

Toronto and Region Conservation Authority MOU

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made as of the 1st day of January, 2024 (the “**Effective Date**”).

BETWEEN:

THE REGIONAL MUNICIPALITY OF PEEL
(hereinafter, “Participating Municipality”)

AND:

TORONTO AND REGION CONSERVATION AUTHORITY
(hereinafter, “TRCA”)

WHEREAS TRCA is a conservation authority established under the *Conservation Authorities Act* (“Act”) providing programs and services that further the conservation, restoration, development and management of natural resources in its watersheds;

AND WHEREAS the Participating Municipality is an upper-tier municipality, located wholly or partly within the area under the jurisdiction of TRCA, and is designated as a participating municipality under the Act;

AND WHEREAS in carrying out its mandate under the Act, TRCA is required to provide mandatory programs and services (Category 1) including but not limited to programs and services related to understanding and addressing the risks of natural hazards, flood forecasting and warning, drought or low water response, ice management, water control and erosion control infrastructure, providing technical comments on applications under prescribed acts including the *Planning Act*, conservation and management of its lands, and fulfilling its duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts;

AND WHEREAS in carrying out its mandate under the Act, TRCA provides non-mandatory programs and services (Category 2) to municipal partners within its jurisdiction including but not limited to erosion control and restoration planning and works, trail planning, design, construction and maintenance of infrastructure, forest management, project management, invasive species and wildlife management, in-water and near-water construction, watershed and subwatershed planning, biodiversity and ecosystem monitoring, Sustainable Neighbourhood Action Plan development and implementation, where applicable, climate science, environmental audits, impact studies, environmental assessments, community education and outreach, archaeological studies, research and interpretation, events and nature-based programs;

AND WHEREAS under the Act, Category 1 programs and services are to be funded through the annual budget and apportionment process in accordance with the applicable regulations;

Toronto and Region Conservation Authority MOU

AND WHEREAS under the applicable regulations, Category 1 operating expenses and capital costs may be included in the apportionment and provided without an agreement;

AND WHEREAS under the Act, Category 2 programs and services requested by municipalities may be provided under a memorandum of understanding (“MOU”) or such other agreement in respect of the programs and services, such as a procurement agreement;

AND WHEREAS under the applicable regulations, Category 2 operating expenses and capital costs may be included in the apportionment under an MOU or other agreement, and the operating expenses and capital costs shall be apportioned, in their entirety, to the participating municipality that requested the programs and services;

AND WHEREAS under the Act, Category 2 programs and services may be provided at the request of participating municipalities, outside of the annual budget and apportionment process, through an MOU or other agreement;

AND WHEREAS the Act requires such MOUs or other agreements to be reviewed at regular intervals, and to be made available to the public, subject to certain exemptions including an exemption for procurement agreements;

AND WHEREAS this MOU sets out the principles, terms and conditions governing the delivery of Category 2 programs and services funded by the Participating Municipality through the budget and apportionment, or otherwise requested outside of the budget and apportionment process;

AND WHEREAS on June 6, 2023 the Province of Ontario passed Bill 112, *The Hazel McCallion Act (Peel Dissolution), 2023* which shall dissolve The Regional Municipality of Peel effective January 1, 2025, and the City of Mississauga, the City of Brampton and the Town of Caledon are continued as single tier municipalities;

AND WHEREAS on June 8, 2023 Regional Council passed Resolution 2023-455 endorsing a set of principles to manage the transition under Bill 112 to provide direction on existing Regional workplans, including initiatives to pursue the Climate Change Emergency Master Plan.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration the sufficiency of which is hereby acknowledged by the parties, the parties hereto agree as follows:

1. This MOU shall commence on the Effective Date and shall continue until December 31, 2024 (the “**Initial Term**”).
2. This MOU shall be reviewed by the parties on an annual basis as part of the budget and apportionment process.

