



Full Authority Agenda

May 18, 2022

KCCA Admin Centre

10:00 a.m.

This meeting will be held electronically. The recording and draft minutes will be posted to KCCA’s web site on May 19, 2022. The meeting will be streamed live at the following link:

Facebook Page - <https://www.facebook.com/KettleCreekCA/>

Audio/Video Recording Notice

“Board members, staff, guests and members of the public are reminded that the Full Authority Board/Committee meeting is being recorded, and will be posted to the Authority’s web site along with the official written minutes. As such, comments and opinions expressed may be published and any comments expressed by individual Board members, guests and the general public are their own, and do not, represent the opinions or comments of the Full Authority and/or the KCCA Board of Directors.

The recorded video of the Full Authority meeting is not considered the official record of that meeting. The official record of the Full Authority meeting shall consist solely of the Minutes approved by the Full Authority.”

Introductions and Declarations of Pecuniary Interest

Hearing Board

Minutes of Meetings

- a) April 20, 2022 Full Authority Meeting3
Recommendation: That the minutes of the April 20, 2022 Full Authority meeting be approved.

Matters Arising

- a) Media Report (Marianne)9
- b) Project Tracking (Elizabeth)12
- c) Watershed Conditions (Jennifer)14
Recommendation: That Matters Arising a) through c) be received.

Correspondence

- a) From Kirsten Corrigal MECP Conservation and Source Protection Branch Re: Phase 2 Regulations April 22, 202215
- b) From Municipality of Central Elgin Re: Kettle Creek Stakeholders Association April 27, 2022 ...17
- c) From Alan Revill, Chair of Conservation Ontario Re: Overview of the Conservation Authorities Act Phase 2 Regulations and Policy April 27, 202218
- d) From City of London Re: KCCA’s Inventory of Programs and Services April 30, 202219
Recommendation: That the Correspondence be received as presented.

Statement of Revenue and Expenses



Full Authority Agenda

May 18, 2022

KCCA Admin Centre

10:00 a.m.

New Business

- a) Conservation Authorities Act Phase 2 Regulations (Elizabeth/Betsy)21
Recommendation: For Information and discussion.

- b) Dalewood Dam Concrete Repair Tender Results (Jennifer)24
Recommendation: That staff cancel the Dalewood Dam Rehabilitation Tender and further; That KCCA contract GD Vallee to seasonally monitor the condition of the dam until repair work can be completed.

- c) 2022 WECl Applications for the Dalewood Dam (Jennifer)28
Recommendation: That staff proceed as outlined with the 2022 WECl projects at the Dalewood Dam.

- d) May Planning and Regulations Activity Report30
Recommendation: That May Planning and Regulations Activity Report be received.

Closed Session

Up Coming Meetings

KCCA Full Authority Meeting	June 15, 2022	Hybrid	10:00 a.m.
-----------------------------	---------------	--------	------------



Full Authority Minutes

April 20, 2022

A hybrid meeting of the Full Authority of the Kettle Creek Conservation Authority was held on Wednesday, April 20, 2022 at 10:00 a.m. with members and staff joining in-person and electronically. The meeting was streamed live to Facebook.

The meeting came to order at 10:03 a.m.

Audio/Video Record Notice

Board members, staff, guests and members of the public are advised that the Full Authority Board/Committee meeting is being video/audio recorded, and will be posted to the Authority's web site along with the official written minutes. As such, comments and opinions expressed may be published and any comments expressed by individual Board members, guests and the general public are their own, and do not represent the opinions or comments of the Full Authority and/or the KCCA Board of Directors.

The recorded video of the Full Authority meeting is not considered the official record of that meeting. The official record of the Full Authority meeting shall consist solely of the Minutes approved by the Full Authority.

VanHooren conducted a roll call with the following members identifying their presence:

Members Present:

Dennis Crevits, Vice Chair	Central Elgin	In Person
Dominique Giguère	Township of Malahide	Virtual
Stephen Harvey	Middlesex Centre	Virtual
Jim Herbert	City of St. Thomas	Virtual
Grant Jones	Southwold Township	Virtual
Bill Mackie	City of London	Virtual
Elizabeth Peloza	City of London	Virtual
Steve Peters	City of St. Thomas	Virtual
Alison Warwick, Chair	Thames Centre	In Person
Ralph Winfield	City of London	Virtual

Staff Present:

Jennifer Dow	Water Conservation Supervisor	Virtual
Joe Gordon	Assistant Manager	Virtual
Jessica Kirschner	Resource Assistant	Virtual
Betsy McClure	Stewardship Program Supervisor	Virtual
Marianne Levogiannis	Public Relations Supervisor	Virtual
Elizabeth VanHooren	General Manager/Secretary Treasurer	In Person

As the meeting was conducted with electronic participants all votes were recorded and are included in the Recorded Vote Registry.

Introductions & Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

Hearing Board

There was no Hearing required.

Minutes of Meeting

FA50/2022

Moved by: Jim Herbert

Seconded: Stephen Harvey

That the minutes of the March 16, 2022 Full Authority meeting be approved.

Carried

Matters Arising

- a) Media Report
- b) Project Tracking
- c) Watershed Conditions
- d) Insurance Renewal
- e) Conservation Ontario Annual General Meeting

FA51/2022

Moved by: Grant Jones

Seconded: Bill Mackie

That Matters Arising a) through e) be received.

Carried

Correspondence

- a) Middlesex Municipal Association Annual Meeting Invitation
- b) Conservation Authorities Program and Services Inventory Workshop Invitation

FA52/2022

Moved by: Steve Peters

Seconded: Dennis Crevits

That the correspondence be received as presented.

Carried

Statement of Revenue and Expenses

FA53/2022

Moved by: Bill Mackie
Seconded: Jim Herbert

That the Statement of Revenue and Expenses dated March 31, 2022 be approved.

Carried

New Business

a) COVID-19 Policy Update

FA54/2022

Moved by: Stephen Harvey
Seconded: Dennis Crevits

That the Interim Vaccination Verification Policy (FA133/2021) be rescinded; and further that the Pandemic Flu (Influenza Like Illness Policy) be approved as updated.

