



08-23-BOD Minutes
Nottawasaga Valley Conservation Authority
Sept 22, 2023 at 9:00 AM EDT
8195 8th Line, Utopia ON, L0M 1T0

Attendance

Present:

Mayor Scott W. Anderson, Adjala-Tosorontio (Township); Cllr. Joe Belanger, Wasaga Beach (Town); Chair Gail Little, Amaranth (Township); Deputy Mayor Paul Van Staveren, Clearview (Township); Mayor Janet Horner, Mulmur (Township); Mayor Darren White, Melancthon (Township); Cllr. June Porter, The Bule Mountains (Town); Cllr. Ralph Manktelow, Mono (Town); Vice-Chair Jonathan Scott, Bradford West Gwillimbury (Town); Cllr. Kyle Fegan, Shelburne (Town); Cllr. Richard Schell, Oro-Medonte (Township)-*arrived at 9:20am*

NVCA Staff:

Sheryl Flannagan, Director, Corporate Services; Doug Hevenor, Chief Administrative Officer; Kyra Howes, Director, Conservation Services; Ben Krul, Manager, Development Planning & Permits; Tyler Mulhall, Regulations Technician (*departed at 10:08am*); Taryn Arsenault, Flood Operations Field Specialist (*departed at 10:15am*); Christine Knapp, General Accountant; Maria Leung, Senior Communications Specialist; Kerry Jenkins, Administrative Assistant/Recorder

Absent:

Cllr. Christopher Baines, Collingwood (Town); Cllr. Pieter Kiezebrink, Essa (Township); Cllr. Joel Loughhead, Grey Highlands (Municipality); Cllr. Kevin Eisses, Innisfil (Town); Cllr. Gary Harvey, Barrie (City); Cllr. Nicole Cox, New Tecumseth (Town); Vacant, Springwater (Township); Chris Hibberd, Director, Watershed Management Services

1. Events

Tiffin Nature Program (for preschoolers)

Tiffin Nature Program will help preschoolers gain knowledge, understanding and appreciation of the natural world and our amazing planet. Children learn about risky play, and develop a better understanding of their relationship with the land.

Half Day Dates: Tuesdays September 5, 2023 – November 28, 2023

Full Day Dates: Thursdays September 7, 2023 – November 30, 2023

Location: Tiffin Centre for Conservation

Festival at Fort Willow

The Festival at Fort Willow is an annual event where visitors will experience what life was like in the early 1800s.

Date: Saturday, September 30, 2023, 10:00AM – 4:00 PM

Location: Historic Fort Willow Conservation Area

PA/PD Day Camp Tiffin

Camp Tiffin encourages outdoor exploration, guided excursions in the forest fueled by student interest. Every day will be guided by student inquiry, seasonal changes, and weather and program availability.

Date: Friday, September 22, 2023 from 9:00 a.m. – 4 p.m.

Location: Tiffin Centre for Conservation

2. Call to Order

Chair Little called the meeting to order at 9:10am.

3. Land Acknowledgement

The Nottawasaga Valley Conservation Authority Board acknowledges that we are situated on the traditional land of the Anishinaabeg. The Anishinaabeg include the Odawa, Saulteaux, Anishinaabeg, Mississauga and Algonquin who spoke several languages including Anishinaabemowin and Potawatomi. We are dedicated to honouring Indigenous history and culture and committed to moving forward in the spirit of reconciliation and respect with all First Nation, Métis and Inuit people.

4. Declaration of Pecuniary and Conflict of Interest

5. Motion to Adopt the Agenda

Recommendation:

RES: 51-23

Moved by: Mayor Janet Horner

Seconded by: Deputy Mayor Paul Van Staveren

RESOLVED THAT: the agenda for the Board of Directors meeting #08-23-BOD dated on September 22, 2023 be approved.

Carried;

6. Announcements

There were no announcements at this time.

7. Presentations

Director, Corporate Services, Sheryl Flannagan conducted a presentation regarding NVCA's 2024 Draft Budget.

****The resolution and voting is located in agenda item #12.2.4****

8. Deputations

There were no deputations at this time.

9. Hearings

There were no hearings at this time.

10. Determination of Items Requiring Separate Discussion

Board Members are requested to identify items from the Consent List that they wish to have considered for separate discussion.

