
To: UTRCA Board of Directors
From: Tracy Annett, General Manager
Date: April 28, 2026
File Number: BoD-26-0428-27
Agenda #: 8.1
Subject: Bill 97, Proposed Changes to the Conservation Authorities Act

Recommendation

THAT the Board of Directors receives the report for information.

Background

On March 26, 2026, the province introduced Bill 97, Plan to Protect Ontario Act which includes Schedule 3 amending the Conservation Authorities Act (CAA).

Update

At the time of writing this report, Bill 97 passed second reading and been referred to Standing Committee. It is expected that the changes to the CAA will pass through Committee and third reading shortly. The changes include new regulation making authority on several matters, including prescribing maximum number of members for each participating municipality, maximum number of members from all participating municipalities, the method for determining said numbers, rules around governing watershed councils, and more. Many of the changes will be implemented through future regulations.

The Ministry of the Environment Conservation and Parks invited Conservation Authority General Managers and Board chairs to a virtual technical briefing on April 9, 2026. The information provided in this report is based on the materials presented. The timeline was presented to highlight the three phases of Transition through Transformation into the new Regional Conservation Authorities as shown in Figure 1 below.

Context: Improving Ontario's CA system

Ontario is taking action to build on the legislative and regulatory amendments made since 2019 to ensure CAs have the tools required to protect the communities they serve, supporting economic prosperity while balancing conservation and development needs.

The government is making improvements to Ontario's conservation authority system in multiple phases:

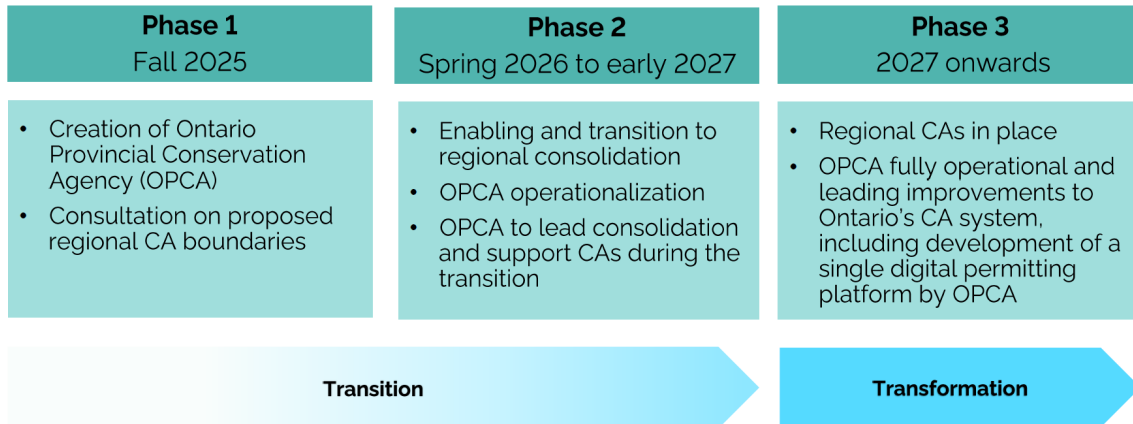


Figure 1: Context – Improving Ontario's CA system

In addition, the key milestones to develop transition plans prior to February 2027 (or another date as prescribed in regulation) are shown in Figure 2 below. It should be emphasized that the transition plans are to be completed in early February, while implementation of the plans will occur in the months and/or year(s) during Phase 3 transformation.

