conservation authority upon agreement by the local municipalities. It is important to note that this proposed amendment is purposefully drafted as ‘optional’ to provide the opportunity for the existing local municipalities and upper-tier municipality to reach agreement. This added section could state:

upon agreement of each local municipality that is confirmed by resolutions passed by the councils of each, an upper-tier municipality County (or District) may act in the place of the local municipalities for the purpose of appointing representatives, voting and generally acting on behalf of their respective municipalities.

1.4 Remove administrative burden and clarify municipal council appointments (Section 14(4))

Section 14(4) of the Act states that “Term: No member of an authority shall be appointed to hold office for more than three years at any one time”. Currently, municipal councils appoint CA board members, typically at the beginning of a four-year term. Municipal councils in Ontario used to be on a three-year election cycle, therefore appointments to CA boards were (are) addressed in the Act using the three-year concept. This should be modernized to acknowledge the current four-year election cycle.

The current practice of using three-year appointment terms is administratively inefficient and administrative burdens decrease the efficiency of the operation of a Conservation Authority. It is recommended that the Act be amended to support that all municipal appointees must be confirmed by

a new Municipal Council and leave the Term to be set by the municipalities at the time of appointment. With appointment occurring with each new Municipal Council, in effect the term will not be more than 4 years. In addition, since some municipal councils can take months for their appointment processes, it is recommended that the existing Board member remains in place and represents that municipality until a new resolution is received to appoint another person.

1.5 Modernize references to 'costs' and confirm apportionment (Sections 27 and 1)

It is recommended that the Act identify and define the types of costs that could be included in Levies; and the Act, or Regulations under the Act, should say how the levies are to be apportioned. A preliminary suggestion of the types of costs and their definitions are provided in Attachment 2.

Either the Act or a Regulation would need to say how to apportion the categories of costs provided in Attachment 2. There are two methods of apportioning levies:

- 1) Watershed-wide (General): where the entire watershed benefits from the program or project (or where it is not feasible to identify who actually benefits).
- 2) Special Benefitting: where one or more of the municipalities benefit from the program or project, rather than the whole watershed.

The first category should be apportioned to all of the participating municipalities, based on the modified Current Value Assessment formula. The second category should be charged against only the municipality or municipalities that benefit, in a manner as mutually agreed.

The Act speaks to levies for different types of costs – administration, maintenance, capital, etc. The Act and Regulation 670/00 currently say that the levy for administration costs is to be apportioned on the basis of modified CVA. This is appropriate since the general administration costs support the entire watershed. Operating Costs need to be specifically referenced in the Act and apportioning those costs should be the same way, if the operating costs are for general watershed-based programs. Conservation Authorities should have the option of allocating both Capital and Maintenance levies to 1) the watershed, or 2) benefiting municipalities when they can be identified. There are cases where a capital project may benefit a specific municipality or more, but there are also cases where it is not really possible to calculate who actually benefits. For example, some large dams actually benefit all municipalities because they address the impacts of upstream activities (drainage, agriculture, development) but they also allow the reduction of flooding or augmentation of flows downstream. On the other hand, something like an erosion control project would likely have a distinct beneficiary. The foregoing option for apportionment is summarized in Attachment 2.

The description of costs and apportionment provided in Attachment 2 is one option and it is intended as a discussion starter. It is proposed that the details be finalized through discussions with MNRF staff, AMO, and CA representatives/experts with a view to achieving legislative amendments within the next several months.

1.6 Clarify variances in interpretation between CAA and Levy Regulation 670/00

The sustainability of our municipal levy process and funding tool are paramount in the long-term sustainability of Conservation Authorities. Since 2000, there has been a discrepancy between the legislation and the associated regulation regarding the apportionment of conservation authority levies.

Section 27 (6) of the Act states:

“Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the amount apportioned to that municipality may only be charged against the rateable property in that part of the municipality and shall be collected in the same manner as municipal taxes for general purposes.”

Section 26 (5) of the Act states:

“Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the portion of the money required to be raised by that municipality for capital expenditure may be charged only against the rateable property in that part of the municipality.”

After tax reforms in 1998, and pursuant to Section 27(16) the Province enacted Ontario Regulation 670/2000 which states:

3. (2) “A participating municipality’s modified assessment is the assessment calculated by dividing the area of the participating municipality within the authority’s jurisdiction by its total area and multiplying that ratio by the modified current value assessment for that participating municipality.”

The regulation creates a contradiction in that the method of apportioning the levy owed by the municipality to the Conservation Authority differs from the method by which the municipality collects the property tax. Because of the uneven distribution of assessment within municipalities, the two approaches can often produce very different results. As an example, if 25% of a municipality is within a CA’s jurisdiction, and that area has relatively lower assessment than the balance (a rural area, for instance) the Authority would be entitled to 25% of the total assessment of the municipality, which in turn would be required to assess the tax against only those properties within the 25% area. This would create an onerous tax burden on those properties. The intent of the regulation appears to be to “share the wealth” in the same way that a facility such as a new arena would be paid for across the entire tax base rather than just those ratepayers in the arena’s “catchment area.”

Given the complexities of this discrepancy and the potential impacts any changes could have on Conservation Authorities and Municipalities, it is important that we work closely with the Province, Municipalities and the Conservation Authorities to come to a resolution that is fair and equitable.

Conservation Ontario is recommending that the Province clarify the variances in interpretation between the CAA and the Levy Regulation 670/00. If a “Levy Task Force” consisting of provincial, municipal and conservation authority representatives cannot reach a relatively quick resolution as to whether legislative amendments are required then this item should transition to a longer-term work plan commitment.

1.7 Modernize enforcement provisions to reflect current environmental regulations/tools (Section 28)

Please see “S. 28 Regulations Proposed CA Act Amendments” (Attachment 3) for further details and proposed wording.

Antiquated enforcement provisions within the Act prevent CAs from addressing violations in a timely and cost-effective manner. CAs are seeking basic regulatory compliance tools common in other environmental regulatory legislation including stop work orders, orders to comply, and increasing the penalties upon conviction associated with contravening the Act. These amendments would assist with removing barriers to CAs minimizing continuing violations, environmental damage and gaining compliance quickly. CAs are also proposing the establishment of a conservation fund to return fines imposed by the courts to conservation projects in the watershed. Such funds have been established under current legislation including the “Ontario Community Environment Fund” created under the *Ontario Water Resources Act* and the *Environmental Protection Act* and the Environmental Damages Fund under the *Federal Fisheries Act*.

1.8 Clarify the language and process to enable effective use of the existing legislation (Section 28 & 1)

Please see “S. 28 Regulations Proposed CA Act Amendments” (Attachment 3) for further details and proposed wording.

Increased clarity in the language is essential to ensure efficient program delivery. Provincial direction to remove legal ambiguities will tackle current complications within the Act, including addressing that the Act does not reference alteration to shorelines whereas the regulations do; that a court can only order a person upon conviction to rehabilitate a watercourse or wetland rather than any regulated area; and that the definition of wetlands (Section 1) results in time and resource consuming studies to determine whether or not it is regulated. It is additionally proposed that the CA Act address whether or not permissions can be granted “after the fact” when work has already been completed. This change will prevent CAs from having to engage in two parallel processes (i.e. Mining and Lands Commissioner and the court system) in situations where work is already (or partially) complete and does not meet the tests of the regulation. This will result in administrative and cost efficiencies and prevent a situation where two potentially contradictory decisions are made by decision-making bodies.

Amend the legislation to clarify that CAs can require proponents of major applications, such as large-scale fill activities, to provide a refundable security deposit (i.e. letter of credit) to cover any unforeseen costs of site remediation.

1.9 Modernize governance and accountability provisions (Section 30 and Administration Regulation)

Section 30 requires approval of the Minister for what is commonly referred to as Conservation Authority ‘Administration Regulations’. Section 30 and the 1985 Minister’s regulation provide a general framework for the board rules of all CAs. Provincial direction and expectations with regard to governance and accountability could be clarified through updates to this section of the Act, and the 1985 Minister’s Regulation under the Act. The attached Administration regulation (Attachment 4 – 37 pages) was written by Kawartha Conservation with a view to current best practices for municipalities and not-for-profit corporations. It is provided in this submission as one example of what could be supported with

regard to modernization of the governance and accountability provisions; there are other examples. Providing a modernized general framework would result in more consistency across Conservation Authorities while strengthening oversight and accountability. Compliance can be ensured through provincial audit/review processes.

1.10 Remove Administrative burden associated with OMB approval of Board per diems (Section 37)

Administrative burdens decrease the efficiency of the operation of a Conservation Authority. It is recommended that Section 37 be amended to remove the requirement for Ontario Municipal Board approval for Board members' salaries, expenses and allowances since little to no provincial money is used to compensate CA Board members' expenses.

2.0 Conservation Ontario Priority #2: Policy Development: 2017-2021 Shared Work Plan Priorities

Conservation Ontario would welcome the opportunity to work with the MNRF and Province over the next four to five years to develop policies and guidelines to support the intent of the stated objective of the CAA review which is "to identify opportunities to improve the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities" (p.4, *Conserving Our Future: Proposed Priorities for Renewal*). As indicated in the preamble to Conservation Ontario's Priority #1: Legislative Amendments, Conservation Ontario feels strongly that many of the proposed provincial actions can be dealt with through provincial policies and guidelines to ensure they can be updated and adjusted as needed with ease. To achieve the proposed priorities listed below, this four to five year work plan requires a shared commitment of the Province and Conservation Authorities to work on them collaboratively and in consultation with other stakeholders. These are listed in order of priority.

2.1 Multi-Ministry body to support an integrated watershed management approach to provincial policy

Conservation Authorities support the mandates of many provincial ministries. There could be greater efficiencies and a clarification of mandates and responsibilities through a coordinated multi-ministry engagement approach. Conservation Ontario supports establishment of a multi-ministry body in a formalized relationship with participation of CAs via CO endorsed representatives (which could include staff and municipal members) in order to capture the full range of benefits provided to provincial priorities by CA programs and services. It is suggested that the proposed Purpose Statement and Preamble (Section 1.1 and Rationale in Attachment 1) could provide a contextual framework for development of a proposed Integrated Watershed Management Provincial Policy at such a collaborative inter-ministry table. This policy would capitalize on resource management that delivers local program needs while meeting cross-ministry science, policy, and legislative objectives. Discussions need to take place about how such an approach could be implemented.

It is noted that any provincial policy should not be so prescriptive as to discourage future provincial partnerships nor limit effective and innovative local resource management actions on a watershed basis. As taken from the proposed preamble, it should support "actions to address unique and local natural

resources issues, as well as emerging and unforeseen natural resources challenges”. The dialogue would identify and confirm priority programs (that would be supported by a sustainable funding formula) enabling greater consistency across the province and supporting the integration of management imperatives.

Conservation Authorities have demonstrated their strengths in implementing integrated watershed management at the local scale by involving municipalities, businesses, environmental non-government organizations and other stakeholders in shared decision making about management plans and actions to be undertaken in the watershed.

2.2 Delivery of provincially mandated programs and new business relationship with Conservation Ontario and Conservation Authorities

This work plan item would determine the details of how delegation legislation will be implemented and it would be further to multi-ministry IWM discussions. Any delegation is premised on funding being provided or for which cost recovery could be achieved. Conservation Ontario is advocating for a multi-ministry sustainable funding model for any provincially mandated programs best delivered on a watershed basis. A sustainable multi-ministry funding formula to support provincial priorities and to meet our current and emerging environmental imperatives and priorities are paramount in the long-term sustainability of Conservation Authorities. Such a funding model would result in consistent standards, training and stakeholder communication, and could explore opportunities for Conservation Authorities to act as a “one-window” service delivery agent for the Province (see September 2015 comments). Conservation Ontario supports accountability mechanisms (e.g. provincial audits/reviews) being applied to any such funding model.

Additional elements of the cost-sharing formula between levels of government should include at least 50% provincial funding (unless Federal funding reduces each level of government’s share) and must take into account inflation and the local ability to pay. In the past, local ability to pay was addressed through equalization payments from the Province and today remains unaddressed leading to issues of capacity. Developing a more equitable means of allocating provincial funding to CAs based on an analysis of CAs’ revenue, area, population and the ability to locally fund programs and services should be considered a high priority.

Additionally, discussions of the formula would include looking at efficiency opportunities including shared services, and CA restructuring. Conservation Ontario further recommends that the Province consider incentive funding to support CAs to examine the feasibility, options and ultimately implementation of any CA restructuring.

As part of the above discussions it is supported that there will be a new business relationship with Conservation Ontario, CAs, MNRF and potentially other provincial ministries. CO is well positioned to provide leadership in strengthening and facilitating the relationship between CAs and the Province and helping to improve collaboration, coordination and service standards. There is a need for longer term, formal commitments with appropriate sustainable financial compensation or incentives in order to

ensure ongoing outcomes supporting provincial priorities. Memorandums of Understanding may be mechanisms that could be explored.

To ensure capacity, initial one-time investments may be required in order to enable all / some CAs to meet province-wide commitments on a long term basis. In the absence of an inter-ministry table, it is assumed that we will continue in a piece-meal fashion via issue-specific contracts that fit within Conservation Ontario's strategic plan for the collective of CAs and issue-specific contracts between a CA and a provincial ministry that fits their watershed priorities and strategic plan.

2.3 Streamlining and Improving Service Delivery Standards for Plan Review and Permitting – Updated Provincial Process Guidelines

Conservation Ontario and the Conservation Authorities have a shared commitment to improving client services and implementing best management practices in the MNRF 2010 *Policies & Procedures for CA Plan Review and Permitting Activities*. CAs support a review of these and update (if necessary) in order to address streamlining and consistency concerns. To undertake this work plan activity, CAs support re-creation of an expanded multi-stakeholder table, such as a Service Delivery Review Committee (similar to the CA Liaison Committee (CALC) with additional stakeholders) to address, on a regular basis, streamlining and other issues relating to service standards (e.g. posting municipal Service Agreements); and clarification of a 'complete' application is supported as well. Such a multi-stakeholder table can also address user fees to ensure they are established in an open and transparent manner, are consistent with provincial direction and adequately support the effective delivery of CA operations, programs and services. It is strongly supported that regular multi-stakeholder training on the MNRF (2010) Policies and Procedures is required.

CAs have been actively involved in the creation of streamlining tools to improve customer service, including the "Drainage Act and Conservation Authorities Act Protocol ("DART Protocol") and the draft "Conservation Ontario's Guide to Development of an Agricultural Guide to Conservation Authority Permits". In these cases and for implementation of the Plan Review and Permitting Guidelines, updated provincial technical guidelines would be very beneficial to improving customer service.

2.4 Conservation Authorities Act Section 40 Regulations

Section 40 of the CAA enables the writing of a regulation to define terms. To establish consistency, clarity and effectiveness in upholding CA regulatory responsibilities definitions for the terms "conservation of land" and "interference in any way" are required. The Section 28 Regulations Committee has established definitions for these terms based on an analysis of Mining and Lands Commissioner (MLC) decisions and supporting documentation. These definitions have been upheld by the MLC and in the court system. A lack of a legislated definition has been a major stumbling block for moving towards increased CA consistency as it has prevented the Province from creating or endorsing technical guidance for the implementation of Section 28 (discussed in Section 2.5). The lack of clarity within these definitions is also a major hindrance to the adoption of any risk-based approach (as suggested by the *Proposed Priorities for Renewal*, p.10) and the upholding of Provincial environmental

legislation through the court system. See Attachment 5 for the proposed definitions for “conservation of land” and “interference in any way”.

The Province is encouraged to convene a multi-stakeholder table to discuss and establish appropriate definitions for these undefined terms through a Section 40 regulation while respecting the legal basis and history surrounding the proposed definitions.

2.5 Streamlining and Improving Service Delivery Standards for plan review and permitting – updated Provincial Technical Policies and Guidelines

Conservation Authorities need consistent provincial technical guidance and appropriate financial support to CAs for compliance with, and defense of, regulations. Conservation Authorities are very vulnerable to the unexpected costs of litigation necessary in the administration and enforcement of their regulations. Often, in defense of provincial and municipal interests, Conservation Authorities must incur significant legal costs that are not budgeted. Development proponents, and defendants who have the time, money, or legal resources are often prepared to use their ability to participate in extended and costly litigation as a way of deterring Conservation Authorities from pursuing prosecutions. A provincial fund to assist Conservation Authorities in paying significant legal costs in the defense of and administration of their Regulation should be considered. Additionally, lack of clarity in the legislation and provincial technical documents can further complicate and prolong court cases and hearings thus increasing the costs.

To streamline and improve service delivery standards for plan review and permitting there are a number of steps that need to be undertaken. An important aspect of this work is to clarify definitions in order to simplify and consistently uphold CA regulatory responsibilities; this is a ‘Section 40 regulation’ workplan item previously discussed in Section 2.4. Once these definitions are clarified, it will be necessary to provide policy guidelines to support implementation of the regulations including an update to the Conservation Ontario 2008 *Draft Guidelines to Support Conservation Authority Administration of the “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation”*.

The existing technical guidelines all require an update to address contemporary issues and provincial priorities, including climate change, green infrastructure and wetland conservation. As part of the update, and in order to promote consistency and improved service delivery, the Natural Hazard Technical Guidelines should clearly articulate that they were developed to support both the implementation of decisions surrounding the *Provincial Policy Statement* and the CA Section 28 Regulations. The *Natural Hazard Technical Guidelines* updates should address climate change considerations, as well as regulatory event flow increases resulting from urban development. Updates to flood and Great Lakes shoreline guidelines are the current priority. This would also support the work undertaken to update the procedures surrounding the creation and updating/expansion of Special Policy Areas. Conservation Ontario has specific expertise in these areas and is prepared to assist.

