

FULL AUTHORITY MEETING
Wednesday, August 14, 2019
9:30 a.m.
Ball's Falls Centre for Conservation
Glen Elgin Room
3292 Sixth Avenue, Jordan, ON

A G E N D A

1. ADOPTION OF AGENDA

- a) Addition of items
- b) Change in order of items
- c) Adoption of Agenda

2. DECLARATION OF CONFLICT OF INTEREST

3. PRESENTATIONS and DELEGATIONS

- a) Delegation by Mr. Len Aarts representing the Welland River Floodplain Association regarding the NPCA's updated Welland River floodplain mapping Page 4
- b) Delegation by Mr. Ed McDonnell, CEO, Friends of the Greenbelt Foundation regarding the *Positively Green Project* – a collaborative initiative between 13 conservation authorities, including NPCA and the Foundation to fund and deliver priority projects Page 14

4. ADMINISTRATIVE BUSINESS

- a) Approval of Draft Minutes Full Authority Meeting July 17, 2019 Page 29
- b) Approval of Draft Minutes Full Authority Closed Session Meeting July 17, 2019 (Circulated under separate cover to remain Private and Confidential)
- c) Approval of Draft Minutes Governance Committee Meeting July 24, 2019 Page 41
- d) Business Arising from Minutes

Resolution No. FA-166-19 was deferred to the August 14, 2019 meeting for further discussion as follows:

Moved by Board Member Clark
Seconded by Board Member Johnson

THAT: Resolution No. FA-135-19 regarding retention of a consultant to conduct a third-party peer review of the Welland River floodplain mapping **BE FURTHER DEFERRED** to the next meeting.

CARRIED

e)	Correspondence		
1)	Conservation Ontario Council Meeting dated June 24, 2019	Page	45
2)	Town of Fort Erie dated July 16, 2019	Page	52
3)	Ministry of Natural Resources and Forestry dated July 18, 2019	Page	54
4)	Niagara Region - Representation of the NPCA Board of Directors dated July 19, 2019	Page	56
5)	Conservation Ontario letter to AMO dated July 19, 2019	Page	61
6)	Conservation Ontario letter to BILD dated July 19, 2019	Page	63
7)	Conservation Ontario letter to OHBA dated July 19, 2019	Page	65
8)	Conservation Ontario letter to RESCON dated July 19, 2019	Page	67
9)	NPCA letter to MNRF dated July 24, 2019	Page	69
f)	Chairman's Remarks		
g)	Chief Administrative Officer Comments		

5. BUSINESS FOR INFORMATION

a)	<u>Report No. FA-88-19</u> RE: Conservation Ontario Guidance Documents for CA Planning and Regulations Program	Page	71
b)	<u>Report No. FA-99-19</u> RE: Financial and Reserve Report Year to Date Ending June 2019	Page	167
c)	<u>Report No. FA-106-19</u> RE: Update – Auditor General Report Recommendations	Page	172
d)	<u>Report No. FA-113-19</u> RE: Niagara Region MOU and Special Levy - \$1.6M	Page	191
e)	<u>Report No. FA-116-19</u> RE: Media Coverage and Communications Update August 2019	Page	220

6. BUSINESS FOR CONSIDERATION

a)	<u>Report No. FA-69-19</u> RE: NPCA Promotion Policy	Page	229
b)	<u>Report No. FA-74-19</u> RE: Stormwater Outlets in Valleylands	Page	234
c)	<u>Report No. FA-89-19</u> RE: NPCA Floodplain Mapping Workplan	Page	237
d)	<u>Report No. FA-92-19</u> RE: - Honorary Member	Page	243
e)	<u>Report No. FA-98-19</u> RE: Re-Appointment of NPCA Section 28 Regulations Officer	Page	245

f)	<u>Report No. FA-103-19</u> RE: Proposed 2021 Wedding Fee Schedule – Ball’s Falls Conservation Area	Page 247
g)	<u>Report No. FA-105-19</u> RE: Updated – Governance Committee Revised Terms of Reference	Page 256
h)	<u>Report No. FA-107-19</u> RE: Board of Directors Training and Development	Page 260
i)	<u>Report No. FA-112-19</u> RE: CAO Selection Committee Next Steps	Page 264
j)	<u>Report No. FA-115-19</u> RE: Public Advisory Committee Terms of Reference	Page 266
k)	<u>Report No. FA-117-19</u> RE: Revised Communications Policy	Page 274

7. BUSINESS – In Camera

8. NOTICE OF MOTION

9. NEW BUSINESS

10. ADJOURNMENT



Welland River Flood Plain Association

**Presentation to
NPCA Board of Directors
Aug. 14, 2019**

WRFPA

- Formed in 2012 in response to community concerns regarding expanded floodplain along Welland River by NPCA
- Worked collaboratively with previous NPCA Boards & staff, technical professionals and communities to resolve issues
- Wanted to address recent dialogue on Welland River floodplain issue

Documents

- 1985 - Floodplain Mapping – Dillon
- 2011 - Floodplain Mapping – Aquafor Beech
- 2012 - Peer Review – Simonovic
- 2014 - Peer Review – AMEC
- 2019 - Floodplain Mapping – WSP

Floodplain Mapping 1985 & 2011

- Originally mapped 1985 – Dillon
- New study 2009 - 2011- Aquafor Beech
 - No public consultation or communication
 - Significant expansion to flood zone
 - Widespread public concerns due to technical shortcomings

2014 Peer Review - AMEC

- Aquafor Beech questioned about concerns and shortcomings
- AMEC conclusion – minimum standards met
- Did not actually address accuracy

2012 Peer Review - Simonovic

- Commissioned by WRFPA
- Dr. Simonovic is Professor of Engineering and Director - Institute for Catastrophic Loss Prevention
- Found questionable modeling, incomplete data, estimations and assumptions
- Concluded a high level of uncertainty associated with final result

2019 Floodplain Mapping - WSP

- Proven modelling
- Local empirical hydrologic and hydraulic data used
- Transparent, consultative and collaborative
- Draft results not yet public

To Peer Review or not to Peer Review

- R.I.P. 2010 study
- Defer 2019 peer review at this time
- Release draft to public
 - How can we question without seeing?
- Read it – familiarize yourself
- Proceed with public meetings
 - Judge public reaction
- If concerns raised, proceed with peer review



Recent Comments/Concerns

- Non-technical should not participate in Watershed Floodplain Committee
- 2010 study rejected due to NIMBYism
- Adopting 2010 study would mean lowered liability risk for Board

Questions



POSITIVELY GREEN



100+ Priority
Projects to
Enhance our
Greenbelt

Edward McDonnell, CEO
Greenbelt Foundation



Possibility grows here.

Purpose and overview

Purpose

- Introduce collaborative initiative developed by the Greenbelt Foundation and 13 conservation authorities including KRCA
- Secure endorsement and support for moving forward with outreach and fund proposals

Overview

1. Current landscape and recent changes
2. Benefits of collaboration
3. Positively Green
4. Status and next steps
5. Branding/communications



Possibility grows here.

Current landscape and recent changes

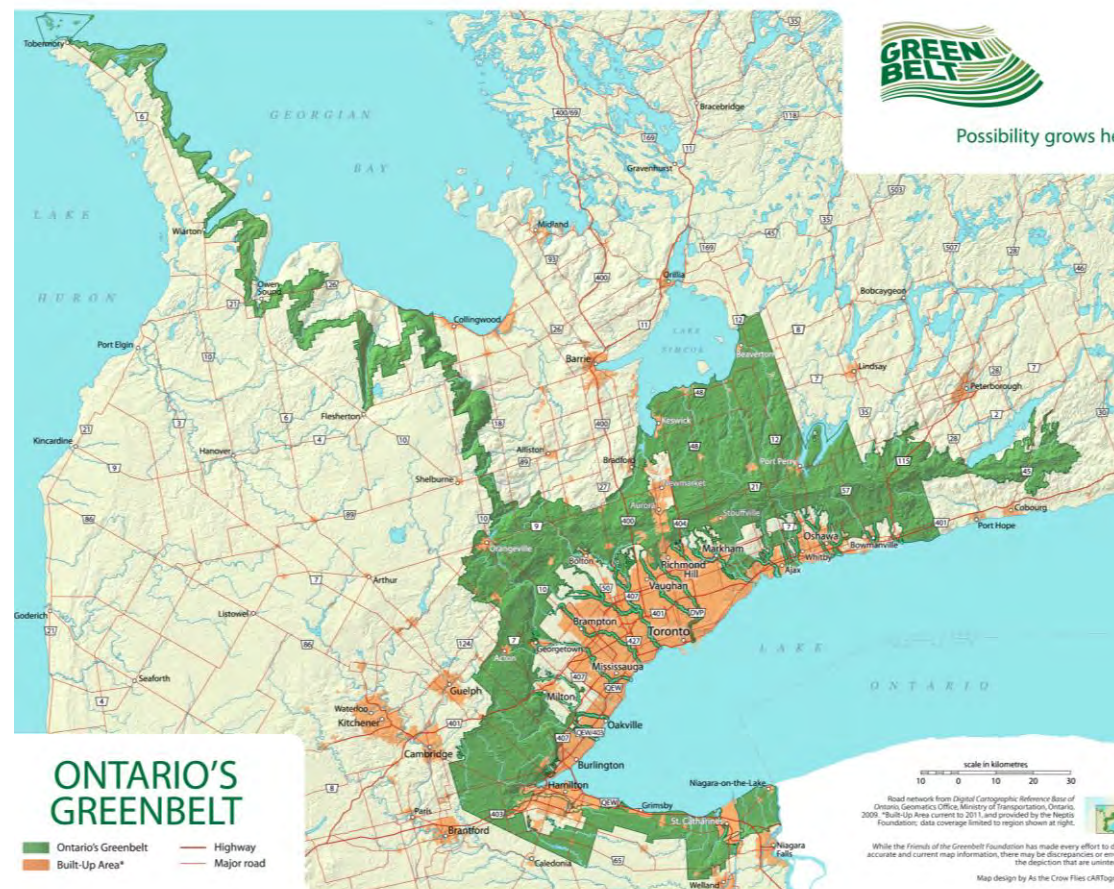
- Ontario conservation authorities are adjusting to recent and anticipated changes to their legislation, regulations, and funding
- Nonetheless a compelling opportunity exists to pursue Greenbelt restoration and climate resiliency initiatives
- Government investment, while significant, has funded relatively little natural infrastructure across the region



Possibility grows here.

The Greenbelt

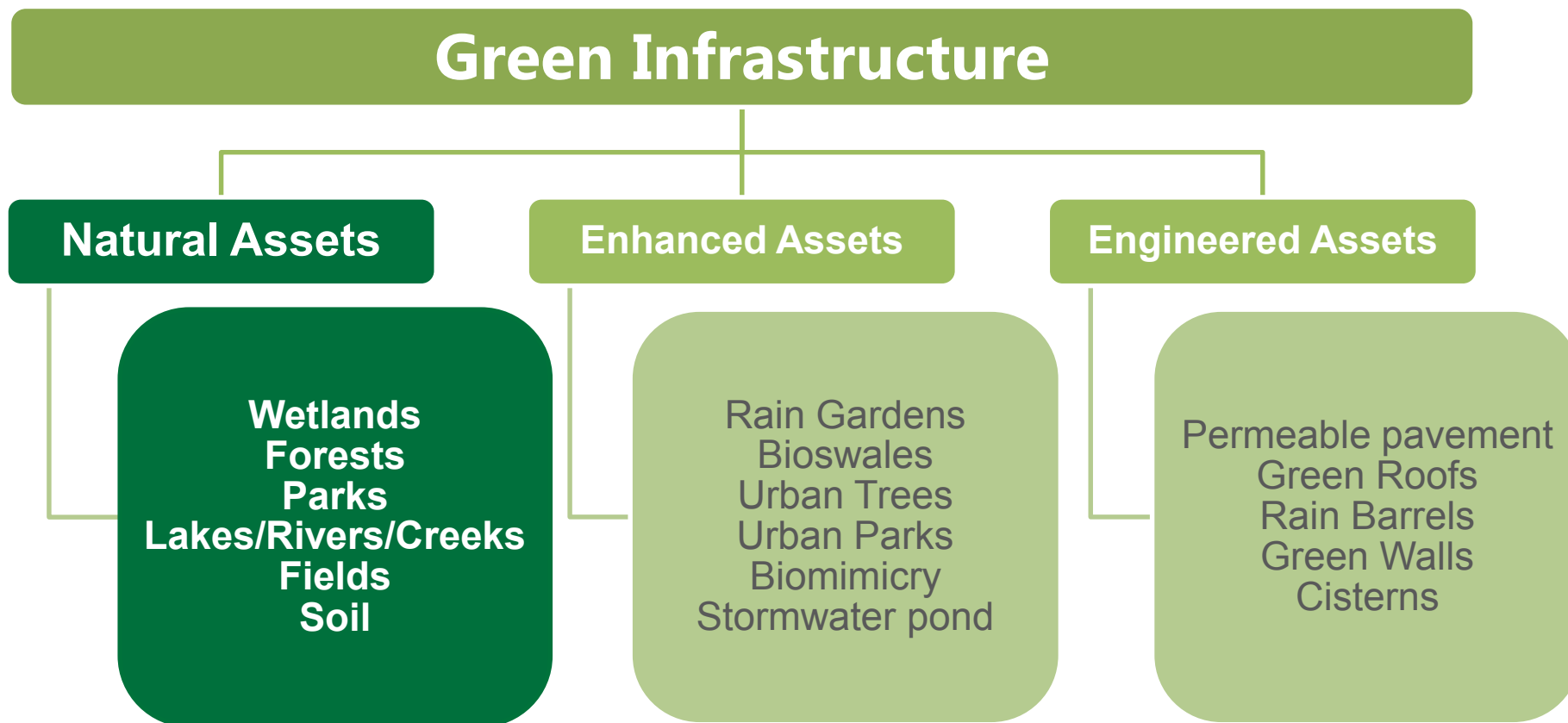
- Canada's largest greenbelt
 - Over 2 million acres of protected land including intact natural heritage system
- A unique Ontario solution for fresh air, clean water, local food, thriving economies, and climate resilience
- Protects environmentally sensitive areas and productive farmlands
- Heart of the Greater Golden Horseshoe region – home to 1 in 4 Canadians
 - 95% of Ontarians support the Greenbelt





Possibility grows here.

Green/Natural Infrastructure



Credit MNAI

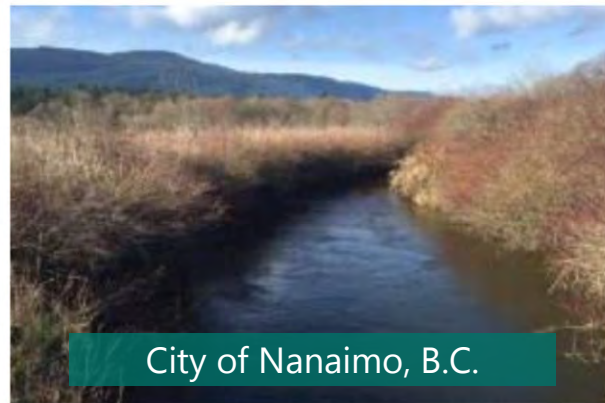
“Green infrastructure” is a broad category that includes natural assets and designed and engineered elements that have been created to mimic natural functions and processes in the service of human interests



Possibility grows here.

Green/Natural Infrastructure

- Natural Infrastructure:
 - Can improve water quality, reduce the risk of floods, and ensure our watersheds and communities are more resilient to climate change
 - Supplements and works with traditional green/grey infrastructure, reducing costs and improving efficiency

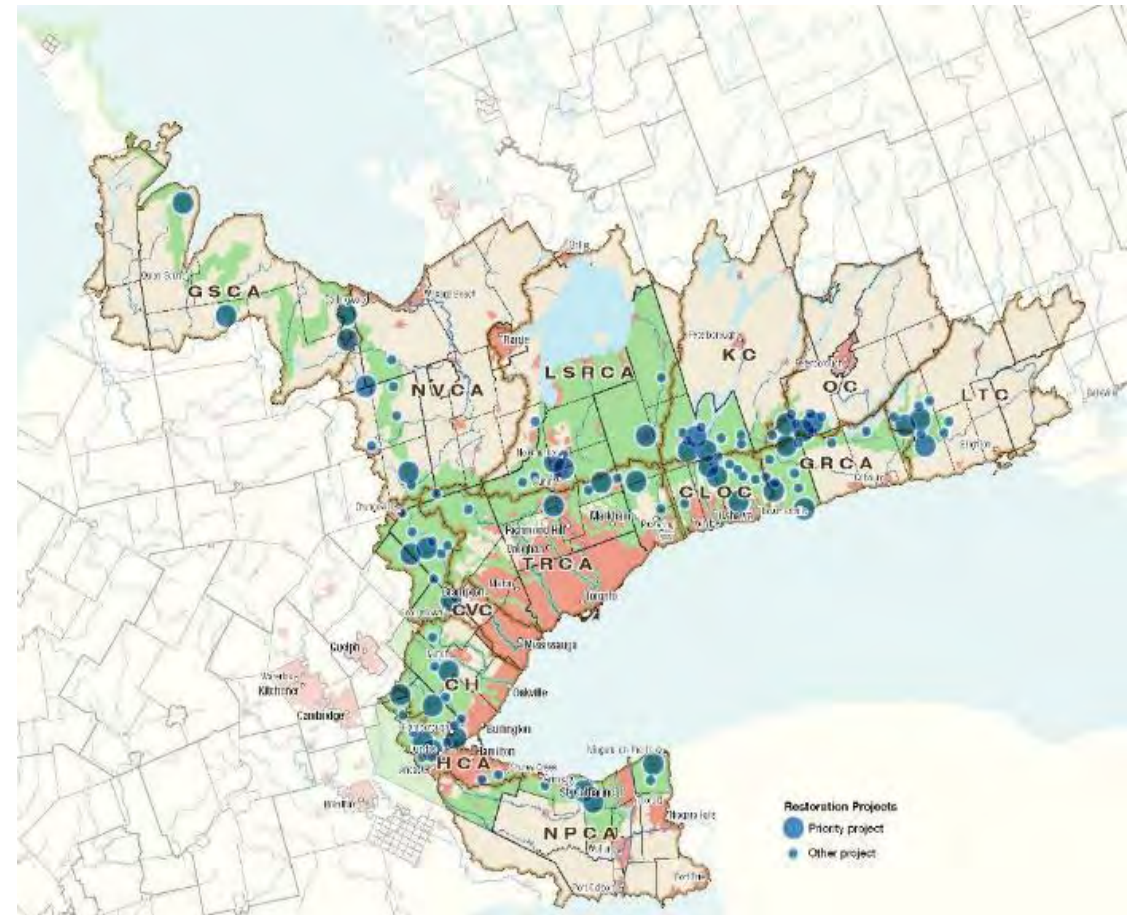




Possibility grows here.

Positively Green

- Partners have been collaborating for two years to plan a Greenbelt-wide initiative: "Positively Green"
- 100+ priority projects across the region directly benefiting the public, municipalities, and businesses including agriculture by focusing on:
 - nature's role in **climate adaptation and mitigation**
 - the Greenbelt's unparalleled **environmental services**





Benefits of collaboration

Possibility grows here.

Stronger together

- “Bundling” of projects creates the opportunity to meet thresholds for federal and provincial programs

Shared outreach

- Outreach to government officials and political representatives to raise awareness and advance engagement around our shared funding proposal.

New fundraising capacity and opportunities

- Shared approach to accessing private and public funds not otherwise available to individual CAs and projects.
- While local fundraising and municipal investment will still be important, we can communicate a bigger regional resiliency and restoration opportunity that will appeal to major funding organizations while pooling fundraising resources now and through the lifespan of the initiative.

Technical support and knowledge transfer

- Targeted investment in individual project needs (e.g., business case development) and ensuring that we transfer knowledge and practical approaches throughout the CA collaborative to facilitate work on individual projects.



Possibility grows here.

Measurable Outcomes

- ✓ **Watershed Health** – report card indicators/ project indicators.
- ✓ **Ecosystem Services:** valuations will define economic and public benefits of restoration projects.
- ✓ **Climate Resiliency:** flooding, pollution, species loss.
- ✓ **Biodiversity:** healthy, protected cores, connectivity, species recovery.
- ✓ **Carbon Sequestration:** substantial contribution to climate mitigation.

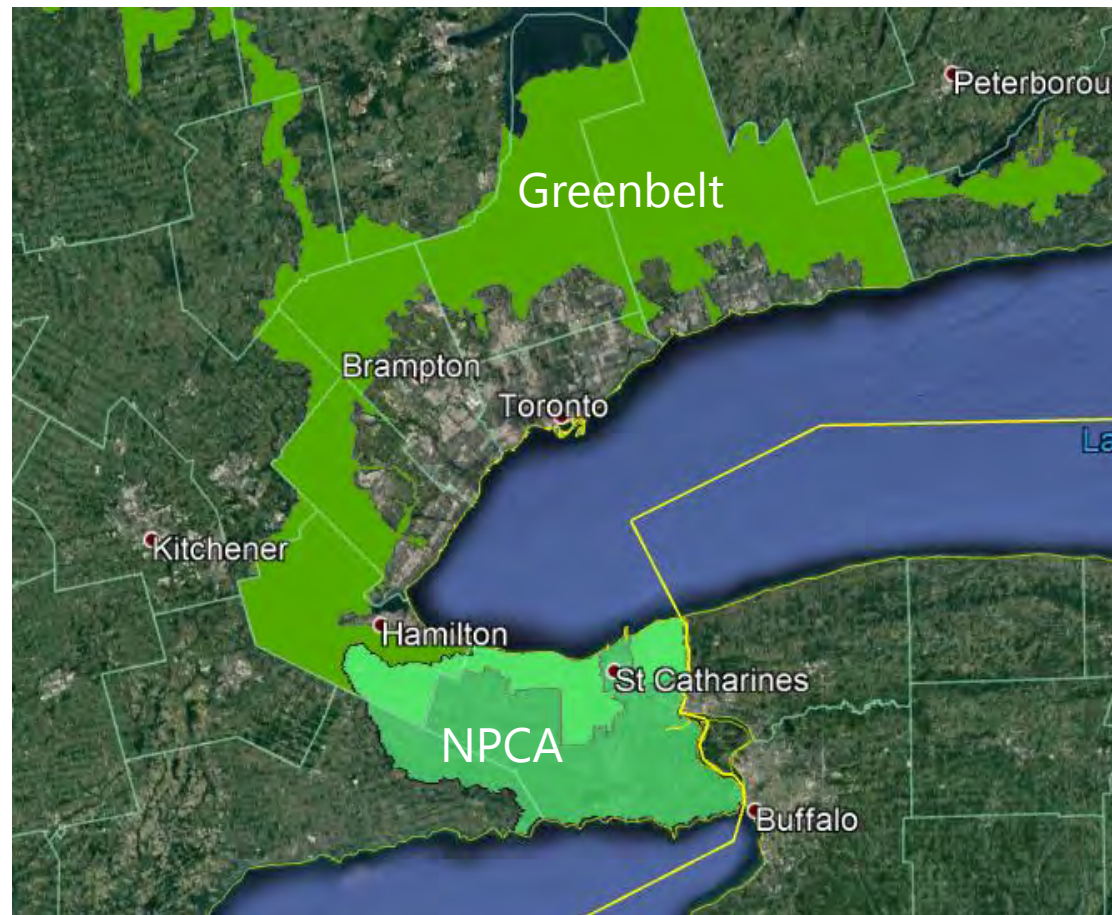
Municipalities and investors are looking for regional impacts on larger systems



Possibility grows here.

NPCA Positively Green Projects

- NPCA is currently identifying and developing project opportunities for consideration in 2020 collaboratively with Friends of the Greenbelt Foundation.





Possibility grows here.

Status

- The Greenbelt Foundation has:
 - Conducted outreach to potential partners/funders
 - Budget submission to the federal government
 - Provincial government outreach
 - Philanthropic and other major funders
 - Invested in collaborative program development, identity and branding, etc.
- What/who is the funding for?
 - Project costs for proponents (municipalities, CAs, etc.), land securement, program administration
 - Conservation authority contributions will be in-kind and project-specific



Possibility grows here.

Next steps

- Endorsement of Positively Green from Conservation Authority Boards
- The Greenbelt Foundation will continue outreach and relationship development
 - Federal, provincial, private and philanthropic
 - Next federal government
- Continued work with Conservation Authority staff on project development and to engage municipalities on 2020 budget submissions

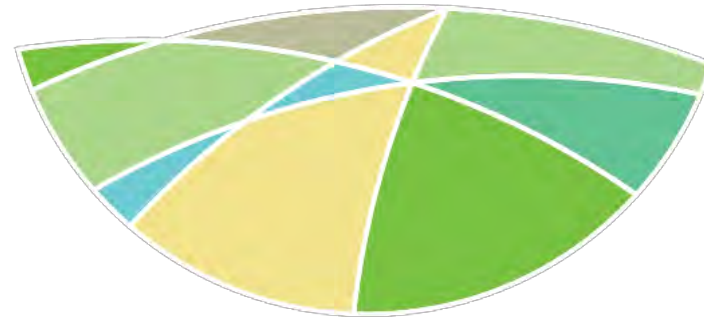




Possibility grows here.

Branding

POSITIVELY
GREEN



100+ Priority
Projects to
Enhance our
Greenbelt

Positively Green brand strikes the right tone for all audiences, and communicates the importance of the Greenbelt as natural Infrastructure.



Possibility grows here.

Branding



THANK YOU
emcdonnell@greenbelt.ca

**FULL AUTHORITY
MEETING MINUTES
Wednesday, July 17, 2019
9:30 a.m.
Ball's Falls
Centre for Conservation – Glen Elgin Room
3292 Sixth Avenue, Jordan, ON**

NOTE: The archived recorded meeting is available on the NPCA website. 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 Board. *NPCA Administrative By-law Section 14.5*

MEMBERS PRESENT:

D. Bylsma (Chair)
R. Brady (arrived 9:41 a.m.)
B. Clark (departed during closed session)
D. Cridland
L. Feor (arrived 11:10 a.m.; departed 12:46 p.m.)
R. Foster
D. Huson
J. Ingrao
B. Johnson
B. Mackenzie
J. Metcalfe
E. Smith
T. Whalen (departed during closed session)
B. Wright
G. Zalepa

MEMBERS ABSENT:

S. Beattie
R. Shirton
B. Steele

STAFF PRESENT:

G. Wood, CAO / Secretary – Treasurer
G. Bivol, Interim Clerk
R. Bisson, Community Engagement Manager
A. Christie, Acting Senior Manager, Operations and Special Projects
D. Deluce, Senior Manager Planning and Regulations
M. Ferrusi, Human Resources Consultant
L. Gagnon, Director, Corporate Services
N. Green, Project Manager, Remedial Action Plan
D. MacKenzie, Director, Watershed Management
S. MacPherson, Restoration Grant Coordinator
S. Miller, Senior Manager, Water Resources and Restoration
E. Navarro, Communications Specialist
G. Verkade, Manager, Information Management and Technology Systems

OTHERS PRESENT: J. Oblak
I. Smith
E. Spanton

The Chair called the meeting to order at 9:32 a.m. and introduced the new Members of the Board.

1. ADOPTION OF AGENDA

a) Addition of Items

Resolution No. FA-153-19

Moved by Board Member Smith

Seconded by Board Member Whalen

THAT the following items **BE ADDED** to the agenda:

- The motion from Member Smith RE: Climate Emergency and the NPCA be added as New Business Item 9. c); and
- Correspondence dated May 3, 2019 to the Auditor General of Ontario from John Lynn RE: Review of the Special Audit of NPCA added as Administrative Business Item 4. i).

CARRIED

b) Change in Order of Items

Resolution No. FA-154-19

Moved by Board Member Cridland

Seconded by Board Member Foster

THAT the agenda **BE** further **AMENDED** with the following:

- Item 6. c) Minutes of the Closed Session of the CAO Selection Committee dated June 28, 2019 be deliberated subsequent to today's Closed Session; and
- Item 7. Closed Session be moved to occur after New Business.

CARRIED

c) Adoption of Agenda

Resolution No. FA-155-19

Moved by Board Member Whalen

Seconded by Board Member Zalepa

THAT the agenda **BE ADOPTED** as amended.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

At the commencement of deliberations on the matter, Member Brady declared a conflict of interest on Report FA-56-19 RE: GR Paradise (Thundering Waters) Update by reason of his past involvement as a consultant on that development project. He did not speak nor did he participate in deliberations on the matter.

During the July 17, 2019 deliberation of the Resolution No. 135-19 regarding Welland River Floodplain Mapping Peer Review, Member Wright declared a conflict of interest by reason of his past role as a Manager with the Niagara Peninsula Conservation Authority where he

had supervisory responsibilities over staff working on the Welland River floodplain mapping.

3. PRESENTATIONS (and/or Delegations)

- a) Staff member Natalie Green, Project Manager Remedial Action Plan presented an overview of the Niagara River Remedial Action Plan. – Discussion ensued.
- b) Ms. Emily Spanton appeared as a delegation after Mr. I. Smith to address the Notice of Motion regarding Climate Change.
- c) Mr. Ryan Forster was not in attendance as scheduled to address the Notice of Motion regarding Climate Change.
- d) Ms. Jackie Oblak spoke to address the Notice of Motion regarding Climate Change. - Members posed questions.
- e) Mr. Ian Smith appeared as a delegation to address the Notice of Motion regarding Climate Change. – Discussion ensued.

Resolution No. FA-156-19

Moved by Board Member Smith

Seconded by Board Member Whalen

THAT the following presentations **BE RECEIVED**:

- PowerPoint presentation by Natalie Green, Project Manager Remedial Action Plan RE: Niagara River Remedial Action Plan;
- Presentation by Ms. Emily Spanton RE: the Notice of Motion regarding Climate Change.
- PowerPoint presentation by Ms. Jackie Oblak RE: the Notice of Motion regarding Climate Change.
- PowerPoint presentation by Mr. Ian Smith RE: The Upper Twelve Mile Creek Evidence of Climate Change – the Need to Act.

CARRIED

4. ADMINISTRATIVE BUSINESS

- a) Approval of Draft Minutes Full Authority Meeting June 19, 2019
- b) Approval of Draft Minutes Full Authority Closed Session Meeting June 19, 2019 - As circulated under separate cover to remain private and confidential.
- c) Approval of Draft Minutes Full Authority Special Meeting June 28, 2019
- d) Approval of Draft Minutes Full Authority Special Meeting Closed Session June 28, 2019 – As circulated under separate cover to remain private and confidential.

Resolution No. FA-157-19

Moved by Board Member Smith

Seconded by Board Member Whalen

THAT the following minutes **BE APPROVED**:

- Minutes of the Full Authority Meeting dated June 19, 2019 (with amendment to reflect attendance of Member Foster for the entire meeting and to denote a declaration of potential Conflict of Interest by Member Wright in respect of Report FA-65-19);
- Minutes of the Full Authority Closed Session Meeting dated June 19, 2019 to remain private and confidential;
- Minutes Full Authority Special Meeting June 28, 2019; and
- Minutes of the Full Authority Special Meeting Closed Session dated June 28, 2019 to remain private and confidential.

CARRIED

e) Business Arising from Minutes – None.

f) Correspondence – Letter from Minister John Yakabuski, MNRF dated June 28, 2019

Resolution No. FA-158-19

Moved by Board Member Huson

Seconded by Board Member Zalepa

THAT the following items of correspondence **BE RECEIVED** for information:

- Letter from John Yakabuski, Minister of Natural Resources and Forestry dated June 28, 2019; and
- Letter dated May 3, 2019 to the Auditor General of Ontario from John Lynn RE: Review of the Special Audit of NPCA.

CARRIED

g) Chair's Comments

Chair Bylsma highlighted the meetings of Board Committees and Conservation Ontario which he attended in the weeks prior.

h) Chief Administrative Officer's Comments

Ms. Wood spoke on Bill 108 and its regulations, 2019-2020 Source Water Protection funding, meetings with the Niagara Region Finance staff and forthcoming meeting with other Conservation Authorities to discuss joint presentations to member municipalities.

i) Correspondence – Letter dated May 3, 2019 to the Auditor General of Ontario from John Lynn RE: Review of the Special Audit of NPCA. – This item was addressed with Resolution No. FA-158-19.

5. BUSINESS FOR INFORMATION

a) Report No. FA-56-19 RE: GR Paradise (Thundering Waters) Update – Members posed questions for D. Deluce, Senior Manager, Planning and Regulations. Member Brady declared a conflict of interest on Report FA-56-19 RE: GR Paradise (Thundering Waters) Update by reason of his past involvement as a consultant on that development project. Lengthy discussion ensued. As a result of deliberations, the Board enacted Resolutions No. FA-160-19 and No. FA-161 as presented below.

b) Report No. FA-75-19 RE: Watershed Management Status Q2 Report

c) Report No. FA-77-19 RE: Haldimand Lakefront Landowner's Funding Request Update

- d) Report No. FA-78-19 RE: Niagara River RAP Update
- e) Report No. FA-80-19 RE: Media Coverage and Communications Update Report
- f) Report No. FA-81-19 RE: Communications, Community Engagement, Outreach and Volunteers Q2 Report – Member Johnson requested reimbursement for equipment and expenses for volunteers working in conservations areas. Ms. Wood requested that staff be given the opportunity to investigate and develop relevant policy to be returned to the Board for approval.
- g) Report No. FA-84-19 RE: Update - Auditor General Report Recommendations
- h) Report No. FA-86-19 RE: Q2 Strategic Initiatives, Operations, Ecology Report
- i) Report No. FA-87-19 RE: Q2 Capital Projects Q2 Report

Resolution No. FA-159-19

Moved by Board Member Huson

Seconded by Board Member Zalepa

THAT the following reports **BE RECEIVED** for information:

- Report No. FA-75-19 RE: Watershed Management Status Q2 Report;
- Report No. FA-77-19 RE: Haldimand Lakefront Landowner's Funding Request Update;
- Report No. FA-78-19 RE: Niagara River RAP Update;
- Report No. FA-80-19 RE: Media Coverage and Communications Update Report;
- Report No. FA-81-19 RE: Communications, Community Engagement, Outreach and Volunteers Q2 Report;
- Report No. FA-84-19 RE: Update - Auditor General Report Recommendations;
- Report No. FA-86-19 RE: Q2 Strategic Initiatives, Operations, Ecology Report; and
- Report No. FA-87-19 RE: Q2 Capital Projects Q2 Report.

CARRIED

Resolution No. FA-160-19

Moved by Board Member Huson

Seconded by Board Member Zalepa

THAT Report No. FA-56-19 RE: GR Paradise (Thundering Waters) Update **BE RECEIVED** for information.

CARRIED

Resolution No. FA-161-19

Moved by Board Member Clark

Seconded by Board Member Johnson

1. **THAT** a letter to the Minister of Natural Resources and Forestry copied to local area municipalities be prepared by the NPCA Board of Directors to **ENDORSE** the current designation of the Provincially Significant Wetlands within the Thundering Waters properties.
2. **AND THAT** the relevant policy revisions **BE PRESENTED** to the Board for discussion.

CARRIED

6. BUSINESS FOR CONSIDERATION

- a) Standing Committee Report - Minutes of Audit & Budget Committee Meeting dated June 26, 2019
- b) Standing Committee Report - Minutes of Public Advisory Committee Meeting dated June 27, 2019
- c) Ad Hoc Committee Report - Minutes of CAO Selection Committee Meeting dated June 28, 2019

Resolution No. FA-162-19

Moved by Board Member Zalepa

Seconded by Board Member Whalen

THAT the following Committee Reports **BE ADOPTED** and any recommendations therein **BE APPROVED**:

- Minutes of Audit & Budget Committee Meeting dated June 26, 2019;
- Minutes of Public Advisory Committee Meeting dated June 27, 2019; and
- Minutes of CAO Selection Committee Meeting dated June 28, 2019.

CARRIED

- d) Approval of Draft Minutes of CAO Selection Committee Meeting dated June 28, 2019
- The minutes, circulated under separate cover to remain private and confidential, were adopted following the closed session.
- e) Report No. FA-61-19 RE: NPCA Section 28 Permit Signatory Delegation

Resolution No. FA-163-19

Moved by Board Member Ingrao

Seconded by Board Member Foster

1. **THAT** Report No. FA-61-19 RE: NPCA Section 28 Permit Signatory Delegation **BE RECEIVED** for consideration and;

2. **THAT** the Board **APPROVES** the Director, Watershed Management be an additional signatory on Section 28 work permits.

CARRIED

- f) Report No. FA-76-19 RE: Welland River Floodplain Mapping Peer Review Request – Member Wright spoke and expressed concerns with the mapping. CAO Gayle Wood and Steve Miller Senior Manager, Water Resources and Restoration addressed concerns that had been raised. Lengthy discussion ensued.