Key Milestones

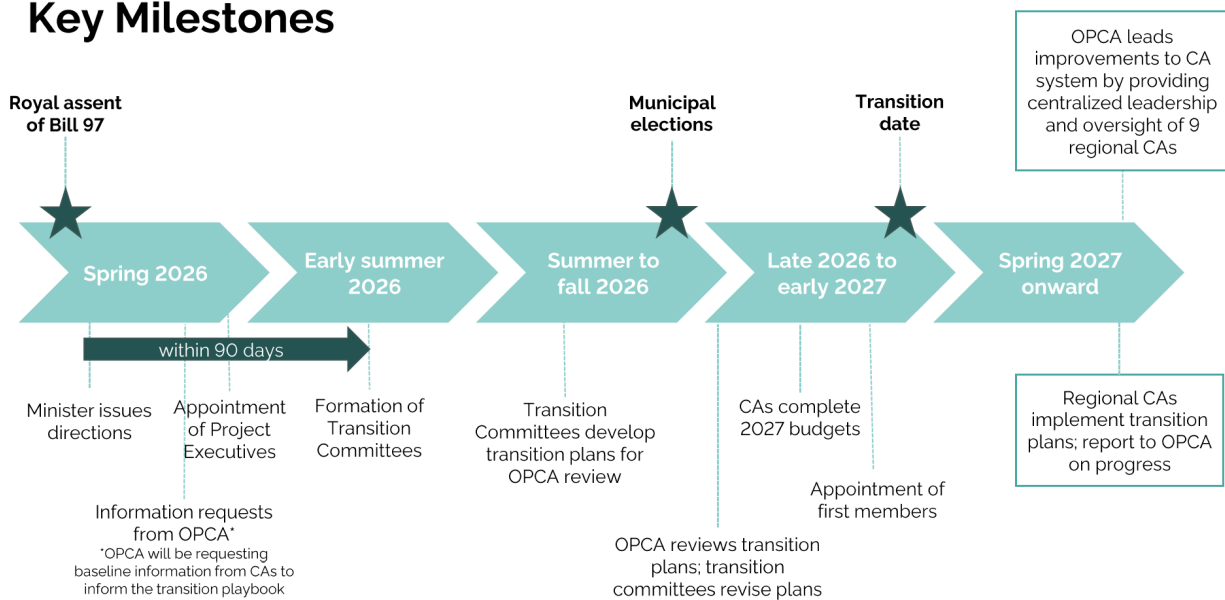


Figure 2: Key Milestones

A summary of key changes is provided below.

Statutory Amalgamation

The new regional Conservation Authorities (CAs) would replace the former CAs “predecessor authorities” as legal entities to avoid disruptions to CA operations.

- On the transition date, the “predecessor authorities” would be amalgamated and legally continued as the Western Lake Erie Regional Conservation Authority (WLERCA).
- The Transition date would be defined as February 1, 2027 (or a later date prescribed by regulations).

Rules for Amalgamation

The legislation sets out a number of rules for the amalgamations that apply after the transition date. Examples include:

- The participating municipalities would be the single-tier, and the upper-tier municipalities located in whole or in part within its area of jurisdiction.
- Employment of employees are not terminated (all rights, duties and liabilities of transfer).
- All rights, obligations, assets and liabilities of the UTRCA become those of the WLERCA.
- All partnerships, agreements or MOU or debts due to the UTRCA become those of WLERCA, including the continuance of agreements or MOUs to provide municipal programs and services
 - Category 2 under s21.1 of the CAA continue with lower-tier municipalities
 - Category 3 agreements under s21.1.2 of the CAA would be deemed to be an agreement with the upper-tier municipalities.
- Current jurisdiction of the individual CAs are combined to become the jurisdiction of the WLERCA.
- Permit applications continue with the WLERCA. Any hearings underway or hearing requests continue.
- Persons appointed as officers under s31.1 of the CAA would become appointed by WLERCA.

Project Executive

- Ontario Provincial Conservation Agency (OPCA) will appoint a Project Executive to chair each transition committee, to lead the transition committee and ensure uninterrupted stewardship for up to 24 months to support a smooth transition.
- After the transition date, the Project Executive, serving as the inaugural Chief Administrative Officer (CAO), would begin to take direction from the members of the regional CA on day-to-day matters.
- During the 24 months, the agency may provide written notice that the project executive is no longer the CAO and provide the name of a new individual. If an individual is not identified, the authority may appoint the CAO.
- The Agency may establish and require the payment of fees by the new CA respecting the appointment of a project executive in relation to their roles as the first CAO.

Transition Committees

OPCA to coordinate consolidation by establishing a transition committee and providing resources, tools and guidance to support transition for each regional CA.

1. Each predecessor authority would appoint two members to the transition committee:
 - Municipally elected member of the CA

- CAO or general manager of the CA (or an alternate if they are not available)
2. The predecessor authority may replace a member it has appointed.
 3. If the predecessor authority does not appoint the individuals within 90 days of Royal Assent, the Agency would appoint members on their behalf.
 4. The Agency may also appoint other individuals to be members of the committee.

Transition Plans

With direction from OPCA, transition committees to develop transition plans to lead each new regional CA through step-by-step integration of its predecessor CAs across key functions such as HR, finance, assets, and IT.

1. Agency to issue direction to the transition committee to govern the roles, responsibilities, practices and procedures of the transition committee and project executive.
2. Project executives could require predecessor CAs to provide information to support transition planning.
3. The agency may provide comments and direct revisions to the transition plan or confirm that no revisions are necessary.
4. The final transition plan and/or summary would be shared with the CA's participating municipalities and the Agency.
5. WLERCA can request the Agency to authorize amendments to the transition plan.
6. WLERCA would be required to implement the final transition plan and report to the Agency on implementation progress.
7. The Agency would prepare the transition plan if the committee does not submit the plan by a specified date.

Temporary Guardrails

Temporary guardrails would be applied to extraordinary decisions to mitigate risk and ensure a stable transition to the new regional structure. These measures are intended to not interfere with regular day-to-day CA business and operations.

1. The minister may issue temporary directions to prohibit certain decisions or require the CA to give notice of a decision and require authorization from a specified person (e.g. Agency or Transition Committee).
2. A decision by the authority in contravention of a direction would have no legal effect, and any resulting agreement is void.
3. The provisions for the establishment, enlargement, municipally-led amalgamation, and dissolution of a CA to be suspended.
4. Directions may also be issued to manage 2027 budget process, which could be used to provide clarity around process and timelines (e.g. that budgeting by predecessor CAs be completed by the end of 2027/ early 2027 and levies be issued to the current participating municipalities).

