

Crowe Valley Conservation Authority
Business Case
For
Hiring Regulations (Violations) Officer

9 November 2023

Crowe Valley Conservation Authority Mandated Goals and Objectives

The Province of Ontario has clearly identified the mandate for all conservation authorities through the recent categorization of programs and services which must be delivered to the serve the member municipalities, the public and ensure they dovetail with the Provincial objectives. This has resulted in identifying and confirming the role of conservation authorities regarding Natural Hazard Management and includes the Crowe Valley Conservation Authority (CVCA) Ontario 156/09 Regulation.

The CVCA is currently under resourced regarding all violations under regulation 156/09 brought to the CVCA's attention. This is a not only a disservice to the Province, the CVCA's member municipalities and the public, but it also places the CVCA in the position of not being able to fulfill our responsibilities as per the Conservation Authorities Act. Hence, the law is not being upheld.

The Building Code Act and the Ont. Regulation 350/06 would be the comparable municipal example.

In order to move toward resolving this issue, the CVCA should consider hiring additional staff, provide the appropriate training, equipment, administrative resources and any other support required for staff to perform their duties.

Staff recommend this course of action be implemented by adopting a 2024 Budget with sufficient funding resources to support hiring a minimum of one full time permanent staff.

Background Information

The CVCA adopted Ontario Regulation 156/09 in 2006 and began implementation in 2007. Since that time, the role of the CVCA has continued to evolve to adequately fulfill its responsibilities. The CVCA's prevention component of the Natural Hazard's Management program comprises of a significant portion of the CVCA's provincially mandated responsibilities.

Currently there are 2.5 Full Time Equivalent (FTE) Regulations Officers devoted to the review of proposed development applications located within the regulated area of the CVCA and subsequent issuance of permits should the development adhere to O. Reg. 156/09.

In addition to the Regulations Officers, there is 1 FTE (two staff, each at .5) which supports the program through administration and additional services (property inquiries and pre-consultation). It includes items such as:

1. Receipt of application.
2. Logging into tracking system.
3. Electronic file creation and saving on server for future use.
4. Map creation using ArcGis.
5. Pinning file information on CVCA mapping.
6. Physical file creation.
7. Triaging file (confirmation all required information has been received for the application and subsequent review for the regulations and what the application fee will be and whether the permit application requires a site visit).
8. Contacting application regarding fee.
9. Distribution to Regulations Officer for review when all information including payment is received from the applicant.

The remaining .5 FTE supports the program with responding to public inquiries, pre-consultation and assisting with site visits.

This system does not address violation issues as it should since the workload for the permitting process does not adequately allow sufficient time for violations to be processed without compromises.

Essentially, violations have by default are not prioritized high enough by Regulations Officers who are trying to process permit applications and planning files to meet timelines.

Currently there are 44 active violation files which require investigating.

Consequences of an Under Resourced Program

- Work not being completed as per Ont. Regulation 156/09.
- Violation activity in the watershed is excessive – potentially exposing development to natural hazards (flooding and erosion), wetlands being compromised which results in environmental degradation and reducing the flood storage capacity of the watershed, leading to increased flooding over time.
- Current staff workload too high and wearing “too many hats”, potentially leading to higher stress levels and impact on health and welfare of staff.
- Sending wrong message to the watershed residents in our municipalities, - ie. the CVCA does not care about the environment or upholding its Provincial obligations, therefore violations will continue to increase.
- Losing public confidence for those who appreciate role of CVCA and the regulation program, which may result in losing the “eyes and ears” of the public who help to inform the CVCA of violations.

- Public ignoring application process and proceeding with development projects, which results in reduced revenue for the CVCA regulation program, which places additional strain on municipal levies.
- Lack of consistency addressing violations since it is undertaken in an ad hoc manner.

Positive Outcomes with Additional Staff Position

- Dedicated staff position to process violations in a timely manner.
- Increased compliance with Reg. 156/09.
- Ensure development is not exposed to natural hazards.
- Responsive to residents demands that action be taken where and when violations occur.
- Investigations can be started when potential violations are reported.
- Send message to public the Reg. is important and the CVCA “means business”.
- Able to complete scheduled canvassing of watershed for potential violations.
- Public knowledge of a violation officer should result in fewer violations in the long term.
- Resolution of violations will occur sooner.
- Able to focus on legal cases resulting from violation charges.
- Increased revenue source for Regulations program (violations are double application fees).
- Reduce burden on current staff complement, which will aid with meeting timelines.
- Enable current officers an opportunity to follow up with permits to ensure work is done in accordance with attached conditions.
- Current staff morale will be boosted knowing there is a dedicated staff person to address violations.
- Consistent approach with one employee rather than spreading it out over three employees.
- Provide support for municipalities when opportunity arises to work together.
- Another staff person will be available to assist with other CVCA duties and responsibilities such as 1) Provincial Groundwater Monitoring, 2) Provincial Water Quality Monitoring, 3) Snow surveys, 4) Dam operations – stop log adjustments, 5) Mapping support, 6) Communications, 7) Source Water Protection, 8) Duty forecast support, 9) Hydro Dam On Call, 10) Policy Development and Updates, and 11) Provincial Reports and Updates.

