

Staff Report to Council

Title: Water and Erosion Control
Infrastructure with SVCA

Report Number: Operations-2024-10

Director: Infrastructure &
Development

Manager: Operations

Meeting Date:
Wednesday, July 10, 2024

Date to be considered by Council:
Wednesday, July 10, 2024

Recommendation:

That Council support category considerations as detailed within report Operations-2024-10.

Executive Summary:

The Saugeen Valley Conservation Authority (SVCA) historically has managed seven sites throughout the Municipality across our watershed for flood protection and erosion control. The Conservation Authority Act was amended which has refocused the work of conservation authorities. The legislative changes allow the SVCA to conduct specific services, however at an increased cost to the Municipality. Staff from the Municipality and Conservation Authority reviewed all Category 1 and 2 sites across our watershed and have determined that all optional Category 2 sites will be managed by municipal staff for inspection and maintenance purposes going forward. By performing inspections and maintenance inhouse, we reduce external costs to the Conservation Authority.

Strategic Priorities:

B.6-Protect and preserve our environment

Financial Considerations:

The Conservation Authority has several types of billings including General Levy; Special Benefiting (Category 1); MOUs, Category 2 & 3 Agreements; & Capital Projects. For the purpose of the Category 1 agreements, those costs are apportioned by a 60/40 split between the benefiting Municipality and general levy (for maintenance projects only) or billed at 100% to the Municipality for MOUs and Category 2 & 3 Agreements. SVCA holds a Kincardine Structure Reserve, which would continue to be applied to the Municipality of Kincardine's portion of Special Benefiting Projects. Municipal staff have been advised that the 2023 year-end reserve fund balance is \$42,200.

Five of the seven projects in Kincardine would still be impacted by mandatory Category 1 Special Benefitting billing, regardless of Category 2 arrangements being in place. This means that through Special Benefitting, the Municipality of Kincardine would continue to be billed 60% of maintenance and inspection costs. The remaining 40% is billed through general levy, which the Municipality of Kincardine is also billed through cost apportioning. Capital projects are billed 100% to the Municipality by SVCA.

The Municipality will not incur further costs immediately by taking the Category 2 items inhouse aside from having our structural engineer incorporate inspections within our OSIM inspection program for the sheet piling structure in Kincardine. All other inspections will be done routinely in-house with operations staff and absorbed through our operating budget.

Policy:

Conservation Authorities Act and O. Reg. 687/21

Context and Background Information:

Amendments to the Conservation Authorities Act, specifically Ontario Regulation 687/21 pertaining to agreements for programs and services, necessitate a reassessment of ongoing collaborations between Conservation Authorities and their respective member municipalities.

Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act requires each conservation authority to complete an inventory of programs and services. This document lists all the programs and services the authority is providing as of February 28, 2022, and intends to provide after February 28, 2022. The Regulation requires conservation authority activities to be placed into three categories:

- Category 1 defines the mandatory programs and services.
- Category 2 activities are at the request of, or on behalf of, a municipality through a Memorandum of Understanding or other agreement.
- Category 3 activities are outside the Category 1 mandatory programs and services that the Conservation Authority decides are required to conserve the watershed.

Historically, SVCA has undertaken maintenance and operational responsibilities for numerous water and erosion control projects within the Municipality of Kincardine.

SVCA will continue to bill under Special Benefitting (as per Category 1, mandatory programs of the Conservation Authorities Act). Category 2 agreements for the inspection and maintenance of water and erosion control infrastructure provided to municipalities by SVCA are optional. Category 3 Agreements are related specifically to Category 3 programming. The Category 3 Agreement was endorsed by Kincardine Council and relates to the Water Quality program at SVCA.

Below is a listing of the sites within the Kincardine watershed:

1. Penetangore River Diversion (Category 2 applicable)
2. Inverhuron Flood Control Project (Category 2 applicable)
3. Riggins Erosion Control Project (Category 2 applicable)
4. Campbell Erosion Control Project
5. Kincardine Township Erosion Control Project
6. Kincardine Gabion Wall

7. Penetangore Slope Stability and Erosion Control Project (Category 2 applicable)

Campbell Erosion Control Project, Inverhuron Flood Control Project, Kincardine Gabion Wall, Penetangore Slope Stability and Erosion Control Project, and Riggins Erosion Control Project each have Category 1 components associated with them and will continue to be billed as special benefitting.

The Municipality of Kincardine has declined the offering of Category 2 Agreements proposed for the continued inspection and maintenance of specified projects over a five-year term and provided notice to SVCA on February 26. All work has ceased on Municipally-owned right of ways effective January 1st, 2024 by SVCA.

Access agreements, allowing SVCA to permission to use the municipal right of way for inspection and maintenance purposes for Penetangore Slope Stability and Erosion Control & Campbell Erosion Control are required and will be sought by SVCA. Inspection records and major project drawings will be supplied to the Municipality of Kincardine in digital format.

Consultation Overview:

Municipal and Conservation Authority staff met to review the impacts on projects within the Kincardine watershed. Site inspections were conducted with both stakeholders present to fully review the location and scope of each project to enable Municipal staff to make informed decisions to be presented to SVCA and Council. Municipal staff engaged legal Counsel to review proposed considerations.

Origin:

Provincial changes to the Conservation Authorities Act.

Implementation Considerations:

Effective immediately, staff will conduct in-house overviews of each site with operations staff and add routine inspections prompts into our Cityworks platform for routine scheduling. Works to inspect will become routine and additional considerations may arise because of future inspections and maintenance requirements.

Risk Analysis:

By not undertaking any inspection works and simply allowing all agreements to lapse, inherent risks exist due to the history and nature of each site. By continuing to inspect each site we can ensure that they are either in good standing or look to address deficiencies through ongoing and future maintenance works.

Attachments: Inverhuron_LocationMap
PenetangoreRiver_LocationMap
PenetangoreDiversion_LocationMap
KincardineTownship_LocationMap

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