



FEE POLICY	
Department	Corporate Services
Category	Finance
Sub Category	General

## FEE POLICY

Approval Level:	Category 1 - Board		Effective Date:	September 12, 2019	
Approved By:	X	GM	September 5, 2019	Approval Date:	September 12, 2019
	X	Board	BD24/2019	Review Frequency:	5 Years (Policy) 1 Year (Schedule)
Lead	Directors		Next Review Date:	2024 (Policy) 2019 (Schedule)	

### 1.0 POLICY PURPOSE

The *Conservation Authorities Act*, Section 21.2 (7) requires that every authority shall adopt a written policy with respect to the fees that it charges for the programs and services it provides in order to provide clarity to the Essex Region Conservation Authority's (ERCA) stakeholders, applicants and customers, regarding determination and administration of fees charged and collected under the Conservation Authorities Act, and associated regulations and policies including the MNRF Policies and Procedures for the Charging of Conservation Authority Fees (1997) and the Conservation Ontario Guideline for CA Fee Administration Policies for Plan Review and Permitting (June 24, 2019).

The policy confirms that the Board of Directors authorizes a user-pay principle and requires the direct beneficiary or recipient of the service(s) to fully or partially pay for the cost of the service. A user-pay model redirects public funding and taxes to services that benefit the broader constituency versus subsidizing services that are delivered to specific individuals and inure to their respective benefit only.

### 2.0 POLICY SCOPE

This Fee Policy includes:

- (a) the Fee Schedule that addresses fees related to all programs and services provided by the Conservation Authority, as approved by the Board of Directors. This includes:
  - Fees for specific services related to planning and development review-oriented activities, such as regulatory or permitting services
  - Fees for programs and services related to non-planning and compliance activities
  - Fees for use and occupation of authority assets (e.g. recreational facilities, lands and works, vehicles etc.)



FEE POLICY	
Department	Corporate Services
Category	Finance
Sub Category	General

- (b) the frequency within which the fee policy shall be reviewed by the authority
- (c) the process for carrying out a review of the fee policy, including the rules for giving notice of the review and of any changes resulting from the review, and,
- (d) the circumstances in which a person may request that the authority reconsider a fee that was charged to the person and the procedures applicable to the reconsideration.

### 3.0 POLICY PRINCIPLES AND STATEMENTS:

#### 3.1 Public Sector Service Provider

As a public-body, ERCA strives to find the balance between its multiple roles as a supplier of a wide variety of services, which include:

- delivery of services which broadly benefit the region and its residents
- legislated services which are applicant or proponent-driven
- discretionary services which are provided by other agencies and private companies

#### 3.2 Eligible Fees

Unless otherwise prescribed by the Minister in regulation, Conservation Authorities may charge fees for the following services:

- Conservation Services: Conservation Areas (e.g. Daily/Annual passes, camping, facilities rentals, Site rental), Hunting Programs, Forestry/Forestry Extension Programs
- Community Outreach: Outdoor Education programs, special events
- Watershed Management Services: Floodplain regulations and related development applications (i.e. permit review, property inquiries, survey), Watershed Planning (e.g. Planning Act applications)
- Corporate Services: sale of products (e.g. reports, maps, photographs)

#### 3.3 Eligible Costs

Fees are dependent on the complexity of applications and the level of effort required to administer the application or deliver the program or service.

Eligible costs may include:

- Staff salaries, mandatory payroll taxes, discretionary benefits, training, professional membership dues and other related payroll costs
- Appropriate percentage of salary and overhead for staff/consultants who support the program or service (e.g. administration, geomatics (GIS) and information technology,



FEE POLICY	
Department	Corporate Services
Category	Finance
Sub Category	General

- engineering, surface water and groundwater specialists, source water protection, natural heritage, property management, senior staff/management
- Compliance costs (e.g. inspection of approved permits, potential violations and enforcement)
  - Overhead costs associated with office space (lease, building maintenance/operations, computers/networks, etc.)
  - Vehicle operating costs associated with program delivery (e.g. acquisition, depreciation, maintenance, insurance, gas, etc.)
  - Equipment and software (e.g. mobile phones, cameras, GPS, safety equipment, software, etc.)
  - Legal expenses (e.g. annual expenses and contingency reserves) and insurance (liability, directors and officers, errors and omissions)
  - Maintenance and development of public resources (e.g. website, fact sheets, etc.)
  - Other supply costs (paper, postage, courier, etc.)
  - Other reasonable indirect costs that are associated with service delivery
  - Allocated cost of assets used to deliver services

### 3.4 Determining Fees

Fees are necessary to finance Essex Region Conservation Authority’s programs and services in the absence of sufficient provincial or municipal funding to deliver the program or service, or as a means of generating revenues to support the program or service.

