

The Corporation of The Township of Adjala-Tosorontio

By-law 2023 - 49

A By-law to authorize the execution of a Memorandum of Understanding with the Nottawasaga Valley Conservation Authority

WHEREAS the Municipal Act, S.O. 2001 c. 25, authorizes Council to enter into agreements; and

WHEREAS the Bill 108 received Royal Assent on June 6, 2019, and amended the Conservation Authorities Act, R.S.O. 1990, c. C. 27 to require Conservation Authorities to enter into a memorandum of understanding ("MOU") or other such agreements to provide requested municipal programs and services; and

WHEREAS the Conservation Authorities Act, R.S.O. 1990, c. C. 27 now requires that the operating expenses and capital costs of such municipal programs and services be apportioned to the requesting municipality;

AND WHEREAS the Council of The Corporation of The Township of Adjala-Tosorontio deems it expedient to enter into a memorandum of understanding with the Nottawasaga Valley Conservation Authority ("NVCA") to govern the delivery and funding of municipal programs and services;

NOW THEREFORE the Council of The Corporation of The Township of Adjala-Tosorontio ENACTS AS FOLLOWS:

1. That the Mayor and Clerk are hereby authorized and directed to execute on behalf of the Township of Adjala-Tosorontio a memorandum of understanding with the Nottawasaga Valley Conservation Authority for the provision of municipal programs and services.
2. That a copy of the memorandum of understanding is attached hereto as Schedule "A" to this By-law and the Schedule is hereby made part of this By-law.

ENACTMENT

THAT the provisions of this By-law shall take full force and effect on the day of its passing.

THAT notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time and be considered read a third time and finally passed this 10th day of May, 2023.



Julius Lachs, Deputy Mayor



Robin Reid, Clerk



MEMORANDUM OF UNDERSTANDING ("MOU")

THIS AGREEMENT dated this 10th day of May, 2023.

BETWEEN:

THE NOTTAWASAGA VALLEY CONSERVATION AUTHORITY

(hereinafter called "Authority") OF

THE FIRST PART

– and –

TOWNSHIP OF ADJALA-TOSORONTIO,
(Hereinafter called the "Members")

OF THE SECOND PART

WHEREAS, pursuant to Ontario Regulation 686/21 Conservation Authorities are authorized to charge a levy to their members for delivery of mandatory services under the Regulation;

AND WHEREAS pursuant to Ontario Regulation 687/21 Conservation Authorities are required to enter into an agreement to levy members for services provided to Members other than mandatory services;

AND WHEREAS the Authority is prepared to provide certain non-mandatory services to its Members;

AND WHEREAS the Members wish to avail themselves of these services and to pay the amount levied for the services;

AND WHEREAS under the Conservation Authorities Act (the Act) Category 1 programs and services are to be funded through the budget and apportionment process with the applicable regulations;

AND WHEREAS under the applicable regulations, Category 1 operating expenses and capital costs may be included in the apportionment and provided without an agreement;

AND WHEREAS under the Act, Category 2 programs and services requested by municipalities may be provided under a memorandum of understanding (“MOU”) or such other agreement in respect of the programs and services;

AND WHEREAS under the Act, Category 3 programs and services requested by the conservation authority funded through the budget and apportionment agreement may be provided under a memorandum of understanding (“MOU”) or such other agreement in respect of the programs and services;

AND WHEREAS under the Act and the Minister’s Fee Classes Policy, the Authority may establish fees to be charged for the program or service;

NOW THEREFORE, in consideration of the terms of this Agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

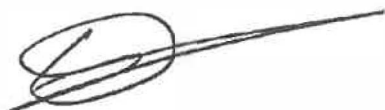
1. The Authority agrees to provide to the Members the services outlined in the Inventory of Services and Programs attached hereto as Schedule “A”.
2. The Members agree to be charged a levy for such services in accordance with the levy stated in Schedule “A” to be apportioned among the Members.
3. The Authority will not add to or delete from the services or programs funded through the levy without first consulting with the Members. Any such change would require an amendment to this Agreement agreed to by all parties through the annual budget process.
4. The parties will maintain the current annual approval process for increasing the levy and budget (i.e. weighted vote based upon current value assessment in the watershed for approval of the levy).
5. The Members will continue to support the current Inventory of Services and Programs throughout the period of this Agreement.
6. This Agreement will be for a Term of four (4) years commencing on the date of the signature by the last of the parties.

SIGNED SEALED AND DELIVERED THIS 18TH DAY OF MAY 2023.