Resolution No. FA-164-19

Moved by Board Member Foster

Seconded by Board Member Johnson

1. **THAT** Report No. FA-76-19 RE: Welland River Floodplain Mapping Peer Review Request **BE RECEIVED** for consideration and;

2. **THAT** the Board **APPROVE** NPCA staff recommendation that a Peer Review of the WSP 'Welland River Floodplain Mapping Update – Final Draft' report is not required.

DEFEATED

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Recorded Vote:	Yea	Nay
Dave Bylsma (Chair)		
Rick Brady		X
Brad Clark		X
Donna Cridland	X	
Leah Feor		X
Rob Foster	X	
Diana Huson (Vice Chair)	X	
John Ingrao		X
Brenda Johnson		X
Bruce Mackenzie		X
John Metcalfe		X
Ed Smith		X
Tim Whalen	X	
Brian Wright		X
Gary Zalepa	X	

Resolution No. FA-165-19

Moved by Board Member Brady

Seconded by Board Member Feor

THAT Report No. FA-76-19 RE: Welland River Floodplain Mapping Peer Review Request **BE RECEIVED** for information.

CARRIED

During deliberation of the following motion, the Board recessed for lunch and to allow for additional information from staff regarding potential peer review funding sources. Upon reconvening, Member Wright declared a conflict of interest by reason of his past role as Manager with the Niagara Peninsula Conservation Authority where he had supervisory responsibilities over staff working on the Welland River floodplain mapping. Discussion ensued.

Resolution No. FA-135-19 (previously deferred by Resolution No. FA-136-19)

Moved by Board Member Wright

Seconded by Board Member Mackenzie

THAT a consultant **BE RETAINED** to conduct a third party peer review of the Welland River Watershed Report.

DEFERRED BY RESOLUTION NO. FA-166-19

Resolution No. FA-166-19

Moved by Board Member Clark

Seconded by Board Member Johnson

THAT Resolution No. FA-135-19 regarding retention of a consultant to conduct a third party peer review of the Welland River floodplain mapping **BE** further **DEFERRED** to the next meeting.

CARRIED

- g) Report No. FA-79-19 RE: Restoration Project Approvals to Date - Stuart MacPherson, Restoration Grant Co-ordinator spoke to the report and addressed questions of the Board.

Resolution No. FA-167-19

Moved by Board Member Ingrao

Seconded by Board Member Foster

1. **THAT** Report No. FA-79-19 RE: 2019 Restoration Project Approvals **BE RECEIVED**.
2. **THAT** the approved Restoration Program 2019 projects and associated grant estimates identified in Appendix 3. 'Management Approved Restoration Projects List' **BE APPROVED** for funding enabling staff to implement them.

CARRIED

- h) Report No. FA-82-19 RE: NPCA Signing Authority

Resolution No. FA-168-19

Moved by Board Member Wright

Seconded by Board Member Zalepa

1. **THAT** Report No. FA-82-19 RE: NPCA Signing Authority **BE RECEIVED**.
2. **THAT** the Board of Directors **APPROVE** the signing officers for 2019 to be the Chair, Vice Chair, Interim Chief Administrative Officer/Secretary-Treasurer and the Director, Corporate Services.
3. **THAT** staff **BE DIRECTED** to develop a "Delegation of Authority Protocol" for approval by the Board of Directors.

CARRIED

- i) Report No. FA-83-19 RE: Board Training and Development

Resolution No. FA-169-19

Moved by Board Member Mackenzie

Seconded by Board Member Cridland

1. **THAT** Report No. FA-83-19 RE: Board Training and Evaluation **BE RECEIVED**.
2. **THAT** the Board of Directors **REFER** the NPCA Board Evaluation Tool and individual member assessment tool for comment and recommendation from the Governance Committee.
3. **THAT** Board Members **ADVISE** the Interim Chief Administrative Officer/Secretary-Treasurer of their recommended 2019 training needs by July 31, 2019 in order that staff may prepare recommendations for the Board of Directors in August 2019.
4. **THAT** the Board of Directors **DIRECT** the Interim Chief Administrative Officer/Secretary Treasurer to prepare a Report for the August Board meeting regarding the Interim CAO/ST Performance Review, performance indicators that facilitate the Board's evaluation of its oversight as well as an individual Board member performance evaluation survey, in compliance with the Auditor General's Report.

CARRIED

- j) Report No. FA-85-19 RE: Notice of Motion Climate Change – Discussion ensued.

Resolution No. FA-170-19

Moved by Board Member Metcalfe

Seconded by Board Member Mackenzie

1. **THAT** Report No. FA-85-19 RE: Response to the Notice of Motion on Climate Change **BE RECEIVED** for information.
2. **THAT** the Board of Directors **SUPPORT** the Draft NPCA Climate Change Vision and Charter as outlined in the Draft Report entitled *NPCA Climate Change Strategy and Action Plan – 2019 to 2020*.
3. **THAT** the Board of Directors **DIRECT** staff to develop a Business Case for 2020 funding support for the Draft *Climate Change Strategy and Action Plan*.
4. **THAT** the Board of Directors **REQUEST** the NPCA Public Advisory Committee to review the NPCA Draft *Climate Change Strategy and Action Plan* prior to its submission as part of a Business Case for 2020 funding.
5. **THAT** the Board of Directors **SUPPORT** staff discussion with Brock University, Niagara College, the City of Hamilton, McMaster University, Haldimand County and Niagara Region representatives to determine if NPCA could be involved with their climate change initiatives.

CARRIED

- k) Report No. FA-90-19 RE: Ducks Unlimited Canada Wetland Memorandum of Agreement

Resolution No. FA-171-19

Moved by Board Member Metcalfe

Seconded by Board Member Whalen

1. **THAT** Report No. FA-90-19 RE: 2019 Ducks Unlimited Canada Wetland Restoration Memorandum of Agreement **BE RECEIVED**.
2. **THAT** the 2019 Ducks Unlimited Canada Wetland Restoration Memorandum of Agreement **BE APPROVED** for signature by the Chair and Interim CAO/Secretary-Treasurer.

CARRIED

7. BUSINESS – IN CAMERA (CHANGED BY RESOLUTION FA-126-19 TO OCCUR AFTER ITEM 9. NEW BUSINESS ON THE AGENDA)

8. NOTICE OF MOTION

- a) Notice of Motion – Member Wright – RE: Revising the Flood Plain Mapping development and consultation process, including the floodplain mapping committee

9. NEW BUSINESS

a) Requirement for Meeting - August 21, 2019

Resolution No. FA-172-19

Moved by Board Member Whalen

Seconded by Board Member Metcalfe

THAT a Board **CONVENE** a regular monthly meeting on a date to be determined.

CARRIED

b) Request to serve on the Governance Committee – Member Ingrao

Resolution No. FA-173-19

Moved by Board Member Mackenzie

Seconded by Board Member Metcalfe

THAT Member Ingrao **BE** hereby **APPOINTED** to the Governance Committee.

CARRIED

c) Motion by Member Smith RE: Climate Emergency and the NPCA

Resolution No. FA-174-19

Moved by Board Member Smith

Seconded by Board Member Whalen

WHEREAS climate change is a threat to the citizens of the NPCA watershed; and

WHEREAS climate change is a threat to the natural environment of our watershed;
and

WHEREAS climate change is a threat to agriculture and the built environment of our watershed; and

WHEREAS Canada and 194 other nations signed the Paris Climate Accord in 2015;
and

WHEREAS the United Nations and many other scientific agencies report that human activity is the main cause of global climate change; and

WHEREAS the Conservation Authorities Act states “an authority shall provide... Programs and services related to the risk of natural hazards”; and

WHEREAS recommendations 7 and 8 of the Auditor General of Ontario’s Special Audit of the Niagara Peninsula Conservation Authority speak directly to recommendations related to flood risks and natural hazards; and

WHEREAS the NPCA is a lead environmental institution for the people of our watershed; and

WHEREAS action is needed to develop climate risk mitigation and climate risk adaptation strategies, policies, and procedures; and

WHEREAS there is no Planet B;

THEREFORE BE IT RESOLVED that the Niagara Peninsula Conservation Authority **DECLARES** a climate emergency and **RECOGNIZES** the need to take action that will contribute to the mitigation and adaptation of the effects of climate change throughout our watershed.

CARRIED

7. BUSINESS – IN CAMERA

a) Motion to convene in Closed session

Resolution No. FA-175-19

Moved by Board Member Ingrao

Seconded by Board Member Foster

THAT the meeting of the Board of Directors of the Niagara Peninsula Conservation Authority convene in closed session at 1:37 p.m. in accordance with Section 11.1 of the NPCA Administrative By-law for the discussion on:

- Labour relations, human resources or employee negotiations;
- Advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
- Personal matters about identifiable individual(s), including NPCA employees.

CARRIED

b) Motion to reconvene in to Open Session – Members Clark and Whalen were not in attendance.

Resolution No. FA-176-19

Moved by Board Member Foster

Seconded by Board Member Cridland

THAT the meeting of the Board of Directors of the Niagara Peninsula Conservation Authority **RECONVENES** in open session at 2:50 p.m.

CARRIED

c) Business Arising from Closed Session

Resolution No. FA-177-19

Moved by Board Member Foster

Seconded by Board Member Cridland

1. **THAT** Confidential Reports No. FA-94-19, FA-95-19, FA-96-19, FA-97-19 **BE RECEIVED** to remain private and confidential and any recommendations therein approved.
2. **THAT** the July 2019 – Legal Update document and the correspondence dated June 28, 2019 from Melissa I. Roth / Glenn P. Christie, Hicks, Morley, Hamilton, Stewart, Storie, L.L.P. **BE RECEIVED** to remain private and confidential.

CARRIED

Resolution No. FA-178-19

Moved by Board Member Huson

Seconded by Board Member Zalepa

THAT with respect to item 7.b) of the closed meeting agenda, legal counsel **BE**

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DIRECTED to proceed as instructed in the closed session.

CARRIED

Resolution No. FA-179-19

Moved by Board Member Cridland

Seconded by Board Member Foster

THAT the Closed Session Minutes of CAO Selection Committee Meeting dated June 28, 2019 **BE RECEIVED** into the record to remain private and confidential.

CARRIED

Resolution No. FA-180-19

Moved by Board Member Brady

Seconded by Board Member Foster

THAT the Board **ISSUE** a public apology to former Member Hodgson.

CARRIED

Recorded Vote:	Yea	Nay
Dave Bylsma (Chair)		
Rick Brady	X	
Donna Cridland	X	
Rob Foster	X	
Diana Huson (Vice Chair)		X
John Ingrao	X	
Brenda Johnson		X
Bruce Mackenzie		X
John Metcalfe	X	
Ed Smith	X	
Brian Wright	X	
Gary Zalepa		X

10. ADJOURNMENT

Resolution No. FA-181-19

Moved by Board Member Brady

Seconded by Board Member Cridland

THAT this meeting **BE** hereby **ADJOURNED** at 3:01 p.m..

CARRIED

Dave Bylsma
Chair
Niagara Peninsula Conservation Authority

Grant Bivol
Interim Clerk
Niagara Peninsula Conservation Authority

Wednesday, July 24, 2019
3:00 p.m.
Ball's Falls Centre for Conservation
Glen Elgin Room
3292 Sixth Avenue, Jordan, ON

MEMBERS PRESENT:	B. Clark (Chair) D. Bylsma R. Foster (Vice-Chair) D. Huson J. Ingrao R. Shirton
MEMBERS ABSENT:	None
STAFF PRESENT:	G. Wood, Chief Administrative Officer / Secretary - Treasurer G. Bivol, Interim Clerk

The Committee Chair called the meeting to order at 3:03 p.m.

1. **ADOPTION OF AGENDA**

- a) Addition of Items – None
- b) Change in Order of Items – None
- c) Motion to Adopt Agenda

Recommendation No. GC-16-2019
Moved by Member Shirton
Seconded by Member Foster

THAT the agenda of the NPCA Governance Committee meeting dated July 24, 2019
BE ADOPTED.

CARRIED

2. **DECLARATION OF CONFLICT OF INTEREST**

With respect to Report No.GC-06-2019, based on her employment with Brock University which has a business unit engaged in this field of work, Member Huson declared a non-pecuniary, indirect conflict of interest during deliberation relating to retention of a third party to conduct Board Member self-evaluations and surveys. Member Huson did not participate in deliberations on, nor did she vote on the ensuing Recommendation No. GC-19-2019.

3. PRESENTATIONS (and/or Delegations)

None.

4. BUSINESS FOR INFORMATION

None.

5. BUSINESS FOR CONSIDERATION

a) Minutes of the NPCA Governance Committee meeting dated March 27, 2019

Recommendation No. GC-17-2019

Moved by Member Ingrao

Seconded by Member Shirton

THAT the minutes of the meeting of the NPCA Governance Committee dated March 27, 2019 **BE RECEIVED**.

CARRIED

b) Report No. GC-05-19 RE: NPCA Administrative By-Law Update – Lengthy discussion ensued. Members suggested specific revisions to the proposed by-law.

Recommendation No. GC-18-2019

Moved by Member Shirton

Seconded by Member Ingrao

1. **THAT** Report No. GC-05-19 regarding updates to the NPCA's Administrative By-Law **BE RECEIVED**.

2. **THAT** changes to the NPCA Administrative By-Law including those made on July 24th, 2019 **BE INCORPORATED** and **RETURNED** to the Committee.

CARRIED

c) Report No. GC-06-19 RE: Board and Board Member Assessment – Discussion ensued. Member Huson declared a non-pecuniary, indirect conflict of interest during deliberation relating to retention of a third party to conduct Board Member self-evaluations and surveys by reason of her employment with Brock University which has a business unit engaged in this field of work.

Recommendation No. GC-19-2019

Moved by Member Foster

Seconded by Member Ingrao

1. **THAT** Report No. GC-06-19 RE: Board and Board Member Assessment **BE RECEIVED**.

2. **THAT** the Chief Administrative Officer **BE DIRECTED** to contact third party providers to investigate options for facilitation of Board Member self-evaluations and Board assessments.

CARRIED

- d) Report No. GC-07-19 RE: Integrity Commissioner (as tabled) – Discussion ensued. During deliberations, Member Foster assumed the chair to allow Member Clark to speak to the matter. Member Clark upon resuming the chair called for the following vote.

Recommendation No. GC-20-2019

Moved by Member Foster

Seconded by Member Ingrao

1. **THAT** Report No. GC-07-19 regarding retaining an integrity Commissioner for NPCA **BE RECEIVED**.
2. **THAT** the Governance Committee **RECOMMENDS** that the CAO contact member municipalities with respect to the option of referring Code of Conduct complaints on Members to their respective municipalities for investigation by their own Integrity Commissioners.

CARRIED

- e) Report No. GC-08-19 RE: FOI Coordinator and Head

Recommendation No. GC-21-2019

Moved by Member Foster

Seconded by Member Bylsma

1. **THAT** the responsibilities of the Head under *The Municipal Freedom of Information and Protection of Privacy Act* **BE DELEGATED** to the Clerk/ Executive Coordinator to the CAO and Board of the Authority who shall serve as the Freedom of Information (FOI) Coordinator.
2. **THAT** the FOI Coordinator **COMPLETE** an annual statistical report to the Board and otherwise where practicable **REPORT** through the Governance Committee on FOI and privacy matters as may be necessary or otherwise deemed appropriate.
3. **THAT** the prior recommendations of the Governance Committee identified within sections 5.4 through 5.7 of the Committee minutes dated February 4, 2019 be **RESCINDED** and the administrative By-Law revised July 24, 2019 **BE REVISED** accordingly.

CARRIED

6. NEW BUSINESS

- a) Member Huson posed questions regarding citizen members of the Board given NPCA email addresses. Discussion ensued.

7. ADJOURNMENT

Recommendation No. GC-22-2019

Moved by Member Bylsma

Seconded by Member Foster

THAT the meeting of the NPCA Governance Committee does hereby adjourn at 4:55 p.m.
CARRIED

Brad Clark,
Committee Chair

Grant Bivol,
Interim Clerk

COUNCIL MEETING
DRAFT Minutes from Meeting #2/19
June 24, 2019
Sheraton Parkway Toronto North

Voting Delegates Present:

Chair: Wayne Emmerson, Lake Simcoe

Brian Horner, Ausable Bayfield
Alan Revill, Cataraqui Region
Geoff Rae, Cataraqui Region
Chris Wilkinson, Catfish Creek
Chris Darling, Central Lake Ontario
Karen Ras, Credit Valley
Deb Martin-Downs, Credit Valley
Richard Wyma, Essex Region
Linda Laliberte, Ganaraska Region
Joe Farwell, Grand River
Samantha Lawson, Grand River
Cathy Little, Grey Sauble
Sonya Skinner, Grey Sauble
Lisa Burnside, Hamilton
Mark Majchrowski, Kawartha
Elizabeth VanHooren, Kettle Creek
Mike Walters, Lake Simcoe Region
Tammy Cook, Lakehead
Judy Maxwell, Long Point Region
Eric Sandford, Lower Trent
Rhonda Bateman, Lower Trent
Mark Peacock, Lower Thames Valley
Janet Mason, Mississippi Valley
Jeff Atkinson, Mississippi

Members Absent:

Mattagami Region
Lin Gibson, Nickel District (Con.Sudbury)

CO Staff:

Kristin Bristow
Kim Gavine
Nicholas Fischer
Bonnie Fox
Chitra Gowda

Sally McIntyre, Mississippi
Dave Bylsma, Niagara Peninsula
Gayle Wood, Niagara Peninsula
Carl Jorgensen, Nickel District (Con.Sudbury)
George Watson, Nottawasaga Valley
Doug Hevenor, Nottawasaga Valley
Andy Mitchell, Otonabee
Dan Marinigh, Otonabee
John Wise, Quinte
Frank Prevost, Raisin Region
Richard Pilon, Raisin Region
Maureen Couture, Saugeen
Wayne Brohman, Saugeen
Corrina Barrett, Sault Ste Marie Region
Bill Smirle, South Nation
George Darouze, South Nation
Joe Faas, St. Clair Region
Larry Gordon, St. Clair Region
Brian McDougall, St. Clair Region
John Mackenzie, Toronto and Region
Sandy Levin, Upper Thames River
Alan Dale, Upper Thames River
Ian Wilcox, Upper Thames River

Guests:

Scott Peck, Hamilton
Phil Beard, Maitland
Glen McDonald, Rideau Valley
Angela Coleman, South Nation

Jane Lewington
Nekeisha Mohammed
Leslie Rich
Jo-Anne Rzadki
Rick Wilson

1. Welcome from the Chair

- Joe Farwell Retirement Acknowledgement
- New Grand River Conservation Authority General Manager Acknowledgement – Samantha Lawson
- Introduction of new General Manager at Sault Ste Marie, Corrina Barrett and acknowledgement that Rhonda Bateman is now the General Manager at Lower Trent Conservation
- Council Survey reminder to respond to statistical survey

2. Adoption of the Agenda

#16/19 Moved by: Bill Smirle Seconded by: Joe Farwell

THAT the Agenda be adopted as amended.

CARRIED

3. Declaration of Conflict of Interest

There was none.

4. Approval of the Minutes of the Previous Meeting

#17/19 Moved by: Dave Bylsma Seconded by: Eric Sandford

THAT the minutes from the meeting April 1, 2019 be approved.

CARRIED

5. Business Arising from the Minutes

There was none.

6. Motion to move from Full Council to Committee of the Whole

#18/19 Moved by: John Mackenzie Seconded by: George Watson

THAT the meeting now move from Full Council to Committee of the Whole.

CARRIED

7. Discussion Items

a) General Manager's Report

Presentation provided by Kim Gavine on Conservation Ontario's work with advocacy for Conservation Authority business and other projects and programs since the April 1st, 2019 Council meeting.

C.W. #14/19 Moved by: Joe Farwell Seconded by: Karen Ras

THAT Council Ontario Council receives this report as information.

CARRIED

b) Update on Conservation Ontario's Client Service and Streamlining Initiative

Presentation provided by Leslie Rich on the program initiative including a request for endorsement of the Client Service Standards for Conservation Authority Plan and Permit Review, Guidelines for CA Fee Administration Policies and CA-Municipality MOU Template (Planning and Development) It was highlighted to Council that the three guidance documents were circulated to external stakeholders for review, and comments have been received from the Association of Municipalities of Ontario (AMO), the Residential Construction Council of Ontario (RESCON), and the Ontario Home Builders' Association (OHBA). Many of the comments received from all stakeholders focused on the review timelines proposed in the draft "Client Service Standards for CA Plan and Permit Review", which were generally consistent with the Policies and Procedures for CA Plan Review and Permitting (CALC document). These comments were flagged with the GM Steering Committee who directed Conservation Ontario staff to propose alternate, reduced timelines for S.28 approvals. These reduced timelines were then shared with CA Planning and Section 28 Regulations contacts for feedback post release of the Council agenda package.

As the reduced timelines for S. 28 permit decisions were developed based on information from a very limited number of CAs, it was noted that the timelines are not evidence-based enough and a request was made to CO staff to develop a consistent tracking method to be revisited annually to assist with streamlining timelines. For the first year of reporting, the intention should be to work on consistency for timelines going forward. Leslie Rich agreed and indicated that a standard needs to be set in order to report more consistently across the CAs.

Original Recommendation for C.W. #15/19

THAT the CA-Municipality MOU Template for Planning and Development Reviews; Guideline for Client Service Standards for Conservation Authority Plan and Permit Review; and Guideline for Fee Administration Policies for Plan Review and Permitting, dated June, 2019 be endorsed.

Proposed Amendment #1 for C.W. #15/19

A proposed amendment was made to the original recommendation by Mike Walters to amend the 72 to 42 for minor permits, and 132 to 63 for major permits excluding statutory holidays.

C.W. #15/19 Moved by: Mike Walters

Seconded by: Dave Bylsma

Proposed Amendment #2 for C.W. #15/19

Sally McIntyre proposed a secondary option for amendment; 25% reduction to the existing timelines amendment, excluding statutory holidays.

Moved by: Sally McIntyre

Seconded by: Chris Darling

12 in favor, 18 not in favor. Amendment lost.

There was further discussion with members of Council about the recommendation and the group then circled back to the first amendment proposed by Mike Walters and voted on that amendment.

Proposed Amendment #1 for C.W. #15/19

A proposed amendment was made to the original recommendation by Mike Walters to amend the 72 to 42 for minor permits, and 132 to 63 for major permits excluding statutory holidays.

20 in favour, 10 opposed.

CARRIED

c) Conservation Ontario's Comments on "Focusing conservation authority development permits on the protection of people and property" (ERO#013-4992)

Presentation provided by Leslie Rich on the proposed updates to the S. 28 regulation. There are three main components to the proposal: 1) the creation of a single, Ministerial level regulation; 2) a focus on the management of natural hazards; and 3) amendments related to increasing the transparency of the S. 28 program. Discussion included the potential impacts on CA financial and staff resources as a result of the update to the S. 28 regulation, the need for Conservation Ontario to be involved in the drafting of the regulation and the creation of template guidelines for its implementation, and the liabilities to the CAs as a result of the implementation of the S. 28 regulations program. Leslie Rich noted that Section 28 committee continues to meet and has started an update to the 2008 guidelines, and is now putting pressure on the Province as they never formally endorsed the original guidelines. It was discussed that CAs should be involved in writing the regulations because of our expertise and due to the liabilities that rest at the CAs.

C.W. #16/19 Moved by: Tammy Cook

Seconded by: Joe Farwell

THAT the comments on the "Focusing conservation authority development permits on the protection of people and property" (ERO#013-4992) submitted to the Ministry of Natural Resources and Forestry on May 21, 2019, be endorsed.

CARRIED

d) Conservation Ontario's comments on "Modernizing conservation authority operations – Conservation Authorities Act" (ERO #013-5018) and Schedule 2 of Bill 108, More Homes, More Choice Act, 2019

Presentation provided by Bonnie Fox on the changes to Bill 108 and draft positioning for anticipated consultations on the related regulations as a precursor to the breakout sessions that would allow for more discussion. It was noted that the draft positioning was being endorsed in principle and would be tweaked further to the breakout discussions. Since time would not allow for detailed discussions on the draft text for the mandatory program and service regulation it was flagged that written comments would be appreciated within a few days of the Council meeting.

C.W. #17/19 Moved by: Bill Smirle

Seconded by: Alan Revill

THAT the comments on "Modernizing conservation authority operations – Conservation Authorities Act" (ERO #013-5018) submitted to the Ministry of the Environment, Conservation and Parks on May 10, 2019, be endorsed.

AND THAT the attached Table: Proposed Comments for Development of Anticipated Regulations/Policies (including Draft Text for a Mandatory Program and Service Regulation) and Proposed General Positioning be endorsed in principle for use by CO staff as consultations on regulations under the Conservation Authorities Act proceed.

CARRIED

BREAKOUT SESSION

8. Consent Items

C.W. #18/19 Moved by: Joe Farwell

Seconded by: Alan Revill

THAT Council approve a consent agenda and endorse the recommendations accompanying Items 8a-Lii.

CARRIED

- a) Budget Status Report for the period ending May 31, 2019

THAT Conservation Ontario Council receives this report for information.

- b) Lake Erie Action Plan Update (LEAP)

THAT Conservation Ontario Council receives this report for information.

- c) Conservation Ontario's comments on Proposed Amendments to the Planning Act Schedule 12 of Bill 108, More Homes, More Choice Act, 2019 (ERO#019-0016)

THAT the comments on the "Bill 108 – (Schedule 12) – the proposed More Homes, More Choice Act: Amendments to the Planning Act" (ERO#019-0016) submitted to the Ministry of Municipal Affairs and Housing on May 31, 2019, be endorsed.

- d) Conservation Ontario's comments on the "Discussion paper: modernizing Ontario's environmental assessment program" (ERO#013-5101) and "Modernizing Ontario's environmental assessment program – Environmental Assessment Act" (ERO #013-5102) and Schedule 6 of Bill 108, More Homes, More Choice Act, 2019

THAT the comments on "Modernizing Ontario's environmental assessment program – Environmental Assessment Act" (ERO #013-5102), the "Discussion paper: modernizing Ontario's environmental assessment program" (ERO#013-5101), and Schedule 6 of Bill 108, More Homes, More Choice Act, 2019 submitted to the Ministry of the Environment, Conservation and Parks on May 28, 2019, be endorsed.

- e) Conservation Ontario's Comments on the "10th Year Review of Ontario's Endangered Species Act: Proposed changes" (ERO#013-5033) and Schedule 5 of Bill 108, More Homes, More Choice Act, 2019

THAT the comments on the "10th Year Review of Ontario's Endangered Species Act: Proposed

Changes” (ERO#013-5033) submitted to the Ministry of the Environment, Conservation and Parks on May 17, 2019, be endorsed.

- f) Conservation Ontario’s comments on the “Excess Soil regulatory proposal and amendments to Record of Site Condition (Brownfields) Regulation” (ERO #013-5000) and “Holding polluters accountable by enhancing Ministry of the Environment, Conservation and Parks’ enforcement tools” (ERO#019-0023) and Schedule 7 of Bill 108, More Homes, More Choice Act, 2019

THAT the comments on the “Excess Soil regulatory proposal and amendments to Record of Site Condition (Brownfields) Regulation” (ERO #013-5000) and “Holding polluters accountable by enhancing Ministry of the Environment, Conservation and Parks’ enforcement tools” (ERO#019-0023) submitted to the Ministry of the Environment, Conservation and Parks on June 4, 2019, be endorsed.

- g) The Flood Toronto Resilient Charter

THAT Conservation Ontario Council endorse the Flood Resilient Toronto Charter;

AND THAT Conservation Ontario Council endorses Jo-Anne Rzakki, Business Development and Partnerships Coordinator (CO) to represent CO on the Urban Flood Resilient Toronto Working Group.

- h) Accessibility of the cost-share funding assistance for organizations and collaborations under the Canadian Agricultural Partnership (CAP) Agriculture

THAT Conservation Ontario endorse the June 4, 2019 letter to Ontario Minister of Agriculture Food and Rural Affairs (OMAFRA), Ernie Hardeman regarding accessibility of the cost-share funding assistance for organizations and collaborations under the Canadian Agricultural Partnership (CAP) Agriculture.

- i) Conservation Ontario Representation on the Provincial Elevation Coordination and Consultation Committee

THAT Bryan McIntosh of Grand River Conservation Authority be endorsed to represent Conservation Ontario on the Provincial Elevation Coordination and Consultation Committee along with Ian Jeffrey of Ganaraska Region Conservation Authority.

- j) Drinking Water Source Protection Joint Advisory Committee Membership Renewal

THAT Council endorse the appointment of Carl Jorgensen (Conservation Sudbury) as north regional representative on the Drinking Water Source Protection Joint Advisory Committee as of May 15, 2019.

- k) Program Updates

- i. Marketing & Communications

THAT Conservation Ontario Council receives this report as information.

- ii. Business & Development & Partnerships

THAT Conservation Ontario Council receives this report as information.

iii. Information Management
THAT Conservation Ontario Council receives this report as information.

iv. Drinking Water Source Protection
THAT Conservation Ontario Council receives this report as information.

- l) Correspondence
- i. Minister of Environment and Climate Change to Conservation Ontario
 - ii. Minister of Natural Resources to Conservation Ontario

9. Motion to Move from Committee of the Whole to Full Council

#19/19 Moved by: Deb Martin-Downs Seconded by: Linda Laliberte

CARRIED

10. Council Business – Council Adoption of Recommendations

#20/19 Moved by: Dave Blysmas Seconded by: Mike Walters

***THAT Conservation Ontario Council adopt Committee of the Whole (C.W.) Recommendations:
C.W. #14/19 to C.W. #18/19.***

CARRIED

11. New Business

Deb Martin-Downs provided an overview for Latornell November 19-21, 2019, and asked for auction items from CAs for the Dream Auction. It was noted that Leadership nominations are pending, and the call for those nominations will go out the second week of April.

Kim Gavine noted that Minister Yurek will be invited to September Council.

It was also noted that CO Council meeting dates are set for 2019, but CO will survey CAs about other possible days of the week for 2020 meetings.

12. Adjourn

21/19 Moved by: Joe Farwell Seconded: Bill Smirle

THAT the meeting be adjourned.

CARRIED



Community Services

Legislative Services

July 16, 2019
File #120203

Sent via Email: ann-marie.norio@niagararegion.ca

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Issac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Dear Ms. Norio:

Re: Whistleblowing Policy

The Municipal Council of the Town of Fort Erie at its meeting of July 15, 2019 passed the following resolution:

Whereas the Town of Fort Erie has policies in place to ensure that it is accountable to the public for its actions and that its actions are transparent to the public, including the Accountability and Transparency Policy outlined in By-law No. 195-07, and

Whereas whistleblowing by employees in local governments can bring critical knowledge about misconduct and failed policy outcomes and priorities to the attention of politicians and/or the public, and

Whereas the provincial government, as well as other municipalities and agencies in Ontario, have in place policies and/or legislation that provide legal protection from discriminatory or disciplinary action for employees who disclose wrongdoing of any kind in the context of their workplace in good faith and to a competent authority, and

Whereas voters in the Regional Municipality of Niagara, including the Town of Fort Erie, sent a strong message on October 22nd, 2018 for the need for accountability and transparency in the way local governance is conducted, and

Whereas it is always desirable to build upon and enhance existing policies that further strengthen public trust in the accountability and transparency of the way their local government functions;

.../2

Now therefore be it resolved,

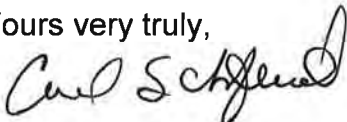
That: Council directs staff to prepare a report with respect to a whistleblowing policy for the Town of Fort Erie, and further

That: The Municipal Council of the Town of Fort Erie fully supports whistleblowing and is committed to protecting whistleblowers, the important information they provide and more widely, the integrity of the whistleblowing processes. All persons who are considering reporting their concerns in good faith can be assured that their concerns will be taken seriously, their identity will be protected and, as an employee of our municipality, that they will be protected from detrimental treatment, retaliation or employment harassment, and further

That: This resolution be circulated to Niagara Regional Council, the Councils of the Local Area Municipalities within the Regional Municipality of Niagara, and the Board of Directors of the Niagara Peninsula Conservation Authority for their endorsement and support.

Trusting this information will be of assistance to you.

Yours very truly,



Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca

CS:dlk

c.c. Niagara Local Area Municipalities *Sent via email*
Grant Bivol, Acting Clerk to Authority/Exec. Coordinator CAO & Board, Niagara Peninsula Conservation Authority
Sent via email: gbivol@npca.ca

Ontario Names Special Advisor on Flooding*Taking immediate action to improve flood resilience and mitigation efforts*

July 18, 2019 7:45 A.M.

OTTAWA - The Ontario government is putting people first by taking swift action to address concerns from those affected by flooding.

Today John Yakabuski, Minister of Natural Resources and Forestry, and Dr. Merrilee Fullerton, Minister of Long-Term Care, announced that Doug McNeil has been named Ontario's Special Advisor on flooding. Mr. McNeil will advise the province on ways to reduce the impacts of flooding and ensure communities can recover quickly.

"We heard from people across the province and saw first-hand the damage caused by flooding in so many communities," said Minister Yakabuski. "We want to help Ontarians protect what matters most, and the Special Advisor will help better prepare our province for flooding in the future."

The Special Advisor will assess current roles and responsibilities of governments, agencies and organizations involved in flood management, including any opportunities for improvement; review feedback received; identify focused recommendations; and ensure all recommendations are consistent with the province's ability to implement them.

Flooding is a serious problem that is becoming increasingly common as Ontario experiences more frequent extreme weather events. The province held Flooding Engagement Sessions earlier this year in Muskoka, Pembroke, and Ottawa to hear from municipalities and industry leaders on how to better prepare for and respond to floods. The Special Advisor will build on input from those sessions as well as feedback from the public.

The government is also making it easier for property and homeowners to take immediate action when flooding happens. Property owners can [apply online](#) for a work permit to repair eroded shorelines and conduct erosion control immediately.

The Ministry of Natural Resources and Forestry has launched a new [Surface Water Monitoring Centre webpage](#) with access to flood early warning messages. This will help property and homeowners prepare for and respond to flood conditions and take action to stay safe and reduce flood damage by responding to early warnings in advance of an emergency.

"It is important for the people of Kanata-Carleton and across Ontario to have accurate information about flooding and resources they can access when they need it," said Minister Fullerton. "We want to help the people of Ontario work on their properties in the most efficient way possible."

Background: Doug McNeil

- Mr. McNeil's extensive government experience includes 36 years in public service with the City of Winnipeg and Province of Manitoba. Positions held include Deputy Minister of Infrastructure and Transportation, Vice President of Engineering and Construction and Vice-President of Hydraulics with the Manitoba Floodway Authority.
- Mr. McNeil has been involved in many aspects of water resource planning, operations, and management, including hydraulics, hydrology, stormwater management, and water control structures. He played key roles in the 1997 "Flood of the Century" on the Red River and led the Floodway Expansion project which included a provincial review of floodway operating rules and flood protection studies of mitigation measures for Winnipeg.
- As Manitoba's Deputy Minister of Infrastructure and Transportation, Mr. McNeil was responsible for a vast infrastructure network including drains and culverts, multi-functional dams and reservoirs, diversion channels and flood pumping stations. He was also responsible for hydrologic forecasting and the emergency measures organization, which involved business continuity planning, critical infrastructure and cyber security.
- Mr. McNeil holds both Bachelor and Master's degrees in Engineering and has received numerous distinguished awards related to design and construction of various components of work on Manitoba's flood structures including the Red River Floodway Expansion Project. Mr. McNeil recently retired as Chief Administrative Officer of the City of Winnipeg.

Jolanta Kowalski Media Desk
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416-314-2106
Justine Lewkowicz Minister's Office
Justine.Lewkowicz@ontario.ca

[Available Online](#)
[Disponible en Français](#)

Administration

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

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www.niagararegion.ca

July 19, 2019

Council Session CL 13-2019, July 18, 2019

Gayle Wood
Interim Chief Administrative Officer
Niagara Peninsula Conservation Authority
250 Thorold Road West; 3rd Floor
Welland, ON L3C 3W2

SENT ELECTRONICALLY

**RE: Niagara Region's Representation on the NPCA Board of Directors
RC 01-2019**

Regional Council at its meeting held on Thursday, July 18, 2019, passed the following resolution:

That Memorandum RC 01-2019, being a memorandum from Regional Chair Bradley, dated July 18, 2019, respecting Niagara Region's Representation on the NPCA Board of Directors, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the Regional Chair **BE DIRECTED** to inform the Mayors of Hamilton and Haldimand that Niagara Region will be increasing their NPCA Board of Directors membership from 12 to 15 in order to ensure an appropriate mix of elected representatives on the Board; and
2. That Niagara Regional Council **APPOINT** three Regional Councillors to the NPCA Board of Directors effective immediately.