Carried

b) Lake Whittaker Small Drinking Water System

FA55/2022

Moved by: Ralph Winfield
Seconded: Elizabeth Peloza

That the Board approves the changes to the routine sampling schedule of the Lake Whittaker Small Drinking Water System.

Carried

c) Dalewood Dam Repair Project

FA56/2022

Moved by: Dennis Crevits
Seconded: Grant Jones

That staff proceed with the tendering of schedule 2 concrete repairs for the Dalewood Dam, and, that KCCA contract GD Vallee to oversee the tendering process at a cost of \$2,970.

Carried

c) Kettle Creek Clean Water Initiative

The Kettle Creek Clean Water Initiative was established in 2012 to provide financial assistance to watershed residents in implementing stewardship projects. Annually, the Authority provides \$12,000 in funding. Betsy McClure presented two projects for funding consideration:

Project 22-03

A project to create a wetland in a fallow agricultural field in Central Elgin. Total estimated project cost is \$15,310. The grant request is \$3,000.

Project 22-04

A project to create a wetland in a shallow valley land in Central Elgin. Total estimated project cost is \$18,080. The grant request is \$3,000.

FA57/2022

Moved by: Bill Mackie

Seconded: Jim Herbert

That Projects 22-03 in the amount of \$3,000; 22-04 in the amount of \$3,000 be supported through the Kettle Creek Clean Water Initiative.

Carried

e) Planning and Regulations Report

FA58/2022

Moved by: Ralph Winfield

Seconded: Stephen Harvey

That the April 2022 Planning and Regulations Activity Report be received.

Carried

The Full Authority meeting recessed at 10:39 a.m. in order to conduct the Kettle Creek Source Protection Authority meeting. The Kettle Creek Source Protection Authority adjourned at 10:45 a.m. and members resumed the Full Authority meeting moving immediately into Closed Session.

Closed Session

The Closed Session meeting began at 10:45 a.m. Elizabeth Pelosa left the meeting.

FA59/2022

Moved by: Dennis Crevits

Seconded: Jim Herbert

That the Full Authority move to Closed Session to discuss legal, Personnel or Property matters.

Carried

FA60/2022

Moved by: Jim Herbert

Seconded: Grant Jones

That the Full Authority revert to open session and report.

Carried

The Open Session resumed at 11:03 a.m.

a) Minutes

FA61/2022

Moved by: Dennis Crevits

Seconded: Dominique Giguère

That the minutes of the Closed Session meeting of March 16, 2022 be approved.

Carried

b) Legal Matter – Notice of Violation V22-01

c) Legal Matter – Potential Litigation

FA62/2022

Moved by: Steve Peters

Seconded: Grant Jones

That the staff reports on legal matters be received.

Carried

FA63/2022

Moved by: Jim Herbert

Seconded: Ralph Winfield

That the meeting adjourn at 11:06 a.m.

Carried

The next meeting of the Full Authority will be May 18, 2022 starting at 10:00 a.m.



Elizabeth VanHooren
General Manager/Secretary Treasurer

Alison Warwick
Chair

Recorded Vote Registry FA50/2022 to FA56/2022

A=Absent Y=Yes N=No

Board Member	FA50/2022	FA51/2022	FA52/2022	FA53/2022	FA54/2022	FA55/2022	FA56/2022
Crevits	Y	Y	Y	Y	Y	Y	Y
Giguère	Y	Y	Y	Y	Y	Y	Y
Harvey	Y	Y	Y	Y	Y	Y	Y
Herbert	Y	Y	Y	Y	Y	Y	Y
Jones	Y	Y	Y	Y	Y	Y	Y
Mackie	Y	Y	Y	Y	Y	Y	Y
Peters	Y	Y	Y	Y	Y	Y	Y
Peloza	Y	Y	Y	Y	Y	Y	Y
Warwick	Y	Y	Y	Y	Y	Y	Y
Winfield	Y	Y	Y	Y	Y	Y	Y
Result	Carried	Carried	Carried	Carried	Carried	Carried	Carried

Recorded Vote Registry FA57/2022 to FA63/2022

A=Absent Y=Yes N=No

Board Member	FA57/2022	FA58/2022	FA59/2022	FA60/2022	FA61/2022	FA62/2022	FA63/2022
Crevits	Y	Y	Y	Y	Y	Y	Y
Giguère	Y	Y	Y	Y	Y	Y	Y
Harvey	Y	Y	Y	Y	Y	Y	Y
Herbert	Y	Y	Y	Y	Y	Y	Y
Jones	Y	Y	Y	Y	Y	Y	Y
Mackie	Y	Y	Y	Y	Y	Y	Y
Peters	Y	Y	Y	Y	Y	Y	Y
Peloza	Y	Y	Y	Y	A	A	A
Warwick	Y	Y	Y	Y	Y	Y	Y
Winfield	Y	Y	Y	Y	Y	Y	Y
Result	Carried	Carried	Carried	Carried	Carried	Carried	Carried



Kettle Creek
Conservation Authority

Media Report

Kettle Creek Conservation Authority
Published by Marianne Levogiannis [?] · April 22 · 🌐

A warm welcome to our 2022 Tree Planting crew, and a perfect way to celebrate #EarthDay and the tree planting season. KCCA is committed to increasing forest cover in the watershed and plants approximately 50,000 annually to help increase forest cover and keep our natural spaces green and healthy.

#LoveMyWatershed #TreePlanting #EarthDay2022



Get more likes, comments and shares
When you boost this post, you'll show it to more people.

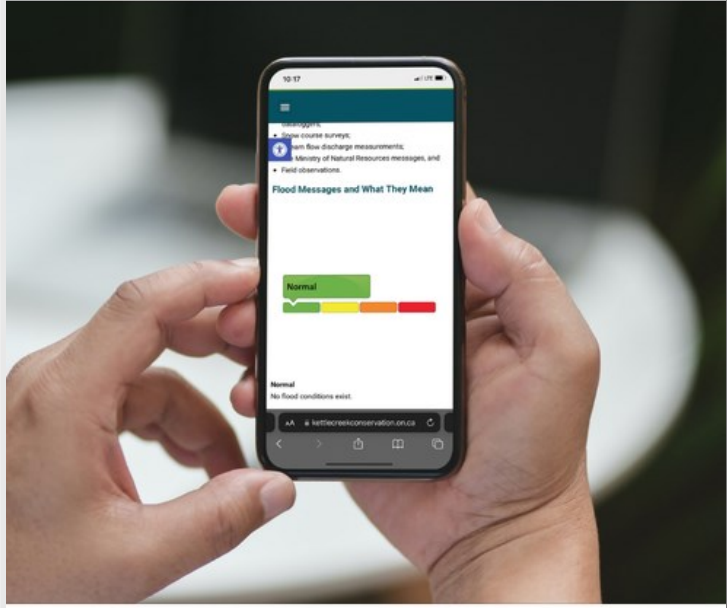
2,363 People reached 110 Engagements [Boost post](#)

👍👎 BLU Electric, Brett Longfield and 29 others 1 Comment 3 Shares

Kettle Creek Conservation Authority
Published by Marianne Levogiannis [?] · 6d · 🌐

May 1-7 is Emergency Preparedness Week.