THE NOTTAWASAGA VALLEY CONSERVATION AUTHORITY



Per: _____
Chair



Per: _____
Chief Administrative Officer

I/we have the authority to bind the Corporation

SIGNED SEALED AND DELIVERED THIS DAY 18TH DAY OF MAY 2023.

THE CORPORATION OF THE TOWN OF MONO

Per:  _____
Mayor

Per:  _____
Clerk

I/we have the authority to bind the Corporation

Schedule "A"

Nottawasaga Valley Conservation Authority Inventory of Programs and Services Approved by Board of Directors: February 25, 2022

CATEGORY 1

Natural Hazard Management Program

Program Description: Conservation Authorities (CAs) are the lead provincial agencies on Natural Hazard issues. The goal is to protect life and property from flooding and erosion. This watershed-wide, comprehensive program includes development applications and permits, municipal plan input and review, environmental planning and policy, flood forecast and warning, flood and erosion control infrastructure, technical studies, ice management, education, and public awareness.

Category 1

Program/Service and Subservices	Description	Category Rationale
Section 28.1 Permit Administration and compliance activities	Respond to property inquiries. Reviewing and processing of permit applications and associated technical reports under O.Reg., 172/06, site inspections to confirm compliance, communication with applicants, agents, consultants, and legal representatives.	CA Act Reg. 686/21 s.8
Municipal Plan Input and Review	<p>Provide technical input and advice to municipalities on circulated municipal land use planning applications (Official Plan and Zoning By-law Amendments, Subdivisions, Consents, Minor Variances).</p> <p>Provide input into municipal land-use planning documents (OP, Comprehensive ZB, Secondary plans) related to natural hazards, on behalf of Ministry of Natural Resources and Forestry (MNRF), delegated to CAs in 1995 and as outlined the 2001 MOU between MNRF, Ministry Municipal Affairs and Housing and Conservation Ontario.</p> <p>Provide input into the review and approval processes under other applicable law, with comments principally related to natural hazards, wetlands, watercourses, and Sec. 28 permit requirements.</p>	CA Act O. Reg. 686/21 s.6/7
Flood & Low Water Forecasting and Warning	<p>Daily data collection and monitoring of weather forecasts, provincial and local water level forecasts, watershed conditions, snow course, flood event forecasting, flood warning, communications and response and equipment maintenance. Annual meeting with municipal flood emergency coordinator.</p> <p>Low water conditions monitoring and analysis.</p> <p>Technical and administrative support to the Water Response Team representing major water users and</p>	CA Act 21.1 O. Reg. 686/21 Sec 2 Sec 3

Program/Service and Subservices	Description	Category Rationale
	<p>decision makers, who recommend drought response actions.</p> <p>Data collection, mapping, data sets, watershed photography. Development and use of systems to collect and store data and to provide spatial geographical representations of data.</p>	
Flood and Erosion Control Infrastructure Operation and Management	Flood and erosion control infrastructure operations. (routine activities related to the operation of the structures). Includes five flood control projects and 13 erosion control projects that are annually inspected, and routine maintenance work completed.	CA Act 21.1 O. Reg. 686/21 Sec 2 Sec 5
Flood and Erosion Control Infrastructure Major Maintenance	Routine and preventative maintenance on flood and erosion control structures as required. Projects are eligible for the Water and Erosion Control Infrastructure (WECI) funding from the province.	CA Act 21.1 O. Reg. 686/21 Sec 5
Ice Management Services	Preventative measures associated with the control of ice in areas where there is a chronic problem occurring annually, where there is an increase in the risk to life and property and where there is a method to reduce the possible adverse effects of the ice. The Ice Management Plan is being updated.	CA Act 21.1 O. Reg. 686/21 Sec 4
Technical Studies and Policy Review	Studies and projects to inform natural hazards management programs including floodplain management, watershed hydrology, regulations areas mapping update, flood forecasting system assessment, floodplain policy, Georgian Bay shoreline management. These projects often last one to two years and are distributed over time as human resources and funding is available.	CA Act 21.1 O. Reg. 686/21 Sec 1
Natural Hazards Communications, Outreach and Education	Promoting public awareness of natural hazards including flooding, drought, and erosion. Public events, materials. Social media services. Media relations.	CA Act 21.1 O. Reg. 686/21 Sec 1(2)(3)

Provincial Water Quality & Quantity Monitoring

Program Description: The NVCA, in partnership with Ministry of Environment, Climate Change and Parks (MECP), has established long term sites to monitor surface and ground water conditions.

