



Board of Directors
Meeting No. BOD-08-23
Friday, September 29, 2023
9:00 a.m.

Agenda

Meeting Location:

120 Bayview Parkway, Newmarket
Minutes and agendas are available at www.LSRCA.on.ca

Upcoming Events

Board of Directors' Meeting

Friday, October 27, 2023
120 Bayview Parkway, Newmarket

Conservation Awards Ceremony

Tuesday, October 10, 2023
NewRoads Performing Arts Centre, Newmarket

Lake Simcoe Conservation Foundation

35th Annual Conservation Dinner

Wednesday, June 12, 2024
The Manor at Carrying Place

A full listing of events can be found at www.LSRCA.on.ca

I. Acknowledgement of Indigenous Territory

II. Declarations of Pecuniary Interest and Conflicts of Interest

III. Approval of Agenda

Pages 1 - 4

Recommended: That the content of the Agenda for the September 29, 2023 meeting of the Board of Directors be approved as presented.

IV. Adoption of Minutes

a) Board of Directors

Pages 5 - 11

Included in the agenda is a copy of the draft minutes of the Board of Directors' Meeting, No. BOD-07-23, held on Friday, July 28, 2023.

Recommended: That the minutes of the Board of Directors' Meeting, No. BOD-07-23, held on Friday, July 28, 2023 be approved as circulated.

V. Announcements

VI. Presentations

a) Education Program Overview

Pages 12 - 14

Manager, Education, Nicole Hamley, will provide an overview of the Conservation Authority's Education Program. This presentation will be provided at the meeting and will be available on the Conservation Authority's website following the meeting.

Recommended: That the presentation by Manager, Education, Nicole Hamley, regarding an overview of the Conservation Authority's Education Program be received for information.

Staff Report No. 50-23-BOD regarding the Conservation Authority's Education Program is included in the agenda.

Recommended: That Staff Report No. 50-23-BOD regarding an overview of the Conservation Authority's Education Program be received for information.

b) Lake Simcoe Water Levels

Pages 15 - 17

Manager, Environmental Science and Monitoring, David Lembcke, will provide an overview of the Lake Simcoe water levels including roles and responsibilities. This presentation will be provided at the meeting and will be available on the Conservation Authority's website following the meeting.

Recommended: That the presentation by Manager, Environmental Science and Monitoring, David Lembcke, regarding an overview of the Lake Simcoe water levels including roles and responsibilities be received for information.

Staff Report No. 51-23-BOD regarding the Lake Simcoe water levels including roles and responsibilities is included in the agenda.

Recommended: That Staff Report No. 51-23-BOD regarding Lake Simcoe Water Levels be received for information.

VII. Hearings

There are no Hearings scheduled for this meeting.

VIII. Deputations

There are no Deputations scheduled for this meeting.

IX. Determination of Items Requiring Separate Discussion

(Reference Page 4 of the agenda)

X. Adoption of Items Not Requiring Separate Discussion

XI. Consideration of Items Requiring Separate Discussion

XII. Closed Session

There are no Closed Session items for this meeting.

XIII. Other Business

Next Meeting

The next scheduled meeting is Friday, October 27, 2023. This meeting will be held in person at the Conservation Authority's Newmarket offices located at 120 Bayview Parkway, Newmarket.

XIV. Adjournment

Agenda Items

1. Correspondence

Pages 18 - 25

- a) Rescue Lake Simcoe Coalition and Forbid Roads Over Green Spaces letter of July 27, 2023 to Spills, Ontario and copied to the Conservation Authority's Board of Directors.

Recommended: That Correspondence item a) be received for information.

2. Conservation Authorities Act Transition - Quarterly Progress Report No. 6 for September 2023

Pages 26 - 30

Recommended: That Staff Report No. 52-23-BOD regarding the Conservation Authority Transition Quarterly Progress Report No. 6 be received; and

Further that the September 2023 Conservation Authority Transition Quarterly Progress No. 6 be approved for submission to the Ministry of Natural Resources and Forestry.

3. Lake Simcoe Preserve - Update on 2022 Tax Relief Request

Pages 31 - 35

Recommended: That Staff Report No. 53-23-BOD regarding the status of the Lake Simcoe Conservation Preserve 2022 property tax appeal be received; and

Further That Staff be directed to submit a formal request to the Hon. Paul Calandra, Minister of Municipal Affairs and Housing, the Hon. Caroline Mulroney, MPP York-Simcoe, and MPP Andrea Khanjin to provide a letter of support to the Conservation Authority's 2022 property tax appeal and;

Further That Staff be directed to proceed to engage with the Town of Georgina to seek appropriate tax refunds for the Preserve Lands under the Municipal Act.

4. 2024 Operating and Capital Expenses Apportionment Procedures

Pages 36 - 40

Recommended: That Staff Report No. 54-23-BOD regarding Operating and Capital Expenses Apportionment Procedures be received; and

Further That the apportionment methodology for Category 1 operating and capital expenses apportionment outlined within this report be approved.

Lake Simcoe Region Conservation Authority

Board of Directors' Meeting

Board of Directors' Meeting No. BOD-07-23

Friday, July 28, 2023

120 Bayview Parkway, Newmarket

Meeting Minutes

Board Members Present

Regional Chairman W. Emmerson (Chair), Councillor P. Ferragine (Vice Chair), Councillor S. Bell, Councillor F. Drodge, Regional Councillor B. Garrod, Mayor R. Greenlaw, Mayor V. Hackson, Councillor D. Le Roy, Councillor C. Pettingill, Mayor M. Quirk, Councillor M. Thompson, Deputy Mayor and Regional Councillor T. Vegh, Councillor E. Yeo

Board Members Absent

Councillor A. Eek, Councillor B. Hamilton, Councillor S. Harrison-McIntyre, Mayor I. Lovatt, Councillor C. Riepma

Staff Present

R. Baldwin, T. Barnett, A. Brown, C. Byron, M. Critch, A. Cullen, P. Davies, D. Goodyear, E. Green, L. Grzywniak, K. Kennedy, S. O'Connor, D. Ruggle, C. Taylor, K. Toffan, K. Yemm

I. Land Acknowledgement

Chair Emmerson acknowledged the Lake Simcoe watershed as traditional Indigenous territory and thanked all generations of Indigenous peoples for their enduring and unwavering care for this land and water.

II. Declarations of Pecuniary Interest or Conflict of Interest

None noted for the meeting.

III. Approval of Agenda

Moved by: P. Ferragine

Seconded by: C. Pettingill

BOD-103-23 **Resolved That** the content of the Agenda for the July 28, 2023 meeting of the Board of Directors be approved as circulated. **Carried**

IV. Adoption of Minutes

a) Board of Directors' Meeting

Moved by: M. Quirk

Seconded by: R. Greenlaw

BOD-104-23 **Resolved That** the minutes of the Board of Directors' Meeting, No. BOD-06-23, held on Friday, June 23, 2023 be approved as circulated. **Carried**

V. Announcements

There were no announcements for this meeting.

VI. Presentations

a) Second Quarter 2023 Financial Report and Year-End Forecast

General Manager, Corporate and Financial Services/CFO, Mark Critch, provided an overview of the Second Quarter 2023 Financial Report and Year-End Forecast. He reviewed the Executive Summary, noting an operational surplus on June 30th of \$285K, with 2023 Annual Priorities progressing well. He noted that a surplus is forecast for year-end with projects continuing to progress well and within budget, many set to be carried over into 2024. Reserve activity is expected to be in line with the budget. Staff are forecasting an overall year-end operational surplus position of \$570K, and he reviewed the main contributing drivers. Staff will continue to monitor key trends, which will inform the 2024 operational budget. The 2024 budget and reporting structure will be built in accordance with the new Conservation Authorities Act guidelines. To view this presentation, please click this link: [Second Quarter 2023 Financial Update and Forecast](#)

Moved by: F. Drodge

Seconded by: M. Thompson

BOD-105-23 **Resolved That** the presentation by General Manager, Corporate and Financial Services/CFO, Mark Critch, regarding the Second Quarter 2023 Financial Report be received for information. **Carried**

Included in the agenda was Staff Report No. 39-23-BOD regarding the Second Quarter 2023 Financial Report.

Moved by: F. Drodge

Seconded by: M. Thompson

BOD-106-23 **Resolved That** Staff Report No. 39-23-BOD regarding the Conservation Authority's Second Quarter 2023 Financial Report and Year-End Forecast be received for information. **Carried**

b) Lake Simcoe Conservation Preserve Overview and Update

Director, Conservation Lands, Phil Davies, provided an overview of the Conservation Authority's newest acquired property located in the Town of Georgina, temporarily called the Lake Simcoe Conservation Preserve. The property was transferred to the Conservation Authority in late March of 2022 and comprises 5 parcels of land, 360 hectares (890 acres), as well as an Environmental Protection designation by way of Minister's Zoning Order. He reviewed the completed management activities, including land survey and boundary marking, fencing and signage to close of the property, and ecological monitoring. He reviewed the agricultural leases and associated revenue, as well as the status of property taxes, noting that the Conservation Authority's filing for a reduction in 2022 property taxes had been denied. He referenced property studies that have been completed, which will inform next steps including short-term stewardship plans and monitoring. He then reviewed the timeline for a master plan, which is scheduled for completion December 2025. Please click this link to view the presentation: [Lake Simcoe Conservation Preserve](#)

Following the presentation, Board members directed staff to bring a resolution back to the September meeting seeking assistance from local watershed members of provincial parliament on the 2022 property tax relief issue.