Flooding in the Kettle Creek watershed can happen anywhere, at any time, for a variety of reasons. KCCA monitors weather information, creek flows, snow pack and ice conditions to predict when floods will occur and how high the water may rise. When flooding is possible, KCCA will issue flood messages to residents of our watershed, municipalities, and the media. Take a second to learn about KCCA's flood messaging system. KCCA issues four ... [See more](#)



Get more likes, comments and shares
When you boost this post, you'll show it to more people.

423 People reached 8 Engagements [Boost post](#)

Facebook Summary

May 2022



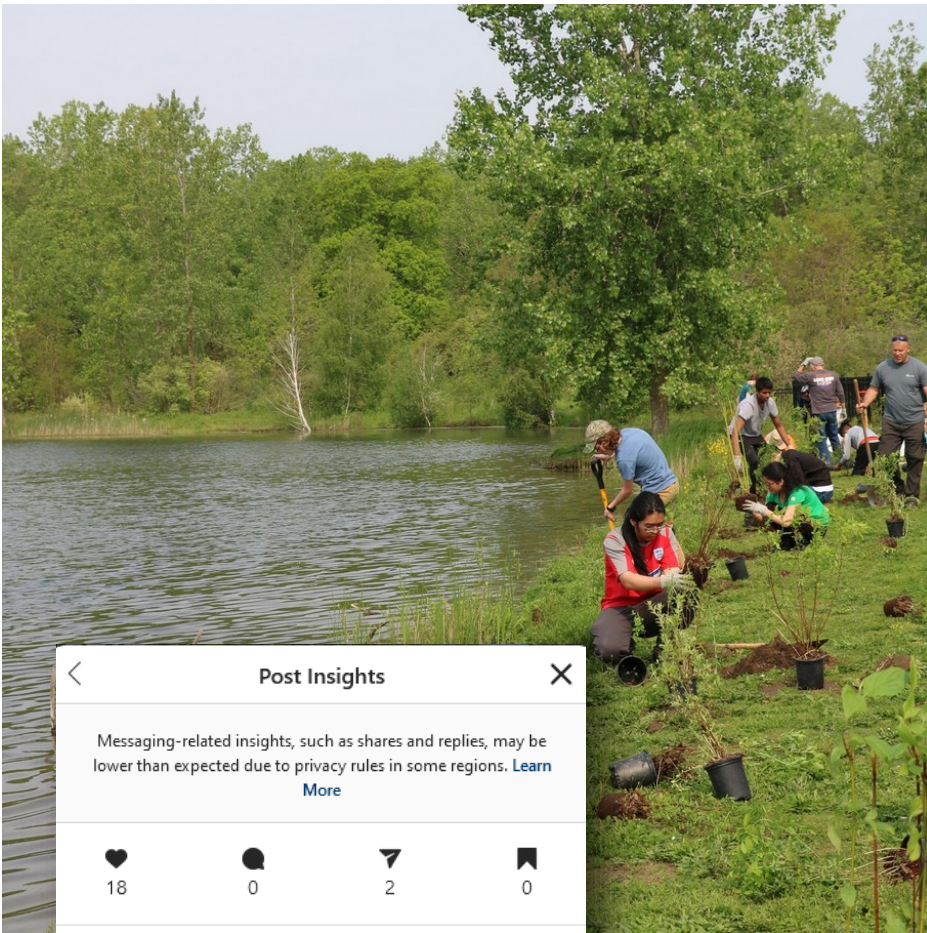
Page Likes: 2,587

Post Reach: 4,127

Post Engagement: 318

Page Views: 111

New Followers: 22



kettlecreekca

kettlecreekca With this week being National Volunteer Week, we'd like to say thank you to KCCA's dedicated volunteers who generously give their time and talent to support the Authority and our programs all while helping make our watershed a better place! #NVW2022 #EmpathyInAction #VolunteersBringHeart #LoveMyWatershed

1w

[View Insights](#)

👍 🗨️ 📌

👤 Liked by aluselgin and 17 others

APRIL 26

😊 Add a comment... [Post](#)

Post Insights

Messaging-related insights, such as shares and replies, may be lower than expected due to privacy rules in some regions. [Learn More](#)

👍 18 🗨️ 0 📌 2 📌 0

Interactions ⓘ

1
Action taken from this post

Profile Visits 1

Discovery ⓘ

181
Accounts Reached
1% weren't following kettlecreekca

Impressions 187

From Home 184

From Profile 1

From Hashtags 1

From Other 1



28 day summary with change over previous period

Tweets

9 ↓ 18.2%



Tweet impressions

3,796 ↓ 53.9%



Profile visits

177 ↓ 79.9%



Mentions

1 ↓ 50.0%



May 2022 · 9 days so far...

TWEET HIGHLIGHTS

Top Tweet earned 1,105 impressions

🌲 May The Forest Be With You 🌲

KCCA plants a minimum of 50,000 trees on average per year in the Kettle Creek watershed. Our forestry program includes the planting of large stock and seedling trees, over the counter sales, community plants and municipal/provincial partnerships.

pic.twitter.com/bFNfjpedXG



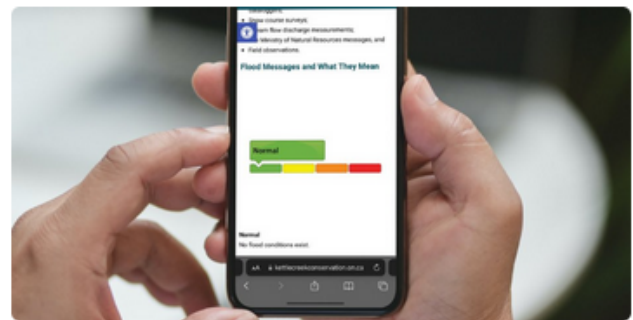
1 5

Top media Tweet earned 441 impressions

May 1-7 is Emergency Preparedness Week.