Unless otherwise prescribed by the Minister through regulation, the Authority determines the amount of the fee based on consideration of eligible costs, and consideration of the following issues and data, where and when relevant:

- Analysis of trends in workload changes, shifts in 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 of numbers of applications and annual changes, where required
- Level of service/review turn-around timing
- Areas of improvement of level of service/staffing demands
- Cost cutting measures as required
- Reserve fund requirements
- Identification of specific/specialized municipal requirements



FEE POLICY	
Department	Corporate Services
Category	Finance
Sub Category	General

- Trends in legal costs associated with LPAT, Mining and Lands Tribunal decisions and other legal services (not staff time), and
- Fees charged by the private sector for similar services

In addition, the Board will consider impact of fees on program delivery (e.g. outdoor education programs), the nature of the request (e.g. for-profit or commercial activities), and fair-market-value of similar services in the private sector to prevent a situation of unfair competition, inappropriate application of taxpayer subsidized services and excessive use of ERCA's limited staff resources.

Where a program or service is supported through provincial grant funding, fees shall not exceed the costs of delivering the services on a program basis.

### 3.5 Consultation

When establishing its Fee Schedule, ERCA will consult with key stakeholders including:

- the Windsor Essex Economic Development Corporation, the Windsor Essex Home Builders' Association, Heavy Construction Association of Windsor and consultants as it relates to Watershed Management Services Fees
- Primary user groups who may represent interests of applicants, participants, customers, or other program or service stakeholders (who may be consulted for various ERCA programs and services)
- Neighbouring conservation authorities, to compare services, eligible costs and percentage cost recovery proposed to and/or approved by the Board
- Municipalities, to identify proposed changes to fee schedules, and define service(s) to be provided)

Authority staff will consult with key stakeholders at a level appropriate for proposed changes to the Fee Schedule. The greater the impacts of changes to the fee schedules, the larger the scale of consultation will be.

Consultation will, at a minimum, include an email to key stakeholders, the posting of proposed changes to the ERCA website, and the posting of a notice in the Authority's administrative office.

### 3.6 Approval of the Fee Schedule

Administration will propose a Fee Schedule, based on its analysis further to Section 3.2 (above) and comments received through consultation (Section 3.5 above), for approval by the Board of Directors.



FEE POLICY	
Department	Corporate Services
Category	Finance
Sub Category	General

On approval by the Board of Directors, inflationary costs associated with fees (e.g. cost of living adjustments, etc.) may be applied to fee schedules without undertaking formal consultations.

### 3.7 Waiving Fees

The Fee Policy and Schedule has been approved by the Essex Region Conservation Authority (ERCA) Board of Directors and is administered and applied by staff of ERCA.

Senior administration, in consultation with the General Manager may, under extenuating circumstances, waive or reduce fees.

Senior administration will review the type and complexity of the application and make a determination on the appropriate fee. This assessment will consider the scope of work required to administer and review the application and supporting technical reports, the nature of the project or request, and the associated risk to the resource affected.

## 4.0 APPEAL PROCESS

4.1 The fee appeal process will be based on the principles of fairness, opportunity, and notification.

4.2 If an appellant wishes to appeal a fee:

- (a) The appellant must submit a request for administrative review of the fee in writing to the General Manager/Secretary-Treasurer the reasons for the appeal. The General Manager/Secretary-Treasurer shall review the appeal and notify the appellant accordingly of the decision.
- (b) If the appellant is not satisfied with the decision of the General Manager/Secretary-Treasurer's decision, the appellant may request consideration of the appeal by the Conservation Authority Executive Committee in writing with reasons for the appeal. Once heard or reviewed by the Executive Committee, the appeal will be dismissed or upheld through a resolution. The appellant will be notified accordingly of the Board's decision.

4.3 In making their decision, the General Manager/Secretary-Treasurer and/or the Executive Committee will consider the scope of work required to administer and review the application and supporting technical reports; the nature of the project or request, and the associated risk to the resource affected.



FEE POLICY	
Department	Corporate Services
Category	Finance
Sub Category	General

## 5.0 REVIEW

### 5.1 Fee Policy Review

In keeping with the Conservation Authorities Act, S.21.2 (9), the Fee Policy will be reviewed by ERCA Senior Administration every five years and propose any changes to the Policy to the Board of Directors for approval.

### 5.2 Fee Schedule Review

The Fee Schedule will be reviewed annually by ERCA senior administration, in conjunction with the annual budgeting process. Senior administration will seek information regarding fees, from various sources, as identified in Section 3.5 above and recommend any changes to listed fees for consideration by the ERCA Board of Directors.

Once approved, the revised Fee Schedule to this policy will be published on ERCA's website and distributed to Municipal Clerks and Stakeholders identified in Section 3.5 above for posting, and in other materials used by the public.

If, after a review of a fee schedule or at any other time, the ERCA Board of Directors wishes to make a change to the list of fees set out in the fee schedule or to the amount of any fee of the manner in which a fee is determined, the authority shall give notice of the proposed increases or revisions to the Fee Schedule, by way of posting a notice on the ERCA website and in the ERCA administrative office, that the Fee Schedule will be reviewed on an identified date, at an open meeting of the Authority's Board of Directors.

## 6.0 RESOURCES:

- MNRF Policies and Procedures for the Charging of Conservation Authority Fees (1997)
- Policies and Procedures for Conservation Authority Plan Review and Permitting Activities (May 2010).