Moved by: M. Quirk

Seconded by: S. Bell

BOD-107-23 **Resolved That** the presentation by Director, Conservation Lands, Phil Davies, regarding an overview of the Lake Simcoe Conservation Preserve be received for information. **Carried**

Included in the agenda was Staff Report No. 40-23-BOD regarding the Lake Simcoe Conservation Preserve.

Moved by: M. Quirk

Seconded by: S. Bell

BOD-108-23 **Resolved That** the Staff Report No. 40-23-BOD regarding the Lake Simcoe Conservation Preserve update and master planning process be received for information. **Carried**

VII. Hearings

There were no Hearings at this meeting.

VIII. Deputations

There were no Deputations at this meeting.

IX. Determination of Items Requiring Separate Discussion

No items were identified under items requiring separate discussion.

X. Adoption of Items not Requiring Separate Discussion

Items No. 1, 2, 3, 5 and 6 were identified under items not requiring separate discussion.

Moved by: D. Le Roy

Seconded by: F. Drodge

BOD-109-23 **Resolved That** the following recommendations respecting the matters listed as "Items Not Requiring Separate Discussion" be adopted as submitted to the Board, and staff be authorized to take all necessary action required to give effect to same. **Carried**

1. Correspondence

BOD-110-23 **Resolved That** no Correspondence Items be received. **Carried**

2. Monitoring Report – Planning and Development Applications January 1 to June 30, 2023

BOD-111-23 **Resolved That** Staff Report No. be received for information. **Carried**

3. Update to Retroactive Permit Fees

BOD-112-23 **Resolved That** Staff Report No. 42-23-BOD regarding implementing incentives for obtaining retroactive permits be received: and

Further That the approach for collecting retroactive permit fees be approved for implementation effective immediately. **Carried**

5. 2023 Annual Priorities Update for the Second Quarter

BOD-113-23 **Resolved That** Staff Report No. 44-23-BOD regarding the second quarter status of the Conservation Authority's 2023 Annual Priorities be received for information. **Carried**

6. Oak Wilt Fungal Tree Disease

BOD-114-23 **Resolved That** Staff Report No. 45-23-BOD regarding oak wilt fungal tree disease be received for information. **Carried**

XI. Consideration of Items Requiring Separate Discussion

Item No. 4 was identified under items requiring separate discussion.

4. Georgina Island Fixed Link Project Update

Chair Emmerson noted the Fixed Link project is sure to have many environmental impacts and due to its Federal jurisdiction, the Conservation Authority's capacity is a commenting agency only. He noted that a state-of-the-art system for potable water has been installed on Georgina Islands for residential use.

Moved by: R. Greenlaw

Seconded by: C. Pettingill

BOD-115-23 **Resolved That** Staff Report No. 43-23-BOD regarding an update on the status of the Georgina Island Fixed Link project be received for information. **Carried**

XII. Closed Session

The Board moved to Closed Session to deal with confidential human resources matters.

Moved by: E. Yeo

Seconded by: V. Hackson

BOD-116-23 **Resolved That** the Board move to Closed Session to deal with confidential legal and human resources matters; and

Further that the Chief Administrative Officer and members of the Executive Leadership Team remain in the meeting for the discussion on all items; and

Further that the Director, Development Services remain in the meeting for the discussion on Items a) and b);

Further that the consultant from Marianne Love Consulting remain in the meeting for the discussion on Item d). **Carried**

The Board rose from Closed Session to report findings.

Moved by: E. Yeo

Seconded by: D. Le Roy

BOD-117-23 **Resolved That** the Board rise from Closed Session and report findings. **Carried**

a) Confidential Legal Matter

Moved by: M. Thompson

Seconded by: S. Bell

BOD-118-23 **Resolved That** Confidential Staff Report No. 46-23-BOD regarding a confidential legal matter be received for information. **Carried**

b) Confidential Legal Matter

Moved by: M. Thompson

Seconded by: S. Bell

BOD-119-23 **Resolved That** Confidential Staff Report No. 47-23-BOD regarding a confidential legal matter be received for information. **Carried**

c) Confidential Human Resources Matter

Moved by: M. Thompson

Seconded by: S. Bell

BOD-120-23 **Resolved That** Confidential Staff Report No. 48-23-BOD regarding a confidential human resources matter be received; and

Further that the recommendations contained within the report be approved. **Carried**

d) Confidential Human Resources Matter

Moved by: C. Pettingill

Seconded by: F. Drodge

BOD-121-23 **Resolved That** Confidential Staff Report No. 49-23-BOD regarding a confidential human resources matter be received; and

Further that the recommendations contained within the report be approved. **Carried**

e) Confidential Human Resources Matter

Moved by: V. Hackson

Seconded by: M. Thompson

BOD-122-23 **Resolved That** a confidential human resources matter be received; and

Further that the Director, Human Resources be directed to implement the changes approved by the Board of Directors. **Carried**

XIII. Other Business

- a) The next meeting has been changed from Friday, September 22, 2023 to Friday, September 29, 2023 This meeting will begin at 9:00a in person at the Newmarket Administrative Offices.

XIV. Adjournment

Moved by: R. Greenlaw

Seconded by: D. Le Roy

BOD-123-23 **Resolved That** the meeting be adjourned at 11:52 a.m. **Carried**

Original to be signed by:

Original to be signed by:

Wayne Emmerson
Chair

Rob Baldwin
Chief Administrative Officer

Staff Report

To: Board of Directors

From: Nicole Hamley, Manager, Education

Date: September 10, 2023

Subject

Education Program Overview

Recommendation

That Staff Report No. 50-23-BOD regarding an overview of the Conservation Authority's Education Program be received for information.

Purpose of this Staff Report

The purpose of this Staff Report No. 50-23-BOD is to provide the Board of Directors with an overview of the education program, including current partnerships and achievements in school and community programming, as well as priorities for future growth and program sustainability.

Background

The Conservation Authority's Education team provides outdoor and environmental education experiences to children, youth and adults across the Lake Simcoe watershed through a variety of mechanisms. These include visits to Scanlon Creek Conservation Area (home of the Nature Centre); outreach at schools, in schoolyards and local greenspace; live virtual programs; and a variety of online resources and activities.

The Education team is staffed by a combination of Ontario Certified Teachers, certified Forest School Practitioners, and outdoor education specialists. The team includes four Full Time Equivalent positions and based on demand and operational requirements, several contract staff.

Our **school programming** provides provincial curriculum-connected programs and services for students and educators from kindergarten to grade 12. This is achieved through service agreements with Simcoe County District School Board, Simcoe Muskoka Catholic District School Board, York Region District School Board and York Catholic District School Board. Additionally, services outside the scope of school board contracts are provided, as requested by educators, including classroom teachers in Durham Region and at private educational institutions. In 2022, the Education team achieved 14,180 student engagements.

Our **community programming** provides unique learning opportunities to enhance participants' connections to the health of the Lake Simcoe watershed in areas where they live, work and

play. Staff are currently focussed on delivering camps based at Scanlon Creek, such as Spring into Scanlon March Break Camp, Forest School Summer Camp, and the award-winning Therapy in the Woods program in partnership with Royal Victoria Regional Health Centre. The Education team also supports several local municipalities by providing programming at seasonal events and summer camps. In 2022, the Conservation Authority engaged with over 2,600 children, youth and adults through various community programs.

The Education team also provides online activities and resources through the Conservation Authority's webpage, including the five-episode Lake Simcoe Sessions climate change podcast, as well as through the Outdoor Learning with the Lake Simcoe Region Conservation Authority Facebook group, which currently boasts over 1,200 members.

Issues

The Education team has faced a variety of significant challenges over the past several years including the cancellation of all programming in spring 2020 due to COVID-19; impacts to school bookings resulting from job action on behalf of education unions; and delays in advancing the final design and construction of the new Nature Centre. These challenges have forced staff to continue to deliver programs in a building that is no longer adequate for its needs.

Through a combination of robust safety plans and innovative and adaptive programming, the Education team is well positioned to respond to any program impacts that may arise in the 2023/24 school year related to COVID-19 and/or job action. Working collaboratively with the Conservation Authority's Facilities and Greenspace Services staff on proactive building maintenance ensures program delivery can continue in the existing Nature Centre, while the development of the new Nature Centre is moving closer to becoming a reality.

Relevance to Conservation Authority Policy

The Education program engages learners of all ages, interests and abilities through learning experiences that raise awareness, impart knowledge, create understanding, and inspire action that all lead to real and lasting change. This work is critical in supporting the Conservation Authority's strategic direction to spark a passion and action for nature.

