Proposed boundaries for the regional consolidation of Ontario's conservation authorities (ERO#025-1257)

Submission: Final Written Submission

Organization Name: Conservation Ontario

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Conservation Ontario: ERO Questions and Responses

The purpose of this submission is to provide the collective feedback of the 36 Conservation Authorities (CAs) who are the members of Conservation Ontario.

To prepare this submission we have taken input from: elected officials, Indigenous community members, board members, municipalities, CA and municipal leadership and staff, businesses, concerned citizens, environmental groups, agricultural groups, and other partners.

In an organization as diverse as Conservation Ontario, there are a range of opinions, which reflect: local preferences, circumstances, and watershed needs. This diversity is accommodated by the current structure of CAs and is a strength of the current model.

Members are concerned that this would be lost by the ERO Proposal. By consolidating to seven CAs, the result would be organizations too large to deliver effective governance, oversight, and accountability to municipal funders and their residents and taxpayers.

Based on these consultations, we report that a majority of our members:

- support the broad goals of the government of achieving better outcomes;
- oppose the changes outlined in the ERO Proposal as a means of achieving those goals; and,
- support continued evolution of the system and prefer alternatives to the Proposal that would result in voluntary consolidation, supported by adequate business rationale and time for meaningful consultation, including with First Nations/Indigenous rights holders.

In the alternative, should the government decide to proceed with the ERO Proposal, we recommend measures to mitigate risks inherent in this ERO Proposal.

This includes an innovative model whereby the “back office” operations of the CAs would be consolidated, as contemplated by the ERO Proposal, but local boards would be retained for accountability and decision-making.

In keeping with our culture of decision-making, we have encouraged individual CAs to send their own submissions commenting on their local circumstances and preferences, and these should be reviewed together with this submission to gain an understanding of the range of local CA perspectives across Ontario.

Conservation Ontario represents the interests of its members and remains committed to effective partnership with the Province to achieve effective, modernized outcomes for local, watershed-based conservation and resource management.

Thank you for the opportunity to provide feedback.

What do you see as key factors to support a successful transition and outcome of regional CA consolidation?

a. *Ensuring support for regional CA boundaries*

Support from key partners, specifically, municipalities, is key to the ongoing success of CAs in Ontario.

Conservation authorities, municipalities, and Conservation Ontario remain concerned that the scale of the proposed regional consolidation may be too large to preserve successful watershed management in Ontario.

To deliver on its mission, a new regional conservation authority model must be grounded in fundamentals of effective watershed management, including:

- protecting life and reducing property damage from flooding and erosion;
- supporting municipal partners, the development community, and landowners with timely, reliable services;
- enhancing the economic, environmental, and community health of the watershed;
- providing meaningful opportunities for people to connect at the local level; and,
- meeting the demands of a rapidly growing population at a time of climate pressure.

If regionalization stretches teams too broad, we risk losing:

- on-the-ground expertise;
- local environmental conditions and records (e.g. localized infrastructure flooding);
- relationships and funding support from: municipalities, Indigenous communities, donors, businesses, the agricultural community, watershed residents, and other partners;
- real-time responsiveness during storms and emergencies;
- support from the scientific community; and,
- effective oversight and buy-in from municipal funding partners.

To maintain the confidence of municipal decision makers, funders, and the taxpayers they serve, CAs must be appropriately accountable.

- The principle of “pay for say” should be reflected in the design of new CAs, as it is today.
- The proposed catchment area of the proposed consolidated CAs would, in many cases, combine almost 100 municipalities, stretching oversight and “pay for say” beyond what is workable and undermining confidence in the governance of CAs.
- Additionally, the proposed Huron-Superior consolidated CA includes a northern CA with southern CAs; the north should stay with the north for shared policy, cultural and geographic reasons.

Recommendation 1: That the Province consider achieving modernization goals through the current 36 CA corporations using: legislative and regulatory amendments, technological solutions, and compliance verification.

Recommendation 2: That the Province demonstrate the statutory objects of the CAs can be effectively delivered within the proposed new regional boundaries.