Hiring One Full Time Employee in 2024

Financial Considerations:

- Will increase levy approximately 15% more in addition to the proposed 2024 Draft Budget. Estimate based on a Regulations Officer’s entry level position with benefits and the associated expenses to support the position.
- Additional levy amount is an additional burden for the member municipalities and may not be prepared for at this time.

Implications:

- Full time work is likely to attract better candidates and retain them over a longer time frame.
- Will enable CVCA to commit one staff person solely for the purposes of addressing violations and fulfill core mandate responsibilities immediately.

Alternative Solutions for Consideration

The Status Quo

Financial Considerations:

- This option would keep a potential budget increase within a reasonable amount based on the current inflationary environment. This would satisfy the member municipalities funding contributions to the CVCA and the public to whom the municipalities serve.
- Additional expense minimized to the municipalities

Implications:

- However, the work is still not getting done.

Hire a part time employee

Financial Considerations:

- Half of the proposed increase for expenses will be incurred.

Implications:

- Difficult to attract an employee to do this type of work.
- Too much work for a part time position, still not getting enough work completed.
- Same training costs (investment) as full time employee
- Not likely to retain employee – Fully trained employees of this niche skill set are highly attractive to other Conservation Authorities, especially those larger urban CAs that are able to offer higher compensation

Contract the Position

Financial Considerations:

- Eliminate certain employee expenses (benefits) to reduce overall expense.
- Training costs still involved

Implications:

- Difficult to attract an employee to do this type of work on a contract.
- Same training costs (investment) as full time employee.

- Not likely to retain employee – Fully trained employees of this niche skill set are highly attractive to other Conservation Authorities, especially those larger urban CAs that are able to offer higher compensation.

Job Share with another Conservation Authority

Financial Considerations:

- Informal inquiries have been made at various times with neighbouring CAs regarding the possibility of sharing an employee to reduce expenses based on a job sharing arrangement.

Implications:

- Difficulty finding an employee willing to locate geographically that would be suitable for commute to both CAs.
- Job sharing would mean not all of the work is being completed, as it would be assumed a 50/50 staff sharing arrangement would be arrived at for the position. The CVCA workload alone is equivalent to a full time position based on past and present violations.
- Matching CVCA needs with another neighbouring CA is difficult at the best of times. For example, the LTRCA would like to job share when approached with the suggestion. However, their needs are for a full time IT person as they already have a dedicated GIS Technician, which is one of the positions the CVCA would like to fill. In other words, the positions we are trying to bring to the CVCA, other CAs have already acquired those positions and currently do not need to expand that capacity.
- In addition to the personnel matchups, the willing partners budget would have to align. Neighbouring CAs may not have the budget resources available in the same year as the CVCA and vice versa.

Hire Part Time Employee with Intention of Expanding to Full Time in Subsequent Year.

Financial Considerations:

- Half of the expenses will be incurred in the first year.
- Does allow the CVCA to “ease” into the position and plan to absorb the additional expense.
- Municipalities then could be advised of this approach to help them prepare for the full impact of the levy increase.

Implications:

- Difficult to attract an employee to do this type of work.
- Too much work for a part time position, still not getting enough work completed in the first year.
- Same training costs (investment) as full time employee.

- Employee retention not as risky, provided the commitment for full time work is fulfilled. This arrangement will still expose the CVCA to poaching from other CAs are able to offer higher compensation or immediate full time work.

Assessment

Hiring an individual to fulfill the role of a Regulations Officer to manage violations for the CVCA would enable the CVCA to satisfy the requirements bestowed upon this organization by the Province which is embedded in the Conservation Authorities Act and Regulation 159/06.

However, management recognizes there is an additional expense and burden placed on the member municipalities that support the Provincially mandated services and programs. Therefore, the decision to proceed or not rests with the Board and its fiduciary responsibilities to act in the best interests of the CVCA and ultimately the residents of the watershed.

Risk Assessment

Should the CVCA Board provide the funding to hire another employee, the decision does not come without risk. There is the possibility the number of violations will trend upward and add to the backlog of the current violation files. If this turns out to be the case, then resolving the violations will likely take longer than anticipated and some of the positives from an additional hire will not be realized immediately.

As well, it must also be recognized there is a possibility the additional violations may result in a short term increase in the number of charges laid. This in turn may increase the time spent on legal cases followed by extra expense. Should this come to fruition, staff are confident it will be balanced in the long term as “word gets out that we mean business” and the backlog is reduced.

There is no guarantee the new hire, even with permanent job status in hand will stay on with the CVCA much beyond the training period. However, management believes a positive work environment, adequate compensation for this area and choosing the suitable person for the position will assist with mitigating this risk.

Summary

The *Conservation Authorities Act* objectives for all 36 conservation authorities include “the delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario”.

The natural hazard management component includes the implementation of regulations to provide the preventative approach for residents in the CVCA watershed. Currently, the CVCA has not been able to fully deliver every aspect of the regulations program to a standard that upholds the objectives, meet public expectations and ensure development is not exposed to the natural hazards of flooding and erosion.

With the addition of another employee, the gaps in the regulations program will be addressed, provide the CVCA with the additional resources required and ensure we are upholding the law by meeting the overall objectives and intent of the *CA Act* and its regulations.

Therefore, the CVCA General Manager respectfully recommends the CVCA Board increase funding to allow the expansion of the CVCA staff complement by one additional employee to deliver the regulations program as intended by the Province.