



**Essex Region Conservation Authority's**

## **Transition Plan**

as per Ontario Regulation 687/21

**December 9, 2021**

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## Background

### Purpose and Applicable Legislation

The Royal Assent of Bill 229, *Protect, Support and Recovery From COVID-19 Act (Budget Measures)*, 2020 initialized significant changes to Conservation Authorities Act (CA Act). Since that time, and through the proclamation of specific provisions within the CA Act, as well as the passing of Ontario Regulation (O. Reg.) 687/21, conservation authorities are required to develop and implement a Transition Plan and establish Agreements to deliver certain programs and services. The overall objective of the Province of Ontario is to ensure that conservation authorities are operating in-line with the prescribed Objects as outlined in the revised CA Act, and to align budgets with Mandatory Programs and Services and Non-Mandatory Programs and Services, as outlined in O. Reg. 686/21. CAs have been afforded the opportunity to meet all of the legislated requirements through a two-phase approach that covers the overall Transition Period, which ends on January 1, 2024 (i.e. CAs are to be fully compliant by January 1, 2024). The two phases and associated requirements are described further below.

### Transition Period:

The overall transition period spans from October 2021 to January 1, 2024. This period is separated into two phases to allow for CAs to properly plan for the transition which generally includes the development of a Transition Plan outlining the work plan and timelines to complete the entire transition, an inventory of programs and services, and the execution of agreements with municipalities to deliver non-mandatory services. Figure 1 below provides a general depiction of the overall Transition Period. Note that this document is provided to fulfill the Essex Region Conservation Authority's requirement of developing a Transition Plan.

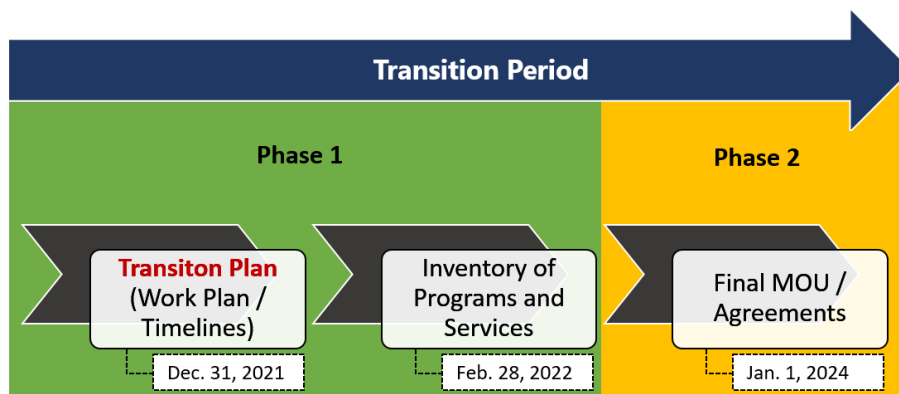


Figure 1: Transition Period, Phases, and Completion Dates

## Transition Period - Phase 1 [Sections 3 to 6 of O. Reg. 687/21]

Phase 1 of the Transition Plan includes two deliverables, the first of which is the Transition Plan and the second being the Inventory of Programs and Services that are delivered by the Authority. The Transition Plan must be completed by December 31<sup>st</sup>, 2021 while the Inventory of Programs and Services is required to be completed no later than February 28, 2022. In order for ERCA to be fully compliant, the Authority must complete the following by December 31<sup>st</sup>, 2021:

- a) The Transition Plan must include a time for ERCA to meet the requirements for the first and second phases of the Transition Period, as set out in O. Reg. 687/21.
- b) A copy of the Transition Plan must be sent to:
  - i. each participating municipality in the Authority's area of jurisdiction; and
  - ii. the Ministry of Environment, Conservation and Parks.
- c) A copy of the Transition Plan must be published on ERCA's website, or make the Plan available to the public by such other means as ERCA considers advisable.

The second deliverable of Phase 1 relates to the Inventory of Programs and Services which, at a general level, ERCA must complete the following to be compliant:

- a) Prepare an inventory of Programs and Services (the Inventory) categorized as per the MECP definitions which are:
  - i. Category 1: Mandatory
  - ii. Category 2: Non-Mandatory / Municipal
  - iii. Category 3: Non-Mandatory / Other
- b) Circulate the Inventory to all of the participating municipalities in the Authority's jurisdiction. It is also advisable to circulate to any other municipality with which the Authority has entered into, or intends to enter into, a memorandum of understanding or other agreement(s).
- c) Maintain a record of the municipalities that were circulated the Inventory along with the date of circulation for each. This is further referred to as "the Record of Circulation".
- d) Provide the Inventory and the Record of Circulation to the MECP by February 28, 2022.

