

Committee of the Whole (2) Report

DATE: Tuesday, December 5, 2023

WARD(S): ALL

TITLE: MEMORANDUM OF UNDERSTANDING WITH TORONTO AND REGION CONSERVATION AUTHORITY FOR MUNICIPALLY REQUESTED PROGRAMS AND SERVICES

FROM:

Vince Musacchio, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To seek Council approval to enter into a Memorandum of Understanding (MOU) with Toronto and Region Conservation Authority (TRCA) to provide a framework for undertaking municipally requested programs and services on an as-needed basis.

Report Highlights

- In response to recent amendments to the *Conservation Authorities Act*, conservation authorities are required to execute framework MOUs with municipalities for the provision of non-mandatory programs and services.
- The TRCA requires an MOU with the City to continue to be considered as a potential provider of non-mandatory programs and services.
- The City is not obligated to sign an MOU with TRCA, and no financial commitments will be included in the MOU.
- The MOU will also not include services related to planning and development applications.
- Having a framework MOU in place will allow the City to continue accessing TRCA programs and services on an as-needed basis; the City will maintain the discretion to decide when to retain their programs and services.
- Several other municipalities have recently approved or executed framework MOUs with TRCA for non-mandatory programs and services.

Recommendations

1. That the Mayor and Clerk be authorized to execute a framework Memorandum of Understanding with the Toronto and Region Conservation Authority (TRCA), in a form satisfactory to Legal Services, to enable the City of Vaughan to access municipally requested programs and services from the TRCA.

Background

Conservation Authorities in the Province of Ontario are working to execute MOUs with municipalities for non-mandatory services by January 1, 2024.

The *Conservation Authorities Act* (CA Act) has been amended to provide clarity and transparency surrounding programs and services that conservation authorities provide and their governance and operations. 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 *Build More Homes Faster Act, 2022* (Bill 23). The intent of these amendments is to increase transparency of the working relationships between conservation authorities and municipalities.

Under the CA Act, the TRCA has certain mandatory programs and services that it must provide. The TRCA also has non-mandatory programs and services that it is permitted to provide. That is, the TRCA is permitted to enter into MOU's or agreements to provide municipal programs and services for a municipality in the TRCA's area of jurisdiction.

As a result of these amendments, conservation authorities are working to execute MOUs with participating municipalities by January 1, 2024 to govern municipally requested non-mandatory programs and services. Staff are proposing to enter into a framework MOU at this time, which will set broad parameters for how the City engages the TRCA to perform non-mandatory programs and services for the City. The City and TRCA may then sign agreements on a project-by-project basis, which will set out the details of each engagement.

Any MOU signed by the City for non-mandatory programs and services will not include services related to planning and development applications.

Previous Reports/Authority

N/A

Analysis and Options

Staff have identified several key considerations and benefits for entering into a framework MOU with TRCA for non-mandatory programs and services.

A list of non-mandatory programs and services that the City has engaged with TRCA previously includes, but is not limited to: flood management, erosion control, restoration and regeneration, forest management, greenspace management, trail planning and development, education and outreach programs, and community engagement.

Considerations for entering into a framework agreement with TRCA for non-mandatory programs and services include:

- Project Complexity - where work is required to be undertaken in complex and/or environmentally sensitive areas including valley lands, areas with ecological sensitivities or with species at risk; and areas prone to erosion and slope instability.
- City interests in TRCA-owned Lands - where the City has identified projects that will take place or require access to TRCA lands, including those under management agreement, or where a hazard is present on municipal lands but work must be carried out on TRCA lands.
- Project Monitoring and Warranties - where the City and TRCA enter into a partnership together on a project or program and such partnerships are tied to a system of follow-up maintenance, monitoring, assessment and evaluation following implementation of the project. Such partnerships exceed the services and timelines of what a private contractor would undertake and provide additional risk mitigation benefits to the City.
- Project Funding and Collaboration Opportunities - where TRCA can contribute funds to a project or leverage opportunities from other programming partners (e.g. Province, Region of York and other grant opportunities) to coordinate integrated and potentially larger scale solutions than what might not be possible otherwise.
- Delivery of Specialized Services - where TRCA offers highly unique or specialized existing services or programs that align with municipal needs, such as managing specialized consultants that require first-hand knowledge and experience in the area of expertise.

- Leverage Existing Environmental Programs - where TRCA offers existing environmental programming for various audiences and the City can partner with TRCA to have those programs offered to support or enhance City of Vaughan programs and services.

Having a framework MOU in place will allow the TRCA to continue to be considered for non-mandatory services requested by the City on an as-needed basis.

The proposed framework MOU with TRCA sets out high-level terms governing the delivery of programs and services by TRCA. The MOU requires the City to follow procurement and purchasing policy when accessing TRCA services and does not obligate the City to utilize TRCA services during the term of the agreement.

It is recommended that Council approve entering into an MOU with TRCA to help the City keep its options open for the delivery of environmentally related programs and services.

Financial Impact

There are no financial obligations associated with execution of the proposed MOU. Implementation of non-mandatory programs and services with the TRCA will continue to be completed on an as-needed basis, for projects and services to be provided within approved sources of funding or brought forward separately for Council approval.

Operational Impact

The Senior Leadership Team Executive have been consulted in the preparation of this report to ensure alignment with department operating objectives. Having a framework MOU in place with TRCA will support implementation of planned and approved City programs and services.

Broader Regional Impacts/Considerations

The City of Markham, Town of Richmond Hill, King Township and Town of Whitchurch-Stouffville have each recently approved or executed framework MOU's with TRCA for non-mandatory programs and services. York Region has recently approved entering into a participating municipality MOU with TRCA.

Conclusion

Conservation Authorities in Ontario are required to execute framework MOU's with municipalities for non-mandatory programs and services (excluding planning services)

as a result of recent amendments to the *Conservation Authorities Act*. The City is not obligated to enter into an agreement with the TRCA. The TRCA requires an MOU with the City to be considered as a provider of non-mandatory programs and services. It is recommended that Council approve entering into an MOU with TRCA to help the City keep its options open for the delivery of environmentally related programs and services.

For more information, please contact: Jamie Bronsema, Director, Parks Infrastructure Planning & Development, ext. 8858

Attachments

N/A

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