
PREAMBLE

Saugeen Valley Conservation Authority – Municipal Cost Apportionment Agreement for Category 3 Programs and Services

Background:

Under Section 20(1) of the *Conservation Authorities Act*, the objects of an authority are to provide, in the area over which it has jurisdiction:

1. Mandatory programs and services required under section 21.1 of the Act.
Note: These programs and services do not require agreements.
2. Any municipal programs and services that may be provided under section 21.1.1.
Note: Funding for these programs and services is defined in existing agreements for these programs and services.
3. Any other programs and services that may be provided under section 21.1.2.
Note: These programs and services require cost apportioning agreements with participating municipalities where financing (*i.e.*, cost apportionment) is required by a participating municipality.

Through subsection 21.1.2 of the *Conservation Authorities Act*, an authority may provide, within its area of jurisdiction, any other programs and services that it determines are advisable to further the purposes of the *Conservation Authorities Act*. These programs are known as “Category 3” or “Other Programs and Services”.

In general, conservation authorities and municipalities can both benefit from the coordination of program and service initiatives as appropriate.

Agreement Requirements:

Conservation Authorities Act Requirements of Agreements:

1. The Agreement is to be made available to the public on the Conservation Authority (CA) website or other means deemed advisable by the Conservation Authority.
2. The Agreement shall be subject to periodic review at intervals stipulated within the Agreement, provided that such intervals shall not exceed a five (5) year duration.

3. The Agreement will have clear termination dates.
4. The Agreement shall incorporate provisions for early termination by any party thereto, encompassing:
 - i. The methodology through which a party is to provide notice of early termination to the other party or parties; and
 - ii. A stipulation that mandates the dissemination of notice for early termination to be executed not less than thirty (30) days in advance of the early termination date, or such longer duration as may be specified within the Agreement.
5. The Agreement shall be subject to a review conducted by the parties thereto, which shall take place no later than six (6) months prior to the termination date, or within such extended timeframe as may be specified within the Agreement.
6. Programs and services will be provided in accordance with the terms and conditions in the Agreement.
7. The Agreement must provide for the participating municipality to pay the capital and operating expenses apportioned to them under the Agreement.
8. The Agreement must include provisions allowing the conservation authority to charge fees for any program or service for which a fee is proposed or may be proposed to be charged.
9. The Agreement will include requirements for dispute resolution.
10. The Agreement must be approved by a resolution of the participating municipal council.
11. The Province retains the right to prescribe standards and requirements for the provision of other programs and services. Should the Province enact regulations regarding the provision of services, the regulation would prevail in the event of conflict between the terms and conditions set out in the municipal Agreement.

Other:

Posting the Agreement will be consistent with the requirements of the *Municipal Freedom of Information and Protection of Privacy Act*.