Flooding in the Kettle Creek watershed can happen anywhere, at any time, for a variety of reasons. KCCA monitors weather info, creek flows, snow pack and ice conditions to predict when floods will occur and how high the water may rise.

pic.twitter.com/NwRWoNfjJ



1 1 1



Twitter Summary

April 2022

Tweets: 9

Impressions: 3,796

Followers: 1,382

Project Tracking - May 2022

Corporate Services

- Organized early permit pickup for seasonal campers at KCCA administration centre.
- Attended Geopackage and QGIS webinar.
- Aspira computer and Moneris setup at Lake Whittaker and Dalewood.
- Aspira/gatehouse training for seasonal staff April 28-30 and May 1 for Lake Whittaker and Dalewood.
- Virtually attended information session on Field Data collection with MerginMaps.
- Facilitated an RFQ for GIS server maintenance and web based mapping.
- Design of Dan Patterson Trail extension sign underway.
- Campground maps and signs updated and sent to production; delivered for May 1 opening.

Flood Forecasting/Environmental Monitoring

- Managing the Life Science Inventories contract conducted by MTE Consultants at the Deer Ridge CA.
- Managing the 2022-2022 WECl projects at Dalewood Dam.
- Applying to DFO for funding to continue the municipal drain classification project. This will be KCCA's sixth year participating in this program. A successful application could result in ~\$9k in funding.
- Collected surface water samples throughout the KCCA watershed for the month of April.
- Collected startup water samples for the Lake Whittaker Small Drinking Water System on April 21 and the first operational samples on May 3, 2022. Chlorine checks are done daily, and ongoing water sample collection is completed twice a month during the campground operating season.
- Attended the spring virtual Conservation Authority Aquatics Group (CAAG) meeting on May 6, 2022.
- Prepared the final report for National Disaster Mitigation Program funding for the flood hazard mapping project in Port Stanley.
- Participated in the virtual 2023 Watershed Report Card working group meetings.
- Collected snow survey data on May 2, 2022 and May 16, 2022 and submitted the data to the Surface Water Monitoring Centre.
- Reviewing municipal drain maintenance notifications as well as participating in online meetings with municipal drain representatives.

Stewardship and Outreach

- Application submitted to Environment and Climate Change Canada's Environmental Damages fund for funding to support tree planting and wetland creation over 3 years
- Site visits with Ducks Unlimited at 4 wetland creation sites
- Attended meetings for Oxford Children's Water Festival and Central Environmental Committee's Earth Day Event
- Attended CA Session on CA Act Phase 2 regulations and an MECP workshop on CAs' Inventory of Programs and Services

Forestry

- Large stock trees arrived April 22nd with seedling stock arriving April 20th and 29th.
- KCCA tree planting crew started April 22nd and began with the planting of 200 large stock trees along Central Elgin roadsides in partnership with the Municipality. Machine and hand planting of seedling sites started May 4.
- Finalization of site plans for tree planting sites, communications with landowners and generating over the counter/Greening Communities invoices
- Packed orders and held pick up days for all over the counter and Greening Communities seedling orders on May 6 and 7. ~100 landowners picked up their trees totalling over 15,000 trees.
- Tree planting crew assisted with trail clean up after harvest operation at Lake Whittaker

Conservation Areas and Maintenance

- Toilet, shower and epoxy installation at LWCA and DWCA.
- Pick up of docks for LWCA.
- Seasonal staff orientation and training
- Since opening most seasonal campers have set up at Dalewood and Lake Whittaker. Dalewood is expecting 18 and Lake Whittaker is expecting 17 more Seasonal Campers.
- Upcoming Victoria Day Weekend nearly 100% capacity at both parks.

TO: Board of Directors
FROM: Jennifer Dow
Date: May 18, 2022
Subject: May 2022 Watershed Conditions Report
Recommendation: For information



PURPOSE

To inform the Board of Directors of the current and seasonal watershed conditions.

REPORT SUMMARY

- Watershed Conditions Statement—Water Safety issued on May 3, 2022, in advance of forecasted significant rain for the area.
- Snow Surveys completed on May 2 and May 16, 2022.
- Lake Whittaker small drinking water system up and running for the camping season.
- Surface water monitoring program start up in April.

BACKGROUND

As of May 3, 2022, Lake Erie's static water level daily mean was 174.60m. This water level is 30cm above average and 4cm lower than what was recorded at the same time last year, and 46cm lower than the 2020 record high. This level does not account for any increase in water levels due to storm surge or wind driven waves. Lake Erie rose 6cm over the month of April, which is below the long-term average rise of 13cm.

The KCCA watershed historically receives 80mm of rain during the month of April. The watershed received 81% of the average total rain for the month of March, which is about 64.8mm for the area. The three-month precipitation levels are below normal for January to March. The Environment Canada outlook for May to July indicates normal temperatures and near normal precipitation for the region.

The Lake Whittaker small drinking water system was started up for the 2022 operating season. Distribution samples were collected from all three systems and tested for bacteria in advance of campground opening on May 1.

RECOMMENDATION

For information.