11. Adoption of Consent List and Identification of Items Requiring Separate Discussion

Recommendation:

RES: 52-23

Moved by: Cllr. Joe Belanger

Seconded by: Cllr. June Porter

RESOLVED THAT: agenda item number(s), 12.1.1, 12.2.2 and 12.2.4 were identified as requiring separate discussion, be referred for discussion under Agenda Item #12; and

FURTHER THAT: all Consent List Agenda Items not referred for separate discussion be adopted as submitted to the board and staff be authorized to take all necessary action required to give effect to same; and

FURTHER THAT: any items in the Consent List not referred for separate discussion, and for which conflict has been declared, are deemed not to have been voted on or discussed by the individual making the declaration.

Carried;

12. Consent List

12.1. Adoption of Minutes

Recommendation:

Approved by Consent

Moved by: Cllr. Ralph Manktelow

Seconded by: Mayor Darren White

RESOLVED THAT: the minutes of the Board of Directors meeting 07-23-BOD dated on August 25, 2023 be approved.

12.1.1. Adoption of Agricultural Advisory Committee Meeting Minutes

Recommendation:

RES: 53-23

Moved by: Deputy Mayor Paul Van Staveren

Seconded by: Cllr. Kyle Fegan

RESOLVED THAT: the minutes of the Agricultural Advisory Committee meeting 02-23-AAC dated on June 29, 2023 be approved.

Carried;

12.2. Staff Reports

**12.2.1. Staff Report No. 35-08-23-BOD from Tyler Mulhall,
Regulations Technician**

Recommendation:

Approved by Consent

Mayor Darren White

Cllr. Kyle Fegan

RESOLVED THAT: The Board of Directors receive Staff Report No. 35-08-23-BOD regarding the formal adoption of the Hydro One MOU and Protocol between Hydro One and CO.

**12.2.2. Staff Report No. 36-08-23-BOD from Doug Hevenor, Chief
Administrative Officer**

Recommendation:

Moved by: Cllr. June Porter

Seconded by: Cllr. Rick Schell

RESOLVED THAT: the Staff Report No. 36-08-23-BOD, update on Memorandums of Understanding and Nottawasaga Valley Conservation Authority's (NVCA) progress report, be received; and

FURTHER THAT: the Board of Directors approves this progress report in fulfillment of O.Reg. 687/21 to be submitted to the Province's MNRF by October 1, 2023 as updated by the CAO and at the approval of the Chair; as required for meeting the needs of the Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act.

**Friendly amendment as requested by Cllr. Joe Belanger
and approved by mover and seconder: Recommendation:**

RES: 54-23

Moved by: Cllr. June Porter

Seconded by: Cllr. Rick Schell

RESOLVED THAT: the Staff Report No. 36-08-23-BOD, update on Memorandums of Understanding and Nottawasaga Valley Conservation Authority's (NVCA) progress report, be received; and

FURTHER THAT: the Board of Directors approves this progress report in fulfillment of O.Reg. 687/21 to be submitted to the Province's MNRF by October 1, 2023 as updated by the CAO and at the approval of the Chair; as required for meeting the needs of the Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act.

Carried;

see attachment #1 for revised reports

**12.2.3. Staff Report No. 37-08-23-BOD from Sheryl Flannagan,
Director, Corporate Services**

Recommendation:

Approved by Consent

Moved by: Mayor Scott W. Anderson

Seconded by: Cllr. June Porter

RESOLVED THAT: Staff Report No. 37-08-23-BOD regarding the NVCA's Apportionment Method be approved.

12.2.4. Staff Report No. 38-08-23-BOD from Sheryl Flannagan, Director, Corporate Services

Recommendation:

RES: 55-23

Moved by: Cllr. Joe Belanger

Seconded by: Cllr. Kyle Fegan

RESOLVED THAT: Staff Report No. 38-08-23-BOD regarding the NVCA's 2024 Draft Budget be approved; and

FURTHER THAT: the Board of Directors receive the 2024 draft budget for consideration; and

FURTHER THAT: staff be directed to distribute the 2024 Draft Budget booklet to municipalities for the consultation period.

Carried;

12.2.5. Staff Report No. 39-07-23-BOD from Taryn Arsenault, Flood Operations Field Specialist

Recommendation:

Approved by Consent

Moved by: Cllr. Ralph Manktelow

Seconded by: Cllr. June Porter

RESOLVED THAT: The Board of Directors receive Staff Report No. 39-08-23-BOD for information; and

FURTHER THAT: the Board of Directors approve a contract with Wind Whistle Landscaping, replacing Jim Collis, for an upset limit of \$99,755.00.