New technical guidelines to streamline and improve service delivery are required to achieve the provincial priority of conserving wetlands. As outlined in Conservation Ontario’s comments on “Wetland Conservation in Ontario: A Discussion Paper (EBR 012-4464)” the gaps in Ontario’s current wetland

policy framework have created loopholes for wetland destruction. The comments offered to the Province recommended providing necessary guidance and technical material, as well as coordination of terms, definitions, and implementation instruments. The *Recommendations for Conducting Wetland Environmental Impact Studies (EIS) for Section 28 Regulations Permissions* prepared by Beacon Environmental (December, 2010) for Conservation Ontario utilizing funding from the Ministry of Natural Resources and Forestry outlines a process for providing the necessary implementation support for permit applications in wetlands and adjacent areas. This includes the approval of necessary definitions through a Section 40 regulation, update and approval of the 2008 Draft Guidelines, and the creation of MNRF technical guidelines for wetlands which support both the implementation of Section 28 permissions and the *Provincial Policy Statement*. The Province should also take steps to address the recommendations contained within the 2010 report.

There is a need to address the above gaps within current policy directions regarding the application of CA regulations so that there is a consistent and relevant frame of reference prior to the consideration of a broader risk-based approach to the issuance of permit approvals as suggested by the *Proposed Priorities for Renewal* (p.10). A CA permit is a technical review/assessment and the regulation covers a range of natural hazards considerations. It is noted that the natural hazards in a CA jurisdiction and the extent of the activities (i.e. scale and scope) contribute to the assessment of risk and the ability to be flexible. A risk management framework should be applied on a watershed jurisdiction basis and resultant outcomes will vary accordingly. Conservation Ontario looks forward to further extensive discussion on the application of a risk-based approach to the regulations.

2.6 Financial Accountability

Stakeholders appear to have a relatively low level of understanding of the financial accountability and transparent processes applied at Conservation Authorities. As a first step, it is supported that the details be clarified and communicated so that everyone has a common understanding. Conservation Authorities support transparency. As a starting point, the following is what Conservation Ontario would propose to be communicated:

CAs conduct annual financial audits. These are publicly accessible through CA Board meetings and minutes, along with annual reports on CA programs and services, as per public sector best management practices. No other legislative solutions should be necessary.

Currently, CAs follow expenditure and report back practices as required by the Province for program/project funding; we support provincial audits/reviews. No other legislative solutions should be necessary.

2.7 Board Governance and Indigenous Peoples, stakeholder and special interest engagement

The MNRF document highlighted the need to enhance Indigenous Peoples' participation in the development and delivery of stewardship, science and educational initiatives and to clarify the process for Indigenous People to join or establish a CA. Conservation Ontario has not seen the details of what is proposed by Indigenous Peoples for involvement in CA Boards and programs and look forward to providing a response as coordinated by the Province. The province may wish to establish a separate

process for Indigenous Peoples' engagement focusing on clarifying engagement responsibilities and building meaningful relationships. It is noted that, with the support of the Ministry of Environment and Climate Change, CAs have engaged First Nations communities during all stages of the source protection planning process and there are 44 First Nation communities located within source protection areas.

Municipalities appoint members with an interest in representing their interests and watershed interests; appointees may be municipal councilors or citizens. CAs prefer the current arrangement where a wide variety of watershed stakeholders and special interest groups including the general public, industry and agencies participate in the development and implementation of local watershed management projects on committees and working groups which are complementary to the CA Board structure (e.g. Watershed Advisory Councils/Committees, Source Protection Committees, etc.). As such they share decision-making responsibilities helping to direct priorities and then track progress.

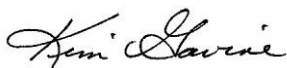
Conclusion

In order to move forward effectively, Conservation Ontario considers it critical to have coordinated communication by the Province, municipalities and CAs that clarifies roles and responsibilities of Conservation Authorities in the CAA and in other pieces of legislation (e.g. Clean Water Act).

As well it is noted that CO and CAs are committed to improving information sharing, networking and corporate effectiveness through best management practices training, templates and guidelines and will continue to move forward in this regard.

Thank you for the opportunity to engage in the engagement sessions and comment on the *Proposed Priorities for Renewal*. Conservation Authorities play an important role in addressing today's environmental and resource management challenges and we look forward to working with MNRF through the *Conservation Authorities Act* review process. Should you have any questions regarding the above comments please contact myself (ext. 231) or Bonnie Fox (Manager, Policy and Planning) at 905-895-0716 ext. 223.

Sincerely,



Kim Gavine
General Manager

c.c. All Conservation Authorities' CAOs

Conservation Ontario
120 Bayview Parkway, Newmarket ON L3Y 3W3
Tel (905) 895-0716 Fax (905) 895-0751
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ATTACHMENT 1

Proposed Purpose Statement and Preamble

Table 1: Purpose Statement

Purpose Statement	Rationale
<p>The purpose of this Act is for the Government of Ontario to provide for the conservation, restoration, development and management of natural resources by supporting participating municipalities to collaborate on a watershed basis through Conservation Authorities' programs and services, working with government bodies and other stakeholders.</p>	<p>This statement is to confirm the mandate of the Conservation Authorities in order to specifically address stakeholder confusion about this. This statement reiterates the Objects and Powers of Authority under the Act, and is aligned with an integrated watershed management approach by reiterating the importance of managing natural resources and human activities together on a watershed basis. It acknowledges the role of member municipalities while speaking to the overall collaborative partnership approach. It supports our ability to address unique and local natural resources issues, as well as emerging and unforeseen natural resources challenges.</p>

Table 2: Preamble

Preamble Sections	Rationale
<p>1. WHEREAS the demands on Ontario's natural resources are increasing rapidly; AND THAT more knowledge is needed of the nature, extent and distribution of those resources, and the present and future demands on a watershed basis; AND THAT actions must be taken to ensure that those demands are sustainably met;</p>	<p>Sustainability</p> <p>This section recognizes the demands on natural resources due to ongoing pressures including land use changes and growth. This section reiterates that these pressures should be examined and better understood on a watershed basis in order to determine a sustainable means to meet the demands. This is consistent with Ontario's acknowledgement of CAs as public commenting bodies under the <i>Planning Act</i> and public bodies under the <i>Great Lakes Protection Act</i>. As well, it is consistent with <i>Lake Simcoe Protection Plan Act</i> and Ontario's proposed requirement for watershed plans in the Provincial Plan Review.</p>
<p>2. AND WHEREAS the impact of climate change on natural resources of Ontario is a significant threat to the health, well-being and prosperity of the people of Ontario; AND THAT more knowledge is needed of the impact of climate change on those resources; AND THAT actions must be taken to mitigate and adapt to those impacts to ensure the</p>	<p>Climate Change</p> <p>This section acknowledges that climate change is impacting natural resources, our health, and the economy crossing political and other boundaries. This section highlights the need to study climate change in order to identify and implement appropriate mitigation and adaptation measures to protect human life and build</p>

Preamble Sections	Rationale
<p>protection of human life and infrastructure and the resilience of natural resources;</p>	<p>resilient communities and resources. This is consistent with the Ontario’s related legislative amendments and proposals noted above. As well, this is consistent with Ontario’s 2014 Provincial Policy Statement amendment to Section 3.1 ‘Natural Hazards’ for which Conservation Authorities have provincially delegated responsibility to represent provincial interests, which states “Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards”. Natural resource management on a watershed-basis helps protect municipal and private infrastructure from natural hazards and climate change impacts. This general statement includes, but is not limited to, the \$2.7 billion in water and erosion control infrastructure which is managed by Conservation Authorities and the important role of green infrastructure in water management.</p>
<p>3. AND WHEREAS the pollution of natural resources of Ontario is also a threat to the health, well-being and prosperity of the people of Ontario; AND THAT as a result, actions must be taken to prevent and mitigate pollution;</p>	<p>Pollution</p> <p>This section brings to attention the contamination of natural resources which impacts public health and the environment, and the need to address this issue through measures such as Section 28 permits under the <i>Conservation Authorities Act</i> which prevent sedimentation and the import of contaminated fill, amongst other measures. This is consistent with Ontario’s acknowledgement of CAs as source protection authorities under the <i>Clean Water Act</i>, public commenting bodies under the <i>Planning Act</i> and public bodies under the <i>Great Lakes Protection Act</i>. As well, it is consistent with <i>Lake Simcoe Protection Plan Act</i> and Ontario’s proposed requirement for watershed plans in the Provincial Plan Review.</p>
<p>4. AND WHEREAS the conservation, restoration, development and management of natural resources on a watershed basis is an effective approach to ensure healthy and sustainable Great Lakes, surface water and groundwater including drinking water sources, and associated ecosystems, soil, and air resources which in turn support prosperous and resilient communities.</p>	<p>Watershed Management</p> <p>This section provides the logic in watershed-based natural resource management; therefore supporting the work of watershed-based CAs. It is noted that this approach provides a locally relevant boundary that supports bringing together stakeholders crossing political boundaries and consideration of broader natural resource issues that cross watershed boundaries (e.g. groundwater, ecosystems, natural heritage systems, and air).</p>
<p>5. AND WHEREAS the Province of Ontario desires that Conservation Authorities deliver programs utilizing an adaptive management framework that is watershed-based and informed by science, to result</p>	<p>Local Issues, Science and Adaptive Framework</p> <p>This section reiterates the Objects in Section 20 and Powers of Authority in Section</p>

Preamble Sections	Rationale
<p>in actions that address unique and local natural resources issues, as well as emerging and unforeseen natural resources challenges.</p>	<p>21 of the <i>Conservation Authorities Act</i>, which aligns with an integrated watershed management approach based on watershed science and a continuous improvement cycle of implementing measures and monitoring their performance. This watershed-based adaptive framework approach lends itself to addressing local, unique and unexpected natural resources issues including climate change impacts, resource depletion and pollution.</p>
<p>6. AND WHEREAS the Province of Ontario desires that, Conservation Authorities collaborate with participating municipalities, indigenous peoples, government bodies and others, bringing together all stakeholders on a watershed basis to manage natural resources and human activities together for the health, social and economic well-being of Ontarians.</p>	<p>Integrated Watershed Management Approach</p> <p>This section also reiterates the Objects in Section 20 and Powers of Authority in Section 21 of the <i>Conservation Authorities Act</i>, which aligns with an integrated watershed management approach supporting shared decision making about management actions. Conservation Authorities bring together multiple stakeholders crossing political and other boundaries to efficiently and sustainably address common natural resource issues while considering the connected interests of ecology, economy and society.</p>
<p>7. AND WHEREAS the Province of Ontario recognizes the substantial public land holdings of the Conservation Authorities and the value and importance of these for conservation, connecting people to nature through recreation and education, and for the overall health of people and watersheds.</p>	<p>Connecting People and Nature</p> <p>This section also reiterates the Powers of Authority in Section 21 of the <i>Conservation Authorities Act</i> and makes the linkage between conservation programs that link to human activities and needs in the watershed. This is consistent with the Province’s various initiatives emphasizing tourism, cultural heritage, health, and environmental education which they have relied upon partnerships with CAs for delivery. This relationship most recently aligned through the Great Lakes Protection Act and associated multi-ministry Strategy.</p>

ATTACHMENT 2

One Option for Types of Cost and Apportionment of Different Types of Levy

The types of costs and their definitions could state:

- 1) “administration costs” means salaries and travelling expenses of members and administration employees of an authority, office rent, maintenance and purchase of office equipment, and all expenditures necessary to support carrying out the objects of an authority other than operating, capital and maintenance costs.
- 2) “operating costs” means salaries, benefits, travel, supplies, vehicles and equipment, and all expenditures required in relation to the implementation and operation of a project or program undertaken by an authority for the furtherance of its objects.
- 3) “capital costs” means expenditures for major projects such as water and erosion control infrastructure, roads, land acquisition, trails, and buildings.
- 4) “maintenance costs” means all expenditures required specifically in relation to the operation or maintenance of a capital project.

Table 1: Apportionment of Different Types of Levy

Type of Levy	How to apportion the levy	
General Administration and Operating Costs for Watershed-based Programs	Watershed Levy (based on Modified CVA)	
Capital and Maintenance Costs * <i>*We would have to include operating costs for small local projects in this category if we want to charge a special benefitting levy.</i>	If the project/program benefits entire watershed: Watershed Levy (based on Modified CVA)	If the project/program benefits some, but not all of the participating municipalities: Allocated according to benefit

ATTACHMENT 3

S. 28 REGULATION PROPOSED CA ACT AMENDMENTS

Updated July, 2016

Conservation Authorities Act Section	What is being proposed? (Brief explanation and description of the change)	Why is this change being proposed?
<p>28(1)(b) prohibiting, regulating or requiring the permission of the authority of straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland,</p>	<p>28(1)(b) prohibiting, regulating or requiring the permission of the authority of straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland, or for altering the shoreline of the Great Lakes – St. Lawrence River System or inland lake;</p> <p>The addition of the phrase “or for altering the shoreline of the Great Lakes – St. Lawrence River System or inland lake”</p>	<p>Currently CAs’ individual regulations and the “Content Regulation” refer to the regulation of alterations to shorelines however this is not included in the Act. This has caused some confusion when a CA is prosecuting a matter as the Act and the Regulations are not complementary.</p>
<p>Sections 28(12) to 28(15) relate to hearings, grounds for refusing permissions, reasons for decisions and appeal</p>	<p>Permission required under a regulation made under clause (1) (b) or (c) may be refused by the authority, or if the authority so directs, by the authority’s executive committee without a hearing if the development, interference or alteration for which permission being requested is complete or partially complete and subsection (16) applies and subsection (15) will not apply.</p>	<p>The Conservation Authorities Act is silent on whether or not a CoA has to accept an application for permission “after the fact” This change will address current ambiguities in the CA Act and will prevent CAs from having to engage in two parallel processes in situations where work is already (partially) complete and does not meet the tests of the regulation. This change will allow the CA to make a decision whether to issue a permit where the proposal meets Authority policy or to proceed with laying charges if the tests of the regulation are not met and will allow the matter to be heard in front of one decision-making body instead of two (MLC and the court system). This will result in administrative and cost efficiencies and prevent a situation where potentially two contradictory decisions are made by decision-making bodies. The appeal mechanism in Section 28 (15) would not apply in these circumstances.</p>

Conservation Authorities Act Section	What is being proposed? (Brief explanation and description of the change)	Why is this change being proposed?
<p>Sections 28(16) to 28(24) relate to regulation enforcement and offences.</p>	<p>Orders to Comply An officer who finds a contravention of this Act, Regulation or the terms and conditions of a permission of an authority may issue an order directing compliance with this Act, Regulation or the granted permission and may require the order to be carried out immediately or within such time as is specified in the order.</p> <p>Stop Work Order An officer who finds a contravention of this Act, Regulation or the terms and conditions of a permission of an authority may issue a Stop Work order directing compliance with this Act, Regulation or the granted permission.</p>	<p>The ability to issue stop work orders and orders to comply on violations under Section 28. Orders (Compliance and Stop Work) are required to minimize continuing violations, environmental damage and to gain compliance quickly.</p> <p>Conservation Authorities of Ontario implement programs that support the environmental objectives of the Provincial Government. There are basic regulatory compliance tools common in environmental regulatory legislation which should be inserted into these sections of the CA Act so that Conservation Authorities can effectively do their job.</p>
<p>Section 28 (16)</p> <p>Offence: contravening regulation</p> <p>(16) Every person who contravenes a regulation made under subsection (1) or the terms and conditions of a permission of an authority in a regulation made under clause (1) (b) or (c) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to a term of imprisonment of not more than three months. 1998, c. 18, Sched. I, s. 12; 2010, c. 16, Sched. 10, s. 1 (2).</p>	<p>(16) (a) Every person who contravenes a regulation made under subsection (1), or the terms and conditions of a permission of an authority in a regulation made under clause (1) (b) or (c), or fails to comply with an Order issued under subsection__ (proposed new subsection for stop work orders and orders to comply) is guilty of an offence,</p> <p>(b) A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence or to a term of imprisonment of not more than three months.</p> <p>(c) For the purposes of subsection (b), an offence is a subsequent offence if there has been a previous conviction under this Act.</p> <p>(d) Every person who fails to comply with an order under subsection ____ (proposed new subsection for stop work orders and orders to comply) made by an officer appointed to enforce any regulation made under this section or section</p>	<ul style="list-style-type: none"> •significantly increase the fines to reflect monetary penalties in line with other compatible environmental legislation; •that in addition to any fine imposed by the court, neutralize any monetary benefit from the commission of the offence; •imposing such other penalties and sanctions that may result, in part, with the redirection of monies to CAs as compensation to remedy, avoid or remediate damages done, or to advocate or implement proper environmental management practice in line with CA policies and objectives; •a method of cost recovery similar to other legislation (<i>Ontario Water Resources Act, Municipal Act, Environmental Protection Act</i>) such as through the offender’s tax bill. •Introduce increased fines for subsequent offences to reflect the monetary penalties in other comparable environmental legislation •Introduce an offence for failure to comply with an order and a corresponding monetary penalty <p>Introduce a re-direction of the proceeds of the fines to the appropriate Conservation Authority to be held in a fund similar to the “Ontario Community Environment Fund” created under the <i>Ontario Water Resources Act</i> and the <i>Environmental Protection Act</i> (and O. Reg. 222/07 and 223/07).</p>

