



Corporation of the Township of Perth South

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February 2, 2021

Via Email: minister.mecp@ontario.ca

Honourable Jeff Yurek
Minister of Environment, Conservation, and Parks
777 Bay Street
College Park - 5th Floor
Toronto, ON M7A 2J3

**Re: ONTARIO ANNOUNCES WORKING GROUP TO BETTER FOCUS
CONSERVATION AUTHORITIES**

Dear Minister,

The Municipality of Perth South ("Perth South") is pleased to see your Ministry's development of regulations for the *Conservation Authorities Act*, 1990 R.S.O. 1990, c. C.27 (the "Act"). Perth South supports the proposed changes your government passed respecting conservation authorities in schedule 6 of Bill 229, the *Protect, Support and Recover from COVID-19 Act* (Budget Measures), 2020 ("Bill 229"). I expressed this support in my email to you on November 5, 2020.

Our municipality, like many others across Ontario, has encountered longstanding conflicts regarding operational scope and costs with our principal conservation authority the Upper Thames River Conservation Authority ("UTRCA"). Despite requests made in writing and through delegations at annual Board Budget meetings no resolution has been found. It is for this reason that Perth South was pleased to see the changes made through Bill 229; however, we were disappointed when the Working Group composition was announced as it is dominated by conservation authorities who are tasked with recommending the very regulations that govern them. I am sure you can agree that the initial optics of the governed designing the governance of themselves is concerning. Conservation authorities, most of whom opposed your reforms, should not be relied upon to develop fair and objective recommendations on their own.

Further to my email of January 12, 2021, I am writing to you to confirm and clarify your full intent and scope for the Working Group your Ministry announced on December 16, 2020 to develop updated regulations. We are hopeful that you will direct this Working Group with clear, limited, and specific instructions that will focus on the intent of changes included in Bill 229.

Perth South seeks your clarity that this Working Group's tasks will be built on the following principles in the areas of focus highlighted:

1. *Mandatory core programs and services conservation authorities would be required to provide.*
 - (a) That 'mandatory' core programs are limited to the changes included in schedule 6 of Bill 229: conservation lands solely owned by conservation authorities, flood-control, erosion, and natural hazards;
 - (b) That conservation authorities are not permitted any discretion via regulations to exit those defined and strict categories; and
 - (c) That 'services' must be concise, limited, and have obvious direct need to fulfil core mandates not merely 'link' or 'complement' the same.
2. *The agreements between municipalities and conservation authorities and the transition period associated with non-mandatory programs and services*
 - (a) That the regulations establish a clear, consistent, and template pro-forma for these agreements that includes at a minimum:
 - i. a specified time limitation to prevent perpetuity;
 - ii. clear intent and objectives;
 - iii. clear definitions, terms, and conditions;
 - iv. the identified necessity for it/them;
 - v. accurate, evidence-supported budget forecasting;
 - vi. the impact of items (i-iv) on each participating municipality;
 - vii. supporting science-based evidence that meets or exceeds the standard(s)/threshold(s) applied to any third party deemed an applicant and/or subject to an

agreement's provisions including on any items requiring peer review;

- viii. municipal and public input mechanisms and timelines;
- ix. dispute resolution processes that adhere to the legislation and the timelines proscribed therein; and
- x. municipal refusal/opt-out clause(s) where proposals do not have the support of the participating municipality and/or do not reasonably benefit a participating municipality or municipalities given their geographical extent or limit within the watershed of the conservation authority in question.

- (b) That the "transition period," associated cannot be greater than one (1) fiscal year from the date of Bill 229's passage in the case of any pre-existing agreement and no more than two (2) years from the date of Bill 229's passage; and
- (c) That the Working Group must understand the principle that one "cannot do by regulation what one cannot do in law."

3. *How local members of the community can participate in their conservation authorities through community advisory boards*

- (a) That these advisory boards and the conservation authorities that they 'advise' are not delegated responsibilities or tasks that are a normative function of a conservation authority's operations and not delegation(s) or devolution(s) of a conservation authority's board and its committees' obligations and normal work;
- (b) That voluntarily submitted proposals for programs, projects, and services cannot be for activities either not contemplated or permitted under either conservation authorities' mandated functions or approved non-mandatory agreements;
- (c) That advisory committee's recommendations and work are neither binding nor required under a conservation authority's administrative by-laws;
- (d) That any aspect of an advisory committee's work that requires public consultation becomes a function of the conservation authority's board or its approved board-fulfilled committees not the advisory committee/group;
- (e) That membership on any advisory committee or group must be balanced and reflect its composition to watershed citizens who are

resident and contributing ratepayers in participant municipalities of the conservation authority in question;

- (f) That conservation authorities' obligations to conduct deliberate, regular, thorough, and transparent public consultation on matters of policies, programs, and services cannot be delegated to an 'advisory' committee or group. That such functions remain a core and mandatory function of a conservation authority's board; and
- (g) That community advisory boards neither relieve nor substitute a conservation authority's obligation to incorporate citizens into consultative and/or input processes that are board-led or directed.

We understand and agree that partnerships and collaboration are critical but want to ensure that there is balance in the parties that will represent the Working Group.

Perth South also looks forward to greater clarity from the Ministry with respect to conservation authority budget and levy processes in the regulation updates. We are very pleased with the avenues of appeal Bill 229 will now provide, after recently exploring the costly and difficult appeal process that previously existed.

As you work to reach the final outcome on these long overdue changes, Perth South and its residents are relying on you to ensure that the development of regulations will align with the spirit of the changes requested by Perth South and other municipalities across the province during the consultations that occurred in early 2020.

I thank you for the work you are undertaking and trust our comments will be received and conveyed with your support to this Working Group. I am confident many more municipalities in this province would echo our points of view.

Yours sincerely,



Robert Wilhelm
Mayor
Township of Perth South

cc: All municipalities in Ontario

Ministry of Environment, Conservation, and Parks Working Group members on
Proposed Regulations under the Conservation Authorities Act.

Randy Pettapiece, MPP Perth-Wellington