

# Municipality of Lakeshore – Report to Council

## Growth and Sustainability



**To:** Mayor & Members of Council

**From:** Tammie Ryall, Corporate Leader – Growth and Sustainability  
Justin Rousseau, Corporate Leader – Chief Financial Officer

**Date:** October 3, 2023

**Subject:** Essex Region Conservation Authority – Non-mandatory Service Agreement

---

### Recommendation

Direct the Clerk to read By-law 86-2023, being a by-law to authorize an agreement with the Essex Region Conservation Authority for non-mandatory services, during the Consideration of By-laws as presented at the October 10, 2023 Council meeting.

### Background

At the September 26, 2023 Regular Council meeting, the Essex Region Conservation Authority (ERCA) CAO/Secretary Treasurer presented the ERCA annual report video and described the need for the local municipalities in the Windsor-Essex region to enter into a service agreement with ERCA to provide non-mandatory services and programs.

The provincial government recently amended the Conservation Authorities Act to define that ancillary services provided by Conservation Authorities are now defined as “non-mandatory services”. All Conservation Authorities require an agreement to apportion costs amongst the member municipalities. An agreement is required by January 1, 2024.

On June 23, 2022, the ERCA Board of Directors endorsed the suite of non-mandatory programs and services, as described below. The Board of Directors endorsed the list as beneficial programs and services that support the conservation, restoration, development, and management of natural resources within the watershed area served by ERCA. The ERCA Board tasked the ERCA administration to negotiate cost-apportionment agreements with each municipality for the list of programs and services.

## Comments

The list of services to be included in the cost apportionment agreement is detailed in Schedule A of the draft agreement (Attachment 1, page 4 to 9) and is summarized below.

- Land acquisition to protect existing natural features;
- Tree planting on private land;
- ERCA management of Holiday Beach Conservation Area;
- Holiday Beach Conservation Area asset maintenance;
- Watershed Stewardship and Agricultural Outreach;
- Research and monitoring of water quality;
- John R. Park Homestead Museum operation;
- John R. Park Homestead Museum heritage building preservation;
- Outdoor education for school groups and the general public; and
- Outreach and community engagement.

These programs and services have historically required some level of municipal levy over the past five years, or may require municipal financing during the time period covered by the multi-year municipal cost apportioning agreement.

The sources of funding for non-mandatory programs and services have traditionally been a combination of municipal levies; government grants; user fees; and the Essex Region Conservation Foundation. This funding model will continue. (Attachment 1, Schedule A, page 4)

This initial agreement will be for three years to match the remaining three years of the current council term. It is anticipated that the terms of future agreements would match the four-year term of Council.

It is noted in the proposed agreement (Schedule A, page 7) that with regard to Holiday Beach infrastructure, asset and replacement, the Conservation Area is operated by ERCA under a 30-year agreement with the Province of Ontario. The proposed agreement states that until ownership is addressed, the cost-apportionment agreement will not include a provision for capital asset replacement; however, a provision of \$10,000 for certain emergency repairs has been included in the funding envelope.

## Others Consulted

ERCA

## Financial Impacts

The Municipal Cost estimate is presented in Attachment 1, Schedule B, page 10, and would be subject to annual revision.

The proposed agreement states that the annual aggregate of municipal levies allocated to the funding envelope may not exceed the estimate of \$900,000 plus 5% for any

annual budget, without municipal consultation and Council resolution. It also states that ERCA will maintain deferred accounts to hold unspent funds and will not reallocate funds to other programs without municipal approvals.

The Cost Apportionment of Category 3 (non-mandatory) Programs estimates a cost apportionment to Lakeshore of between \$86,259 to \$89,085. This amount is already considered in the Corporate Budget as the service has been provided by the conservation authority via levy for several years.

The total ERCA levy in the 2023 budget is 330,462 and will be adjusted in 2024 based on the estimated cost in the ERCA Budget.

### **Attachments**

Attachment 1, Draft Service Agreement

### **Report Approval Details**

Document Title:	Essex Region Conservation Authority - Non-mandatory Service Agreement.docx
Attachments:	- Attachment 1 COST APPORTIONING AGREEMENT - ERCA 09192023.docx
Final Approval Date:	Oct 4, 2023

This report and all of its attachments were approved and signed as outlined below:

Prepared by Tammie Ryall and Justin Rousseau

Approved by Truper McBride