

Section I – Item for Board of Directors Action

TO: Chair and Members of the Board of Directors
Friday, February 26, 2021 Meeting

FROM: John MacKenzie, Chief Executive Officer

RE: **PROCLAMATION OF GOVERNANCE AND ADMINISTRATIVE AMENDMENTS TO THE CONSERVATION AUTHORITIES ACT**

KEY ISSUE

To provide an update on recent provincial proclamation of the governance and administrative amendments to the [Conservation Authorities Act](#) (Act).

RECOMMENDATION

THAT this information report be received;

THAT, under section 17(1.3) of *the Conservation Authorities Act*, the Board of Directors request that the Minister of Environment, Conservation and Parks grant permission to Toronto and Region Conservation Authority (TRCA) to continue to elect the Chair and Vice-Chair for a term of two (2) years and to allow to elect the Chair and Vice-Chair representing the same municipality as the outgoing Chair and Vice-Chair;

AND FURTHER THAT, should the Minister grant the requested exception, it is to apply retroactively to the results of the February 26, 2021 Chair and Vice-Chair elections.

BACKGROUND AND RATIONALE

On November 5, 2020, the Province of Ontario introduced *Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures)*, 2020. Schedule 6 of Bill 229 proposed a number of amendments to the *Conservation Authorities Act* and the *Planning Act*, discussed in detail in the November 13, 2020 Board report (amended Res.#A176/20) and presentation (Res.#A175/20) and further during the January 29, 2021 Board of Directors Education session. Bill 229 received Royal Assent on December 8, 2020. New section 28.0.1 associated with the requirements for conservation authorities to issue permits where development has been authorized by a Minister's Zoning Order (MZO) was proclaimed upon the passing of the legislation and is discussed in greater detail in a separate February 26, 2021 Board report. Additionally, following Royal Assent, a number of governance, permitting and enforcement amendments were to be proclaimed at a later date.

On February 5, 2021, the Ministry of Environment, Conservation and Parks (MECP) informed all conservation authorities that a number of amendments to the Act, largely related to governance, administration and accountability, were proclaimed on February 2, 2021. Table 1 summarizes these amendments and their implications to TRCA.

Table 1: Conservation Authorities Act Amendments Proclaimed on February 2, 2021

Provisions Proclaimed on February 2, 2021	Implications for TRCA
Section 14 (1.1): Council of a participating municipality shall ensure that at least 70 per cent of its	No immediate action is required to address the changes. Current Board of Directors members will be able to complete the remaining duration of their

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<p>appointees are selected from among the members of the municipal council.</p> <p>Section 14 (1.2) Exception: Minister may grant permission to a municipality to select less than 70 per cent of its appointees to an authority from among the members of the municipal council, subject to such conditions or restrictions as the Minister considers appropriate.</p>	<p>appointments. During the next appointment cycle, municipalities would have to either comply with the 70 per cent requirement or may apply to the Minister requesting an exception to it. The City of Toronto and the Town of Mono/ Township of Adjala-Tosorontio, the only TRCA municipalities that appoint members of the public, have expressed an interest in applying for an exception in the future.</p>
<p>Section 14(2.2): CAs are required to make public and provide to the Minister copies of municipal member agreements in respect to the total number of municipally appointed members.</p>	<p>On June 27, 1984 the Authority requested (Res.#71/84) that the Ministry of Natural Resources reduce it's membership to 31 to streamline its operations. January 1, 1986 Order of Council No.2127/85 formally changed membership to 31. The current composition of the Board of Directors resulted from the Province opting out from the authority membership on January 10, 1996, decreasing the membership by 3 to the current 28.</p> <p>Advice provided to another CA from MECP indicates that no action is required <i>"if the Region and CA have not changed the number of members that has been established through the population formula under the CAA or under a past Order in Council"</i>.</p> <p>However, in an abundance of caution, TRCA staff will provide MECP with the relevant records and a letter, outlining how TRCA complies with this requirement.</p>
<p>Section 14(4): Minister's power to appoint a member from the agricultural sector with limitations added to the member's voting rights.</p>	<p>Not applicable at this time. The appointment may happen in the future and is at the discretion of the Minister. If and when this occurs it will require an update to the Board of Directors Administrative By-Law.</p>
<p>Section 17 1.1): Limiting the term of the chair or vice-chair to one year with a maximum of two consecutive terms.</p> <p>Section 17(1.2): Requirement to rotate chair and vice-chair positions among CA's participating municipalities.</p> <p>Section 17(1.3) Exception: Minister may grant an exception to the above-mentioned sections, which would allow a chair/vice-chair to hold office for more than two one year terms, or a member to succeed an outgoing chair, vice-chair, appointed from the same participating municipality.</p>	<p>Currently, under TRCA's Board of Directors Administrative By-Law, the Chair and Vice-Chair are elected for a two-year term.</p> <p>Due to the scope and complexity of work undertaken by TRCA which requires extended briefing time, TRCA staff will seek Board of Directors approval to seek Minister's permission to apply for an exception under section 17 (1.3) to continue to elect the Chair and Vice-Chair for a term of two (2) years and to allow elections of the Chair and Vice-Chair from the same municipality as the outgoing Chair and Vice-Chair.</p> <p>The Board of Directors Administrative By-Law would need to be updated to reflect the changes.</p>

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Sections 15 (2.1) and Sections 15 (2.2): Authority will make agendas and minutes available to public within specific time parameters.	No impact, as TRCA is already compliant.
Section 21(1): Minor amendments to the 'powers of authorities': integrating the CA power to "cause research to be done" with the CA power to "study and investigate the watershed" in order to support the programs and services the CA delivers.	No impact.
Section 21(1): To require consent of the occupant or owner of the land before a CA staff can enter the land for the purpose of a CA project (such as land surveying).	No impact.
Subsections under sections 23.1 and 23.2: Enable the Minister to issue a binding directive to a CA following an investigation and enable the province, upon recommendation by the Minister, to appoint a temporary administrator to assume control of a CA's operations following an investigation or the issuance of a binding directive, if the directive is not followed. Immunity is provided for the administrator.	Not applicable at this time.
Section 38(1): Conservation authorities will transition to the use of generally accepted accounting principles for local government and ensure that key conservation authority documents are made available to the public.	No impact, as TRCA is already compliant.
Remove the power of a CA to expropriate land.	Where expropriation of land for a CA project is required, the expropriation would need to be undertaken or authorized through agreement by a municipal partner.

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

FINANCIAL DETAILS

There are no financial implications associated with this report.

DETAILS OF WORK TO BE DONE

TRCA staff will prepare and circulate the request for an exception letter to the Minister, Environment, Conservation and Parks.

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