Impact on Conservation Authority Finances

Currently, the Education program has a mixed revenue model consisting of revenue generated through user fees and by the Lake Simcoe Conservation Foundation (48%) and general levy (52%). Changes to the *Conservation Authorities Act* including the placement of the Education program in Category 3 will impact this mixed revenue model by removing eligibility for general levy in 2024 and beyond.

In anticipation of this change, key steps have been taken over the past several years to ensure the Education program remains financially sustainable. This has included a revision to the education fee schedule to recover a higher ratio of program costs while remaining as competitive and accessible as possible. Overall, the revised fee schedule has been positively received by school board and community partners with some critical feedback.

Efforts have also included pursuing available funding opportunities. Together with the Lake Simcoe Conservation Foundation, a successful grant application was recently awarded by the Royal Bank of Canada (RBC) Foundation for a two-year grant totaling \$150,000. With this RBC Tech for Nature funding, the Education team will continue to expand its climate change programs and services.

Furthermore, the Education team is driving new revenue generation through targeted expansion of school programming (grades, subject areas) and community programs (increased number of camp spaces and available weeks). These efforts will dovetail with the opening of the new Nature Centre, which will further expand capacity and create new opportunities for partnership development and revenue generation.

Summary and Recommendations

The Conservation Authority's Education program provides important opportunities for land-based learning, connecting people to nature and inspiring action. The team's proven adaptability and innovation demonstrate that we will continue to succeed and remain key players, especially post-pandemic when outdoor and environmental programs and services are in higher demand than ever before.

It is therefore **Recommended That** Staff Report No. 50-23-BOD regarding an overview of the Conservation Authority's Education Program be received for information.

Pre-Submission Review

This Staff Report has been reviewed by the Director, Communications and Community Engagement and the Chief Administrative Officer.

Signed by:

Kristen Yemm
Director, Communications and Community
Engagement

Signed by:

Rob Baldwin
Chief Administrative Officer

Staff Report

To: Board of Directors

From: David Lembcke, Manager, Environmental Science and Monitoring

Date: September 1, 2023

Subject

Lake Simcoe Water Levels

Recommendation

That Staff Report No. 51-23-BOD regarding Lake Simcoe Water Levels be received for information.

Purpose of this Staff Report

The purpose of this Staff Report No. 51-23-BOD is to provide the Board of Directors with an overview of Lake Simcoe water levels including roles and responsibilities.

Background

The Lake Simcoe watershed is within the greater watershed of Lake Huron, which drains to Lake Erie and then Lake Ontario, and ultimately through the St. Lawrence seaway. However, since 1920 with the completion of the Trent Severn Waterway (Waterway), Lake Simcoe is hydraulically connected to Lake Huron and Lake Ontario. The Waterway connects Trenton on Lake Ontario to Port Severn on Georgian Bay consisting of a 386km long navigation route encompassing more than 60 lakes, 15 rivers, 102 dams and 45 locks. While the waterway is not a commercially viable shipping route, it is operated with the goal of providing safe navigation for recreational boaters while trying to accommodate other uses such as flood mitigation, fisheries management, assimilative capacity, hydro generation and climate considerations.

Connection to the Waterway means that the water level of Lake Simcoe is managed by Parks Canada to meet their operational goals. The Waterway has two key operational priorities for Lake Simcoe water levels, being spring water level management and summer drawdown. During the spring the Waterway strives to reduce flooding while storing as much water as possible for summer use. This is a delicate balance of retaining water in Lake Simcoe and Couchiching without overfilling, the difficulty of which is compounded by the inputs from the uncontrolled north Black River. Through summer the water levels are slowly drawn down utilizing as little water as possible from storage lakes striving to maintain navigable depths in the Waterway while maintaining sufficient flows to ensure water quality. Questions from the public on Lake Simcoe water levels are some of the most frequently asked questions the

Conservation Authority receives, both regarding high spring water levels and flood risk or low summer levels and navigation challenges. To this end the Conservation Authority developed a fact sheet on water levels that can be found through the following link:

<https://www.lsrca.on.ca/Pages/Lake-Simcoe-Water-Levels.aspx>

To guide these seasonal objectives, the Waterway developed a rule curve for Lake Simcoe that has been in operation since 1918. The rule curve sets a seasonal water level objective for Lake Simcoe that varies from 218.69 meters above sea level (masl) to 219.06masl, a total variation of only 37cm. Realistically, climatic variation such as drought or increased precipitation make perfect implementation of the rule curve very difficult on a lake as big as Lake Simcoe; however, in the over 100 years that the lake has been managed the lake level has only varied by approximately 1 meter.

When high lake water levels do occur, this can lead to shoreline impacts that can include shoreline flooding, local drainage impacts, damage to shoreline structures like docks or boat houses due to storm surge, seiche or wave damage, and increased risk to low lying agricultural lands and dikes.

The Conservation Authority's monitoring network supports the flood warning program, provides information to calculate a Lake Simcoe water balance for phosphorus loads, and provides insights into the climatic drivers and challenges of water level management. Through a network of approximately 35 monitoring stations, the annual water balance for the lake is calculated identifying the main sources of water to the lake (supply) and loss from the lake. This also highlights that the main source of water loss from the lake in summer is due to evaporation, a loss greater than the supply from all tributaries. The Talbot River is the largest tributary source to the lake at 21%, as well as being its connection to the Waterway.

Climate change is beginning to affect the traditional hydrology of lake supply and loss components, including greater annual variability, changing seasonality of flow as well as increasing losses in winter due to lack of ice cover and therefore greater evaporative loss. Ultimately, this will make managing lake water levels according to the rule curve increasingly difficult and unpredictable into the future.

Issues

It is not uncommon for the Conservation Authority to receive public inquiries or complaints regarding the management of water levels in Lake Simcoe. As described in this report, however, management of lake level resides with the Parks Canada through the Waterway and their operational objectives.

High lake water levels can increase the risk of damage due to shoreline flooding and flooding of low-lying agricultural lands such as the Holland Marsh. Therefore, as part of the flood warning

program the Conservation Authority communicates regularly with Waterway staff during periods of high lake levels to ensure appropriate messaging is conveyed to watershed residents. Climate change is affecting the amounts and timing of inputs and outputs of water to the lake. This increasing variability may necessitate updating the established rule curve by Parks Canada.

Relevance to Conservation Authority Policy

The protection of people and property from natural hazards through the flood management and warning activities is a core responsibility of the Conservation Authority, as well as a goal under the current strategic plan. Given the potential impact high water levels on Lake Simcoe may have on shoreline flooding and damage to shoreline structures, it is critical that the Conservation Authority continues to monitor and understand drivers of lake water levels along with continued communication and collaboration with Trent Severn Waterway staff to minimize flood risk.

Impact on Conservation Authority Finances

Flood warning is a mandatory program under the *Conservation Authorities Act*. Monitoring of lake level, stream flow and meteorological parameters is conducted in support of the Lake Simcoe Protection Plan and is funded through a combination of Provincial agreements and municipal levy as mandatory programs. The Conservation Authority has no financial role in the management of Lake Simcoe water levels.

Summary and Recommendations

It is therefore **Recommended That** Staff Report No. 51-23-BOD regarding Lake Simcoe Water Levels be received for information.

Pre-Submission Review

This Staff Report has been reviewed by the General Manager, Integrated Watershed Management and the Chief Administrative Officer.

Signed by:

Don Goodyear
General Manager, Integrated Watershed
Management

Signed by:

Rob Baldwin
Chief Administrative Officer

From:
Rescue Lake Simcoe Coalition
120 Primeau Dr.
Aurora, ON
L4G 6Z4
rescuelakesimcoecoalition@gmail.com
647-267-7572



-And-
Forbid Roads Over Green Spaces
20989 Yonge St.
East Gwillimbury, ON
L3Y 4V8
bfoster@frogs.ca
905-836-0663



Letter to Spills, Ontario Web.Foi.MGCS@ontario.ca

July 27, 2023

Dear Sirs,

We are writing to report that the East Holland River has had so much salt “spilled” into it over many years, that it routinely exceeds Canada’s chronic exposure level for salt / chloride in Summer and Autumn each year and the acute level in Winter (see figure on pg 3).

Furthermore, since the opening of Hwy 404 north of Green Lane, 84% of water samples taken from the Maskinonge River, now exceed chronic salt levels. This river parallels highway 404 and also flows into Lake Simcoe. As we will discuss in more detail later in this letter, the proposed Bradford Bypass is expected to dramatically worsen the quality of adjacent rivers and ultimately Lake Simcoe.