Council subsequently passed the following resolution:

That Councillors Bylsma, Foster and Steele **BE APPOINTED** to the Niagara Peninsula Conservation Authority Board of Directors effective immediately.

A copy of Memorandum RC 01-2019 is attached for your reference.

Contact information for the newly appointed Councillors is attached. If you have any questions regarding these appointments, don't hesitate to contact me at 905-980-6000 Ext 3220 or by email ann-marie.norio@niagararegion.ca.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ann-Marie' followed by a stylized flourish.

Ann-Marie Norio
Regional Clerk

CLK-C 2019-174

Cc: J. Pilon, Acting City Clerk, City of Hamilton
E. Eichenbaum, Clerk, Haldimand County

CONTACT INFORMATION FOR COUNCILLORS APPOINTED TO THE
NIAGARA PENINSULA CONSERVATION AUTHORITY BOARD

David Bylsma (Mayor)

Township of West Lincoln
5313 Sixteen Rd.
St. Anns, ON L0R 1Y0

Cell 905-984-1515

E-mail dave.bylsma@niagararegion.ca

Robert Foster

Town of Lincoln
4579 Cedarbrook Lane
Beamsville, ON L0R 1B5

Residence 905-563-7219

E-mail robert.foster@niagararegion.ca

Bill Steele (Mayor)

City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Work 905-835-2900 ext 301

E-mail bill.steele@niagararegion.ca



MEMORANDUM

RC 01 - 2019

Subject: Niagara Region's Representation on the NPCA Board of Directors

Date: July 18, 2019

To: Regional Council

From: Jim Bradley, Regional Chair

Councillors,

At the May 16 Special Meeting of Council, a motion was passed that directed the Regional Chair to enter into negotiations with Hamilton and Haldimand regarding the composition of the NPCA Board of Directors. As a direct result of this motion, talks were held on June 10 with representatives from the three municipalities at which time I committed to determining Council's preference regarding board composition.

At our June 20 meeting of Regional Council, an informal survey of council's membership was taken that indicated the will of Council was to increase Niagara Region's membership on the NPCA Board of Directors from 12 members to 15. Based on the discussion that occurred regarding this poll, as well as the debate that arose from CL-C 46-2019, it appears that Regional Council is eager to both increase Niagara's membership on the Board and make the necessary appointments as soon as possible.

In listening to the June 20 discussion, it was also suggested that Niagara's three additional members would be Regional Councillors to ensure an appropriate mix of elected representatives and citizen appointments.

To this end, I propose that Regional Councillors consider approving the following two actions this evening:

1. That the Regional Chair **BE DIRECTED** to inform the Mayors of Hamilton and Haldimand that Niagara Region will be increasing their NPCA Board of Directors membership from 12 to 15 in order to ensure an appropriate mix of elected representatives on the Board; and
2. That Niagara Regional Council **APPOINT** three Regional Councillors to the NPCA Board of Directors effective immediately.

Should council approve these motions, the intent is that the selection of the three Regional Councillors would occur this evening.

The legacy issues surrounding the NPCA and the membership of the Board have rightfully been of a keen interest to this term of Council. Based on the significant debate that has transpired at Council, as well as numerous conversations I have had with members of Council, I believe it is in the best interest of Council to move forward these two actions this evening.

Sincerely,

Original signed by:

Jim Bradley
Regional Chair



July 19, 2019

Jamie McGarvey
AMO President, Mayor, Town of Parry Sound
Suite 801
200 University Avenue
Toronto, ON, M5H 3C6

Dear Mr. McGarvey,

Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). On June 24, 2019 Conservation Ontario Council passed the following resolution at their meeting:

THAT the CA-Municipality MOU Template for Planning and Development Reviews; Guideline for Client Service Standards for Conservation Authority Plan and Permit Review; and Guideline for Fee Administration Policies for Plan Review and Permitting, dated June, 2019 be endorsed.

AND THAT the timeline guideline for minor permits change from 72 to 42 calendar days and that major permits change from 132 to 63 calendar days excluding statutory holidays.

Since our last correspondence following the endorsement of the CO Client Service and Streamlining Initiative at our April 1, 2019 Council meeting, we are pleased to report that all 36 CA Boards have voted to endorse the Initiative locally within each CA. We are also pleased to note that Conservation Ontario has successfully held 8 regional client-centric customer service training sessions for CA staff involved in the planning and regulations programs. The eight sessions saw over 300 CA staff in attendance.

The three guidance documents referenced above and enclosed have been developed by Conservation Ontario staff using previous materials supplied by AMO staff in the case of the CA-Municipality MOU Template. These documents focus on providing guidance and templates for the CA planning and regulations programs to ensure a consistent level of client service and accountability. Following a CA staff review period, the draft guidance documents were distributed to representatives from AMO, Residential Construction Council of Ontario (RESCON), Ontario Home Builders Association (OHBA) and the Building Industry and Land Development Association (BILD) for their review. We greatly appreciate the input provided from AMO on these guidance documents during this period.

As of July 4, 2019 all 36 CAs have received copies of the three documents to support future development or updates of CA policies and tools which support the CA planning and regulations programs. As an initial action, Conservation Ontario will be working closely with a select group of “high-growth” CAs to implement a consistent client-centric CA review and approval process checklist of CA policies, agreements, reports and other tools to promote transparency and better serve our clients.

We appreciate the collaboration of your staff Cathie Brown and the opportunity for CO staff to present on this initiative to the AMO CA Task Force on April 10, 2019 and again on June 12, 2019.

In summary, conservation authorities are collectively committed to working in collaboration with our member municipalities and the building and development industry to support the Province’s objective to increase housing supply, while protecting public health and safety, and, the environment.

As Chair of Conservation Ontario, I look forward to working with you and your staff on this file. Should there be any questions or the need for additional information, please contact Kim Gavine at ext. 231 or kgavine@conservationontario.ca.

Sincerely,

A handwritten signature in black ink that reads "Wayne Emmerson". The signature is fluid and cursive, with the first name "Wayne" written in a larger, more prominent script than the last name "Emmerson".

Wayne Emmerson
Chair, Conservation Ontario

c.c. All CA General Managers/Chief Administrative Officers
Cathie Brown, Senior Advisor, AMO
Lyn Dollin, Chair, AMO CA Task Force

Conservation Ontario
120 Bayview Parkway, Newmarket ON L3Y 3W3
Tel: 905.895.0716 Email: info@conservationontario.ca
www.conservationontario.ca



July 19, 2019

Cheryl Shindruk – (Geranium Homes)
BILD Chair, Executive Committee
Suite 100, 20 Upjohn Road
North York, ON, M3B 2V9
c/o Email: dwilkes@bildgta.ca (Dave Wilkes, President and CEO)

Dear Ms. Shindruk,

Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). On June 24, 2019 Conservation Ontario Council passed the following resolution at their meeting:

THAT the CA-Municipality MOU Template for Planning and Development Reviews; Guideline for Client Service Standards for Conservation Authority Plan and Permit Review; and Guideline for Fee Administration Policies for Plan Review and Permitting, dated June, 2019 be endorsed.

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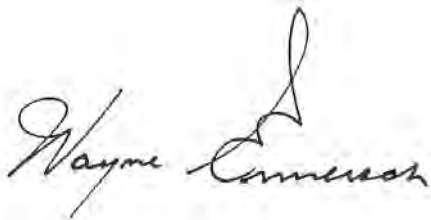
The three guidance documents referenced above and enclosed have been developed by Conservation Ontario staff. These documents focus on providing guidance and templates for the CA planning and regulations programs to ensure a consistent level of client service and accountability. Following a CA staff review period, the guidance documents were distributed to representatives from BILD, the Ontario Home Builders Association (OHBA), the Residential Construction Council of Ontario (RESCON) and the Association of Municipalities of Ontario (AMO) for their review. We greatly appreciate the input provided from OHBA, RESCON, and AMO on these guidance documents during this period.

As of July 4, 2019 all 36 CAs have received copies of the three documents to support future development or updates of CA policies and tools which support the CA planning and regulations programs. As an initial action, Conservation Ontario will be working closely with a select group of “high-growth” CAs to implement a consistent client-centric CA review and approval process checklist of CA policies, agreements, reports and other tools to promote transparency and better serve our clients.

In summary, conservation authorities are collectively committed to working in collaboration with the building and development industry and our member municipalities to support the Province’s objective to increase housing supply, while protecting public health and safety, and, the environment.

As Chair of Conservation Ontario, I look forward to working with you and your staff on this file. Should there be any questions or the need for additional information, please contact Kim Gavine at ext. 231 or kgavine@conservationontario.ca.

Sincerely,

A handwritten signature in black ink, reading "Wayne Emmerson". The signature is fluid and cursive, with the first name "Wayne" written in a larger, more prominent script than the last name "Emmerson".

Wayne Emmerson
Chair, Conservation Ontario

c.c. All CA General Managers/Chief Administrative Officers
Paula Tenuta, Senior Vice President, Policy and Government Relations
Carmina Tupe, Planner, Policy and Government Relations



July 19, 2019

Rick Martins
President, Executive Committee
Ontario Home Builders Association (OHBA)
1398 Bethel Road, P.O. Box 86
New Dundee, ON N0B 2E0
Email: president@ohba.ca

Dear Mr. Martins,

Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). On June 24, 2019 Conservation Ontario Council passed the following resolution at their meeting:

THAT the CA-Municipality MOU Template for Planning and Development Reviews; Guideline for Client Service Standards for Conservation Authority Plan and Permit Review; and Guideline for Fee Administration Policies for Plan Review and Permitting, dated June, 2019 be endorsed.

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The three guidance documents referenced above and enclosed have been developed by Conservation Ontario staff. These documents focus on providing guidance and templates for the CA planning and regulations programs to ensure a consistent level of client service and accountability. Following a CA staff review period, the guidance documents were distributed to representatives from OHBA, Residential Construction Council of Ontario (RESCON), the Building Industry and Land Development Association (BILD) and the Association of Municipalities of Ontario (AMO) for their review. We greatly appreciate the input provided from OHBA on these guidance documents during this period.

As of July 4, 2019 all 36 CAs have received copies of the three documents to support future development or updates of CA policies and tools which support the CA planning and regulations programs. As an initial action, Conservation Ontario will be working closely with a select group of “high-growth” CAs to implement a consistent client-centric CA review and approval process checklist of CA policies, agreements, reports and other tools to promote transparency and better serve our clients.

In summary, conservation authorities are collectively committed to working in collaboration with the building and development industry and our member municipalities to support the Province’s objective to increase housing supply, while protecting public health and safety, and, the environment.

As Chair of Conservation Ontario, I look forward to working with you and your staff on this file. Should there be any questions or the need for additional information, please contact Kim Gavine at ext. 231 or kgavine@conservationontario.ca.

Sincerely,

A handwritten signature in black ink, reading "Wayne Emmerson". The signature is fluid and cursive, with the first name "Wayne" and last name "Emmerson" clearly legible.

Wayne Emmerson
Chair, Conservation Ontario

c.c. All CA General Managers/Chief Administrative Officers
Joe Vaccaro, Chief Executive Officer, OHBA
Michael Collins-Williams, Director of Policy, OHBA

Conservation Ontario
120 Bayview Parkway, Newmarket ON L3Y 3W3
Tel: 905.895.0716 Email: info@conservationontario.ca
www.conservationontario.ca



July 19, 2019

Richard Lyall
President
Residential Construction Council of Ontario
25 North Rivermede Road, Unit 13
Vaughan, ON, L4K 5V4
Email: lyall@rescon.com

Dear Mr. Lyall,

Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). On June 24, 2019 Conservation Ontario Council passed the following resolution at their meeting:

THAT the CA-Municipality MOU Template for Planning and Development Reviews; Guideline for Client Service Standards for Conservation Authority Plan and Permit Review; and Guideline for Fee Administration Policies for Plan Review and Permitting, dated June, 2019 be endorsed.

AND THAT the timeline guideline for minor permits change from 72 to 42 calendar days and that major permits change from 132 to 63 calendar days excluding statutory holidays.

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The three guidance documents referenced above and enclosed have been developed by Conservation Ontario staff. These documents focus on providing guidance and templates for the CA planning and regulations programs to ensure a consistent level of client service and accountability. Following a CA staff review period, the guidance documents were distributed to representatives from RESCON, Ontario Home Builders Association (OHBA), the Building Industry and Land Development Association (BILD) and the Association of Municipalities of Ontario (AMO) for their review. We greatly appreciate the input provided from RESCON on these guidance documents during this period.

As of July 4, 2019 all 36 CAs have received copies of the three documents to support future development or updates of CA policies and tools which support the CA planning and regulations programs. As an initial action, Conservation Ontario will be working closely with a select group of “high-growth” CAs to implement a consistent client-centric CA review and approval process checklist of CA policies, agreements, reports and other tools to promote transparency and better serve our clients.

In summary, conservation authorities are collectively committed to working in collaboration with the building and development industry and our member municipalities to support the Province’s objective to increase housing supply, while protecting public health and safety, and, the environment.

As Chair of Conservation Ontario, I look forward to working with you and your staff on this file. Should there be any questions or the need for additional information, please contact Kim Gavine at ext. 231 or kgavine@conservationontario.ca.

Sincerely,

A handwritten signature in black ink, reading "Wayne Emmerson". The signature is fluid and cursive, with the first name "Wayne" written in a larger, more prominent script than the last name "Emmerson".

Wayne Emmerson
Chair, Conservation Ontario

c.c. All CA General Managers/Chief Administrative Officers
Michael de Lint, Director, Building Regulatory Reform & Technical Standards, RESCON

Conservation Ontario
120 Bayview Parkway, Newmarket ON L3Y 3W3
Tel: 905.895.0716 Email: info@conservationontario.ca
www.conservationontario.ca



July 24, 2019

Ministry of Natural Resources and Forestry
Office of the Minister
Room 6630, Whitney Block
99 Wellesley Street West
Toronto, ON M7A 1W3

Minister Yakabuski,

At the July 17, 2019 Full Authority meeting of the Niagara Peninsula Conservation Authority (NPCA) Board, a motion was passed (attached) that a letter be sent to the Province by the Board of Directors, indicating its stance on Provincially Significant Wetlands (PSW's) in relation to the Thundering Waters (now known as Riverfront Community) development.

As you are aware, wetlands are widely recognized as an important part of the ecosystem and are among the most productive and biologically diverse habitats in the world. They play a multi-dimensional role in the hydrologic cycle acting as a source for flood attenuation, ground water recharge and the improvement of water quality. Wetlands are an incredible source of biodiversity, offering a multitude of habitats for plants, birds, reptiles, amphibians, fish and other species and have potential to play a significant role in climate change adaptation and mitigation strategies.

With the ever-evolving pressures of development expanding on our landscapes, wetlands continue to be threatened and removed. These losses could have substantial long-term impacts in our community.

While the Board of the NPCA does realize the Province designates and delineates Provincially Significant Wetlands, the NPCA Board of Directors is supportive of these designations and delineations, expanding wetland designations and delineations and is supportive of not removing any wetlands that have been designated as PSW.

With respect to the Thundering Waters (Riverfront Community) development, the NPCA Board supports the current PSW boundaries on the properties involved and requests that these boundaries not have their PSW designation removed. It is our opinion that the PSW's on this site, along with PSW's throughout our watershed should be protected and allowed to remain in a natural state.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Bylsma', written over a horizontal line.

Dave Bylsma
Chair
Niagara Peninsula Conservation Authority

C. Participating and local municipalities
Conservation Ontario
GR (CAN) Investments Co. Ltd.

Resolution No. FA-160-19

Moved by Board Member Huson

Seconded by Board Member Zalepa

THAT Report No. FA-56-19 RE: GR Paradise (Thundering Waters) Update **BE RECEIVED** for information.

CARRIED

Resolution No. FA-161-19

Moved by Board Member Clark

Seconded by Board Member Johnson

1. **THAT** a letter to the Minister of Natural Resources and Forestry copied to local area municipalities be prepared by the NPCA Board of Directors to **ENDORSE** the current designation of the Provincially Significant Wetlands within the Thundering Waters properties.
2. **AND THAT** the relevant policy revisions **BE PRESENTED** to the Board for discussion.

CARRIED

Report To: Board of Directors

Subject: Conservation Ontario Guidance Documents for CA Planning and Regulations Program - Client Service and Streamlining Initiative

Report No: FA-88-19

Date: August 14, 2019

Recommendation:

That Report No. FA-88-19 RE: Conservation Ontario Guidance Documents for CA Planning and Regulations Program - Client Service and Streamlining Initiative **BE RECEIVED** for information.

Purpose:

The purpose of this Report is to provide the Board with the three Conservation Ontario (CO) Endorsed guidance documents (attached as Appendices 1-3 to this Report) which outline best-practices for CA's in three areas of the planning and regulations programs.

Background:

As part of recent legislative changes, Conservation Authorities, through Conservation Ontario, have prepared Guidance Documents on client service and streamlining approvals processes.

A draft of each of these Guidance Documents were made available for review by Conservation Ontario to CAOs/GMs, CA Planning Contacts and CA Section 28 Regulations Contacts on April 11, 2019 along with background information on the CO Client Service and Streamlining Initiative. Following the review period by Conservation Authorities (CA), the Guidance Documents were provided to municipal and industry stakeholders (AMO, BILD, OHBA and RESCON) for review. Comments received from both review periods were incorporated into the final documents.

On June 24, 2019, CO Council voted to endorse the three guidance documents, which included a revised timeline for CA permit applications below the current standards set out in Appendix 4 "Policies and Procedures for CA Plan Review and Permitting Activities (2010), as a best practice.

Discussion:

The three guidance documents are intended to be used locally by each CA to create greater consistency when developing or updating Memorandum's of Understanding (MOUs/Service

Agreements), client service standards/commitments, and fee policies and schedules. While some of the information contained in these documents may be of use to a variety of programs within each CA, the focus of these three documents serve as a guideline within the planning and regulations program at each CA.

On July 19, 2019, Conservation Ontario sent out letters to the following stakeholders advising of Conservation Ontario's Council endorsement of the 3 guidance documents : The Building Industry and Land Development Association (BILD); Residential Construction Council of Ontario (RESCON); Association of Municipalities Ontario (AMO); and the Ontario Home Builders Association (OHBA). These letters are attached in Correspondence Items.

As such, staff will begin the process of using the CO endorsed guidelines identified in Appendices 1-3 of this Report to develop our own locally relevant documents to be brought back to the Board for endorsement at future meetings.

Financial Implications:

While it is currently unknown what the financial implications will be as they relate to a Client-Centric focus, NPCA anticipates that there may be a need for increased staffing to ensure proper customer care and satisfaction. NPCA will monitor these requirements and report to the Board of Directors accordingly.

Appendices:

Appendix 1 – CA-Municipality MOU Template for Planning and Development Reviews
Appendix 2 – Client Service Standards for Conservation Authority Plan and Permit Review
Appendix 3 – Guideline for CA Fee Administration Policies for Plan Review and Permitting
Appendix 4 – Policies and Procedures for CA Plan Review and Permitting Activities (2010)

Authored by:

Original Signed by

Darren MacKenzie, C.Tech., rcsi
Director, Watershed Management

Submitted by:

Original Signed by

D. Gayle Wood, BES, CMMIII
Chief Administrative Officer / Secretary-Treasurer

Prepared with input from Conservation Ontario.



CA-Municipality MOU Template for Planning and Development Reviews

Endorsed: June 24, 2019

CA-Municipality MOU Template for Planning and Development Reviews

Introduction

The following Template Agreement was developed by Conservation Ontario to help conservation authority staff develop new Planning and/or Development Approvals Memoranda of Understanding (MOUs) with municipal partners. The template was drafted by the Association of Municipalities of Ontario and further developed by Conservation Ontario following a review of current MOUs between CAs and Municipalities for Planning and Development service agreements and partnerships. The MOUs used to assist in the development of this template were:

1. MOU between the City of Ottawa and the RVCA, SNC, and MVCA (2002)
2. Partnership Memorandum for Planning Services between the Regional Municipality of York and the Conservation Authorities (LSRCA and TRCA) (2009)
3. Plan Review Agreement between the Corporation of the City of North Bay and NBMCA (2010)
4. Partnership Memorandum between the Regional Municipality of Durham and CLOCA, TRCA, LSRCA, GanRCA and KRCA for Planning Services (2011)
5. Partnership Memorandum for Plan Review and Technical Clearances between City of Peterborough and ORCA (2012)
6. Protocol for Plan Review and Technical Clearance between the Regional Municipality of Peel and CVC, HRCA and TRCA (2012)
7. Partnership Memorandum between the Town of Whitby and CLOCA for Plan Review Services (2013)
8. MOU between the County of Lanark and RVCA and MVCA (2013)
9. Service Agreement for Plan Review, Technical Clearance & Fee Collection between the Corporation of Town of Mono and CVC, NVCA and TRCA (2016)
10. Service Agreement for Plan Review, Technical Clearance & Fee Collection between the Corporation of Town of Orangeville and CVC (2017)
11. MOU between the Regional Municipality of Halton, City of Burlington, Town of Halton Hills, Town of Milton, Town of Oakville, Halton Region Conservation Authority, Credit Valley Conservation Authority, and Grand River Conservation Authority for an Integrated Halton Area Planning System

This document was originally developed by AMO staff. Input on the original draft was received from the Conservation Ontario Timely Reviews and Approvals Taskforce and the draft was subsequently updated. The next version of the document was circulated to all conservation authority CAOs/GMs, as well as forwarded to CA Planning and Regulations contacts for their review and feedback and was subsequently updated. The third version of the MOU template was shared with external stakeholders for review and feedback, including the Association of Municipalities of Ontario (AMO), the Ontario Homebuilders' Association (OHBA), the Building Industry and Land Development Association (BILD), and the Residential Construction Council of Ontario (RESCON). Feedback was received from AMO, OHBA and RESCON and was incorporated into the final iteration of this template MOU.

SERVICE AGREEMENT/ Memorandum of Understanding

BETWEEN

THE CORPORATION OF _____

(the "municipality")

AND

_____ CONSERVATION AUTHORITY

("Conservation Authority" or "CA") ("Conservation Authorities" or "CAs")

Date: 2019

Background and Legislative Context

Conservation Authorities are involved in plan input and review of planning applications under the Planning Act in four ways: as an agency with provincially delegated responsibility for the natural hazard policies of the Provincial Policy Statement (PPS); as a municipal technical advisor, as a public body and as landowners. Under the *Conservation Authorities Act* (see section 21.1(1) Programs and services) Conservation Authorities are required or permitted to provide programs and services as follows: 1. Mandatory programs and services that are required by regulation; **2. Municipal programs and services that the authority agrees to provide on behalf of municipalities situated in whole or in part within its area of jurisdiction under a memorandum of understanding;** and 3. Such other programs and services as the authority may determine are advisable to further its objects. Upon proclamation of the Lieutenant Governor, S. 21.1 of the *Conservation Authorities Act* will be amended to include amongst other changes, S. 21.1.1.(1) (Municipal programs and services) that enables a CA to provide within its area of jurisdiction municipal programs and services that the authority agrees to provide on behalf of a municipality situated in whole or in part within its area of jurisdiction **under a memorandum of understanding** or such other agreement as may be entered into with the municipality in respect of the programs and services.

The CA Role in Plan Review is summarized in the table below.

Role	Type of Role	Required, Through Agreement or Voluntary	Representing	Result
Regulatory Agency (S. 28 of the <i>Conservation Authorities Act</i>)	Decision Making	Required	Provincial Interests	CA responsible for decision
Delegated “Provincial Interest”	Review/ Commenting	Required	Provincial Interest	Comments must be considered by municipality
Public Bodies	Review/ Commenting	All	Authority Interests	Comments should be considered by municipality
Service Provider	Service	Through Agreement	Terms of Agreement (MOU)	Dependent upon terms of the agreement
Landowners	Review/ Commenting / Proponents	Voluntary	Authority Interests	Comments may be considered by the municipality

1. THE PURPOSE of this agreement is to:

This agreement only pertains to land use planning, infrastructure and development related issues. Agreements should start with clauses that indicate this as the purpose of the agreement. The

municipality needs to identify what are lower-tier or upper-tier planning functions. The level of government that is a planning approval authority must enact the agreement for the types of Planning Act applications and related studies or plans for which it is the approval authority (approval authority delegated by the Ministry of Municipal Affairs and Housing through regulations made under the Planning Act or through Upper-Tier Delegation By-Laws. For example, land division may be an Upper-Tier function whereas storm drainage approval for a site plan may be a Lower-Tier function; in this case each planning approval authority may wish to enact their own agreement with the CA. Alternatively, Upper-Tier municipalities may choose to enter into an agreement on behalf of the Lower-Tier municipalities or with the Lower-Tier municipalities and the CA.

The purpose section may include:

- *The mutual roles in land use planning, for development review, and technical clearance by the Conservation Authority (e.g. CAs will provide effective and timely plan review and technical clearance support/expertise to assist the municipality in making decisions on planning documents and site-specific planning applications).*
- *Outlining which elements of the requirements of the Provincial Policy Statement and applicable Provincial plans and other legislation this agreement pertains to.*
- *Support and assist the Municipality to streamline the municipal plan review system/process where opportunities exist.*
- *Provision that states “The MOU describes services in addition to those activities and services which are undertaken by the CA as part of their own legislative mandate or by agreement with others”.*
- *Where multiple CA signatories to a CA-Municipal MOU: Provision outlining a similar review process throughout all signatories for applications received as a part of the MOU. The MOU may contain a separate schedule for each CA.*

2. DEFINITIONS

In this document:

“Board” - The Board of Directors of the CA

“Plan Review” - The review of applications/studies as set out in the *Planning Act* or other relevant legislation; identifying the need for and assessing the adequacy of technical surveys, studies and reports relating to the watershed natural hazards, natural heritage and water policies for natural environment features or functions +++; and specifying and clearing conditions of approval. It also includes the review of municipal planning documents, such as Official Plans and amendments and may include studies associated with infrastructure development, such as Environmental Assessment Reports.

“Provincial Plan” means,

- (a) the Greenbelt Plan established under section 3 of the *Greenbelt Act, 2005*,
- (b) the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act*,

- (c) the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001*,
- (d) a development plan approved under the *Ontario Planning and Development Act, 1994*,
- (e) a growth plan approved under the *Places to Grow Act, 2005*,
- (e.1) a designated policy as defined in section 2 of the *Lake Simcoe Protection Act, 2008*,
- (e.2) a designated policy as defined in section 3 of the *Great Lakes Protection Act, 2015*,
- (e.3) a designated Great Lakes policy or a significant threat policy, as those terms are defined in subsection 2 (1) of the *Clean Water Act, 2006*, or
- (f) a prescribed plan or policy or a prescribed provision of a prescribed plan or policy made or approved by the Lieutenant Governor in Council, a minister of the Crown, a ministry or a board, commission or agency of the Government of Ontario;

“Technical Clearance” - Assessing technical reports submitted by the proponent to determine if the reports satisfy the CA conditions through a comprehensive study (e.g. master environmental servicing plans, secondary plans, etc.) or plan review process and in order to clear the conditions.

“Technical Review” - Assessing technical reports submitted by the proponents' consultants in terms of applicable and most recent technical guidelines and standards and the approved terms of reference; specifying modifications or additional technical studies required and conditions of acceptance; validating the technical methods used to determine potential environmental impacts, identifying the nature and extent of mitigation measures required; recommending modifications to or acceptance of the technical report.

3. LAND USE PLANNING ROLES AND RESPONSIBILITIES

Municipal governments must make planning decisions through the lens of the Provincial Policy Statement (PPS) and pertinent provincial plans. Specifically, Sections 2.1, 2.2 and 3.1 of the PPS require particular expertise in order to provide defensible planning advice. (Note: CAs have a delegated responsibility from the Province to represent the provincial interests regarding natural hazards encompassed by Section 3.1 of the PPS (excluding wildland fire) which requires CAs to review and provide comments on municipal policy documents and applications submitted pursuant to the Planning Act). To that end, most Municipal governments look to the CA to provide this expert review of planning applications. The Municipal government and CA need to agree on which parts of the Provincial Policy Statement (PPS) and pertinent provincial plans will be subject to this agreement. If it is not subject to this agreement, the Municipality needs to ensure they have the required expertise in house or with a consulting firm.

This section should clearly delineate that CAs provide comments/advice and that the Municipality is responsible for ensuring consistency with Provincial policies and the Official Plan policies with respect to any planning application. The section should set out how the planning documents/applications/reports will flow between the two organizations. What land use planning related topics will trigger the municipal

request for CA comments/recommendation? It should also clearly articulate expectations regarding circulation by the Municipality to the CA as delineated in Appendix 2.

a) The Municipality and the Conservation Authority(ies) agree that the Conservation Authority **will** provide comments/advice as to whether planning applications are consistent with the Section 3.1. of the PPS for the following:

1. OP and ZBL comprehensive reviews and amendments
2. Plans of subdivision/condominium
3. Community Planning Permit System
4. Secondary Plans
5. Consents
6. Minor Variance
7. Site Plan Control
8. Part lot control
9. Public Road closures

i. And for applications and initiatives related to:

- Watershed/subwatershed studies
- Guidelines
- Site alteration by-laws

CAs and municipalities may also want to specify what scale of change will trigger this review? Will all applications be reviewed? Will there be a minimum lot size, a buffer area, proximity to a natural feature that triggers CA comments. Or, many agreements will have a clause about pre-screening maps and an appendix that explains the methodology or protocol for the use of these pre-screening maps (see item d below).

b) As needed, the Conservation Authority will also provide comments to the Municipality:

i. Assessing the adequacy of technical studies in meeting PPS (S. 3.1) policy requirements and objectives, including:

- Hazardous lands (flooding, erosion and dynamic beach hazards);
- Hazardous sites (unstable soils or bedrock);
- Special Policy Areas;
- Hydrology and Hydraulic documents and modelling; and
- Impact and mitigation measures related to natural hazards

c) The Conservation Authority **may** also provide comments to the Municipality:

i. As to whether planning applications are consistent with the PPS (and/or name of provincial plan) for Section(s) XXXX for the following:

1. OP and ZBL comprehensive reviews and amendments
2. Plans of subdivision/condominium
3. Community Planning Permit System

4. Secondary Plans
5. Consents
6. Minor Variance
7. Site Plan Control
8. Part lot control
9. Public Road closures

And for applications and initiatives related to:

- Watershed/subwatershed studies
 - Guidelines
 - Site alteration by-laws
- ii. Advising the Municipality of the adequacy of technical environmental studies compared to the Municipality's Official Plan policy requirements and objectives;
 - iii. On the need for technical reports, the adequacy with reference to relevant guidelines, standards, or related conditions of approval, including but not limited to such studies or plans as:
 - Stormwater management
 - Lot grading and drainage
 - Geotechnical
 - Hydrogeological
 - Erosion and Sediment Control
 - Environmental Impact Studies and related natural heritage impact and mitigation measures
 - Fluvial Geomorphology
 - Wetland water balance

Should also specify broader types of comments that pertain to impacts on/related to CA watershed planning studies.

- iv. Reporting defining features and assessing the long-term ecological function and biodiversity of natural heritage systems, identifying opportunities where applicable for restoration or improvements.
- iv. Reviewing documents that assess impacts on the natural environment related to:
 - significant wildlife habitat;
 - habitats of threatened and endangered species;
 - watercourses, fish and aquatic habitat;
 - areas of natural and scientific interest;
 - significant woodlands and woodlands;
 - significant valleylands; valley lands and stream corridors;
 - significant wetlands, local and unevaluated wetlands;
 - ground water recharge areas;
 - ground water quantity and quality
 - surface water quantity and quality

Should also specify broader types of comments that pertain to impacts on/related to CA watershed planning studies

- vi. Assisting in the technical aspects of applying alternative development standards as a best management practice for stormwater management purposes (e.g. Low Impact Development (LID) projects) and enhancement of natural heritage features and functions, +++++; and,
 - vii. Assisting in the interpretation of the Source Water Protection Plan.
 - viii. Assisting with projects, initiatives, and committees that fall outside of this agreement, but the municipality is seeking the CA's technical advice.
- d) The CA and Municipality will share Geographical Information System (GIS) data related to the services provided in compliance with any applicable licensing agreements.

May also want to discuss whether pre-screening of applications prior to circulation should take place, including types of applications, use of screening maps showing natural hazard areas and CA regulated lands, etc.

Include a provision for data licencing.

- e) Nothing in the agreement precludes the Conservation Authority from commenting to the Municipality, and implementing their regulatory responsibilities, as they would normally exercise their rights under the *Planning Act*, the *Conservation Authorities Act*, *Environmental Assessment Act*, delegated responsibilities, or other applicable legislation.
- f) Nothing in this agreement precludes the Municipality from exercising responsibility under the *Municipal Act*, *Planning Act* or any other statutory requirement.
- g) Nothing in this agreement precludes the parties from respectfully disagreeing with comments provided by the other party.
- h) Where the Conservation Authority is in conflict between legislated responsibilities and the responsibilities of this agreement, the Municipality may seek third party opinions.

5. IMPLEMENTATION

- a) The Municipality and the Conservation Authority(ies) agree:
 - *Formalize a process for pre-consultation on specific applications including notification of the upcoming meeting and circulation of relevant material. Both parties will participate in informal or formal per-consultation meetings with applicants (or provide written comments where applicable). The municipality would be responsible for submitting meeting*

minutes/records of outcomes of pre-consultation meetings. Municipality and CA should establish a mechanism to determine complete application requirements as outlined in the municipal Official Plan and to determine the technical checklist required for these studies. Sample technical checklists are included in Schedule 1.

- *The CA will respond to general inquiries from municipalities and applicants participate in informal or formal pre-consultation meetings with applicants and the municipality (or provide written comments), and provide expert witness support to the municipality as necessary where the subject lands involve natural hazards or CA regulated lands and ++++++*

This is where the agreement should specify how the CA may participate in LPAT hearings or other tribunals; how the parties or participants may be represented at hearings for the purpose of legal representation; and, limits on the CA's ability to represent the municipality's interests.

- *Include information on how fees for planning services will be collected. e.g. Will the municipality collect all and remit a portion to the CA or will the applicant submit payment directly to the CA? Will final clearance fees be paid to the same place the first fees were paid?*
- *When do the building department or engineers department become involved? Include consideration for sharing comments from municipal departments with CA to ensure consistent direction on applications.*
- *Identify which CA will take the lead role in co-ordinating comments where there are multiple CAs involved in a policy review or development or amendment?*

Municipalities will want to make sure that all application forms reflect the approaches and roles you agree to.

6. SERVICE DELIVERY STANDARDS

- a) *The Conservation Authority and the Municipality shall mutually agree on timeframes for responding to planning document amendments and development applications in keeping with the requirements of legislated timelines and included in Schedule 2*

This is where you can go into more detail for timelines or level of advice expected (see Schedule 2 for an example). Important to note here that the legislated timelines pertain to circulation timelines of the notice before the day of the hearing and not the timeline for the CA to review and provide comment on the notice.

- b) *Where an application is complex, a pre-consultation meeting between the Municipality, Conservation Authority and applicant and their agents shall take place. Extensions to the agreed to timelines in Schedule 2, if necessary, should be discussed at the pre-consultation meeting.*

7. CONSERVATION AUTHORITY FEES

The Conservation Authority fees pertaining to planning applications may be referenced here. Ultimately, there should be certainty between the parties that there is value for the service, it is completed in a timely way and the council, CA Board and public have clear expectations around the process. This should be consistent with the implementation section.

8. TERM OF THE AGREEMENT

a) The Municipality and the Conservation Authority(ies) agree:

1. The term of this Agreement shall be for a period of _____ years from the date of execution by the Municipality and the Agreement shall be automatically extended for additional _____ year terms, on the same terms and conditions as contained herein at the discretion of the Municipality and the Conservation Authority(ies), until terminated by any of the parties in accordance with subsection xxx herein.
2. That the Municipality and the Conservation Authority(ies) will review this Agreement, to consider changes in programs of the parties or changes in Provincial policies, at least six months prior to the expiry of each _____ term. The Municipality's CAO or Planning Department will monitor the agreement and its expiry;

b) Any party may terminate this Agreement at any time upon delivering _____ months written notice of termination, by prepaid registered mail, to all of the other parties, which notice shall be deemed to be received on the third business day from the date of mailing.

c) Any notice to be given pursuant to this Agreement shall be delivered to the parties at the following address:

Municipality Name
Street address
Attention: Staff Position

Conservation Authority Name
Street Address
Attention: Staff Position

THE CORPORATION OF THE MUNICIPALITY

Of XXXXXXXXXXXXXXXXX

CAO/ Clerk-Treasurer (type name here)

Chief Administrative Officer

Date: _____

The XXXXXXXXXXXXXXXX XXXXX

CONSERVATION AUTHORITY

CAO/General Manager (type name here)

CAO/General Manager

Date: _____

SCHEDULE 1

CA-Municipal Potential Technical Checklist for Planning Applications

These lists include some of the potential technical studies that could be part of a complete application. Through the pre-consultation process, requirements for technical studies which are appropriate for the project would be identified. These lists are intended to act as an example of potential technical studies and are not exhaustive.

