



Kettle Creek
Conservation Authority

FEE POLICY and Fee Schedules

Approved by the Kettle Creek Conservation Authority Board of Directors on June 15, 2022

FEE POLICY

Basis

This Fee Policy has been prepared to satisfy the requirement for a policy regarding the charging of fees for a program or service and to document the principles and practices regarding fees charged under Section 21.2 of the *Conservation Authorities Act*.

The Minister may determine classes of programs and services in respect of which an authority may charge a fee. The amount of a fee charged by an authority for a program or service it provides shall be,

- a) the amount prescribed by the regulations; or
- b) if no amount is prescribed, the amount determined by the authority.

This policy used the Minister's Fee Classes Policy (April 2022) as a reference.

The attached Fee Schedules are based on the user-pay principle. The fees and revenues generated are designed to assist with recovering the costs associated with administering and delivering the services on a program basis.

Process

When developing and establishing fees, the Authority also considers the fees of CAs offering the same level of service and technical advice, the fees set by neighbouring Conservation Authorities, and fees charged by member municipalities and local agencies.

Fees account for estimated staff time, travel, equipment, and material costs plus a reasonable charge to cover administration of the program, which normally includes an allocation for shared corporate services.

The Fee Policy has been established by the Kettle Creek Conservation Authority (KCCA) Board of Directors and is administered and applied by KCCA staff. The General Manager/Secretary Treasurer may, under extenuating circumstances, waive or reduce fees.

When updating existing fee schedules or establishing new fees the following policy direction will be considered:

- a. fees need to be set with regard to legislative requirements, ability to sustain programs, and be based on a user-pay philosophy;
- b. fee increases should include inflation;
- c. fees must not exceed the costs of delivering the services;
- d. refunds of fees may carry an administrative cost/penalty;
- e. fee schedules are reviewed annually and regular adjustments to fees are desirable; and
- f. fee schedules will be approved on an annual basis to inform the budget for the following year.

Exemptions

The Authority may waive fees for non-profit conservation groups contributing to the protection and restoration of the natural environment as approved by the Board of Directors and/or General Manager on a case-by-case basis. Specific cases are outlined below.

Implementation

While cost recovery is a requirement for certain services, the Authority considers other factors when setting fees, such as fees of neighbouring Conservation Authorities, the nature and level of fees charged by local municipalities for related services and in some cases, the value of similar services provided by the private sector. It should also be noted that for some circumstances and programs, an attempt to charge a fee that would provide complete cost recovery is not feasible due to inability to pay and would result in reduced demand for the service.

Plan Input and Review Fees

KCCA's Plan Input and Review fee for service is contained within a special benefiting levy apportioned to its member municipalities. The special benefiting levy is intended to reflect that significant effort and resources are used for pre-consultation related to activities, proposals and inquiries prior to application. Increases to the special levy, and apportionment based on benefit (past, existing and anticipated activity), for plan review services are reviewed annually as part of the overall budget process. Member municipalities have the option of recovering the levy through the collection of their own application fees.

Eligible direct costs for the plan review and regulations program may include:

- Staff salary, training and overhead;
- Appropriate percentage of salary and overhead for staff/consultants that support the plan review and regulations function;
- Office space, equipment, software and vehicle expenses;
- Legal expenses; and
- Maintenance and development of public resources and administration costs.

Section 28 Regulation Permitting Fees (Schedule 1)

KCCA administers its fee program for Section 28 Regulation Permitting to achieve a partial cost recovery. KCCA's permitting program relies upon user-fees to safeguard the regulations program and its services against economic volatility and subsequent budgetary uncertainty. It is also intended to reflect that significant effort and resources that are used for pre-consultation related to activities, proposals, and inquiries prior to application submissions as well as compliance activities. The fee schedule is based on the complexity of the application and technical review required, which influences the staff time and resources needed for the review. KCCA staff may consider the following issues and data, where and when relevant to revise the fee schedule:

- Analysis of trends in workload changes as a result of shifts in the development market and types of applications.
- Consultation with developers/municipalities about work effort, new planning/legislative requirements and streamlining.
- General overview of status of cost recovery.
- Statistics related to number of applications and annual changes, where required.
- Level of service/review expectation for processing timing.
- Areas of improvement of level of service/staffing demands.
- Cost cutting measures as required.

- Reserve fund requirements.
- Identification of specific/specialized municipal requirements.
- Trends in legal costs associated with appeals to the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board and other legal services).

It is the objective of KCCA to provide an effective and efficient delivery of services consistent with the Client Service Standards for Conservations Authority Plans and Permit Review, endorsed by Conservation Ontario Council on June 24, 2019.

Exemptions to the application of Section 28 Permit fees include:

- a. projects carried out by KCCA or under the supervision of KCCA;
- b. municipal projects carried out by member municipalities that have a general public benefit, excluding works under the *Drainage Act*; and
- c. environmental stewardship projects funded by KCCA administered grant programs.

Additional fees may be required for section 28 application submissions where it is determined that professional services are required to assist Authority staff in the review of an application. (Example: An application submission where a supporting document, prepared by professionals, provides recommendations that dispute and/or conflict with KCCA policy, watershed studies or provincial natural hazard technical guides.)

The additional fee may be required to protect the Authority from financial loss exposure due to potentially unrecoverable and significant expenses in obtaining professional review and assistance to KCCA if needed. The professional service fees will be collected by a refundable deposit.

