



Staff Report for Committee of the Whole Meeting

Date of Meeting: September 20, 2023

Report Number: SRPBS.23.004

Department: Planning and Building Services

Division: Policy Planning

Subject: SRPBS.23.004 - Request for Approval -
Memorandum of Understanding with Toronto
and Region Conservation Authority

Purpose:

To seek Council approval to execute a Memorandum of Understanding (MOU) with Toronto and Region Conservation Authority (TRCA) outlining the process by which future Procurement Agreements would be entered into with TRCA to deliver future municipally requested environmental programs and services that are now categorized as non-mandatory programs and services per the requirements of the *Conservation Authorities Act*.

Recommendation(s):

1. That Council approve the Memorandum of Understanding (MOU) attached to SRPBS.23.004 as Appendix A, which sets out the principles, terms and conditions governing the delivery of programs and services by the Toronto Region Conservation Authority to the City as per the requirements of the *Conservation Authorities Act*.
2. That the Mayor be authorized to execute the MOU, upon the recommendation of the Commissioner of Planning and Building Services.

Contact Person:

Michelle Dobbie, Manager, Park and Natural Heritage Planning, phone number 905-771-2467

Maria Flores, Director, Policy Planning, phone number 905-771-5438

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Building Services

Approved by: Darlene Joslin, City Manager

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All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

Background:

Since 2017, the *Conservation Authorities Act* (CA Act) has been amended numerous times to provide further clarity and transparency surrounding the programs and services that conservation authorities (CAs) provide and the governance and operations of CAs. These amendments were undertaken through the *Building Better Communities and Conserving Watersheds Act, 2017* (Bill 139), the *More Homes, More Choice Act, 2019* (Bill 108), the *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* (Bill 229), and the *More Homes Built Faster Act, 2022* (Bill 23). As a result of these amendments to the CA Act, the City will be required to execute an MOU with TRCA to deliver future municipally requested environmental programs and services that are now categorized as non-mandatory programs and services. Without such an MOU, the City will no longer be able to use TRCA to deliver any non-mandatory programs or services beyond January 1, 2024.

Amendments were made to the *Conservation Authorities Act* (“the Act”) in 2018 to increase the transparency of the relationships between CAs and municipalities to the public, and to require CAs to enter into future agreements with municipalities within their jurisdictions for programs and services that the authority will provide on behalf of the municipality. These non-mandatory programs and services are in addition to the mandatory programs and services that CAs are required to continue to provide to municipalities (i.e. programs and services related to natural hazards like the floodplain or areas subject to erosion, including wetlands adjacent to natural hazard lands). The definitions of the mandatory and non-mandatory categories of programs and services were outlined in subsequent regulations that were released in two Phases and are as follows:

- Category 1: Mandatory programs and services - *defined in regulation; no MOU required, TRCA will continue to provide these programs and services*
- Category 2: Municipal programs and services provided at the request of a municipality – *permitted to be provided by TRCA subject to municipal funding through an MOU and Procurement agreement*
- Category 3: Other programs and services an authority determines are advisable – *provided by TRCA through other forms of funding, such as user fees and grants.*

The Phase 1 CA Act regulations were released on October 1, 2021. The Phase 1 regulations included requirements for CAs, such as the development of a Transition

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Plan and draft inventory of programs and services. Both the Transition Plan and the draft inventory were circulated to the Ministry of Environment, Conservation, and Parks (MECP) and participating and partner municipalities, including the City of Richmond Hill, in accordance with the deadlines set out in the regulation.

The Phase 2 CA Act regulations were released April 20, 2022, which set out requirements associated with the process for CA budgets, the apportionment to participating municipalities, the methodology for the determination of the apportionment amounts owed to the CA from participating municipalities, and the public sharing of governance-related information, including the requirement to enter into an MOU with municipalities who wish to consider using TRCA to deliver any non-mandatory programs or services beyond January 1, 2024. These MOUs must also be posted to the CA's website.

More recently, on November 28, 2022, Bill 23 provided legislative direction to restrict CAs from providing non-mandatory review and comment on prescribed acts, and a new regulation became effective January 1, 2023 listing the prescribed acts including the *Planning Act* and *Environmental Assessment Act*. This effectively prohibits the ability of municipalities to utilize a CA's technical skills to review, amongst other matters, any *Planning Act* application except as it relates to natural hazards (i.e. areas within the floodplain, areas subject to erosion or other natural hazards, and wetlands adjacent to natural hazard lands). What this means is that while the City must execute an MOU with the TRCA outlining the process by which future Procurement Agreements would be entered into with TRCA to deliver future municipally requested non-mandatory programs or services, those services cannot include review of *Planning Act* applications for non-mandatory matters (e.g. natural heritage conformity).

The City of Richmond Hill has a history of collaboration with TRCA, who aids the City in delivering a number of key programs and services now considered to be non-mandatory. For example:

- Projects that aid in implementing the Richmond Hill Environment Strategy such as Community Learning and Education programs like those occurring at Lake St. George Field Centre
- Restoration of the woodland and meadow areas associated with RHDDO Park Master Plan and other park projects
- Richmond Hill Official Plan direction related to enhancing and actively managing the City's Greenway System, such as Community Stewardship Events like the City's tree planting events
- Trails Strategy Implementation, including the MacLeod Trail extension (currently under construction) and formalizing a primary trail network in the Jefferson Forest
- Oak Ridges Corridor Conservation Reserve management, including trails management, restoration, and education and engagement programming
- Site-Specific Flood Emergency Response Planning (Oak Ridges, Lake Wilcox)

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TRCA owns 506 hectares of land in the City of Richmond Hill and manages an additional 428 hectares for the Province of Ontario at the Oak Ridges Corridor Conservation Reserve and Bathurst Glen Golf Course.

