

Fees Policy

1.0 Background

Amendments to the *Conservation Authorities Act* were undertaken in 2020 to clarify the programs and services that conservation authorities (CAs) deliver. In 2021, Ontario Regulation 686/21: Mandatory Programs and Services provided additional clarity regarding the programs and services that CAs are required to provide. In April 2022, the Minister released Policy: Minister's list of classes of programs and services in respect of which conservation authorities may charge a fee ("Minister's List"). CAs may only charge a fee for a program or services that it provides if it is set out in the Minister's List. The Minister's List identifies that CAs may charge a fee for mandatory, municipal, and other programs and services where the user-pay principle is appropriate.

The Minister's List replaces the 1997 *Policies and Procedures for the Charging of Conservation Authority Fees* which was approved by the Minister of Natural Resources and Forestry. The new Minister's List will come into effect on January 1, 2023.

On January 1, 2023, the *Conservation Authorities Act* is amended by enacting section 21.2 (1) – (12) "Fees for Programs and Services. Subsection (1) enables the Minister to determine the classes of programs and services in respect of which an authority may charge a fee and (2) requires the minister to publish a List in a policy document. CAs may only charge a fee for a program or service that it provides if it falls within this list.

Under the *Conservation Authorities Act*, programs and services delivered by conservation authorities include:

- **Mandatory programs and services.** Mandatory programs and services that the conservation authority is required to provide. These services are further defined in Ontario Regulation 686/21: Mandatory Programs and Services and may be funded by provincial grants, other sources, municipal apportionment and/or conservation authority self-generated revenue (e.g., user fees) where the user pay principle is appropriate.
- **Municipal programs and services.** Programs and services that an authority agrees to provide on behalf of a municipality under a MOU or agreement. The program or service may be funded by the municipality or by other funding mechanisms (e.g., user fees where the user-pay principle is appropriate) as per the MOU or agreement.
- **Other programs and services.** Programs and services that an authority determines are advisable to further the purposes of the *Conservation Authorities Act*. The program or service may be funded by the municipality or by other funding mechanisms as per the cost apportioning agreement and the Minister's List.

2.0 Introduction

Section 21.2 of the *Conservation Authorities Act* (CAA) empowers Saugeen Valley Conservation Authority (SVCA) to charge fees for programs and services. The purpose of these fees is to offset the direct and indirect costs of offering programs and services or to generate revenue for the Authority.

Section 21.2 of the CAA requires SVCA to develop a written policy with respect to the fees that it charges for the programs and services it provides. This policy includes fee schedules that list the programs and services for which SVCA charges a fee and the amount to be charged.

In this fee policy, SVCA will set out the frequency with which it will conduct a review of the policy, including its fee schedules, the process for carrying out a review of the fee policy, including the rules for giving notice of the review and any changes as a result of a review, and the circumstances under which any person may make a request to SVCA to reconsider a fee that was charged to the person and the procedures applicable to the reconsideration. Decisions regarding the fee policy and fee schedules are made by the SVCA Board of Directors.

Under Section 21.2 of the CAA, a conservation authority may determine the amount of a fee to be charged for a program or service it provides. If a fee is to be charged for a program or service, the amount to be charged or the manner for determining the amount must be listed in the conservation authority's fee schedule.

3.0 Policy Scope

This policy applies to all classes of programs and services for which SVCA charges a fee.

4.0 Policy Principles

The SVCA Fee Policy and its associated Schedules are based on the following principles:

4.1 User-Pay

The fees that SVCA charges, in accordance with the Minister's Fee Classes Policy, are considered 'user fees'. 'User fees are fees paid to SVCA by a person or organization for a service that they benefit from. Such benefits include use of a public resource (e.g., park access or facility rental) or the ability to undertake development (e.g., receive an approval through a permit to undertake a regulated activity).

4.2 Transparency

Making information publicly available is empowering and encourages engagement. The methods for calculating fees for services will be robust and transparent. For example, direct and indirect costs associated with the program or service will be included in the calculation of the overall fee. Further, fee increases will consider inflation.

4.3 Cost Recovery

Fees for programs and services offered have been established to recover costs associated with administering and delivering the program or service.

5.0 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.

6.0 Calculation of Fees

SVCA will use a variety of methods to determine fees for its programs and services depending on the nature of the program or service. Fees collected are based on the approved fee schedule in effect on the date the application was deemed complete or when the program or service commenced.

6.1 Corporate Services Fees

These are fees related data management, mapping, geographic information systems (GIS), administrative services, educational services, and the rental of the Administrative Office Boardroom. These fees are generally developed considering appropriate market value, market willingness, and operational needs. Fees related to education services are primarily determined to ensure cost-recovery. Fees will be reviewed annually and adjusted appropriately to ensure operational and financial sustainability.

6.2 Forestry Services

Forestry service fees are determined largely on a combination of cost-recovery, market value, and comparable service rates. Fees are reviewed annually, in consultation with neighbouring conservation authorities, to ensure program sustainability.

6.3 Environmental Planning and Permitting

Fees for these services are largely designed to cover, but not exceed, the cost of providing these services. SVCA is currently utilizing Watson and Associates Economists to confirm the direct and indirect costs of providing these services. These fees are reviewed annually for inflation.