Conservation Authorities Act Section	What is being proposed? (Brief explanation and description of the change)	Why is this change being proposed?
	<p>29, is guilty of an offence and on conviction, in addition to the penalties prescribed in (b), is liable to a fine of not more than \$10, 000 per day for every day the offence continues after the time given for complying with the order has expired.</p> <p>28 (16) The proceeds of the fines imposed under this section shall be paid to the applicable conservation authority prescribed under section 1 of the regulation and section 4 of the <i>Fines and Forfeitures Act</i> does not apply in respect of the fine.</p>	
28(17)(b) 'rehabilitate any watercourse or wetland in the manner and within the time the court orders'	28 (17) In addition to any other remedy or penalty provided by law, the court, upon making a conviction under subsection (16), may order the person convicted to, (a) remove, at that person's expense, any development, within such reasonable time as the court orders; and (b) rehabilitate any watercourse or wetland in the manner and within the time the court orders.	The amendment should explicitly recognize all areas regulated under the Act rather than just watercourses and wetlands thus enabling the courts to order remedies for all violations.
28(18) 'If a person does not comply with an order made under subsection (17), the authority having jurisdiction may, in the case of a development, have it removed and, in the case of a watercourse or wetland, have it rehabilitated'	(18) If a person does not comply with an order made under subsection (17), the authority having jurisdiction may, in the case of a development, have it removed and, in the case of a watercourse or wetland, have it rehabilitated	The amendment should explicitly recognize all areas regulated under the Act, rather than just watercourses and wetlands, enabling the courts to order removal of non-compliant development as well as rehabilitation of the regulated area.
Section 28 (25) 'wetland means land that, (a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface, (b) directly	Amending the definition of wetland by deleting subsection (b) in its entirety, amending the numbering for subsection (c) and (d) to subsection (b) and (c) respectively, and striking the word "and" at the end of subsection (a) and (b) and	Removal of this clause will bring clarity to CAs regarding what is regulated. The current definition is inefficient for the proponent and the CA as it may potentially require that studies be undertaken to determine whether or not the wetland contributes to the hydrological function of a watercourse. The revised definition will bring additional

Conservation Authorities Act Section	What is being proposed? (Brief explanation and description of the change)	Why is this change being proposed?
<p>contributes to the hydrological function of a watershed through connection with a surface watercourse, (c) has hydric soils, the formation of which has been caused by the presence of abundant water, and (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water, but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d). (terre marécageuse)'</p>	<p>substituting the word "or" at the end of each subsection.</p>	<p>clarity to the Act and is more consistent with other more frequently used definitions such as provided in the <u>Provincial Policy Statement</u>.</p>

KAWARTHA REGION CONSERVATION AUTHORITY

By-Law # 1

Governance and Administrative Policies



KAWARTHA REGION CONSERVATION AUTHORITY

OUR MANDATE

Our mandate is to ensure the conservation, restoration and responsible management of water, land and natural habitats through programs and services that balance human, environmental and economic needs.

OUR MISSION

“Leading the way to abundant clean water within a healthy landscape.”

OUR VISION

Our vision for the future is abundant, clean water within a healthy landscape.

POLICY STATEMENT:

Kawartha Region Conservation Authority policies and procedures are passed under powers conferred on the Authority by the Conservation Authorities Act, RSO 1990, Chapter C. 27. The Administrative By-Laws – Board of Directors is intended to be used by the Kawartha Region Conservation Authority as a governance and administrative policy and procedure supplement to the Authority's Administration Regulations, as approved by the Minister of Natural Resources on February 7, 1985, pursuant to Section 30 of the Act, and as adopted by the Authority by Resolution #29 FA/85.

The word "Authority" as used in this procedure refers to all members of the Kawartha Region Conservation Authority as defined in Section 14 of the Conservation Authorities Act, RSO 1990, Chapter C. 27.

PROCEDURE:

Kawartha Region Conservation Authority Administrative By-Laws – Board of Directors are detailed in the following pages.

By-Law # 1 – Governance and Administrative Policies – sets out the mandate, roles, responsibilities and duties of members of the Board of Directors, and the CAO, provides for the election of officers, and establishes various administrative policies.

By-Law # 2 – Meeting Procedures – sets out meeting procedures, and Conflict of Interest, Code of Conduct and other provisions relative to the conducting of meetings.



Section ADMINISTRATION	Title ADMINISTRATIVE BY-LAWS – GOVERNANCE AND ADMINISTRATIVE POLICIES	
RESPONSIBILITY: CAO	Approved by: Board of Directors (Resolution #39/10)	Date of Approval: February 3, 2010
Revisions:		Page: 26 of 12

**KAWARTHA REGION CONSERVATION AUTHORITY
ADMINISTRATIVE BY-LAWS – GOVERNANCE AND ADMINISTRATIVE POLICIES**

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14.0 Revocation

12

SECTION A – DEFINITIONS

1.0 Definitions

“CAO/Secretary-Treasurer” means Chief Administrative Officer of the Authority.

“Secretary-Treasurer” means Director, Corporate Services of the Authority.

“Call of the Chair” shall mean the Chairperson of the Kawartha Region Conservation Authority will make the decision to have a meeting and will inform the Chief Administrative Officer/Secretary-Treasurer or designate and that person will ensure action if it is necessary.

“Chair” shall mean the Chairperson as elected by the Board of Directors of the Kawartha Region Conservation Authority.

“Fiscal Year” shall mean the period from January 1 through December 31.

“Inaugural Meeting” shall be an annual meeting to complete past year’s business; for annual elections and appointments; and to start current year’s business.

“Members” shall mean the board members, or Directors, as appointed by the watershed municipalities.

“Majority” shall mean half of the votes plus one.

“Officer” means a member of the Authority and the CAO/Secretary-Treasurer and Secretary-Treasurer.

“Private 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.

“Staff” shall mean staff members employed at the Kawartha Region Conservation Authority.

Section ADMINISTRATION	Title ADMINISTRATIVE BY-LAWS – GOVERNANCE AND ADMINISTRATIVE POLICIES	
RESPONSIBILITY: CAO	Approved by: Board of Directors (Resolution #39/10)	Date of Approval: February 3, 2010
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“Vice-Chair” shall mean the Vice-Chairperson as elected by the Board of Directors of the Kawartha Region Conservation Authority.

“Weighted Majority” shall mean the votes of 51 percent of those represented in accordance with Section 2.2 and shall apply with regard to the Conservation Authority budget.

SECTION B – GOVERNANCE POLICIES

2.0 Board of Directors

2.1 Membership of the Kawartha Region Conservation Authority includes 6 municipalities: City of Kawartha Lakes; Regional Municipality of Durham (Municipality of Clarington, Township of Brock, Township of Scugog); Township of Galway-Cavendish and Harvey; and Township of Cavan-Monaghan.

2.2 The Kawartha Region Conservation Authority Board of Directors comprises all members appointed by participating municipalities.

Based on Section 2(2) of the Conservation Authorities Act, the municipalities appoint the following number of members:

City of Kawartha Lakes	-	3 members
Regional Municipality of Durham:		
Township of Scugog	-	2 members
Municipality of Clarington	-	1 member
Township of Brock	-	1 member
Township of Galway-Cavendish and Harvey-		1 member
Township of Cavan-Monaghan	-	1 member

2.3 Membership is in effect for the appointment term of the municipality.

2.4 The Board of Directors shall approve all policies and procedures of the Kawartha Region

Section ADMINISTRATION	Title ADMINISTRATIVE BY-LAWS – GOVERNANCE AND ADMINISTRATIVE POLICIES	
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Conservation Authority, approve the budget with or without revisions, give direction on priority of programs and projects and be generally responsible for other matters as required by the Conservation Authorities Act and Regulations.

3.0 Roles and Responsibilities of the Board of Directors

The Kawartha Conservation Board is accountable to the public for the successful operation of the Kawartha Region Conservation Authority. In carrying out this task it is imperative that the Board understand its primary responsibilities.

3.1 Carrying out Mandatory Responsibilities

The Kawartha Conservation Board is bound by the *Conservation Authorities Act*.

- Section 20 of the *Conservation Authorities Act* defines the objectives of a Conservation Authority as follows:

“The objectives of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal or minerals.”

- Section 21 of the *Conservation Authorities Act* specifically outlines the powers of a Conservation Authority to accomplish its objectives:
 - the power to study the watershed and develop an appropriate resource management program;
 - acquire and/or dispose of lands;
 - collaborate and enter into agreements with landowners, governments and organizations;
 - control the flow of surface waters;
 - alter the course of any waterway;
 - develop their lands for recreational purposes;
 - generally to do all such acts as are necessary for the due carrying out of any project.

3.2 Functions of the Board of Directors

Section ADMINISTRATION	Title ADMINISTRATIVE BY-LAWS – GOVERNANCE AND ADMINISTRATIVE POLICIES	
RESPONSIBILITY: CAO	Approved by: Board of Directors (Resolution #39/10)	Date of Approval: February 3, 2010
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In addition to the procedures in this policy and subject to the *Conservation Authority Act*, the Authority shall:

- Approve the auditor’s statement for the preceding year – if the statement is not approved, the amended statement shall be reintroduced for approval at the next appropriate meeting;
- Pass a borrowing resolution for a specified amount for the purposes of the Authority and authorizing the appointed signing officers to sign notes as required to implement this borrowing;
- Approve a budget for the Authority for the ensuing year;
- Approve the levies to be paid by Municipalities;
- Supervise the activities of any Standing Committees and to accept or reject any of their recommendations;
- Receive delegations on behalf of the Authority;
- Consider requests for grants or donations from groups outside the Authority;
- Decide and recommend policies not covered in these resolutions;
- Update as required policies of the Authority.

All Directors of the Board are public officials and thus have the responsibility to be guided by and adhere to the rules of conduct, explicit and implied, for all such holders of public office in the Province of Ontario. In addition, all the Board must adhere to all applicable acts of incorporation. In the case of the Kawartha Region Conservation Authority, Directors must adhere to the following:

- The *Municipal Conflict of Interest Act*;
- The *Municipal Freedom of Information and Protection of Privacy Act*;
- Administrative Procedures Manual of the Kawartha Region Conservation Authority;
- Regulation 182/06 whereby the Kawartha Region Conservation Authority enforces regulations governing the Fill, Construction and Alteration to Waterways;
- Land Use Watershed Planning Policies.

3.3 Ensuring Fiscal Stability of Kawartha Conservation

The Board of Directors must ensure the financial stability of the Kawartha Region Conservation Authority. While the CAO/Secretary-Treasurer provides day-to-day leadership in fiscal affairs, the Board bears the ultimate responsibility for financial soundness. This includes approving an annual budget, receiving and approving reports on financial

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performance of the Kawartha Region Conservation Authority on a quarterly basis and ensuring policies are in place for financial soundness.

3.4 Reliance On and Partnership with the CAO/Secretary-Treasurer

The Board of Directors relies on the CAO/Secretary-Treasurer to inspire, lead and manage the Kawartha Region Conservation Authority. The Board will forge a strong partnership with the CAO/Secretary-Treasurer, working cooperatively to achieve the goals of the Kawartha Region Conservation Authority. The Board regularly evaluates the CAO/Secretary-Treasurer, measuring his/her performance against the Kawartha Region Conservation Authority's strategic plan and financial and human resources goals of the organization.

3.5 Practicing Effective Human Resources Practices

The Board of Directors must act as a team and represent the interests of the entire watershed. A strong partnership must be forged between the Board of Directors and the CAO/Secretary-Treasurer. The Board allows the CAO/Secretary-Treasurer to manage the organization and its staff. The following guidelines should be followed throughout the organization and by the public at large:

- If a Board Director has questions on a project or report, such questions should be referred through the CAO/Secretary-Treasurer for him/her to invite the appropriate staff Director(s) to explain the project and answer questions.
- If a Board Director would like to volunteer to assist in a project, such action should be taken in consultation with the CAO/Secretary-Treasurer to organize the process.
- If a Board Director receives a complaint about a staff person or would like to acknowledge a staff person, such information should go through the CAO/Secretary-Treasurer.
- If a Board Director receives a complaint from a staff person, the Board Director must advise the staff person to follow the Appeal Procedure as outlined in the personnel policy.

With respect to staffing issues, the following outlines the responsibilities of the Board of Directors and the CAO/Secretary-Treasurer:

- The Board of Directors is solely responsible for the following:
 - Recruiting the CAO/Secretary-Treasurer;

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- Hiring the CAO/Secretary-Treasurer;
 - Evaluating the CAO/Secretary-Treasurer;
 - Dismissing the CAO/Secretary-Treasurer;
 - Determining the annual salary and pay for performance of the CAO/Secretary-Treasurer.
- The Board of Directors and the CAO/Secretary-Treasurer share the following responsibilities in that the recommendation will come from the CAO/Secretary-Treasurer and the approval will come from the Board of Directors:
 - Setting key commitments and deliverables for the CAO/Secretary-Treasurer;
 - Setting human resource and personnel policies which will have a dollar impact upon the budget;
 - Setting staff salary schedules and plans as part of the annual budget review process.
 - The CAO/Secretary-Treasurer is solely responsible for the following:
 - Assessing staffing requirements;
 - Recruiting, hiring and dismissing staff;
 - Providing staff direction;
 - Approving staff evaluations;
 - Implementing approved salary schedule and salary plan by setting individual staff salaries;
 - Designing the organizational structure;
 - Setting human resource and personnel policies, which have no dollar impact on the budget.

4.0 Duties of Officers

4.1 Chair of the Board

- Oversees Board meetings and ensures Meeting Procedural By-Law is adhered to;
- Serves as ex-officio Director of all committees;
- Works in partnership with the CAO/Secretary-Treasurer to ensure Board resolutions are carried out;
- Assists CAO/Secretary-Treasurer in preparing agenda for Board meetings where required;
- Calls special meetings if necessary;
- Periodically consults with Board Directors on their roles;

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- Acts as a public spokesperson for the Kawartha Region Conservation Authority to facilitate the objectives of the Kawartha Region Conservation Authority;
- Represents the Kawartha Region Conservation Authority at such functions as warrant the interest of the Kawartha Region Conservation Authority except where this responsibility is specifically assigned to some other person;
- Inspires other Board Directors with his or her own commitment of support, time and enthusiasm;
- Represents the Kawartha Region Conservation Authority at Conservation Ontario Council meetings;
- Serves as ex-officio Director of Friends of Kawartha Conservation;
- Serves as signing officer for the Kawartha Region Conservation Authority;
- Performs other duties when directed to do so by resolution of the Kawartha Region Conservation Authority;
- Keeps the Board of Directors apprised of significant issues in a timely fashion.

4.2 Vice-Chair of the Board

- Attends all Board meetings;
- Carries out special assignments as requested by the Chair of the Board;
- Understands the responsibilities of the Board 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 his/her duties;
- Participates as a vital part of the Board leadership;
- Assumes a role in all ad hoc committees;
- Serves as a signing officer for Kawartha Conservation;
- Serves as a Director of Friends of Kawartha Conservation;
- Keeps the board of Directors apprised of significant issues in a timely fashion;
- Alternate to Chair at Conservation Ontario Council Meetings.

4.3 CAO/Secretary-Treasurer

- Attends all Board meetings;
- Acts as Secretary-Treasurer of the Board in accordance with the *Conservation Authorities Act*;
- Serves as a signing officer for the Kawartha Region Conservation Authority;
- Keeps the Chair and Vice-Chair apprised of significant issues in a timely fashion;
- Develops and implements both short and long-term strategic plans in accordance with business goals and objectives;
- Tends to the day-to-day requirements, details and management of the Kawartha Region Conservation Authority;

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- Manages staff and programs of the Kawartha Region Conservation Authority;
- Makes certain that appropriate actions are taken in a timely fashion;
- Works in close collaboration with the Chair and Vice-Chair;

- Implements all Board resolutions in a timely fashion;
- Ensures Board policies and strategic plan are adhered to;
- Manages the financial activities of the Kawartha Region Conservation Authority;
- Makes recommendations to the Board regarding suggested policy changes;
- Acts as public spokesperson for Kawartha Conservation in the absence of the Chair and Vice-Chair of the Board;
- Represents the Kawartha Region Conservation Authority at Conservation Ontario Council, Committee and Task Force meetings;
- In the absence of the Chair of the Board, designated ex-officio Director of Friends of Kawartha Conservation;
- Negotiates and enters into contracts with external agencies/partners to carry out the goals of the organization in accordance with approved Policy;
- Develops and maintains effective relationships and ensures good communications with watershed municipalities, federal and provincial government ministries/agencies, other Conservation Authorities, Conservation Ontario and community groups and associations.

5.0 Election of Officers

5.1 Chair for Election of Officers

An individual other than a Member of Kawartha Conservation will assume the position of Chair for the purpose of Election of Officers. The CAO/Secretary-Treasurer, or designate, assumes this position.

5.2 Appointment of Scrutineers

The appointment of scrutineers is required for the purpose of counting ballots should an election be required. All ballots will be destroyed by the scrutineers afterwards. The appointment of scrutineers requires a mover and seconder by Members of the Authority.

