



AMO's Response to the Regulatory Proposal Consultation Guide (Phase 1) under the *Conservation Authorities Act* (ERO posting 019-2986)

Submission to the Ministry of the Environment, Conservation and Parks

June 25, 2021



Timelines

Municipal governments appreciate that the deadline for implementation has moved from the end of 2021, to the end of 2022 although many of our members are still anxious about the tight timelines. It will take some time to thoughtfully negotiate agreements between municipal governments and Conservation Authorities (CAs) as well as implementing budgets. We believe this is possible by January 1, 2023 as long as the more detailed regulations are released soon.

This timeframe will create the opportunity to have conversations between the parties on transition plans which will spell out where municipal levy spending is anticipated.

Municipalities welcome the process of negotiation to reach the Memoranda of Understanding (MOUs) and funding arrangements.

Programs and Services

AMO recommends that the Ministry prescribe the level of service for various activities required to meet the mandatory tasks. The standard for these activities should be set at a level that all Conservation Authorities can afford without increasing the funding required from municipal property tax levy.

The requirement for watershed wide planning is supported by municipal governments, particularly as municipalities look to integrate a climate change lens into part of a Conservation Authority's mandatory activities. Reference to undertaking watershed wide planning that bears in mind the changing climate would be a good addition to the guidance. This would help specifically in the prevention of development on hazard/flood prone lands.

Non-mandatory activities need to retain flexibility as these tasks will vary based on local circumstances. These include growth pressures, existing infrastructure, staff skill base at the municipality and Conservation Authority, council philosophy on green infrastructure, and asset management planning, among others.

There must also be latitude to utilize existing agreements. For example, many municipalities and Conservation Authorities already have MOUs as a cost-effective means of meeting municipal obligations under the Provincial Policy Statement. A flexible approach would help bring clarity to these MOUs in areas of shared responsibility, such as storm water management or sub-watershed studies.

While some general guidance on best practices for agreements would be appreciated, the Ministry should refrain from mandating templates or specific wording in these agreements.

While this new regime will result in greater transparency on how budgets are being spent, AMO believes there will still be challenges to contain costs associated with municipal levy. For example, where there are requirements under various pieces of legislation that will require Conservation Authority staff time for which there is no means of recuperating costs, the municipal levy will have to support these expenditures.

Community Advisory Boards

Despite the "Governance and Oversight" heading in the guidance document, the Guideline suggests that Community Advisory Boards are advisory to, rather than an oversight body of the Conservation Authority Board. AMO suggests the Ministry make the wording more reflective of this distinction to help reduce confusion (i.e., that community advisory boards do not have the executive function of a Conservation Authority Board).

The requirement to establish a Community Advisory Board has been flagged by some municipalities as redundant as some Conservation Authorities already have this in place. As such, the regulation should provide the ability to transition or recalibrate a Conservation Authority's existing committee, where the existing committee meets the requirements of the regulation. This will reduce administrative burden. Latitude should also be provided regarding vacancies to recognize that in some areas attracting Indigenous members may be difficult.

Section 29 CA 'Conservation Areas'

While the detailed language is not available, this approach has the potential to cut red tape and modernize the existing regulation. We understand that the Ministry is not considering any significant change for the proposed regulation to what is in the current CA s. 29 regulations. It is recommended that should enforcement discussions arise, they be included in broader municipal enforcement discussions and not resolved as a stand-alone issue.

Regarding Transition & Training

AMO believes it is possible to implement these changes 18 months from now, and greatly appreciate the additional time for transition. We urge the Ministry to move forward with the next phase of implementation as soon as possible. It is important that there is an opportunity to meet multiple times to agree on the inventory of programs and services, assess the standards to which these are being offered, and the costing of these activities.

The transition period should include training to ensure the new regime is successful. For example, there does not seem to be a process to address the varied staff capacity limits and/or skill gaps across Conservation Authorities. Gaps need to be identified as part of the transition/inventory process, and guidance should encourage innovative solutions and information sharing.

The process should include negotiations on what is being offered and to what standard should be expected. To assist municipalities and Conservation Authorities, the Ministry should consider offering "getting to yes" type training. In fact, the Ministry should undertake a significant education program on all aspects of these changes. This will ensure the public and interested parties have a shared understanding of the scope and intent of the regulations and guidance.

Finally, while legislative and regulatory changes may create greater transparency and fuller agreement on the scope of activities of Conservation Authorities, the fundamental concerns regarding strained staffing capacity at the Conservation Authorities and the need for an infusion of reliable long-term funding remain.



AMO appreciates the opportunity to provide comments. After this round of changes are implemented, we look forward to discussing the matters in Phase 2 regulations that are not addressed in the recent changes to the Act and implementing guidance to regulations.