



Agenda Item #8.1

BOD Meeting #9/25

November 27, 2025

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To: The Chair and Members of
Kawartha Conservation Board of Directors

From: Mark Majchrowski, CAO

Re: Proposed Legislation: Bill 68, Plan to Protect Ontario Act, Schedule 3

KEY ISSUE: Legislation has been proposed by the Province affecting the Conservation Authorities Act.

RECOMMENDED RESOLUTION:

RESOLVED, THAT, the staff report on Bill 68, Plan to Protection Ontario Act (Budget Measures), 2025 be received, AND

THAT, feedback to the province related to Conservation Authorities Act and the creation of the Ontario Provincial Conservation Agency through Bill 68 be integrated into comments for the regional consolidation of conservation authorities as part of the ERO #025-1257 posting.

Optional Addition to the Resolution:

[Add itemized BOD feedback points]

The proposed Bill 68, Plan to Protection Ontario Act (Budget Measures), 2025 forms part of the Ontario government's broader Plan to Protection Ontario, the 2025 fall economic outlook and fiscal review. It aims to further the government's broader agenda of economic stability, competitiveness, and regulatory reform. As part of the measures identified in the Bill, Schedule 3 proposes changes to the Conservation Authorities Act, specifically the creation of a Crown Agency, the Ontario Provincial Conservation Agency (OPCA).

Bill 68 was currently in second reading at the time of writing this report, and it is anticipated to be passed before the Board meeting convenes. A link to the legislative bill is provided here: [Bill 68, Plan to Protect Ontario Act \(Budget Measures\), 2025 \(No. 2\) - Legislative Assembly of Ontario](#)

Proposed Regulatory Content

The legislation proposes the creation of the Ontario Provincial Conservation Agency, who would be responsible for bringing forward a major modernization of how conservation authorities operate. A new section representing approximately 10 pages of legislative clauses would be placed in the Conservation Authorities Act identifying the roles, responsibilities, and operational facets of the Agency, including their relationship with the province and

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conservation authorities.

The following identifies key points related to the proposed Agency, with a commentary provided for each heading.

Agency Governance:

The proposed OPCA would be established as a corporation and an agent of the Crown. It would not be able to register as a charity under the Income Tax Act.

Governance would occur through a Board of Directors comprising 5-12 members appointed by the Lieutenant Governor in Council, who are knowledgeable in matters pertinent to business operations, conservation authority knowledge, or other matters determined to be of benefit. Members cannot be a member of Parliament, and would serve a term of up to 3 years, and may serve for 9 years total (broken or unbroken service). A chair and up to two vice chairs would be identified by the Lieutenant Governor in Council.

The governance body holds at least 4 meetings per year, and establish by-laws as needed for the conduct and management of the affairs of the Agency, operating within its purpose (objects).

Commentary:

Criteria identified for the selection of Board members for the proposed Agency seem reasonable. However, a Board limited to five members may not provide sufficient diversity of expertise or representation to effectively oversee the breadth of responsibilities required. A larger Board—closer to the upper limit of twelve members—would be better positioned to support robust governance and ensure the Agency's work is responsive to the needs and operational realities of conservation authorities.

There is no open disclosure required for meetings of the Crown agency, which could be implemented for portions of the meeting that can be public, or published on a website. This would be a positive, open model for board governance and should be employed. There is precedent with other Crown agencies providing a level of public transparency for their governance (e.g. Metrolinx).

Agency Funding:

The Agency is funded by the Minister and through fees.

The agency may, by notice, require the payment of fees related to any matter related to the performance of its duties and powers, including any direction it provides to a conservation authority(ies), such as costs for the oversight of conservation authorities, issuing directions, reviewing or enforcing compliance with its directions, evaluating performance or approving

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or reviewing standardized processes (see potential applicability in the sections below: Agency Objects and Agency Oversight of Conservation Authorities). The Agency would be responsible for the development of their own fee system which can include late penalties, refund rules or payment enforcement.