5.3 Election of Officers

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The CAO or designate advises that the election will be conducted in accordance with Section 10 of the *Conservation Authorities Act* as follows:

- Only current members of the Authority may vote.
 - Nominations will be called three (3) times and will only require a mover.
 - The closing of nominations will require both a mover and a seconder.
 - Each member nominated will be required to accept the nomination. The member must be present to accept the nomination or an affidavit of acceptance, signed by the member nominated, must be provided to the CAO/Secretary-Treasurer to indicate acceptance of the nomination.
-
- In the event of an election, each nominee will be permitted not more than three (3) minutes to speak for the office, in the order of the alphabetical listing of his or her surnames.
 - Upon the acceptance by nominees for the position of office, ballots will be distributed to the Members for the purpose of election. A Member's choice for a nominee will be written on the ballot and the appointed scrutineers for the counting of the ballots will collect the ballots.

A majority vote will 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 will be removed from further consideration for the office and new ballots will 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 will 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 CAO or designate.

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SECTION C – ADMINISTRATIVE POLICIES

6.0 Auditor, Solicitor, Banker

- 6.1** The Authority shall consider tendering for the services of an auditor, solicitor and banker at least every five years.
- 6.2** Subject to satisfactory performance and reasonable fees, the Authority will annually appoint the same auditor, solicitor, and banker during the period between tendering for these services. Such annual appointments will be made at the annual meeting.

7.0 Auditor’s Report

- 7.1** The Authority will be presented with the auditor’s report within four months following year end.
- 7.2** The Authority will forward a copy of the auditor’s report to each member, each participating municipality, and to the Minister of Natural Resources within thirty days of approving the auditor’s report.

8.0 Borrowing Resolution

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8.1 The Authority will establish a borrowing resolution by March 31 of each year and such resolution will be in force until it is superseded by another borrowing resolution.

9.0 Levy Notice

9.1 The levy due to the Authority from member municipalities shall be made in three Installments each year due March 31, June 30 and September 30.

10.0 Chair and Vice-Chair

10.1 In the event of the absence of the Chair and Vice-Chair 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.

10.2 The Chair and vice-Chair are members on all Authority committees.

10.3 The term of office for the Authority Chair is set at a maximum of four consecutive one-year terms after which the incumbent must step down for at least one year before seeking office again.

10.4 Where the Chair considers there to be an emergency, the four signing officers of the Authority shall be empowered to act without approval of the Authority membership as a whole.

11.0 Signing Officers

11.1 For purposes of signing officers, the Authority equates the title Chief Administrative Officer/Secretary-Treasurer to Chief Administrative Officer and the title Director of Corporate Services to Secretary-Treasurer as set out under "Signing Officers" in the Administrative Regulation as approved by the Minister of Natural Resources on February 7, 1985. The two signing officers of the Authority shall be one of the Chair or Vice-Chair and one of the Chief Administrative Officer or Director of Corporate Services. In the event of an emergency, such that the Chief Administrative Officer/Secretary-Treasurer and the Director of Corporate Services are not available, the Director of Watershed Management will serve as an alternate signing officer.

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11.2 All deeds, transfers, assignments, contracts, and obligations entered into by the Authority must be signed by the signing officers of the Authority and these signing officers are empowered to sign such documents as are necessary for works approved by the Authority.

12.0 Standing Committees

12.1 The Authority may strike a standing committee to investigate and make recommendations on matters of interest to the Authority.

12.2 Any standing committee of the Authority will be recognized as a functioning committee until the Authority replaces or dissolves that committee or until December 31 of the year in which the committee is formed.

12.3 The Authority will strike standing committees at the first business meeting of the year or at other times as may be desired.

12.4 Any standing committee of the Authority will be comprised of two members plus the Chair and the Vice-Chair of the Authority.

12.5 Each standing committee will have terms of reference established by the Authority. The terms of reference will serve as a consistent guide to committee members and provide a continuity of understanding by the Authority as to the specific purpose for the standing committee. The terms of reference may be altered by the Authority where the scope of a standing committee's mandate is either altered or changed.

12.6 When a standing committee is proposed, either the Authority member proposing the new standing committee will present terms of reference for Authority approval, or the Authority will cause such terms of reference to be prepared. In either case, a new standing committee shall not be struck until the Authority approves terms of reference for the standing committee.

12.7 Authority standing committees will be comprised of Authority members. The committee may invite people to attend committee meetings as a resource to the committee.

12.8 Only committee members are entitled to vote on matters coming before the committee.

13.0 Per diems and Expenses

13.1 The Authority shall establish a per diem rate from time to time and this rate will apply to the

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Chair, Vice-Chair and Directors for service to the Authority in attendance at Authority Board of Director meetings, Standing Committee meetings, and at such other business functions as may be from time to time requested by the Chair, through the Chief Administrative Officer.

- 13.2** A per diem will be paid for each separate meeting attended.
- 13.3** For teleconference meetings lasting less than 45 minutes, only ½ the per diem rate be paid.
- 13.4** The Chair, Vice-Chair and Directors will be responsible for advising the Secretary-Treasurer of any per diems and mileage incurred for other than Board of Directors or Source Protection Authority meetings, within 30 days of the per diem or mileage being incurred.
- 13.5** The Authority will reimburse members' travel expenses incurred for the purpose of attending meetings and/or functions on behalf of the Authority.
- 14.0 Revocation**
- 14.1** Upon approval of these Administrative By-Laws – Board of Directors, all such previous administrative policies and procedures shall be revoked.

KAWARTHA REGION CONSERVATION AUTHORITY

By-Law # 2

Meeting Procedures





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**KAWARTHA REGION CONSERVATION AUTHORITY
MEETING PROCEDURES**

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MEETING PROCEDURES

A. Quorum

- A-1** At any meeting, a quorum consists of one-half of the members appointed by the participating municipalities.
- A-2** 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 and the recording secretary shall record the names of the members present and absent.
- A-3** Where the number of members, who by reason of the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, are disabled from participating in a meeting, is such that at the meeting the remaining members are not of sufficient number to constitute a quorum, then the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.
- A-4** If during the course of an Authority 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. (See also Section F).

B. Annual Meeting

- B-1** At least thirty days prior to the first meeting of each year, the Secretary-Treasurer shall notify the clerk of any municipality for which the term of office of its members will expire at the time of that meeting.
- B-2** At the first meeting of the Authority each year the agenda shall include the election of a Chair and Vice-Chair and annual appointment of the auditor, solicitor and banker.

C. Duties of the Chair

- C-1** It shall be the duty of the Chair, with respect to any meetings over which he/she preside, to:

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- 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 Board;
- c) Ask any individual that is disrupting the Board to leave;
- d) Adjourn the meeting without question, in the case of grave disorder arising in the meeting room;
- e) Receive and submit to a vote all motions presented by the Members or Committee, as the case may be, which do not contravene the rules and regulations of the Authority;
- f) Announce the results of the vote on any motions so presented;
- g) Decline to put to a vote motions which infringe upon the rules of procedure, or which are beyond the jurisdiction of the Authority;
- h) Enforce on all occasions the observance of order and decorum among the Members;
- i) Adjourn the meeting when business is concluded;
- j) Adjourn the sitting without a question being put or suspend or recess the sitting for a time to be named if considered necessary;
- k) Represent and support the Authority, declaring its will and implicitly obeying its decisions in all things; and
- l) Perform other duties when directed to do so by resolution of the Authority.

D. Conduct of Members

D-1 No Director at any meeting of the Authority shall:

- a) Criticize any decision of the Authority or the Committee, as the case may be, except for moving, in accordance with the provision of this by-law, that the questions be reconsidered.
- b) Speak in a manner that is discriminatory 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.
- c) Leave their seat or make any noise or disturbance while a vote is being taken or until the result is declared.
- d) Interrupt a member while speaking, except to raise a point of order or a question of privilege.
- e) Speak disrespectfully or use offensive words against the Authority, Authority members, staff, or any member of the public;
- f) Speak beyond the question (s) under debate;
- g) Resist the rules or disobey the decision of the Chair on the questions or order or practices or upon the interpretation of the rules of the Authority.

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D-2 If any Director resists or disobeys, they may be ordered by the Chair to leave their seat for the remainder of the meeting. In the case of an apology being made by the offender, they may, by majority vote of the Authority, be permitted to retake their seat.

D-3 No person except Directors and Staff shall be allowed to come to the Board's table during the meetings of the Board without permission of the Chair or the Board.

D-4 Censorship of an individual director for conduct unbecoming a Board member in the fulfillment of their duties will be in accordance with a Motion to Censure described in Appendix A.

E. Freedom of Information

E-1 The Authority members shall be governed at all times by the provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

E-2 In the instance where a member vacates their position on the Authority Board they will continue to be bound by MFIPPA requirements.

F. Notice of Meeting

F-1 The Chair shall call regular meetings of the Authority. Notice of regular meetings will be sent out from the Authority office at least five calendar days prior to the meeting date.

F-2 Notice of any meeting shall indicate the time and place of that meeting and the agenda for the meeting.

F-3 All material and correspondence to be dealt with by the Authority at a meeting will be submitted to the Secretary-Treasurer at least fourteen (14) days in advance of the meeting in question.

F-4 Written notice of motion may be given by any member of the Authority and shall be forthwith placed on the agenda of the next meeting.

F-5 When a quorum is first present after the hour fixed for a meeting, the Chair shall call the meeting to order.

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F-6 If no quorum is present one-half hour after the time appointed for a meeting, the Secretary-Treasurer shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next meeting.

F-7 The business of the Authority shall be taken up in the order in which it stands on the agenda unless otherwise decided by the Authority.

F-8 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.

F-9 The following matters shall have precedence over the usual order of business:

- a. a point of order
- b. a 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

F-10 The Chair may, at his/her pleasure, call a special meeting of the Authority on three days' written notice. That notice shall state the business of the special meeting and only that business shall be considered unless permission is granted by two-thirds of the members present.

F-11 With the exception of any municipal planning or regulation matter that requires an immediate decision of the Board of Directors, all matters will be dealt with "in person" at a Board of Directors meeting. For those planning and regulation matters requiring immediate attention, the Chair may call a meeting of the Board of Directors via telephone conference or other conferencing technology. Such a telephone conference meeting must have 2/3 of the Directors participating and voting will be as outlined in Section N-8. Normally confidential matters will not be handled by teleconference.

F-12 Any member of the Board of Directors, with 50% support of the other Directors, may request the Chair to call a meeting of the Board and the Chair will not refuse.

F-13 Notwithstanding Section F-6 of this Procedure, a meeting which has been interrupted through the loss of a quorum may be reconvened without notice provided that the meeting is reconvened on the same day.

F-14 The Chair or the CAO/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

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for the meeting, postpone or cancel any meeting until the next scheduled date for the specific committee affected.

F-15 The Chair or the CAO/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. Postponement shall not be for any longer than the next regularly scheduled meeting date.

G. Agenda for Meetings

G-1 Authority staff, under the supervision of the CAO shall prepare for the use of members at all regular meetings of the Authority, an agenda which shall include, but not necessarily be limited to, the following headings:

- 1) Approval of Agenda
- 2) Declaration of Pecuniary Interest
- 3) Approval of Minutes of Previous Meeting
- 4) Presentation of written reports (where applicable), including Report from CAO
- 5 Verbal Reports (where applicable)
- 6) Correspondence
- 7) New Business
- 8) Reports and Updates from Board Members
- 9) Notice of Next Meeting
- 10) Adjournment

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

H. Conflict of Interest

H-1 A conflict of interest refers to a situation in which the private interests or personal considerations of the member could compromise, or could reasonably appear to compromise, the member's judgment in acting objectively and in the best interest of the Authority.

A conflict of interest also includes using a member's position or confidential information for private gain or advancement or the expectation of private gain or advancement (e.g. direct or indirect financial interest in a matter, a contract or proposed contract with the Authority). A conflict may occur when an interest benefits any member of the member's family (spouse, partner, children, parents, siblings), friends or business associates.

A conflict of interest includes engagement of members in private employment or rendering services for any person or corporation where such employment of services are

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considered a conflict of interest as defined by the Province of Ontario conflict of interest legislation.

- H-2** Members shall refrain from placing themselves in conflict of interest situations.
- H-3** A member must resign from the Authority if he or she is or becomes involved in private employment or rendering services considered to be a conflict of interest.
- H-4** A member who has reasonable grounds to believe that he or she may have a conflict of interest or that there may be an appearance of a conflict of interest, in respect of a matter that is before the committee shall:
- a) Disclose orally the actual, potential or perceived conflict of interest at the beginning of the committee meeting or as soon as possible; and
 - b) Excuse him or herself from the committee meeting while the matter is under consideration. If the member is participating via telephone or other electronic means, the chair shall ensure that the member is not able to listen to or participate in the discussion of the matter.
- H-5** A member who has disclosed an actual, potential or perceived conflict of interest to the chair or the committee, as the case may be, shall refrain from voting or participating in the consideration of the matter, or from commenting on, discussing or attempting to exert his or her personal influence on another member with respect to the matter.
- H-6** The minutes of the meeting shall reflect the disclosure of the actual, potential or perceived conflict of interest and whether the member withdrew from the discussion of the matter.
- H-7** If it is not entirely clear whether or not an actual, potential or perceived conflict of interest exists, then the member with the potential conflict of interest shall disclose the circumstances to the chair and the chair of the lead source protection authority or the Minister and the chair of the lead source protection authority as the case may be.
- H-8** The chair or the Minister, as the case may be, will determine if there is a conflict of interest or if the member's conduct has violated this policy, in a timely fashion, dependent on the complexity of the situations and will communicate his or her decision directly to the member.
- H-9** A member who has concerns about the conduct of another member regarding compliance with this policy should raise those concerns with the chair. The chair will follow essentially the same process for addressing complaints as for dealing with declared conflicts of interest with modifications to suit the difference circumstances.

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I. Disclosure of Pecuniary Interest

I-1 Where a member, either on his 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 or Standing Committee at which the matter is the subject of consideration, the member shall:

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

I-2 Where a meeting is not open to the public, in addition to complying with the requirements, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.

I-3 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 or Standing Committee, as the case may be, attended by them after the particular meeting.

I-4 The meeting secretary shall record in reasonable detail the particulars of any disclosure of pecuniary interest made by members of the Authority or Committees, as the case may be, and any such record shall appear in the minutes/notes of that particular meeting of the Authority or of the Committee, as the case may be.

J. Notice of Motion

J-1 Except as otherwise provided in this by-law, a notice of motion to be made at an Authority or Committee meeting shall be given in writing and shall be delivered to the CAO/Secretary-Treasurer not less than seven (7) business days prior to the date and time of the meeting, to be included in the agenda for the Authority or the committee of the whole meeting at which the motion is to be introduced.

Section ADMINISTRATION	Title ADMINISTRATIVE BY-LAWS - MEETING PROCEDURES	
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- J-2** The CAO/Secretary-Treasurer shall include such notice of motion in full in the agenda for the meeting concerned.
- J-3** Reports of Committees included in the Authority agenda shall constitute notice of motion with respect to any matter contained in such reports and recommended by any such Committee for adoption by the Authority.
- J-4** Staff reports in the Authority agenda not having been considered by any Committee for adoption, shall constitute notice of motion for the purposes of any motion brought to the Authority with respect thereto.
- J-5** Notwithstanding the foregoing, any motion or other business may be introduced for consideration of the Authority provided that it is made clear that to delay such motion or other business for the consideration of an appropriate Standing 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 two-thirds of the members of the Authority present.
- J-6** Any motion called from the Chair and for whatever reason deferred in three successive regular meetings of the Authority or Committee of the whole which is not proceeded with shall be deemed to be withdrawn.

K. Meeting Procedures

- K-1** The Authority will normally conduct its business as a committee of the whole.
- K-2** The Authority will conduct business in accordance with Robert's Rules of Order.
- K-3** The Authority will observe the following procedures for discussion/debate on any matter coming before it:
- a) A member will 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 and when no new matter is introduced.

Section ADMINISTRATION	Title ADMINISTRATIVE BY-LAWS - MEETING PROCEDURES	
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- f) No member shall speak more than ten 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.

K-4 Upon a Director vacancy due to death, incapacity, resignation or continued absence occurring in any office of the Authority, the Authority will request the municipality which was represented by that Director to immediately proceed to appoint a Director replacement.

K-5 In the event that a municipally-appointed member misses three consecutive meetings without due notice, the Authority will advise the member's municipality of the unaccountable absences.

K-6 If a Board Member, unable to be in attendance at any regular scheduled meeting, wishes to bring to the attention of the Board any additional information or opinion pertaining to an agenda item, the Member shall address in writing to the Chair such correspondence prior to the start of the meeting. The correspondence shall be read aloud by the Chief Administrative Officer/Secretary-Treasurer without comment or explanations.

L. Delegations

L-1 Any person or organization desiring an opportunity to address the Authority may make a request in writing to the Chief Administrative Officer/Secretary-Treasurer fourteen (14) days in advance of a scheduled meeting if such request is to be included in the agenda of that meeting. The request should comprise a brief statement of the issue or matter involved and indicate the name of the proposed speaker.

L-2 Any person or organization requesting an opportunity to address the Authority but not having made a written request to do so in accordance with Section L-1 may appear before a meeting of the Authority but will be heard only if approved by a ruling of 2/3 of the Directors of the meeting.

L-3 No delegation, whether or not listed on the agenda, shall be heard without a ruling by the Chair of the meeting giving leave, but such ruling may be immediately appealed by a proper motion, and the ruling of the meeting shall govern.

