

Cost Apportioning Agreement

(hereafter, "Agreement")

THIS AGREEMENT is made on the 6th day of June, 2023 (hereafter, "Effective Date").

BETWEEN:

TOWNSHIP OF LUCAN BIDDULPH

(hereafter, "Municipality")

AND:

AUSABLE BAYFIELD CONSERVATION AUTHORITY

(hereafter, "ABCA")

WHEREAS ABCA is a conservation authority established under the *Conservation Authorities Act* ("Act") and is governed by its participating municipalities in accordance with the Act;

AND WHEREAS the Municipality is a lower-tier municipality, located wholly or partly within the area under the jurisdiction of ABCA;

AND WHEREAS ABCA is prepared to provide certain services which the Act categorizes as non-mandatory to and on behalf of the Municipality in several service areas;

AND WHEREAS pursuant to Ontario Regulation 686/21, Conservation Authorities are authorized to apportion costs to municipalities for delivery of services;

AND WHEREAS pursuant to Ontario Regulation 686/21, Conservation Authorities and municipalities are required to enter into an agreement to levy municipalities for services provided, other than the services the Act categorizes as mandatory services;

NOW THEREFORE, in consideration of the terms of this agreement and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Initial Term of the Agreement is January 1, 2024 – December 31, 2028. Thereafter, the Agreement shall continue for additional four-year periods (each a "Renewal Term") unless either party provides written notice of termination to the other party at least thirty (30) days prior to the expiry of the Initial Term or Renewal Term, as the case may be.
2. The following principles shall guide the implementation of the Agreement between ABCA and Municipality:

- a. The Agreement will provide overarching terms and conditions for delivery of municipal programs and services by ABCA.
 - b. ABCA agrees to provide to the Municipalities the services outlined in Schedule A.
 - c. Municipality agrees to be charged a levy for such services to be apportioned among the participating municipalities.
 - d. ABCA will not add to or delete from the services or programs funded through the Agreement without first consulting with the municipalities. Any such change would require an amendment to this Agreement agreed to by all parties.
 - e. The parties will maintain the current annual approval process for determining the levy by a weighted vote based upon current value assessment in the watershed, and the overall ABCA budget.
 - f. Municipality will continue to support the Inventory of Programs and Services throughout the period of this Agreement.
 - g. The user-pay principle will be utilized to charge fees, where appropriate, to assist with the costs of Conservation Authority programs.
 - h. The municipality acknowledges and agrees that all Programs and Services identified in Schedule A shall also be included in a Watershed-based Resource Management Strategy that the ABCA is required to develop and implement under the Conservation Authorities Act.
3. This Agreement shall be reviewed by the parties prior to the expiry of the Initial Term and each Renewal Term. It is ABCA's responsibility to initiate the review with Municipality at least one hundred and twenty (120) days prior to the expiry of the Initial Term or Renewal Term, as the case may be.
4. Municipality and ABCA will strive to facilitate open and timely communication at all levels.
5. Where a dispute arises between two or more parties, the parties agree that dispute resolution practices will be implemented using the following principles:
- a. Agree to a fair process for mediating issues;
 - b. Utilize the services of a neutral facilitator, if required;
 - c. Identify common agreement / ground;
 - d. Identify all options to resolve;
 - e. Select best option.

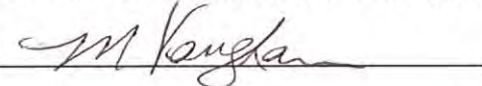
6. This Agreement shall be made available on the ABCA website and by other methods advisable.

7. The Agreement 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 such counterparts, when taken together, shall constitute one and the same agreement.


8. The Agreement does not preclude the parties identifying opportunities for further collaboration to the benefit of both parties, and ensure efficiency, transparency and accountability in the use of resources, including in-kind services and assistance, coordination of complementary policy and program initiatives, and projects involving third parties.

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

AUSABLE BAYFIELD CONSERVATION AUTHORITY

Per: 

Chair - MARISSA VAUGHAN

Per: 

General Manager/Secretary Treasurer - BRIAN HORNER

MUNICIPALITY

Per: 

Mayor - Cathy Burghardt-Jesson

Per: 

Clerk - Ron Reymer

Schedule A – Category 3 Programs and Services Requiring Municipal Financial Support Through Cost Apportioning

SERVICE AREAS

Through subsection 21.1.2 of the *Conservation Authorities Act*, Conservation Authorities (CAs) are empowered to provide programs and services it determines are advisable to further the purposes of the Act, to municipalities through an agreement. The Act defines these programs as Category 3.

The following ABCA Category 3 service areas are core components of integrated watershed management and have been provided for decades. They are in the ABCA Community Conservation Strategy (2011) and Watershed Management Strategy (2015) and have become valued by the watershed community. These programs and services are funded by a variety of sources: municipal levy, self-generated (user fees, donations, foundations etc.) as well as provincial and federal funding.

Financial summary of Category 3 programs requiring municipal funding support

Financial Summary of Category 3 Programs	Year 2023
Total Program Cost	\$1,263,490
Federal/Provincial Contribution	\$562,110
Self-Generated Revenue	\$497,049
Total Municipal Apportionment for this program	\$204,331
Township of Lucan Biddulph Apportionment	\$12,326

SERVICE AREA: WATERSHED AND SUB-WATERSHED STRATEGIES AND PROJECTS

Program description: Created for a drainage area, plans incorporate information on current watershed conditions and identify measures to protect, conserve and restore the watershed. Plans address natural hazard issues and recommends mitigation impacts from potential future land uses. The ABCA also facilitates community-based watershed strategies.