Program/Service and Subservices	Description	Category Rationale
Provincial Water Quality Monitoring Network (PWQMN)	A long-standing (50+ year) CA/MECP partnership for stream water quality monitoring at nine sites. CA takes water samples and MECP does lab analysis and data management. Information is used for watershed report cards and stewardship project prioritization.	CA Act 21.1.1 O. Reg. 686/21 12 (1) 2

Program/Service and Subservices	Description	Category Rationale
Provincial Groundwater Monitoring Network (PGMN)	A long-standing CA/MECP partnership for groundwater level and quality monitoring at 16 stations. Costs include equipment, data collection, analysis, data management and reporting. MECP funded network installation and continues to fund equipment replacements. Data collected supports flood forecast and warning, low water response, and water quality monitoring.	CA Act 21.1.1 O. Reg. 686/21 12 (1) 1

Drinking Water Source Protection

Program Description: The protection of municipal drinking water supplies in the NVCA through the development and implementation of the Source Protection Plans.

Program/Service and Subservices	Description	Category Rationale
Drinking Water Source Protection Program (DWSP)	Source Protection Area/Region, technical support, Source Protections Committee support, Source Protection Authority reports and meetings. Activities required by the Clean Water Act and regulations.	CA Act 21.1.1 O.Reg. 686/21 Sec. 13

Natural Heritage

Program Description: The NVCA completes natural heritage monitoring, delineation of natural heritage systems, data analysis and wetland regulation mapping to support municipalities, other NVCA departments and inter-agency and NGO partnerships.

Program/Service and Subservices	Description	Category Rationale
Wetland & Natural Heritage Evaluations	Complete wetland evaluations and natural heritage evaluations of NVCA properties.	CA Act 21.1.1
Wetland Regulation Mapping	Maintain and update NVCA wetland regulation mapping.	CA Act 21.1.1

Conservation Authority Lands and Conservation Areas

Program Description: NVCA owns 5,240 hectares of land which includes conservation areas, management areas, conservation forests, farmland and flood control structures and surrounding land. NVCA property is essential to watershed management, environmental protection, helps implement the Watershed Management Strategy and provides areas for passive recreation.

Program/Service and Subservices	Description	Category Rationale
Section 29 Minister's regulation for Conservation Areas	Undertake Conservation areas regulations enforcement and compliance initiatives within Conservation areas to prevent unlawful activity and protect the Authority from exposure to liability under the <i>Occupiers' Liability Act</i> .	CA Act 21.1(1)(i); 28(1)(d); 28(1)(e); 29(1)
NVCA forests and management areas (not Conservation Areas)	Management and maintenance of CA owned lands. Includes forest management, signage, gates, passive recreation, stewardship/ restoration, carrying costs such as taxes and insurance.	CA Act 21.1(1)(i); 27(1); 29(1)
Conservation Areas	Management and maintenance of 11 conservation areas and over 30km of recreational trails. Includes passive recreation, risk management program, hazard tree management, gates, fencing, signage, brochures, communications, pedestrian bridges, trails, parking lots, picnic tables, pavilions, roadways, stewardship/ restoration, carrying costs such as taxes and insurance.	CA Act 21.1(1)(i); 27(1); 29(1)
Conservation Area Major Maintenance	Major maintenance and capital improvements to support public access, safety, and environmental protection such as parking lots, pedestrian bridges, boardwalks, trails.	CA Act 21.1(1)(i); 25(1); 27(1)
Inventory of Conservation Authority lands	The land inventory will include the following information: location as well as date, method and purpose of acquisition, land use. One time project with updates as properties are acquired or disposed of and details of agreement and/or tax programs (if applicable) (MFTIP, CLTIP).	CA Act 21.1(1)(i)
Strategy for CA owned or controlled lands and management plans	This strategy will include the management and use of CA-owned or controlled properties including guiding principles, objectives, land use, natural heritage, classifications of lands, mapping, identification of programs and services on the lands, public consultation, publish on website. One-Year Project.	CA Act 21.1(1)(i)
Land Acquisition and Disposition Strategy	A policy to guide the acquisition and disposition of land in order to fulfill the objects of the authority. Current Land Securement Strategy runs from 2020 to 2030.	CA Act 21.1(1)(i)

Watershed Stewardship and Restoration (Urban, rural & agricultural)

Program Description: The stewardship and restoration program has three key components: one-on-one technical and financial assistance to watershed landowners, coordination of target river restoration initiatives based on watershed science, and the reforestation program. Projects reduce the risk to life and property from natural hazards, protect water quality and quantity, improve forest conditions, increase biodiversity and make the watersheds more resilient to climate change.