12.2.6. Staff Report No. 40-08-23-BOD from Maria Leung, Senior Communications Specialist

Recommendation:

Approved by Consent

Moved by: Cllr. Rick Schell

Seconded by: Cllr. Gary Harvey

RESOLVED THAT: Staff Report No. 40-08-23-BOD regarding NVCA Communications – *August 12, 2023 – September 8, 2023*, be received.

13. Notice of Motion

Vice-Chair Scott's Motion regarding "Right to Repair" from his Notice of Motion at June 23, 2023 meeting

Recommendation:

RES:56-23

Moved by: Vice-Chair Jonathan Scott

Seconded by: Cllr. Joe Belanger

RESOLVED THAT: "right-to-repair" movement seeks to ensure consumers of electronic products, including mobile phones and computers, as well as agricultural equipment, are able to make routine fixes to damaged products without having to rely on the manufacturer and to affordably make such repairs; and

WHEREAS: this movement and efforts against "planned obsolescence" seeks to ensure affordability for consumers and to protect our environment by reducing electronic waste; and

WHEREAS: the agricultural sector has unique needs related to specialized electronic farm equipment and the ability to make repairs in a timely and affordable manner, especially during the growing season; and

FURTHER THAT: a commitment in the 2023 federal budget that "the government will work to implement a right to repair, with the aim of introducing a targeted framework for home appliances and electronics in 2024. The government will launch consultations this summer, including on the right to repair and the interoperability of farming equipment, and work closely with provinces and territories to advance the implementation of a right to repair" (p. 38); and

BE IT THEREFORE RESOLVED THAT: Nottawasaga Valley Conservation Authority Board endorses the right-to-repair movement through a letter from the Chair and Vice-Chair to call on the federal government to expedite the promised consultations to enshrine this principle in consumer-protection law, with specific consultations and measures related to supporting the agricultural sector undertaken; and

FURTHER THAT: a copy of this resolution and accompanying letter be shared with the Minister of Innovation, Science and Economic Development; the Minister of Agriculture; the Members of Parliament in the Nottawasaga watershed; and to Conservations Ontario and Ontario's conservation authorities, with a request for their endorsement of same.

Carried;

14. Other Business

Mulmur Mayor, Janet Horner spoke about the tour she had with Credit Valley Conservation Authority last week where she saw some of the restoration work completed in partnership with the NGO ALUS. Mayor Horner asked if the NVCA has tried to get similar projects with ALUS working in our watershed. CAO, Doug Hevenor informed the Board that the NVCA has had ALUS staff come and speak to our Agriculture Advisory Committee but no ALUS project work arose from the meeting in our watershed.

15. Adjourn

Recommendation:

RES: 57-23

Moved by: Mayor Janet Horner

Seconded by: Mayor Scott W. Anderson

RESOLVED THAT: this meeting adjourn at 10:45am to meet again on October 27, 2023 or at the call of the Chair.

Carried;



Staff 36-08-23-BOD - **Attachment #1**

Date: 22/09/2023

To: Chair and Members of the Board of Directors

From: Doug Hevenor
CAO/Secretary Treasurer

SUBJECT: October 1st 2023 MOU/Inventory of Programs and Services Update for Submission to Ministry of Natural Resources and Forestry (MNR)

Recommendation:

RESOLVED THAT: the Staff Report No. 36-08-23-BOD, update on Memorandums of Understanding and Nottawasaga Valley Conservation Authority's (NVCA) progress report, be received; and

FURTHER THAT: the Board of Directors approves this progress report in fulfillment of O.Reg. 687/21 to be submitted to the Province's MNR by October 1, 2023 as updated by the CAO and at the approval of the Chair; as required for meeting the needs of the Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act.

Purpose of the Report

This Report provides the MNR and the NVCA Board with an update on the MOUs relating to the Inventory of Programs and Services (IP&S).

Key Issue

To provide an update to the Board of Directors on work underway to update and develop new Memorandums of Understanding (MOUs) and other agreements with participating and partner municipalities in the context of the updated *Conservation Authorities Act* (CA Act) and regulations, and to obtain Board approval of the second progress report on this work, as required under O.Reg. 687/21, Transition

Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act under the Conservation Authorities Act ("Transition Regulation") and to be submitted to the Province.