6.4 Camping and Lands

Fees for these services are based on cost-recovery, market value, and comparable service rates. Fees are reviewed annually in comparison to private and public campgrounds, as well as adjacent conservation authorities and municipal use venues.

7.0 Non-Payment

SVCA may withhold services or programs until payment is received.

Non-payment may result in an application being deemed incomplete.

8.0 Reconsideration of Fees

8.1 Overview

The *Conservation Authorities Act* requires that a conservation authority's fee policy must define the circumstances in which a person may request that the authority reconsider a fee that was charged and the procedures applicable to the reconsideration.

A person (applicant, client, customer, proponent, or developer) has the right to appeal a fee should they be dissatisfied with the prescribed fee. The person may request either a reduction or waiving of the fee. To appeal a fee, a person must submit, in writing, the reasons for the appeal.

8.2 Procedure for Requesting a Reconsideration of a Fee

Any person requesting the SVCA to reconsider the fee it charged that person must be doing so for the following reasons:

- It is contrary to the authority's fee schedule; or,
- It is excessive in relation to the program or service for which it was charged.

Requests for reconsideration of a fee will first be held by the General Manager or their designate. To submit a request for reconsideration to the General Manager or their designate, an individual will:

- Make their request in writing;
- Identify what the fee was for;
- Provide any relevant supporting documentation;
- State why they believe the fee should be reconsidered, as per the reasons above; and
- State whether they are requesting the fee to be waived or to be reduced.

Upon reconsideration of a fee that was charged, the General Manager or their designate may:

- Order the person to pay the amount originally charged;
- Vary the amount of the fee originally charged, as the General Manager or their designate considers appropriate; or
- Order that no fee be charged for the program or service.

The General Manager or their designate shall provide a decision on the reconsideration of a fee that was charged within ten (10) business days of the date the written request for the administrative review of a fee was submitted.

For fees related to planning and permitting (Fee Schedule A), a person who is dissatisfied with the decision from the General Manager or their designate, may request a fee reconsideration by SVCA's Executive Committee.

To submit a request for reconsideration by SVCA's Executive Committee, an individual will:

- Make their request in writing;

- Identify what the fee was for;
- Provide any relevant supporting documentation;
- State why they believe the fee should be reconsidered, as per the reasons above; and
- State whether they are requesting the fee to be waived or to be reduced.

Upon reconsideration of a fee that was charged, the Executive Committee may:

- Order the person to pay the amount originally charged;
- Vary the amount of the fee originally charged, as the General Manager or their designate considers appropriate; or
- Order that no fee be charged for the program or service.

Once heard, the Executive Committee shall provide a decision on the reconsideration of a fee that was charged within ten (10) business days.

8.3 Specific Products

SVCA will not entertain a request for reconsideration of a fee related to a specified product for which the Board of Directors has approved the product pricing (i.e., orthophotography) or for which SVCA has defined pricing under another agreement or partnership.

8.4 Refunds

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

SVCA has specific refund policies related to the programs and services described in Fee Schedule B (Camping and Lands Fees). These are posted on SVCA's website and are outlined in the fee schedule.

9.0 Frequency and Process for Policy Review

This policy and its associated schedules shall be reviewed annually by SVCA staff in conjunction with the annual budgeting process. Individual schedules may be reviewed on separate timelines to fulfill the needs of specific programs and services.

Changes to the policy and its schedules are subject to review and endorsement by the SVCA Board of Directors.

SVCA will consider the following when developing or reviewing its fee schedules:

- Legislative and regulatory requirements;
- The level of fees charged by neighbouring conservation authorities, local municipalities, provincial ministries, and other local agencies that charge for similar services; and
- The complexity of the program or service and the cost and level of effort required to administer the program or service.

SVCA will consult with the following stakeholders, when developing or reviewing its fee schedule (Schedule A) for planning and permitting programs beyond routine annual cost of living and inflation adjustments:

- Participating municipalities;
- Neighbouring conservation authorities; and
- Primary user groups who represent interests of applicants, participants, customers, or other program or service stakeholders.

10.0 Public Notification of Fee Changes

SVCA shall provide notice to the public, participating municipalities and neighbouring conservation authorities of proposed changes to the Fee Schedules through publicly available SVCA Board of Directors meeting agendas.

The public and common users of the services shall be notified through postings on the SVCA website at least thirty (30) days before the changes to the fee schedules take effect.

For planning and permitting fees, notice to participating municipalities and neighbouring conservation authorities shall be delivered via email or standard mail at least thirty (30) days before changes to those fee schedules take effect.

Written comments will be accepted any time prior to the changes to the fee schedules taking effect.

11.0 Public Access to Fee Policy

The SVCA Fee Policy and its associated schedules will be made available to the public on the SVCA website.

SVCA will provide the Fee Policy and its associated schedules in alternative formats by request in accordance with the *Accessibility for Ontarians with Disabilities Act*.

12.0 Transition

This policy is effective upon endorsement by the SVCA Board of Directors. The establishment of this Fee Policy supersedes and replaces all previous Fee Policies and Schedules.