Request for Enforcement of Section 36(3) of the Fisheries and Oceans Act

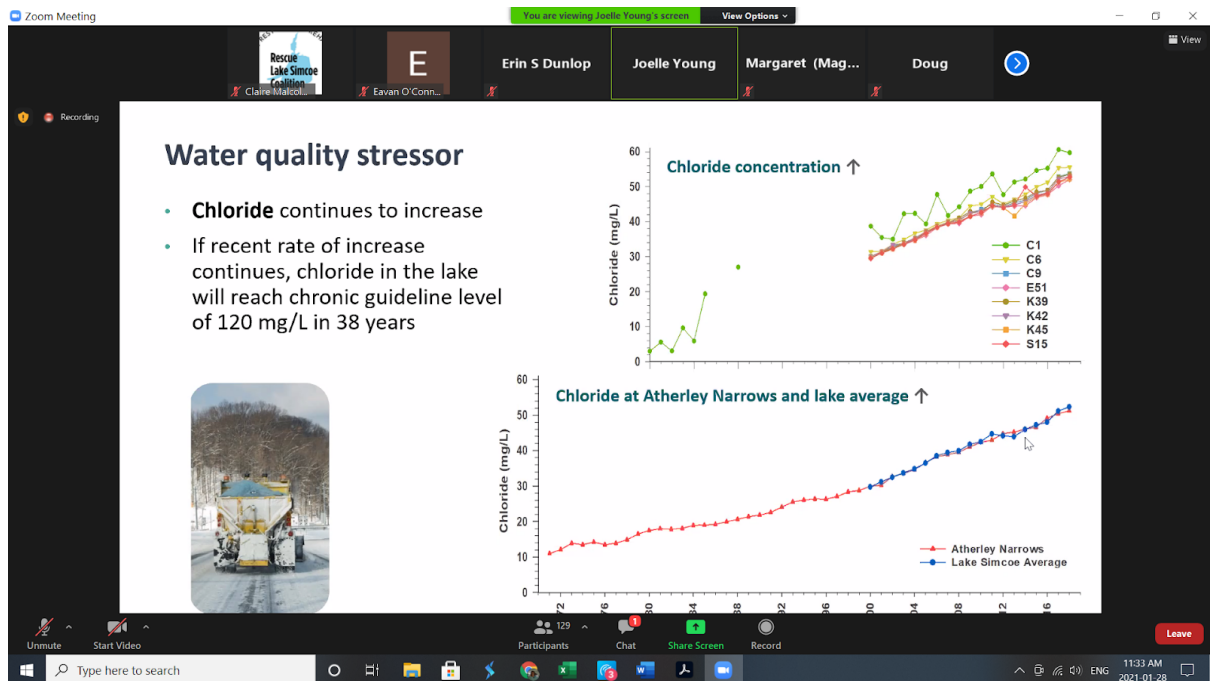
Under these circumstances, by means of this “Spill Report” we are formally requesting that regulations be enacted as soon as possible to prohibit the use of road salt on highway 404 north of Green Lane and any other provincial highway where road salting activities have the potential to contribute salt runoff into Lake Simcoe.

There are a number of environmentally benign salt substitutes that can be used to address these problems. We acknowledge that salt substitutes are more expensive than road salt but wish to point out that both the Province and the Federal Government have committed \$40 million to build a phosphorous recycling facility to improve phosphorus levels in Lake Simcoe. This project will essentially be money thrown away if we do nothing to also curb the chloride levels in Lake Simcoe. To allow this level of chloride loading of Lake Simcoe to continue unabated and subsequently be dramatically increased by construction of the Bradford Bypass is a failure to enforce Section 36(3) of the Fisheries and Oceans Act. Such a failure to enforce the law would be an unconscionable disregard for our national and provincial stewardship responsibilities concerning both our natural environment and the health of the human population which is reliant on the Lake Simcoe watershed.

The MTO intends to build the Bradford Bypass in this area. This new 8 lane, high speed, controlled access highway will dramatically increase the amount of salt discharged into both the East and West Branches of the Holland River. Both of these rivers drain into Lake Simcoe which is currently forecast to reach critical chloride levels within the next 36 years without the Bradford Bypass.

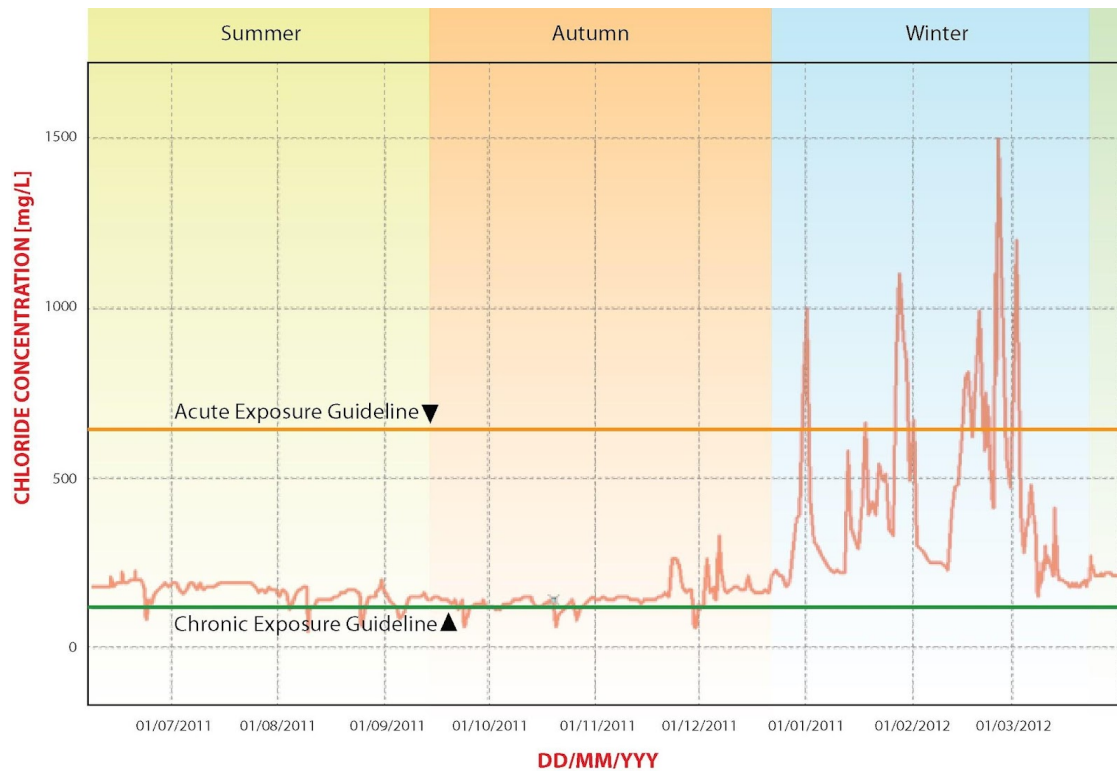
Below we highlight known chloride impacts to Lake Simcoe, the East and West Holland Rivers, and the Maskinonge River, all of which will be affected by the Bradford Bypass.

Lake Simcoe will reach the chronic chloride level in 36 years



Source: Message delivered Joelle Young, MOECP Water Quality
 Lake Simcoe Science Event January 28th, 2021, Part of the LSPP review consultation
 Ministry of the Environment, Conservation and Parks

Holland River impacts: Holland Landing Station Daily Chloride Concentrations (July 2011 - April 2012)



Source: <https://www.lsrca.on.ca/Pages/Sodium-Chloride.aspx>

The chart below is from the Lake Simcoe Region Conservation Authority (LSRCA)'s 2015 study, *Identification of salt vulnerable areas in the Lake Simcoe Watershed*, which highlights: "In fact, Hotchkiss Creek, **East Holland River**, and North Schomberg River **have all exceeded the Federal guideline of 640 mg/L for short-term exposure for aquatic organisms several times since 2007.**"

There is more recent data available but they have not been analysed or presented for public viewers <https://www.ontario.ca/page/map-provincial-stream-water-quality-monitoring-network>

The salt problem is getting worse and the speed of degradation will probably increase with all the new development and roads planned for this area.

