

FURTHER TO AUTHORITY MEETING #2/08
To be held Friday, March 28, 2008

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FURTHER TO:

4. DELEGATIONS

NEW DELEGATION - 4.2

4.2 A delegation by Deborah Schulte, speaking in regard to item 7.3 - The Living City Campus Vision Plan.

7. CONSIDERATION OF REPORTS TO THE AUTHORITY

SECTION I - ITEMS FOR AUTHORITY ACTION

NEW ITEM - 7.10

7.10 MEMORANDUM OF AGREEMENT

Ministry of the Environment
Clean Water Act, 2006

101-102

TO: Chair and Members of the Authority
Meeting #2/08, March 28, 2008

FROM: Adele Freeman, Director, Watershed Management

RE: **MEMORANDUM OF AGREEMENT**
Ministry of the Environment
Clean Water Act, 2006

KEY ISSUE

Approval to receive funding from the Ministry of the Environment for Technical Studies in respect of the Clean Water Act, 2006.

RECOMMENDATION

THAT Toronto and Region Conservation Authority (TRCA) enter into an agreement with the Ontario Ministry of the Environment (MOE) to receive funding of \$2,600,000 on behalf of the CTC (Credit Valley-Toronto and Region-Central Lake Ontario conservation authorities) Source Protection Region to be used to undertake technical studies and other work in support of the Clean Water Act, 2006;

THAT the agreement be on terms and conditions satisfactory to TRCA staff and, as necessary, its legal advisers;

AND FURTHER THAT authorized TRCA officials be directed to take such action as is necessary to implement the agreement with MOE including the execution and signing of documents and entering into agreements with municipalities in the CTC Source Protection Region to complete required technical studies.

BACKGROUND

The Ontario Ministry of the Environment (MOE) has received funding to continue to support technical studies to complete the assessment reports required for each of the Source Protection Areas delineated under Ontario Regulation 284/07. MOE is offering the CTC (Credit Valley-Toronto and Region-Central Lake Ontario conservation authorities) Source Protection Region \$2,600,000 to complete existing technical work that has been identified, plus new technical work that will be identified through the development of Terms of Reference for each of the three source protection areas within the CTC Region. This is interim financing that will be subject to financial accounting, reporting and auditing to ensure that the funds are spent on eligible projects.

The agreement between Toronto and Region Conservation Authority (TRCA) and the province to accept this funding must be executed to ensure that the funding will be received as soon as possible. TRCA staff and, as necessary, its legal advisers will review the proposed agreement with MOE to ensure that terms and conditions are acceptable.

The current Memorandum of Agreement (MOA) between TRCA, Conservation Ontario and the province that has funded source water protection work by staff of the three conservation authorities (CA) in the CTC Region expires March 31, 2008. TRCA will be allowed to use this new technical study funding on an interim basis to cover costs for non-technical study work while the province implements its new transfer payment process for funding this work. Based on current information, the new transfer payment approach and new funding to support staff and the work of the source protection committee will be made available in June or July of 2008.

Based on the MOE approval of the Terms of Reference in late 2008 – early 2009, the CTC Region may receive additional funding for technical studies or be required to return funds in excess of budgetary needs.

MOE financing can be used to fund Conservation Authority staff work, consultants or transferred to municipalities under MOA to undertake part or all of the tasks to deliver the required technical work. Under the *Clean Water Act, 2006*, municipalities have the 'first right of refusal' to undertake part or all of the work to complete the assessment report or source protection plan. In order to undertake the work, a resolution of municipal council will be required authorizing municipal staff to take on the responsibility to undertake the work.

TRCA, as the 'lead' source protection authority for the CTC Region, has the regulatory responsibility for the fiscal management of provincial funding for source protection studies. Any MOA between TRCA and a municipality will set out the responsibilities of the parties regarding the budget, schedule, deliverables, financial accounting and reporting and data management consistent with the requirements set out between TRCA and MOE.

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