The Agency can recover costs and expenses by determining the amounts the authorities collectively owe to the Agency and apportioning said costs. This would be enabled through future legislation which would need to be introduced by the Lieutenant Governor in Council.

The agency will operate without the purpose of financial gain.

Commentary:

Investment by the Province in conservation authorities through a surrogate measure in the creation of the OPCA to develop consistent standards and guidelines and drive additional innovation in conservation authorities is welcome. The long-term funding of the OPCA should be through the province and not through directions to pay for the carrying out of the agency's objects or for the levying of amounts to be paid by the conservation authorities.

There is a significant risk that implementation of directions to pay costs to the OPCA will increase the costs borne by municipalities and our communities if this occurs. Further, there are no mechanisms identified for conservation authorities to provide input to the Agency's fee schedules, or establishment of the Agency's budgets for which the conservation authorities would be levied.

Agency Objects

The Agency would be responsible for carrying out the following 10 roles:

- Oversee the governance of authorities, their operations, programs and services and other aspects.
- Oversee the transition to a regional watershed-based framework
- Promote consistent policies, standards and fees for programs and services
- Assess and report on the effectiveness of authorities in their purpose (furthering the conservation, restoration, development and management of natural resources in watersheds in Ontario), including outcomes related to the implementation of their programs and services.
- Oversee and evaluate the financial performance of authorities, including long-term operational and capital financial sustainability and the financial sustainability of the mandator programs and services
- Ensure alignment of conservation authorities with provincial objectives by guiding and evaluating their strategic planning
- Support the development and implementation of a standardized and centralized

- system for processing applications for permits
- Lead the development and implementation of digital strategies and shared services to support the operations of authorities, including their programs and services.
 - Support strategic investment in programs and services provided by authorities, including leveraging funding available to Ontario and authorities.
 - Advise the Government of Ontario in respect of the programs and services authorities provide under the Act and any matters related to the objects of the Agency.

Commentary:

Object identified in the proposed legislation for the Agency are broad-based, encompassing the full range of programming and services, business functions and governance. There are a number of initiatives identified in the objects that would be or have the potential to benefit the programs and services that conservation authorities provide. The implementation of a number of standardization components, or evaluative measures would be beneficial, however, the way in which measures are evaluated, determined and introduced will be important to ensure successes. There may be more complex considerations in developing standardization than are anticipated.

Advancing financial sustainability measures, defining guidelines to provide clarity on existing provincially defined roles for conservation authorities, standardizing frameworks, shared services and digital strategies (and their investments), and supporting strategic investments in programs and services are positive measures.

The Agency object to transitioning conservation authorities to a regional watershed based framework is addressed separately in Agenda Item 8.2.

Agency Oversight by Province:

The Minister and the Agency will enter into an MOU that sets out requirements and expectations for the Agency, accountability relationships, and requirements for the Agency for carrying out its objects.

The Minister may issue directions to the Agency where it considers matters to be in public interest, which includes a direction to the Agency to issue a direction (to conservation authorities). Further, the Minister may issue a direction to the agency for any proposed directions they would serve to conservation authorities (during a 45-day notice period to the Minister). This direction could include directing the Agency to take any action in relation to their proposed direction to conservation authorities and requiring the Agency to report back to the Minister on their actions. The agency will comply with any directions given by the Minister.

The Minister may require information to be provided by the Agency on their operations.

The Agency will be required to report to the Minister on its activities and effectiveness on March 31, 2029, and every subsequent 3 years.

Commentary:

The oversight powers of the Province are strong over the Agency. There is an ability for the Province to issue directives to the Agency, which are then put forward to conservation authorities to implement, which both must comply with. The terms utilized in the determination of this direction is broad-based without definition. It would be beneficial to understand, or have determined what is "in public interest" defined more specifically.

Agency Oversight of Conservation Authorities

The Agency can issue direction to an Authority or Authorities to address: KPIs, service standards, information technology, procurement, training of members and employees, budgeting, asset management plans and strategic planning. The Agency cannot issue a direction to an Authority until the Minister approves the direction. Conservation Authorities must comply with a direction given by the Agency.