Program details: The ABCA works with communities to develop and implement subwatershed strategies. Activities include: community engagement and objective setting, supporting

protection, enhancement and restoration activities, monitoring and evaluating actions. Note: Natural hazard considerations will be incorporated when the current plans are reviewed and updated.

Current plans include Ausable River Action Plan, Old Ausable Channel Management Plan, Main Bayfield Watershed Plan, and Bayfield North Watershed Plan. The ABCA supports local communities in addressing their ecosystem interests and issues with strategies that have smaller and more relevant watershed boundaries.

In the Natural Heritage Systems Implementation Phase, the ABCA incorporates natural heritage information particularly around wetlands to develop planning and regulatory strategies to mitigate downstream natural hazards.

Note: Watershed planning related to natural hazards is a Category 1 program.

Financial Information

Watershed & Subwatershed Strategies & Projects	Year 2023
Total Program Cost	\$320,716
Federal/Provincial Contribution	\$299,316
Self-Generated Revenue	\$0
Total Municipal Apportionment for this program	\$21,400
Township of Lucan Biddulph Apportionment	\$1,291

SERVICE AREA: ENVIRONMENTAL MONITORING AND RESEARCH

Program Description: Groundwater and surface water sites are monitored for a variety of indicators to support flood forecast and warning, low water response, watershed report cards, watershed plans, and stewardship project prioritization. Service Area 2 provides significant information to help guide municipal decision making and implement their legislated responsibilities. The program is a partnership of the municipal, provincial and federal governments and community organizations.

Program Details: Surface water quality monitoring is completed at nine sites in West Perth, Bluewater, Central Huron, Lambton Shores, and North Middlesex (in addition to Provincial Water Quality Monitoring Network), Lake Huron nearshore water monitoring at area beaches, edge-of-field monitoring at Huronview Demonstration Farm near Clinton, benthic monitoring at

30 sites across the watersheds. When appropriate, staff will respond to local spills events at the request of Ministry of Environment, Conservation and Parks, municipalities and citizens.

The main method of reporting on local watershed conditions is through the Watershed Report Card. The ABCA watershed is divided into 16 subwatersheds. Measuring increases understanding of the watershed, focuses efforts and tracks progress. The next Watershed Report Card is scheduled to be released in 2027.

Municipalities and citizens can receive data on local water quality conditions upon request. For some programs, data are available on line.

Note: These monitoring sites are in addition to the Provincial Water Quality and Groundwater Monitoring Network that have sites in West Perth, Huron East, South Huron, Central Huron, Bluewater, Lucan Biddulph, Middlesex Centre and North Middlesex. Biomonitoring stations for fish and indicators of river health are located in all Municipalities.

Financial Information

Environmental Monitoring & Research	Year 2023
Total Program Cost	\$299,099
Federal/Provincial Contribution	\$172,748
Self-Generated Revenue	\$58,351
Total Municipal Apportionment for this program	\$68,000
Township of Lucan Biddulph Apportionment	\$4,102

SERVICE AREA: WATERSHED STEWARDSHIP AND RESTORATION

Program Description: The stewardship and restoration program has three key components: one-on-one technical assistance to watershed landowners, connecting landowners with cost-share funding, and tree planting. Projects will reduce the risk to life and property from natural hazards, protect water quality and quantity, improve forest conditions, increase biodiversity and make the watersheds more resilient to climate change. The program is delivered throughout the watersheds. Projects benefit the site and downstream communities.

Program Details: Staff will work with property owners to implement Best Management Practices to mitigate flood and erosion hazards, improve and protect water quality, restore floodplains and river valleys, reduce nutrient contamination, restore and enhance wetlands to

reduce flooding peaks and augment low flow, manage terrestrial non-native invasive species, protect groundwater, and improve aquatic species at risk habitat. Staff apply for and manage external funding, promote private land stewardship, provide technical advice and project technical design assistance.

Coordinating the Watershed Stewardship and Restoration program with the Environmental Monitoring and Research program allows for stewardship project prioritization. Prioritizing projects connects landowners with additional cost-sharing funding to best meet the needs of the community, and the environment, and leverages the contributions of local funds with other programs.

Financial Information

Watershed Stewardship & Restoration	Year 2023
Total Program Cost	\$470,839
Federal/Provincial Contribution	\$90,046
Self-Generated Revenue	\$344,799
Total Municipal Apportionment for this program	\$35,994
Township of Lucan Biddulph Apportionment	\$2,171

SERVICE AREA: CONSERVATION EDUCATION AND COMMUNITY OUTREACH

Program Description: Education and outreach programs increase knowledge and awareness in children and adults about local environmental issues, watersheds, ecosystems and conservation actions people can implement on their lands. Programs are linked to ABCA priorities.

Program Details: Staff provide curriculum-based education programs for elementary and secondary students. These programs focus on local watersheds, ecosystems, and environmental issues. Programs take place at schools (indoors and outdoors), field trips and through online learning.

Education and outreach programs and community events help achieve the objectives of the conservation authority. These programs are open to people of all ages.

Financial Information

Education & Outreach	Year 2023
Total Program Cost	\$172,836
Federal/Provincial Contribution	\$0
Self-Generated Revenue	\$93,899
Total Municipal Apportionment for this program	\$78,937
Township of Lucan Biddulph Apportionment	\$4,762