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L-4 Notwithstanding Section L-2, a representative of a council of a member municipality of the Authority, duly authorized by resolution of such council, shall be heard as of right, and further any member of the Authority shall be heard as of right.

L-5 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 ten (10) minutes.

M. Meetings with Closed Sessions

M-1 A meeting or a part of a meeting may be closed to the public if the subject matter being considered relates to:

- a) the security of the property of the Authority;
- b) personnel matters about an identifiable individual including Authority employees;
- c) a proposed or pending acquisition of land;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation including matters before administrative tribunals affecting the Authority;
- f) the receiving of advice that is subject to solicitor-client privilege.

M-2 A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act.

M-3 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.

M-4 No vote shall be taken and no written record shall be kept in a closed meeting unless it is for a procedural matter, or for giving directions or instructions to officers, employees or agents of the Authority or persons retained under contract with the Authority.

M-5 Any materials presented to the Board of directors during a closed meeting will be returned to the Secretary-Treasurer prior to departing from the meeting.

N. Vote

N-1 On a tie vote, the motion is lost, and the Chair, if a member of the assembly, may vote to make it a tie unless the vote is by ballot. The Chair cannot, however, vote twice, first to make a tie and then give the casting vote.

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N-2 A majority vote of the members present at any meeting is required upon all matters coming before the meeting.

N-3 Interrelated motions shall be voted on in the following order:

- a) motions to refer the matter, and
- b) if no motion under clause (a) is carried, the order for voting on the remaining motions shall be:
 - i) amending motion
 - ii) the original motion

N-4 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.

N-5 Before a vote is taken, any member may require a recorded vote and it shall be taken by alphabetical surname with the Chair voting last. On a recorded vote, each member will answer "yes" or "no" to the question, or will answer "abstain" if the said member does not wish to vote. If any Member abstains from voting, they shall be deemed to have voted in opposition to the question, and where the vote is a recorded vote, their vote shall be recorded accordingly by the secretary.

N-6 At the meeting of the Authority at which the non-matching levy is to be approved, the Chair shall at the appointed time during the meeting, call the roll of members present, and having been advised by the Secretary-Treasurer of those present and the respective, eligible weighted votes, conduct the roll call vote to approve of non-matching levy by a weighted majority of the members present and eligible to vote.

N-7 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.

N-8 A vote on any planning or regulation matter dealt with through a telephone conference meeting (F-11) shall be a recorded vote.

N-9 Where any member of the Authority or Committee is acting in the place and stead of the Chair or the Committee Chair, as the case may be, such member shall have and may exercise all the rights and powers of the Chair or the Committee Chair of the Standing Committee as the case may be, while so acting.

O. Minutes

Section ADMINISTRATION	Title ADMINISTRATIVE BY-LAWS - MEETING PROCEDURES	
Responsibility: CAO	Approved by: Board of Directors (Resolution #39/10)	Date of Approval: February 3, 2010
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- O-1** The CAO/Secretary-Treasurer shall undertake to have a recording secretary in attendance at meetings of the Authority and each Standing Committee. The recording secretary will make a record in the form of Minutes of the meeting proceedings and in particular shall record all motions considered at the meeting.
- O-2** For matters dealt with in closed session, the CAO will take notes of any direction provided, for endorsement by the Chair and Vice-Chair.
- O-3** 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.
- O-4** The Secretary-Treasurer shall send out the minutes of any meeting to each member of the Authority and other parties as are interested in receiving them at the same time as agendas for the next meeting are distributed.
- O-5** The Authority will not mail agendas to member municipalities except by request.
- O-6** The Authority will mail minutes of Board of Directors meetings to member municipalities following approval of those minutes by the Board of Directors.

APPENDIX A

COMMON MOTIONS

1.0 Motion to Adjourn

1.1 A Motion to Adjourn:

- a) is always in order except as provided by this by-law;
- b) is not debatable;
- c) is not amendable;
- d) is not in order when a member is speaking or during the verification of the vote;
- e) is not in order immediately following the affirmative resolution of a motion to close debate; and
- f) when resulting in the negative, cannot be made again until after some intermediate proceedings have been completed by the Authority.

1.2 A motion to adjourn without qualification, if carried, brings a meeting or a session of the Authority to an end.

1.3 A motion to adjourn to a specific time, or to reconvene upon the happening of a specified event, suspends a meeting of the Authority to continue at such time.

2.0 Motion to Amend

2.1 A motion to amend:

- a) is debatable;
- b) is amendable;
- c) shall be relevant and not contrary to the principle of the report or motion under consideration; and
- d) may propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue which was the subject matter or the question.

2.2 Only one motion to amend an amendment to the question shall be allowed at one time and any further amendment must be to the main question.

2.3 Notwithstanding anything herein to the contrary, no motion to amend the motion to adopt any report of the Committee of the Whole shall be permitted.

3.0 Motion to Censure

3.1 Kawartha Region Conservation Authority Board of Directors may call for a motion to censure an individual director for conduct unbecoming a board member in the fulfillment of his/her Kawartha Region Conservation Authority duties. This will require a seconder and a 2/3 vote of members present at the Board of directors meeting to pass. The motion to

censure must be dealt with immediately and once the motion is approved, the appointing municipality will be advised, in writing, by the Chair of the Board of Directors.

4.0 Motion to Close Debate (Previous Question)

4.1 A motion to close debate:

- a) is not debatable;
- b) is not amendable;
- c) cannot be moved with respect to the main motion when there is an amendment under consideration;
- d) should be moved by a member who has not already debated the question; and
- e) can only be moved in the following words: "I move to close debate".
- f) requires a two-thirds (2/3) majority of members present for passage; and
- g) when resolved in the affirmative, the question is to be put forward without debate or amendment.

5.0 Motion to Postpone Definitely

5.1 A motion to postpone definitely:

- a) is debatable, but only as to whether a matter should be postponed and to what time;
- b) is amendable as to time;
- c) requires a majority of members present to pass; and
- d) shall have precedence over the motions to refer, to amend, and to postpone indefinitely.

6.0 Motion to Postpone Indefinitely

6.1 A motion to postpone indefinitely:

- a) is not amendable;
- b) is debatable, and debate may go into the merits of the main question, which effectively kills a motion and avoids a direct vote on the question;
- c) requires a majority vote; and
- d) shall have precedence over no other motion.

7.0 Motion to Reconsider

7.1 A motion to reconsider, under this by-law:

- a) is debatable;
- b) is not amendable; and
- c) requires a majority vote, regardless of the vote necessary to adopt the motion to be reconsidered.

7.2 After any question, except one of indefinite postponement has been decided by the Authority, any Member who was present and who voted in the majority may, at a subsequent meeting of the Authority, move for the reconsideration thereof, provided due notice of such intention is given as required by this by-law, but no discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted.

7.3 After any question, except one of indefinite postponement has been decided by Committee, but before a decision thereon by the Authority, any member who was present at the Committee meeting concerned and who voted in the majority, may, at a subsequent meeting of the Committee, provided the Authority still has made no decision thereon, move for the reconsideration thereof, provided due notice of such intention is given as required by this by-law, but no discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted.

7.4 No question upon which a notice of reconsideration has been accepted shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

7.5 If a motion to reconsider is decided in the affirmative, reconsideration shall become the next order of business and debate on the question to be reconsidered shall proceed as though it had never previously been considered.

8.0 Motion to Refer (to Committee)

8.1 A motion to refer:

- a) is debatable;
- b) is amendable; and
- c) shall take precedence over all amendments of the main question and any motion to postpone indefinitely, to postpone definitely or to table the question.

9.0 Motion to Suspend the Rules (Waive the Rules)

9.1 A motion to suspend the rules:

- a) is not debatable;
- b) is not amendable; and
- c) requires a 2/3 majority to carry;
- d) takes precedence over any motion if it is for a purpose connected with that motion and yields to a motion to table.

10.0 Motion to Table

10.1 A motion to table:

- a) is not debatable;

b) is not amendable.

- 10.2** A motion to table a matter with some condition, opinion or qualification added to the motion shall be deemed to be a motion to postpone.
- 10.3** The matter tabled shall not be considered again by the Authority until a motion has been made to take up the tabled matter at the same time or subsequent meeting of the Authority.
- 10.4** A motion to take up a tabled matter is not subject to debate or amendment.
- 10.5** A motion that has been tabled at a previous meeting of the Authority cannot be lifted off the table unless notice thereof is given in accordance with Section J of this by-law.
- 10.6** A motion that has been tabled and not taken from the table for six (6) months shall be deemed to be withdrawn and cannot be taken from the table.

11.0 Point of Order

The chair or Committee Chair, as the case may be, shall decide points of order. When a Member wishes to raise a point of order, the Member shall ask leave of the Chair/Committee Chair and after leave is granted, the Member shall state the point of order to the Chair/Committee Chair, after which the Chair/Committee chair shall decide on the point or order. Thereafter, the Member shall only address the Chair/Committee Chair for the purpose of appealing the decision to the Authority or the Committee, as the case may be. If the Member does not appeal, the decision of the Chair/Committee Chair shall be final. If the Member appeals to the Authority or the Committee as the case may be, the Authority/Committee shall decide the question without debate and the decision shall be final.

12.0 Point of Personal Privilege

When a Member considers that his integrity or the integrity of the Authority or Committee has been impugned, the Member may, as a matter of personal privilege and with the leave of the Chairman, draw the attention of the Authority or the Committee, as the case may be, to the matter by way of a point of personal privilege. When a point of personal privilege is raised, it shall be considered and decided by the Chair or Committee Chair, as the case may be, immediately. The decision of the Chair or Committee Chair, as the case may be, on a point of privilege may be appealed to the Authority.

APPENDIX B

CODE OF CONDUCT

Preamble

Since its inception in 1979, the Kawartha Region Conservation Authority has demanded a high level of integrity and ethical conduct from its members. The Authority's exemplary reputation has relied upon the good judgment of individual members. While tacit understandings have served well for many years, a written Code of Conduct helps to ensure that all members share a common basis for acceptable conduct. Formalized standards help to provide a useful reference guide and a supplement to the 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.

1.0 General

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 his/her official duties.

2.0 Gifts and Benefits

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

3.0 Confidentiality

All information, documentation or deliberations received, reviewed, or taken in closed session of the Authority and its committees 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.

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

- personnel matters
- information about suppliers provided for evaluation which might be useful to other suppliers
- matters relating to the legal affairs of the Authority
- sources of complaints where the identity of the complainant is given in confidence
- items under negotiation
- schedules of prices in contract tenders
- information deemed to be "personal information" under the *Municipal Freedom of Information and Protection of Privacy Act*.

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

4.0 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.

5.0 Work of a Political Nature

No Member shall use Authority facilities, services or property for his or her re-election campaign. No member shall use the services of Authority employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Authority.

6.0 Conduct at Authority Meetings

During meetings, 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 other members have the floor.

7.0 Influence on Staff

Members shall be respectful of the fact that staff work for the whole corporation and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or faction.

8.0 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 or a committee of the Authority, except in compliance with the terms of the *Municipal Conflict of Interest Act*.

9.0 Encouragement of Respect for Corporation and its By-Laws

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

10.0 Harassment

Harassment of another member, staff or any member of the public is misconduct. It is the policy of the Kawartha Region Conservation Authority that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour by any person including a co-worker that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, marital status or family status and any other prohibited grounds under the provisions of the *Ontario Human Rights Code*.

11.0 Interpretation

Members of the Authority seeking clarification of any part of this Appendix should consult with the Municipal Clerk or Corporate Council of the municipality that appointed the respective member.

ATTACHMENT 5

Section 40 Regulation:

Proposed Definitions of Conservation of Land and Interference in Any Way

“Conservation of Land” has never been defined in the Act or Regulation or any other planning document prepared by the Province. On this basis, past decisions by the Mining and Lands Commissioner were reviewed and documented. Based on the review of all of the decisions in their entirety, the **interpretation** below was developed by the Ministry of Natural Resources/ Conservation Ontario Section 28 Peer Review and Implementation Committee.

Conservation of Land is interpreted as:

... the protection, management, or restoration of lands within the watershed for the purpose of maintaining or enhancing the natural features and hydrologic and ecological functions within the watershed (February 2008).

The common uses of words in this interpretation can be found in the Oxford Dictionary as follows:

Protection means: to defend or keep safe from or against danger or injury. (It is assumed that this would apply to animate (people) as well as inanimate objects (land or property)).

Management means: organize or regulate (while management can also mean managing or being managed as well as being in charge of administration of business concerns or public undertakings).

Restoration means: to bring back to original state or bring back to former place or condition; restoration is the act of restoring. (Restoration can also apply to rebuilding or repairing).

Maintaining means: cause to continue; retain in being; take action to preserve in good order (such as in a machine or house etc.)

Enhancing means: heighten or intensify (quality).

For further background information, all Mining and Lands Commissioner decisions regarding Section 28 of the *Conservation Authorities Act* may be found at: www.omlc.mnr.gov.on.ca.

In addition, the *Conservation Authorities Act* and Ontario Regulation 97/04 do not define “Interference” nor was any definition found in any other planning document; hence, the **interpretation** below was developed by the Ministry of Natural Resources/ Conservation Ontario Section 28 Peer Review and Implementation Committee. Under the Regulation, “interference” only applies to projects within watercourses and wetlands.

Interference in any way is interpreted as:

“any anthropogenic act or instance which hinders, disrupts, degrades or impedes in any way the natural features or hydrologic and ecologic functions of a wetland or watercourse” (March 2008).

The common uses of words in this interpretation can be found in the Oxford Dictionary as follows:

Hinder means: to delay or impede

Disrupt means: to interrupt or disturb (an activity or process)

Degrade means: lower the character or quality of

Impede means: delay or block the progress or action of



**CONSERVING
OUR FUTURE**

Proposed Priorities for Renewal

May 2016

MINISTER'S MESSAGE

Last summer, my Parliamentary Assistant, MPP Eleanor McMahon, initiated a review of the *Conservation Authorities Act* seeking to identify opportunities to improve the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities. I am pleased to share with you the government's priorities for moving forward with the next phase of this review.

I would like to thank indigenous communities, municipalities, stakeholders, members of the public and conservation authorities themselves for taking the time to participate in the review and for providing us with their ideas. Feedback received represents an important contribution to the Ministry's review, and to the overall objective of ensuring the act meets the needs of Ontarians in a modern context.

This feedback confirmed the continued relevance of the *Conservation Authorities Act* model including the importance of managing natural resources at the watershed scale. In response to the feedback provided, the province has identified five priorities for updating the *Conservation Authorities Act's* legislative, regulatory and policy framework:

- 1 Strengthening oversight and accountability in decision-making.
- 2 Increasing clarity and consistency in roles and responsibilities, processes and requirements.
- 3 Improving collaboration and engagement among all parties involved in resource management.

- 4 Modernizing funding mechanisms to support conservation authority operations.
- 5 Enhancing flexibility for the province to update the *Conservation Authorities Act* framework in the future.

The province recognizes and values the achievements of conservation authorities in delivering programs and services that protect and manage water and other natural resources in the province. Our government is committed to continuing to work with Ontarians to build upon the feedback they provided to develop specific actions in support of achieving these priorities.

Your opinions and insights are important to us. I look forward to building on the relationships we've created and moving forward with the development of legislative, regulatory and policy changes designed to address the feedback you have already provided.

Sincerely,

Bill Mauro
Minister of Natural Resources and Forestry

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1

INTRODUCTION

The Parliamentary Assistant to the Minister of Natural Resources and Forestry was given a mandate in November of 2014 to engage with ministries, municipalities, Indigenous Peoples and stakeholders to initiate a review of the *Conservation Authorities Act*.

The objective of the *Conservation Authorities Act* review is to identify opportunities to improve the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities, including addressing roles, responsibilities and governance of conservation authorities in resource management and environmental protection.

In July 2015, as a first step in support in the review, the Ministry of Natural Resources and Forestry (MNR) posted a discussion paper to the [Environmental Registry](#) (EBR Registry Number 012-4509) for public consultation and held over twenty stakeholder and indigenous engagement sessions along with targeted meetings across the province to gain feedback on the following three areas:

1. **Governance:** The processes, structures, and accountability frameworks within the act which direct conservation authority decision-making and operations;
2. **Funding Mechanisms:** The mechanisms put in place by the act to fund conservation authorities; and
3. **Roles and Responsibilities:** The roles and associated responsibilities that the act enables conservation authorities to undertake.

The response to the Ministry's discussion paper was substantial. The Ministry received over 270 individual submissions identifying perspectives from ten different sectors, and more than 2,700 individual or distinct comments related to the review. Although comments were provided by a wide range of individuals and groups representing a wide range of perspectives, a number of common areas of agreement were identified.

Comments received in response to the Ministry's discussion paper and during engagement sessions expressed general agreement that the overall conservation authority model and principles upon which it is based remain as relevant today as they were when the act was first established. In addition, most respondents agreed that the watershed continues to serve as an ecologically appropriate scale for many resource management activities, particularly water management, and allows for a balance in developing and implementing locally appropriate solutions and working across larger scales and political boundaries.

All sectors providing input into the review recognized the value and public benefit of conservation authority roles in providing environmental education, landowner and broader stewardship programs, and the provision of access to natural areas and recreational opportunities provided through conservation areas – in addition to the critical role conservation authorities play in protecting people and property from water-related natural hazards.