Should consider requiring the applicant, as part of the covering letter, to have a professional attest that an application is complete. Municipality and CA should establish a mechanism to determine complete application requirements as outlined in the municipal Official Plan and to determine the technical checklist required for these studies. The CA and Municipality should discuss allowing the CA to pre-screen submissions prior to the municipality confirming that the application is complete.

A-1: Official Plan Amendments

- Covering Letter, which outlines the proposal, provides contact names and describes all preliminary consultation and submission contents
- Application Fee (See CA Fee Schedule)
- Appropriate Plans/Drawings
- Natural Systems Map (natural hazards and natural heritage features with requisite buffers, overlaid with existing site conditions, property boundaries, and proposed development and site alteration)
- Topographic Information

Potential technical requirements

- A list of support information and materials for Planning Act applications is typically provided in Official Plans; this list should be referred to for consideration.
- Conceptual Channel Crossings Assessment
- Conformity Reports (e.g. Growth Plan, Lake Simcoe Plan, Greenbelt, Niagara Escarpment, ORM, Rouge Park/Rouge Park North)
- Subwatershed Study
- Scoped or Full Comprehensive Environmental Impact and Enhancement Study
- Functional Servicing Plan/Stormwater Management Study
- Floodline Delineation Study/Hydraulics
- Functional Servicing Plan/Stormwater Management Study
- Geotechnical/Slope Stability Study
- Preliminary Grading Plans
- Headwater Drainage Feature Evaluation
- Fluvial Geomorphology Study
- Hydrogeological Assessment
- Lake Capacity Analysis
- Conceptual Channel Crossings Assessment
- Low Impact Development Opportunity Assessment, as required by municipal policy
- Scoped or Full Environmental Impact and Enhancement Study
- Water Balance Analysis

- Watercourse Erosion Analysis
Coastal hazard assessment
- Other reports/studies identified through the checklists or staff consultation.

A-2: Zoning By-law Amendments

- Covering Letter, which outlines the proposal, provides contact names and describes all preliminary consultation and submission contents
- Application Fee (See Fee Schedule)
- Appropriate Plans/Drawings
- Natural Systems Map (natural hazards and natural heritage features with requisite buffers, overlaid with existing site conditions, property boundaries, and proposed development and site alteration)
- Topographic Information

Potential technical requirements

- Archaeological Assessment (on CA Properties only)
- Channel Crossings Assessment
- Conformity Reports (Greenbelt, Niagara Escarpment, ORM, Rouge Park/Rouge Park North)
- Floodline Delineation Study/Hydraulics
- Functional Servicing Plan
- Geotechnical/Slope Stability Study
- Grading Plans
- Headwater Drainage Feature Evaluation
- Hydrogeological Assessment
- Lake Capacity Analysis
- Low Impact Development Opportunity Assessment, as required by municipal policy
- Scoped or Full Environmental Impact and Enhancement Study
- Stormwater Management Study
- Structural Elevations and Construction Details
- Water Balance Analysis
- Watercourse Erosion Analysis
- Other reports/studies identified through the checklists or staff consultation.

A-3: Plans of Subdivisions

- Covering Letter, which outlines the proposal, provides contact names and describes all preliminary consultation and submission contents
- Application Fee (See Fee Schedule)
- Appropriate Plans/Drawings
- Natural Systems Map (natural hazards and natural heritage features with requisite buffers, overlaid with existing site conditions, property boundaries, and proposed development and site alteration)
- Topographic Information

Potential technical requirements

- Archaeological Assessment (on TRCA Properties only)
- Channel Crossings Assessment
- Conformity Reports (Greenbelt, Niagara Escarpment, ORM, Rouge Park/Rouge Park North)
- Erosion and Sediment Control Plans
- Floodline Delineation Study/Hydraulics
- Functional Servicing Plan
- Geotechnical/Slope Stability Study
- Grading Plans
- Headwater Drainage Feature Evaluation
- Hydrogeological Assessment
- Lake Capacity Analysis
- Landscaping/Site Rehabilitation Plan
- Low Impact Development Opportunity Assessment, as required by municipal policy
- Scoped or Full Environmental Impact and Enhancement Study
- Stormwater Management Facility Design
- Stormwater Management Study
- Structural Elevations and Construction Details
- Topsoil Stripping Review
- Water Balance Analysis
- Watercourse Erosion Analysis
- Other reports/studies identified through the checklists or staff consultation.

A-4: Site Plan Controls

- Covering Letter, which outlines the proposal, provides contact names and describes all preliminary consultation and submission contents
- Application Fee (See Fee Schedule)
- Appropriate Plans/Drawings
- Natural Systems Map (natural hazards and natural heritage features with requisite buffers, overlaid with existing site conditions, property boundaries, and proposed development and site alteration)
- Topographic Information

Potential technical requirements

- Archaeological Assessment (on CA Properties only)
- Channel Crossings Assessment
- Conformity Reports (Greenbelt, Niagara Escarpment, ORM, Rouge Park/Rouge Park North)
- Erosion and Sediment Control Plans
- Floodline Delineation Study/Hydraulics
- Functional Servicing Plan
- Geotechnical/Slope Stability Study
- Grading Plans
- Headwater Drainage Feature Evaluation
- Hydrogeological Assessment
- Landscaping/Site Rehabilitation Plan
- Low Impact Development Opportunity Assessment, as required by municipal policy

- Scoped or Full Environmental Impact and Enhancement Study
- Stormwater Management Facility Design
- Stormwater Management Study
- Structural Elevations and Construction Details
- Topsoil Stripping Review
- Water Balance Analysis
- Watercourse Erosion Analysis
- Other reports/studies identified through the checklists or staff consultation.

A-5: Consents (Severances) and Minor Variances

- Covering Letter, which outlines the proposal, provides contact names and describes all preliminary consultation and submission contents
- Application Fee (See Fee Schedule)
- Appropriate Plans/Drawings

Potential technical requirements

- Archaeological Assessment (on CA Properties only)
- Conformity Reports (Greenbelt, Niagara Escarpment, ORM, Rouge Park/Rouge Park North)
- Erosion and Sediment Control Plans
- Floodline Delineation Study/Hydraulics
- Geotechnical/Slope Stability Study
- Grading Plans
- Hydrogeological Assessment
- Headwater Drainage Feature Evaluation
- Landscaping/Site Rehabilitation Plan
- Natural Systems Map (natural hazards and natural heritage features with requisite buffers, overlaid with existing site conditions, property boundaries, and proposed development and site alteration)
- Scoped or Full Environmental Impact and Enhancement Study
- Structural Elevations and Construction Details
- Topographic Information
- Other reports/studies identified through the checklists or staff consultation.

SCHEDULE 2

Non-Statutory Development Application Review Timelines

The following table is an example which describes the non-statutory timeframes for development review applications that the parties will aim to achieve, broken down by certain major application types. Municipalities and CAs are to negotiate an appropriate timeframe for review of these applications as part of the MOU process.

APPLICATION TYPE	PRE-CONSULTATION	CIRCULATION (for pre-consultation, or after an application is deemed complete, or for any subsequent circulations)	COMMENTS AFTER FIRST CIRCULATION
Site specific Regional Official Plan amendments	Meeting scheduled with all parties and the applicant within x-21 calendar days of request ¹	Upper-tier municipality to circulate to all parties within x-3 business days	Parties to provide comments within 45-x calendar days
Site specific local Official Plan Amendments	Same as above	Local municipality to circulate to all parties within x-3 business days	Parties to provide comments within 45-x calendar days
Site specific Zoning By-law Amendments	Same as above	Local municipality to circulate to all parties within x-3 business days	Parties to provide comments within 30-x calendar days
Draft Plans of Subdivision or Condominium	Same as above	Local municipality to circulate to all parties within x-3 business days	Parties to provide comments within 45-x calendar days
Site Plans	Same as above	Local municipality to circulate to all parties within x-3 business days	Parties to provide comments within x-14 calendar days unless the local municipality agrees there is a specific issue that requires additional time to resolve (x-45)
Consents and Minor Variances		Local municipality to circulate to all parties within x-3 business days	Parties to provide comments within x-14 calendar days

¹To convene a pre-consultation meeting, the lead agency must have sufficient information from the applicant so that the parties can provide advice.



Client Service Standards for Conservation Authority Plan and Permit Review

Endorsed: June 24, 2019

Report No. FA-88-19
Appendix 2
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Client Service Standards for Conservation Authority Plan and Permit Review

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This document was developed by CO staff with input from the Conservation Ontario Timely Reviews and Approvals Taskforce. The draft document was circulated to all conservation authority CAOs/GMs, as well as forwarded to CA Planning and Regulations contacts for their review and feedback. Conservation Ontario also hosted a Multi-Stakeholder Process Flow Workshop in April, which identified a number of best practices. Comments received from CA feedback and the Multi-Stakeholder Process Flow Workshop were incorporated into an update to this draft guidelines, which was circulated to a number of external stakeholders for their review and feedback. This final version incorporates the advice received from those stakeholders as well.

Background

In April 2019, Conservation Ontario (CO) Council endorsed the CO Client Service and Streamlining Initiative. This initiative identifies actions to be taken by CAs, in order to help the Province achieve its objective of increasing housing supply while protecting public health and safety, and the environment. CO developed three documents to support the initiative:

1. CA-Municipality MOU Template for Planning and Development Reviews;
2. Guideline for Client Service Standards for Conservation Authority Plan and Permit Review; and
3. Guideline for CA Fee Administration Policies for Plan Review and Permitting.

It is important to note that a number of CAs already have comprehensive service delivery standards, MOUs, and fee structures and associated fee policies/guidelines in place. The 2019 CO documents supplement existing CA documents to support the Province's objective as noted above.

CO used existing CA resources to form a guideline that includes best practices for client service standards. The CO guideline includes several best practices to assist CAs and applicants through the CA approval process. Local CA client service procedures and policies should be consistent with this CO guideline. The costs associated with implementing the best practices and performance evaluation and reporting described in the guideline can be recovered through CA fees.

Conservation Authority Roles and Activities

The role of the CA in plan input and review (i.e. Planning), and in permit review (i.e. Permitting) is summarized below.

Planning – Plan Input and Review

The CA is involved in the review of planning applications under the *Planning Act* in five ways: as an agency with provincially delegated responsibility for the natural hazard policies of the Provincial Policy Statement (PPS); as a municipal technical advisor; as a public body under various regulations made under the *Planning Act*; as a watershed-based resource management agency and as landowners.

- The CA is delegated responsibility under the Provincial One Window Planning System for Natural Hazards. CAs review municipal policy documents and development applications under the *Planning Act* and ensure they are consistent with the natural hazard policies of the PPS. This delegated provincial responsibility is also typically included in local CA-Municipal Memorandum of Understandings (MOUs) for municipal plan review. In this delegated role, Conservation Authorities represent the “Provincial Interest” in planning exercises with respect to natural hazards.
- The CA may also provide technical advice to municipalities for planning applications through service agreements or MOUs. In this capacity, CA staff may provide technical input on potential environmental impacts and how impacts can be avoided or minimized. Comments may apply to a range of matters according to the MOU including, but not limited to: natural hazards, natural heritage, water quality and quantity, stormwater management, and other Provincial Plans such as the Oak Ridges Moraine Conservation Plan, Niagara Escarpment Plan, Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe; certain policies referred to in the *Lake Simcoe Protection Act*, *Great Lakes Protection Act*, and *Clean Water Act*; as well as local Official Plan policy and zoning by-law implementation.
- *Planning Act* Regulations require municipalities to give notice to CAs regarding changes to policy documents such as Official Plans and Zoning By-laws and planning applications, such as plans of subdivision.
- The CA provides additional comments related to local watershed management as a watershed-based resource management agency.
- CAs are also landowners, and as such, may become involved in the planning and development process either as a proponent or in a third-party capacity as an adjacent landowner.

Generally municipalities act as planning approval authorities and are responsible for the planning process. It is recognized that the CA may not have a role in all *Planning Act* applications, but for purposes of this guideline and the identification of best practices, it is assumed that there is a review role for the CA. A summary of the roles of CAs in plan review is included below in **Table 1**.

Table 1: CA Roles in Plan Review

Role	Type of Role	Required, Through Agreement or Voluntary	Representing	Result
Regulatory Agency (S. 28 of the <i>Conservation Authorities Act</i>)	Decision Making	Required	Provincial Interests	CA responsible for decision
Delegated “Provincial Interest”	Review/ Commenting	Required	Provincial Interest	Comments must be considered by municipality
Public Bodies	Review/ Commenting	All	Authority Interests	Comments should be considered by municipality
Service Provider	Service	Through Agreement	Terms of Agreement (MOU)	Dependent upon terms of the agreement
Landowners	Review/ Commenting / Proponents	Voluntary	Authority Interests	Comments may be considered by the municipality

Permitting – Permit Review

The CA issues permits under Section 28 of the *Conservation Authorities Act*. Section 28 allows the CA to regulate development and activities in or adjacent to river or stream valleys, shorelines of the Great Lakes-St. Lawrence River system and inland lakes, watercourses, hazardous lands (e.g. unstable soil, bedrock, and slopes), wetlands and other areas around wetlands. Development taking place on these lands may require permission from the CA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected.

The CA also regulates the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, and watercourse or for changing or interfering in any way with a wetland.

Upon proclamation of the new S. 28 under the *Conservation Authorities Act*, the CA would also consider whether the activity is likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.

As CAs are responsible for the review of S. 28 permit applications, they have greater control over the timeliness of approvals as compared to their role in plan input and review.

Guideline: Client Service Standards for Plan and Permit Review

This guideline, on client service standards for plan and permit review, is divided into the following **key matters** that support process streamlining, efficiency and transparency:

- **Online decision support tools**
- **Application management and review**
- **Level of service**
- **Performance evaluation and reporting.**

In addition to the above, **Appendix A** includes an example “general complete application submission for S. 28 permit applications”, with important footnotes. **Appendix B** includes an example CA client service delivery charter, which could be modified further for the local planning and permit review program.

1. Online Decision Support Tools

In April 2019 Conservation Ontario Council endorsed the Service Delivery and Streamlining Initiative which included a commitment to implement a consistent client-centric CA review and approval process checklist that provides transparency of process and rules. The checklist is to be completed and publicly accessible by August for CA jurisdictions with **high growth areas**. The checklist includes:

- i. Having publicly accessible agreements and policies that guide reviews and decision making, including:
 - i. CA/Municipal MOUs or Technical Service Agreements,
 - ii. CA plan review and regulation approvals policies/guidelines
 - iii. CA Complete application requirements
 - iv. CA Fee schedules and/or policies
 - v. CA Client Service Standards Commitment/Policy [including for example, timelines and identification of a senior CA staff contact serving as a ‘client service facilitator’ for plan review and/or permit applications issue management]
- ii. CA Online screening maps
- iii. CA Annual report on review timelines

Regardless of the growth pressures experienced in their watershed, all CAs are encouraged to implement the client-centric CA review and approval process checklist as soon as possible.

The CA should ensure that these decision support tools are available to the public on the CA website and at the CA office. These tools and documents include:

- Online screening maps
- CA-Municipal MOU or technical service agreements
- CA plan review and regulation approvals policies, procedures and guidelines
- CA technical checklist for planning applications
- CA complete application requirements for S. 28 permit applications
- CA fee policies and schedules for planning and permit applications
- CA Client Service Standards Commitment/Policy.

1.1 Online screening maps

Planning applications are typically examined by CA planners and water resources engineers and may be reviewed by other technical staff such as hydrogeologists, geotechnical engineers, ecologists, etc. Critical advice is provided using the best available, most up to date science and information.

It is important to recognize that mapping can be updated for various reasons, for example, site-specific studies or new and updated guidelines will influence the mapping. In the “Made-in-Ontario Environment Plan”, the Province has also identified the need to support environmental planning and to update natural hazard technical guidelines to reflect climate change.

Online screening maps allow clients to efficiently screen development projects, while also supporting transparency and public access to essential information. The following **best practices** can help manage online screening maps, with a priority placed on the CA regulated area screening map:

- The CA will ensure that a CA board approved screening map for the CA regulated area is available to watershed municipalities and the public.
- The screening map will allow for users to view the CA regulated area as a separate data layer [map showing the overall CA S. 28 Regulation Limit].
- The CA regulated area maps should be updated per the “Procedure for Updating Section 28 Mapping: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations”, endorsed by Conservation Ontario Council April, 2018
- The CA regulated area maps should be updated on an annual basis (at minimum) for housekeeping changes; and from time to time to maintain accuracy, for example when new provincial technical guidelines are available.
- The updated map will be approved by the CA board in a timely fashion, prior to making it available to the public.
- The CA should ensure accurate reporting of mapping updates, public consultation (to provide information and receive comments), and notification to the Ministry of Natural Resources and Forestry (MNRF) per the “Procedure for Updating Section 28 Mapping: Development, Interference with Wetlands and Alterations to Shorelines and

Watercourses Regulations”, endorsed by Conservation Ontario Council April, 2018. The CA will notify the public of changes to mapped regulated areas.

- The CA regulated area screening map should be searchable by municipal address.
- The applicable criteria for the CA regulated area map, for example provincial technical guidelines, could be made available on the CA website if the guideline is a public document. If the guideline is not made public, then the CA will provide general contact information such that the user can request further information from the organization that issued the guideline.
- The CA will have an agreement that includes a clear disclaimer statement for users of the available map layers. The agreement should appear on top of the map layer such that the user must click “Accept” before being able to view the map layer. See the **Example Disclaimer Introduction box** below, which **as a best practice** can be inserted at the beginning of the disclaimer statement for improved clarity. Note the following important matters regarding click-wrap and data sharing agreements:
 - There may be general clauses in the disclaimer that apply to all CAs, but the dataset-specific inclusions will vary from region to region depending on the source of the data, who owns the Intellectual Property (IP), and other variables. This variation will apply to each unique layer that the CA includes in their web mapping application.
 - Data layers such as natural feature mapping etc. are typically obtained from external sources; therefore diligence is required while displaying these. Add links to where additional data may be obtained beyond CA regulated area mapping such as Natural Heritage Information Centre (NHIC) etc. for wetland data, Areas of Natural and Scientific Interest (ANSI) etc.
 - Conservation authorities have access to the Assessment Parcel layer as sub-licensees through the Ontario Parcel Alliance (OPA), which is administered by the Province of Ontario through Land Information Ontario (LIO). The OPA is an agreement between the Province, Municipal Property Assessment Corporation (MPAC) and Teranet and sets out specific requirements that need to be met before parcel data can be used on a web mapping application. A schedule needs to be completed and signed and the CA has to display certain language in their application as a condition of use.
 - Orthophotography comes to Conservation Authorities from a variety of sources – one of which is municipal partners. Each of these would come with their own specific agreement that would include various rights and obligations. Provincial acquisitions (like SWOOP, SCOOP, FRI and DRAPE), for example, stipulate that these images cannot be displayed on public facing web mapping applications under any circumstances within a two-year period following their capture. After that, they can be used with acknowledgment of the Crown copyright, etc.

- It would be a best practice for CAs to strive toward making their data available for direct download. An open data licence can help protect against legal action. This licence should be made available on the website and easily accessible by the public.
- At the discretion of the CA, other information layers may also be provided, for example: floodlines, wetlands, parcel boundaries, source protection areas, intake protection zones, wellhead protection areas, etc. The CA must ensure that relevant best practices are followed for all displayed layers.
- Mapping that informs plan review and technical services can be very complicated, and the services provided by the CA vary depending on the MOU with each municipality. CA websites and fee schedules should include plain language descriptions of the types of services and mapping provided by the CA.

Example Introduction for Disclaimer for Regulated Area Mapping

The mapping is for information screening purposes only, and shows the **approximate** regulation limits. The text of Ontario Regulation [Specific Reg. Number] supersedes the mapping as represented by this data layer. This mapping is subject to change. A site specific determination may be made by the [Name of Conservation Authority].

This layer is the approximate limit for areas regulated under Ontario Regulation [Specific Reg. Number] – [Name of Conservation Authority]: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, which came into effect [Date]. The Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation affects what and where a Conservation Authority can regulate. Specifically, this regulation allows the Conservation Authority to:

- 1) Prohibit, regulate or provide permission for development if the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by the development.
- 2) Prohibit, regulate or provide permission for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or changing or interfering with a wetland.

1.2 Other relevant documents

As a **best practice**, the CA will post relevant decision support tools and documents on the CA website. CA-Municipal MOUs or technical service agreements will be posted on CA websites to allow the public to understand how the CA works with local municipalities for plan review and technical services. In addition, CA websites will include other decision support tools such as: CA plan review policies/guidelines; CA Act regulation approvals policies/guidelines; CA technical checklist for planning applications; and CA complete application requirements and checklists for

S. 28 permit applications. CA fee policies and schedules and the CA Client Service Standards Commitment/Policy will also be publically available on the CA website.

The costs associated with implementing the best practices can be recovered through CA fees.

2. Application Management and Review

2.1 Application Management

The following are **best practices** to ensure that applications are managed efficiently:

- The CA will implement an internal application tracking system to support efficiency and transparency. Applications are prioritized based on a few factors such as the order in which they are submitted, the complexity, and whether the permit applications are complete or resubmissions. Planning applications may be prioritized based on discussions with and in agreement with the municipality.
- The CA will identify a senior CA staff member as a one point contact to be the 'client service facilitator' for issues management around plan review and/or permit applications. The senior CA staff person working in this capacity should participate in regular meetings with the development community in the CA watershed.
- The CA will prioritize S. 28 permit applications for emergency works to respond to circumstances that pose a risk to life and/or property. The CA will note this in the local CA-Municipal MOU.

Each application differs on specifics of the project, location, and the nature, scale and scope of the proposed development. Applications also may have various supporting technical studies. The different types of applications that are received by the CA may include, for example:

- *Planning Act* Applications (Official Plan Amendments, Zoning By-law Amendments, Minor Variances, Plans of Subdivision and Condominium, Site Plan Control, etc.)
- Permissions under S. 28 of the CA Act (soil placement/ re-grading, industrial development, construction of homes, relocations of watercourses, construction of accessory structures such as sheds, etc.).

Developments may undergo both planning and permitting review from the CA. Although there is a need to ensure that *Planning Act* applications are coordinated with S. 28 permit applications, these are two distinct application processes. *Planning Act* applications have to meet tests under the *Planning Act*, Provincial Policy Statement, Official Plans and any applicable provincial plan, whereas S. 28 applications have to meet the requirements of the CA Act and individual CA S. 28 regulations.

The emphasis should be on **land use planning first**, which must take into account the same land use constraints that CAs regulate through their S.28 regulations. **Involvement of the CA in the planning process supports good land use planning, which in turn helps to avoid situations where an application is approved under the *Planning Act* that cannot be approved under S.28 of the CA Act.**

2.2 Application Categories

2.2.1 Plan Input and Review Activities under the Planning Act

Municipalities circulate the following types of planning documents and applications made under the *Planning Act* to the CA:

- Official plans and plan amendments
- Zoning by-laws and amendments, holding by-laws and interim control by-laws
- Plans of subdivision or condominium
- Site plan control
- Consents/Land Division
- Minor variances

2.2.1a Plan Input

Under the CO/MNRF/MMAH MOU on CA Delegated Responsibilities, CAs have responsibility for representing the “Provincial Interest” for natural hazard policies (s. 3.1) of the Provincial Policy Statement, 2014 (PPS) under the *Planning Act*. The MOU with the Province commits CAs to review policy documents and development proposals processed under the *Planning Act*. CAs also have a commenting role in approval of new or amended ‘Special Policy Areas’ for flood plains under Section 3.1.3 of the PPS, where such designations are feasible.

Many CAs enter into technical service agreements or MOUs with municipalities for plan input advisory services. As a **best practice**, the CA-Municipal MOU should mutually establish service standards which should include the timelines for circulation and review of planning documents. Refer to the CO template for CA-Municipal MOU.

2.2.1b Plan Review

Some applications require significant CA staff involvement for review. These may include highly complex projects requiring technical review and comprehensive analysis, or smaller, site specific applications with complex technical reviews. Some applications involve large developments with significant natural hazards, environmental impacts, or multiple approvals. Generally, these include Plans of Subdivision and Condominium, and complex Site Plan Control applications often coupled with Official Plan or Zoning By-law amendments.

Some projects have less of an environmental impact than major projects. They could require scoped technical studies. These projects typically have a lower level of hazard risk. Based on the proximity of the project to regulated areas, these planning applications are reviewed by CA staff and generally require standard recommendations to the municipality.

The CA determines the fees for each planning application in accordance with approved fee schedules. The fee schedules are based on the complexity of the application and technical review required, which influences the staff time and resources needed for the review.

Certain activities proposed under planning applications may also trigger the need for a CA Act S. 28 permit (see below).

2.2.2 Permit Application Streams

This CO guideline defines permit applications as “major”, “minor” or “routine”, to support the streamlining of the application review process. This is aligned with or exceeds the standards of the “Policies and Procedures for Conservation Authority Plan Review and Permitting Activities”, published by the Ministry of Natural Resources and Forestry in 2010.

It is recognized that many CAs divide permit applications into more streams than the three described in this guideline, for example: minor, standard/routine, complex, compliance (where works have been undertaken or is in process of being undertaken without prior approval from the CA), restoration (where works have been undertaken that do not comply with the CA S. 28 policies and procedures, and restoration/remediation measures are required), etc.

It is also recognized that some CAs divide permit applications into different streams for the purpose of determining appropriate fees, or separately for the purpose of determining the permit decision timeline.

In the CA service standards, **as a best practice**, the CA should clearly define and distinguish streams that are for determining fees and streams that are for determining permit decision timelines. As well, for the purpose of determining permit decision timelines, the applications should be categorized into the three main streams of: **major, minor and routine permit applications**. This supports an easier understanding by the public and streamlining of the process.

- **Major applications** for S. 28 permits require significant staff involvement. They could be highly complex projects, for example, large subdivisions requiring technical review supported by comprehensive analysis, or smaller scale site specific applications that require complex technical reviews. The proposals may involve developments with significant natural hazards, environmental impacts, or multiple approval processes requirements. Generally, these would include Plans of Subdivision and Condominium, large Site Plan Control applications, and major infrastructure development. Major applications could also include those where works have been undertaken, or are in process of being undertaken, without prior approval from the CA; and those where works have been undertaken that do not comply with the CA S. 28 policies and restoration/remediation measures are required.
- Permit applications for development projects could be considered **minor** in nature due to the project size, level of risk, location, and/or other factors. These have minor impacts on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land. Based on the proximity of the project to the hazard, the minor permit applications are reviewed by CA staff and generally require standard recommendations or conditions. Minor permit applications could be those involving, for example, minor fill; minor development; and minor site alteration where there is a high degree of certainty that issues associated with natural hazards are minimal.

- **Routine** permit applications are activities that are documented through another approval process or are determined to have limited impacts on the control of flooding, erosion, dynamic beaches, pollution or the conservation of land. Routine permit applications could be those involving, Standard Compliance Requirements under the Drainage Act and Conservation Authorities Act Protocol and non-habitable buildings and structures that are less than 10 m² in size.

Upon proclamation of the new S. 28 under the *Conservation Authorities Act*, the CA would also consider whether the activity is likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.

2.3 Pre-consultation

2.3.1 Integrated Pre-consultation for Planning Applications

Generally municipalities act as planning approval authorities and are responsible for the planning process, including pre-consultation under the *Planning Act*. As CAs have a provincially delegated responsibility related to S. 3.1 of the PPS, it is important that CAs get circulated applications well in advance of review deadlines to ensure that natural hazard matters are addressed.

Therefore, **integrated pre-consultation with the Planning Approval Authority is a best practice, best achieved through the CA-Municipal MOU by including provisions to involve the CA in pre-consultation** and associated meetings on *Planning Act* applications. This supports clarity and certainty on the extent of the CA review and responsibilities under the *Planning Act*, and also under S. 28 of the CA Act. For complex projects, it is recommended that other relevant approval agencies, such as the Ministry of Transportation, participate in the integrated pre-consultation with the planning approval authority (see example of collaborative and efficient planning in text box below). For less complex planning applications, pre-consultation could be conducted through phone calls, emails, and a review of online screening maps.

As a **best practice**, the CA should ensure that the comments provided as part of the pre-consultation are included in the municipal record. For complex projects, the initial pre-consultation meeting should include a discussion of major milestones with projected timelines, as well as a commitment to ongoing discussion throughout the process. As a **best practice**, the CA will document any follow-up technical meetings with the applicant and provide them with a copy to ensure clarity (including information related to projected timelines, process, checklists etc.). This will help to streamline the process for both the applicant and the CA.

The CA will work with municipalities and other agencies to ensure the pre-consultation processes are effective in specifying the application requirements, encouraging quality submissions, and meeting circulation timelines. Other **best practices** that support streamlined planning processes include allowing a CA to pre-screen natural hazard technical studies from an application prior to a municipality deeming it complete, including CA technical checklists as part

of complete application requirements found within a municipality's Official Plan, establishment of clear submission guidelines, etc. For very complex projects, a CA may consider the use of a design charrettes involving all parties, which is an expanded and more intense version of a pre-consultation. Design charrettes can be quite successful when appropriate ground rules are established and sufficient information about the application and the site is available prior to the meeting.

It is recognized that substantial changes to a proposal or new information from a site visit after pre-consultation may warrant further pre-consultation and/or changes to the CA technical checklist for studies.

Example of Collaborative and Efficient Planning

The North Bay Mattawa Conservation Authority (NBMCA) participates on a Development Application Review Team (DART) with the City of North Bay. All the departments of the City are represented (including legal, tax department and economic development), as well as outside agencies: NBMCA, North Bay Hydro, and the Ministry of the Environment, Conservation and Parks. Applicants present their projects to the group and get one set of comments from the planning staff, in an effective and time efficient process. Read more at: <https://www.cityofnorthbay.ca/business/business-development-process/>

2.3.2 Pre-consultation for Permit Applications

Pre-consultation provides an opportunity for the CA and applicant to discuss the proposal; for the CA to determine whether the application is major or minor; and to notify the applicant of complete application requirements for CA review of the application. However, as mentioned earlier, as CAs are responsible for the review of S. 28 permit applications, they have greater control over the timeliness of approvals.

Applicants are strongly encouraged to engage in pre-consultation with the CA prior to submitting an application. **It is the applicant's responsibility to ensure an appropriate level of pre-consultation has occurred to avoid unnecessary delays in the review of their application.** Standard application review periods assume that pre-consultation has been conducted and that the application meets the requirements as outlined in the CA S.28 permit review guidelines.

The CA should ensure that staff resources are provided to offer timely pre-consultation opportunities. A **best practice** for CAs is to ensure that the landowner or authorized agent is included in pre-consultation meetings or at a minimum receives correspondence regarding their application. This ensures clear communication with the agent/consultant, landowner and CA. At the pre-consultation meeting, the CA should review the technical checklist with the applicant to identify the appropriate studies/technical information for the proposal.

CAs are responsible for the review of S. 28 permit applications, including arranging pre-consultation meetings, site visits, permit decision timelines, etc. As per the “Policies and Procedures for Conservation Authority Plan Review and Permitting Activities”, published by the Ministry of Natural Resources and Forestry in 2010 the CA will determine whether the permit application is major or minor and outline any outstanding information requirements **within 21 days of the pre-consultation meeting**, as indicated in **Table 2**. It is recognized that substantial changes to a proposal or new information from a site visit after pre-consultation may warrant further pre-consultation and/or changes to the CA complete application requirements.

Often times because of the level of pre-consultation undertaken prior to submission of an application, the CA moves seamlessly towards processing the application and issuing the permit. CAs may choose to only notify applicants where the application is determined to be major (for the purpose of permit decision timelines), or the application is incomplete within 21 days. There is no need to notify an applicant that the application is complete if the permission can be issued prior to end of the 21 day period.

As a **best practice**, the CA should document and track comments provided during the pre-consultation and thereafter. A paper trail of the meeting and details should be provided to the applicant to ensure everything is clear from the onset (expectations, process, checklists etc.) to streamline the process for both the applicant and the CA.

2.4 Application Submission Quality

Applicant requirements will be scoped based on the complexity of the project. For applications requiring technical studies, applicants are strongly encouraged to ensure that these studies are properly scoped through pre-consultation before planning and permit applications are submitted. Specific guidance in this regard will need to be sought from CA staff. Properly developed technical studies will support timely review by the CA. Guidelines for review timelines cannot be adhered to when submissions are incomplete and information is received in an uncoordinated fashion.

Technical submissions by the applicant must meet good practice and industry standards to minimize resubmissions and avoid unnecessary delay. As a **best practice** CAs should consider requiring the applicant, as part of the covering letter, to have a professional confirm that an application is complete. Ultimately, quality control is the responsibility of the applicant, to ensure studies are consistent and properly referenced (e.g. location, city).

2.4.1 Planning Application Submissions

The commitment to review timelines assumes that application submissions are complete. Some Official Plans stipulate the complete application requirements. Planning applications will be deemed complete by the municipality, not by the CA, however consultation with CA staff before deeming an application complete is a **best practice** when the CA will be reviewing technical studies and/or plans in support of an application submission.

As a best practice, the CA should work with the municipality to get CA technical checklists included as part of complete application requirements in municipal Official Plans. Therefore municipalities would inform the applicant about the CA technical checklists as part of municipal complete application requirements.

The CA could request the municipality to require the applicant to include a sign off sheet with the technical work to confirm that the work meets good practice and acceptable, current industry standards for technical studies and was completed by persons with relevant qualifications and experience. This **best practice** may help ensure adequate quality of technical studies, which supports CA review.

During the review of the application, CA staff may request additional information if it has been determined that the application does not contain sufficient and/or good quality technical analysis. Note that reviews may be done by “peer reviewers” as well as CA staff. Delays in timelines for decision making may occur due to requests for additional information to address errors or gaps in information submitted for review.

2.4.2 Permit Application Submissions

Upon receipt of an application, CA staff will review the application requirements for the specific project. **Within 21 business days of receipt** of a permit application, the CA will either issue the permit or for more complex projects, notify the applicant in writing whether the application has been deemed complete or not, as indicated in **Table 2**. In order to make the determination of a complete application the CA checks if the application meets submission requirements. The complete application determination does not mean that the application meets all of the tests of the S. 28 regulation. A general list of recommended requirements for a complete application for S. 28 permits is provided in **Appendix A**.

The CA could require the applicant to include a sign off sheet with the technical work to confirm that the work meets good practice and acceptable, current industry standards for technical studies and was completed by persons with relevant qualifications and experience. This **best practice** may help ensure adequate quality of technical studies, which supports CA review.

If the applicant disagrees with the complete application decision the applicant may contact the senior CA staff serving as a ‘client service facilitator’ for applications issue management first. If not satisfied, the applicant can request an administrative review by the CA Chief Administrative Officer/General Manager and then if not satisfied, the CA Board. The review will be limited to a complete application policy review, and will not include review of the technical merits of the application. During this review, this list of required information will be assessed and a determination will be made.

During the review of the application, CA staff may request additional information if it has been deemed that the application does not contain sufficient technical analysis. Delays in timelines for decision making may occur due to requests for additional information to address errors or gaps in information submitted for review. A S. 28 permit application may be put in

abeyance or returned to the applicant, pending the receipt of further information leading to a re-submission. If necessary, this could be confirmed between both parties in correspondence or in an email or as a signed “Agreement to Defer Decision”, to clarify mutually agreeable tasks and timelines, and avoid premature refusals of permits due to inadequate information.

2.5 Re-submission

Amendments to previous submissions or additional information such as technical analysis required as a result of the review process or site investigation may affect the application review timelines. Re-submissions are different between plan review and permitting. As CAs manage the S. 28 permitting process, there are best practices that CAs can use to ensure better quality submissions that help streamline the process.

Some best practices are summarized below.