Recommendation 3: That the Province collaborates with an implementation working group including: Association of Municipalities of Ontario (AMO), Conservation Ontario, CAs, municipalities, and other experts to consider options and evaluate proposed solutions within this Proposal.

b. The Proposal risks delaying performance improvements currently under way

The proposed changes risk undermining the implementation of provincial improvements that have already been introduced.

In recent years, the Province has significantly changed the role of CAs in land use planning matters as part of its broader initiative to build more homes faster. Insufficient time has passed to fully implement and evaluate the impact of recent amendments on development outcomes. Given the volume and speed of legislative changes, industry stakeholders are still processing the effect and significance of various legislative changes.

All stakeholders, including the development industry, benefit from certainty. The Proposed Consolidation will introduce additional unknowns and new processes at an already uncertain time in the market.

c. If implemented, the Proposal would benefit from a measured and predictable rollout

Slowing the pace of consolidation would permit the Province to monitor the impact of recent changes while ensuring future changes are rolled out in a measured and predictable fashion.

Guidance may be taken from the Province's experience with municipal amalgamation in the 90s and 2000s to ensure that any proposed consolidation of CAs is well-timed and efficiencies at the local level are evaluated prior to implementing structural changes.

Recommendation 4: That the Province consider a longer implementation timeline to fully address: board governance and appointment frameworks; funding mechanisms, allocations & reserve structures; and service continuity matters. Phasing standards, guidelines, and directives across all CAs, *before any consolidation* (should consolidation be required at all), offers greater stability and predictability.

This approach minimizes multiple significant changes occurring at the same time, reducing risks of disruption to program delivery, and creating conditions for better outcomes and buy-in.

Recommendation 5: That a stable, clear, transition plan be prepared collaboratively with the implementation working group. To minimize potential disruptions, this plan should consider: service standards, points of contact, permitting continuity measures, board and staff communications, staff retention measures, and costs.

Recommendation 6: That transition costs for any consolidation be fully funded by the Province.

d. *Retention of staff*

During organizational consolidation, staff retention is a critical issue that significantly impacts the success of integration.

Key challenges include cultural misalignment, job redundancy, changes in leadership, lack of communication, and disruption to routine ways of delivering programs and services. To address these issues, a focus on clear communication, employee engagement, and support is required.

Retaining staff and preserving local watershed knowledge is critical to the success of regional CA consolidation. This knowledge is rooted in a deep understanding of historic and current land uses, cultural connections to watersheds, and the community values, needs, and stewardship priorities that shape local decision-making.

Recommendation 7: That staff retention strategies be prepared in cooperation with Conservation Ontario and CAs and communicated to effectively manage any proposed consolidation, and further that, engaging existing leadership be a key priority. Should this Proposal, or parts of it, be implemented, stability and engagement of leadership are essential to minimize service disruptions and maintain staffing levels.

Recommendation 8: That the Province provide a letter to each CA (or that can be shared by Conservation Ontario) to provide to staff to reinforce the importance of staff working at Ontario's 36 CAs to maintain staffing, service levels, certainty, and morale.

e. Measuring and monitoring outcomes

The expressed purpose of the consolidation is to reduce overlap and increase efficiency. The Province should develop metrics to measure the impact of consolidation on development outcomes.

Recommendation 9: That the Province measures and monitors impacts of this Proposal.

f. Support and capacity for municipalities

Many municipalities do not have in-house capacity to perform watershed planning or other environmental services that are undertaken by CAs. This includes review of development applications that involve environmental considerations and municipal environmental projects.

For example, smaller municipalities often rely on the expertise of the local CA where land use planning matters intersect with questions related to the natural environment.

Recommendation 10: Conservation Ontario is identifying municipalities that rely on the services of CAs in this specific way to ensure that these relationships can be maintained within the new, proposed structure. We encourage collaboration with the Province, AMO, municipalities, and CAs to identify current risks and new opportunities.

Recommendation 11: That the Province evaluates and considers programs and approvals that can be done faster and more efficiently at the local level, on a fee for service basis, to reduce red tape in Provincial approvals.