From: [ca.office \(MECP\)](#)
Subject: Regulations and Policy under the Conservation Authorities Act – Ministry of the Environment, Conservation and Parks
Date: April 22, 2022 3:41:57 PM
Attachments: [image001.png](#)

**Ministry of the Environment,
Conservation and Parks**
Conservation and Source
Protection Branch
14th Floor
40 St. Clair Ave. West
Toronto ON M4V 1M2

**Ministère de l'Environnement, de la
Protection de la nature et des
Parcs**
Direction de la protection de la nature
et des sources
14^e étage
40, avenue St. Clair Ouest
Toronto (Ontario) M4V 1M2



Good afternoon:

We are moving forward with Phase 2 regulations to improve the governance, oversight, transparency and accountability of conservation authority (CA) operations. These new regulations and provincial policy build on the [first phase of regulations](#) put in place in October 2021 and support [amendments to the Conservation Authorities Act](#) that focus CAs on their core mandate:

- Ontario Regulation 402/22: Budget and Apportionment. This regulation details CA budget and municipal apportionment methods and requirements.
- Ontario Regulation 401/22: Determination of Amounts Under Subsection 27.2 (2) of the Act. This regulation details the methods available to CAs to determine amounts owed by their specified municipalities for CA programs and services provided in respect of the *Clean Water Act, 2006* and *Lake Simcoe Protection Act, 2008*.
- Policy: Minister's Fee Classes Policy. This policy is a published list of the classes of programs and services for which a CA may charge a fee.
- Ontario Regulation 400/22: Information Requirements. This regulation increases transparency of CA operations by requiring the public posting of prescribed information on a Governance section of a CA's website.
- Ontario Regulation 399/22: Amending the Minister's Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act regulation (Ontario Regulation 687/21). This regulation increases transparency of user fees for programs and services that a CA determines is advisable to provide in its jurisdiction, where a cost apportioning agreement is in place.

The regulations and policy build on current CA budgetary practices with updates to align the levy apportionment methods and budget processes with the new funding framework and categories of programs and services established by recent amendments to the *Conservation Authorities Act* and first phase of regulations. The changes will ensure a smooth transition by January 1, 2024 of CAs to the new funding framework and three categories of programs and services.

The regulations and policy were consulted on through the Environmental Registry of Ontario from January 26 to February 25, 2022. We held webinars on the proposals in which over 400 people attended, and we received 24 submissions from municipalities, conservation authorities, environmental non-government organizations, community groups, industry, agricultural sector, and individuals. A decision notice with links to the final regulations and policy is available on the Environmental Registry of Ontario ([notice number 019-4610](#)), which includes a summary of the feedback received and how it was considered.

Thank you again for your input. You can reach the Conservation Authority Office at ca.office@ontario.ca if you have any questions. We will have information on training webinars in the near future.

Sincerely,

Kirsten Corrigan
Director, Conservation and Source Protection Branch



April 27, 2022

Kettle Creek Stakeholders Association
Mr. Ed Finlan

Sent via Email: efinlan3@gmail.com

RE: REQUEST FOR DELEGATION

Thank you for the Kettle Creek Stakeholders Association Request for a Meeting dated April 21, 2022.

Pursuant to Section 8.1.4 of the Municipality of Central Elgin Procedural By-law, delegations shall be permitted to speak on a matter only once within a six (6) month period. A delegation on this topic was recently conducted on February 14, 2022 making the next eligibility August 15, 2022.

Alternatively, municipal staff would be pleased to coordinate a meeting with representatives from the Municipality, Kettle Creek Conservation Authority and representatives of the Kettle Creek Stakeholders Association for a dialogue for information to be provided on:

- Flood Mitigation
- Dredging
- Harbour Capital Projects

Please let staff know if you would like to pursue the above noted meeting opportunity and staff will coordinate the same.

Regards,

Dianne Wilson

Dianne Wilson
Deputy Clerk
dwilson@centralelgin.org

Cc Mayor & Members of Council
Kettle Creek Conservation Authority
CAO|Clerk
Director of Asset Management & Development Services
Director of Infrastructure & Community Services



April 27, 2022

Chairs, All Conservation Authorities
Via Email

Dear Chair,

Attached is an *Overview of the Conservation Authorities Act Phase 2 Regulation and Policy* which were released by the Ministry of Environment, Conservation and Parks (MECP) on the Environmental Registry of Ontario on Friday, April 22, 2022.

It appears that the MECP is building upon what is already working between conservation authorities and municipalities while incorporating recent changes to the *Conservation Authorities Act* and the three categories of programs and services that we can deliver.

Conservation Ontario will continue to support conservation authorities in successful implementation of the Phase 1 and 2 regulations and policy. Please feel free to contact myself or Conservation Ontario staff Kim Gavine, General Manager (kgavine@conservationontario.ca) to give us a heads up regarding any major concerns.

Sincerely,

Alan Revill
Chair, Conservation Ontario

c.c. General Managers/CAOs, All Conservation Authorities



April 30, 2022

Kettle Creek Conservation Authority
elizabeth@kettlecreekconservation.on.ca

Attention: Elizabeth VanHooren, General Manager/Secretary-Treasurer

Dear Ms. VanHooren,

RE: Kettle Creek Conservation Authority's Inventory of Programs and Services

This letter and attachment are provided to you in response to the KCCA's Inventory of Programs and Services submitted to the City of London on February 28, 2022. The City of London has reviewed the CA's inventory in the context of the Ontario Regulation 686/21: Mandatory Programs and Services Regulations.

To facilitate the negotiations, the City has formed a Conservation Authority Transition Working Group. This Working Group is an enterprise-wide team with representatives from Planning and Development, Environment and Infrastructure, Finance, and Legal. The objectives of this team are to confirm the suite, scope, and budget of programs and services offered by the three CAs in the London area and to negotiate Memoranda of Understanding (MOU) or Service Level Agreements as required.

To meet the Transition Period deadline of January 1, 2024, we are aiming to negotiate the full suite of programs and services and to complete any MOUs or Service Level Agreements (SLAs) by June 2023. This will allow both the City and CAs to report out to our respective boards and Council by the fall of 2023. In addition, to meet the City's four-year budget timelines, we request that CAs confirm the cost estimates for any new mandatory services by the end of 2022.

We look forward to working with the CAs on this initiative. The Working Group will be requesting a meeting with the KCCA in May 2022 to review the attached table.

Sincerely,

Shawna Chambers, P.Eng., DPA
Division Manager, Stormwater Engineering
Chair of the CA Transition Working Group

Cc: Kelly Scherr, Deputy City Manager, Environment and Infrastructure
Scott Mathers, Deputy City Manager, Planning and Economic Development

Conservation Authorities Inventory of Mandatory and Non-Mandatory Services

Question period closing April 30, 2022.