Summary of chloride trends at Lake Simcoe water quality stations

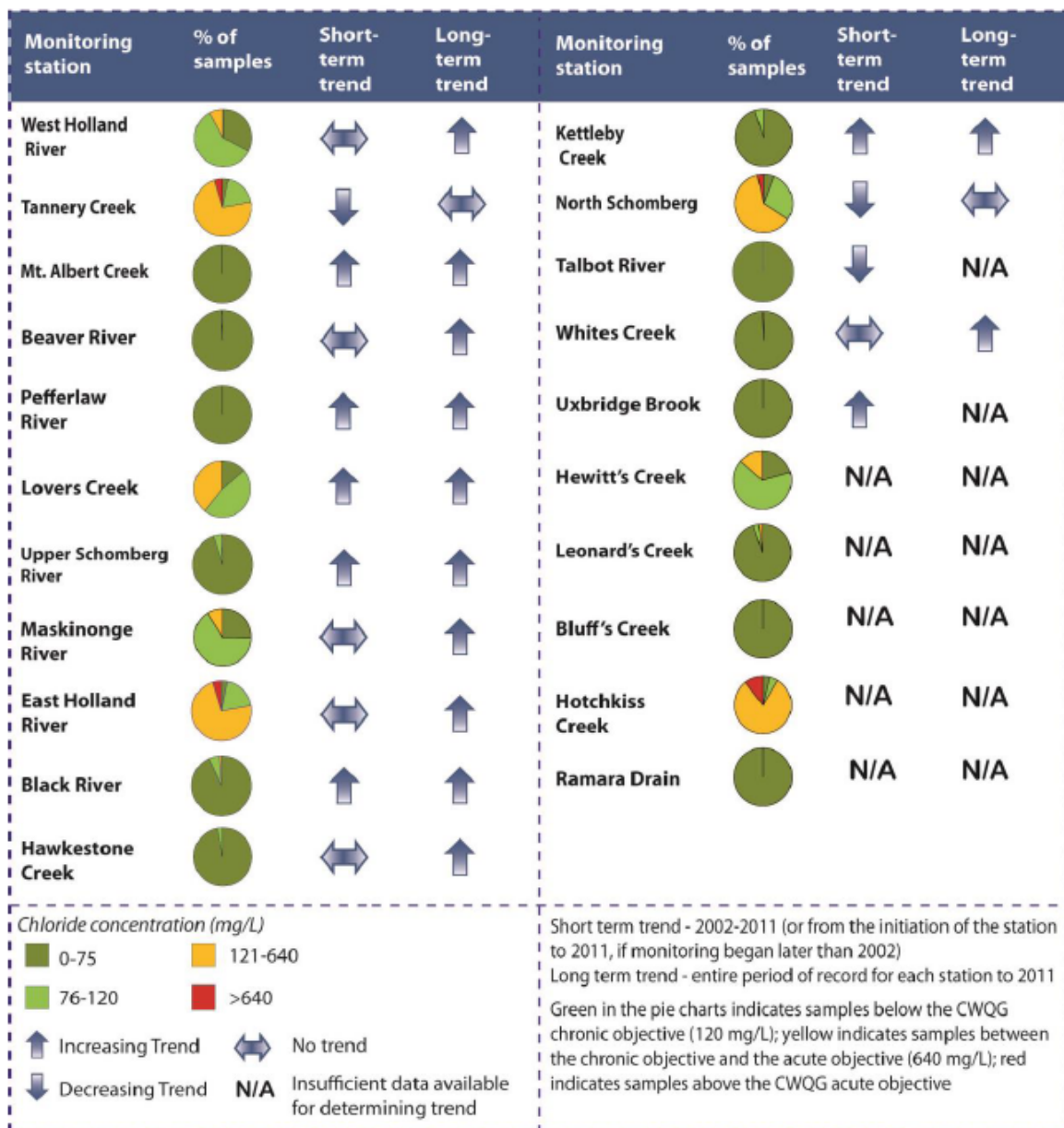


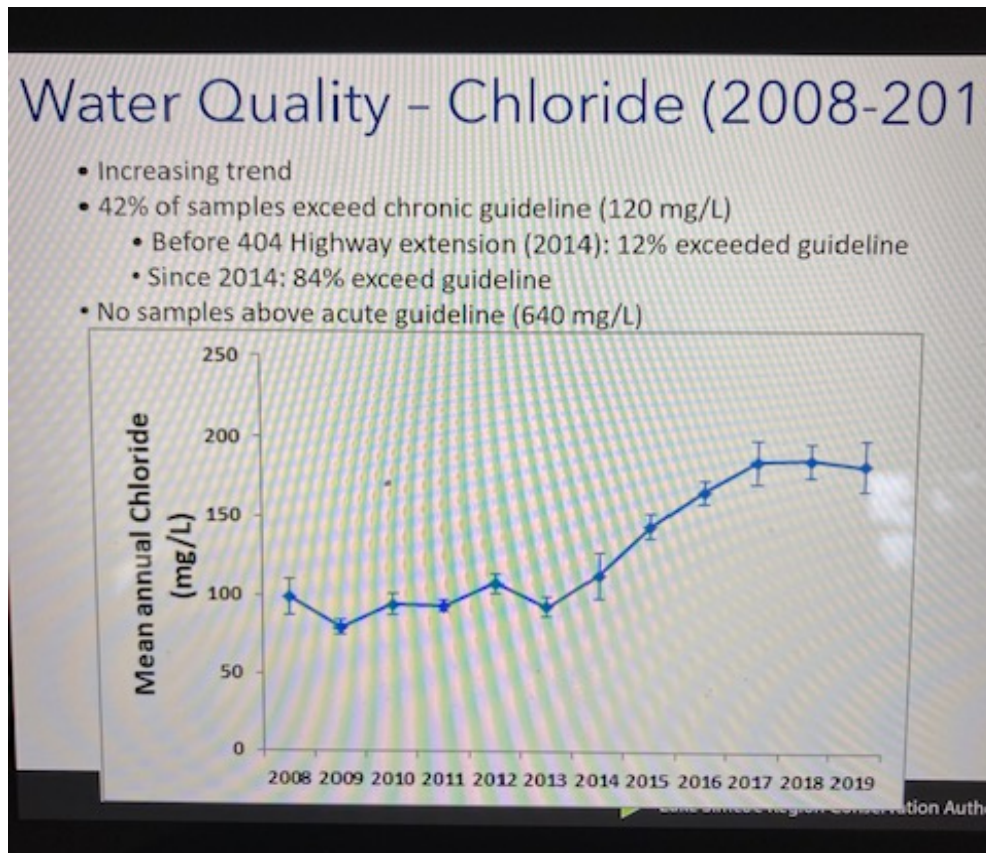
Figure 2. Summary of chloride concentrations at Lake Simcoe water quality stations (taken from LSRCA, 2013)

Source: Lake Simcoe Region Conservation Authority (LSRCA)'s 2015 study, *Identification of salt vulnerable areas in the Lake Simcoe Watershed*. p.2.

As you can see most of the long term trends are going up - meaning more chloride. Note the East Holland River.

How the chloride impacts of Highway 404 serve as a cautionary tale

This concern about salt pollution is raised because we have evidence that the salt mitigation measures used on the 404 highway have been ineffective at reducing salt pollution. Before the 404, 12% of water quality samples on the Maskinonge River exceeded the chronic guideline for chloride. After the 404 was built 84% of samples exceeded the chronic guideline.



Source: Screen capture of a slide presented by the LSRCA to residents in the Maskinonge River subwatershed of lake Simcoe.

The construction of Hwy 404 north of Green Lane, as well as the expansion of the road network, shortened the previous time to critical salination for Lake Simcoe by approximately 11 years. The work was undertaken by the MTO at a time when regulatory controls and MoECP staffing levels were adequate. The fact that this project has resulted in further deterioration of the Maskinonge's water quality is evidence that the guidelines and mitigation approaches used to date are not effective enough.

The Lake Simcoe Region Conservation Authority (LSRCA)'s 2015 study, *Identification of salt vulnerable areas in the Lake Simcoe Watershed* says: "Areas where the greatest increases have been predicted include the south end of Cook's Bay in East Gwillimbury, particularly around Queensville (Figure 19). In addition to being a focal area for growth in the Lake Simcoe watershed, the Queensville area is primarily in **the headwaters of the Maskinonge River, which has characteristically low flows and limited groundwater discharge. As such, relatively little surface water runoff will be available to dilute salt applied to roads and parking lots in this area.** Increases in chloride concentration in this area are predicted to be as high as 6000 mg/L resulting in a **potential of increasing impacts to**

45 aquatic species (of a total of 47 included in analysis).

Stress upon stress is absolutely destroying the Maskinonge River. ⇒ ⇒ ⇒

There is no doubt that these rivers need relief, not more highways built and operated in the same ways that have contributed to their demise.

The Bradford Bypass poses further risks to rivers and Lake Simcoe



The proposed Bradford Bypass Draft Impact Assessment Report only looks at construction related impacts on Lake Simcoe. It totally ignores the cumulative salt impacts to Lake Simcoe caused by the long term operation of this Highway.

Before going ahead with the Bradford Bypass, we need a solution to the salt problem. Using salt alternatives has been proposed and tested; this is a time to insist that a salt alternative be used. It is important to understand that **Ontario proposes to use the same EA process** we have seen for the Bradford Bypass **on another 54 km of highway in the Lake Simcoe watershed** to the east, connecting Hwy 404 to Hwy 12. Either we deal with the salt problem as it is now, or we deal with this again in a decade when it is much worse.

The mitigation commitments contained in the Bradford Bypass Draft Environmental Impact Assessment v 2, July 13, 2023 are so non committal that we can have no confidence the problems caused by the extension of Highway 404 will not also occur with construction of the Bradford Bypass. Pg. 280 of the Draft Environmental Impact Assessment, July 13, 2023, (which can be found here <https://www.bradfordbypass.ca/study-process/>) shows that project mitigation commitments are just to follow best practices. If the same “best practices” were used on the 404 extension, then chloride pollution will increase, as it did on the Maskinonge River.

The Draft Environmental Impact Assessment for the Bradford Bypass makes no reference to the long term impacts of salt from this planned new highway. It totally ignores the formal resolutions of seven local watershed councils which specifically requested an impact assessment of this proposed highway on the future health of Lake Simcoe.