Program/Service and Subservices	Description	Category Rationale
CA owned Land Stewardship Program	Work to mitigate flood and erosion hazards, protect water quality, restore floodplains, reduce nutrient contamination, restore wetlands, manage non-native invasive species, protect groundwater, improve aquatic species at risk habitat and promote climate change mitigation and adaptation on CA owned lands. Coordinate targeted river restoration and fish habitat improvement initiatives using information generated by the Watershed Science department to identify priority sites and restoration techniques.	CA Act 21.1.2 (1)

Enabling Services:

Program Description: Key assistance provided to all departments of the conservation authority, board of directors, member municipalities and the general public to enable the NVCA to operate in an accountable, efficient and effective manner.

Program/Service and Subservices	Description	Category Rationale
Corporate Services	Administrative, human resources, financial, operating and capital costs which are not directly related to the delivery of any specific program or service, but are the overhead and support costs of a conservation authority. Includes health and safety program, overseeing programs and policies.	CA Act 20
Financial Services	Annual budget, accounts payable and receivable, payroll, financial analysis, financial audit, administration of reserves and investments, financial reports for funding agencies, preparing, and submitting reports to CRA, benefits program administration.	CA Act 20
Legal Expenses	Costs related to agreements/contracts, administrative by-law updates	CA Act 20
Governance	Supporting CA Boards, Advisory Committees, Office of CAO and Senior Management.	CA Act Part IV
Communications and Outreach	Informing public of NVCA programs and projects through media, open houses, public meetings, website administration, responding to inquiries from the public, crisis communications.	CA Act 20
Administration Buildings	Office buildings and workshop used to support NVCA staff, programs, and services. Includes utilities, routine and major maintenance, property taxes.	CA Act 20

Program/Service and Subservices	Description	Category Rationale
Information Technology Management/GIS	Data management, records retention. Development and use of systems to collect and store data and to provide spatial geographical representations of data.	CA Act 20
Vehicle and Equipment	A fleet of vehicles and equipment to support the work of the NVCA, including capital purchases, fuel, licenses, repairs, and maintenance. Programs and projects are charged for the use of the vehicles and equipment.	CA Act CA Act 20
ALL	Asset Management Services	CA Act 25/26

CATEGORY 2

Drinking Water Source Protection

Program Description: The protection of municipal drinking water supplies in the NVCA through the development and implementation of the Source Protection Plans.

Program/Service and Subservices	Description	Category Rationale
DWSP Risk Management Official	Carrying out Part IV duties of the Clean Water Act on behalf of municipalities through service agreements.	CA Act 21.1.1

Conservation Authority Lands and Conservation Areas

Program Description: NVCA owns 5,240 hectares of land which includes conservation areas, management areas, conservation forests, farmland and flood control structures and surrounding land. NVCA property is essential to watershed management, environmental protection, helps implement the Watershed Management Strategy and provides areas for passive recreation.

Program/Service and Subservices	Description	Category Rationale
Tottenham Campground	Long-term lease with municipal partner to operate a campground and associated facilities at Tottenham Conservation Area.	CA Act Non-passive recreation 21.1.1(1)(4); 29(1)
Edenvale Conservation Area	Long-term lease with municipal partner for the management of the Edenvale Conservation Area.	CA Act Passive Recreation 21.1.1(1)(4); 29(1)
Riverdale Park	Long-term lease with municipal partner for the management of Riverdale Park.	CA Act/ Passive Recreation 21.1.1(1)(4); 29(1)

CATEGORY 3

Local Water Quality Monitoring

Program Description: The NVCA, in partnership with community organizations, municipalities, and federal and provincial agencies has established sites to monitor surface water quality and quantity.

Program/Service and Subservices	Description	Category Rationale
Surface Water Quality/ Stream Health Monitoring Program	Surface water quality monitoring for Benthic macroinvertebrates at an average of 65 sites per year, water temperature monitoring at an average of 57 sites per year, electrofishing at an average of 20 sites per year, and around 100 sites per year for flows. Responding to local spills events at the request of MECP. Costs include sampling, analysis, and reporting.	CA Act 21.1 (a)
Simcoe Groundwater monitoring program	In partnership with the OGS the NVCA monitors groundwater level and quality at 29 locations. Costs include equipment, data collection, analysis, data management and reporting.	CA Act 21.1 (a)
Watershed Report Card	Conservation Authorities report on local watershed conditions every five years, led by Conservation Ontario's Watershed Report Cards. The NVCA watershed is divided into 9 subwatersheds. Measuring increases understanding of the watershed, focuses efforts and tracks progress.	CA Act 21.1 (a)

Natural Heritage

Program Description: The NVCA completes natural heritage monitoring, delineation of natural heritage systems, data analysis and wetland regulation mapping to support municipalities, other NVCA departments and inter-agency and NGO partnerships.