- When a planning or permit application is determined to be incomplete, the CA will provide a document containing a detailed list of information needed. The applicant must describe how each item is addressed in a covering letter upon re-submission, to indicate that all of the deficiencies have been addressed and itemized. This will help expedite the subsequent review process.
- Meeting with CA staff to go over substantial changes to an application is a positive step, and can speed up review times.
- If a resubmission also modifies other areas of a report or plans that affect an area of interest to the CA, it is a best practice for an applicant or consultant to identify these new changes as well.
- Some CAs have introduced a graduated fee structure to encourage better re-submissions.
- The CA may choose to adopt a ‘start and stop’ **best practice**, whereby the decision timeline for a permit application is stopped - until a re-submission is made.

Re-submissions affect the Level of Service timelines for permit decisions. Re-submissions that are the result of insufficient studies/submissions may be subject to additional fees, which should be clearly laid out in the CA board approved fee schedule.

Re-submissions can be minimized through: pre-consultation, and meeting the CA complete submission requirements - for S. 28 permit applications; and meeting the municipal complete application requirements as well as the CA technical checklist for planning applications. This message should be reiterated to applicants at the pre-consultation stage.

The costs associated with implementing the best practices can be recovered through CA fees.

3. Level of Service

CAs are committed to meeting timelines for development applications, and meeting service standards. The key steps that form the cornerstone of an efficient and effective CA review process are provided in **Table 2** below.

Table 2: Steps to an Efficient and Effective Conservation Authority Review Process

	Planning Act Application	S. 28 Permit Application
Pre-consultation	Integrated pre-consultation with the Planning Approval Authority	Pre-consultation with the applicant
Application circulation/submission	Consultation with CA staff prior to municipality deeming applications complete. Complete circulation of the planning application, including the necessary technical reports and plans by the municipality to the CA well in advance of the CA review deadline set by the municipality. Consultation with CA staff before deeming an application complete is a best practice when the CA will be reviewing technical studies and/or plans in support of an application submission	Complete submission of the S. 28 application, including the necessary technical reports.
Quality of submission	Good-quality applications including submission of all components, such as technical studies, requested during pre-consultation.	

An overarching best practice is preparing a schedule, and taking a project management approach where both sides commit to meeting the schedule. It is very important to note that as CAs are responsible for the review of S. 28 permit applications; they have greater control over the timeliness of approvals. This critical matter is elaborated upon in the sections below.

3.1 Planning Applications Timelines

Decision making timelines for municipal planning are set out in the *Planning Act*. It is important to note that each municipality has its own planning process; therefore, the standardization of CA comment timelines for all planning applications is not a straightforward matter.

As a **best practice**, the CA-Municipal MOU should mutually establish service standards which should include the timelines for circulation and review of planning applications. Refer to the CO template for CA-Municipal MOU. There may be some modification to these review timelines for

individual applications with discussion and agreement amongst the applicant, municipal and CA staff during the pre-consultation stage and provided that the requirements of the *Planning Act* are met.

To achieve a streamlined approval process, the CA relies heavily on each municipality to include the CA in pre-consultation meetings, consult with the CA prior to deeming applications complete; and to circulate the planning application, technical reports and plans well in advance of the CA review deadline set by the municipality. This, along with the CA participation during pre-consultation and the applicant meeting the CA technical checklist with good quality studies, is vital to the CA meeting level of service timelines for planning applications.

Other **best practices** for CAs are to ensure that front line staff are trained to understand the tight planning turnaround times and the importance of good information and data management.

3.2 Permit Applications Timelines

Service standards for Section 28 permit applications are specified by the Ministry of Natural Resources and Forestry (MNRF) in the “Policies and Procedures for Conservation Authority Plan Review and Permitting Activities (2010)”. This CO guideline suggests three additional best practices based on practical input from CAs. These details are summarized below, and shown in **Table 3**.

As a **best practice**, the CA will make every effort to be consistent with the timelines shown in **Table 3**. It is important to note that the CA has the ability to identify a target timeline for completion that is reduced from these timelines.

Table 3: Level of Service for CA Review of S. 28 Permit Applications

Note: The timelines contained within this table have been developed as best-practices for CA staff. The timeline guideline is recommended as a client service target for CAs and represent a significant improvement to the timelines provided in the MNRF 2010 Guideline entitled “CA Roles and Responsibilities in Plan Review and Permitting”; the timeline guideline for major permits change from a total of 132 to 63 calendar days and for minor permits change from a total of 72 to 42 calendar days. **All timelines presented exclude statutory holidays.**

Application Process Step	Timeline
Notification of complete application requirements for the purpose of review of the permit application by the CA, start of “paper trail” documentation, and discussion of timelines and fees – Pre-consultation	<ul style="list-style-type: none"> • Major permit applications: Within 14 days of the pre-consultation meeting. • Minor permit applications: Within 7 days of the pre-consultation meeting. <p>This will include confirmation of whether the application is considered major or minor, if the applicant has provided adequate</p>

	<p>information (including the scope and scale of the work) for the CA to make that determination. Some CAs may choose to only notify applicants where the application is determined to be major. This eliminates unnecessary paperwork for minor applications while the process moves seamlessly to a decision.</p> <p>Substantial changes to a proposal or a site visit after pre-consultation may impact this timeline.</p>
Notification whether the permit application is considered complete (i.e. it has met submission requirements) for the purpose of CA review	<ul style="list-style-type: none"> • Major permit applications: Within 21 days of the application being received. • Minor permit applications: within 14 days of the application being received. Some CAs may choose to only notify applicants where the application is determined to be major. This eliminates unnecessary paperwork for minor applications while the process moves seamlessly to a decision. • Routine permit applications: within 10 days of the applications being received. Some CAs may choose to only notify applicants where the application is determined to be major. This eliminates unnecessary paperwork for minor applications while the process moves seamlessly to a decision. • Note that a CA may choose to issue a permit prior to the end of the 21 day period. In that case, no notification of complete application would be received. • Note that if the application is incomplete, the decision timeline does not begin.
Decision (recommendation to approve or refer to a hearing) – Major application	<ul style="list-style-type: none"> • Within 28 days after a complete application is received. • Within 30 additional business days upon each re-submission.
Decision (recommendation to approve or refer to a hearing) – Minor application	<ul style="list-style-type: none"> • Within 21 days after a complete application is received. • 15 additional days upon each re-submission.
Decision (recommendation to approve or refer to a hearing) – Routine application	<ul style="list-style-type: none"> • Within 14 days after a complete application is received. • 7 additional days upon each re-submission

If the CA has not made a decision with regard to an application made under S.28 within the appropriate timeframes noted above, the applicant may contact the senior CA staff serving as a ‘client service facilitator’ for applications issue management first. If the applicant is not satisfied with the response from the client service facilitator, the applicant can submit a request for administrative review by the General Manager or Chief Administrative Officer, and then if not

satisfied, the CA Board. It should be noted that the review timelines may be affected by unexpected circumstances. Clear communication with the municipality and applicant is essential in these situations to establish expectations and new timelines.

The costs associated with implementing the best practices can be recovered through CA fees.

3.3 Summary of Best Practices

Table 4 summarizes the best practices provided within this guideline to support the streamlining of CA review of planning and permit applications. It is divided into those best practices that support the CA review of planning applications or permitting applications or both. It is important to refer to the sections identified for the full context and applicability of the practice.

Table 4: Summary of Best Practices

No.	Summary of Best Practices	Section
CA Review of <i>Planning Act</i> Applications		
1.	The CA-Municipal MOU should include provisions to involve the CA in pre-consultation	2.3.1 Pre-consultation for Planning Applications
2.	The CA should work with the municipality to get CA technical checklists included as part of complete application requirements in municipal Official Plans	2.4.1 Planning Application Submissions
3.	The CA could request the municipality to: include a sign off sheet with the technical work to confirm that the work meets good practice and acceptable, current industry standards for technical studies and was completed by persons with relevant qualifications and experience.	2.4.1 Planning Application Submissions
4.	The CA-Municipal MOU should mutually establish service standards which should include the timelines for plan review applications	3.1 Planning Application Timelines
CA Review of applications made under S. 28 of the <i>Conservation Authorities Act</i>		
1.	The CA regulated area will be displayed as a separate data layer in the online screening map	1.1 Online Screening Maps
2.	The CA will ensure that an approved and updated screening map for the CA regulated area is available to watershed municipalities and the public. The updates will be done per the “Procedure for Updating Section 28 Mapping: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations”, endorsed by Conservation Ontario (April, 2018).	1.1 Online Screening Maps

No.	Summary of Best Practices	Section
3.	The screening map will be searchable by municipal address.	1.1 Online Screening Maps
4.	The CA will make the mapping rationale available.	1.1 Online Screening Maps
5.	The CA will have an agreement that includes a clear disclaimer statement.	1.1 Online Screening Maps
6.	CA websites and fee schedules should include plain language descriptions of the types of services and mapping provided by the CA.	1.1 Online Screening Maps
7.	The CA will define permit applications as “major”, “minor” or “routine”	2.2.2 Permit Application Streams
8.	The CA should try to ensure that the landowner or authorized agent is included in pre-consultation meetings or as a minimum receive correspondence regarding their application	2.3.2 Pre-consultation for Permit Applications
9.	The CA could require the applicant to: include a sign off sheet with the technical work to confirm that the work meets good practice and acceptable, current industry standards for technical studies and was completed by persons with relevant qualifications and experience.	2.4.2 Permit Application Complete Submissions
10.	The CA will make every effort to be consistent with the suggested process and timelines provided in the Ministry of Natural Resources and Forestry (MNRF) publication “Policies and Procedures for Conservation Authority Plan Review and Permitting Activities” (2010) and this CO guideline.	3.2 Permit Application Timelines
11.	The CA should reiterate the technical checklist for studies to applicants at the pre-consultation meeting	2.5 Re-submission
CA Review of <i>Planning Act</i> and S. 28 Applications		
1.	<p>The CA will manage applications efficiently by:</p> <ul style="list-style-type: none"> • Implementing an internal application tracking system. • Identifying a senior CA staff contact to be the ‘client service facilitator’ for plan review and/or permit applications issue management. • The CA will prioritize applications for emergency works to respond to circumstances that pose a risk to life and/or property. The CA will note this in the local CA-municipal MOU. 	2.1 Application Management

No.	Summary of Best Practices	Section
2.	The CA will post all online decision support tools online	1. Online Decision Support Tools (and 1.1, 1.2)
3.	The CA will identify a senior CA staff serving as a 'client service facilitator' for planning and permit applications issue management	2.1, 2.4.2, 3.2, Appendix B

As reiterated throughout this guideline document, **the costs associated with implementing the best practices can be recovered through CA fees.**

4. Performance Evaluation and Reporting

Service information summaries, performance evaluations, and associated reporting strongly support transparency, process improvements and efficiency. Example report tables are provided below. Performance evaluation must be reported to the CA board. Most of the information should be included in public CA Annual Reports. It is recognized that CAs may need time to fully implement the suggested performance evaluation and reporting. Therefore a 2 year a transition period is recommended.

Service delivery and workload information summaries should be reported on a yearly basis including five year actuals. The summary should include a brief description of the program, and capture unusual increases, trends, or routine workloads. **Table 5** provides an example of reporting on annual workloads.

Table 5: Example of Reporting on Workload Actuals

Applications/Inquiries	2018	2017	2016	2015	2014
Number of Permit applications	101	108	221	165	202
Number of Planning applications	25	40	110	90	131
Number of Landowner inquiries* (resulting in comments)	51	57	34	60	45
Number of Lawyer inquiries (resulting in comments)	36	47	90	104	113
Number of hearings					

*The CA can choose to further divide this into: no. of Property Inquiries, no. of Permit Inquiries

The planning and permit review processes must be evaluated on a yearly basis using key performance indicators (KPIs) such as:

- Application review times (see **Table 6**).
- Percent of target timelines that were achieved (see **Table 7**).
- A summary of deferred or delayed applications, reported to the CA Board.
- Identification of publicly available tools, agreements, policies that guide reviews and decision-making:
 - Online screening map
 - CA-Municipal MOUs or Technical Service Agreements
 - CA plan review and regulation approvals policies, procedures and guidelines
 - CA technical checklist for planning applications
 - CA complete application requirements for S. 28 permit applications
 - CA Fee schedules
 - CA Client Service Standards Commitment/Policy.
- If available, client feedback on performance: responsiveness, cooperation, accessibility, issuance of clear guidance.

Some CAs also provide staff time allocation tracking summaries by program (i.e. plan input vs plan review vs permit vs infrastructure/environmental assessments etc.), to support tracking review process performance, assist in supporting justification for fees, and to find process inefficiencies and efficiencies for staffing and resource allocation. The CA may choose to include this within their performance evaluation.

Table 6: Example for Reporting on Permit Application Review Time

Permit Application Stream	No. of permit applications reviewed with decision in 2018			
	Pre-Consultation within 21 days	1-30 days	31-90 days	> 90 days
Routine	10	10	0	0
Minor	7	58	0	0
Major	15	3	40	0

Table 7: Example for Reporting on Timelines Achieved

Application Type	Percent of Applications where the Timeline is Achieved
Official Plan Amendments*	80%
Zoning By-law Amendments*	72%
Plans of Subdivision*	66%

Site Plan Control*	89%
Consents (Severances)*	76%
Minor Variances*	88%
S. 28 Permits**	85%

*Compare to planning application related timelines set in the CA-Municipal MOU

**Compared to CA Level of Service timelines for S. 28 permit applications

The costs associated with performance evaluation and reporting can be recovered through CA fees.

Sources of Information

- Provincial Direction:
 - Policies and Procedures for Conservation Authority Plan Review and Permitting Activities. Ministry of Natural Resources and Forestry. 2010.
- Conservation Ontario Council endorsed procedures:
 - Procedure for Updating Section 28 Mapping: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations. Conservation Ontario Section 28 Regulations Committee. 2018
- CA Policy and Procedural Manuals:
 - Planning and Development Procedural Manual. Toronto and Region Conservation Authority. 2010.
 - Plan Review Manual. Lower Trent Region Conservation Authority. March 2019.
 - Planning and Development Administrative Procedural Document. Credit Valley Conservation Authority. 2011.
 - Rules of Procedure for Permit Application Review and Approval in Accordance with Ontario Regulation 180/06 as amended by Ontario Regulation 63/13 made under Section 28 of the Conservation Authorities Act. Lakehead Region Conservation Authority. July 2018.
 - Ontario Regulation 163/06 Policy document. Lower Trent Region Conservation Authority. October 2018.
- Performance Reporting:
 - CA Staff Report to Board on Customer Service Plan for the Planning and Regulations Program. Long Point Region Conservation Authority. June 17, 2017.
- CA-Municipal Memoranda of Understanding
 - Memorandum of Understanding Between The Regional Municipality of Halton, City of Burlington, Town of Halton Hills, Town of Milton, Town of Oakville, Halton Region Conservation Authority, Credit Valley Conservation Authority, and Grand River Conservation Authority. For An Integrated Halton Area Planning System. July 16, 2018.

- Online Mapping Resources:
 - Lake Simcoe Region Conservation Authority. Ontario Regulation 179/06 Regulated Areas Mapping. Available at:
<https://maps.lsrca.on.ca/EH5Viewer/index.html?viewer=LSRCARegulations>

Appendix A: Example - General Submission for a S. 28 Permit Application

A signed and dated Application for Permit form (complete with the applicant's contact information) should be submitted, along with the other applicable information. This application can be submitted either in digital or hard copy. If the property owner is not applying, then obtain a letter from the property owner identifying that the applicant can act as the agent. The scale and complexity of the proposal will determine which of the studies, reports or design drawings will be needed for the application. A listing of potential studies that may be required can be found in the downloadable document provided below [insert link from the CA website]. The level of detail required for most of the studies and reports can vary widely depending on the property and the proposal. In some situations, a single-page letter from a qualified expert will be sufficient, while in other cases a major study will be necessary.

Permission to Develop

A signed application may contain, but is not limited to the following information:

- 4 copies of a plan of the area showing the type and location of the development
- the proposed use of the buildings and structures following completion of the development; including clarification of municipal or private services (before and after development)
- the approximate start and completion dates of the development
- the elevations of existing buildings, if any, and grades and the proposed elevations of buildings and grades after development
- access/egress on the plan (before and after development)
- drainage details before and after development
- a complete description of the type of fill proposed to be placed or dumped
- signed land owner authorization for the CA to enter the property*
- technical studies/plans as required to meet the regulatory provisions of CA Act S.28**.
- submission of the prescribed fee set by the CA for review of the application.

Permission to Alter

A CA may grant a person permission to straighten, change, divert, or interfere with an existing channel of a river, creek, stream, or watercourse or to change or interfere with a wetland. A signed application may contain, but is not limited to the following information:

- 4 copies of a plan of the area showing plan view and cross-section details of the proposed alteration
- a description of the methods and equipment to be used in carrying out the alteration and access/egress to do the work if applicable
- the start and completion dates of the alteration
- a statement of the purpose of the alteration
- signed land owner authorization for the CA to enter the property
- technical studies/plans as required to meet the regulatory provisions of CA Act S.28**
- submission of the prescribed fee set by the CA for review of the application.

*May not be applicable for works completed under the *Drainage Act*-see *Drainage Act* and *Conservation Authorities Act* Protocol for more details.

** These should include a sign off sheet with the technical work to confirm that the work meets good practice and acceptable, current industry standards for technical studies and was completed by persons with relevant qualifications and experience.

Appendix B: Example - Client Service Delivery Charter for CA Plan and Permit Review Program

We aim to provide a high standard of effective and efficient service to all of our customers of the plan and permit review program. This charter explains our service commitment.

Who are our customers?

- clients of plan and permit application review program including watershed residents, legal staff, real estate staff, engineering and consultants
- municipal and provincial governments

Our commitment to our customers. We will:

- provide customer service that is timely, welcoming and helpful
- provide knowledgeable, professional and courteous service
- treat you with respect, fairness, openness and equality
- ensure it is easy and convenient to contact us
- identify a CA staff as the '**client service facilitator**' for issue management
- maintain customer confidentiality and abide by all privacy legislation
- work to provide accessible services and to the provision of alternate formats, consistent with the *Accessibility Standards for Customer Service*
- ensure our customer service locations are safe and healthy environments

Our customer service standards. We will:

- answer telephone calls to our main reception in person whenever possible during office hours; outside of office hours or when it is not possible to answer a call in person, ensure that messages are forwarded to appropriate staff **within two business days**
- ensure all staff provide a courteous and accurate voicemail greeting indicating when they will be available to respond to messages
- acknowledge receipt of mail, voicemail and email **within two business day**
- explain our processes
- review S. 8 applications **per timelines specified in the Client Service Standards** and planning applications **per the CA-Municipal MOU**
- keep customers informed of timelines and explain if there will be a delay
- post notice of service disruptions on our website and telephone system
- respect our customers' time by keeping scheduled appointments, and strive to attend to general queries from customers without appointments **within two business days**
- use plain language wherever possible, and provide more detail or explanation when asked
- **post screening tools online** including CA regulated area maps, policies, procedures and guidelines, technical checklist for planning applications, complete application requirements for S. 28 permit applications, fee policies and schedules, Client Service Standards

Continuous improvement. We will:

- ensure that all customers have the opportunity to provide feedback on the service received through a CA feedback form
- monitor feedback and review performance regularly, and provide an annual report to our customers via our website
- review our commitments and standards annually

What we expect from our customers. We ask that you please:

- Participate in pre-consultation meetings
- Provide quality technical submissions and complete applications
- Provide requested information or technical resubmissions in a timely fashion
- behave courteously towards our staff and other customers
- be respectful of posted rules including those regarding parking, smoking and pets
- respect our 'no gifts' policy

Approved by the CA Board of Directors.



Guideline for CA Fee Administration Policies for Plan Review and Permitting

Endorsed: June 24, 2019

Guideline for CA Fee Administration Policies for Plan Review and Permitting

Introduction

The following table outlines a methodology for the development of conservation authority fee administration policies for plan review and permitting. As an action from the June 13, 2011 CALC Committee meeting, Conservation Ontario (CO) staff undertook a review of five conservation authorities' (CA) fee administration policies for plan review and permitting to develop CO recommended guidelines, including common elements to be included in administrative policies and fee schedules to ensure consistency across CAs. The documents used included:

1. RVCA's *Administrative Procedures for Cost Recovery (User Fees) for Planning Act and delegated Regulatory Approvals* (2005);
2. GRCA's Board Report (2010) on *Permit, Plan Review, Title Clearance and Enquiry Fee Schedule*;
3. HCA's *Confidential Working Brief on Cost Recovery* (2011);
4. LSRCA's *Planning and Development Fees Policy* (2010) (2019 version used); and
5. TRCA Board Reports (2008, 2010, 2011) on the *Review and Proposed Adjustments to Existing Fee Schedules for Planning Services, Permitting and Environmental Assessment Review Services*

The five CAs were selected based upon an understanding that, at the time, they had recently completed or were in the process of completing a fee review and/or had been asked by their respective Boards to achieve 100% cost recovery. This guideline has since been supplemented with additional insight from Central Lake Ontario's Fee Implementation Guideline (updated in 2014) and Toronto and Region's *Moving Towards Plan Review Cost Recovery and Service Improvements* Fact Sheet (2012).

This guideline sets out the (un-proclaimed) legislative requirements of the *Conservation Authorities Act* for CAs when developing fee policies and schedules, as well as the requirements defined in the MNRF Policies and Procedures for the Charging of Conservation Authority Fees (1997). Where applicable, CO has provided guidelines which clarify the provincial requirements as well as provide additional guidance to support the development of robust fee administration policies and schedules for the CA plan review and permitting programs.

Note: This document is intended to be used as a reference by CAs when developing or updating their respective fee policies and schedules. While focused on fees associated with the CA planning and permitting programs, many aspects in this document can be used to inform the development of a comprehensive fee policy document and fee schedule for all applicable CA fees.

This document was developed by CO staff with input from the Conservation Ontario Timely Reviews and Approvals Taskforce. The final draft document was circulated to all CA CAOs/GMs, as well as forwarded to CA Planning and Regulations contacts for their review and feedback. Comments received from this circulation have been incorporated into this final guideline.

	Un-Proclaimed Provisions of the <i>Conservation Authorities Act</i> (Section 21.2)	MNR Policies and Procedures for the Charging of Conservation Authority Fees (1997)	Conservation Ontario Guidelines for CA Fee Administration Policies for Plan Review and Permitting
Conservation authority fees for programs and services	<p>Fees for programs and services (1) The Minister may determine classes of programs and services in respect of which an authority may charge a fee.</p> <p>Publication of list (2) The Minister shall publish the list of classes of programs and services in respect of which an authority may charge a fee in a policy document and distribute the document to each authority.</p> <p>Updating list (3) If the Minister makes changes to the list of classes of programs and services in respect of which an authority may charge a fee, the Minister shall promptly update the policy document referred to in subsection (2) and distribute the new document to each authority.</p> <p>Where authority may charge fee (4) An authority may charge a fee for a program or service that it provides only if it is set out on the list of classes of programs and services referred to in subsection (2).</p> <p>Amount of fee</p>	<p>4.1 Conservation Authorities are entitled to set rates, charge and collect fees for services rendered.</p> <p>4.2 Conservation Authorities are encouraged to make programs and services more self-sufficient by applying the user-pay principle.</p> <p>5.3 For planning, and compliance-oriented activities such as regulatory or permitting services, the Conservation Authority fee structures should be designed to recover but not exceed the costs associated with administering and delivering the services on a program basis.</p>	<p>CAs may strive for 100% full cost recovery for services not supported through provincial grant funding; however, CA fees must not exceed the costs of delivering services. It is recognized that costs vary by watershed characteristics (i.e. the types of natural hazards needing to be addressed) and the services being delivered and by Board direction with regard to % cost recovery.</p>
		<p>5.1 Pursuant to Section 21(m.1) of the <i>Conservation Authorities Act</i>, Conservation Authorities may charge fees for the following services:</p> <ul style="list-style-type: none"> – Section 28 permit fees – Plan review – Response to legal, real estate and public enquiries – Extension services (e.g., technical advice/implementation of erosion control measures, forest management/tree planting, wildlife/fisheries habitat management, management of forests/recreational land owned by others, technical studies) – Community relations / information / education services (e.g., tours, 	<p>CAs are encouraged to consider the applicability of other fees for services associated with planning application reviews (e.g. Environmental Assessments) when developing fee schedules.</p>

	Un-Proclaimed Provisions of the <i>Conservation Authorities Act</i> (Section 21.2)	MNR Policies and Procedures for the Charging of Conservation Authority Fees (1997)	Conservation Ontario Guidelines for CA Fee Administration Policies for Plan Review and Permitting
	(5) 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.	<p>presentations, workshops, demonstrations, special events)</p> <ul style="list-style-type: none"> – Sale of products (e.g. reports, maps, photographs) – Any services under other legislation (e.g., EPA, LRIA, PLA) authorized under agreement with the lead ministry <p>This is provided the service is not supported through provincial grant funding.</p> <p>5.4 Conservation Authority fees should be determined in such a manner as to not deter applicants from receiving due process.</p>	
Conservation authority fee policies and fee schedules for planning and regulations services and programs	<p>Fee schedule</p> <p>(6) Every authority shall prepare and maintain a fee schedule that sets out,</p> <ul style="list-style-type: none"> (a) the list of programs and services that it provides and in respect of which it charges a fee; and (b) the amount of the fee charged for each program or service or the manner in which the fee is determined. 	<p>5.2 Each CA must develop written policy on a fee administrative guideline, which includes:</p> <ul style="list-style-type: none"> - A fees schedule - A process for public notification about the establishment of or any proposed changes to any fee schedule - A clearly defined review and revision process - An process for appeals for fee structures proposed or in place <p>5.3 Fees for planning services should be designed/administered in conjunction with the appropriate planning authorities, in accordance with Sect. 69 of the <i>Planning Act</i>.</p> <p>5.5 When developing fee schedules, CAs</p>	<p>Eligible direct costs applied to a CA's fee schedule should be specified in the CA fee administrative policy. Eligible direct costs for the plan review and regulations program could include:</p> <ul style="list-style-type: none"> – Staff salary, training and overhead (pension contributions, benefits, CPP, EI, vacation, professional memberships, staff adjustments, etc.) for planning and regulations staff – Appropriate percentage of salary and overhead for staff/consultants that support the plan review and regulations function (e.g. administration, geomatics (GIS) and information technology, engineering, surface water and groundwater specialists, source water protection, natural heritage, property management, senior staff/

	Un-Proclaimed Provisions of the <i>Conservation Authorities Act</i> (Section 21.2)	MNRF Policies and Procedures for the Charging of Conservation Authority Fees (1997)	Conservation Ontario Guidelines for CA Fee Administration Policies for Plan Review and Permitting
		<p>should consider:</p> <ul style="list-style-type: none"> - The fees of neighbouring CAs - Nature/level of fees charged by local municipalities/ministries/other agencies for similar services - Setting fees dependent on complexity of applications/level of CA effort 	<p>management)</p> <ul style="list-style-type: none"> – Compliance costs (e.g. inspections of approved permits, potential violations and enforcement.) – Office Space (lease, building maintenance, heat, lights, water, computers, network, printers, etc.) – Vehicle costs (acquisition, depreciation, maintenance, insurance, gas, etc.) – Equipment and software (mobile phones, cameras, GPS, safety equipment, software acquisition and development etc.) – Permit and planning legal expenses (e.g. annual expenses and contingency reserve) and insurance (e.g. errors and omissions) – Maintenance and development of public resources (website improvements, fact sheets) – Administrative costs (paper, postage, faxing, courier, etc.)

	Un-Proclaimed Provisions of the <i>Conservation Authorities Act</i> (Section 21.2)	MNR Policies and Procedures for the Charging of Conservation Authority Fees (1997)	Conservation Ontario Guidelines for CA Fee Administration Policies for Plan Review and Permitting
	<p>Fee policy (7) Every authority shall adopt a written policy with respect to the fees that it charges for the programs and services it provides, and the policy shall set out,</p> <ul style="list-style-type: none"> (a) the fee schedule described in subsection (6); (b) the frequency within which the fee policy shall be reviewed by the authority under subsection (9); (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. 	<p>5.2 Each CA must develop written policy on a fee administrative guideline, which includes:</p> <ul style="list-style-type: none"> - A fees schedule - A process for public notification about the establishment of or any proposed changes to any fee schedule - A clearly defined review and revision process - An process for appeals for fee structures proposed or in place <p>5.3 Fees for planning services should be designed/administered in conjunction with the appropriate planning authorities, in accordance with Sect. 69 of the <i>Planning Act</i>.</p> <p>5.5 When developing fee schedules, CAs should consider:</p> <ul style="list-style-type: none"> - The fees of neighbouring CAS - Nature/level of fees charged by local municipalities/ministries/other agencies for similar services - Setting fees dependent on complexity of applications/level of CA effort 	<p>CAs must develop a fee administrative policy endorsed by their Board. The fee administrative policy should be made accessible to the public on the CA website.</p> <p>In addition to the provincial requirements, the fee administrative policy should include:</p> <ul style="list-style-type: none"> – A list of eligible costs for calculating conservation authority fees for plan review and permitting and the percentage cost recovery target – A statement that inflationary costs (Cost of Living Adjustments) as well as explanatory notes may be applied to fee schedules without undertaking formal consultation. – A provision outlining the process for payment / collection of fees. – Provision(s) outlining exceptions to the application of fees established on the CA fee schedules. – Provision(s) which outlines the approach taken by the CA (and any applicable transition policies) when applications subject to a technical review transcend multiple annual fee requirements and/or different fee policy documents. Such an approach would outline the process and appropriate fee schedule to be used by the CA for applications which have multiple stages of collection (such as plan of subdivision).
	<p>Fee policy to be made public (8) Every authority shall make the fee policy available to the public</p>	<p>5.2 Each CA must develop written policy on a fee administrative guideline, which includes:</p>	<p>Following endorsement from the conservation authority Board, the approved administrative policy and current fee schedule(s) should be</p>

	Un-Proclaimed Provisions of the <i>Conservation Authorities Act</i> (Section 21.2)	MNR Policies and Procedures for the Charging of Conservation Authority Fees (1997)	Conservation Ontario Guidelines for CA Fee Administration Policies for Plan Review and Permitting
	<p>in a manner it considers appropriate.</p> <p>Periodic review of fee policy (9) At such regular intervals as may be determined by an authority, the authority shall undertake a review of its fee policy, including a review of the fees set out in the fee schedule.</p> <p>Notice of fee changes (10) If, after a review of a fee policy or at any other time, an authority wishes to make a change to the list of fees set out in the fee schedule or to the amount of any fee or the manner in which a fee is determined, the authority shall give notice of the proposed change to the public in a manner it considers appropriate.</p>	<ul style="list-style-type: none"> - A fees schedule - <i>A process for public notification about the establishment of or any proposed changes to any fee schedule</i> - <i>A clearly defined review and revision process</i> - An process for appeals for fee structures proposed or in place 	<p>made available to the public online through the CA website</p> <p>The CA fee administrative policy should outline the consultation process for the CAs' fee policy. The consultation process should clearly state the method(s) by which stakeholders will receive notice and an opportunity to comment on both the policy and the fee schedule during the review/revision process. When developing their fee policy and fee schedule(s), conservation authorities should consult with:</p> <ul style="list-style-type: none"> i. Stakeholders such as the Building Industry and Land Development Association, local Ontario Home Builders' Associations, etc. (i.e. common users / clients of the program) ii. Neighbouring conservation authorities (e.g. comparison of services, eligible costs and percentage cost recovery proposed to and/or approved by the Board) iii. Municipal partners (e.g. proposed significant changes to fee schedules, defining/distinguishing the service(s) provided) <p>– The CA fee administrative policy should outline a process for the review/revision of the conservation authority fee policy and the fee schedule(s), outlining the frequency within which the review will be conducted by the authority and the process for notifying the public on</p>

	Un-Proclaimed Provisions of the <i>Conservation Authorities Act</i> (Section 21.2)	MNRF Policies and Procedures for the Charging of Conservation Authority Fees (1997)	Conservation Ontario Guidelines for CA Fee Administration Policies for Plan Review and Permitting
			proposed changes. It is recommended that fee schedules should be reviewed at minimum every five years and more frequently, dependent upon the type and rate of growth within a watershed. At the time of the review of the fee schedules and the associated consultation feedback, a CA Board has the opportunity to consider the necessity of a further review/revision to the fee administration policy.
Process for mediation of fee disputes	Reconsideration of fee charged (11) 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.	5.2 Each CA must develop written policy on a fee administrative guideline, which includes: <ul style="list-style-type: none"> - A fees schedule - A process for public notification about the establishment of or any proposed changes to any fee schedule - A clearly defined review and revision process - <i>An process for appeals for fee structures proposed or in place</i> 	CAs must develop a written fee administration policy which includes an appeals process per MNRF requirements. The fee appeal process should include the following elements: <ul style="list-style-type: none"> – the applicant should request an administrative review of the fee first by the CA General Manager or Chief Administrative Officer (or delegate) and then if not satisfied, by the CA Board of Directors or sub-committee designated to hear fee-related matters. – the applicant should specify the reason(s) for the request for an administrative review.
	Powers of authority on reconsideration (12) Upon reconsideration of a fee that was charged for a program or service provided by an authority, the authority may, <p>(a) order the person to pay the fee in the amount</p>		

	Un-Proclaimed Provisions of the <i>Conservation Authorities Act</i> (Section 21.2)	MNRF Policies and Procedures for the Charging of Conservation Authority Fees (1997)	Conservation Ontario Guidelines for CA Fee Administration Policies for Plan Review and Permitting
	<p>originally charged;</p> <p>(b) vary the amount of the fee originally charged, as the authority considers appropriate; or</p> <p>(c) order that no fee be charged for the program or service.</p>		

**POLICIES AND PROCEDURES FOR CONSERVATION
AUTHORITY PLAN REVIEW AND PERMITTING
ACTIVITIES**

POLICIES AND PROCEDURES FOR CONSERVATION AUTHORITY PLAN REVIEW AND PERMITTING ACTIVITIES

The intent of this chapter is to describe the roles of Conservation Authorities (CAs) in the areas of municipal planning, plan review, and Conservation Authorities Act S. 28 permitting related to development activity and natural hazard prevention and management and the protection of environmental interests.

PART A - BACKGROUND

1.0 DESCRIPTION OF CONSERVATION AUTHORITY ROLES AND ACTIVITIES

Conservation Authorities (CAs) are corporate bodies created through legislation by the province at the request of two or more municipalities in accordance with the requirements of the *Conservation Authorities Act (CA Act)*. Each CA is governed by the CA Act and by a Board of Directors whose members are appointed by participating municipalities located within a common watershed within the CA jurisdiction. CA Board composition is determined by the CA Act according to the proportion of the population from participating municipalities within the watershed.

Section 20 of the *CA Act* sets out the objects for CAs to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals. Section 21 of the CA Act outlines the powers of CAs including the power to establish watershed-based resource management programs and/or policies and the power to charge fees for services, the services for which are approved by the Minister of Natural Resources.

The fundamental provincial role for all CAs focuses on water related natural hazard prevention and management and includes flood and erosion control.

CAs may undertake the following roles and activities:

- i. Regulatory Authorities- Under Section 28 of the CA Act, subject to the approval of the Minister of Natural Resources and in conformity with the Provincial Regulation 97/04 governing the content, CAs may make regulations applicable to the area under its jurisdiction to prohibit, restrict, regulate or give required permission for certain activities in and adjacent to watercourses (including valley lands), wetlands, shorelines

of inland lakes and the Great Lakes-St. Lawrence River System and other hazardous lands

- ii. Delegated 'Provincial Interest' in Plan Review- As outlined in the Conservation Ontario/ Ministry of Natural Resources (MNR) /Ministry of Municipal Affairs and Housing (MMAH) Memorandum of Understanding (MOU) on CA Delegated Responsibilities (Appendix 1), CAs have been delegated responsibilities from the Minister of Natural Resources to represent the provincial interests regarding natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2005 (PPS, 2005)*. These delegated responsibilities require CAs to review and provide comments on municipal policy documents (Official Plans and comprehensive zoning by-laws) and applications submitted pursuant to the *Planning Act* as part of the Provincial One-Window Plan Review Service
- iii. Resource Management Agencies- In accordance with Section 20 and 21 of the CA Act, CAs are local watershed-based natural resource management agencies that develop programs that reflect local resource management needs within their jurisdiction. Such programs and/or policies are approved by the CA Board of Directors and may be funded from a variety of sources including municipal levies, fees for services, provincial and/or federal grants and self-generated revenue.
- iv. Public Commenting Bodies- Pursuant to the *Planning Act*, CAs are 'public commenting bodies', and as such are to be notified of municipal policy documents and planning and development applications. CAs may comment as per their Board approved policies as local resource management agencies to the municipality or planning approval authority on these documents and applications.

CAs may also be identified as commenting bodies under other Acts and Provincial Plans as outlined under Section 2.0 of this document and Appendix 4.