Detailed design of the Bradford Bypass is where the mechanisms to ensure the protection of surface groundwater are to be laid out. The province has left the very important and potentially expensive and challenging work to the free market when they get a design / build contract in place, which is the plan. That could happen this year.

We submit that this approach guarantees a perpetual conflict because every mitigation effort undertaken by the contractor will mean lower revenues for them. Thus the contractor will be under pressure to do as little as possible in order to make more money or avoid losing

money, which is also a significant risk given the unstable ground over which this highway will be built.

Ontario and the Federal Government must demand that the polluters, in this case, these highways, stop polluting Lake Simcoe with salt. That is the pollution spill caused by substances entering water that we are reporting. If this pollution problem cannot be addressed through your agency, please tell us who to report this to.

What is Ontario going to do about this ongoing pollution problem? The entire lake is on an accelerated trajectory to reach the chronic chloride exposure level in 36 years. Disregarding this issue is simply issuing a *slow death* certificate to Lake Simcoe.

Sincerely,



Claire Malcolmson,
Executive Director, Rescue Lake Simcoe Coalition
RescueLakeSimcoeCoalition@gmail.com



C. William D. Foster
Chair, Forbid Roads Over Greenspaces
bfoster@frogs.ca

CC:

LSRCA CAO R.Baldwin@lsrca.on.ca
LSRCA Board via t.barnett@lsrca.on.ca
MoECP minister.mecp@ontario.ca
MTO minister.mto.@ontario.ca
MPP Khanjin andreakhanjin@pc.ola.org
MPP Mulroney caroline.mulroney@pc.ola.org
Federal Regulator re Fisheries Act FPFA-PFLP@ec.gc.ca
GIFN Council
Town of Georgina info@georgina.ca
Town of East Gwillimbury clerks@eastgwillimbury.ca
Town of Bradford West Gwillimbury council@townofbwg.com
NDP Climate Action, Energy critic Peter Tabuns tabunssp-qp@ndp.on.ca
Liberal Environment, Conservation and Parks critic Sandy Shaw shaw-QP@ndp.on.ca
Green Party Leader Mike Schreiner mschreiner@ola.org

By Mail:

Georgina Island Administration Office

R.R.#2 Box N-13

Sutton West, Ontario L0E 1R0

Staff Report

To: Board of Directors

From: Rob Baldwin, Chief Administrative Officer

Date: September 15, 2023

Subject:

Conservation Authorities Act Transition - Quarterly Progress Report No. 6 for September 2023

Recommendation:

That Staff Report No. 52-23-BOD regarding the Conservation Authority Transition Quarterly Progress Report No. 6 be received; and

Further that the September 2023 Conservation Authority Transition Quarterly Progress No. 6 be approved for submission to the Ministry of Natural Resources and Forestry.

Purpose of this Staff Report:

The purpose of this Staff Report No. 52-23-BOD is to update the Board of Directors on the status of the *Conservation Authority Act* transition, as well as to seek approval to submit the sixth and final mandatory quarterly update to the Ministry of Natural Resources and Forestry.

Background:

The Ministry of Environment, Conservation and Parks (Ministry) implemented the first phase of *Conservation Authorities Act* regulations in October 2021. The regulations require each conservation authority to have a transition plan in place by December 31, 2021 and to create an inventory of programs and services by February 28, 2022. These documents initiate consultations with member municipalities prior to the Transition Date of January 1, 2024.

The Programs and Services Inventory approved by the Board on February 25, 2022 lists the programs and services that the Conservation Authority currently delivers and intends to deliver in the future. Staff circulated the Inventory to member municipalities, and the Ministry held a municipal presentation regarding the Inventory on February 24, 2022.

Regulations require the provision of quarterly updates to the Ministry as consultations take place and the Programs and Services Inventory is refined. Six quarterly reports are to be submitted to Ministry of Natural Resources and Forestry, hereinafter referred to as the Ministry as follows: in 2022 - July 1st and October 1st; and in 2023 - January 1st, April 1st, July 1st, and October 1st. This edition of the quarterly report is the final report required.

The reports are required to include:

1. Any comments or other feedback submitted by a municipality regarding the inventory;
2. A summary of any changes that the conservation authority has made to the inventory to address comments or other feedback referred to in clause 1;
3. An update on the progress of negotiations of cost apportioning agreements with the participating municipalities;
4. An outline of any difficulties that the conservation authority is experiencing that might affect its ability to conclude any cost apportioning agreements with one or more participating municipalities by the transition date.

The sixth progress report is attached for the Board's consideration and provides an update on the requirements, as well as other relevant legislative mandatory requirements.

Issues

The primary issues at the time of this report are the direct and indirect impacts of Bill 23 on Conservation Authority business and activities performed on behalf of member municipalities. Aspects of Bill 23 will continue to be tracked as they evolve to evaluate any impacts to the Conservation Authority.

Municipalities that are members of multiple conservation authorities have expressed some general concerns regarding getting the agreements approved by the end of the year. In discussions only one municipality has requested that the Conservation Authority request an extension to the deadline. To support this request and all member municipalities, the Conservation Authority will file an extension request for the execution of all agreements no later than the end of February 2024.

Relevance to Conservation Authority Policy:

This report and the quarterly update are consistent with legislative requirements and Conservation Authority policy.

Impact on Conservation Authority Finances:

There is currently no direct impact on Conservation Authority finances. Any potential or future financial impacts will be identified as they arise.

Summary and Recommendations:

This report is the sixth and final of a series of mandatory quarterly reports required under regulation to be provided to the Ministry. This report also provides the Board with a quarterly

update as the Conservation Authority goes through the significant transition process moving towards the critical January 1, 2024 conclusion date for most requirements.

It is therefore **Recommended That** Staff Report No. No. 52-23-BOD regarding the Conservation Authority Transition Quarterly Progress Report No. 6 be received; and **Further that** the September 2023 Conservation Authority Transition Quarterly Progress No. 6 be approved for submission to the Ministry of Natural Resources and Forestry.

Signed by:

Rob Baldwin
Chief Administrative Officer

Attachments:

- i) Conservation Authority Quarterly Progress Report No. 6 – September 2023

Conservation Authority

Quarterly Progress Report No. 6 - Final

September 2023

1. Engagement with Member Municipalities

- In-person meetings with all participating and specified municipalities have been ongoing.
- All municipalities have expressed their direct support for the Conservation Authority and for the continuation of existing Conservation Authority programs and services.
- Some concern is being raised regarding the disconnect in approving agreements ahead of formal budget submission, discussion, and subsequent approval. The two processes are not aligned in their respective timing.

2. Summary of Changes to Program and Services Inventory

- No further changes required at this time. The Conservation Authority has developed 2024 Budget assumptions based on the Program and Services Inventory. No suggestions or request for any changes to the Program and Services Inventory has been indicated by any participating or specified municipality.

3. Update on cost apportioning / service agreements with participating municipalities

- A draft cost apportioning agreement has been completed. Discussions with member municipalities are currently occurring. Staff have set a goal to have all agreements executed by the end of 2023. One municipality has requested that the Conservation Authority request a minor extension to ensure that the agreement makes it through the Council cycle. Staff will prepare and submit an extension request to the end of February 2024 to assist municipalities in approving the agreement. The majority of the required agreements are scheduled to be on municipal Council agendas during Fall 2023.
- Bill 23 requires minor amendments to the existing Planning Memorandums with member municipalities. Meetings are ongoing with participating municipalities to address the minor changes.

4. Difficulties affecting the establishment of cost apportioning agreements with participating municipalities.

- The current challenge is the final execution of the agreements as municipal Council agendas are quite full through the remainder of 2023. We are hopeful that all agreements will be executed within 2023; however, one municipality has indicated that their respective conservation authorities should seek an extension through to the end of February 2024.

Status Update on Various Mandatory Requirements

Activity Area	Current Status	Ongoing or Next Steps
Information Requirements	<ul style="list-style-type: none"> • 100% compliant with mandatory information requirements 	<ul style="list-style-type: none"> • Ongoing maintenance and posting of agreements as required
Governance	<ul style="list-style-type: none"> • Exception request for Chair and Vice-Chair being submitted • Meetings have occurred with specified municipalities with no issues raised 	<ul style="list-style-type: none"> • Review of current bylaws to identify any amendments • Awaiting additional response from the Minister's office regarding the exception request.
Conservation Land Management	<ul style="list-style-type: none"> • Land Securement Strategy Complete • Land Disposition Strategy Complete • Various Conservation Area management plans complete 	<ul style="list-style-type: none"> • Land inventory well underway. • CA Management Strategy underway.
Watershed Management Strategy	<ul style="list-style-type: none"> • All subwatershed plans are complete and have a process for updating. • Meeting with MECP staff has occurred and clear direction has been established. 	<ul style="list-style-type: none"> • A Terms of Reference has been completed and initial work has commenced. • Detailed work has commenced with good progress to date.
Fees	<ul style="list-style-type: none"> • Undertook a detailed and comprehensive fee review in 2021 with external consulting using standard municipal costing practices • New fee scheduled was implemented in 2022 	<ul style="list-style-type: none"> • Fees will remain frozen for 2023. • Staff will begin looking at implementing an inflationary adjustment in 2024 to keep fees current to the market.