Questions from City of London for Clarification from KCCA Inventory submitted on February 28, 2022:

CA Reference Code	CA Proposed Program/Service	Category 1-3 (Mandatory/N on-Mandatory)	City Comment	Proposed Service Modification, Removal, or Item for Discussion
Kettle Creek Conservation Authority (KCCA)				
New Programs	The KCCA has identified the following new mandatory services/programs without an identified budget: <ul style="list-style-type: none"> Operational and Asset Management Plans for Dyke/Dam infrastructure Land Acquisition and Disposition Strategy Conservation Lands Area Strategy Development Core Watershed Based Resource Management Strategy 		Please identify the preliminary anticipated budget to fulfill these service requirements as soon as practical. The City requests that the anticipated costs of these services be provided by the end of 2022 .	Please confirm anticipated timing to provide preliminary budgets.
114	No reference to s. 28.0.1 or s. 30.1	1	No reference to s. 28.0.1 or s. 30.1	
Clarification	Average Annual Costs vs. 2022 Costs		Do the “Average Annual Costs” and “2022 Costs” reflect total gross costs of services or London’s apportioned share?	
Clarification	Depreciation		UTRCA included depreciation in its budget provided to the City.	Please confirm if your costs include depreciation.
	Fin.			

TO: Full Authority
FROM: Elizabeth VanHooren and Betsy McClure
Date: May 18, 2021
Subject: Conservation Authorities Act Phase 2 Regulations



Recommendation: For information and discussion

PURPOSE

To provide information on the *Conservation Authorities Act* Phase 2 regulations that were posted April 22, 2022.

REPORT SUMMARY

The Province released the *Conservation Authorities Act* Phase 2 regulations on April 22, 2022. The Phase 2 regulations represent the second of two phases of regulatory and policy proposals to implement the legislative changes previously made to the *Conservation Authorities Act* and focus on regulatory and policy changes which provide direction to conservation authorities as they transition to the new CA – municipal funding framework by January 1, 2024.

Details of the New Regulations and Policy

Ontario Regulation 402/22: Budget and Apportionment	<ul style="list-style-type: none">• This regulation details CA budget process and municipal apportionment methods and requirements. It includes revocation of the current regulations that govern levies. <p><u>Budget</u></p> <ul style="list-style-type: none">• CAs can determine their own start and end dates for the budgetary process.• General operating expenses or capital costs (formerly referred to as ‘corporate administrative costs’) can be levied without agreement and must be identified in the budget as such.• Draft and final budgets must be circulated to member municipalities and posted on the Governance section of the CA website. <p><u>Apportionment</u></p> <ul style="list-style-type: none">• CAs are able to apportion costs for all category 1 (mandatory) programs and services and can only apportion costs for category 2 and 3 programs and services with agreements in place with the municipality(ies).
--	--

	<ul style="list-style-type: none"> • Apportionment can be by the MCVA method or benefit-based apportionment method. • This regulation applies to the 2024 budget process and onward.
Ontario Regulation 401/22: Determination of Amounts Under Subsection 27.2 (2) of the Act	<ul style="list-style-type: none"> • This regulation enables CAs that have ‘specified’ municipalities designated under the Clean Water Act (CWA) and/or the Lake Simcoe Protection Act (LSPA) to determine amounts owed by those ‘specified’ municipalities. Specified municipalities are municipalities that are not a ‘participating municipality’ of a CA under the Conservation Authorities Act (CAA) but are designated under the regulations made under the CWA or LSPA. • This regulation does not apply to KCCA.
Minister’s Fee Classes Policy	<ul style="list-style-type: none"> • This policy is a published list of the classes of programs and services for which a CA may charge a fee. • A fee policy which includes a fee schedule that lists the programs and services for which an authority charges a fee and the amount to be charged must be developed. • A fee may only be applied when the User-Pay Principle is considered appropriate – when people directly benefit from a program or service delivered by the CA. • Category 2 and 3 agreements/MOUs with a municipality will need to include provisions permitting the CA to charge user fees. • Policy/Fee Schedule to be in place by January 1, 2023.
Ontario Regulation 400/22: Information Requirements	<ul style="list-style-type: none"> • This regulation sets out that CAs are to maintain a Governance section on their website that must include items such as: <ul style="list-style-type: none"> ○ information about the CA members ○ Annual meeting schedule ○ Meeting agendas and minutes ○ Category 2 and 3 agreements/MOUs ○ CA bylaws ○ annual auditors report • Draft and final budgets will also need to be posted on this section of the CA’s website. • The CA may also post other information on this section of the website as they deem appropriate, such as a strategic plan. • CAs are required to include a notice on their website and notify the Minister when it amends or enters into a new agreement. New or amended agreements must be posted within 30 days. • Must be completed by January 1, 2023.
Ontario Regulation 399/22: Amendment to the Minister’s	<ul style="list-style-type: none"> • The amendment to this regulation sets out that cost apportioning agreements between CAs and participating

Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act (Ontario Regulation 687/21)	municipalities for category 3 programs and services are to include provisions regarding the charging of fees, if the parties agree that fees may be charged by the CA for the program and service.
--	--

Recommendation: For information and discussion

TO: Board of Directors

FROM: Jennifer Dow

Date: May 18, 2022

Subject: Dalewood Dam Concrete Repair Tender Results

Recommendation: That staff cancel the Dalewood Dam Rehabilitation Tender and further;



That KCCA contract GD Vallee to seasonally monitor the condition of the dam until repair work can be completed.

PURPOSE

To update the board on the results of the Dalewood Dam Rehabilitation tender.

REPORT SUMMARY

- RFT was advertised on three procurement websites starting on April 21, 2022, and closing on May 5, 2022. Two (2) tender submissions were received.
- GD Vallee was contracted to provide technical assistance during the tender period.
- Based on the number of submissions and the significantly higher than estimated bids, GD Vallee recommends cancelling the tender, reviewing the scope of work and retendering at a later date.
- Based on the current condition of the structure, GD Vallee believes delaying the work until the project can be reviewed and retendered is feasible but recommends that the structure be monitored to observe any significant changes.
- Staff are recommending that the tender be cancelled, re-evaluated, and re-posted in early January 2023. Staff are also recommending that GD Vallee be retained to provide a minimal seasonal inspection to observe any significant changes in condition at an approximate cost of \$500 plus HST/visit.