## Transition Period - Phase 2 [Sections 7 to 9 of O. Reg. 687/21]

The second phase of the Transition Period generally includes the following objectives and deliverables:

- a) Consult with the participating municipalities on the Inventory. The inventory can be adjusted as necessary based on feedback from the municipalities.
- b) Take the necessary steps to seek and enter into cost apportionment agreements with the participating municipalities on or before January 1, 2024.
- c) Submit the required progress reports to the MECP that inform on the status of the Inventory and progress towards establishing the Agreements. There is a total of 6 progress reports that are required to be submitted by the dates outlined below:
  - i. Progress Report 1: July 1, 2022
  - ii. Progress Report 2: October 1, 2022
  - iii. Progress Report 3: January 1, 2023
  - iv. Progress Report 4: April 1, 2023
  - v. Progress Report 5: July 1, 2023
  - vi. Progress Report 6: October 1, 2023

## Request for Extension [Section 10 of O. Reg. 687/21]

Conservation Authorities may request an extension beyond the Transition Date. The request may be made directly to the MECP, must be submitted by October 1, 2023, and must be related to one or more of the following:

1. Additional time is required to complete cost apportionment agreements between the Authority and a participating municipality.
2. The Authority requires additional time to wind down a program or service that was being provided prior to the Transition Period, and will not longer be provided after the Transition Date.

## Summary of Legislative Requirements

Table 1 summarizes the key legislative requirements related to the entire Transition Period along with the applicable section of O. Reg. 687/21.

<b>Prescribed Completion Date</b>	<b>Key Deliverable</b>	<b>Applicable Section of O. Reg. 687/21</b>
December 31, 2021	Transition Plan (covering the work plan and timelines for the entire Transition Period)	Section 3
February 28, 2022	Inventory of Programs and Services	Section 6
February 28, 2022	Maintain and submit to MECP a Record of Circulation regarding the Inventory of Programs and Services	Section 5
July 1, 2022 to October 1, 2023	Progress Reports (6 in total) are required to be submitted to MECP reporting on the status of the Inventory and progress towards establishing the MOUs/Agreements	Section 7
October 1, 2023	Request for Extension (if required) on the overall Transition Period	Section 10
January 1, 2024 (Transition Date)	Finalized Inventory of Programs and Services and all required MOUs/Agreements are executed	Section 7
January 31, 2024	Final Report to MECP including the final Inventory of Programs and Services and a Statement of Compliance by the Authority regarding the execution of all required agreements	Section 9

## Work Plans and Timelines for Completion

This Transition Plan includes work plans for both Phases 1 and 2, which outline the steps that ERCA plans to take to develop and enter into agreements with participating municipalities. The work plans also include the necessary consultation process on the Inventory of Programs and Services that ERCA will undertake along with the necessary steps required to enter into Municipal Contribution Agreements to fund non-mandatory programs and services. The Phase 1 and 2 work plans as well as the Inventory of Programs and Services will support 2023 and 2024 budget discussions.

The Phase 1 and 2 work plans are included below as well as in [Appendix A](#) in the form of a Gantt Chart. Note that the progress, shown as a percent-completion, is as of the date of the Board of Directors meeting held on December 9<sup>th</sup>, 2021. Board Approval of the Plan is anticipated and shown as 100% complete.

## Phase 1 Work Plan

<b>Task Number</b>	<b>Task Description</b>	<b>Start Date</b>	<b>End Date</b>	<b>Progress percent</b>
1	Review newly released legislation	1-Oct-21	15-Oct-21	100%
2	Prepare Draft work plans for the Transition Plan	15-Oct-21	19-Nov-21	100%
3	Finalize work plans and Transition Plan	19-Nov-21	2-Dec-21	100%
4	Seek Board Approval of ERCA's Transition Plan	9-Dec-21	9-Dec-21	100%
5	Post Transition Plan on ERCA website and circulate to Municipalities, MECP, and others as required	15-Dec-21	19-Dec-21	0%
6	Parse and Categorize ERCA Programs & Services as per MECP Guidance and O. Reg. 686/21	1-Oct-21	10-Dec-21	95%
7	Calculate average annual cost of each Program and Service	1-Nov-21	21-Jan-22	25%
8	Establish/confirm municipal staff leads / contacts regarding P&S and MOU discussions	1-Dec-21	31-Jan-22	10%
9	Prepare Full Inventory of Programs & Services	1-Jan-22	28-Feb-22	85%
10	Seek Board Approval of the Full Inventory of P&S	17-Feb-22	17-Feb-22	0%
11	Circulate the Inventory of Programs and Services to all relevant stakeholders including MECP	21-Feb-22	28-Feb-22	0%
12	Amend the Inventory of Programs and Services based on discussions with municipalities, if/as required	21-Feb-22	30-Apr-22	0%

