

## Section I – Items for Board of Directors Action

**TO:** Chair and Members of the Board of Directors  
Meeting #6/19, Friday, June 21, 2019

**FROM:** Michael Tolensky, Chief Financial and Operating Officer

**RE:** **CONSERVATION AUTHORITIES ACT AMENDMENTS AND REQUEST FOR DIRECTION TO PURSUE AND EXECUTE UPDATED MEMORANDUMS OF UNDERSTANDING AND SERVICE LEVEL AGREEMENTS WITH PARTNER MUNICIPALITIES BASED ON TERMS OUTLINED IN THIS REPORT**

---

### KEY ISSUE

Update on the known impacts of the amendments to the Conservation Authorities Act on the programs and services offered to partner municipalities by Toronto and Region Conservation Authority (TRCA) and request for direction to pursue and execute updated memorandums of understanding and service level agreements with partner municipalities.

### RECOMMENDATION

**WHEREAS** amendments to the Conservation Authorities Act call for non-mandatory programs and services offered to partner municipalities to be governed under a memorandum of understanding or such other agreement as may be entered into with the municipality in respect of the programs and services;

**AND WHEREAS** Toronto and Region Conservation Authority (TRCA) has a range of agreements already executed with its partner municipalities, including memorandums of understanding and service level agreements, which could be revised to better reflect the broad range of fee for service work performed;

**THEREFORE, LET IT BE RESOLVED THAT** TRCA staff be given direction to pursue and execute updated memorandums of understanding and service level agreements with its partner municipalities based on the terms set out in this report and report back to the Board of Directors at the earliest opportunity as agreements are entered into.

### BACKGROUND

At Executive Committee meeting #4/19 held on May 3, 2019, TRCA staff presented a report entitled 'Budget Composition – Improving Accountability and Transparency of TRCA's Budget Process'. The report foreshadowed the anticipated change to the budget process resulting from amendments to the Conservation Authorities Act, highlighting the expected impact for its partner municipalities.

Bill 108, More Homes, More Choice Act, 2019, received Royal Assent on June 6, 2019 and this legislation amended the Conservation Authorities Act and multiple Acts. Section 21.1(1) of the Conservation Authorities Act now clarifies that an authority's programs or services within its area of jurisdiction are limited to the following:

*21.1 (1) An authority shall provide the following programs or services within its area of jurisdiction:*

## Item 8.11.

1. *A program or service that meets any of the following descriptions and that has been prescribed by the regulations:*
  - i. *Programs and services related to the risk of natural hazards.*
  - ii. *Programs and services related to the conservation and management of lands owned or controlled by the authority, including any interests in land registered on title.*
  - iii. *Programs and services related to the authority's duties, functions and responsibilities as a source protection authority under the Clean Water Act, 2006.*
  - iv. *Programs and services related to the authority's duties, functions and responsibilities under an Act prescribed by the regulations.*
2. *A program or service, other than a program or service described in paragraph 1, that has been prescribed by the regulations on or before the first anniversary of the day prescribed under clause 40 (3) (h). 2019, c. 9, Sched. 2, s. 4.*
- (3) *Programs and services required to be provided under subsections (1) and (2) shall be provided in accordance with such standards and requirements as may be set out in the regulations. 2019, c. 9, Sched. 2, s. 4.*

Section 21.1.1 of the Conservation Authorities Act further clarifies that a conservation authority can provide additional programs or services to its partner municipalities, within the following parameters:

- (1) *An authority may provide within its area of jurisdiction municipal programs and services that the authority agrees to provide on behalf of a municipality situated in whole or in part within its area of jurisdiction under a memorandum of understanding or such other agreement as may be entered into with the municipality in respect of the programs and services.*
- (2) *An authority shall make a memorandum of understanding or other agreement available to the public in such manner as may be determined in the memorandum or agreement.*
- (3) *An authority and a municipality who have entered into a memorandum of understanding or other agreement shall review the memorandum or agreement at such regular intervals as may be determined in the memorandum or agreement.*
- (4) *Programs and services that an authority agrees to provide on behalf of a municipality shall be provided in accordance with the terms and conditions set out in the memorandum of understanding or agreement.*

### **RATIONALE**

Under the amendments to the Act, it is anticipated that numerous programs and services funded by partner municipality levies will now be governed through agreements, as they are not deemed mandatory programs and services. This will not necessarily change how municipalities choose to fund TRCA programs and services, but it will improve accountability and transparency regarding how these programs and services are governed.

### **Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan**

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:  
**Strategy 7 – Build partnerships and new business models**

### **DETAILS OF WORK TO BE DONE**

Upon receipt of direction from the Board of Directors, TRCA staff will reach out to the staff at all upper tier and lower tier partner municipalities, in order to start advancing the updated service level agreements, in accordance with the changes in the Conservation Authorities Act.

## Item 8.11.

The proposed structure of the service level agreements is that there would be a master agreement, setting out overarching terms and conditions governing all municipal programs and services provided by TRCA. The agreements would include schedules outlining specific terms and conditions for each of TRCA's service areas.

The overarching terms for the service level agreement would include:

- Duration of four years, with provision for extension of the agreement for additional four year terms.
- Requirement for the review of the agreement on an annual basis, with TRCA responsible for initiating and coordinating this annual review with senior staff of the partner municipality.
- Agreement would be available to the public on request.
- Municipality would advise TRCA in advance of proposed changes to approved budgets.
- Standard indemnity and insurance provisions, consistent with other service agreements that exist between TRCA and its municipalities.
- Provision for further details of specific programs and services to be set out in separate Letter Agreements, signed by authorized staff of each party, from time to time.

**Report prepared by: Michael Tolensky, extension 5965**

**Emails: michael.tolensky@trca.ca**

**For Information contact: Michael Tolensky, extension 5965**

**Emails: michael.tolensky@trca.ca**

**Date: June 18, 2019**