2. What opportunities or benefits may come from a regional CA framework?

a. Ensuring consistent standards

Across the Province, CAs have developed policies based on provincial guidance documents (e.g. the Ministry of Natural Resources and Forestry Erosion Hazard Guidelines). Outdated frameworks and standards can lead to different interpretations, development approvals and outcomes across the Province. Provincial approvals of policies, guidance, and standards have not kept pace with modern needs.

Recommendation 12: That the Province update Provincial policies and standards together with AMO, Conservation Ontario, CAs, and municipalities to reduce inconsistencies and promote consistent implementation outcomes.

b. Additional investment

Additional investment is required to ensure key deliverables, such as floodplain mapping, are technically defensible and proactively in place for all watersheds across Ontario.

Municipal, regional, and federal governments have been key partners with the Province in this space for many years.

Recommendation 13: That the Province invests stable, adequate, multi-year funding into CA programs including floodplain mapping, monitoring, and water and erosion mitigation infrastructure.

c. Pooling of resources and collaboration between technical experts

Effective watershed governance relies on strong connections to local needs, priorities, and knowledge, which then guide natural hazard management, shape infrastructure decisions, strengthen watershed health, stewardship programs, and community partnerships.

Specific knowledge of the local watershed and environment is integral to the ability of CAs to carry out their permitting function under the *Conservation Authorities Act*. Bringing experts from across CAs together may provide greater opportunities for collaboration, specialization, and information sharing as well as pooling resources. Consolidation of CAs is not required to achieve this outcome; however, a more centralized system and investment of baseline resources are required.

Recommendation 14: That an integrated digital platform that connects the fundamental strengths of multiple CAs, across multiple offices and disciplines, be developed to deliver enhanced watershed programming in Ontario.

3. Do you have suggestions for how governance could be structured at the regional CA level, including suggestions around board size, make-up and the municipal representative appointment process?

a. Subregional Appointment Bodies

Currently, there are 36 CAs, each representing varying numbers of municipalities, ranging from as few as 1 to as many as 39. Subsection 2(2) of the *Conservation Authorities Act* sets out the number of representatives that each municipality may appoint as members. Unless the Minister permits otherwise, at least 70 per cent of a municipality's appointees to a CA are required to be selected from among members of the municipal council.

Under the proposed consolidation, each regional CA would represent a larger number of municipalities, ranging from 35 to over 100 municipalities per authority.

To provide a manageable governance structure, changes to the *Conservation Authorities Act* are anticipated to reduce the number of municipal appointees to the regional CA. Absent

changes to the governance structure, this will cause some municipalities to lack representation at the regional CA level.

One potential solution to avoid entirely disenfranchising many municipalities is to create a tiered governance structure whereby regional CAs are authorized to establish one or more subregional councils.

The Regional CA would have the power to appoint representatives from member municipalities to the subregional council.

This ensures a direct line of communication, and a degree of accountability, between municipalities that do not have a direct appointee on the regional CA and the regional CA itself.

Such subregional councils would be responsible for exercising the powers and duties and performing functions that have been delegated to the subregional council by the Regional CA with respect to matters relating to that part of the Regional CA.

This model has proven successful in the past when it was applied to municipal community council structures created at the time of amalgamation to solve the problem of ensuring that local decisions were made by local councillors in newly amalgamated Municipalities.

While this is a potential model, we re-state that the current system does a much better job of providing accountability, local buy-in, and pay for say.

Recommendation 15: That any proposed modernization efforts maintain strong connections to local priorities, local expertise, and municipal perspectives. Achieving the right balance between centralized oversight and meaningful local involvement and support is essential for successful, ongoing, watershed management in Ontario.

b. Transparent appointment process

The criteria for appointments to regional CAs should be consistent and transparent across the Province while accounting for regionality.

4. Do you have suggestions on how to maintain a transparent and consultative budgeting process across member municipalities within a regional CA?