Background

The Conservation Authorities Act recent regulatory changes require the NVCA to prepare Transition Plans outlining steps and timelines for the preparation of an IP&S and for the development and execution of funding agreements with participating municipalities.

On December 5, 2020 the Conservation Authorities Act was amended. This was followed by three new regulations on October 1, 2021. These changes require Conservation Authorities (CAs) to:

- Complete a Transition Plan by December 31, 2021
- Complete a Program Inventory by February 28, 2022
- Complete Cost Apportioning Agreements by January 1, 2024

On August 30, 2022, NVCA was advised that through new Orders-In-Council made pursuant to the *Executive Council Act*, the MNRF has been designated as the Ministry responsible for administering the *Conservation Authorities Act*. Moving forward, MECP no longer has duties, functions or responsibilities under the CA Act. MECP, which led the legislative and regulatory changes since 2018, will support MNRF during the transition period. Staff will continue to apprise the Board on any further details regarding this change and will continue to circulate this report to MECP to assist with this transition.

Transition Plans require conservation authorities to:

- Outline the timeline and steps they will follow to prepare a program inventory and enter into cost apportioning agreements with participating municipalities Program

Inventories then require conservation authorities to:

List their current programs and services

- Categorize their programs and services into three categories
 - o Category 1 – prescribed as mandatory by the province
 - o Category 2 – delivered on behalf of municipalities
 - o Category 3 – those that further the conservation, restoration, development and management of natural resources
- Identify the cost of delivering each program and service
- Identify the revenue source(s) of each program and service Cost- Apportioning

Agreements then require conservation authorities to:

- Enter into agreements with participating municipalities for any category 2 or 3 programs that are support by municipal levy.

July MOU Activity

- Not much activity in July as many councils recessed for a summer break.
- Met with 36 Ontario CAs GM/CAOs and Conservation Ontario GM to discuss MOUs.
- Met with CAO and Senior Staff of Oro-Medonte to discuss the MOU.
- Provided Oro-Medonte with requested information form our meeting.
- Deputation to Springwater changed from July 5, 2023 to September 20, 2023.
- Reached out to all Municipalities that have not signed MOUs.
- Bradford West Gwillimbury, New Tecumseth, Wasaga Beach, Oro-Medonte, Mulmur, Innisfil, and Essa indicated MOU staff reports to be brought forward in fall of 2023.

August MOU Activity

- Contacted Barrie concerning MOU, CAO is reviewing and will contact us in September/October.
- Provided Clearview CAO, John Ferguson with financial information for category 2 and 3 programs and services.
- Clearview doesn't anticipate a staff report to Council until fall 2023.
- Provided Springwater CAO, Jeff Schmidt with responses to his questions concerning finances for Category 3 programs and services.
- Received feedback from Mulmur CAO on MOU Staff Report, NVCA still supplying further information concerning programs and services back to CAO.
- Followed up with CAO of Essa who indicated she would be bringing a staff report forward in the fall of 2023.

September MOU Activity

- Updated NVCA senior management team of the progress of the MOUs.
- All 36 GMs/CAOs meeting to continue to discuss MOU development.
- Provided Deputation to Mulmur Council on September 6, 2023. They discussed MOU in closed session awaiting their decision on how they will move forward.
- Submitted additional information to Mulmur CAO Tracey Atkinson after the Council meeting.
- Met with New Tecumseth Staff to discuss MOU.

- Waiting to hear back from Barrie CAO on how to proceed as no indication of when a staff report will be brought forward to Barrie Council has been provided.
- Provided New Tecumseth with additional Cat 3 information. They indicated a staff report was coming late October supporting the MOU.
- All other CAOs have suggested that staff reports on MOUs will be presented this fall to their respective Councils.

Comments or feedback provided by municipalities

Update on the progress of negotiations of cost apportioning agreements with participating municipalities.

We have received very positive feedback from most of the partners we have spoken to concerning MOUs and have completed five signed MOUs (Adjala-Tosorontio, Amaranth, Melancthon, Mono and Shelburne) and have three additional Municipalities, including Collingwood, Grey-Highlands, and Town of the Blue Mountains where Councils have approved MOUs and supported our suggested programs and services.

Any difficulties experienced that may impact the ability to enter into cost apportioning agreements by the transition date.