While the value of conservation authority roles and responsibilities in the conservation, restoration, development and management of natural resources were clearly acknowledged, all sectors – including conservation authorities themselves – identified a number of opportunities for improvement.

Responses to questions concerning the governance of conservation authorities identified a need to update or enhance existing oversight and accountability mechanisms including formalizing the role of other ministries in providing provincial direction and oversight to conservation authorities. In addition, many sectors identified a need to increase coordination in the collection and sharing of information among the province, municipalities and conservation authorities and to provide indigenous communities, stakeholders and other interested parties with greater opportunities to participate in conservation authority decision-making.

Comments regarding the funding mechanisms contained within the act indicated multi-stakeholder support for addressing disparities in conservation authority resources and capabilities. They also highlighted the need for providing additional clarity, consistency and transparency in the development and use of municipal levies and fees.

Discussions concerning the roles and responsibilities of conservation authorities in Ontario identified a need to clarify and confirm conservation authorities' mandate. There is also the desire to see greater consistency in the programs and services offered by conservation authorities, and some degree of standardization in program and policy design and implementation – particularly among neighboring authorities.

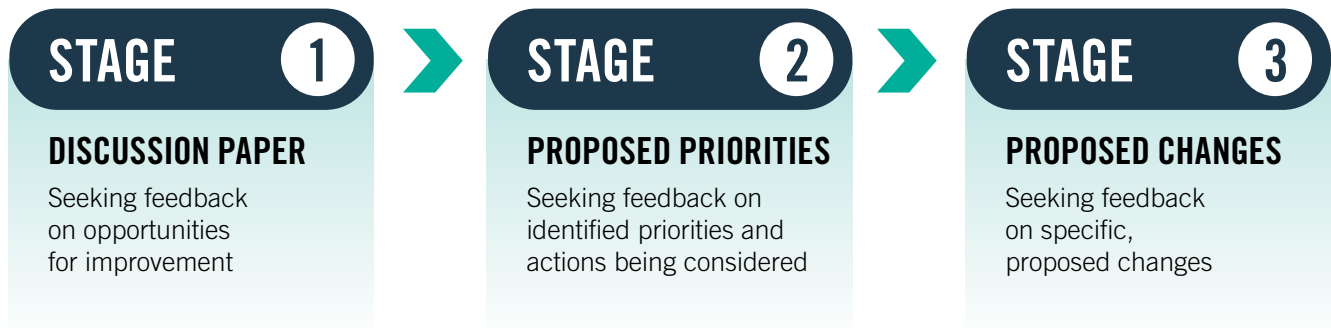
In response to feedback obtained through the initial phase of the Ministry's review, the government has established five priorities for updating the *Conservation Authorities Act* legislative, regulatory and policy framework:

- 1** Strengthening oversight and accountability in decision-making.
- 2** Increasing clarity and consistency in roles and responsibilities, processes and requirements.
- 3** Improving collaboration and engagement among all parties involved in resource management.
- 4** Modernizing funding mechanisms to support conservation authority operations.
- 5** Enhancing flexibility for the province to update the *Conservation Authorities Act* framework in the future.

While support for taking action in these areas was strong, feedback provided in response to the Ministry's discussion paper did not indicate a need for drastic, wholesale changes. Feedback did however indicate a strong desire from all sectors, including from conservation authorities themselves, to update the existing legislative, regulatory and policy framework to match modern expectations for clarity, transparency and accountability in the operation of public sector organizations. In many instances conservation authorities have already taken steps to help meet these expectations by voluntarily incorporating best management practices into their operations and working together to share and coordinate resources and expertise. In fact several of the proposed actions contained within this consultation document are explicitly intended to formally integrate and build upon these best management practices.

This consultation document represents the next stage of the Ministry's review. It provides an overview of the Ministry's priorities for updating the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities, and introduces actions currently being considered by the Ministry in support of achieving these priorities.

THE CONSERVATION AUTHORITIES ACT REVIEW PROCESS



The objective of this consultation document is to obtain feedback on the Ministry's priorities for updating the *Conservation Authorities Act* legislative, regulatory and policy framework and the actions being considered by the Ministry in support of these priorities. The feedback received in response to this document will be used to inform the development of proposed legislative, regulatory and policy changes. Any changes to the existing legislative, regulatory or policy framework proposed in the future will be subject to further consultation as appropriate, for example through subsequent Environmental Registry postings.

Your opinions and insights are important to us. This consultation document outlines a number of ways people can engage in the review, and we encourage all to participate.

Additional background on conservation authority roles, responsibilities, governance and funding can be found within the Ministry's [discussion paper](#).

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PRIORITIES FOR UPDATING THE *CONSERVATION AUTHORITIES ACT*

The subsections below provide an overview of the Ministry's priorities for updating the *Conservation Authorities Act* legislative, regulatory and policy framework and actions currently being considered by the Ministry in support of achieving these priorities.



PRIORITY #1:
Strengthening Oversight and Accountability



PRIORITY #2:
Increasing Clarity and Consistency



PRIORITY #3:
Improving Collaboration and Engagement



PRIORITY #4:
Modernizing Funding Mechanisms



PRIORITY #5:
Enhancing Flexibility for the Province

PRIORITY #1: Strengthening Oversight and Accountability

Conservation authorities are governed by the *Conservation Authorities Act* and by a board of directors appointed by the municipalities that form the local authority. The province, through the act, defines the objectives to be pursued by the authority and the powers granted to the authority to achieve these objectives. The activities undertaken by conservation authorities in the pursuit of these objectives are directed by a municipally appointed board of directors. Municipal representatives to conservation authority boards are directly accountable to the municipalities that appoint them and conservation authorities must abide by provincial legislative, regulatory and policy requirements.

Feedback provided in response to the Ministry's discussion paper indicated strong support for updating or enhancing accountability mechanisms in the act, including

support for increasing the transparency and oversight of conservation authority decision-making, and updating the act to reflect modern best management practices for board operations.

In many cases, conservation authorities themselves have voluntarily taken steps to align their operations with recognized best management practices for board operations including the development of strategic plans, and aligning conflict of interest provisions and meeting procedures with requirements set for municipalities. Strengthening oversight and accountability provisions within the *Conservation Authorities Act* is intended to formalize these practices across all conservation authorities and ensure that conservation authority programs and services are governed in a fair and transparent manner.

Actions taken by the Ministry to strengthen oversight and accountability, could include, but are not limited to:

- Updating the act to reflect modern legislative structures and accountabilities including, adding a purpose statement to the act and regulations and defining the roles and responsibilities of all parties involved in overseeing and ensuring the accountability of conservation authority operations, programs and services.
- Ensuring governance and accountability mechanisms contained within the act align with recognized governance best practices and requirements for public sector organizations including, expectations for establishing and complying with codes of conduct, addressing potential conflicts of interests, ensuring meetings are open to the public, and the proactive disclosure of information.
- Enhancing the authority of the Minister to ensure conservation authority operations, programs and services are consistent with provincial policy direction and legislative requirements, including new powers to require conservation authorities to collect and disclose information related to the efficiency and effectiveness of conservation authorities' operations, programs and services.
- Clarifying the role of municipalities and the conservation authority board in determining, funding, directing, and overseeing programs and services undertaken by conservation authorities to address local concerns and priorities.
- Developing or updating processes and requirements for the establishment, amalgamation, enlargement and dissolution of a conservation authority, including ensuring that decisions to amalgamate or dissolve a conservation authority are based on sound social, economic and environmental considerations, are informed by public consultation, and are consistent with legislative requirements.



PRIORITY #2: Increasing Clarity and Consistency



The *Conservation Authorities Act* provides conservation authorities with the power to develop their own suite of programs and services tailored to the interests, capacity and expertise of each individual authority and the local needs they serve. This flexibility allows conservation authorities, and the municipalities that direct them, to focus their efforts on areas of greatest need to the local population. It also results in considerable variability in the scale and range of programs and services delivered by any individual conservation authority.

Some conservation authorities offer a basic program primarily focused on natural hazards management, stewardship, and conservation land acquisition and management. Other conservation authorities may offer a wider range of programs and services that can include, for example: recreation, education, monitoring, science and research, drinking water source protection planning under the *Clean Water Act*, the development of Remedial Action Plans in Great Lakes Areas of Concern, the conservation of cultural heritage resources, the development of natural heritage strategies, and extensive watershed and water management planning initiatives. Some conservation authorities also invest in resource development initiatives such as hydroelectric power generation, the operation of historical and cultural heritage sites, and income generating projects such as marina operations, facility rentals and product sales.

Feedback provided in response to the Ministry's discussion paper indicated a high-degree of multi-sector support for clarifying and confirming conservation authorities' mandate, and a desire to see greater consistency in programs and services offered by conservation authorities including some degree of standardization in program and policy design and implementation – particularly among neighboring authorities.

While responses to the Ministry's discussion paper indicated a high-degree of support for increasing clarity and consistency, they also acknowledged the importance of maintaining the flexibility given to conservation authorities to tailor programs and services to reflect local needs and priorities.

Increasing clarity and consistency in roles and responsibilities is not intended to remove the flexibility given to conservation authorities to develop local, or regional-scale, programs and services designed to further the conservation, restoration, development and management of natural resources. Increasing clarity and consistency in roles and responsibilities is intended to provide all parties with greater certainty in the roles and responsibilities conservation authorities are expected to carry out on behalf of the province and partner municipalities and, where appropriate, promote greater consistency in the delivery of these programs and services.

Actions taken by the Ministry to increase clarity and consistency in roles and responsibilities and associated processes and requirements could include, but are not limited to:

- Clearly delineating between the provincially mandatory programs and services that all conservation authorities are expected to deliver on behalf of the province and local communities and any optional programs and services which may be carried out by conservation authorities on behalf of the board in consultation with and under the approval of their participating municipalities.
- Establishing a Provincial Policy Directive that provides clear policy direction on the roles and responsibilities conservation authorities are expected to carry out on behalf of the province, defines the roles and responsibilities of provincial ministries in the development, delivery and oversight of these roles and responsibilities, and provides the basis for developing an integrated policy framework across the province.
- Providing clarity and consistency in the application of the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* regulations for all parties, by consolidating and codifying regulatory requirements, defining undefined terms, and enhancing the authority of the Minister to establish, monitor and ensure compliance with provincial policy direction and legislative requirements.
- Ensuring sufficient tools are in place to ensure compliance with the *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses* regulations by providing conservation authorities with modern compliance tools and mechanisms and by ensuring penalties for contravention of the act provide sufficient deterrents against contravention and are aligned with penalties in place under similar pieces of legislation.
- Streamlining planning and permitting requirements and associated processes by exploring opportunities to improve application, review and approval processes through the reduction of burdens, improved service standards, enhanced flexibility in approval requirements and the adoption of a risk-based approach to the issuance of approvals.



PRIORITY #3: Improving Collaboration and Engagement



Each conservation authority is an individual local public sector organization that operates under a common provincial legislative, regulatory and policy framework and is governed by a municipally-appointed board of directors. Conservation authority operations also involve a broader set of relationships and interactions with stakeholders and clients, interest groups and members of the public.

Feedback provided in response to the Ministry's discussion paper indicated a high degree of support for improving coordination among all parties involved in establishing, directing and overseeing conservation authority programs and services and strengthening relationships between conservation authorities and local residents and stakeholder groups through increased engagement around conservation authority operations, programs and services.

Greater collaboration and sharing of expertise among conservation authorities was also identified by several sectors as being critical to improving the consistency,

efficiency and effectiveness of conservation authority programs and services, reducing the potential for conflict between conservation authorities and local stakeholder groups, and reducing the perceived duplication of effort between conservation authorities and other agencies.

As the complexity of resource conservation and management decisions increases so does the need to bring a wide range of perspectives and expertise to the table to help inform and implement decisions. In addition, there are many situations where the natural resource management issues being addressed by conservation authorities cross watershed and political boundaries.

By improving collaboration and engagement, the province aims to support conservation authorities in their efforts to coordinate programs and services among themselves and with the province and to, where appropriate, formalize best management practices for engaging with Indigenous Peoples, stakeholders and members of the public.

Actions taken by the Ministry to improve collaboration and engagement could include, but are not limited to:

- Establishing a provincial one-window, led by MNRF, for establishing, coordinating and reviewing programs and services undertaken at the watershed planning scale by conservation authorities and promoting multi-ministry coordination of provincially delegated programs and services and the collection and sharing of science and information among ministries, municipalities, conservation authorities and others.
- Developing an enhanced business relationship with Conservation Ontario and individual conservation authorities to promote greater communication and coordination in the development and implementation of policies, programs and services, the collection and sharing of science and information and the joint development of capacity-building projects and initiatives.
- Enhancing Indigenous Peoples' participation in the development and delivery of stewardship, science and knowledge, and educational initiatives, and by clarifying the process for Indigenous Peoples to join or establish a conservation authority.
- Ensuring board decisions are informed by an appropriate diversity of views and perspectives reflective of local interests, including providing Indigenous Peoples, local residents and stakeholder groups opportunities to participate in the identification of local needs and priorities and conservation authority decision-making processes.
- Supporting efforts currently being made by conservation authorities to promote efficiency and effectiveness in the delivery of programs and services through the development of common policies and procedures, service specializations, and sharing of operational, administrative and technical resources on a regional or landscape basis.



PRIORITY #4: Modernizing Funding Mechanisms



The *Conservation Authorities Act* establishes a number of mechanisms which conservation authorities can use to fund their operations, programs and services. The act enables the Ministry to provide conservation authorities with funding to support Ministry-approved programs such as public safety and natural hazard management programs.

As a corporate body, conservation authorities may also receive or apply for funding from the province to deliver programs on the province's behalf. Local resource management programs and services can be funded through municipal levies or contracts and conservation authorities can self-generate revenue through service and user fees, resource development and fundraising.

Feedback provided in response to the Ministry's discussion paper indicated that some conservation authorities, particularly in rural areas with low population and fewer revenue generating opportunities may not have sufficient revenue to adequately support the programs and services that larger authorities are able to offer.

Respondents generally agreed that mechanisms should be in place to help address disparities in resources and capabilities among conservation authorities with large

and small population bases. In addition, several sectors requested that the province provide clarity on the use of municipal levies including the types of costs that can and cannot be included within the levy in addition to introducing new measures to improve transparency, consistency and accountability around fees.

While several sectors requested increased provincial funding for conservation authority operations, programs and services, others acknowledged that current fiscal realities make this a challenge. This government has made a firm commitment to holding the line on program spending, and is evaluating every program and service it delivers to ensure its sustainability.

Prior to considering any changes to current funding levels the province needs to ensure that existing funding mechanisms are as effective and efficient as possible and that conservation authorities are operating at appropriate economies of scale. As a result, the province is proposing to update funding mechanisms contained within the act with a view to enhancing their efficiency and effectiveness and ensuring that appropriate measures are in place to ensure fiscal accountability.

Actions to be taken by the Ministry to update funding mechanisms contained within the act could include, but are not limited to:

- Enhancing clarity, consistency and accountability in the development and use of municipal levies by defining eligibility criteria, reviewing apportionment, and defining the process by which conservation authorities are to work with participating municipalities to monitor and report on the use of public funds.
- Promoting clarity, consistency and accountability in the development and use of fees and generated revenue with the aim of ensuring fees are established in an open and transparent manner, are consistent with provincial direction on the use of fees, and adequately support the effective delivery of conservation authority operations, programs and services.
- Improving fiscal oversight and transparency by clarifying the role of municipalities in overseeing conservation authority budget development and spending, and where appropriate, standardizing budget development, tracking and reporting processes, and ensuring information on revenue sources and expenditures is made publicly available.
- Improving clarity in the use of provincial funding processes by providing conservation authorities with greater clarity in eligibility criteria, reviewing the efficiency and effectiveness of provincial funding processes, and updating requirements for reporting back on the use of provincial funds.



PRIORITY #5: Enhancing Flexibility for the Province



The framework and conditions for resource conservation and management in Ontario have changed significantly since the establishment of the *Conservation Authorities Act*, and the way conservation authorities operate within that framework has changed along with it. Resource conservation and management has become increasingly complex due to increases in Ontario's population numbers and density. There are also new challenges such as climate change, which further complicate resource management decisions. In addition, conservation authorities have been evolving as organizations. They are growing their funding sources, and accepting and being assigned additional roles that extend their responsibilities into additional areas.

Feedback provided in response to the Ministry's discussion paper recognized the changing nature of resource conservation and management in Ontario and the need for the Ministry to be responsive to both current and future pressures. Several sectors acknowledged that the role of conservation authorities in the delivery of provincial priorities could, and should, change over time in response to emerging issues and changing priorities, and that greater flexibility should be built into the act to periodically update the regulatory and policy framework to enable such changes. Others recognized there are gaps in the delivery of provincial programs in areas

outside of a conservation authority's jurisdiction and that other public sector bodies (including other provincial ministries and municipalities) may be best positioned to help fill these gaps.

The role of conservation authorities in resource conservation and management in Ontario will undoubtedly continue to change over time. Conservation authorities will continue to evolve as organizations, growing their expertise and networks and positioning themselves to take on additional roles in additional areas. At the same time, other public sector bodies, including provincial ministries, municipalities and other groups, will similarly grow in their own expertise and become increasingly attractive partners for the development and delivery of programs and services – particularly in areas outside of the jurisdiction of a conservation authority.