Toronto and Region Conservation Authority MOU

3. When preparing its annual budget, TRCA shall follow the prescribed budgetary process in accordance with the requirements of the applicable regulations, including preparation of a draft budget, consultations with participating municipalities, rules for voting to approve the apportionment, and preparation of the final budget. Further, TRCA shall also submit a variance report by July 1st each year that includes a summary of deferred revenue for all programs and services included in the apportionment, and TRCA and the Participating Municipality will review unspent funding to determine opportunities to reallocate funding to other priority program and service areas on mutual agreement.
4. TRCA will identify Category 1 programs and services in the annual budget. TRCA shall comply with the prescribed methods of apportionment for Category 1 services. TRCA and the Participating Municipality will identify and agree on requested Category 2 programs and services in the annual budget. Schedule “A” to this MOU summarizes potential Category 2 programs and services offered by TRCA across TRCA’s jurisdiction. Where requested Category 2 services are included in the annual budget and apportionment, TRCA shall, in accordance with the applicable regulations, apportion the operating expenses and capital costs, in their entirety, to the Participating Municipality. The method of apportionment for each program and service shall be identified in the annual budget. TRCA’s account structure may be updated from time to time through the approval of the annual budget and apportionment, and the final approved budget and apportionment, as amended on an annual basis, are hereby incorporated by reference into this MOU. Schedule “B” to this MOU summarizes the current annual budget process carried out by TRCA in consultation with the participating municipalities.
5. Where Category 2 services are requested and procured outside of the annual budget, and not included in the apportionment, the following principles, terms and conditions shall govern the delivery of Category 2 programs and services requested by the Participating Municipality:
 - a. The Participating Municipality’s standard form of purchase order and procurement agreements will be used for the delivery of municipally requested programs and services.
 - b. TRCA will maintain such insurance policies as required by the Participating Municipality in respect of the delivery of programs and services provided outside of the budget process pursuant to this MOU.
 - c. TRCA will retain all financial and project records in connection with the programs and services for audit purposes by the Participating Municipality for no less than seven years, and shall provide such records to the Participating Municipality on request.

Toronto and Region Conservation Authority MOU

6. Category 1 programs and services shall be provided be in accordance with any standards and requirements that may be prescribed under subsection 21.1(3) of the Act. Category 2 programs and services provided shall be in accordance with any standards and requirements that may be prescribed under subsection 21.1.1(4) of the Act.
7. Where Category 2 programs and services funded by the Participating Municipality involve user fees, such user fees shall only be imposed in accordance with TRCA’s fee policy and fee schedules adopted in accordance with the provisions of the Act, or otherwise in accordance with provisions set out in an agreement between TRCA and the Participating Municipality.
8. The Participating Municipality and TRCA will continue to work together to identify opportunities for further collaboration to the benefit of both parties and ensure efficiency, transparency and accountability in the use of public sector resources.
9. The Region may assign without consent of the TRCA to its successor(s) in accordance with the *Hazel McCallion Act (Peel Dissolution), 2023*.
10. The Region shall have the right to assign or otherwise transfer this Agreement in whole or in part, including all or any portion of the Region’s rights, benefits and obligations therein, to any one or more person, corporation or other entity (each an “Assignee”). Upon the assumption by an Assignee of the Region’s obligations under this Agreement, the Region shall be released from its obligations arising under the Agreement.
11. This MOU shall be made available to the public in accordance with the Act and any applicable regulations.
12. This MOU may be executed in counterparts and when each party has executed a counterpart, each of such counterparts shall be deemed to be an original and all of such counterparts, when taken together, shall constitute one and the same agreement. The parties may sign this MOU by means of electronic signature and deliver this MOU by electronic transmission.

IN WITNESS WHEREOF, the parties have entered into this MOU as of the Effective Date.

**TORONTO AND REGION
CONSERVATION AUTHORITY**

Per: _____
Name: John MacKenzie
Title: Chief Executive Officer

Toronto and Region Conservation Authority MOU

Per: _____

Name: Paul Ainslie

Title: Chair

THE REGIONAL MUNICIPALITY OF PEEL

Per: _____

Name:

Title:

Per: _____

Name:

Title:

Per: _____

Name:

Title:

Document Execution No. _____

I Have Authority to Bind the Regional Corporation

File No. B33079

Toronto and Region Conservation Authority MOU

SCHEDULE A

**TORONTO AND REGION CONSERVATION AUTHORITY MUNICIPALLY-
REQUESTED (CATEGORY 2) PROGRAMS AND SERVICES OFFERED ACROSS
TRCA JURISDICTION**