Staff Report

To: Board of Directors

From: Phil Davies, Director, Conservation Lands

Date: September 29, 2023

Subject

Update: Lake Simcoe Conservation Preserve 2022 Property Tax Appeal

Recommendation

That Staff Report No. 53-23-BOD regarding the status of the Lake Simcoe Conservation Preserve 2022 property tax appeal be received; and

Further That Staff be directed to submit a formal request to the Hon. Paul Calandra, Minister of Municipal Affairs and Housing, the Hon. Caroline Mulroney, MPP York-Simcoe, and MPP Andrea Khanjin to provide a letter of support to the Conservation Authority's 2022 property tax appeal; and

Further That Staff be directed to proceed to engage with the Town of Georgina to seek appropriate tax refunds for the Preserve Lands under the Municipal Act.

Purpose of this Staff Report

The purpose of this Staff Report No. 53-23-BOD is to provide the Board with an update regarding the status of the Conservation Authority's 2022 property tax appeal for the Lake Simcoe Conservation Preserve (Preserve) and to seek the Board's direction to request letters of support from the Hon. Paul Calandra, Minister of Municipal Affairs and Housing, the Hon. Caroline Mulroney, MPP York-Simcoe, and MPP Andrea Khanjin to accompany the Conservation Authority's 2022 property tax appeal to the Ontario Assessment Review Board (Review Board) and initiate discussions with the Town of Georgina to explore a remedy under the Municipal Act to obtain a reassessment of the lands to reflect the currently approved conservation exemptions.

Background

Staff provided an update to the Board regarding the Lake Simcoe Preserve lands on July 28, 2023 through a presentation and Staff Report 40-23-BOD. At that time, the Board requested a follow-up report to obtain a Board resolution requesting support for the Conservation Authority's tax appeal from the Province of Ontario to be included with the Conservation Authority's property tax appeal.

The Conservation Authority acquired the Preserve lands on March 28, 2022. The Preserve is comprised of five parcels of land with a total area of 360 hectares (890 acres). At the time of the transfer, the tax liability for the property was \$136,000.00 (April to December 2022). Prior to the lands being donated to the Conservation Authority, portions were designated for residential development containing a 1,073-unit recreational retirement community (1984), which accounted for most of the tax liability at the time of these acquisitions.

Following the transfer of the lands, Conservation Authority staff submitted the appropriate application(s) to the Ministry of Natural Resources and Forestry's (Ministry) to enroll the properties in Conservation Land Tax Incentive Program (Program) to minimize the Conservation Authority's property taxes. Given the timing of the transfer, staff were advised by Ministry staff that the window to submit a request to the Program for the 2022 calendar year had been missed. The deadline for submitting the appeal was March 31, 2022 (three days after the land transfer). Therefore, the Ministry could not apply these exemptions for 2022 unless directed to through the tax appeal process. Staff proceeded to submit applications to the Program /Community Conservation Lands in July 2022 for the 2023 tax year, as the Ministry approved all requests in February 2023.

In March 2023, at the direction of Ministry staff, the Conservation Authority filed an appeal to the Review Board for an extension of time that would allow the Conservation Authority to retroactively submit the requisite documentation for the provincial tax exemptions and allow the Ministry to review and add the properties to the municipal tax roll. This appeal was denied as the appeal submission was outside of the 2022 calendar year. The Conservation Authority did not receive a tax notice for 2022 and only received a formal tax assessment notice for the property on November 21, 2022 for the 2023 tax year. This resulted in the tax appeal being delayed until the 2023 calendar year.

The Review Board advised that there was one final appeal (Late Appeal Request) that the Conservation Authority may pursue to resolve the 2022 property tax assessments. In preparation for filing the Late Appeal, Review Board staff advised that a letter of support from the Conservation Authority's local MPP would not contribute to the Review Board's decision to approve or deny the Late Appeal, but that it could be included in the future hearing materials if the appeal is granted. The Review Board advised the Conservation Authority to submit the Late Appeal as soon as possible and noted that the review can take up to 30 days.

Staff submitted the Late Appeal to the Review Board on September 6, 2023, including separate applications for each parcel, property details, sworn affidavits, and supporting reasons for the appeal. The Review Board denied the final appeal on September 12, 2023. (letter of denial included as Attachment 1).

Opportunities and Challenges

Conservation Authority staff have now exhausted all the property tax appeals available through the Assessment Review Board. There remains one other opportunity to recover the 2022 property taxes under the Municipal Act (Section 358 (1) – Overcharges). It is uncertain if this application to the Town Treasurer would be available to Conservation Authority. Staff recommend pursuing discussions with the Town of Georgina to determine if this option would be appropriate. If appropriate, staff could proceed to submit the requisite application to the Town Treasurer.

Relevance to Conservation Authority Policy

The transfer of lands to the Conservation Authority have followed the Natural Heritage System Land Securement Project 2019 – 2025 (2019) requirements and provides an opportunity to protect and restore these natural spaces as noted in the Conservation Authority's Natural Heritage System and Restoration Strategy (2018). Following the property transfers, Conservation Authority staff submitted the appropriate application(s) to the Ministry to enroll the properties in the Conservation Land Tax Incentive Program to minimize the Conservation Authority's property taxes. Applications for the Program (Provincially Significant Wetlands and Community Conservation Lands) were submitted to the Ministry in July 2022 and approved in February 2023. All Program tax exemptions are now approved for the Preserve and are included in the Conservation Authority's 2024 Conservation Land Tax Incentive Program renewal, approved July 21, 2023.

Staff initiated all appeals available with the Review Board in accordance with Conservation Authority policy and procedures and have been denied. It is recommended that staff pursue alternative remedies with the Town of Georgina under the Municipal Act.

Impact on Conservation Authority Finances

The property taxes for such large parcels of land can be significant, and at the time of transfer (March 28, 2022) the 2022 tax liability for the Conservation Authority was approximately \$136,000.00 (9 months). Every effort has been made to reduce the Conservation Authority's tax obligations moving forward. To initiate conservation tax exemptions staff submitted applications for the Conservation Land Tax Incentive Program to the Ministry in the summer of 2022. Portions were approved commencing January 2023 with subsequent approvals in February 2023 to be applied at the time of the 2023 final tax notice. This will reduce the total annual property tax burden in 2023 from \$181,000.00 (12 months) to an estimated \$4,350.00 and potentially to about \$2,500.00/year for subsequent years once all exemptions have been applied.

Given the recent denial of the final tax appeal, staff recommend pursuing alternative remedies through the Town of Georgina Treasurer under the Municipal Act.

Summary and Recommendations

It is therefore **Recommended That** Staff Report No. 53-23-BOD regarding the status of the Lake Simcoe Conservation Preserve 2022 property tax appeal be received; and **Further That** Staff be directed to submit a formal request to the Hon. Paul Calandra, Minister of Municipal Affairs and Housing, the Hon. Caroline Mulroney, MPP York-Simcoe, and MPP Andrea Khanjin to provide a letter of support to the Conservation Authority's 2022 property tax appeal; and **Further That** Staff be directed to proceed to engage with the Town of Georgina to seek appropriate tax refunds for the Preserve Lands under the Municipal Act.

Pre-Submission Review

This Staff Report has been reviewed by the General Manager, Corporate and Financial Services/CFO, and the Chief Administrative Officer.

Signed by:

Mark Critch
General Manager, Corporate and Financial
Services/CFO

Signed by:

Rob Baldwin
Chief Administrative Officer

Attachment

- i) Tribunals Ontario Letter of September 12, 2023



Tribunals Ontario
Assessment Review Board
15 Grosvenor Street, Ground Floor
Toronto, ON M7A 2G6
Email: ARB.Registrar@ontario.ca

Tribunaux décisionnels Ontario
Commission de révision de l'évaluation foncière
15, rue Grosvenor, rez-de-chaussée
Toronto (Ontario) M7A 2G6
Email: ARB.Registrar@ontario.ca

Disponible en français

Late Appeal: 23-0024

September 12, 2023

Lake Simcoe Region Conservation Authority c/o Kevin Kennedy
120 Bayview Parkway
Newmarket L3Y 3W3 L3Y 3W3

Dear Lake Simcoe Region Conservation Authority c/o Kevin Kennedy,

Re: **Region:** **14**
Roll Number: **1970-000-121-23950, 1970-000-121-94999, 1970-000-121-95000, 1970-000-125-25000, & 1970-000-126-02000**
Property Location: **Various**
Municipality: **Geogrina Town**
Taxation Year(s): **2022**

Your request for a late appeal, received September 6, 2023, under Rule 26 of the ARB's *Rules of Practice and Procedure*, is denied.

Your property has a residential or farm component and a Request for Reconsideration was not filed with MPAC prior to the deadline.