BACKGROUND

The Dalewood Dam Rehabilitation RFT document was advertised on three procurement service websites: Biddingo, MERX and Bids & Tenders for the period of April 21, 2022, to May 5, 2022. Two addendums/clarifications were released via email to the RFT document taker's list.

The RFT posting closed at noon on Thursday, May 5, 2022. A total of two (2) tender submissions were received prior to the closing time.

Both proposals were reviewed by the General Manager and the Water Conservation Supervisor and were shared with GD Vallee engineers who were contracted to provide tender administration services

for the project. Each proposal was checked for mathematical accuracy and evaluated based on the criteria set out in the RFT.

Below is a summary of the results of the bid submissions:

Contractor	Office Location	Scope 1 Submitted Tender Price Excluding HST	Scope 2 Submitted Tender Price Excluding HST
Shoreline Restoration Ltd.	London	\$218,450*	522,350.00*
East Elgin Concrete Forming Ltd.	Tillsonburg	\$269,377*	672,047.83*

*Includes \$25,000 contingency

GD Vallee prepared a bid comparison and confirmed that Shoreline Restoration Ltd submitted the lowest acceptable bid for the project.

GD Vallee indicated that there are two significant mitigating factors for KCCA to consider cancelling the tender:

1. Only 2 bids were submitted. This level of participation is not indicative of a sufficient competitive process for a procurement of this nature.
2. The lowest bid submitted is significantly higher than the construction estimate prepared by GD Vallee and the project budget.

In addition, several firms that would typically participate in submitting a bid for this type of project did not submit a tender.

Upon review of the tender results, GD Vallee recommended that KCCA consider cancelling the tender, reviewing the scope of work, construction timelines, and budget and retendering in January 2023. In GD Vallee’s opinion, based on the current condition of the structure, delaying the work until the project can be reviewed and retendered for construction in 2023 is feasible if there are no significant changes in the condition of the structure.

KCCA was successful in receiving WECI funding for this repair for 50% of the total project costs up to a limit of \$170,000 based on a projected budget of \$340,000 for Scope 2. However, KCCA’s 2022 capital budget only allocated \$100,000 with 50% coming from WECI funding. Even with the increased 2022 WECI funding available KCCA would still not be able to achieve 50% cost share for Scope 2 with available capital funds and Scope 1 would be a significant hardship – with the possibility that the Authority would need to finish Scope 2 within a short time span duplicating mobilization costs.

Consequently, staff are recommending that GD Vallee be retained to provide periodic visual inspections of the dam until the repair work can be completed. GD Vallee engineers can conduct seasonal inspections to monitor the dam condition and prepare a report on any significant changes for approximately \$500 +HST/visit.

RECOMMENDATION

That staff cancel the Dalewood Dam Rehabilitation Tender and further; That KCCA contract GD Vallee to seasonally monitor the condition of the dam until repair work can be completed.



vallee

*Consulting Engineers,
Architects & Planners*

May 5, 2022

Kettle Creek Conservation Authority
44015 Ferguson Line
St. Thomas, ON
N5P 3T3

Attention: Jennifer Dow,
Water Conservation Supervisor

Reference: Tender Summary Report
Dalewood Dam Rehabilitation - Dalewood Reservoir, St. Thomas ON (KCCA-DW-2022)
Our Project # 21-253

The following is a summary report on the tendering process for the above-noted project.

Tender documents were prepared by G. Douglas Vallee Limited. Kettle Creek Conservation Authority administered the tender procedure through the online procurement service. Tender documents were available to contractors between Thursday, April 21, 2022, and Thursday, May 5, 2022.

The tender closed at the Kettle Creek Conservation Authority office, located at 44015 Ferguson Line, in St. Thomas, at noon on Thursday, May 5, 2022. Two (2) tenders were received prior to the closing time.

The two (2) submitted bids have been checked for mathematical accuracy. The following table summarizes the contractors' submitted tender prices, excluding tax.

Contractor	Office Location	Submitted Tender Price Excluding tax
Shoreline Restoration Ltd.	London	\$522,350.00
East Elgin Concrete Forming Ltd.	Tillsonburg	\$672,047.83

We have provided a bid comparison of the two submitted bids for your reference.

We have reviewed the low tender by Shoreline Restoration Ltd. and confirmed that their submission contains the following items in accordance with the tender instructions:

1. Agreement to Bond
2. Fully completed Form of Tender
3. Acknowledgment of issued addenda

In the event you wish to proceed with the project at this time, we can confirm that Shoreline Restoration Ltd. has submitted the lowest acceptable bid for this project.

In the event that KCCA may wish to review cancelling the tender, however, there are two significant mitigating factors for your consideration:

1. Only 2 bids were submitted. It is noteworthy that a number of firms that would typically participate in submitting a bid for a project of this type did not submit a tender. This level of participation is not indicative of a sufficient competitive process for a procurement of this nature. Our analysis of the submitted prices noted higher than anticipated unit prices.
2. Lowest submitted bid is significantly higher than the construction cost estimate and the project budget.

For the above reasons, it may be of interest to KCCA to consider cancelling this tender and reviewing the scope of work, construction timelines, and budget, and retendering at a later date.

In the event that KCCA wish to cancel this tender, we recommend that the dam structure be monitored by KCCA staff in the interim for any changes in condition until the work can be retendered. Further, our staff can provide cursory inspections upon request (ie. seasonally) to monitor the condition of the structure to observe any significant changes in condition.

Based on the current condition of the structure, delaying the work until the project can be reviewed and retendered for construction in 2023 is feasible if there are no significant changes in the condition of the structure.

Thank you once again for the opportunity to be of service to Kettle Creek Conservation Authority.

Yours very truly,



A. Ryan Elliott, P.Eng., BDS, Consulting Engineer
Managing Director – Structural Engineering
G. DOUGLAS VALLEE LIMITED
Consulting Engineers, Architects & Planners

H:\Projects\2021\21-253 Dalewood Dam\TENDER\RESULTS\Tender Report.docx

G. DOUGLAS VALLEE LIMITED
Consulting Engineers, Architects & Planners



Authorized by the Association of Professional Engineers of Ontario
to offer professional engineering services.



TO: Board of Directors

FROM: Jennifer Dow

Date: May 18, 2022

Subject: 2022 WECl Applications for the Dalewood Dam

Recommendation: That staff proceed as outlined with the 2022 WECl projects at the Dalewood Dam.