The deposit will be required upon submission of a complete application. The deposits are solely for the purpose of financing extra expenses incurred by the Authority, to be determined at the discretion of the General Manager/Secretary Treasurer (or designate), to cover Authority costs of professional review of a proposal in development of a submission, or of a submission (ie. legal, engineering, biology, hydrology, etc.). Any deposit balance remaining upon permit issuance or denial is to be returned to the applicant. The deposit does not apply to Authority staff time.

Conservation Areas Fees (Schedule 2)

Conservation Areas fees are reviewed annually by staff following the end of the camping season. Criteria for setting fees are:

- impact on or opportunity to support other programs and services of the authority including but not limited to staffing and capital asset replacement;
- anticipated operational expenses that will be incurred that will impact the budget;
- comments and feedback from CA users;
- comparison to similar operations and opportunities in the industry, including trends.

As part of the fee setting process, staff also review operational policies that pertain to the various aspects of the Conservation Areas services and programs. Refund policies are included in this review and adjusted as necessary. Information pertaining to these policies is shared on the KCCA website. Seasonal campers receive an electronic copy of both the fee schedule and policies annually.

Conservation Areas fees and refund policies are approved at the November Full Authority meeting and come into effect January 1 of the new year. Once approved, new fees and refund policies become public and are posted to KCCA's web site.

To be consistent with Accessibility Standards for Customer Service Regulation (O.Reg. 429/07) and the Human Rights Code, the Conservation Areas permit people with disabilities who use a support person to bring that person with them while accessing goods or services in premises open to the public or third parties, free of charge.

KCCA also provides complimentary seasonal day-use passes to local naturalist groups including but not limited to: St. Thomas Field Naturalist Club and London Nature. To qualify for the complimentary pass members must present proof of membership annually.

Tree Planting Fees (Schedule 3)

Fees for trees and services are reviewed and updated annually. An attempt is made to balance user fees with program costs while trying to maintain and, over the long-term, expand natural areas. KCCA recognizes that landowners need to be incentivized to undertake large-scale plantings on their properties and often funders are more likely to support programs that have local buy-in from landowners and local levels of government. It should be noted that without a balance of landowner, contribution, base funding (municipal levy) and third-party support (50 Million Tree Program, Ontario Power Generation etc.) for the program would not be sustainable (i.e. tree numbers planted would drop considerably).

Invasive Species Management Fees (Schedule 3)

Fees for invasive species management on lands not owned by KCCA are charged on a cost recovery basis. The fee takes into account staff time, travel, equipment with material/supply costs charged based on the cost to the Authority.

Occasionally, funding is secured through foundation or government grants for projects on private/public lands to offset costs completely or in part.

Education Program Fees (Schedule 3)

Conservation Education program fees are reviewed annually and where changes are required, are implemented in time for promotion of fall programs. The fees advertised in September are in place for the school year. KCCA's education programs are funded through a number of avenues including fees charged directly to the school classes participating, fees charged directly to the School Board and through fundraising for specific programs.

To determine the fees charged directly to the school classes several factors are considered including:

- availability of similar services; and
- surveys of prices charged by organizations offering similar services

Specialty programs/events are sponsored through corporate, foundation or government agencies.

Administration Fees (Schedule 4)

KCCA charges fees for a number of financial or administrative situations or services.

Reconsideration of Fees

As noted in Section 21.2(12) of the *Conservation Authorities Act*, “any person who considers that the authority has charged a fee that is contrary to the fees set out in the fee schedule, or that the fee set out in the fee schedule is excessive in relation to the service or program for which it is charged, may apply to the authority in accordance with the procedures set out in the fee policy and request that it reconsider the fee that was charged.”

Requests for an administrative review must be in writing to the General Manager/Secretary Treasurer (or delegate) and specify the reason(s) for the request for review. Upon reconsideration of a fee that was charged by the Authority, the Authority may,

- a) Order the person pay the fee in the amount originally charged;
- b) Vary the amount of the fee originally charged, as the Authority considers appropriate; or
- c) Order that no fee be charged for the program or service.

The Authority will make its decision within 30 days after receiving the request. If not satisfied with the outcome of the review by the General Manager/Secretary Treasurer, then an appeal will be referred to KCCA’s Hearing Board following the Authority’s Hearing Guideline Procedures. Appeals will be dismissed or upheld through a resolution by the Board of Directors. The appellant will then be notified in writing of the Board’s decision.

For the process for reconsideration of fees related to an application for a permit, please refer to the Conservation Authorities Act Section 21.2 (15-21).

If the amount varies from that originally charged or a refund is approved, a 10% administration fee will apply.

Refunds

KCCA does not issue refunds for services or products once an application or order is submitted and the payment has been processed.

KCCA has specific refund policies related to the programs and services described in Conservation Areas Fees (Schedule 2). Policies regarding refunds related to Schedule 2 are posted on KCCA’s website. Copies are also included in the seasonal camping permit application. Updates to these refund policies are considered at the November Full Authority.

Policy Review and Public Notification

This Fee Policy and Schedules shall be reviewed annually in conjunction with the annual budgeting process. Staff will seek information regarding fees, from various sources, as identified in this policy; prepare proposed revised Fee Schedules with a report to members regarding recommendations. Any changes or amendments to the Policy will be presented to the Board of Directors.

The public will be notified of any proposed increases or revisions to the Fee Policy or Fee Schedules, by way of posting a notice on the KCCA website that the Fee Policy and/or Fee Schedules will be reviewed on an identified date, at an open meeting of the Full Authority.

Once approved, the revised Policy and/or Fee Schedules will be published on KCCA’s website.