

Grand River Conservation Authority

Report number: GM-09-23-68

Date: September 22, 2023

To: Members of the Grand River Conservation Authority

Subject: Progress Report #6- Ontario Regulation 687/21

Recommendation:

THAT Progress Report #6 be approved, circulated to all participating Grand River watershed municipalities, posted on the Grand River Conservation Authority website, and submitted to the Ministry of Natural Resources and Forestry in accordance with Ontario Regulation 687/21;

AND THAT the Municipal Memorandum of Understanding and Letter Agreement for Category 2 Programs and Services be approved and circulated to participating municipalities;

AND THAT a two-month extension request of the January 1, 2024 transition date for completion of Municipal Memoranda of Understanding for Category 2 Programs and Services be submitted to the Minister of Natural Resources and Forestry.

Summary:

Not applicable.

Report:

As a requirement under *Ontario Regulation 687/21*, the Grand River Conservation Authority (GRCA) developed and approved a Transition Plan (December 17, 2021) and Inventory of Programs and Services (version 4, dated March 24, 2023). The Inventory of Programs and Services is based on the three categories identified in the Regulation. These categories include (1) Mandatory, (2) Municipally requested, and (3) Other (Authority determines are advisable).

As required under *O.Reg. 687/21* and identified in GRCA's Transition Plan, the GRCA is providing its Progress Report. Under the Regulation, the Progress Reports must include the following:

- Any comments or other feedback submitted by a municipality regarding the inventory
- A summary of any changes that the Authority has made to the inventory to address comments or other feedback- including a copy of the changed inventory and a description of changes
- An update on the progress of negotiations on agreements with participating municipalities
- Any difficulties that the Authority is experiencing that might affect the ability of the Authority to complete the transition plan milestones

Progress Report Details

1) Municipal Comments/Feedback:

- Staff have not received any formal comments or concerns from the participating municipalities regarding the Inventory of Programs and Services.

2) Summary of Changes to Inventory of Programs and Services:

- No changes.

- 3) Update on the Progress of Negotiations with Participating Municipalities on Category 2 Programs and Services:
 - A draft agreement was circulated to all participating municipalities in June 2023. Where requested, staff have met with municipal staff to address any concerns in the draft agreement.
 - Pending approval by the General Membership, a final version of the draft agreement will be circulated to all participating municipalities in September. Several municipalities have set council meeting dates to gain approval of the agreement in September, October, and November.
- 4) Difficulties Reaching Transition Plan Milestones:
 - Although some municipal councils have already approved the Category 2 agreement in principle, there are still some municipal council meetings scheduled for September, October, and November. Due to the potential timing of the presentation of the Category 2 agreement at council meetings, an extension to the transition date (January 1, 2024) should be requested.

Memorandum of Understanding and Letter Agreement

As noted above, a draft Memorandum of Understanding was circulated to all participating municipalities and many municipalities had feedback. Several changes have been incorporated into the current version based on discussions with and feedback from municipal staff, including the addition of a Letter Agreement, and all documents have been vetted through a legal review. Once approved by the General Membership, the final draft Memorandum of Understanding and Letter Agreement, as shown in Attachment A, will be circulated to all participating municipalities with a cover letter requesting approval. Given that this is a new process for all parties involved, GRCA staff have offered to attend council meetings when the agreements will be presented and discussed to assist with any questions that may arise.

Extension of Transition Date

O.Reg. 687/21, identifies the transition date as January 1, 2024, as the day an Authority is required to enter into one or more cost-apportioning agreements with the participating municipalities. Under the same regulation, an Authority may be granted an extension of time beyond the transition date in the following circumstances:

- 1) The Authority submits a request for the extension to the Ministry on or before Oct. 1, 2023.
- 2) The request demonstrates that additional time is required for any of the following reasons:
 - i. The Authority and one or more participating municipalities need time to conclude a cost apportionment agreement for a particular program or service that the authority intends to provide under section 21.1.2 of the Act after the transition date.
 - ii. The Authority needs more time to wind down a particular program or service that was provided by the Authority under section 21.1.2 of the Act before the transition date but that will no longer be provided after the transition date.

The length of the request must also be identified in the notice provided to the Ministry. Section 21.1.2 applies to Category 3 programs and services, and the GRCA does not have any cost-apportioning agreements that apply to those programs. However, given that cost-apportioning agreements are required for the GRCA's Category 2 programs and services, it is assumed that the same timelines and requirements will apply.

The GRCA has been working towards the milestones identified in the Authority's Transition Plan over the last 1.5 years, including extensive work towards obtaining municipal approval of the Category 2 agreements. Although a few participating municipalities have already taken the draft agreement to Council for approval in principle, there are still a number of municipalities who will

be taking the agreement to their respective Councils in September, October, and November once they receive the final version from the GRCA.

To ensure GRCA's compliance with *O.Reg.687/21* and to provide GRCA's 22 participating municipalities time to gain the necessary decisions from their respective councils, it would be appropriate to request a two-month extension (Mar.1, 2024) to the transition date (Jan.1, 2024).

Once the Progress Report is approved, it will be circulated to all watershed municipalities and the Ministry of Natural Resources and Forestry. The Progress Report will also be posted on GRCA's website for public access.

Financial Implications:

Not applicable.

Other Department Considerations:

Not applicable.

Submitted by:

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Chief Administrative Officer