Where a property has a residential component, the *Assessment Act* requires that a Request for Reconsideration be filed with the Municipal Property Assessment Corporation (MPAC) prior to filing an appeal with the Board. The Board does not have the authority to extend your filing deadline with MPAC.

If you have any questions, the ARB's *Rules of Practice and Procedure* are available on the Board's website at <https://tribunalsontario.ca/arb/>.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator via the Board's website or at the numbers listed above as soon as possible.

Yours truly,

Kelly Triantafyllou
Registrar
Assessment Review Board

Staff Report

To: Board of Directors

From: Susan McKinnon, Manager of Budget, and Business Analysis

Date: September 20, 2023

Subject:

2024 Operating and Capital Expenses Apportionment Procedures

Recommendation:

That Staff Report No. 54-23-BOD regarding 2024 Operating and Capital Expenses Apportionment Procedures be received; and

Further That the apportionment methodology for Category 1 operating and capital expenses apportionment outlined within this report be approved.

Purpose of this Staff Report:

The purpose of this Staff Report No. 54-23-BOD is to provide the Board of Directors with a summary of recommended apportionment methodology for Category 1 operating and capital expenditures to be approved, and to outline the apportionment procedures for Categories 2 and 3 programs and services.

Background:

Earlier this summer the Chief Administrative Officer and the General Manager, Corporate & Financial Services/Chief Financial Officer had preliminary discussions with municipal partners concerning the changes created under the revisions of the *Conservation Authorities Act* and the changes to their respective levy resulting from legislated changes in how conservation authorities are to apportion 2024 operating and capital costs.

One of the changes is for the Conservation Authority's Board of Directors to approve the apportionment of Category 1 (mandatory) operating and capital costs for participating and specified municipalities under subsection 25(1) and 27(1) of Conservation Authorities Act, in accordance with O.Reg.401/22 and O.Reg.402/22.

The Act, and O.Reg.401/22 and O.Reg.402/22, outline categories for operating and capital expenditures and apportionment methods to be used. The three categories of conservation authority programs and services are:

Category 1 Mandatory programs and services set out by the *Conservation Authorities Act* and our duties, functions, and responsibilities under the *Lake Simcoe Protection Act*.

Category 2 Municipal programs and services provided on behalf of the municipality under a memorandum of understanding.

Category 3 Programs and services that the Conservation Authority has determined to be advisable to provide to further the purposes of the *Conservation Authorities Act*.

Issues:

Category 1 (Mandatory Programs) Apportionment

There are only two allowable apportionment methodologies described in O.Reg.401/22 and O.Reg.402/22 that can be used to apportion Category 1 operating and capital expenditures:

Modified Current Value Assessment, an apportionment method with annual values provided by the Ministry of Natural Resources and Forestry.

Benefit-based Apportionment Method, an apportionment method determined by the Conservation Authority that attempts to align the apportionment of costs to the estimated benefit to individual municipalities.

Most of the Category 1 operating and capital costs will be apportioned using the Modified Current Value Assessment method as these activities are for the benefit of all participating and specified municipalities. An example of these types of activities includes the Flood Forecasting program and the delivery of programs outlined under the *Lake Simcoe Protection Act*. On occasion the Conservation Authority may deliver a Category 1 program or service that may only directly benefit one or more participating municipalities but not all. In this instance the costs may be apportioned on benefit-based apportionment determined between the Conservation Authority and the participating municipality/s. An example of this type of activity would be the development of subwatershed or catchment specific flood modelling and mapping.

The Modified Current Value Assessment values used are slightly different and Category 1 (Mandatory) programs and services and Category 1 - *Lake Simcoe Protection Act* programs and services. Category 1 (Mandatory) programs and services are only apportioned to participating municipalities. Category 1 - *Lake Simcoe Protection Act* programs and services are apportioned to participating and specified municipalities which are the City of Orillia and the Upper Talbot watershed areas within the City of Kawartha Lakes. The inclusion of the specified municipalities in calculating the Modified Current Value Assessment provides a minor reduction in the Modified Current Value Assessment values for the participating municipalities under this category.

These changes related to the *Conservation Authorities Act* have caused a reclassification of costs and apportionments. Several existing programs that had been funded under Special Capital or Special Operating are now considered Category 1 (mandatory) and subject to Modified Current Value Assessment apportionment. This is a fairer method and a considerably

more equitable approach of apportioning costs for the delivery of programs that benefit participating and specified municipalities; however, it creates a shift in each municipal partner's portion of the total levy.

The Conservation Authority will primarily rely on the Modified Current Value Assessment method for the budget development and subsequent submission to participating and specified municipalities. Staff are seeking approval for the use of both apportionment procedures for budget development. The detailed budget submission/s will outline which apportionment procedure was used for each program area or service for full transparency.

Category 2 Apportionment

Category 2 costs shall be apportioned in their entirety to the participating municipality that has entered into a memorandum of understanding or other agreement. There may on occasion be a memorandum of understanding or agreement with more than one participating municipality. In this instance apportionment of costs will be outlined in the aforementioned memorandums or agreements. Category 2 costs are not apportioned by Modified Current Value Assessment. This is not a common occurrence, but it has happened in the past and does not require Board approval as is prescribed in O.Reg.402/22.

Category 3 Apportionment

Category 3 costs shall be apportioned by Modified Current Value Assessment in instances where all participating municipalities entered into an agreement. There may on occasion be a memorandum of understanding or agreement with more than one municipality participating. In this instance, apportionment of costs would be by the benefit-based apportionment which would be outlined in the memorandum or agreement and does not require Board approval as is prescribed in O.Reg.402/22.

Reduction of Apportionment for All Categories

The Conservation Authority reduces the overall apportionment for all categories through the collection of fees where prescribed as well as applicable. Examples include permit fees that reduce municipal costs for Category 1 programs, plan review fees collected to reduce any costs required under a Category 2 memorandum of understanding, and fees / revenue collected from school boards to offset costs to operate an outdoor based education program. If self-generated revenue was not collected, the costs to the participating municipalities would be significantly higher. The budget submission values provided to participating municipalities are fully determined with self-generated revenue included.

Relevance to Conservation Authority Policy:

The changes to the *Conservation Authorities Act* change how the total levy request is calculated and apportioned to municipal partners. There are also some changes in the budget notification process that Finance staff will ensure are incorporated into the 2024 Budget approval process.

Impact on Conservation Authority Finances:

In general, there is minimal impact on Conservation Authority finances at this time. The Conservation Authority's budget is transitioning under these new requirements from a historic appointment process to the new process outlined in this report. The area of primary risk for Conservation Authority finances is related to any Category 3 program or service as participating municipalities may choose not to support those programs and services. This aspect has been raised in all municipal meetings to date and every participating municipality has expressed support for the Category 3 programs.

Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. regarding Operating and Capital Expenses Apportionment Procedures be received; and **Further That** the apportionment methodology for Category 1 operating and capital expenses apportionment outlined within this report be approved.

Pre-Submission Review:

This Staff Report has been reviewed by the General Manager, Corporate and Financial Services/CFO and the Chief Administrative Officer.

Signed by:

Mark Critch
General Manager, Corporate and Financial
Services/CFO

Signed by:

Rob Baldwin
Chief Administrative Officer

Attachments:

Appendix 1 – Apportionment of Operating Expenses and Capital Costs for Category 1

General Operating and Capital	Department	O. Reg. 402/22 and O.Reg. 686/21	Methodology**
Corporate Services	Asset Management	S. 11	MCVA
	Corporate Communications	S. 11	MCVA
	Facility Management	S. 11	MCVA
	Financial Management	S. 11	MCVA
	Governance	S. 11	MCVA
	Human Resource Management	S. 11	MCVA
	Information Management	S. 11	MCVA
	Lake Simcoe Protection Plan Governance	S. 15	LSPA
Programs and Services	Program	O. Reg. 686/21	Methodology**
Ecological Management	Ecosystem Science and Monitoring	S. 1, S. 3(2), S. 12	MCVA
	Lake Simcoe Protection Plan	S. 15	LSPA
	Restoration and Regeneration	S. 1(1), S. 1(2)(3), S. 2(50)(1)	MCVA
Greenspace	Greenspace Management	S. 9	MCVA
	Securement	S. 9, S. 10, S. 11	MCVA
Planning & Development	Development Planning	S. 1, S. 7, S. 8	MCVA
	Permitting and Enforcement	S. 7(2)	MCVA
Water Risk Management	Flood Management and Warning	S. 1, S. 2(2)	MCVA
	Lake Simcoe Protection Plan	S. 15	LSPA
	Water Science and Monitoring	S. 1, S. 3(2), S. 12	MCVA
Watershed Studies & Strategies	Lake Simcoe Protection Plan	S. 15	LSPA
	Climate Change	S. 1. (3)	MCVA
	Watershed Sub Watershed Planning	S. 12(4)	MCVA

** MCVA – Modified Current Value Assessment for Participating Municipalities

LSPA - Modified Current Value Assessment under the Lake Simcoe Protection Act for Participating and Specified Municipalities