

NCA Transition Requirements – Transition Plans and Agreements

Presented To:	City Council
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Report Summary

This report provides information to support entering into an agreement with the Nickel District Conservation Authority (Conservation Sudbury) for their continued provision of non-mandatory programs and services within Greater Sudbury.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

This report refers to Asset Management and Service Excellence as identified in the Strategic Plan. Establishing partnerships with Conservation Sudbury is considered cost-effective and innovative approaches to meeting service needs.

The mandates of Conservation Sudbury and the City of Greater Sudbury are closely aligned in relation to the City's Climate Action Plan. The scope of services in the Agreement are directly related to climate actions such as monitoring groundwater levels and environmental education programs.

Financial Implications

There are no financial implications associated with this report.

Background

In October of 2021, *Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services under Section 21.1.2 of the Act* was introduced. The regulation firstly required that all conservation authorities create transition plans for any programs or services that were deemed non-mandatory by the province. Conservation Sudbury completed the plan in 2021 and has placed the plan on its website. (Link can be found under resources.)

Secondly, a categorized inventory was required for all programs and services undertaken by Conservation Sudbury. Consultation with the City's Executive Leadership Team (ELT) took place in January of 2022 prior to finalization. Approval of the Inventory by the Authority's General Board was completed in early 2022 and the inventory is posted on the website. (Link can be found under resources.)

Finally, the regulation also requires that a cost-apportioning agreement be put in place with each of a conservation authority's member municipalities. As the City of Greater Sudbury is Conservation Sudbury's

sole member municipality, there is no need to apportion costs with other municipalities, however the agreement also provides high-level endorsement for the continuance of certain programs. The agreement was due by December 31, 2023; however, Conservation Sudbury was granted an extension to March 31, 2024, by the Minister of Natural Resources and Forestry.

Some programs and services are undertaken as a direct benefit to the City of Greater Sudbury, and these are designated as Category 2. Others have been created by Conservation Sudbury in the past and have been provided as a benefit to the community within its watershed jurisdiction. These are designated as Category 3. An agreement would allow new Category 2 and 3 programs to be identified and added as schedules on a case-by-case basis with the consent of both parties.

As part of the required consultation, a presentation was made to Council by the General Manager of the authority on March 8, 2022. Consultation with the General Managers of both Growth and Infrastructure and Community Development followed where the programs and services were discussed in greater detail.

It should be noted that programs and services in Category 1 are those deemed mandatory by the province and are included in *Ontario Regulation 686/21: Mandatory Programs and Services*. These programs would not appear in the agreement.

Currently, there are only two Category 2 programs or services, being:

- Monitoring of 14 groundwater wells that are part of the municipal drinking water supply,
- Operation of water-level control structures that do not provide flood control or flow augmentation but do provide other benefits including recreation.

As for Category 3, the conservation authority has introduced a number of programs over the past several decades that provide a benefit to the community and to visitors, including:

- Environmental education including field trips to Lake Laurentian CA and schoolyard programs
- Summer Day Camp (Camp Bitobig)
- Community engagements including family fishing days, water festivals, equipment rentals, etc.
- Tree planting program complementary to the ongoing greening efforts
- Other stewardship and community science

Conservation Sudbury is responsible as an entity for the risks related to the delivery of its programs and services regardless of provincial categorization. The authority maintains a comprehensive health and safety policy and carries the appropriate lines of coverage as part of the Conservation Ontario Insurance program. The cost of these programs is already incorporated within approved operating budgets.

A termination date is required “for the purpose of determining whether or not the agreement is to be renewed by the parties.” There is no maximum agreement period however the parties are required to review the agreement at least every five years. Staff anticipate establishing an agreement with a termination period of twenty years with provisions to review terms and conditions every five years.

Next Steps

Pending the passing of a By-Law, staff will prepare the final version of the agreement, which will be executed by the General Manager of the Nickel District Conservation Authority and the General Manager of Growth and Infrastructure.

Resources Cited

NDCA Transition Requirements – Ontario Reg 687/21: Transition Plans and Agreements
<https://www.ontario.ca/laws/regulation/210687>

Conservation Sudbury Transition Plan www.conservationssudbury.ca/wp-

[content/uploads/2023/01/Conservation_Sudbury_Transition_Plan_Dec2021.pdf](#)

Conservation Sudbury Categorized Inventory www.conservationsudbury.ca/wp-content/uploads/2023/01/Inventory_of_Programs_and_Services_2022-02-10_.pdf