- v. Service Providers- Individual CAs may enter into service agreements with federal and provincial ministries and municipalities to undertake regulatory or approval responsibilities and/or reviews (e.g. reviews under the *Fisheries Act* Section 35; septic system approvals under the Ontario Building Code).

CAs may also perform a technical advisory role to municipalities. as determined under the terms of service agreements. These services may include, matters related to policy input and advice, the assessment or analysis of water quality and quantity, environmental impacts, watershed science and technical expertise associated with

activities near or in the vicinity of sensitive natural features, hydrogeology and storm water studies.

- vi. Landowners- CAs are landowners, and as such, may become involved in the planning and development process, either as an adjacent landowner or as a proponent. Planning Service Agreements with municipalities have anticipated that as CAs are also landowners this may lead to a conflict with the CA technical advisory role to municipalities. This potential conflict of interest is addressed by establishing a mechanism for either party to identify a conflict and implement an alternative review mechanism as necessary.

2.0 LEGISLATION

2.1 *Conservation Authorities Act*

2.1.1 Section 20 of the *CA Act* describes the objects of a CA, which are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development, and management of natural resources other than gas, oil, coal, and minerals.

2.1.2 Section 21 of the *CA Act* lists the powers which CAs have for the purpose of accomplishing their objects. The objects identified in the *CA Act* relevant to this chapter include:

- (a): to study and investigate the watershed and to determine a program whereby the natural resources of the watershed may be conserved, restored, developed and managed;
- (e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith;
- (l) to use lands that are owned or controlled by the authority for purposes, not inconsistent with its objects, as it considers proper;
- (m) to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof;
- (m.1) to charge fees for services approved by the Minister (see Policies and Procedures manual chapter on CA fees);
- (n): to collaborate and enter into agreements with ministries and agencies of government, municipal councils, local boards and other organizations;
- (p) to cause research to be done;
- (q) generally to do all such acts as are necessary for the due carrying out of any project. R.S.O. 1990, c. C.27, s. 21; 1996, c. 1, Sched. M, s. 44 (1, 2); 1998, c. 18, Sched. I, s. 11.

2.1.3 Pursuant to Section 28 (1) of the *CA Act* and in accordance with Ontario Regulation (O. Reg.) 97/04 “Content of Conservation Authority Regulations under Subsection 28(1) of the Act: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses” (i.e. Generic or Content Regulation)”, “subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction,

(b) prohibiting, regulating or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;

(c) prohibiting, regulating, or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

2.1.4 Section 28 (25) of the *CA Act* defines development as meaning:

- a) the construction, reconstruction, erection, or placing of a building or structure of any kind
- b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure
- c) site grading
- d) the temporary or permanent placing, dumping, or removal of any material originating on the site or elsewhere

Note: This definition for “development” differs from the definition that is contained in the *PPS, 2005* (see Section 2.2.5). The relevant definition needs to be applied to the appropriate process.

2.1.5 *CA Act S. 28 and the Green Energy Act*

Conservation Authorities review renewable energy project proposals within their regulated areas as per the provisions of *CA Act* sections 28. (1)(b) and (c). Permission of the CA is required for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland.

As per Section 28. (13.1), permission will be granted, with or without conditions, for development related to a renewable energy project unless it is in the opinion of the Conservation Authority, the control of flooding, erosion, dynamic beaches or pollution will be affected by the development or activity. Where possible, CA permit application review and decision-making will be concurrent with the review and issuance of approvals from provincial Ministries. The timelines for permit

applications related to renewable energy projects may differ from the timelines prescribed in this document due to the alignment with provincial Ministries.

2.2 *Planning Act*

2.2.1 Section 3(1) of the *Planning Act* provides for the issuance of policy statements on matters relating to municipal planning that are of provincial interest (e.g. *PPS, 2005*). Through the Minister's delegation letter and the accompanying MOU (Appendix 1), specific responsibilities have been delegated to CAs to ensure that decisions on development applications by planning approval bodies made pursuant to the *Planning Act* are consistent with the natural hazard policies of the *PPS, 2005*.

2.2.2 Section 3(5) and 3 (6) of the *Planning Act* requires that in respect of the exercise of any authority that affects a planning matter including comments, submissions, advice and decisions of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Ontario Municipal Board, shall be consistent with provincial policy statements that are in effect on the date of the decision and conform with and not conflict with provincial plans (e.g. Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe, Oak Ridges Moraine Conservation Plan, Central Pickering Development Plan, Lake Simcoe Protection Act etc.) that are in effect on that date (See Appendix 4 for listing).

2.2.3 Section 26 of the *Planning Act* requires municipalities to revise Official Plans every five years to ensure the Municipal Official Plans do not conflict with and must conform to provincial plans and have regard to provincial interests as outlined in Section 2 of the *Planning Act* and are consistent with provincial policy statements issued under Section 3 (1).

2.2.4 Development, as defined in the *PPS*, means the creation of a new lot, a change in land use, or the construction of buildings and structures, requiring approval under the *Planning Act*, but does not include:

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process
- b) works subject to the *Drainage Act*; or
- c) for the purposes of policy 2.1.3(b), underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 2.1.4(a).

2.3. *Other Acts*

While the primary purpose of this chapter is to address the roles of CAs under the *Planning Act* and the *CA Act*, CAs may have responsibilities under additional

legislation including the federal *Fisheries Act* and the *Clean Water Act*. In addition to these pieces of legislation, there are various authorizations, approvals, permits, etc., which may be required from other agencies. It should be noted that a CA Act Section 28 permission, if granted for work, does not exempt the applicant from complying with any or all other approvals, laws, statutes, ordinances, directives, regulations, etc. that may affect the property or the use of same.

2.3.1 *Fisheries Act*

CAs may have individual agreements with Fisheries and Oceans Canada (DFO) to review proposed works for its potential harmful alteration, disruption or destruction (HADD) of fish habitat pursuant to Section 35 of the federal *Fisheries Act*.

There are three different levels of agreements:

- Level 1 screening where the CA conducts the initial review of the project to identify any impacts to fish and fish habitat and if potential impacts to fish and fish habitat are found, the project is forwarded to the local DFO district office for further review;
- Level 2 screening and mitigation planning where in addition to the above, the CA determines how the proponent can mitigate any potential impacts to fish and fish habitat and if mitigation is not possible the project is forwarded to the local DFO district office for further review; and,
- Level 3 full mitigation and compensation planning, where in addition to all of the above, the CA works with the proponent and DFO to prepare a fish habitat compensation plan and the project is then forwarded to the local DFO office for authorization under the federal *Fisheries Act*.

CAs do not possess the authority to grant an authorization for a HADD of fish habitat. Applications requiring an authorization for a HADD are referred by the CA to DFO for approval.

2.3.2 *Clean Water Act*

CAs have a role in the Ministry of the Environment (MOE) led provincial initiative under the *Clean Water Act* (CWA)(2006) in exercising and performing the powers and duties of a source protection authority for a source protection area established by CWA regulation. In acting as source protection authorities under the CWA, during the source protection plan development phase, tasks include:

- Collection, analysis and compilation of technical and scientific information and data (watershed characterizations, water budgets, etc.)

- Local engagement, consultation, information management and communications
- Key supporting role to respective source protection committees which includes funding
- Coordinating technical work with municipalities and others

Once the first source protection plan is approved, the Minister of the Environment will specify a date by which a review of the plan must begin and the source protection authority ensures that the review and those that follow are conducted in accordance with the CWA and the regulations

2.3.3 *Environmental Assessment Act (EA Act)*

The purpose of the *Environmental Assessment Act* is the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment. CAs review and comment on Class and Individual Environmental Assessments that occur within their jurisdiction under the *EA Act*. CAs bring local environmental and watershed knowledge into the review and assessment process.

It is a requirement for proponents to identify and consult with government agencies and may include CAs if the proposed project may have an impact on an item related to the CA's areas of interest (e.g. regulatory authority or as service providers-see section 1.0). The MOE is responsible for the administration of the *Environmental Assessment Act* and ensuring that proponents meet the requirements of this Act. The Minister of Environment is the approval authority for decisions under the *Environmental Assessment Act*.

CAs as landowners may also be the proponent under the *EA Act* for proposed projects that may occur on CA lands. The *Class Environmental Assessment for Remedial Flood and Erosion Control Projects* (Class EA) establishes a planning and approval process for a variety of remedial flood and erosion control projects that may be carried out by CAs. This Class EA sets out procedures and environmental planning principles for CAs to follow to plan, design, evaluate, implement and monitor a remedial flood and erosion control project so that environmental effects are considered as required under the *Environmental Assessment Act*. Approval of this Class EA allows CAs to undertake these projects without applying for formal approval under the *Environmental Assessment Act*, on the condition that the planning and design process outlined in the Class EA is followed and that all other necessary federal and provincial approvals are obtained.

2.3.4 *Aggregate Resources Act (AR Act)*

The purposes of the *AR Act* are to provide for the management of the aggregate resources of Ontario; to control and regulate aggregate operations on Crown and private lands; to require the rehabilitation of land from which aggregate has been excavated; and to minimize adverse impact on the environment in respect of aggregate operation.

Under *CA Act* Section 28 (11), areas licensed for aggregate extraction under the *AR Act* are exempt from *CA* permitting activities. However, *CAs* may bring local environmental and watershed knowledge into the application review process. *CAs* are afforded an opportunity to review and provide comments directly, or through their participating municipalities, to MNR on applications submitted under the *AR Act*, during the application review and consultation process. MNR is the approval authority for license applications submitted pursuant to the *AR Act*, whereas municipalities are the approval authorities with respect to applications submitted pursuant to the *Planning Act*.

As with other applications submitted pursuant to the *Planning Act*, *CAs* may review Official Plan amendments, zoning bylaw amendments and other applications for proposed new or expanded aggregate operations submitted pursuant to the *Planning Act*, and comment in an advisory capacity to municipalities making decisions on *Planning Act* applications.

2.3.5 *Drainage Act*

The *Drainage Act* is administered by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and is implemented by the local municipality. The *Drainage Act* defines the terms by which a drainage project may be initiated and prescribes the various stages of the procedure (e.g. engineer's report, consultation, appeals, construction) that must be followed by municipalities in the development of this municipal drainage infrastructure. The local municipality is also responsible for the maintenance, repair and management of the drainage systems that are developed through this procedure.

CAs are involved with drainage matters in three ways:

- 1) Since 1949, drainage petitions for new drains and improvements to existing drains are circulated to *CAs* for comment as required under the *Drainage Act* S. 4 and S. 78 respectively. *CAs* may request an environmental appraisal for new drainage works. Once an engineer's report has been drafted for the proposed drainage works, the *Drainage Act* provides *CAs* with a right to appeal the proposed project to the *Drainage Tribunal*.
- 2) *CAs* under agreement with Fisheries and Oceans Canada (DFO) undertake *Fisheries Act* Section 35 authorization reviews under a drainage class system. While *CAs* do not give final approval on authorization requests, they review applications and form recommendations that are forwarded to DFO for approval decisions.

- 3) As some drains meet the definition of a 'watercourse' under Section 28 of the CA Act, CA permissions (permits) may be required for new drainage works and drain improvements, maintenance and repair activities. Please refer to the Drainage Act and (CA) Regulation Protocol (under development 2010) for more details.

2.3.6 Ontario Water Resources Act (OWRA)

Under the OWRA, Certificates of Approval are required for stormwater management infrastructure from MOE as the approval authority. CAs often undertake a public commenting role on Certificates of Approval applications.

SUMMARY TABLE: CA Roles, Relevant Reference Sections and Legal Authority

Role	Relevant Section in this document	Legal Authority-legislation (or other)
Regulatory Authorities	Section 3.7 Section 6.0 (6.2, 6.3, 6.5, 6.6, 6.7) Section 7.0 Section 8.0 Appendix 2c Appendix 3	CA Act S. 28 O. Reg 97/04 O. Regs 42/06, 146/06 to 179/06, 181/06, 182/06, and 319/09.
Delegated 'Provincial Interest' in Plan Review	Section 3.0 (3.1, 3.2, 3.7) Section 6.0 (6.1,6.2,6.3,6.4, 6.5, 6.8) Section 8.0 Appendix 1 Appendix 2 a and b	CO/MNR/MMAH MOU of CA Delegated Responsibilities Section 3.1 of the Provincial Policy Statement
Resource Management Agencies	Section 3.0 (3.4, 3.6, 3.8) Section 4.0 Section 6.0 (6.5, 6.8, 6.9,6.10) Section 8.0	CA Act S. 20 and S. 21 CA Board Approved policies and programs
Public Commenting Bodies	Section 3.0 (3.3,3.4,3.6,3.7) Section 6.0 (6.2,6.5,6.6,6.8,6.9, 6.10)	Planning Act: S. 17.15, 17.20, 17.21 Other legislation: Clean Water Act S. 4.2, S. 6, S. 7.6, S. 10.1 etc. Drainage Act S. 4, S. 5.1, S. 6.1, S. 10.2, S. 10.8, S. 41.1, S. 49, S. 74, S. 78.2, Aggregates Resource Act Environmental Assessment Act Provincial Plans (see appendix 4)
Service Providers	Section 3.0 (3.4,3.5, 3.7, 3.8) Section 4.4 Section 6.0 (6.2, 6.3, 6.5, 6.6,6.7,6.8,6.9) Section 8.0	CA Act S. 21 Federal Fisheries Act via Agreements MOUs (Municipal and other agency)
Landowners	Section 3.0 (3.8)	CA Act S. 21, and S. 29

PART B – POLICY

3.0 GENERAL

3.1 CAs have been delegated responsibility to review municipal policy documents and applications under the *Planning Act* to ensure that they are consistent with the natural hazards policies Section 3.1 of the *PPS, 2005*. CAs have not been delegated responsibilities to represent or define other provincial interests on behalf of the Province under the *Planning Act*, the *PPS, 2005* or other provincial legislation (e.g. *Endangered Species Act, 2007*) or provincial plans (e.g. Oak Ridges Moraine Conservation Plan, etc.).

3.2 Under the CO/MNR/MMAH MOU on CA Delegated Responsibilities, CAs have a commenting role in approval of new or amended ‘Special Policy Areas’ for flood plains under Section 3.1.3 of the PPS, where such designations are feasible. Special Policy Areas (SPAs) are areas within flood plain boundaries of a watercourse where exceptions to the development restrictions of the natural hazards policy (3.1) in the Provincial Policy Statement (PPS), 2005, may be permitted in accordance with technical criteria established by the MNR.

CAs provide supportive background and technical data regarding existing and proposed SPAs. New SPAs and any proposed changes or deletions to existing boundaries and/or policies are approved by both the Ministers of Natural Resources and Municipal Affairs and Housing, with advice from CAs, prior to being designated by a municipality or planning approval authority.

3.3 CAs are considered public commenting bodies pursuant to Section 1 of the *Planning Act* and regulations made under the *Planning Act*. As such, CAs must be notified of municipal policy documents and applications as prescribed. To streamline this process, CAs may have screening protocols with municipalities, normally through service agreements, which identifies those applications that CAs should review.

3.4 In addition to CAs’ legislative requirements and mandated responsibilities under the CA Act, Section 28 Regulations as regulatory authorities, and Section 3.1 of the PPS as delegated plan reviewers for provincial interest, the CAs’ role as watershed-based, resource management agencies also allows CAs to review municipal policies, planning documents and applications pursuant to the *Planning Act* as a ‘public commenting body’ as outlined in the CO/MNR/MMAH MOU on CA Delegated Responsibilities. (Appendix 1)

To inform their review of municipal planning documents and planning applications, under the *Planning Act*, CAs may develop policies and strategies related to their CA Board mandates and agreements for technical services with municipalities and other levels of government. Such CA policies are advisory

and may be incorporated into an Official Plan in which case they become adopted as municipal policy. When providing comments to municipalities or planning approval authorities, CAs should identify the role(s) and legislative authority under which they are doing so (e.g. *PPS, 2005, CA Act* Section 28 Regulations, *Federal Fisheries Act*, advisory, etc.).

3.5 Where CAs have entered into an agreement with municipalities or other levels of government for any technical services, CAs should provide the technical services (e.g. providing natural heritage advice), as prescribed by the agreement. Technical service agreements with municipalities may cover a broad range of issues, including stormwater management, natural heritage features and systems advice, groundwater monitoring, etc. These agreements may also include a process to resolve disputes that may occur in the delivery of the services between the municipality and a conservation authority.

3.6 In some cases, provincial plan (e.g. Oak Ridges Moraine Conservation Plan; Greenbelt Plan; Lake Simcoe Protection Plan, Central Pickering Development Plan) requirements may exceed CA regulatory requirements and such greater requirements take precedence. For example, the provincial plans may have greater requirements for vegetation buffers or more restrictions on the uses permitted than the CA regulatory requirements.

A typical requirement of the legislation for those plans is that comments, submissions, or advice provided by CAs, that affect a planning matter within those areas, shall conform with the provincial plan (refer to 6.9). Similarly, where there are regulations (including *CA Act* Section 28 and the *Fisheries Act*) that are more restrictive than those contained in these provincial plans, the more restrictive provisions prevail.

3.7 The “principle of development” is established through *Planning Act* approval processes, whereas the *CA Act* permitting process provides for technical implementation of matters pursuant to Section 28 of the *CA Act*. The scope of matters that are subject to *CA Act* S. 28 regulations is limited to the activities in areas set out under Section 28(1) and Section 28(5) of the *CA Act*.

CAs should ensure that concerns they may have regarding the establishment of the “principle of development” are conveyed to the municipality/planning approval authority during the preparation of a municipal Official Plan, secondary plan or Official Plan amendment, or during the *Planning Act* approvals process and not through the *CA Act* S. 28 permitting process.

An established ‘principle of development’ does not preclude the ability of the CA (or MMAH as per the MOU) to appeal a planning matter to the Ontario Municipal Board (OMB) (e.g., based on newer technical information relevant to the PPS). It is recognized that there may be historic planning approval decisions that were made in the absence of current technical information which could now preclude

development under the *CA Act* regulations. Where possible, if an issue remains unresolved, the CA should work with the proponent and the municipality to pursue a resolution.

3.8 CAs may provide a number of other programs and services (extension services, community relations, information, education services and permissions under other legislation) that may or may not be linked to applications made pursuant to the *Planning Act* or *CA Act* S. 28 regulation permissions. These programs and services are not governed by this chapter.

4.0 CONSERVATION AUTHORITY POLICY FORMATION AND CONSULTATION

4.1 CAs should give public notice and undertake public and stakeholder consultation prior to submission for CA Board approval of all proposed policies, watershed and subwatershed plans, guidelines or strategies that are intended to be used by the CA to comment on future land use and land use planning and inform CA review of applications made pursuant to the *Planning Act*. The CA is only responsible for coordinating consultation where it has been delegated as the lead for the watershed or subwatershed planning processes by the participating municipality or municipalities..

4.2 CAs should give public notice and undertake public consultations prior to submission for CA Board approval of proposed service delivery policies and procedures for *CA Act* Section 28 permit applications (e.g. complete applications).

4.3 The public should be provided the opportunity to speak to the proposed policies and guidelines referenced in 4.1 and 4.2 at the relevant CA Board meetings.

4.4 CAs should make any agreements between the CA and participating municipalities or other government agency publicly accessible (e.g. posted on the CA's website where available).

5.0 APPLICATION PROCESSES

Attached are **three charts** which illustrate the application processes under both the *Planning Act* and the *Conservation Authorities Act* S. 28 and practices to promote effective and efficient processes between them:

- municipal planning application process with CA review (e.g. stand-alone site plan control) (Appendix 2a)
- municipal planning application process (e.g. subdivision) with CA review and requirement for *CA Act* S. 28 permit(s) (Appendix 2b)

- stand-alone CA Act S. 28 “Development, Interference with Wetlands, Alterations to Shorelines and Watercourses” regulation permit application process (Appendix 2c)

6.0 POLICIES AND PROCEDURES FOR MUNICIPAL PLAN REVIEW BY CONSERVATION AUTHORITIES

6.1 ‘Provincial Interest’ Memorandum of Understanding of CA Delegated Responsibilities

Through the Minister’s delegation letter and under the accompanying MOU signed in 2001, CO, MNR and MMAH agreed to support the provisions of the MOU as an appropriate statement of the roles and responsibilities of the relevant Ministries and CAs in the implementation of the *PPS* and now continued in the *PPS, 2005*.

Pursuant to the delegation letter and the MOU, CAs have been delegated the responsibility to review municipal policy documents and planning and development applications submitted pursuant to the *Planning Act* to ensure that they are consistent with the natural hazards policies found in Section 3.1 of the *PPS, 2005*. These delegations do not extend to other portions of the *PPS, 2005* unless specifically delegated or assigned in writing by the Province. For further detail, please refer to the MOU in Appendix 1.

Note: At the time of signing, the 2001 CO/MNR/MMAH MOU stipulates that plan review was to determine whether application had “regard to” Section 3.1 of the *PPS, 1997*, while the amendment made to the *Planning Act* 3 (5) and 3 (6) by the *Strong Communities (Planning Amendment) Act* (Bill 51) and described in S. 4.2 of the *PPS, 2005* changes this wording, “to be consistent with” the policies outlined in the *PPS, 2005*.

6.2 The *PPS, 2005* provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The policies of the *PPS* may be complemented by provincial plans or by locally-generated policies regarding matters of municipal interest. Provincial plans and municipal Official Plans provide a framework for comprehensive, integrated and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.

CAs are encouraged to develop watershed and subwatershed management plans to inform municipalities in the municipalities creation and updating of Official Plan policies*. Watershed plans may also provide technical information and recommendations for municipalities when making decisions on planning applications.

In carrying out their delegated responsibilities, CAs should identify natural hazard lands for protection in Official Plans and comprehensive zoning by-laws. This will ensure that development is directed away from areas of natural hazards where there is an unacceptable risk to public health or safety or of property damage (Section 3.1, *PPS*, 2005). The understanding by all parties as to the establishment of the “principle of development” by *Planning Act* approval process and the location of proposed works at the planning stage, as per section 3.7 of this Chapter, allows the CA to focus on technical requirements and site constraints at the *CA Act* S. 28 permitting review process.

*Footnote: in some areas of the province (e.g., Oak Ridges Moraine Conservation Plan Area) there is a requirement for every municipality to prepare a watershed plan and to incorporate the objectives and requirements of the watershed plan into the Official Plan if the municipality wishes to permit major development within that watershed.

6.3 CAs should collaborate with municipalities to recommend policies and provisions for inclusion into Official Plan policies for complete planning application requirements so that information or studies needed by the CA for reviewing *Planning Act* applications from the delegated responsibility for natural hazards policies found in Section 3.1 of the *PPS* is addressed early in the process.

6.4 CAs should ensure that all concerns relevant to their delegated responsibilities for natural hazards are made available to municipalities and planning approval authorities under the *Planning Act* during the application review process.

In participating in the review of development applications under the *Planning Act*, CAs should, at the earliest opportunity:

- (i) ensure that the applicant and municipal planning authority are also aware of the Section 28 regulations and requirements under the *CA Act*, and,
- (ii) assist in the coordination of applications under the *Planning Act* and the *CA Act* to eliminate unnecessary delay or duplication in the process.

6.5 CAs should confer with municipalities to recommend policies and provisions for potential inclusion into Official Plans and comprehensive zoning by-laws that may be complementary to their CA Board-approved policies as resource management agencies and other planning responsibilities as outlined in Section 1.0 to ensure that municipal land use decisions may address them.

6.6 Recognizing that there is no requirement for municipalities to invite CAs to pre-consultation meetings, CAs should also contact municipalities, where appropriate, to ensure that the CAs are involved in pre-consultation and attend associated meetings on *Planning Act* applications, especially where such

applications may trigger a related permit application under the *CA Act* S. 28. Technical service agreements between municipalities and individual CAs may formalize arrangements for CA involvement in pre-consultation. As coordinated by the municipality or planning approval authority, depending on the scope of the project, pre-consultation could include staff from the following parties: CAs, the municipality (for example, planning and engineering staff), the applicant, consultants, the developer (owner) and may be supplemented by staff from provincial ministries, Parks Canada and any other government agencies.

6.7 If involved in providing a technical advisory role, CAs and municipalities should establish formal technical service agreements. CAs should ensure that the service agreement with a municipality addresses obligations of the CA to participate in pre-consultation and other meetings; how the CA may participate in OMB hearings or other tribunals; how the parties or participants may be represented at hearings for the purpose of legal representation; and, limits on the CA's ability to represent the municipality's interests. Service agreements or contracts should specify that regular reviews by the parties of the agreement or contract are required and should be publicly accessible (e.g. posted on the respective CA and municipal websites).

6.8 CAs shall operate in accordance with the provisions of the CO-MNR-MMAH MOU when undertaking their roles in plan review. This will include informing a municipality as to which of their CA comments or inputs, if any, pertain to the CA's delegated responsibilities for the provincial interest on natural hazards and which set of comments are provided on an advisory basis or through another type of authority (e.g. as a 'resource management agency' or as a 'service provider' to another agency or the municipality).

6.9 MNR has natural heritage responsibilities under the *PPS 2005* and some provincial plans (as outlined in appendix 4) for the delineation and technical support in the identification of natural heritage systems, the identification or approval of certain natural heritage features as significant or key features, and the identification of criteria related to these features. As part of the CA commenting or technical advisory function, some CAs identify natural heritage features and systems through the initial plan review process. CA developed natural heritage systems are advisory unless corresponding designations and policies are incorporated into the municipal Official Plan (i.e., municipality has the decision-making authority under the *Planning Act*). Where service agreements are in place with participating municipalities, CAs are encouraged to collaborate with local MNR District offices to ensure the appropriate and best available information on natural heritage is provided to a municipality. MNR is responsible for notifying municipalities and CAs when there is new information about a feature for which MNR has responsibilities; for example, a wetland is evaluated and approved as a provincially significant wetland (PSW), so that advice can be given and decisions made accordingly.

Where provincial plans and associated guidance materials apply, CA comments shall reflect the policy direction contained in these provincial plans or guidance materials as these pertain to matters relating to natural heritage systems and features, including:

1. Definitions of "significant" features;
2. Minimum setbacks for these defined features;
3. Outlining a process for determining whether the minimum setbacks are adequate and, if not, recommend appropriate setbacks;
4. Specifying permitted uses, set backs and policies within identified significant features;
5. Delineation of natural heritage systems.

6.10 CAs may provide input, as a public commenting body or 'resource management agency', on matters of local or regional interest within their watershed with respect to natural heritage with participating municipalities and liaise with the MNR regarding natural heritage interests including and beyond those covered by 6.9 (those of "provincial interest") to promote sharing of the most up-to-date natural heritage information and to promote coordinated planning approaches for these interests.

7.0 CONSERVATION AUTHORITIES ACT SECTION 28 PERMITTING

7.1 Background Information

Pursuant to Section 28 of the *CA Act*, under Ontario Regulation 97/04 "Content of Conservation Authority Regulations under Subsection 28 (1) of the Act: "Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses" (Generic or Content Regulation), each CA has developed individual regulations approved by the Minister that identify and regulate certain activities in and adjacent to watercourses (including valley lands), wetlands, shorelines of inland lakes and hazardous lands'. In general, permissions (permits) may be granted where, in the opinion of the CA, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land is not impacted..

An application for a CA Act S. 28 permission (permit) is made, usually by the landowner or an agent on behalf of a landowner or an infrastructure manager and owner such as a Municipal Corporation. Information required to support an application is outlined in Appendix 3.

When the O. Reg 97/04 (the Content or Generic Regulation) was developed, three related procedural guidelines were prepared to assist in delivering the individual CA regulations:

1. Guidelines for developing schedules of regulated areas
2. Section 28(12) *CA Act* Hearings Guideline
3. Approvals Process Guideline

These and other future MNR approved guidelines or protocols may be used in implementation of the Regulation (e.g. *Drainage Act* and Regulation Protocol currently being prepared for 2010).

7.2 Pre-consultation on Permission (Permit) Applications

7.2.1 Pre-consultation is encouraged to provide clarity and direction, to facilitate receipt of complete applications and to streamline the CA Act S. 28 permission (permit) review and decision making process. To meet these objectives, depending on the scale and scope of the project, pre-consultation may include staff from the following parties: CAs, the municipality (for example, planning and engineering staff), the applicant, consultants, the developer and owner, and may be supplemented by staff from provincial ministries, Parks Canada and any other appropriate government agencies; and may occur concurrently with *Planning Act* pre-consultation.

7.2.2 CAs may request pre-consultation, prior to the submission of a permission (permit) application, to provide an opportunity for CAs and applicants to determine complete application requirements for specific projects. Applicants are encouraged to engage in pre-consultation with CAs prior to submitting an application.

7.2.3 Applicants may request CAs to undertake pre-consultation, prior to the submission of a permission (permit) application, to provide an opportunity for CAs and applicants to determine complete permit application requirements for specific projects. CAs should engage in pre-consultation in a timely manner so as not to delay the proponent's ability to submit an application.

7.2.4 In order to determine complete application requirements, applicants should submit in writing adequate information for pre-consultation, such as property information (lot number, concession number, township, etc.), a concept plan of the proposed development which shows the property limit, and a description of what is being proposed (i.e. what is being planned and when the work will take place).

7.2.5 CAs should identify and confirm complete application requirements for specific projects, in writing, within 21 days of the pre-consultation meeting. However, substantial changes to a proposal or a site visit after pre-consultation may warrant further pre-consultation and/or necessitate changes to the complete application requirements.

7.3 Complete Permission (Permit) Application

7.3.1 CAs are encouraged to develop written, CA Board-approved, publicly accessible, procedures and guidelines or checklists that define the components

of a complete application, and reflect recommended timelines to process applications and provide comments in response (see Appendix 3 for examples of Section 28 Regulation information requirements).

7.3.2 CAs are to notify applicants, in writing, within 21 days of the receipt of a permission (permit) application, as to whether the application has been deemed complete or not.

7.3.3 If a permission (permit) application is deemed incomplete, CAs should provide the applicant with a written list of missing and needed information when notifying the applicant that the application has been deemed incomplete.

7.3.4 If not satisfied with the decision on whether an application is deemed complete, the applicant can request an administrative review by the CA General Manager (GM) or Chief Administrative Officer (CAO) and then if not satisfied, by the CA Board of Directors. This review will be limited to a complete application policy review and will not include review of the technical merits of the application.

7.3.5 During the review of a 'complete application', a CA may request additional information if the CA deems a permission (permit) application does not contain sufficient technical analysis. Delays in timelines for decision making may occur due to CA requests for additional information to address errors or gaps in information submitted for review (refer to 7.4.3). Thus, an application can be put "on hold" or returned to the applicant pending the receipt of further information. If necessary, this could be confirmed between both parties as an "Agreement to Defer Decision".

7.4 Decision Timelines for Permissions (Permits)

7.4.1 From the date of written confirmation of a complete application, CAs are to make a decision (i.e. recommendation to approve or referred to a Hearing) with respect to a permission (permit) application and pursuant to the *CA Act* within 30 days for a minor application and 90 days for a major application.

Major applications may include those that:

- are highly complex, requiring full technical review, and need to be supported by comprehensive analysis
- do not conform to existing CA Board-approved Section 28 policies

7.4.2 If a decision has not been rendered by the CA within the appropriate timeframe (i.e. 30 days for minor applications / 90 days for major applications) the applicant can submit a request for administrative review by the GM or CAO and then if not satisfied, by the CA Board of Directors.

7.4.3 Subsequent to receipt of a complete application, delays in timelines for decision making on a permission (permit) may occur due to CA requests for

additional information to address errors or gaps in technical information submitted for review (refer to 7.3.5). Through an “Agreement to Defer Decision” between the applicant and the CA, applications can be put “on hold” or returned to the applicant pending the receipt of further information to avoid premature refusals of permissions (permits) due to inadequate information.

7.5 Hearings and Appeals

7.5.1 If the decision is “referred to a Hearing of the Authority Board” the *MNR/CO Hearings Guidelines* (approved 2005) referenced in Section 7.1 will be followed. Copies of the Hearing Guidelines can be obtained by contacting the Integration Branch of the Ministry of Natural Resources.

As per the guidelines and subsections 28 (12), 28 (13), 28 (14) and 28 (15) of the *CA Act* and in summary:

After holding a hearing, the CA shall: refuse the permission (permit); grant the permission with conditions; or, grant the permission without conditions. If the CA refuses permission or grants permission subject to conditions, the CA, shall give the person who requested permission written reasons for the decision.

A person who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the written reasons appeal in writing to the Minister of Natural Resources.

The Office of the Mining and Lands Commissioner (OMLC) has been delegated the authority, duties and powers of the Minister of Natural Resources under the *Ministry of Natural Resources Act O. Reg. 571/00* to hear appeals from the decisions of CAs made under *CA Act S. 28* regarding a refusal to grant permission (permit) or with respect to conditions imposed on a permission (permit) granted by the CA. The Mining and Lands Commissioner (MLC) may: refuse the permission; or, grant the permission, with or without conditions.

If the applicant does not agree with the MLC decision, under the *Mining Act* an appeal can then be made to the Divisional Court, a Branch of the Superior Court of Justice.

7.6 Expiry of Permission (Permit)

By regulation, a permission (permit) shall not be extended. The maximum period of validity of a permission (permit) is 24 months. If the works covered by the application are not completed within the legislated timeframe, the applicant must reapply and delays in approval may result. Typically, the policies in place at the time of the re-application will apply.

7.7 CA Act S. 28 Permission (Permit) Review Procedures

7.7.1 CA Act S. 28 permission (permit) review procedures should be determined in such a manner as to ensure applicants receive due process.

7.7.2 When developing CA permission (permit) review procedures, CAs should consider:

- the timely delivery of services through efficiency of process and adherence to timelines as outlined;
- the “best practices” and procedures used by neighbouring CAs, to promote consistency;
- the nature and level of procedures used by local municipalities and other agencies and ministries for related application reviews to prevent duplicative procedures and to promote consistency;
- the setting of application review procedures is dependent on the complexity of applications and the level of effort required to administer the application.

8.0 SERVICE DELIVERY ADMINISTRATION

8.1 CAs shall develop policies, procedures and guidelines for their municipal plan review activities and for CA Act S. 28 permitting activities (i.e. administration of the regulation and review of applications) with regard to the best practices outlined in this Policies and Procedures chapter. The CA documents should be approved by their Board of Directors and made available to the public.

8.2 Fees

See separate chapter regarding fees in the Policies and Procedures Manual.

8.2.1 Fees for planning services should be developed in conjunction with the appropriate planning authorities and are set to recover but not exceed the costs associated with administering and delivering the services on a program basis.

8.2.2 Fees for permitting services should be developed and are set to recover but not exceed the costs associated with administering and delivering the services on a program basis.

9.0 ADHERENCE TO POLICIES

9.1 All CAs are required to adhere to these policies and procedures.

9.2 MNR reserves the right to audit CAs for adherence to these policies and procedures and to review the effectiveness of the policies and procedures with regard to implementation of provincial policies and protection of the provincial interest.

APPENDICES

As identified in body of the chapter:

1. **CO-MMAH-MNR Delegated Responsibilities MOU**
2. **Schematics of Application processes under both the *Planning Act* and the *Conservation Authorities Act***
3. **Information Requirements – Section 28 Regulation Application**
4. **Provincial Plans and Associated Guidelines/Technical Papers**

Appendix 1: CO/MNR/MMAH – DELEGATED RESPONSIBILITIES MOU

CONSERVATION ONTARIO, MINISTRY OF NATURAL RESOURCES & MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING

MEMORANDUM OF UNDERSTANDING ON PROCEDURES TO ADDRESS CONSERVATION AUTHORITY DELEGATED RESPONSIBILITY

PURPOSE OF THE MOU

The MOU defines the roles and relationships between Conservation Authorities (CAs), the Ministry of Natural Resources (MNR), and the Ministry of Municipal Affairs and Housing (MMAH) in planning for implementation of CA delegated responsibilities under the Provincial One Window Planning System.

BENEFITS TO SIGNATORY PARTIES

It is beneficial for all parties to enter into this agreement because it clarifies the roles of CAs and the unique status of CAs in relationship to the Provincial One Window Planning System.

DELEGATED RESPONSIBILITY FOR NATURAL HAZARDS

CAs were delegated natural hazard responsibilities by the Minister of Natural Resources. A copy of the delegation letter is attached. This letter (dated April 1995) went to all CAs and summarizes delegations from the MNR including flood plain management, hazardous slopes, Great Lakes shorelines, unstable soils and erosion which are now encompassed by Section 3.1 “Natural Hazards” of the Provincial Policy Statement (1997). In this delegated role, the CA is responsible for representing the “Provincial Interest” on these matters in planning exercises where the Province is not involved.

This role does not extend to other portions of the PPS unless specifically delegated or assigned in writing by the Province.