Discussions on specifics have remained very open and no issues have been targeted by Municipal Partners at the staff level. To date, three Municipalities have indicated that they will be selective in Category 3 support for programs and services and 18 of 18 partners have been engaged so the MOU process has started with all partners.

We are still finding timing delays in setting up meetings with Councils, which may be problematic. However, I still remain confident our negotiations will be forthcoming and productive.

We continue to work developing Land Strategy for Inventory and Strategy for Disposition of Land, Ice Control Strategy, and the Watershed Resource Management Strategy.

Since we only have 8 MOUs out of 18 MOUs formally approved in Council the NVCA is asking for an extension to the December 31, 2023 deadline. The NVCA goal remains to negotiate and consult towards administrative MOU compliance for 2024 but in order to comply we feel it is best to ask for the extension by the October 1, 2023 deadline for extension requests.

Relevance to Authority Policy/Mandate

The NVCA currently has Planning Agreements with 13 of our 18 Municipal partners as well with Simcoe County, MNDMNRF, Town of Caledon and the Region of Peel. These agreements are available to review on our NVCA website under Agreements and MOUs at <https://www.nvca.on.ca/planning-permits/planning-guidelines/>.

The NVCA's goal is to continue to negotiate and consult towards administrative MOU compliance for 2024.

Impact on Authority Finances

At this time we see no changes to our proposed 2024 budget resulting from recent regulations changes to the CA Act resulting from Bill 23. Our budget format for 2024 will align with the identification and costs associated with:

- Category 1 – prescribed as mandatory by the province
- Category 2 – delivered on behalf of municipalities
- Category 3 – those that further the conservation, restoration, development and management of natural resources

Climate Change Implications

This staff report does not result in an increase in green house gases, temperature or precipitation exposure.

Approved for submission *and Signed by:*

Doug Hevenor
CAO/Secretary Treasurer



Nottawasaga Valley
Conservation Authority

September 22, 2023

Ministry of Natural Resources and Forestry
Honourable Minister Graydon Smith
Whitney Block, 99 Wellesley St. W.
Toronto, ON
M7A 1W3

Dear Minister Smith,

We are writing on behalf of the Nottawasaga Valley Conservation Authority (NVCA) to formally request an extension from the December 31, 2023 deadline to complete our MOU/cost apportioning agreement for Category 3 items with the remaining ten of our Municipal partners. This is for the purposes of meeting subsections 25 (1.3) and 27 (1.3) of the Act.

We have received very positive feedback from most of the partners we have spoken to concerning MOUs and have completed five signed MOUs including Adjala-Tosorontio, Amaranth, Melancthon, Mono and Shelburne. We also have three additional Municipalities, Collingwood, Grey-Highlands, and Town of the Blue Mountains where Council Committees have approved MOUs and supported our suggested programs and services, and we are just awaiting signed MOUs. At this date we have eight approved MOUs identifying programs and services to be provided by the NVCA.

Since it has taken almost two-years to get to this stage and not one of the remaining ten municipalities have formally identified agreement to the MOU or formally identified the Category 3 items they wish to support, we see the need to request an extension from the December 31, 2023 deadline.

Discussions on specifics have remained very open and Municipal partners at the staff level have targeted no significant issues. To date three of the ten remaining Municipalities have indicated that they may be selective in Category 3 support for some programs and services and 18 of 18 partners have been engaged, so the MOU process has successfully started with all partners.

We are still finding timing delays in setting up meetings with Councils, which do to the short timeline left for completion of the MOU and apportioning agreements this will become problematic. However, we remain confident that our negotiations will be forthcoming and productive.

In our two previous quarterly reports we indicated that we might seek an extension and since we only have eight out of a total of eighteen MOUs formally approved in Council or

Nottawasaga Valley Conservation Authority

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A member of Conservation Ontario

Committee, the NVCA is asking for an extension from the December 31, 2023 deadline. Our goal remains to negotiate and consult towards administrative MOU compliance for 2024 but in order to meet the goal of the legislation we feel it is best to ask for the extension by the October 1, 2023 deadline for extension requests.

Please find attached the approved Staff Report from the NVCA's Board of Directors.

We are requesting that the extension shall be moved to March 31, 2024 as described under subsection 25 (1.3) or 27 (1.3) of the Act.

Sincerely,

Doug Hevenor
CAO/Secretary-Treasurer

&

Gail Little
Chair, Board of Directors

Attachment: Board approved Staff Report, September 22, 2023