Program /Service	Description
Watershed Planning and Reporting	Comprehensive planning and reporting related to natural hazard and natural resource management, and to assist municipalities by assessing risks, developing strategies, including Watershed Based Resource Management Strategy and identifying implementation priorities.
Climate	Projects and programs to increase resilience of watersheds and natural systems, and assist municipalities address extreme weather and a changing climate.
Water Resource Science	Engineering and technical services related to water resource management to support growth, flood management, including research, monitoring and analysis for internal and municipal data requirements.
Flood Management	Flood risk identification, warning, and mitigation to minimize the loss of life and property through operation of a Flood Forecasting and Warning Centre; flood remediation projects; flood control infrastructure.
Erosion Management	Protect life and property against the hazards of erosion and slope instability; erosion identification, assessment and remediation services for TRCA owned assets, municipal, provincial and private property.
Ecosystem Management Research and Directions	Ecosystem management research strategies, while responding to information needs and knowledge gaps identified internally or by partner municipalities.
Biodiversity Monitoring	Assesses and reports on terrestrial and aquatic biodiversity, restoration and management activities, understanding of invasive species prevalence and trends.
Restoration and Regeneration	Comprehensive and integrated environmental restoration services for TRCA owned assets, public sector partners and private clients.

Appendix III
Update on Memoranda of Understanding (MOUs) related to Conservation Authorities 2024 Budget

Toronto and Region Conservation Authority MOU

Program /Service	Description
Forest Management	Comprehensive and integrated forest management, reforestation and restoration services to municipal and regional partners and private property.
Greenspace Management	Land management and asset management for TRCA owned lands including, where appropriate, opportunities for safe and enjoyable recreation experiences to residents and visitors.
Waterfront Parks	As a significant waterfront landholder with jurisdictional authority over a portion of the Lake Ontario shoreline TRCA provides waterfront park development services to its municipal partners.
Bathurst Glen Golf Club	Management and maintenance of golf recreation facilities within TRCA owned conservation lands.
Trails	Events and festivals including a variety of unique indoor and outdoor accessible community event spaces for a variety of public events and festivals.
Events and Festivals	Indoor and outdoor accessible community event spaces for a variety of public events and festivals, delivered by TRCA or by public or private partners.
School Programs	Environmental education programs that complement provincial curriculum outcomes and objectives, including programs tailored for classroom, community, and TRCA field trip locations.
Family and Community Programs	Programming at various TRCA lands and facilities on matters related to environmental education and TRCA's mandate.
Newcomer Services	Integration and support services for new Canadians to settle socially, culturally, academically and economically into the Toronto region.
Community Engagement	Sustainability and resilience development programs and services including the Climate Consortium, Partners in Project Green, Sustainable Technology Evaluation Program, Rural Clean Water programs.
Living City Transition Program	Projects to engage residents, government, private sector and NGO's with the objective of achieving healthy ecosystems, community well-being and regional sustainability.

SCHEDULE “B”
TRCA CURRENT BUDGET PROCESS

PHASE ONE: BUDGET DRAFTING AND DETERMINING AMOUNTS OWED PHASE TWO: APPROVAL OF THE DRAFT BUDGET	
<p>Determination revenue, operating expenses, capital costs and reduced amounts to be apportioned</p> <p>Prepare draft budget</p> <p>Meeting on draft budget</p>	<p>April/May/June Staff level meetings/communications with each participating municipality, including advance notice of the TRCA Board meeting for approval of the draft budget</p> <p>June TRCA Board approves draft budget for consultation</p>
PHASE THREE: APPROVAL OF LEVY AMOUNTS PHASE FOUR: FINAL BUDGET	
<p>Consultations as are necessary to finalize budget</p>	<p>July Budget documents provided to participating municipalities, as well as a copy of the budget and of all financial information related to the apportionment of operating expenses and capital costs For the prior year budget, variance report is provided by July 1st each year that includes a summary of deferred revenue for all programs and services</p> <p>September/October Staff level meetings/communications with each participating municipality, including resubmission of binder if required, regarding any changes to apportionment and/or updated Current Value Assessment (CVA) shares as calculated/provided by the Province, as well as advance notice of October/November status update report to TRCA Board</p> <p>Variance report provided that includes a summary of deferred revenue for all programs and services included in schedule B for the current year budget.</p> <p>October/November TRCA Board status update report</p>

Appendix III

Update on Memoranda of Understanding (MOUs) related to Conservation Authorities 2024 Budget

Toronto and Region Conservation Authority MOU

<p>Approval of apportionment and final budget</p> <p>Providing copies and posting of budget</p> <p>Notice</p>	<p>January/February/March Staff level meetings/communications with each participating municipality, including advance notice of the TRCA Board meeting for approval of final budget and apportionment amounts</p> <p>March/April/May TRCA Board approves apportionment amounts and final budget</p> <p>Copy of final budget provided to Minister, participating municipalities and posted on Governance section of website</p> <p>Formal notices of apportionment amount sent to participating municipalities</p>
---	---

DRAFT