ROLES AND RESPONSIBILITIES

Ministry of Natural Resources

- a) MNR retains the provincial responsibility for the development of flood, erosion and hazard land management policies, programs and standards on behalf of the province pursuant to the *Ministry of Natural Resources Act*.
- b) Where no conservation authorities exist, MNR provides technical support to the

Ministry of Municipal Affairs and Housing on matters related to Section 3.1 of the Provincial Policy Statement in accordance with the “Protocol Framework – One Window Plan Input, Review and Appeals”.

- c) MNR, in conjunction with MMAH, co-ordinates the provincial review of applications for Special Policy Area approval under Section 3.1 of the PPS.

Ministry of Municipal Affairs and Housing

- a) MMAH coordinates provincial input, review and approval of policy documents, and development proposals and appeals to the Ontario Municipal Board in accordance with the “Protocol Framework One Window Plan Input Review and Appeals”.
- b) Where appropriate, MMAH will consult conservation authorities as part of its review of policy documents and development proposals to seek input on whether there was “regard to” Section 3.1 of the PPS.
- c) Where there may be a potential conflict regarding a Conservation Authority’s comments on a planning application with respect to Section 3.1 of the PPS and comments from provincial ministries regarding other Sections of the PPS, the Ministry of Municipal Affairs and Housing will facilitate discussions amongst the affected ministries and the Conservation Authority so that a single integrated position can be reached.
- d) Where appropriate, MMAH will initiate or support appeals to the OMB on planning matters where there is an issue as to whether there was “regard to” Section 3.1 of the PPS.
- e) MMAH, in conjunction with MNR, coordinates the provincial review of application for Special Policy Area approval under Section 3.1 of the PPS.

Conservation Authorities (CAs)

- a) The CAs will review policy documents and development proposals processed under the *Planning Act* to ensure that the application has appropriate regard to Section 3.1 of the PPS.
- b) Upon request from MMAH, CAs will provide comments directly to MMAH on planning matters related to Section 3.1 of the PPS as part of the provincial one window review process.
- c) Where there may be a potential conflict regarding a Conservation Authority’s comments on a planning application with respect to Section 3.1 of the PPS and comments from provincial ministries regarding other Sections of the PPS, the Ministry of Municipal Affairs and Housing will facilitate discussions amongst the

affected ministries and the Conservation Authority so that a single integrated position can be reached.

- d) CAs will apprise MMAH of planning matters where there is an issue as to whether there has been “regard to” Section 3.1 of the PPS to determine whether or not direct involvement by the province is required.
- e) Where appropriate, CAs will initiate an appeal to the OMB to address planning matters where there is an issue as to whether there has been “regard to” Section 3.1 of the PPS is at issue. CAs may request MMAH to support the appeal.
- f) CAs will participate in provincial review of applications for Special Policy Area approval.
- g) CAs will work with MMAH, to develop screening and streamlining procedures that eliminate unnecessary delays and duplication of effort.

FURTHER CA ROLES IN PLAN INPUT, PLAN REVIEW AND APPEALS

CAs also undertake further roles in planning under which they may provide plan input or plan review comments or make appeals.

1. Watershed Based Resource Management Agency

CAs are corporate bodies created by the province at the request of two or more municipalities in accordance with the requirements of the *Conservation Authorities Act* (CA Act). Section 20 of the CA Act provides the mandate for an Authority to offer a broad resources management program. Section 21 of the CA Act provides the mandate to have watershed-based resource management programs and/or policies that are approved by the Board of Directors.

CAs operating under the authority of the CA Act, and in conjunction with municipalities, develop business plans, watershed plans and natural resource management plans within their jurisdictions (watersheds). These plans may recommend specific approaches to land use and resource planning and management that should be incorporated into municipal planning documents and related development applications in order to be implemented. CAs may become involved in the review of municipal planning documents (e.g., Official Plans (OPs), zoning by-laws) and development applications under the *Planning Act* to ensure that program interests developed and defined under Section 20 and 21 of the CA Act are addressed in land use decisions made by municipal planning authorities. In this role, the CA is responsible to represent its program and policy interests as a watershed based resource management agency.

2. Planning Advisory Service to Municipalities

The provision of planning advisory services to municipalities is implemented through a service agreement with participating municipalities or as part of a CAs approved program activity (i.e., service provided through existing levy). Under a service agreement, a Board approved fee schedule is used and these fee schedules are coordinated between CAs that “share” a participating municipality. The “Policies and Procedures for the Charging of CA Fees” (MNR, June 13, 1997) identifies “plan review” activities as being eligible for charging CA administrative fees.

The CA is essentially set up as a technical advisor to municipalities. The agreements cover the Authority’s areas of technical expertise, e.g., natural hazards and other resource management programs. The provision of planning advisory services for the review of *Planning Act* applications is a means of implementing a comprehensive resource management program on a watershed basis.

In this role, the CA is responsible to provide advice on the interpretation of the Provincial Policy Statement (PPS) under the terms of its planning advisory service agreement with the municipality. Beyond those for Section 3.1 “Natural Hazards” where CAs have delegated responsibility, these comments should not be construed by any party as representing the provincial position.

3. CAs as Landowner

CAs are landowners and as such, may become involved in the planning process as a proponent or adjacent landowner. Planning Service Agreements with municipalities have anticipated that this may lead to a conflict with our advisory role and this is addressed by establishing a mechanism for either party to identify a conflict and implement an alternative review mechanism.

4. Regulatory Responsibilities

a) *CA Act* Regulations

In participating in the review of development applications under the *Planning Act*, CAs will (i) ensure that the applicant and municipal planning authority are aware of the Section 28 regulations and requirements under the *CA Act*, and, (ii) assist in the coordination of applications under the *Planning Act* and the *CA Act* to eliminate unnecessary delay or duplication in the process.

b) Other Delegated or Assigned Regulatory/Approval Responsibility

Federal and provincial ministries and municipalities often enter agreements to transfer regulatory/approval responsibilities to individual CAs (e.g., Section 35 Fisheries Act/DFO; Ontario Building Code/septic tank approvals). In carrying out these responsibilities and in participating in the review of development applications under the *Planning Act*, CAs will (i) ensure that the applicant and municipality are aware of the requirements under these other pieces of legislation and how they may affect the application; and, (ii) assist in the coordination of applications under the *Planning Act* and those other Acts to eliminate unnecessary delays or duplication in the process.

CANCELLATION OR REVIEW OF THE MOU

The terms and conditions of this MOU can be cancelled within 90 days upon written notice from any of the signing parties. In any event, this document should be reviewed at least once every two years to assess its effectiveness, its relevance and its appropriateness in the context the needs of the affected parties. “Ed. Note: 90 days is to provide time for the parties to reach a resolution other than cancellation”.

MEMORANDUM OF UNDERSTANDING ON PROCEDURES TO ADDRESS CONSERVATION AUTHORITY DELEGATED RESPONSIBILITY

I hereby agree to support the provisions contained in this Memorandum of Understanding as an appropriate statement of the roles and responsibilities of relevant Ministries and Conservation Authorities in the implementation of the Provincial Policy Statement.

Jan 19, 2001: Original signed by

David de Launay
Director
Lands and Waters Branch
Ministry of Natural Resources

Date

Feb 12, 2001: Original signed by

Audrey Bennett
A/Director
Provincial Planning and Environmental Services Branch
Ministry of Municipal Affairs and Housing

Date

Jan 01, 2001: Original signed by

R.D. Hunter
General Manager
Conservation Ontario

Date



Ministry of
Natural
Resources

Minister

Ministère des
Richesses
naturelles

Ministre

Queen's Park
Toronto, Ontario
M7A 1W3
416 / 314-2301

APR 19 1995

95-01252-MIN

Mr. Donald Hocking
Chair
Upper Thames River Conservation Authority
R.R. #6
London, Ontario
N6A 4C1

Dear Mr. Hocking:

This letter is with regard to the responsibilities of Conservation Authorities in commenting on development proposals.

The Government of Ontario is continuing to move forward on reforms promoting greater local involvement in decision-making, streamlining of municipal planning and other approval processes, and improved environmental protection. Ontario's Conservation Authorities continue to be important partners in this process.

In 1983, Conservation Authorities were delegated commenting responsibility on flood plain management matters. This was followed in 1988 by a similar delegation of commenting responsibility for matters related to flooding, erosion, and dynamic beaches along the shorelines of the Great Lakes-St. Lawrence River system.

At present, the Ministry and Conservation Authorities continue to independently review and provide input to municipalities and the Ministry of Municipal Affairs on development matters related to riverine erosion, slope, and soil instability. Although Authorities and the Ministry share similar objectives, this overlap and duplication of efforts have occasionally led to differences in comments which, in turn, have sometimes resulted in confusion, delays and expense for development proponents. As part of the current Planning Reform initiative, there is an opportunity to clarify the roles and responsibilities related to these important hazard management issues.

- 2 -

Through their flood plain, watershed and Great Lakes-St. Lawrence River shoreline management planning initiatives, Conservation Authorities have made good progress in streamlining approval processes and strengthening provincial-municipal partnerships. By extension, I believe that it would be appropriate to recognize the well-developed expertise and capabilities of Conservation Authorities in the evaluation of riverine erosion, slope and soil instability matters and to formally confirm Conservation Authorities as the lead commenting agency. This would result in further streamlining of approval processes, the promotion of environmentally sound development, and the provision of an economic stimulus for the province.

As of March 29, 1995, Conservation Authorities, where they exist, will have sole commenting responsibilities on development proposed in areas subject to riverine erosion, slope instability and soil instability, such as in areas of high water tables, organic or peat soils, and leda, or sensitive marine clay, soils. Implementation of this policy by authorities would continue to be eligible for provincial grant. Where Conservation Authorities exist, I have asked Ministry staff to focus their comments on all other matters of direct interest and concern to the Ministry. Where Conservation Authorities do not exist, the Ministry will continue its commenting role on these matters.

The Ministry of Natural Resources will continue as lead administrative Ministry having overall Government responsibility for hazard management policies and programs. In this regard, the Ministry will continue to provide leadership, policy direction and advisory assistance to the Conservation Authorities.

Your continued participation in the delivery of this important component of the overall provincial hazard management program will serve to strengthen the partnership between the Ministry and the Conservation Authorities.

Yours sincerely,

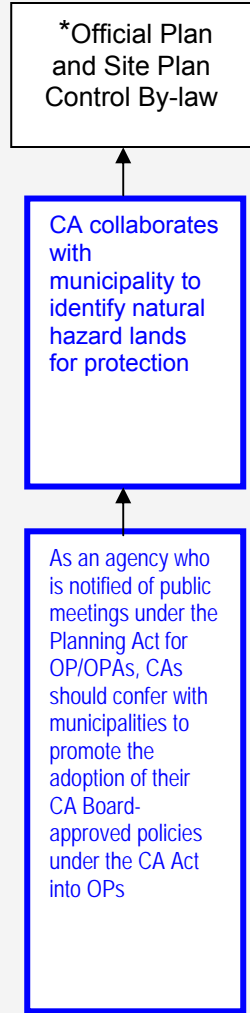


Howard Hampton
Minister

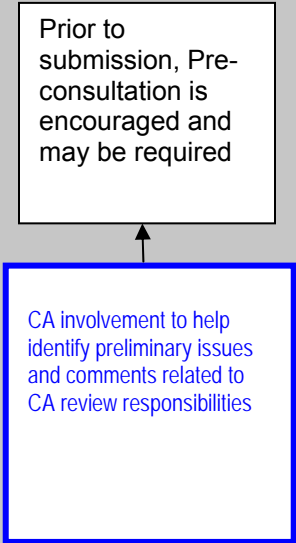
**Appendix 2: Schematics of Application processes under both the *Planning Act*
and the *Conservation Authorities Act***

Appendix 2(a): Municipal Planning process for Site Plan Control with CA Review in a non- CA regulated area (i.e. Section 28 does not apply)

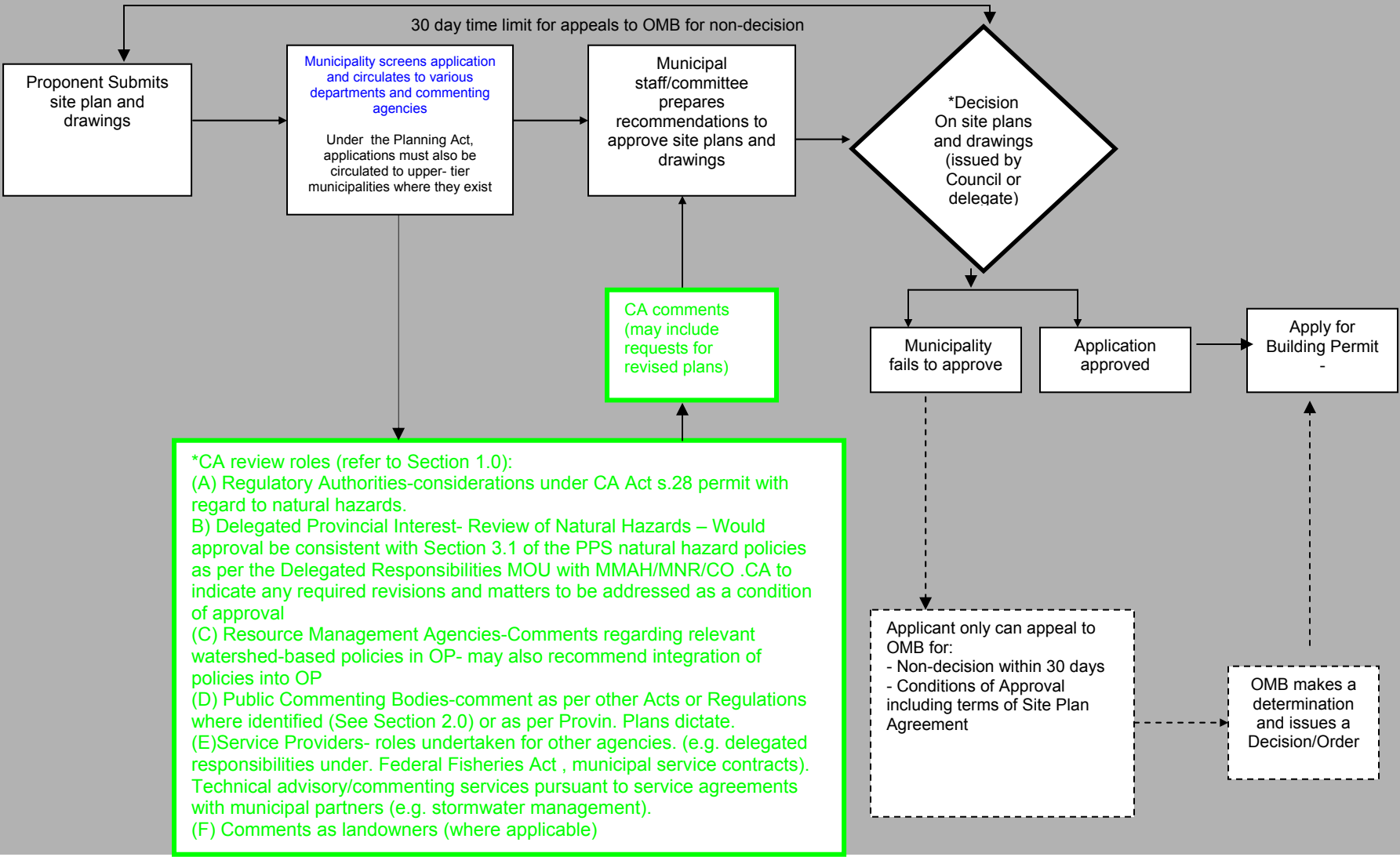
Policy framework process informing municipal land use decisions



Pre-Application Process



Application Review Process

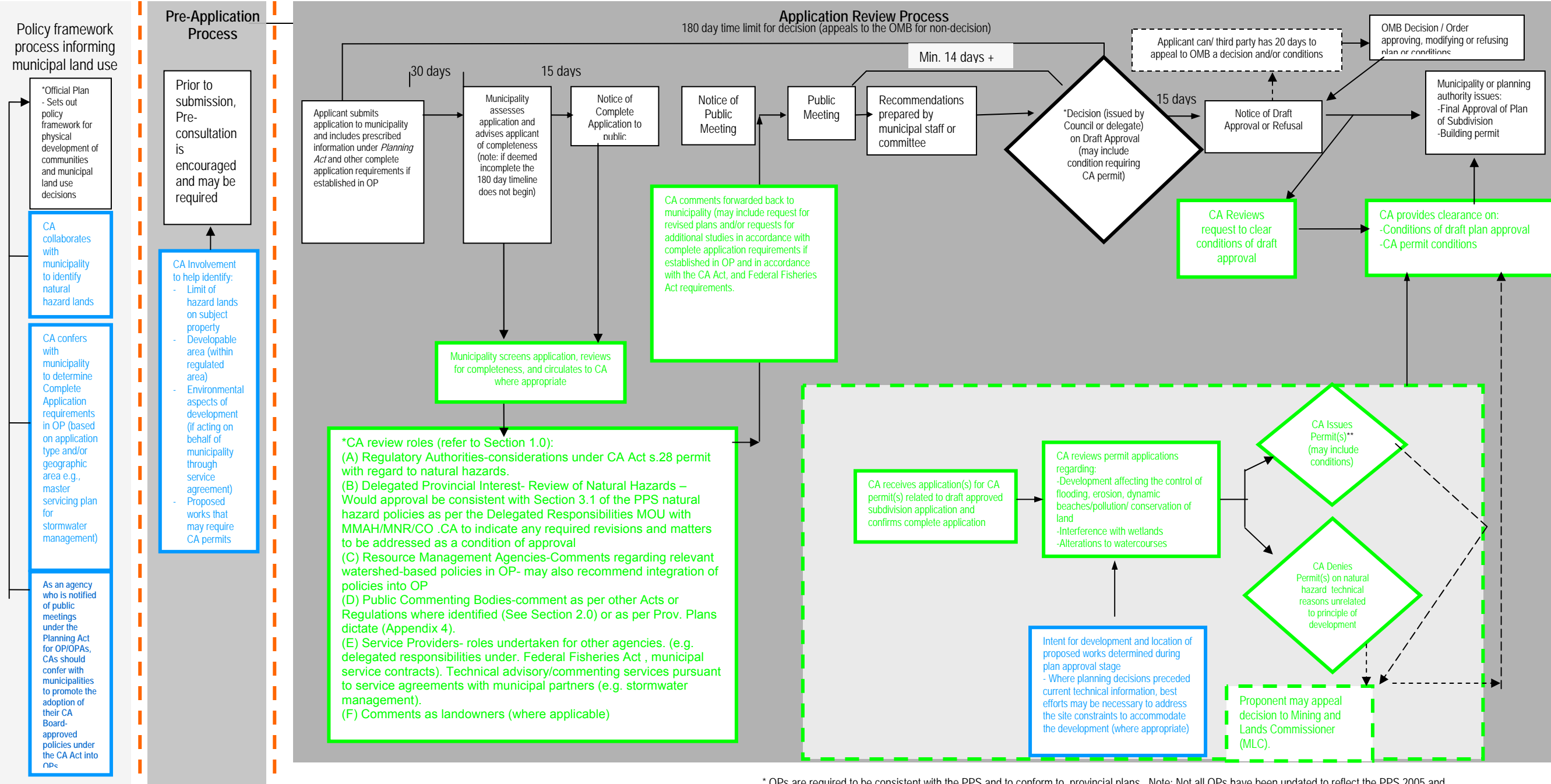


*OPs are required to be consistent with the PPS and conform to or not conflict with applicable provincial plans. Note: Not all OPs have been updated to reflect the PPS 2005 and provincial plans, yet advice and decisions on planning matters must be consistent with the PPS and conform to applicable provincial plans.

Black - current system under the Planning Act
Green highlight – current CA role/input
Blue highlight – proposed best practices

NOTE: For interpretation of this flowchart reference should be made to the full Policies and Procedures chapter

Appendix 2(b): Municipal Planning Application Process for Plan of Subdivision with CA Review and Requirement for CA Permit(s) (i.e. within a CA Regulated Area)



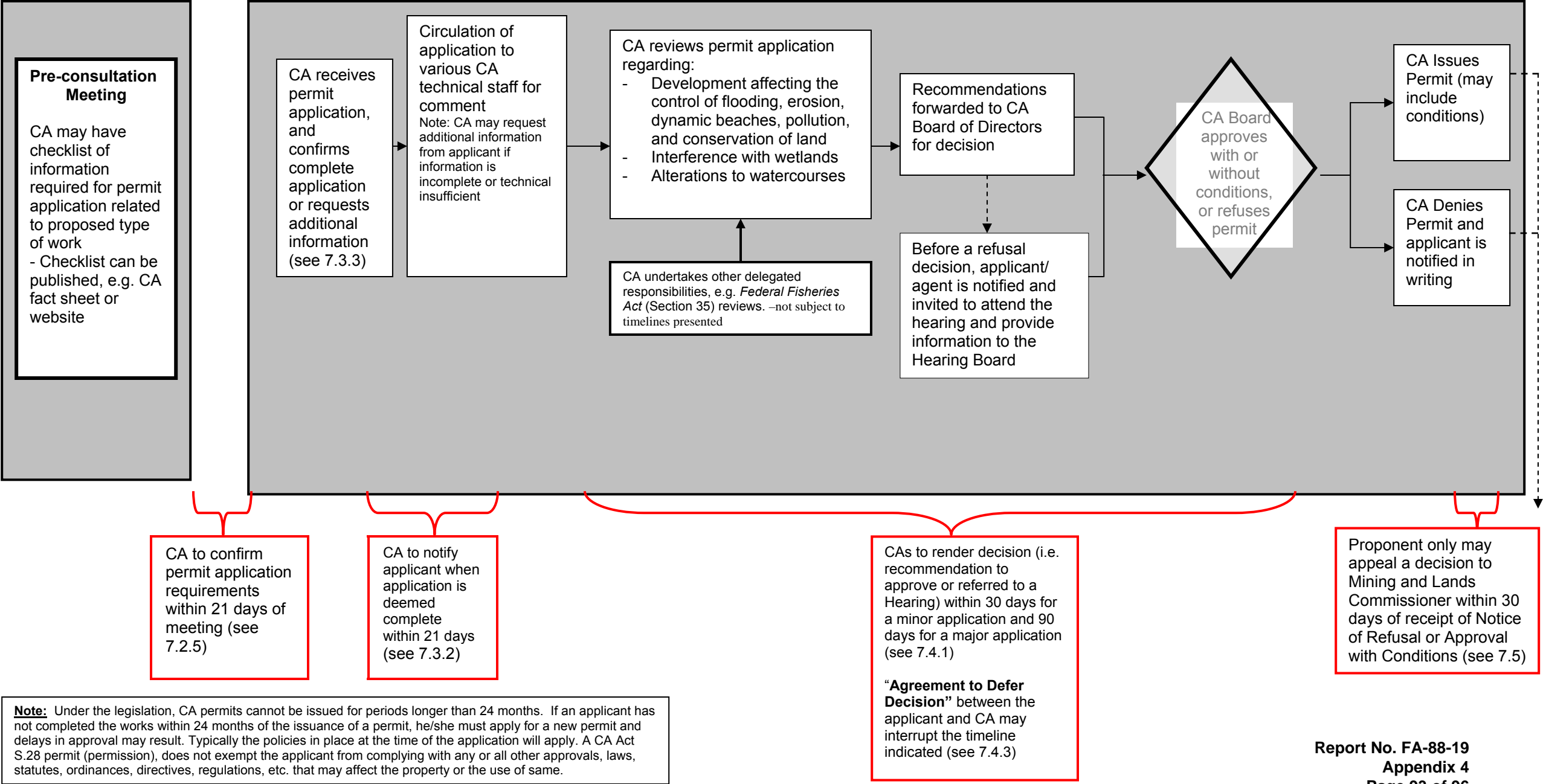
NOTE: For interpretation of this flowchart reference should be made to the full Policies and Procedures chapter

Black - current system under the Planning Act
Green highlight – current CA role/input
Blue highlight – proposed best practices

* OPs are required to be consistent with the PPS and to conform to provincial plans. Note: Not all OPs have been updated to reflect the PPS 2005 and provincial plans, yet all advice and decisions on planning matters must be consistent with the PPS and conform to applicable provincial plans.

** Under legislation, if an applicant has not completed the permitted works within 24 months, they must reapply. CA permits cannot be extended for periods longer than 24 months. Generally, policies in place at time of re-application will apply to permit decisions.

Appendix 2(c): Stand-Alone CA Act S. 28 “Development, Interference with Wetlands, Alterations to Shorelines and Watercourses” Regulation Permit Application Process



Appendix 3: Information Requirements – Section 28 Regulation Application

Specific information is required from the applicant in support of a permit application.

Two examples are set out below.

Permission to Develop

A signed application may contain, but is not limited to the following information:

1. four copies of a plan of the area showing the type and location of the development
2. the proposed use of the buildings and structures following completion of the development
3. the start and completion dates of the development
4. the elevations of existing buildings, if any, and grades and the proposed elevations of buildings and grades after development
5. drainage details before and after development
6. a complete description of the type of fill proposed to be placed or dumped
7. signed land owner authorization for the CA to enter the property (may not be applicable for works completed under the Drainage Act-see Drainage Act protocol for more details)
8. technical studies/plans as required to meet the regulatory provisions of CA Act S.28 (NOTE: this is dependant on the proposed extent of intrusion into a regulated area and/or the associated potential negative impacts. Major applications generally require more complex technical studies).
9. submission of the prescribed fee set by the CA for review of the application.

Permission to Alter

A CA may grant a person permission to straighten, change, divert, or interfere with an existing channel of a river, creek, stream, or watercourse or to change or interfere with a wetland. A signed application may contain, but is not limited to the following information:

1. four copies of a plan of the area showing plan view and cross-section details of the proposed alteration
2. a description of the methods to be used in carrying out the alteration
3. the start and completion dates of the alteration
4. a statement of the purpose of the alteration
5. signed land owner authorization for the CA to enter the property (may not be applicable for works completed under the Drainage Act-see Drainage Act protocol for more details)
6. technical studies/plans as required to meet the regulatory provisions of CA Act S.28 (NOTE: this is dependant on the proposed extent of intrusion into a regulated area and/or the associated potential negative impacts. Major applications generally require more complex technical studies).
7. submission of the prescribed fee set by the CA for review of an application.

When all of the information listed above is received in a form satisfactory to the CA, and a pre-consultation or site assessment is conducted as necessary, an application will then be deemed to be complete. An application can be put “on hold” or returned to the applicant pending the receipt of further information.

Appendix 4a: Provincial Plans and Associated Guidelines or Technical Papers

1. Greenbelt Plan, 2005

- 1) Greenbelt Technical Paper 1: Technical Definitions and Criteria for Key Natural Heritage Features in the Natural Heritage System of the Protected Countryside Area of the of the Greenbelt Plan, 2005 (Draft posted in the EBR on Sept. 19, 2008 (EBR Registry Number: 010-4559)
- 2) Greenbelt Technical Paper 2: Technical Definitions and Criteria for Significant Woodlands in the Natural Heritage System of the Protected Countryside Area of the Greenbelt Plan, 2005 (Draft posted in the EBR on Sept. 19, 2008 (EBR Registry Number: 010-4559)
- 3) Greenbelt Technical Paper 3: Technical Process for the Identification of Significant Habitat of Endangered, Threatened and Special Concern Species in the Natural Heritage System of the Protected Countryside Area of the Greenbelt Plan, 2005, (Draft posted in the EBR on Sept. 19, 2008 (EBR Registry Number: 010-4559)

2. Oak Ridges Moraine Conservation Plan, 2002

Following technical papers are available online:

- 1) Identification of Key Natural Heritage Features
- 2) Significant Wildlife Habitat
- 3) Supporting Connectivity
- 4) Landform Conservation
- 5) Identification and Protection of Vegetation Protection Zones for Areas of Natural and Scientific Interest (ANSI, Life Science)
- 6) Identification of Significant Portions of Habitat for Endangered, Rare and Threatened Species
- 7) Identification and Protection of Significant Woodlands
- 8) Preparation of Natural Heritage Evaluations for all Key Natural Heritage Features
- 9) Watershed Plans
- 10) Water Budgets
- 11) Water Conservation Plans
- 12) Hydrological Evaluations for Hydrologically Sensitive Features
- 13) Subwatersheds - Impervious Surfaces
- 14) Wellhead Protection - Site Management and Contingency Plans
- 15) Recreation Plans and Vegetation Management Plans
- 16) Sewage and Water System Plans
- 17) Stormwater Management Plans

4. Lake Simcoe Protection Plan, 2009

5. Central Pickering Development Plan, 2006

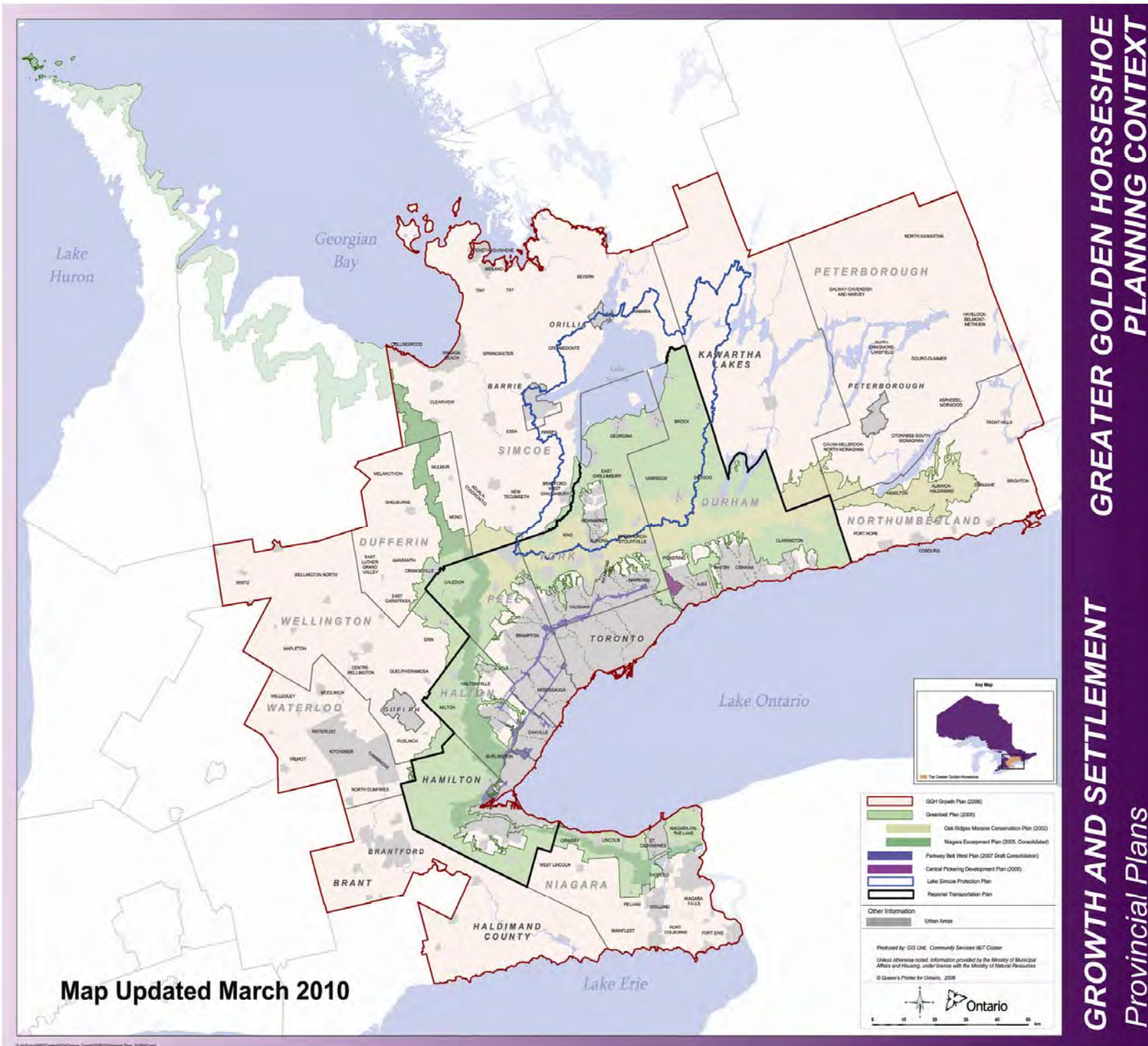
6. Niagara Escarpment Plan (Office consolidation, March 11, 2010)

7. Parkway Belt West Plan (Consolidated to June 2008)

8. Growth Plan for the Greater Golden Horseshoe, 2006

9. Source Protection Plans (pending completion 2012)

Appendix 4b: Provincial Plans Map



GREATER GOLDEN HORSESHOE
PLANNING CONTEXT

GROWTH AND SETTLEMENT
Provincial Plans

Report To: Board of Directors

Subject: Financial and Reserve Report – Year to Date Ending June 2019

Report No: FA-99-19

Date: July 18, 2019

Recommendation:

That Report FA-99-19 Respecting Financial Results – Year to Date ending June 30, 2019 **BE RECEIVED** for information.

Purpose:

The purpose of this Report is to provide the Board of Directors with a summary of operations and capital expenditures versus revenues and to provide a comparison of actual results to the budget as approved by the Board.

Discussion:

The Report confirms the general financial oversight and compliance with Public Sector Accounting Board Standards.

Financial Implications:

The Revenue and Expenditure lines are within budget allocations identified during the budget preparation and approval cycle.

Please note the following anticipated financial pressures/challenges to Dec. 31, 2019:

Legal Fees - as at June 30, 2019	Year-to-date	ANNUAL
Department	Expenses	Budget
CAO/Board/Administration	\$ 8,462	\$ 20,000
Human Resources	125,900	100,000
Corporate Resources	9,737	10,000
Total - Legal Fees	\$ 144,099	\$ 130,000
Recruitment Expenses - as at June 30, 2019		
Human Resources	\$ 25,086	\$ 5,000
Total - Recruitment Expenses	\$ 25,086	\$ 5,000

Related Reports and Appendices:

Appendix 1

- Operating Financial Report
- Non-Operating Financial Report
- Reserve Continuity Schedule

Prepared by:

Submitted by:

Original Signed by

Lise Gagnon
Director, Corporate Services

Original Signed by

D. Gayle Wood, BES, CMM III
Chief Administrative Officer/
Secretary-Treasurer

Niagara Peninsula Conservation Authority				
OPERATING FINANCIAL REPORT				
For the 6 Months Ending June 30, 2019				
REVENUES	Year to Date Actual	Annual Budget	Actual to Budget Variance	
			Amount	%
MUNICIPAL FUNDING	3,206,202	5,878,105	2,671,903	54.5%
PROVINCIAL FUNDING	69,631	476,996	407,365	14.6%
FEDERAL FUNDING	25,000	100,000	75,000	25.0%
PARK OPERATIONS	1,160,229	1,892,600	732,371	61.3%
PERMITS AND REGULATORY FEES	212,945	314,850	101,906	67.6%
OTHER REVENUE	118,061	235,200	117,139	50.2%
INTEREST INCOME	44,361	60,000	15,639	73.9%
TOTAL REVENUES	4,836,429	8,957,751	4,121,322	54.0%
EXPENDITURES				
SALARIES & BENEFITS	2,767,180	5,693,590	2,926,410	48.6%
OTHER EMPLOYEE RELATED	82,642	322,105	239,463	25.7%
BOARD AND VOLUNTEER	20,662	89,900	69,238	23.0%
PROFESSIONAL FEES	292,150	746,920	454,770	39.1%
OCCUPANCY COSTS	289,589	540,000	250,411	53.6%
VEHICLES AND EQUIPMENT	74,421	195,200	120,779	38.1%
PARK MAINTENANCE	162,114	395,500	233,386	41.0%
CONTRACTOR SERVICES	13,373	298,500	285,127	4.5%
DEBT SERVICING	16,327	27,980	11,653	58.4%
EXPENSES	229,176	422,126	192,950	54.3%
MATERIALS AND SUPPLIES	28,960	112,930	83,970	25.6%
MARKETING AND PROMOTION	38,225	113,000	74,775	33.8%
Total Expenditures	4,014,818	8,957,751	4,942,933	44.8%

NIAGARA PENINSULA CONSERVATION AUTHORITY	
NON OPERATING - 2019	
Non Operating Funding	Budget
Municipal	1,172,980
Reserve	1,132,665
Deferred Revenue	18,455
Non Operating Funding - Total	2,324,100

		Approved	Year to Date Spend	Remaining Balance
CAPITAL DISBURSEMENTS	2019 Budget	Carry Over - 2018	at June 30, 2019	at June 30, 2019
Ball's Falls	249,665	178,707	38,644	389,728
Binbrook	393,455	0	71,119	322,336
Central Workshop/Gainsborough	452,500	13,460	25,462	440,498
Chippawa Creek	47,186	26962	4,766	69,382
Long Beach	320,000	245,726	176,467	389,259
Corporate Resources	89,000	50,000	35,305	103,695
Watershed	48,500	79443	34,135	93,808
Capital Disbursements - Total	1,600,306	594,298	385,899	1,808,705

Directly to Reserves	Budget
Capital	1,600,306
Debt Principal	483,705
Hamilton Land Reserve	100,000
General Operating Reserve	140,089
Directly to Reserves	2,324,100

NIAGARA PENINSULA CONSERVATION AUTHORITY			
STATEMENT OF CONTINUITY FOR CAPITAL & OPERATING RESERVES - 2019			
	Opening Balance	Authorized Appropriations	Forecasted Balance
	31-Dec-18	2019	31-Dec-19
Capital Reserves			
Equipment	107,258	0	107,258
General Capital	1,373,806	-1,334,443	39,363
Flood Protection Services	318,406	-59,443	258,963
Niagara Levy Differential	1,646,591	0	1,646,591
Land acquisition-Hamilton	1,100,000	100,000	1,200,000
Land acquisition-Niagara	1,798,176	0	1,798,176
Land acquisition-Cave Springs	133,703	0	133,703
Capital Reserves - Total	6,477,940	-1,293,886	5,184,054
Operating Reserves			
General Operating Reserve *	1,287,543	-192,576	1,094,967
Restoration Program	250,000	0	250,000
Tree Bylaw Agreement	82,371	0	82,371
Operating Reserves - Total	1,619,914	-192,576	1,427,338
GRAND TOTAL RESERVES	8,097,854	-1,486,462	6,611,392

* *Unfunded employee future benefits liability \$73,200*

not included in General Operating Reserve total

Report To: Board of Directors

Subject: Update - Auditor General Report Recommendations

Report No: FA-106-19

Date: August 14, 2019

Recommendation:

That Report No. FA-106-19 RE: Update - Auditor General Report Recommendations, August 14, 2019 **BE RECEIVED** for information.