In order to better prepare for these changes in the future, the Ministry is proposing to build greater flexibility within the act to formally delegate the delivery of programs and services to conservation authorities, or other groups, in the future. By enabling greater flexibility for the future, the province will be in a better position to periodically provide additional clarity, consistency and accountability in the delivery of programs and services in the future.

Actions taken by the Ministry to enable flexibility for the future could include, but are not limited to:

- Giving the Minister the authority to use the act to develop additional natural resource conservation and management programs and services in the future, throughout the province.
- Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to conservation authorities in the future.
- Giving the Minister the authority to formally delegate the delivery of current and additional natural resource conservation and management programs and services to other public bodies, not-for-profit organizations, municipalities and other Ministries.
- Giving the Minister the authority to deliver additional natural resource conservation and management programs and services throughout the province.

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OTHER ACTIONS BEING CONSIDERED

Feedback provided in response to the Ministry's discussion paper also identified a number of areas where general 'housekeeping' amendments could be made, or supporting actions that could be taken, to help improve the efficiency and effectiveness of conservation authority operations, programs and services.

In response to the feedback provided, the province is considering:

- **Reducing administrative burdens** associated with appointing and replacing board members and obtaining approval of board per diems.
- **Aligning board terms** with the municipal elections cycle.
- **Developing an orientation and training program** for board members.
- **Developing a coordinated communications plan** outlining any changes to conservation authority operations, programs and services resulting from the review in partnership with municipalities and conservation authorities.

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FEEDBACK REQUESTED

The Ministry has established five priorities for updating the *Conservation Authorities Act* and the supporting regulatory and policy framework:

- 1 Strengthening oversight and accountability in decision-making.
- 2 Increasing clarity and consistency in roles and responsibilities, processes and requirements.
- 3 Improving collaboration and engagement among all parties involved in resource management.
- 4 Modernizing funding mechanisms to support conservation authority operations.
- 5 Enhancing flexibility for the province to update the *Conservation Authorities Act* framework in the future.

The following questions are intended to help the Ministry obtain feedback on these five priorities and actions currently being considered by the Ministry in support of achieving these priorities. The questions below are general in nature and are not intended to discourage readers from raising their own questions or providing comments in other areas. Where possible, please provide specific examples and/or links to supporting information:

- **What do you think of these priorities? Which are the most important and/or least important to you? Are there other priorities that should be considered?**
- **What actions would you recommend the province take to help achieve these priorities?**
- **What do you see as some of the key challenges in achieving improvements under any or all of these priority areas?**

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HOW TO PROVIDE FEEDBACK

We want to hear from you. If you have comments or suggestions that should be considered in updating the *Conservation Authorities Act* to achieve the priorities outlined within this consultation document please take advantage of this opportunity to provide them to us. All comments received in response to this consultation document will be read and considered in moving forward.

Written comments can be provided by:

Responding to the Environmental Registry posting by searching the EBR Registry number 012-7583 on the following website: www.ontario.ca/EBR

Or

Emailing us at:

mnrwaterpolicy@ontario.ca

Comments collected in response to this consultation document will be used by the Ministry to inform the development of specific changes to the existing legislative, regulatory and policy framework. Any specific changes to the existing legislative, regulatory or policy framework proposed as a result of the review will be subject to further public consultation as appropriate, for example, through subsequent Environmental Registry postings.

The review of individual conservation authorities, the specific programs and services they deliver, and site-specific permit applications and permitting decisions are not within scope of the Ministry's review.



DEPARTMENT: Treasury

REPORT NO: T-022-16

COUNCIL MEETING DATE: September 15th, 2016

TITLE: Shared Court Security Funding Model

OBJECTIVE

The purpose of this report is to present Council a new shared security funding model proposed by the County of Oxford. The County Council is asking for its review and comment.

BACKGROUND

At the regular meeting of County Council held October 28, 2015, the Woodstock Police Services Board (WPS Board) presented a request for funding to help with their increasing court security and prisoner transportation costs relative to the Oxford County Provincial Courthouse.

In the response to the request, the County of Oxford looked at different options and developed a new funding model for security and prisoner transportation costs. Report No. CS 2016-23 titled "Shared Security Funding Model" that is attached to this memo provides detailed information with respect to the new model. The new model intends to address Woodstock Police Services Board concerns and attempts to reduce inequities resulting from legislative requirements within a two-tier municipal government structure as related to court security and prisoner transportation costs. The report was circulated to the Area Municipalities for review and comment.

ANALYSIS

The County performed a detailed analysis of the net court security and prisoner transportation (CSPT) costs that County taxpayers funded in 2015 as demonstrated in the attached report. The analysis determines that Woodstock taxpayers bear

approximately 86% of the net CSPT costs. This high levy allocation is mostly due to the cost for the security of the Oxford County Courthouse, a facility accessible to all residents of the County and elsewhere.

County Council requested to formulate a course of action regarding a fair and equitable funding model for court security and prisoner transportation costs related to the Oxford County Courthouse. As result, County Staff suggests a new approach that allocates net CSPT costs incurred by all municipalities on the County levy in the same manner as other County services. Table 1 illustrates the current net levy distribution among all municipalities in the County in comparison to the tax funded costs distributed entirely through the County levy.

Table 1 – CSPT Net Levy Local Impact vs County Levy Distribution

Municipality	2015		2015		2015	2015
	Net Costs	CSPT Grant	Current Levy Impact	Net Local	Proposed County Levy Distribution	Levy Increase
Blandford-Blenheim	\$6,937	\$2,675	\$4,262		\$28,100	\$23,838
East Zorra-Tavistock	6,636	2,559	4,077		24,453	20,057
Ingersoll	12,479	4,813	7,666		37,723	30,057
Norwich	9,736	3,755	5,981		30,985	25,004
South-West Oxford	7,729	3,262	4,467		25,298	20,831
Tillsonburg	17,418	6,718	10,700		48,213	37,513
Zorra	8,343	3,217	5,126		33,355	28,229
Woodstock	546,481	233,792	312,689		134,538	(178,151)
County	13,086	5,389	7,697			(7,697)
Totals	\$628,845	\$266,180	\$362,665		\$362,665	0

The analysis indicates that there will be a shift in property taxes from Woodstock taxpayers in the amount of \$178,151 to the remaining area municipalities – resulting in an average increase of \$26,549. Ingersoll will see an increase of \$30,057.

Adoption of this funding model would result in the CSPT grant funds flowing to the County as opposed to each of the respective municipalities based on the Provincial formula, as well as additional reporting to the County and annual reconciliations.

INTERDEPARTMENTAL IMPLICATIONS

None at this stage.

FINANCIAL IMPLICATIONS

Not confirmed at this point and subject to future Council decision.

RECOMMENDATIONS

ATTACHMENTS

Oxford County - Report No: CS 2016-23

Prepared by: Iryna Koval, Director of Finance, Treasurer

Approved by: William Tigert, CAO

To: Warden and Members of County Council

From: Director of Corporate Services

Shared Court Security Funding Model

RECOMMENDATION

1. That County Council authorize staff to circulate Report No. CS 2016-23, titled “Shared Court Security Funding Model”, to the Area Municipalities and the Woodstock Police Services Board for review and comment, to be received on or before September 30, 2016.

REPORT HIGHLIGHTS

- *Provincial-Municipal Fiscal and Service Delivery Review (PMFSDR)*, the Ontario government committed to upload court security and prisoner transportation costs from municipalities – phased in from 2012 to 2018 to a maximum of \$125 million
- County taxpayers funded \$362,665 in court security and prisoner transportation costs in 2015
- Proposed new funding model is intended to distribute Oxford County Provincial Courthouse related court security and prisoner transportation costs on a fair and equitable basis – to address inherent inequities that result from legislative requirements within a two-tier municipal government structure

Implementation Points

Upon Council adoption of the recommendations contained within this Report, staff will circulate the Report to the Area Municipalities and the Woodstock Police Service Board. The Area Municipalities will be at liberty to share the Report with their local Police Service Boards.

Comments from the Area Municipalities and the Woodstock Police Service Board will be received by September 9, 2016 after which a report containing their comments along with final recommendations will be presented to County Council for consideration.

Financial Impact

There are no financial implications beyond what is included in the 2016 approved budget associated with the recommendation contained within this report.

The County Treasurer has prepared this report and supports the financial impact statement.

Risks/Implications

There are no risks or implications anticipated by adopting the recommendation contained within this report.

Strategic Plan (2015 – 2018)

County Council adopted the County of Oxford Strategic Plan (2015-2018) at its regular meeting held May 27, 2015. The initiative contained within this report supports the Values and Strategic Directions as set out in the Strategic Plan as it pertains to the following Strategic Directions:

1. ii. **A County that Works Together** – Enhance the quality of life for all of our citizens by:
 - *Working with community partners and organizations to maintain / strengthen public safety*
5. ii. **A County that Performs and Delivers Results** - Deliver exceptional services by:
 - *Regularly reviewing service level standards to assess potential for improved access to services / amenities*

DISCUSSION

Background

At the regular meeting of County Council held October 28, 2015, a delegation from the Woodstock Police Services Board presented a request for funding to assist with their increasing court security and prisoner transportation costs relative to the Oxford County Provincial Courthouse located at 415 Hunter Street, Woodstock. In addition to a presentation, a written submission from the WPS Board was received and is attached for information – see [Attachment No. 1](#). In response to the delegation and presentation, Council referred the matter to Corporate Services for a report.

On November 25, 2015, Council received Report No. CS 2015-45 regarding “Court Security Funding Request – Woodstock Police Services” that provided background information with respect to the legislative responsibilities for the provision of court security and the measures taken by the Province under *The Provincial-Municipal Fiscal and Service Delivery Review* (PMFSDR) that was completed in 2008. In regards to court security and prisoner transportation costs, it was determined that, starting in 2012, the Province will upload the costs of court security (including offender transportation) over seven years, by providing funding to municipalities to a maximum of \$125 million annually at maturity. Table 1 below illustrates the timing of the upload and the percentage of \$125 million allocated to municipalities across the Province over the transition period.

Table 1 – Provincial Upload Schedule – Court Security and Prisoner Transportation Costs

	2012	2013	2014	2015	2016	2017	2018
Court Security	14%	29%	43%	57%	71%	86%	100%

Another matter was raised in the aforementioned staff report in order to inform options for consideration in response to the WPS Board’s request. More specifically, in addition to the Province’s commitment to assume responsibility for funding court security and prisoner transportation costs announced through the PMSDR, the Ministry of the Attorney General (MAG) and the Ministry of Community Safety and Correctional Services (MCSCS) have committed to work together with AMO and the City of Toronto to develop court security standards, associated costs, and related governance. This initiative underscores the importance of ensuring an appropriate service level is established while containing costs across the Province with respect to court security and prisoner transportation.

In response to the staff report, the Warden received Council direction to engage in discussions for the purpose of formulating a proposed course of action regarding a fair and equitable funding model for court security and prisoner transportation costs related to the Oxford County Courthouse.

In addition to the action taken in response to the staff report, Council subsequently approved a grant in the amount of \$280,000 in the 2016 final budget to be funded from the General Reserve as an interim measure.

Comments

In the ensuing months, the Warden has met with the WPS Board to discuss the funding challenges inherent in the Board’s annual operating budgets and subsequently met with the County CAO and Treasurer to discuss potential options.

To gain a better understanding of the Court Security and Prisoner Transportation (CSPT) funding model, staff sought information from MAG and MCSCS. In response, Minister Yasir Naqvi of MCSCS replied through correspondence dated March 9, 2016 – see [Attachment No. 2](#). Among the questions posed by staff, the Minister addresses MAG and MCSCS’s commitment to work together with AMO and the City of Toronto to develop court security standards, associated costs, and related governance, confirming that this work is ongoing, which includes consultation with policing partners, the judiciary and other stakeholders.

The Minister’s correspondence indicates that the Court Security Standards Working Group established to carry out this mandate developed recommendations for a court security standards framework that:

- local court security committees be established in every court location or municipality in Ontario;
- threat risk assessment methodologies be used to identify security risks; and
- the development of court security plans be based on threat-risk assessments.

The Minister emphasizes in the correspondence, the important role that local court security committees play as a forum where local court security issues can be discussed and resolved.

The MCSCS Court Security Guidelines indicate that the Chief of Police should establish local court security committees to assist in developing a court security plan that adequately addresses local needs and circumstances, while meeting statutory responsibilities for the provision of court security as prescribed. The Guideline suggests the composition of a local court security committee include representation from, at a minimum:

- police;
- Crown;
- judiciary;
- local bar;
- victim services/organizations; and
- Court Services – MAG.

In terms of the MCSCS's funding commitment through the CSPT program, the Minister explains that it is intended to assist municipalities in offsetting their court security and prisoner transportation costs. In addition to the CSPT program, MAG has spent in excess of \$44 million on court security infrastructure improvements and upgrades for projects over \$100,000.

Table 2 below provides a summary of the net court security and prisoner transportation costs and the CSPT funding allocation for each year since the program commenced. Table 3 analyzes the Table 2 data by presenting the resulting percentages calculated of the funding allocations to the net CSPT costs.

Table 2 – Court Security and Prisoner Transportation Costs and Funding Allocation by Municipality

Municipality	2012		2013		2014		2015	
	CSPT	Net Costs	CSPT	Net Costs	CSPT	Net Costs	CSPT	Net Costs
Blandford-Blenheim	\$1,385	\$7,448	\$2,769	\$7,862	\$4,154	\$9,245	\$2,675	\$6,937
East Zorra-Tavistock	1,575	7,866	3,150	8,343	4,724	9,811	2,559	6,636
Ingersoll	6,062	26,296	12,125	27,501	18,187	32,340	4,813	12,479
Norwich	2,217	11,569	4,434	12,236	6,652	14,389	3,755	9,736
South-West Oxford	1,736	7,186	3,472	7,625	5,208	8,970	3,262	7,729
Tillsonburg	8,045	22,745	16,091	24,658	24,136	30,580	6,718	17,418
Zorra	2,024	9,914	4,048	10,482	6,072	12,331	3,217	8,343
Woodstock	56,957	445,472	113,913	447,304	170,870	554,671	233,792	546,481
County	0	10,721	0	10,311	0	12,630	5,389	13,086
Totals	\$80,001	\$549,217	\$160,002	\$556,322	\$240,003	\$684,967	\$266,180	\$628,845

Table 3 – Court Security and Prisoner Transportation Costs Percentage Funded by Municipality

Municipality	2012	2013	2014	2015
Blandford-Blenheim	19%	35%	45%	39%
East Zorra-Tavistock	20%	38%	48%	39%
Ingersoll	23%	44%	56%	39%
Norwich	19%	36%	46%	39%
South-West Oxford	24%	46%	58%	42%
Tillsonburg	35%	65%	79%	39%
Zorra	20%	39%	49%	39%
Woodstock	13%	25%	31%	43%
County	0%	0%	0%	41%
Total	15%	29%	35%	42%

Tables 2 and 3 indicate that for 2015, County taxpayers funded \$362,665 (\$628,845 - \$266,180) or 58% of the net CSPT costs, and although the funding gap is narrowing, it will increase over time as costs increase while the Province’s funding commitment remains capped at \$125 million.

Among the various funding options considered was the former Court Security Grant regime that was in place from 2002 to 2009 inclusive. In summary, starting in 2002, the grant was approved at \$190,000 was subsequently increased beginning in 2004 when it was fixed at \$280,000 until its termination in 2009. The funds were allocated between the two police services that provided court security and prisoner transportation to the Oxford County Courthouse during that period. The grant funds were flowed to the two police services at the end of each quarter, on a cost recovery basis of staffing hours incurred to deliver court security and prisoner transportation during that period, until the annual grant commitment was exhausted. Another component of the grant funding formula was for the purpose of allocating funds among the OPP serviced municipalities. The four municipalities that were under the jurisdiction of OPP policing were allocated an apportionment of the costs submitted by the OPP on the basis of a blended average of each municipality’s respective population and assessment.

Although this formula based funding regime was fair with respect to the allocations, and it was predictable in terms of the County’s commitment to the cause, it poses the same weakness that is inherent in the Provincial funding model - that the funding commitment is capped at \$125 million which was based on 2013 CSPT costs, therefore will not keep pace with increasing costs resulting from economic and social pressures.

In 2010, the County discontinued the Court Security grant commitment in response to Province’s announcement of *The Provincial-Municipal Fiscal and Service Delivery Review* (PMFSDR) – indicating that, starting in 2012, court security and prisoner transportation costs would be uploaded to the Province over seven years, by providing funding to municipalities to a maximum of \$125 million annually at maturity in 2018. This announcement was accompanied by a transition plan, incrementally increasing the percentage of costs uploaded during those years – as illustrated in Table 1 of this report. It is interesting to note that this illustration leads the reader to believe that 100% of the costs will be uploaded by 2018, however the funding

commitment is capped at \$125 million. This effectively will result in less than 100% of the actual costs incurred being funded by the Province, and a funding gap that will continue to grow over time, not unlike the other program costs that were uploaded as part of the PMFSDR. The original commitment from the Province of \$125 million is based on 2013 court security and prisoner transportation costs. The Province allocates a percentage of the annual funding commitment to municipalities under a policing service agreement with the OPP - in 2015/2016 that percentage is 40% of the \$125 million.