Regional CA Governance

Selection of members would continue to be generally based on representation by populations formula guaranteeing each participating municipality a member and limiting the number of members appointed by any one municipality to ensure fairness and balance. Current boards would continue to operate during the transition period, and members of WLERCA are expected to be appointed in advance to ensure continuity.

1. Members will be appointed to the WLERCA by upper-tier and single-tier municipalities.

2. Councils of each participating municipalities (e.g. upper and single tier) would appoint members to the authority for up to a four-year terms. Members are eligible to be reappointed. Term limits for chairs and vice-chairs are up to two years.
3. Legislation removes the requirements that 70 percent of appointments be elected officials and that the chair and vice chair be filled on a rotating basis between participating municipalities. Removal of rotation requirements would come into effect upon Royal Assent of the bill, if passed.
4. The Minister may continue to appoint an additional member who is a representative of the agricultural sector (voting limitations on resolutions to enlarge area of jurisdiction, amalgamate Authorities, dissolve Authority, or budgetary matters).
5. Each participating municipality will need to appoint their members by the day before the transition date. Appointment calculations / methods to be set out in regulation, a minimum of 1, and up to a maximum as prescribed by regulation. Criteria are set out for consideration when appointing a member.
6. Method for determining number of members shall be based on municipal population in proportion to the total population within CA area of jurisdiction.
7. Another method may be used to appoint members where all participating municipalities agree on the new method and enter into an agreement, and the number of appointed members doesn't exceed the maximum as provided for in the regulations. A copy of such an agreement must be available on the CA website and provided to the Agency.

Watershed Councils

New Authorities will establish one or more watershed councils to identify local priorities for consideration in Authority decision-making.

Clean Water Act / Source Protection

Drinking water source protection remains a mandatory program of CAs, and source protection plans will continue to be carried out.

It is recognized that changes may be needed under the Clean Water Act and associated regulations to function in alignment with the changes to the conservation authority names and boundaries and to clarify how source protection authorities would operate under the regional structure.

Summary

The key steps in the process are provided in Figure 3 below.

Key Steps in Process

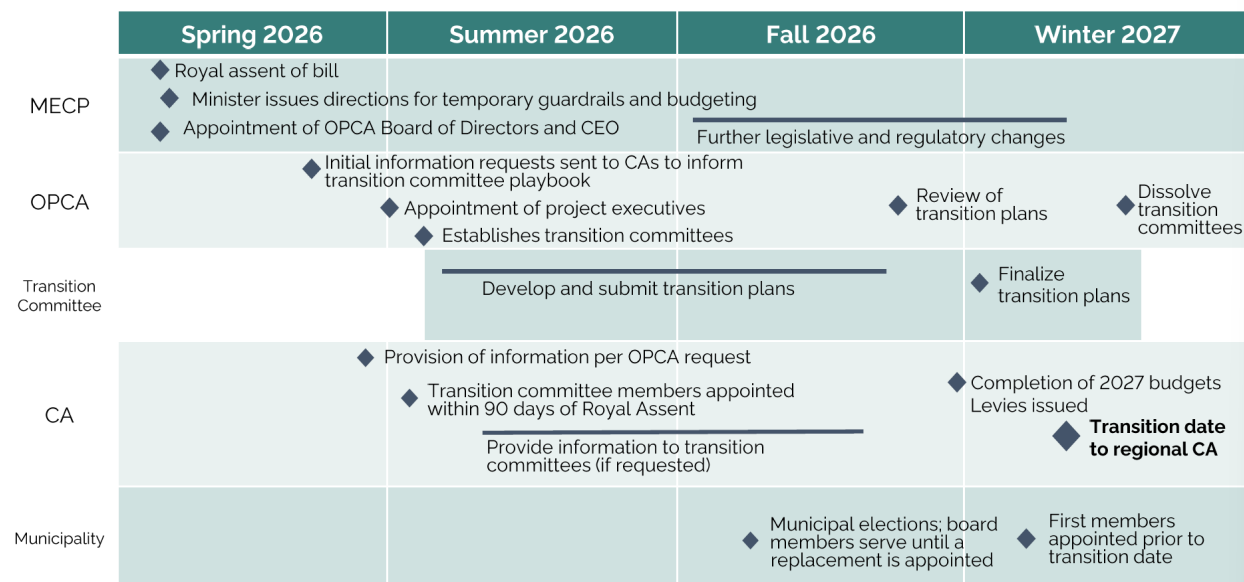


Figure 3: Key Steps in the Process

Staff have and are continuing to spend significant time on preparing for the transition of the UTRCA into the Western Lake Erie Regional Conservation Authority (along with the Essex Region Conservation Authority, the St. Clair Region Conservation Authority and the Lower Thames Valley Conservation Authority). CAO/GMs of the four authorities have been regularly meeting, and senior staff of the major departments will be meeting to ensure a full understanding of services being offered by each CA.

A full presentation of the above will be provided at the **May Board meeting**. This will allow the board to discuss the issues that may be present and the appointment of a member on the Transition Committee.

Recommended by:

Tracy Annett, General Manager / Secretary-Treasurer