Best practices exist across Ontario's 36 CAs. If any changes are implemented towards a regional CA model of governance, subregional budgeting is important.

a. Subregional budgeting

Subregional councils within the proposed regional CA could continue to follow a modified version of the budgeting process under O. Reg. 402/22. The proposed subregional budgets and apportionments could then be proposed to the regional CA for final approval.

The regional CA could have the authority to approve the budgets or amend and approve the budgets (similar to a Library Board budget or a Police Board Budget). This would allow for the continuation of a familiar budgeting process within a new structure.

Another key factor to consider during the transition to consolidation is protecting watershed reserves, infrastructure, and land assets. Many watershed municipalities and CAs are concerned how locally funded reserves, land assets, and long-term capital programs will be treated within a consolidated structure.

Recommendation 16: That should any proposed consolidation proceed, subregional approaches to budgeting be maintained to assure delivery of local programs and services at the watershed level.

5. How can regional CAs maintain and strengthen relationships with local communities and stakeholders?

a. Maintain local presence in governance and delivery

The implementation of sub-regional watershed councils described above would ensure continued presence of a local voice in priority setting and decision-making. In addition, subregional offices must be maintained to ensure CAs remain responsive to local needs (e.g. bilingualism). This includes offices, brand identity, infrastructure, programming, and staffing.

Permitting decisions related to development are generally made at the local level. For example, under the *Building Code Act, 1992,* each municipality is required to appoint a Chief Building Official who is an independent officer responsible for administering building permits.

The Ontario Superior court has stated, "It is central to the role played by CBOs that they know the character of their community and the local conditions."[4] Decision makers within the proposed centralized permitting system should be familiar with the local community and attention should be paid to ensuring adequate knowledge of local conditions.

b. Stakeholder outreach

Communication of any meaningful changes must be shared with regional watershed municipalities and other interest holders, such as the development/homebuilders' sectors, the agricultural sector, and other groups that require approvals or receive deliverables from various programs and services. This level of planning is essential because the proposed boundaries represent major watershed restructuring and the merging of multiple complex organizations that require coordinated efforts that should not be rushed.

c. Comprehensive Communication Strategy

A clear, well-coordinated communication strategy is essential to support any potential transition. Strategies must provide timely and accessible information on the new regional boundaries, updated points of contact, any changes to permitting or operational processes, and how municipal relationships and responsibilities will function throughout the transition period.

Early outreach to municipalities, Indigenous communities, landowners, agricultural groups, developers, and other key interest holders will help set expectations and reduce uncertainty. Personalized engagement, including town halls, small-group stakeholder meetings, and one-on-one conversations with municipal representatives, provide opportunities to address region-specific questions and reinforce local connections.

Announcement of the parameters of subregional or watershed councils to maintain stability and function during the transition are also essential.

Additional Comments:

Ontario Provincial Conservation Agency

Conservation Authorities and Municipalities have expressed concern about the proposed governance structure of the OPCA.

As currently designed, the agency will report to a provincial ministry and be governed entirely by provincially appointed board members. At the same time, CAs, and therefore municipalities, will be required to fund all or a portion of the agency's operations through existing levy/apportionment processes. This means that municipalities may ultimately contribute all or a significant share of the OPCA's budget without having any meaningful role in shaping its governance, its priorities, or its strategic direction.

For municipalities that rely heavily on CA guidance for land-use planning, hazard management, infrastructure development, and emergency response, this creates a disconnect between financial responsibility and decision-making influence.

Not only would this be a precedent-setting method for funding a provincial agency, it establishes a system in which municipalities help fund a provincial agency but have no formal avenue to participate in its oversight, which raises significant concerns about accountability, responsiveness, and the long-term alignment of provincial direction with local needs.

Recommendation 17: That the Ontario Provincial Conservation Agency be funded by the Province of Ontario rather than funds levied from municipalities and the local property tax base.

Thank you for the opportunity to review and provide comments on the *Proposed boundaries for the regional consolidation of Ontario's conservation authorities (ERO#025-1257).* Conservation Ontario represents the interests of its members and remains committed to effective partnership with the Province to achieve effective, modernized outcomes for local, watershed-based conservation and resource management.