As previously cited in this report, direction provided by County Council in response to Report No. CS 2015-45 was to formulate a proposed course of action regarding a fair and equitable funding model for court security and prisoner transportation costs related to the Oxford County Provincial Courthouse. With that goal in mind, an approach that allocates net CSPT costs incurred by all municipalities on the County levy in the same manner as other County services, such as Provincial Offences Administration has been analyzed using 2015 figures as they are the most recent actual figures available. Table 4 illustrates the current net levy distribution among all municipalities in the County in comparison to the tax funded costs distributed entirely through the County levy.

Table 4 – CSPT Net Levy Local Impact vs County Levy Distribution

Municipality	2015		2015	2015
	CSPT	Net Costs	Net Levy Local Impact	CSPT County Levy Distribution
Blandford-Blenheim	\$2,675	\$6,937	\$4,262	\$28,100
East Zorra-Tavistock	2,559	6,636	4,077	24,453
Ingersoll	4,813	12,479	7,666	37,723
Norwich	3,755	9,736	5,981	30,985
South-West Oxford	3,262	7,729	4,467	25,298
Tillsonburg	6,718	17,418	10,700	48,213
Zorra	3,217	8,343	5,126	33,355
Woodstock	233,792	546,481	312,689	134,538
County	5,389	13,086	7,697	
Totals	\$266,180	\$628,845	\$362,665	\$362,665

The analysis indicates that there would be a shift in property tax from Woodstock taxpayers in the amount of approximately \$178,000 to the remaining area municipalities – resulting in an average increase of approximately \$26,500. Adoption of this funding model would result in the CSPT grant funds flowing to the County as opposed to each of the respective municipalities based on the Provincial formula, as the annual reports that municipalities are required to file with the Province (Schedule C – Annual Financial Report) would show the “Total annual payments received from other municipalities for court security and prisoner transportation” offsetting all costs incurred by the municipality, whereas the County’s Annual Financial Report, using the 2015 illustration in Table 4, would show a variance in allocation in the amount of \$362,665, being the amount funded through taxation.

It is important to note that the amount funded through local taxation is not changed, rather it is the distribution among taxpayers that changes with this funding model. This model is considered a fair and equitable solution as it is based on the same distribution regime as other services that benefit all municipalities within a two-tier municipal government structure in the Province.

Conclusions

Considering the proposed funding model has an impact on all municipalities within the County, the recommendation contained in this report is intended to offer all stakeholders an opportunity to review the proposal and provide comments prior to County Council making a final decision.

Prior to making a final decision, staff will recommend Council give considerations to the following measures that will ensure this funding model remains fair and transparent:

1. MCSCS Court Security Guidelines indicate that the Chief of Police should establish local court security committees to assist in developing a court security plan that adequately addresses local needs and circumstances, while meeting statutory responsibilities for the provision of court security as prescribed. The Guideline suggests the composition of a local court security committee.
[Recommendation – that County Council be provided a seat on the local court security committee.](#)
2. The CSPT Program is administered through agreements with each municipality that wishes to participate in the funding program. The Agreements set out the terms and conditions for which municipalities must comply, including eligible costs that are subject to funding and reporting requirements.
[Recommendation – that County Council adopt the proposed funding model subject to each area municipality’s continued commitment to the agreement to ensure accountability and transparency is maintained.](#)
3. Annual budgets, reporting and reconciliations.
[Recommendation – that the area municipalities provide the County with annual reports in the CSPT Program Agreement prescribed form \(Schedule C – Annual Financial Report - see \[Attachment No. 3\]\(#\)\) and an annual budget at times that will allow the County to appropriately budget and reconcile year end actual costs. Year-end actuals that exceed annual budget provisions will be funded from the General reserve.](#)
4. The Ministry of the Attorney General has spent in excess of \$44 million on court security infrastructure improvements and upgrades for projects over \$100,000 – as cited in correspondence attached to this report as [Attachment No. 2](#).
[Recommendation – that County Council support efforts of the Woodstock Police Services in advocating for funding to ensure the County Courthouse is adequately fitted with security measures to protect the public, Crown, judiciary, local bar, municipal and police services that use the facility.](#)

Timing for responses from the Area Municipalities and the WPS Board is such that it will allow the County to incorporate the new funding model in the 2017 County budget.

SIGNATURE

Departmental Approval:

Original signed by

Lynn S. Buchner, CPA, CGA
Director of Corporate Services

Approved for submission:

Original signed by

Peter M. Crockett, P.Eng.
Chief Administrative Officer

ATTACHMENT

Attachment No. 1 – Woodstock Police Services Board, *Briefing Note: County of Oxford
Consideration for Contributions to Court Security Costs*

Attachment No. 2 – Correspondence dated March 9, 2016, from The Honourable Minister Yasir Naqvi, Ministry of Community Safety and Correctional Services

Attachment No. 3 - Schedule C – Annual Financial Report



WOODSTOCK POLICE SERVICES BOARD

615 Dundas Street
Woodstock, Ontario
N4S 1E1

Phone: 519-421-2800 Ext 2254
Fax: 519-421-2287

Chair: Mary Anne Silverthorn

Briefing Note: County of Oxford Consideration for Contributions to Court Security Costs

The Woodstock Police Service Board is appreciative of the opportunity to appear before the Oxford County Council to solicit support from Council in the form of grant considerations to assist in the ever escalating costs of providing adequate and effective Court Security for the Oxford County Courthouse. The Courthouse services the needs of all residents of the County of Oxford and beyond. It is a well-accepted fact that the WPSB is mandated to provide court security as required by section 137(1) of the Police Services Act as the facility is located within the policing jurisdiction of the Woodstock Police Service.

A brief overview of the evolution of this funding issue is provided herein:

Synopsis

- Commencing in 2002 the County provided grant money for Court Security which was divided between the former Oxford Community Police Service (OCPS) and the Ontario Provincial Police (OPP)
- 24 Mar 2004, the County passed a resolution providing \$280,000 for court security for OPP and OCPS
- That grant money continued until 2009 and the OCPS were very grateful for that assistance, which illustrated a harmonious partnership and a degree of ownership to the need for an effective Court Security Unit.
- Jan 2010, Councillor Harding as a result of the dissolution of OCPS, brought a motion before County Council, citing
 - That OCPS were getting approximately \$160,000, however that would be reduced to \$88,000 with the loss of the 3 townships
 - That OPP do not provide any court security assistance; they transport prisoners to the Courthouse and turn them over to Woodstock Police Service (WPS), (previously they had two (2) officers assist)
 - Councillor Harding put forth 3 resolutions:

- Resolution 1 – that responsibility for court security is the sole responsibility of WPS and that the apportioning of the current grant based on a formula of population and assessment is no longer appropriate. Therefore the grant of \$280,000 should go to WPS solely for the operation of the Court Security Unit (CSU).
- Resolution 2 - whereas in recognition that the on-going costs to operate the CSU are not reflected in the principals for “Grants” funding, that it should be resolved that monies in support of the CSU be expensed as an operation line from the Provincial Offences Act (POA) revenues
- Resolution 3 – as the CSU serves the entire county, providing security to all those using the Courthouse regardless of municipality, and as the CSU is a standalone unit from the regular policing duties of WPS, requested the county to grant full cost recovery of the CSU, recognizing that in 2012 the Province will upload a portion of the CSU costs
- A recorded vote was 6 to 3. The motion was defeated.
- Starting in 2010, WPS did not receive any further grant monies from the County of Oxford for Court Security, however continued on as the sole provider for the physical security of the premise, the safety and security of the judges and other people using the courts, and for the security of all prisoners.
- 2012 the Ministry of Community and Correctional Services (MCSCS) began providing grant monies to offset court security costs for municipalities.
- The WPS receives the following revenues to assist in offsetting Court Security costs. The revenues reflected in the 2015 budget are:
 - MCSCS grant – Court Security and Prisoner Transportation Program
 - \$233,792
 - From Oxford County for providing court security for POA Court
 - \$10,000
 - MCSCS & Ministry of Children and Youth Service (MCYS) for adult and young offender transport
 - \$80,000
- Mar 2014, the WPS increased their CSU by one full time equivalent (one armed sworn officer) as a result of the tragic shooting that occurred in the Brampton Courthouse. This brings WPS CSU complement to five (5) Full Time Special Police Constables and five (5) Part Time Special Police Constables and the one (1) Sworn Constable.
- Appreciate the difficulty in staffing a unit that is dependent on the judicial system. Court schedules and prisoner transport demands are extremely fluid, changing often.

- WPS budget for 2015 for Court Security is \$624,537. The net cost to WPS budget (after MCSCS grant, POA Security revenue and MCSCS & MCYS prisoner transport grant, was for the following years;
 - 2012 - \$450,097
 - 2013 - \$310,757
 - 2014 - \$238,705
 - Projection for 2015 is \$310,645 (prisoner transport grant revenue was reduced from \$170,869 in 2014 to \$80,000 for 2015 as it is reimbursement of actual number of prisoners transported over the specific distance to and from the correctional institution). We are seeing a reduction in this revenue as there are more video remands now. The difficulty is that WPS must still staff for the potential transports. Additionally, there is uncertainty on the longevity of the continuation of Ministry grant programs.

- The population for the County of Oxford is 105,719 (2011). The City of Woodstock population is 37,362 (2011) which equates to 35% of the County population. Therefore 65% of other County individuals have access and availability to the Court house

- Utilization of the Court Facility – Prisoner Comparison. The OPP transport their prisoners to and from the facility. The WPS CSU is then responsible for the movement and custody of all prisoners while detained at the Courthouse. Comparison for WPS and OPP prisoner utilization of the court facility.
 - 2013 – OPP had 614 and WPS 592 – (totals 1,206 persons in custody)
 - 2014 – OPP had 540 and WPS 468 – (totals 1,008 person in custody)
 - 2015 to date – OPP had 416 and WPS 371 – (totals 787 persons in custody)

- Provincial Offences Revenue
The revenue from all POA tickets goes to the County. Given that revenue comes from all enforcement agencies which includes, but is not limited to, WPS, OPP, Ministry of Labour, Ministry of Finance and Ministry of the Environment, it is safe to suggest that the majority of that revenue is generated by both police services. The reports generated from the POA system are unable to break down specific agency contributions. The following illustrates total POA net revenues generated over the past three (3) years:
 - 2013 - \$1,251,826
 - 2014 - \$1,247,398
 - 2015 – forecast \$875,639

- Woodstock Police Service POA generation

- 2013 – 3,870 tickets – potential revenue of \$341,505 (or \$170,752 if 50% revenue is realized)
- 2014 – 3,434 tickets – potential revenue of \$366,319 (or \$183,159 if 50% revenue is realized)
- 2015 – to date, 2,155 tickets – potential revenue of \$245,584 (or \$122,792 if 50% revenue is realized)

In conclusion, the Woodstock Police Service Board bears the full financial responsibility for the Security of the Oxford County Courthouse, being a facility that is accessible to all residents of the County and elsewhere. The CSU is responsible for all OPP prisoners once delivered to the facility, thus no cost to the respective OPP Police Service Boards through their contract with the OPP for this function.

A glimpse into the past reveals the County of Oxford had assisted with the Court Security costs. The hope for the future is that the County will once again consider in offsetting the Court Security Costs, as the projected cost for 2015 to the WPSB after all sources of revenues is \$310,645 (this includes the cost of a full time Sworn officer at \$95,424 a year). It is hopeful that possibly some grant monies could come from POA revenues or other means. In times of fiscal restraints from all levels of government, it is understandably a difficult financial consideration, however, when meshed with an open mind to the moral and philosophical contributing factors, it is our hope a decision to assist can be realized, sharing the burden of this majestic County facility and the need to ensure the safety of all persons attending therein.

**Ministry of Community Safety
and Correctional Services**

**Ministère de la Sécurité communautaire
et des Services correctionnels**

Office of the Minister

Bureau du ministre

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MC-2015-3816
By e-mail

MAR 09 2016

Ms. Lynn Buchner
lbuchner@oxfordcounty.ca

Dear Ms. Buchner:

Thank you for your e-mail of November 11, 2015, about the development of court security standards, as recommended by the Provincial-Municipal Fiscal and Service Delivery Review (PMFSDR). I apologize for the delay in responding.

In response to the PMFSDR recommendation, the provincial government established a Partner Steering Committee in June 2009, with representation from the province, the judiciary, municipal and policing sectors to provide oversight for initiatives regarding the uploading of court security and prisoner transportation costs, as well as the development of standards for court security.

Chaired by MAG, a Court Security Standards Working Group was established to focus on court security standards. Membership included representatives from the provincial government, the judiciary, police organizations, the City of Toronto and AMO. The Working Group developed recommendations for a court security standards framework, including that:

- local court security committees be established in every court location or municipality in Ontario;
- threat risk assessment methodologies be used to identify security risks; and
- the development of court security plans be based on threat-risk assessments.

The Ministry of Community Safety and Correctional Services (MCSCS) and MAG continue to work collaboratively with other justice participants to advance the important role that local court security committees play as a forum where local court security issues can be discussed and resolved.

Ms. Lynn Buchner
Page 2

Under the *Police Services Act (PSA)*, police services in jurisdictions where court proceedings are conducted are responsible for ensuring the security of court premises, including the security of judges and other persons attending court proceedings, as well as the secure custody of accused persons. The *Adequacy and Effectiveness of Police Services Regulation* under the PSA requires that, where a local police services board has court security obligations, the chief of police shall prepare a court security plan, which includes determining the appropriate levels of security.

Specifically, police services boards are responsible for:

- Ensuring the security of judges and of persons taking part in or attending proceedings
- Ensuring the security of the premises during the hours when judges and members of the public are present
- Ensuring the secure custody of persons in custody who are on or about the premises, including persons taken into custody at proceedings
- Determining appropriate levels of security for the purposes of the above.

Additionally, MCSCS has established a Court Security Guideline indicating that chiefs of police should establish local court security committees to assist in developing a court security plan that adequately addresses local needs and circumstances, and meets statutory responsibilities for the provision of court security as prescribed. The Guideline suggests that the committee be comprised of representatives from, at a minimum, the police, Crown, judiciary, local bar, victim services/organizations and Courts Services – MAG.

Furthermore, MCSCS provides guidance through the provision of a court security assessment tool, which has been developed to assist police services in undertaking an assessment of the security needs of individual courthouses. A secondary purpose of the court security assessment tool is to establish a baseline, which can be used to measure improvements to the overall security of the courthouse over time. The assessment tool includes the following components for assessment:

- critical incident assessment
- nature of cases assessment
- security personnel and procedures assessment
- emergency plan assessment
- physical assessment.

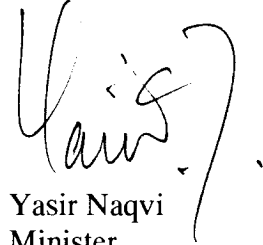
Police services are in the best position to determine their court security requirements, based on local needs and fiscal feasibility, and I am confident police services will make those decisions in the best interest of their communities. Local police services, in partnership with MAG, review the security needs of their courthouses on an ongoing basis.

Ms. Lynn Buchner
Page 3

On the issue of funding, MCSCS implemented the Court Security and Prisoner Transportation Program in 2012 to assist municipalities in offsetting their court security and prisoner transportation costs. It is being phased-in over seven years by an equal amount, growing to an annual investment of \$125 million at maturity by 2018. In addition, since 2004, MAG has spent more than \$44 million on court security infrastructure improvements and upgrades in relation to security projects over \$100,000.

Thank you again for your e-mail.

Sincerely,

A handwritten signature in black ink, appearing to read 'Yasir Naqvi', with a large, sweeping flourish extending to the right.

Yasir Naqvi
Minister

c: The Honourable Madeleine Meilleur
Attorney General of Ontario

SCHEDULE C - ANNUAL FINANCIAL REPORT - 2014

REPORTING MUNICIPALITY: (please select from drop down list)

CONTACT INFORMATION:

Salutation:	First Name:	Last Name:	Title:
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Tel:	Ext:	Fax:	Email:
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Address:			
<input type="text"/>			
City:			Postal Code:
<input type="text"/>			<input type="text"/>

LOCAL POLICE SERVICE:

Name of Police Service:

ANNUAL EXPENDITURE SUMMARY:

Please complete the following section in relation to Schedule B – Court Security and Prisoner Transportation Services/ Activities Eligible For Funding.

If applicable, please provide a breakdown for lines b, c, d, g, h, and i on a separate page.

2014 COURT SECURITY COSTS	
a) Total gross annual court security costs:	<input type="text"/>
b) Total annual payments provided to other municipalities for court security:	<input type="text"/>
c) Total annual payments received from other municipalities for court security:	<input type="text"/>
d) Total annual payments received from other funding sources for court security:	<input type="text"/>
e) Total net annual court security costs (a + b - c - d):	\$0.00
2014 PRISONER TRANSPORTATION COSTS	
f) Total gross annual prisoner transportation costs:	<input type="text"/>
g) Total annual payments provided to other municipalities for prisoner transportation:	<input type="text"/>
h) Total annual payments received from other municipalities for prisoner transportation:	<input type="text"/>
i) Total annual payments received from other funding sources for prisoner transportation:	<input type="text"/>
j) Total net annual prisoner transportation costs (f + g - h - i):	\$0.00
Total Net Annual Court Security and Prisoner Transportation Costs (e + j):	\$0.00

SIGNATURE OF AUTHORIZED OFFICIAL:

I, hereby certify that the information provided in the Annual Financial Report is true and correct and is in agreement with the books and records of the municipality and its consolidated entities.

Title:	Print Name:
<input type="text"/>	<input type="text"/>
Signature:	Date:
<input type="text"/>	<input type="text"/>