## Phase 2 Work Plan

<b>Task Number</b>	<b>Task Description</b>	<b>Start Date</b>	<b>End Date</b>	<b>Progress percent</b>
13	Consult municipal and CA stakeholders as necessary	1-Jan-22	1-Dec-23	0%
14	Discuss / negotiate existing agreements for JRPH and HBCA with Infrastructure Ontario and MECP	1-Jan-22	31-Aug-22	0%
15	Calculate Levy Costs for Mandatory Programs and Services for member municipalities (CVA)	1-Mar-22	30-Apr-22	0%
16	Estimate costs for Non-Mandatory Programs and Services for each Municipality (estimate based on CVA)	1-Mar-22	30-Apr-22	0%
17	Meet with established municipal leads to discuss/agree on cost apportionments for Non-Mandatory Services	1-Apr-22	31-Aug-22	0%
18	Attend municipal Councils if/as required	1-Jul-22	30-Aug-22	0%
19	Draft Memorandums of Understanding for review by all relevant partners/stakeholders	1-Jul-22	30-Oct-22	0%
20	Submit Progress Reports to MECP	1-Jul-22	1-Oct-23	0%
21	Circulate Draft MOUs for review by all relevant stakeholders	1-Sep-22	28-Oct-22	0%
22	Finalize the DRAFT MOUs based on stakeholder input	31-Oct-22	25-Nov-22	0%
23	Attend Municipal Councils if/as required regarding MOUs and negotiate any changes as required	9-Jan-23	28-Jul-23	0%
24	Request for extension of the Transition Date (if required)	18-Sep-23	29-Sep-23	0%
25	ERCA 2023 Budget Approval meeting / vote	1-Dec-23	14-Dec-23	0%
26	Deadline for Execution of MOUs / Agreements	31-Dec-23	31-Dec-23	0%
27	Publish all Cost Apportionment Agreements on the ERCA website	31-Dec-23	31-Dec-23	0%
28	Submit Final Report to MECP (Final Inventory and confirmation that all MOUs are executed)	1-Jan-24	31-Jan-24	0%



## **Inventory of Programs and Services**

The Inventory of Programs and Services is required to be substantially completed by February 28, 2022 and circulated to the stakeholder list included in [Appendix B](#). ERCA has completed the categorization of each program and service and is currently completing the necessary associated annual costs. As this work is still on-going, draft categorization and cost estimates have not been included with this document. The Inventory of Programs and Services is anticipated to be circulated to the stakeholder list by early to mid-February, and no later than February 28, 2022.

## **Record of Circulation**

Section 5 of O. Reg. 687/21 requires that a Record of Circulation, specifically related to the circulation of the Inventory of Programs and Services, be maintained and submitted to the Ministry of Environment, Conservation and Parks. [Appendix B](#) of this Transition Plan includes the Record of Circulation, which includes the municipality and/or agency name that was circulated, the affiliation with ERCA (member/non-member), the date of circulation, and whether a response was provided back to ERCA or not. This information will be maintained as an appendix within this plan and will be updated as required.

## **Progress Reports and Final Reports**

As per Section 7 of O. Reg. 687/21, the ERCA will submit quarterly progress reports on the following dates:

- Progress Report 1: July 1, 2022
- Progress Report 2: October 1, 2022
- Progress Report 3: January 1, 2023
- Progress Report 4: April 1, 2023
- Progress Report 5: July 1, 2023
- Progress Report 6: October 1, 2023

It is anticipated that the MECF will be preparing and circulating reporting templates for conservation authorities to complete and submit back to the Ministry.

## Concluding Remarks

ERCA's Transition Plan meets all of the requirements as described in *Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Conservation Authorities Act*.

With the ERCA Board approval, this Plan will be available to the public on the ERCA website and circulated to the participating municipalities in advance of the December 31<sup>st</sup>, 2021 deadline. This Plan was submitted to the Ministry of Environment, Conservation and Parks on the 21st day of December, 2021.



## Appendix B: Stakeholder List & Record of Circulation

### Stakeholder List & Record of Circulation

The table below is a Record of Circulation indicating which municipalities and agencies were circulated ERCA's Inventory of Programs and Services. In addition to those listed below, the Conservation Authority will have also circulated this entire document (the Transition Plan) to the Ministry of Environment, Conservation and Parks on or before December 31<sup>st</sup>, 2021, as required by O. Reg. 687/21.

<b>Municipality</b>	<b>Affiliation</b>	<b>Date of Circulation</b>	<b>Feedback Provided</b>
City of Windsor	Member	December 22, 2021	Yes / No
Town of Amherstburg	Member	December 22, 2021	Yes / No
Town of Essex	Member	December 22, 2021	Yes / No
Town of Kingsville	Member	December 22, 2021	Yes / No
Municipality of Lakeshore	Member	December 22, 2021	Yes / No
Town of LaSalle	Member	December 22, 2021	Yes / No
Municipality of Leamington	Member	December 22, 2021	Yes / No
Town of Tecumseh	Member	December 22, 2021	Yes / No
Township of Pelee	Member	December 22, 2021	Yes / No
County of Essex (Upper Tier Municipality)	Non- Member	December 22, 2021	Yes / No
Lower Thames Valley Conservation Authority	Adjacent CA	December 22, 2021	Yes / No