Discussion:

The City will gain a number of benefits by executing an MOU agreement with TRCA outlining the process by which future Procurement Agreements will be entered into with TRCA for the delivery of future non-mandatory programs and services per the requirements of the *Planning Act* and *Conservation Authorities Act* and City of Richmond Hill Official Plan. These include:

- Specialized expertise related to completing works in unique, complex and/or sensitive areas. This can include, but not be limited to, hazard lands, valley lands, areas with ecological sensitivities or with species at risk
- Cost-effective management of natural environment projects and ability to expedite required approvals to satisfy federal and provincial environmental standards
- Ensuring projects reduce risk to life and property in a prompt, cost-effective and environmentally responsible manner
- Maintaining a long-standing partnership that often allows the City to exceed the service timelines of what a private contractor would be able to provide, allowing a variety programs and services to be provided in a timely manner
- Tackling common interests in a comprehensive manner by enabling the continuation of partnerships with TRCA on non-mandatory programs or services of joint interest including applying jointly to seek grant funding
- Leveraging TRCA opportunities from other programming with government partners (e.g. Region of York, Infrastructure Canada) to coordinate integrated and potentially larger scale solutions than might be otherwise possible;
- Tapping into expertise that is highly unique or specialized for existing services or programs that align with the City's needs, such as managing specialized consultants that require first-hand knowledge and experience in the area of expertise (i.e. archaeological reviews, multi-year invasive species management programs, hydrogeology reviews)

In order for the City to utilize TRCA in the future to deliver programs or services now categorized by the legislation as “non-mandatory services”, the City must enter into an MOU Agreement with TRCA per the direction in the legislation. Executing this MOU does not compel the City to utilize TRCA to deliver any future programs or services, it merely provides the City with the option to do so, should the City desire to in the future.

Financial/Staffing/Other Implications:

The proposed MOU attached as Appendix A to Staff Report SRPBS.23.004 has no immediate staffing or financial implications associated with it.

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Relationship to Council's Strategic Priorities 2020-2022:

The proposed MOU aligns with each of Council's 2020-2022 Strategic Priorities. It complements and supports the goal of "Balancing Growth and Green" by allowing for the continuation of future partnerships with TRCA to undertake greening of natural spaces as the City continues to grow. It demonstrates "Fiscal Responsibility" by providing a future means to enter into a partnership that will often result in a more efficient and cost effective delivery strategy for certain environmental programs and services. It contributes to a "Strong Sense of Belonging" by enabling the continued collaboration between the City and TRCA, allowing for the future potential to continue to create a range of opportunities for people to experience and immerse themselves within the City's natural environment and take part in stewardship programs. The proposed MOU also allows for future partnerships that may promote the improvement of connections for "Getting Around the City" through our natural environment (e.g. working together to create additional trail connections).

Climate Change Considerations:

The proposed MOU agreement directly enables and supports the City's environmental protection, enhancement and active management efforts by providing a mechanism to maintain the long-standing history of collaboration with TRCA, who aids the City in delivering a number of key environmental programs and services to achieve its larger climate change mitigation and adaption goals. For example, by executing the proposed MOU agreement with TRCA, the City will continue to partner with the TRCA in the future delivery of community tree planting events, restoration projects, and education and engagement programming to support a more resilient Richmond Hill.

Conclusion and Next Steps:

The City of Richmond Hill has a history of collaboration with TRCA, who aids the City in delivering a number of key environmental programs and services now considered to be non-mandatory. For many years, the TRCA has undertaken a variety of projects in partnership with and on behalf of the City that aided in implementing the Richmond Hill Environment Strategy, restoration projects associated with DDO Park Master Plan and other park projects, and Official Plan direction related to enhancing and actively managing the City's Greenway System.

In order for the City to utilize TRCA in the future delivery of programs or services now categorized by the legislation as "non-mandatory services", the City must enter into an MOU Agreement with TRCA per the direction in the legislation. Executing this MOU does not compel the City to utilize TRCA to deliver any future programs or services, it merely provides the City with the option to do so, should the City desire to in the future.

It is recommended that Council approve the Memorandum of Understanding (MOU) attached to this staff report as Appendix A and authorize the Mayor to execute the MOU with TRCA outlining the process by which future Procurement Agreements with the TRCA will be entered for the delivery of municipally requested and approved capital

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projects, operating programs, services, and partner funded projects upon the recommendation of the Commissioner of Planning and Building Services.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Appendix A – Proposed MOU Agreement

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Report Approval Details

Document Title:	SRPBS.23.004 - Request for Approval – Memorandum of Understanding with TRCA.docx
Attachments:	- Appendix A - Proposed MOU Agreement - AODA.pdf
Final Approval Date:	Aug 24, 2023

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

Maria Flores - Aug 24, 2023 - 12:19 PM

Andreea Adari on behalf of Antonio Dimilta - Aug 24, 2023 - 12:46 PM

Kelvin Kwan - Aug 24, 2023 - 1:52 PM

Gigi Li - Aug 24, 2023 - 2:29 PM

Darlene Joslin - Aug 24, 2023 - 4:16 PM