To support implementation of such directions, the Agency may issue guidelines to the Authority(ies).

Conservation authorities will be required to provide information to the Agency to further its objects, which includes information relating to its operations, employees, assets, liabilities, rights and obligations, which may include plans, reports and financial statements, including audited financial statements, and may also include personal information.

Any personal information collected will not require a notice to the individual and would be collected with the purpose of furthering the Agency's objects. This would include information that would be considered subject to solicitor-client privilege, or confidential matters of the conservation authority. The Agency can order the publication of information collected to the conservation authority(ies), but not any privileged or confidential information.

Commentary:

The oversight powers of the Province are strong over the Agency, which can translate very quickly to directions to conservation authorities. There is a clear loss of autonomy in the way in which conservation authorities would move forward in this framework. The priorities that conservation authorities will focus on will be the focused workplans of the Agency itself. Noting the ability for the Agency to issue directions and issue directions to pay for their efforts, while also introducing deliverables for the conservation authorities themselves to undertake, there will be increased costs related to conservation authority operations, or



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decisions on the focus of programs and services offered. To remedy this, there should be adequate investments provided by the Province in the initiatives of the OPCA and in the resulting work needed to carry out these initiatives for conservation authorities.

The ability of the OPCA to collect any and all information of a conservation authority, including personal information typically protected under MFIPPA and a blanket ability to gain information regarding solicitor-client privilege is concerning. We note that all information that the OPCA collects is open to the Province, and as such this information is not limited to just the OPCA. Information of this nature should not be required to be provided as a matter of course.

Agency Transparency:

The Agency will prepare annual financial statements and be subject to audits of the Minister or Auditor General.

Any directions provided by the Province to the Agency, or from the Agency to Conservation Authorities will be published on a website. If the Agency issues a notice to recover costs from conservation authorities, these will also be placed on a website. Further, any guidelines put forward to conservation authorities will also be published.

Commentary:

Existing measures to provide some transparency to the OPCA are reasonable. Duplication of the same measures required for the transparency of conservation authorities' governance would provide a consistent lens of transparency that could be adopted by the OPCA.

As identified earlier, governance meetings should have a transparency lens. The report that the Agency provides to the Minister on a 3-year frequency should similarly be made available for public consumption, given the important profile that the province is placing on conservation authorities.

Agency Liability:

No members of the Crown, Agency employee, or staff of an Authority can have cause or action arise against them for any act done in good faith further to their powers, duties, or functions under the CAA. No proceedings can be commenced against the Crown, Agency employee, or CA staff.

Commentary:

The introduction of a "no liability" section for the Crown, Agency and staff of an Authority appears to be a beneficial clause.



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Agency Staff:

The first Chief Executive Officer will be appointed by the Secretary of Cabinet to be employed by the Agency for a defined term. Following this, the Agency will hire successors to the position. The CEO can is responsible for the management and administration of the affairs of the Agency, as determined in concert with the Board of Directors, and appoint employees, arrange for facilities, or other such services as may be required.

Commentary:

No comment.

Agency Termination:

The Agency may be wound up by the Minister and appropriately dissolved.

Commentary:

No comments.

These changes would also provide for new regulation-making authorities for the LGIC and Minister.

Recommended Action

Staff recommend that, due to the short timeframe related to the passing of Bill 68, that advocacy measures be integrated into comments related to the consultation on the regional consolidation of conservation authorities, in addition to advocacy measures during future implementation activities of the Agency.

Further, if there are opportunities with Conservation Ontario to provide commentary on the Bill, integration of concerns be put forward for an alignment of comments.

Staff note that although there are many details regarding the proposed legislation that enable extremely strong and broad oversight and directive powers over conservation authorities, the exercising of powers may be different from yielding these powers. While it can be expected that a number of directions will be forthcoming, some of the more sensitive items identified within the powers of the agency would hopefully be handled with more care by the Agency (i.e. right to personal information, solicitor-client privileged information).