



Grand River Conservation Authority Minutes – CA Act Regulations Committee

Date: August 16, 2023
Time: 2:00 p.m.
Location: GRCA Zoom Virtual Meeting
Members Present: John Challinor II, Susan Foxtan, David Miller, Shawn Watters, Chris White
Staff: Samantha Lawson, Karen Armstrong, Sonja Radoja, Eowyn Spencer

1. Call to Order

The meeting was called to order by the Chair at 2:00 p.m.

2. Certification of Quorum

Quorum was certified with all Members present.

3. Review of Agenda

Moved by: John Challinor

Seconded by: Shawn Watters

THAT the agenda for the Conservation Authorities Act Regulations Committee Meeting be approved as circulated.

Carried.

4. Declarations of Pecuniary Interest

5. Minutes of the Previous Meeting

Moved by: Susan Foxtan

Seconded by: David Miller

THAT the minutes of the previous Conservation Authorities Act Regulations Committee Meeting held on June 7, 2023 be approved as circulated.

Carried.

6. Discussion Items:

6.1. Category 2 MOU Update

Feedback from Municipalities

- Samantha updated the Committee regarding the Category 2 MOUs with participating municipalities. The draft MOU was circulated to staff at participating municipalities in June. Leading up to the circulation, GRCA staff provided municipalities with information related to the categories of programs and services and provincial regulatory changes. Additionally, GRCA staff met with municipal staff

who were identified as key project leads and hosted a webinar regarding the MOUs and Category 2 programs and services.

- Samantha reminded the Committee that the new budget framework provides municipalities with a different breakdown of programs and services provided, but the funding requirements for categories 1, 2, and general operating expenses remain approximately the same to what has been included in the general municipal levy.
- Positive feedback has been received throughout the process, and comments on the draft MOU have been received from the majority of participating municipalities.
- Comments and questions received are mainly administrative in nature and relate to items such as the termination clause, apportionment, re-apportionment if one or more municipalities opt out of the agreement, clarification of permitted user fees, and length of the contract.
- Some challenges arose through the process due to changes in the key contacts at some municipalities, and further clarification regarding categories 1 and 2 programs and services has been required.
- With respect to the clause about the ability for the GRCA to charge user fees, staff clarified that they have to include this clause in order to have the ability to charge user fees to third-party users of programs under category 2, not the municipality. There are not currently any user fees of this nature for any category 2 programs or services.
- There was also clarification provided related to the termination clause and the timing of notification. The draft MOU provides a long timing requirement for notification and termination to allow time for staff to seek Board direction on reapportionment, or use of the transition reserve, to finance the difference if one or more municipalities opt out of the MOU.
- Overall, staff at most of the participating municipalities have indicated that they are ready to recommend approval of the MOU, and meetings will continue to be held to provide further clarification and discuss any limiting factors.
- Staff are now looking at finalizing the draft MOU for circulation back to the participating municipalities along with a summary of the feedback provided and any changes that have been incorporated. The final draft of the MOU template will be brought to the Board for approval in September.
- The intention is that the same MOU template will be used for all participating municipalities. Some administrative differences may arise, such as dispute resolution clauses, but the core principles of the MOUs will be consistent.

Extension Request

- Samantha noted that an extension request for the timeline of submissions of the MOUs to the Province is required to be submitted to the Ministry by October 1. An extension would be required if the GRCA is unable to provide signed MOUs from all participating municipalities by the end of the year.
- K.Armstrong added that a timeline is also required to be included in an extension request, to clarify how much additional time would be needed

- At this point it is difficult to determine if an extension will be required, as timelines are subject to change under many contributing factors (ie. Conflicting meeting schedules, Council meeting dates, etc.)
- The Committee discussed the timelines and the provincial submission requirements and generally agreed that finalizing and signing the MOUs will require more discussion and meeting dates, which may be a complicated process and that staff should be directed to make a determination about whether or not to submit an extension request to the Ministry, and if one is to be submitted, staff can determine an appropriate length of time to include in the extension request.
- J.Challinor inquired about Board members providing assistance with discussions if needed with respective municipalities, and S.Lawson noted that in September there may be consideration if needed.
- D.Miller asked for clarification around the impact of one or more municipalities requesting alterations to the MOUs, and S.Lawson clarified that there may be nuances with administrative aspects of the agreements, but that the programs and services provided are a package deal.

Moved by: Susan Foxton

Seconded by: John Challinor

THAT the Ad-hoc Conservation Authorities Act Committee recommends to the General Membership:

THAT staff be directed to submit a request under Ontario Regulation 687/21 for an extension of time beyond the transition date of December 31, 2023 to conclude the cost apportioning agreements for category two programs and services if it is determined that it may be required, with the length of time for the extension request also to be determined.

Carried.

7. Other Business

There was no Other Business.

8. Next Meeting – At the Call of the Chair

9. Adjourn

The meeting was adjourned at 2:33 p.m.