PURPOSE

To update the Board on the status of the 2022 Dalewood Dam WECl projects.

REPORT SUMMARY

- KCCA submitted two repair projects for consideration to the WECl program which were both successful for 50% of total project costs.
- KCCA's 2022 capital budget earmarked \$113,000 for the concrete repairs and the safety grate repairs made up of 50% KCCA funds and 50% matching funds from WECl.
- After receiving revised project estimates from GD Vallee KCCA was able to submit a revised budget to the WECl Committee for the concrete repairs for Scope 2 works with an estimated budget of \$340,000 and \$170,000 WECl funding.
- Based on the tender results for the concrete repairs KCCA has still underbudgeted for Scope 2 works (See Dalewood Dam Concrete Repair Tender Results). Staff are recommending that the tender be cancelled, re-evaluated and retendered in January 2023.
- Staff propose to proceed with the Safety Grate project.

BACKGROUND

As per the memo presented to the Board on February 9, 2022, KCCA staff made two applications to the Water and Erosion Control Infrastructure (WECl) program for funding to complete several projects at the Dalewood Dam.

1. Dalewood Dam Concrete Repairs (Repair) was successful in obtaining WECl funding. Total project cost is: \$340,000 with 50% WECl funding of \$170,000.
2. Dalewood Dam New Safety Grates (Safety Repair) was successful in obtaining WECl funding. Total project cost is: \$13,325 with 50% WECl funding of \$6,662.50.

The Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) received 98 project applications from 27 conservation authorities, of which 93 projects were approved by the WECl Committee for funding.

Budget and Approvals

KCCA has limited funds to allocate to dam repairs. \$100,000 is earmarked for concrete rehabilitation and \$13,000 for safety grates for a total approved 2022 budget for dam repairs of \$113,000 (made up of 50% KCCA funds and 50% matching funds from the WECl Program).

Concrete Repairs Phase 2: Construction (WECl Application type: Repair)

The 2022-2022 WECl application had very tight timelines. At the time of KCCA's application, the estimated total repair budget for the concrete rehabilitation was \$100,000 with 50% WECl funding of \$50,000.

While the WECl committee was meeting to discuss the applications, GD Vallee completed the pre-engineering, detailed design and tender documents for the concrete repair project. It was determined that KCCA's initial repair budget was underestimated.

Based on the revised repair estimates provided by GD Vallee, and as part of the WECl application process, applicants can refine their budget amounts prior to funding disbursement and entering into a Transfer Payment Agreement with the Province.

Staff notified the WECl program administration of a confirmation of increases to the project cost estimate for the Dalewood Dam Rehabilitation project. Staff were successful in obtaining a revised WECl project budget with an estimated total repair budget of \$340,000 (Scope 2) with 50% WECl funding of \$170,000.

This funding is guaranteed to KCCA until March 31, 2022. However, projects must be completed by that time. Should the Board choose not to proceed with the tender of the repair works as outlined in the staff report "Dalewood Dam Concrete Repair Tender Results" the funds would not be utilized and KCCA would need to reapply for 2023 WECl funds. There is no guarantee that KCCA would qualify for funding next year as the committee ranks and approves projects each year. However, the funds would still be available to KCCA for any concrete repairs undertaken in 2022 up to a 50% cost share. This would provide KCCA with a fail safe should any emergency repairs be required until the project can be retendered.

New safety grates (WECl application type: Safety Repair)

This project is to install a total of eight (8) new safety grates over the log gains. Total cost for the project is \$13,325 with 50% WECl funding of \$6,662.50. The grates will be fabricated out of mild steel with a topcoat of rust proof pain and will be custom sized for each bay to allow for free movement when lifting them out of the way to access the stop logs. All hinges and lockable latches will be made from stainless steel. In addition, the remnant existing railroad tracks will be removed.

It is the intention of staff to proceed as budgeted with this WECl project.

RECOMMENDATION

That staff proceed as outlined with the 2022 WECl projects at the Dalewood Dam.

TO: Board of Directors
 FROM: Joe Gordon
 Date: May 18, 2022
 Subject: May 2022 Planning and Regulations Activity Report



RECOMMENDATION:

That the May 2022 Planning and Regulations Activity Report be received.

REPORT SUMMARY

The following is a summary of KCCA's Plan Input and Review responses and Section 28 permits issued by staff during the period of April 15 to May 12, 2022.

Plan Input and Review:

KCCA #	File No.	Municipality	Application Type	Support	Conditions
2222	COA 03/22 494 George St	Central Elgin	Minor Variance	Yes	None
2223	COA 04/22 559 West Edith Cavell	Central Elgin	Minor Variance	Yes	KCCA Permit
2224	MC 2022-03 Optimist Drive	Southwold	Minor Variance	Yes	None
2225	A10-22 92 Metcalfe	St.Thomas	Minor Variance	Yes	None
2226	A11-22 17 Mary Bucke	St.Thomas	Minor Variance	Yes	None
2227	MV 2022-04 71 Wayside Lane	Southwold	Minor Variance	Yes	None

Section 28 Permit(s):

Permit No.	Address	Municipality	Description
P22-020	10275 Lynhurst Park Dr	Southwold	Installation of an inground swimming pool. The application submission was supported by a geotechnical evaluation and recommendation for reduced setbacks based on existing stable slope conditions.
P22-021	592 George St	Central Elgin	Reconstruction of a new residential dwelling further away from the erosion hazard and outside the 100 year projection. As part of a

			prior rezoning application a coastal engineering and geotechnical evaluation was completed to establish the 100 year erosion hazard limit and define an acceptable building envelope.
P22-022	42294 Southdale Line	Central Elgin	Construction of a wetland feature coordinated and funded by KCCA through the clean water initiative.
P22-023	41625 Shorelea Line	Southwold	Construction of an accessory garage building located adjacent (outside of) low lying agricultural flooding of a tributary of Dodd Creek.
P22-024	300 Colborne St	Central Elgin	Installation of an above ground pool and construction of an addition to an existing deck structure located adjacent to Kettle Creek. The pool and deck extension are located outside of the flooding hazard and the setback maintains adequate access to the seawall along Kettle Creek.