Program/Service and Subservices	Description	Category Rationale
Natural Heritage Systems	Development of natural heritage systems supporting watershed management objectives. Field based monitoring of terrestrial flora and fauna including bird monitoring and invasive species and species at risk.	CA Act 21.1 (a)

Conservation Authority Lands and Conservation Areas

Program Description: NVCA owns 5,240 hectares of land which includes conservation areas, management areas, conservation forests, farmland and flood control structures and surrounding land. NVCA property is essential to watershed management, environmental protection, helps implement the Watershed Management Strategy and provides areas for passive recreation.

Program/Service and Subservices	Description	Category Rationale
New Lowell Campground	Long-term lease with a private party to operate a campground and associated facilities at New Lowell Conservation Area.	CA Act Non-passive recreation 21.1.2 (1); 29(1)
Utopia Conservation Area	Short-term lease (5-year) with community partner for management of the Utopia Conservation Area	CA Act Passive recreation 21.1(1)(i); 21.1.2 (1); 29(1)
Beeton Creek Property	Short-term lease (5-year) with community partner to lease residence	CA Act 21.1(1)(i); 21.1.2 (1); 29(1)
Mayer's Marsh	Agricultural lease (annual)	CA Act 21.1.2 (1); 29(1)
Petun Conservation Area	Short-term lease (5-year) with community partner to lease portions of the property for fish hatchery operations	CA Act 21.1(1)(i); 21.1.2 (1); 29(1)
Utopia Conservation Area	Short-term lease for commercial access through the Utopia Conservation Area	CA Act 21.1(1)(i); 21.1.2 (1); 29(1)
Black Ash Creek	Formalized agreement for commercial access through Black Ash Creek (NVCA-owned property)	CA Act 21.1(1)(i); 21.1.2 (1); 29(1)
Land acquisition	Strategic acquisition of environmentally significant properties as per NVCA's 2020 Land Securement Strategy.	CA Act 21.1.2 (1)
Events	Includes weddings, corporate events, private gatherings, etc.	CA Act 21.1.2 (1)
Festivals	Includes public events (ex. Spring Tonic, Festival at the Fort, etc.)	CA Act 21.1.2 (1)

Watershed Stewardship and Restoration (Urban, rural & agricultural)

Program Description: The stewardship and restoration program has three key components: one-on-one technical and financial assistance to watershed landowners, coordination of target river restoration initiatives based on watershed science, and the reforestation program. Projects reduce the risk to life and property from natural hazards, protect water quality and quantity, improve forest conditions, increase biodiversity and make the watersheds more resilient to climate change.

Program/Service and Subservices	Description	Category Rationale
Private Land Stewardship Program	Work with property owners and environmental groups to mitigate flood and erosion hazards, protect water quality, restore floodplains, reduce nutrient contamination, restore	CA Act 21.1.2 (1)

Program/Service and Subservices	Description	Category Rationale
	wetlands, manage non-native invasive species, protect groundwater, improve aquatic species at risk habitat and promote climate change mitigation and adaptation. Coordinate targeted river restoration and fish habitat improvement initiatives using information generated by the Watershed Science department to identify priority sites and restoration techniques. Apply for and manage external funding, promote private land stewardship, provide technical advice and design support and funding assistance.	
Tree Planting and Forestry Services on Private Land	Forestry services including planting plan development, site preparation, tree and shrub planting, and survival assessments. Private woodlot stewardship, technical assistance, link to funding programs to maintain form and function of watershed forest cover.	CA Act 21.1.2 (1)

Conservation Education and Community Outreach

Program Description: Education and outreach programs increase knowledge and awareness in children and adults about local environmental issues, watersheds and ecosystems and conservation actions they can implement.

Program/Service and Subservices	Description	Category Rationale
School programs	Curriculum-based education programs for pre-school, elementary and secondary students. These programs focus on local watersheds, ecosystems, and environmental issues. Programs take place in school yards, schools, field trips to conservation areas, community parks and through online learning opportunities.	CA Act 21.1.2 (1)
Community programs and events	Education, day camp, outreach programs and community events to assist in achieving the objectives of the conservation authority. Some of these programs are open to people of all ages.	CA Act 21.1.2 (1)

Schedule “B”

Link to Agreements and Planning Advisory Memorandums of Understanding

<https://www.nvca.on.ca/Pages/PlanningPolicies.aspx>