Purpose:

The purpose of this Report is to provide a monthly update to the Board of Directors regarding continued progress in responding to the Auditor General's Report and recommendations.

Background:

The Auditor General of Ontario attended the May 3, 2019 Board of Directors' meeting to present her findings regarding the ***Special Audit of the Niagara Peninsula Conservation Authority, September 2018***. At the May 3rd meeting, staff, through Report No. FA-50-19, provided an Update regarding the NPCA's progress in responding to the Auditor General's recommendations.

The Auditor General advised the Board that she and her team will return in 2020 to complete an additional review to ensure her recommendations were addressed.

Discussion:

At the May 3, 2019 meeting the Board of Directors requested that a Standing Report be received at their monthly meetings to provide Board members with continuous updates in addressing the Auditor General's recommendations.

Attached to Report No. FA-106-19 is an Appendix, dated August 14, 2019 regarding NPCA's responses to the Auditor General's recommendations. The column entitled ***NPCA Response*** outlines, in red, progress made since the July 17, 2019 meeting.

Staff are working on embedding links into the document on reports approved by the NPCA in response to the Auditor General's Report.

Financial Implications:

The draft 2020 budget, currently being considered by the Audit and Budget Committee will address any recommendations of the Auditor General requiring funding submissions, including addressing staffing gaps, required capital projects and updating floodplain mapping.

Related Reports and Appendices:

Appendix 1: Auditor General's Recommendations and NPCA Response – Updated August 14, 2019

Submitted by:**Original Signed by**

D. Gayle Wood, BES, CMMIII
Chief Administrative Officer/Secretary-Treasurer

TABLE: Auditor General’s Recommendations and NPCA Response - Updated August 14, 2019

LEGEND:

- Ministry of Environment, Conservation and Parks (MOECP)
- Ministry of Natural Resources and Forestry (MNR)
- NPCA Board of Directors (BD)
- Board/CAO (BC)
- CAO/Municipalities (CM)
- Ministry/Conservation Ontario (MCO)
- NPCA Operations Staff (OPS)

Lead and Rec. #	AUDITOR GENERAL RECOMMENDATIONS	NPCA RESPONSE	INITIATED	TARGETTED COMPLETION	COMPLETE
(MOECP) # 1	To ensure effective oversight of conservation authorities’ activities through boards of directors, we recommend that the Ministry of the Environment, Conservation and Parks clarify board members’ accountability to the conservation authority.	<p>MOECP launched two reviews under the Environmental Registry of Ontario on April 5, 2019 - Modernizing conservation authority operations and Focusing conservation authority’s development permits on the protection of people and property. This provincial review will assist in addressing Recommendation 1.</p> <p>Bill 108 <i>More Homes, More Choices Act</i> as passed by the legislator on June 4, 2019. This included Schedule 2 – revisions to <i>The Conservation Authorities Act</i>. Revisions include a “duty on every member of an authority to act honestly and in good faith with a view to further the objects of the act.”</p> <p>Orientation with the Board of Directors began on June 10, 2019 with a session for the four new members joining NPCA as publicly appointed members from the Region of Niagara. Orientation on accountability continued at the June 19, 2019 meeting regarding confidentiality and code of conduct. Ongoing Orientation sessions will occur as the new members from the Region are selected around August 2019.</p> <p>The Board of Directors will receive training at a future meeting regarding their obligations under The Statutory Powers and Procedures Act.</p> <p>NPCA understands that the Province is currently working on regulations under Bill 108.</p>	X	2020	
(BD) # 2	To ensure that the Niagara Peninsula Conservation Authority (NPCA) Board of Directors has the necessary independence and objectivity to oversee the NPCA’s activities effectively, we recommend that the NPCA Board:				

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(BD) # 2.1	Adhere to its Code of Conduct, which states that Board members are to refrain from unduly influencing staff, being respectful of staff's responsibility to use their professional expertise and corporate perspective to perform their duties;	The NPCA Governance Committee reviewed the Code of Conduct (contained within the Administrative By-law) and provided recommendations to the Full Authority in February and March 2019. A further review of the By-law was completed at the July 24, 2019 meeting of the Governance Committee. An additional review will be scheduled for the fall of 2019, including a Code of Conduct Investigation Procedure.	X	Q4 2019	
(BD) # 2.2	Update its Code of Conduct to clearly define the circumstances and relationships that could lead to an actual or perceived conflict of interest beyond those defined in the Municipal Conflict of Interest Act.	As part of the Q4 continued review of the By-law, the Board will define circumstances that could lead to an actual or perceived conflict of interest.	X	Q4 2019	
(BC) # 3	To ensure that members of the Niagara Peninsula Conservation Authority (NPCA) Board of Directors collectively have the skills, experience and training necessary to oversee the NPCA's activities effectively, we recommend that the NPCA Board:				
(BD) #3.1	Determine the types of skills and experience required on the Board based on the NPCA's mandate and develop and implement a strategy to address any gaps.	The Board of Directors responded to a March 1, 2019 letter from Niagara Region regarding board competencies (skills and experience). A list of competencies was approved by the Board at their April 17, 2019 meeting through Resolution No. FA-113-19. Both the Board of Directors and the NPCA Public Advisory Committee have been requested to develop profiles to be posted on the website. Based on this, a gaps analysis can be completed, and a strategy developed to address any gaps. Niagara Region appointed five new public appointees to the Board whose first meeting with NPCA was June 19, 2019 and June 28, 2019 respectively. An Orientation meeting for four members on June 10, 2019. Additional appointees will be considered by the Region on August 15, 2019. An additional Orientation Session will occur once the Niagara Region confirms final Board appointees to the NPCA in August 2019. A Report on a Training Program for the Board will be reviewed at the August 14, 2019 Board meeting.	X	Q3 2019	
(CM) # 3.2	Work with the NPCA's funding municipalities to ensure that their Board appointment processes consider skills and experience requirements;	A letter was circulated to Niagara, Hamilton and Haldimand regarding a recommended list of competencies and a reference to the Alberta Public Agencies – Board Profile & Competency Matrix Tool , as approved by the Board of Directors on April 17, 2019. The NPCA CAO met with the Niagara Region CAO and senior staff on June 5, 2019 to discuss the appointment process and procedures based on the matrix.	X	Q2 2019	X

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(BD) # 3.3	Assess the current role of its advisory committee to determine whether it is sufficient in fulfilling any gaps in Board skills and competencies, and revise as necessary;	<p>The Board of Directors received a list of the Advisory Committees for 2019 at its March 20th meeting, which was further updated at its June meeting. A Report on the NPCA Public Advisory Committees, with recommendations for a revised Terms of Reference was considered by the Board of Directors at their June 2019 meeting.</p> <p><i>The PAC met on June 27, 2019 to review their Terms of Reference and provide recommendations on Committee vacancies. The development of "profiles" for each PAC member will be developed in the fall of 2019.</i></p> <p><i>Profiles/Bios for all NPCA Board of Directors are now on the Authority website. New member profiles will be added as they become appointed in August.</i></p>	X	Q4 2019	
(BC) # 3.4	Identify initial and ongoing Board governance training needs.	<p>The current Board of Directors were provided with an updated Member Handbook in January 2019. Initial Orientation training with the Board was launched on March 20, 2019.</p> <p><i>A Report on Board Training will be considered at the August 14th meeting. A training program for 2019 will be solidified at the August Board meeting and implemented from September to December 2019. To date training has occurred through orientation sessions, a session with the lawyer regarding confidentiality and legal matters, and staff presentations on water quality monitoring, restoration and the Niagara River Remedial Action Plan.</i></p>	X	Q4 2019	
(M) # 4	We recommend that the Ministry of the Environment, Conservation and Parks:				
(M) # 4.1	Make a recommendation to the Executive Council of Ontario to proclaim Section 40 of the Conservation Authorities Act;	<p>Section 40 of the CAA states that the Lieutenant Governor in Council may make regulations dealing with CA composition, advisory boards, programs/services, apportionment of capital costs and governing reviews under Section 27 and 27.1 of the CAA. The province began this review by launching ERO reviews on April 5, 2019.</p> <p>With the passage of Bill 108, the province approved amendments to <i>The Conservation Authorities Act</i> on June 4, 2019, with regulations to follow.</p>	X	2020	
(M) # 4.2	Once Section 40 is proclaimed, make a regulation prescribing requirements for board composition that result in board members having the independence and objectivity they need to fulfill their oversight responsibilities;	Response to this recommendation is dependent upon the province's review noted above.		2020	

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(MCO) # 4.3	Work with Conservation Ontario and conservation authorities to determine whether governance training should be developed and delivered province-wide for board members of conservation authorities.	Response to this recommendation is dependent upon the province's review noted above.		2020	
(BD) # 5	To ensure that the Niagara Peninsula Conservation Authority (NPCA) Board of Directors has all the information it needs to effectively oversee the NPCA and improve its oversight when needed, we recommend that the NPCA Board:				
(BD) # 5.1	Regularly evaluate the performance of the NPCA's Chief Administrative Officer, as required by its policies;	A Performance Evaluation system has been developed for all staff. The CAO's contract was renewed by the Board in July with an extension to December 31, 2019. A performance review of the CAO will be completed at the August 14, 2019. The Board can determine a performance schedule with the new CAO when hired.	X	Q3 and Q4 2019	
(BC) # 5.2	Develop performance indicators to facilitate the Board's evaluation of its oversight processes and activities;	Performance indicators regarding Board evaluation will be developed for approval in Q4. The Governance Committee reviewed board governance and performance at their July 24, 2019 meeting and directed staff to review seeking external consulting assistance in this regard.	X	Q4 2019	
(BD) # 5.3	Regularly evaluate both its collective performance and the performance of individual Board members.	Both collective Board performance and individual Board member performance tools have been developed, in draft, by the CAO and were forwarded to the Governance Committee for review at their July 24, 2019 meeting.	X	Q4 2019	
(BD) # 6	To ensure that per diem payments to Board members are reasonable and transparent, we recommend that the Niagara Peninsula Conservation Authority:				
(BD) # 6.1	Clarify its Board policies to specify the meetings and other functions for which Board members may receive per diem payments in the future;	The Governance Committee reviewed and clarified per diems in February 2019. Board members receive one per diem per day if attending NPCA meetings, despite the number of meetings attended. The per diem and honorarium policy is updated and outlined in the Administrative By-law. Further review of the By-law occurred at the July 24, 2019 by the Governance Committee so that a final Administrative By-Law update can be forwarded to the Board in Q4 for approval.	X	Q4 2019	

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(BD) # 6.2	Continue to publish information on actual Board per diems and other expenses annually online.	Municipalities require board expenses to be reported annually. This information for 2018 was provided to participating municipalities. Member expenses for 2019 will be posted at year end on the NPCA website under the heading <i>Administration – Reports</i> and will continue to be published annually.	x	Q1 annually commencing 2020	X
(OPS) # 7	To ensure that the Niagara Peninsula Conservation Authority (NPCA) has complete and up-to-date information about flood risks within its watershed, we recommend that the NPCA:				
(OPS) # 7.1	Assess the risk to communities around the unmapped watercourses;	The NPCA has completed flood plain mapping for 42% of the watershed. Flood plain mapping is currently underway for the Welland River, 9 watercourses in Grimsby and Lincoln, and 2 watercourses in St. Catharines. The NPCA met with the Watershed Floodplain Committee on June 13, 2019 to review updated flood lines and discuss public consultation. The Board of Directors in currently in discussion regarding the Welland River floodplain mapping. The first drafts of the other studies are scheduled to be reviewed in Q2 of 2019. Report No. FA-89-19 regarding a risk assessment will be considered by the Board on August 14, 2019.	X	Q4 completion of mapping and adopted by Board	
(OPS) # 7.2	Determine the time and cost for completing and updating floodplain maps;	A five-year capital forecast for the remaining 58% of mapping to be completed will be placed in the 2020 budget and beyond. A minimum of \$200,000 per year over 5 to 7 years will be required to address the mapping deficiency. Once all mapping is completed, mapping updates are required on all watercourses. This cost will be addressed in Report No. FA-89-19 and in the 2020 budget preparation through Business Cases to the participating municipalities.	X	Q4 - Business Cases for funding Completion of mapping by 2026 subject to funding being received	
(OPS) # 7.3	Schedule this work, based on its risk assessment and for the watercourses for which the Ministry of Natural Resources and Forestry recommends floodplain maps be prepared.	A risk-based assessment for the remaining mapping has been developed and will be considered by the Board of Directors at their August 14, 2019 meeting through Report No. FA-89-19 entitled NPCA Floodplain Mapping Update.	X	Q3 2019	
(M) # 8	To ensure that conservation authorities have complete and up-to-date information about flood risks within their watershed, we recommend that the Ministry of Natural Resources and Forestry work with Conservation Ontario to:				
(M) # 8.1	Establish clear responsibility and criteria for developing and updating floodplain maps across the province;	NPCA is waiting for this information from MNRF.			

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(M) # 8.2	Review current funding levels to conservation authorities to determine how floodplain mapping can be completed in a timely manner.	<p>Transfer payments to CA's for natural hazards were reduced by 50% on April 13, 2019. The NPCA provincial transfer payment is now \$90,000 for the 2019/20 provincial fiscal year.</p> <p>Provincial funding to update flood plain mapping has not been available since 1996. Funding for updated mapping must be sought from participating municipalities, who may choose not to fund updates.</p> <p>Report No. FA-89-10 entitled <i>NPCA Floodplain Update</i> has been developed for consideration at the August 14, 2019 Board meeting, including costs associated with updated mapping.</p>	x	Q3 2019	
(OPS) # 9	To ensure that development is directed away from areas of natural hazards where there is an unacceptable risk to public health and safety or of property damage, we recommend that the Niagara Peninsula Conservation Authority (NPCA):				
(BD/OPS) # 9.1	Finalize, as soon as possible, its policies for reviewing development proposals and work permit applications;	<p>The NPCA Policy document was updated and approved in September 2018 through Report No. 60-18 and it became effective November 1, 2018. Staff have been directed to follow the new policy document as approved.</p> <p>Housekeeping amendments and an update on the consultation policy were forwarded to the Board for approval through Report FA-60-19 on June 19, 2019. Housekeeping amendments were approved, and public consultation is being sought on policy items not considered to be of a minor nature.</p> <p>Staff will review the policy on an ongoing basis to determine if there are any refinements to be made and will bring those proposed changes to the Board for approval.</p> <p>Report No. FA-74-19 will be considered at the August 14, 2019 Board meeting regarding updates to the Valley Land policies.</p>	X	Q4 2018	
(BD/OPS) # 9.2	In finalizing such policies, ensure that the criteria for where development is allowed is consistent with Section 3.1 of the Provincial Policy Statement and the Conservation Authorities Act.	NPCA Policies are consistent with Section 3.1 of the Provincial Policy Statement.	X	Q4 2018	X

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(OPS) # 10	To ensure that staffing decisions are focused on improving the operations of the Niagara Peninsula Conservation Authority (NPCA) to fulfill its legislative mandate and provide effective and efficient services, we recommend that the NPCA:				
(OPS) # 10.1	Develop a human resources (HR) plan that identifies current and future HR needs, as they relate to the strategic direction of the NPCA;	<p>An organizational review was completed and approved by the Board on April 17, 2019. Staff alignments follow the NPCA's Strategic Plan 2018 - 2021.</p> <p>It is noted that this Strategic Plan was developed and approved by the previous Board of Directors and should be further reviewed by the current Board. Future staff needs were identified as part of the organizational review.</p> <p>Upon further review of the Strategic Plan by the new Board, a staffing/skills analysis will be completed as part of a Human Resources Plan.</p>	X	2020	
(OPS) # 10.2	In developing such an HR plan, review its staffing mix to determine the appropriate level of administrative and corporate support staff;	The April 2019 organizational review has identified staffing gaps for the Board to review and consider in relation to 2020 funding requests. Discussions are ongoing regarding the appropriate level of administrative and corporate support required. Discussion is ongoing regarding whether an administrative "pool" is more effective than having an administrative support staff member assigned each Division.	X	Q4 2019	
(OPS) # 10.3	Base future HR decisions on its HR plan;	The HR Plan requires Board approval and will be reviewed annually as part of the budget development commencing with the preparation of the 2020 budget.	X	Q4 2019	
(BD/CAO) # 10.4	Provide information about planned re-structuring decisions, including their financial implications, to the NPCA Board prior to implementing such decisions.	<p>The 2019 organization review was discussed and approved by the Board on April 17, 2019. This review was accompanied by a financial assessment.</p> <p>Further restructuring was reviewed and approved by the Board of Directors at their June meetings.</p>	X	Q2 2019	X
(OPS) # 11	To ensure that reports of possible and known violations are appropriately addressed in a timely manner, we recommend that the Niagara Peninsula Conservation Authority:				
(CAO/OPS) # 11.1	Determine the number of enforcement staff necessary to address violations on a timely basis and staff accordingly;	<p>A Supervisor of Permits and Compliance was hired in March 2019 via Board Report No. FA-25-19. An additional compliance staff was hired through Report No. FA-98-19 when an existing compliance staff member was re-assigned to the restoration program. This Supervisor has 3 staff members, addressing both regulatory and forestry violations. A year-end review of compliance and staffing will be done for the Board's consideration.</p> <p>Given current permitting and enforcement requirements, a Business Case will be developed as part of the 2020 budget to recommend enhanced staff in this area.</p>	X	Q4 2019	

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(OPS) # 11.2	Ensure that enforcement staff obtain the necessary training to discharge their responsibilities;	All NPCA compliance staff have received Level 1 Conservation Ontario Compliance training as of March 2019.	X	Q2 2019	X
(BD/OPS) # 11.3	Revise its enforcement policy to provide guidance on the progressive actions enforcement staff should take to address violations taking into consideration the significance of the violations;	Conservation Ontario has updated a Manual on behalf of all conservation authorities regarding Section 28 of the Act. Progressive actions to address violations are included as part of the Manual. NPCA was actively involved in the review and updating of the Manual through the Conservation Ontario Regulatory Advisory Committee. The Manual will be implemented when the Province has approved regulations under Bill 108.	X	Q4 2019	
(BD/OPS) # 11.4	Revise its enforcement policy to require that enforcement activities be sufficiently documented and ensure that staff adhere to the policy;	Procedures regarding documentation of enforcement activities will be completed as part of the Manual implementation.	X	Q4 2019	
(OPS) # 11.5	Use CityView to track reports of possible violations.	Compliance staff are now placing a flag on properties when there are violations, in order to advise other NPCA staff to refer to Compliance staff should they be working on a file related to one under violation. An update to CityView to handle Compliance/Violation issues is underway and should be completed by October 1, 2019.	X	Q4 2018	
(OPS) # 12	To ensure that the Niagara Peninsula Conservation Authority (NPCA) can proactively identify unlawful activities before they result in risk to people, property and the environment, we recommend that the NPCA:				
(OPS) # 12.1	Institute a mandatory reporting mechanism for landowners to notify the NPCA that approved work has been completed in compliance with the conditions of the permit, and follow up with landowners who fail to report;	As of April 2019, a dedicated e-mail has been placed on the landowners permit form for applicants to send notifications to the NPCA email address, including photos. This email is directed to the Supervisor, Permits and Compliance and his staff to ensure all staff are aware and checking the email regularly. There is also a Factoid which has been developed, to be included with the permits outlining to the applicant what their obligations are once the permit is issued. The permit issuance is now accompanied by this Factoid.	X	Q2 2019	X
(OPS) # 12.2	Develop a risk-based plan to conduct site visits to ensure that landowners have completed the approved work in compliance with the conditions of the permit;	The risk-based plan was finalized and presented to the Board of Directors, through Report No. FA-59-19, at their June 19, 2019 meeting.	X	Q2 2019	X

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(OPS) # 12.3	Update its website to provide information to the public about activities that are prohibited under the Conservation Authorities Act and how the public can report suspected violations to the NPCA	A Fact Page has been created and is posted on the website. Included on the webpage is a dedicated link that will create a form to be filled out and submitted to the Supervisor, Permits and Compliance to review and assign. This will be tracked to ensure all complaints are documented. There is also a dedicated phone number to allow for complaints to be called in. This number is monitored by the Supervisor or designated staff.	X	Q2 2019	X
(BD/OPS) # 13	To ensure that restoration funding is directed toward projects that best achieve the goals of the restoration program, we recommend that the Niagara Peninsula Conservation Authority, regardless of its chosen program delivery model, develop and implement a strategy to better target areas of the watershed based on water quality monitoring and other information on the health of the watershed.	A re-vitalized Restoration Program was approved by the Board of Directors on April 17, 2019. The new program includes a vision, principles, goals and is based on the CAA mandate, the NPCA Strategic Plan and our Watershed Report Cards. The new program will follow recommendations from the Dillon Report and Auditor General's recommendations. Ultimately, sub watershed plans, and implementation strategies should be developed/updated in order to ensure that restoration projects are targeted to priority areas. Restoration Program Guidelines and a 2019 workplan were considered and approved by the Board of Directors on June 19, 2019.	X	Q2 2019	X
(BD/OPS) # 14	To ensure that funding from Ontario Power Generation (OPG) helps improve the health of the Welland River as agreed to, we recommend that the Niagara Peninsula Conservation Authority (NPCA):				
(OPS) # 14.1	Seek clarification with OPG regarding its expectations for how the remaining funds are to be spent;	NPCA senior staff with met with senior OPG staff on three occasions - May 25, 2018, August 29, 2018 and October 31, 2018. NPCA discussed past spending with OPG staff on August 29, 2018 and a Draft MOU and protocols for future spending was established on October 31, 2018. An NPCA/OPG staff meeting was held in May 2019 and an updated MOU discussed. The Board of Directors received and approved the MOU their June 19, 2019 meeting through Report No. FA-55-19 . The MOU addresses both funding and budgets.	X	Q2 2019	X
(BD/OPS) # 14.2	Revise, as necessary, the formal agreement between the NPCA and OPG to outline such expectations;	The NPCA's 2018 Financial Audited Statements were approved by the Board of Directors on April 17, 2019 setting the stage for a subsequent meeting with OPG. This meeting was scheduled for May 6, 2019 to finalize the Draft MOU, discuss expenditure of funds and establish reporting requirements. The final MOU was approved by the Board through Report No. FA-55-19 on June 19, 2019, detailing goals and objectives for funding allocation.	X	Q2 2019	X

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(OPS) # 14.3	Develop and implement a plan that identifies the projects and their locations for which the remaining funds will be spent, ensuring that such projects focus efforts on areas of concern based on the watershed plans that have been developed for the Welland River.	The approved MOU (Report No. FA-55-19), included a plan that identifies projects and their locations, ensuring that these projects focus on priority areas of concern. Quarterly meetings with OPG will be held to ensure that project targets are met.	X	Q2 2019	X
(OPS) # 15	To ensure that lands are acquired to help the Niagara Peninsula Conservation Authority (NPCA) fulfill its mandate, we recommend that the NPCA:				
(BD/OPS) # 15.1	Review and revise its land acquisition goals—both in its latest 2015 plan and in its 100-year plan—for reasonableness and to reflect the NPCA's responsibilities under the natural hazard policies of the Provincial Policy Statement;	Staff have commenced a review of NPCA Conservation Area Master Plans, the Land Acquisition Plans and goals with a view to refining land acquisition targets.	X	Q4 2019	
(BD/OPS) # 15.2	Improve its current land acquisition criteria to provide clear direction on which lands should be acquired;	An initial land acquisition criteria list has been developed. When reviewing a land acquisition opportunity, the following will be considered: <ul style="list-style-type: none"> • Protection of areas of ecological significance including wetlands, woodlands, ANSI's and species of concern or at risk; • Enhancing biodiversity; • Creating connectivity to CA lands, within CA lands or with other public lands; • Protection of, and access to shorelines; • Financial considerations, such as market value, donation of land, land taxes, maintenance costs, NPCA funding available; • Size of the property; • Continued ability to address water quality issues. 	X	Q4 2019	
(BD/OPS) # 15.3	Prioritize its current land acquisition criteria to reflect the revised goals;	Once the land acquisition criteria have been drafted, staff will recommend a ranking of the criteria to be considered and approved by the Board.		Q4 2019	
(BD/OPS) # 15.5	Develop and implement a plan to achieve its land acquisition goals;	The updated Land Acquisition Strategy will include an implementation plan.		2020 and beyond	

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(BD/OPS) # 15.6	Monitor and report to the NPCA Board of Directors on land acquisition progress.	Currently staff provide Quarterly Progress Reports to the Board from all Divisional Program areas. Land Acquisition progress and monitoring will be part of this process. Currently NPCA is considering one acquisition for 2019, of which the Board is fully appraised.	X	2019 ongoing	
(BD/OPS) # 16	To enable the Niagara Peninsula Conservation Authority (NPCA) to assess its performance in fulfilling its mandate, we recommend that the NPCA:				
(BD/OPS) # 16.1	Develop performance indicators that are tied to its mandate and overall program goals;	<p>NPCA has completed Watershed Report Cards since 2012 which include four key performance indicators.</p> <p>Further, NPCA is part of Conservation Ontario's Watershed Report Card system. Our most recent Report Card was completed in 2018 and focused on performance indicators associated with:</p> <p style="padding-left: 40px;">Groundwater Quality Surface Water Quality Forest Conditions Wetland Cover</p> <p>The Watershed Report Card will be continually updated every 5 years.</p> <p>Additional performance indicators will be developed by staff by Q4 2019 for Board review and approval.</p>	X	<p>2017 ongoing</p> <p>Q4 2019</p>	
(OPS) # 16.2	Establish targets against which each indicator will be assessed;	<p>Current indicator grades have been established and some targets have been considered:</p> <p style="padding-left: 40px;">Groundwater – current grade = B. The target is to maintain grade. Surface Waters – current grade = D. No target is established. Forest Cover – current grade = D. No target is established. Wetland Cover – current grade = B. The target is to maintain grade.</p> <p>It is important to note that targets for both surface water quality and forest cover should be established through updated sub watershed plans.</p> <p>Staff will develop targets for performance indicators for review and approval by the Board of Directors by Q4 2019.</p>	X	<p>2017 ongoing</p> <p>Q4 2019</p>	

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(OPS) # 16.3	Regularly collect and analyze information about the impact of its programs and services on the Niagara Peninsula watershed to help adjust programs on an ongoing basis;	NPCA has established a regular program for collecting and analyzing information. In particular, surface water quality is monitored at 80 sites throughout the watershed and groundwater is monitored at 50 watershed sites. Staff will assess additional information to be collected on all program areas and services by Q4 2019 for review and approval by the Board of Directors.	X	ongoing Q4, 2019	
(OPS) # 16.4	Review, and revise as necessary, its annual and quarterly reports to better reflect how the NPCA's initiatives and projects are helping the NPCA fulfill its mandate and overall program goals.	Quarterly and annual reports will be refined to outline how NPCA initiatives and projects are fulfilling our mandate and goals.	X	Q4 2019	
(BD/OPS) # 17	To ensure that the Niagara Peninsula Conservation Authority (NPCA) follows fair and transparent recruitment and promotion processes, and that the best-qualified individuals are hired and promoted, we recommend that the NPCA:				
(BD/OPS) # 17.1	Update its recruitment policies to include the steps and documentation required to support hiring decisions and eliminate situations of real or perceived conflict of interest in recruitment and hiring;	The HR Policy and Recruitment Procedures are scheduled for refinement including outlining the steps and documentation process to support hiring decisions and outlining what constitutes a conflict of interest, perceived conflict of interest and how to proceed if identified. The Recruitment Policy update was received and approved by the Board of Directors their June 19, 2019 meeting.	X	Q2 2019	X
(BD/OPS) # 17.2	Update its promotion policies to include the decision-making process required to be followed and documented for promotions and appointments;	Promotion Policies will be presented to the Board for consideration at their August 14, 2019 meeting through Report No. FA-69-19	X	Q3 2019	
(OPS) # 17.3	Assess staff's performance annually, as required by its policies;	A Performance Review System was implemented in the summer of 2018 for permanent and summer staff. Training and review of the system was completed in October 2018. Effective dates for each employee are currently being compiled, including a "reminder system" to ensure that Performance Reviews are completed on a timely basis. Further training with Supervisors, Managers and Directors will occur in 2019.	X	Q2 2018 and ongoing	
(BD/OPS) # 17.4	Provide quarterly updates to the NPCA Board of Directors on staffing changes and performance.	Quarterly updates on all NPCA program areas are provided to the Board of Directors, including human resources updates. Included in quarterly reviews are recruitment updates and changes to staff, including promotions, departures, retirements, etc.	X	ongoing	

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(OPS) # 18	To ensure compliance with the Occupational Health and Safety Act, the Ontario Human Rights Code and the Ministry of Labour Code of Practice, we recommend that the Niagara Peninsula Conservation Authority (NPCA):				
(OPS) # 18.1	For every harassment or discrimination complaint or grievance filed, fully assess and document whether an investigation is required and, if it is, conduct it in an appropriate and timely manner;	<p>The NPCA's Harassment Policy was updated in 2016. As part of the procedures, a "checklist" will be developed to document actions taken up to and including whether an investigation is required for complaints of any nature.</p> <p>An update to the Workplace Harassment Policy was approved by the Board of Directors at their June 19, 2019.</p> <p>NPCA ensures that each complaint or grievance filed is documented, reported to the Board, investigated if required and a report provided to the initiator of the complaint.</p>	X	2016 Q2 2019 update	X
(BD/OPS) # 18.2	Use its ability, under its workplace harassment policy, to appoint an external investigator or develop mechanisms to ensure that complaints against the CAO are investigated by a party who does not report directly to the CAO;	As part of the Workplace Harassment Policy Update, a process for handling complaints against the CAO was developed and approved on June 19, 2019 recommending the use of an external investigator rather than in house staff.	X	Q2 2019	X
(BD/OPS) # 18.3	Provide additional information on grievances, staff complaints and investigations, including their subject and financial implications, as part of confidential updates to the NPCA Board of Directors.	General information on grievances, staff complaints and investigations have been reported to the Board effective Q2, 2018. This information is now contained in each quarterly report to the Board of Directors, in closed session. Board requests for further details on grievances, including financial implications will be dealt with in closed session meetings of the board.	X	2018 and ongoing	X
(BD/OPS) # 19	To ensure the Niagara Peninsula Conservation Authority (NPCA) operates as effectively and productively as possible, without workplace issues hindering its operations unnecessarily, we recommend that the NPCA:				
(OPS) # 19.1	Develop and implement an action plan to address workplace concerns;	<p>Initial documentation of workplace concerns commenced in 2017 with a staff survey. A second survey was completed in November 2018 and year over year results will be tracked and reviewed to create an Action Plan to address workplace comments, concerns and activities to address this input. The Interim CAO also launched an organizational review in April 2019 and invited all staff to provide comments (anonymously if desired) or to meet with her directly to discuss concerns.</p> <p>Workplace concerns which emerged during the CAOs April review will be reported at the September Board meeting along with an Action Plan.</p>	X	2017 to Q1 2019 Q4t	

Lead and Rec. #	AUDITOR GENERAL RECOMMENDATIONS	NPCA RESPONSE	INITIATED	TARGETTED COMPLETION	COMPLETE
(BD/OPS) # 19.2	Present this action plan and related timeline to the NPCA Board of Directors for review and approval;	Overall concerns will be reported to the Board in September 2019. An updated Workplace Comments and Concerns Process and Action Plan will be developed for approval in 2019.	X	Q4 2019	
(BD/OPS) # 19.3	Report on its progress in implementing the actions within the approved timeline.	Progress on workplace concerns will continue to be reported through Quarterly Reports to the Board of Directors.	X	Quarterly and ongoing	X
BD/(OPS) # 20	To ensure that the Niagara Peninsula Conservation Authority (NPCA) receives value for money spent on goods and services, we recommend that the NPCA:				
(OPS) # 20.1	Follow its procurement policies for the acquisition of goods and services;	Since March 2018 the NPCA has been conducting competitive procurements as per its existing policy as evidenced by the document "Planned Procurement". Revisions regarding the use of Corporate Credit Cards has been completed which includes a specific policy regarding card use and a letter of understanding signed by each card holder. Additional revisions to existing Purchasing & Procurement Policy are in progress.	X	Q4 2019	
(BD/OPS) # 20.2	Revise its procurement policies to require that any needed services associated with unsolicited proposals be obtained in a transparent and competitive manner;	The Unsolicited Proposal Policy originally approved in July 2014 will be reviewed and amended as per the direction of the Board.	X	Q4 2019	
(OPS) # 20.3	Assess the benefits of establishing continuity and achieving cost savings from contracting with a preferred law firm for each field of law it requires services;	The NPCA inquired through its Purchasing Group (Niagara Public Purchasing Committee) how other public entities are handling legal services and it was discovered that the majority of these Public entities have exemptions for Legal Services excluding them from competitive procurement. Following discussion with the Office of the Auditor General, it was suggested that NPCA contact TRCA for details on their procurement strategies regarding legal services. In October 2018, dialogue occurred between NPCA and TRCA and it was discovered that the TRCA established a Vendor of Record listing in January 2017 to handle its legal services.	X	2018	X

Lead and Rec. #	AUDITOR GENERAL RECOMMENDATIONS	NPCA RESPONSE	INITIATED	TARGETTED COMPLETION	COMPLETE
(BD/OPS) # 20.4	Revise its procurement policies for legal services to implement the results of the above assessment.	Using the above as a model, as suggested by the Office of the Auditor General, the NPCA will issue a Request for Proposal to establish vendors of record to handle its legal services. Certain legal services which are specialized may be recommended to the Board to be single sourced. This will be done through a resolution at the Annual General Meeting of the Board held in January of each year.	X	Q4 2019	
(BD/OPS) # 21	To ensure that funds are available and that critical capital projects are completed in a timely manner, we recommend that the Niagara Peninsula Conservation Authority (NPCA):				
(OPS) # 21.1	Update the information in its asset management system to reflect the actual replacement cost of assets (when this information is available) and the estimated useful life of assets based on their condition;	The NPCA included in its 2019 Operating Budget a position identified as Capital Project Specialist which will address each of the points outlined in Recommendation 21. The position will work in conjunction the Procurement Specialist to achieve the above goals. KPMG (the NPCA's third party auditor) has expertise in this specific area and has established contact with NPCA staff to assist in carrying out these objectives. This staff member will be responsible for developing the NPCA's Asset Management Plan and System, including all areas identified as Recommendations 21.1 to 21.5.	X	Q4 2019	
(OPS) # 21.2	Obtain reliable information to support replacement cost estimates and cost estimates for planned capital projects;	The new Capital Project Specialist will work with the Procurement Specialist to obtain reliable information on replacement cost for planned capital projects.	X	Q4 2019 ongoing	
(OPS) # 21.3	Prioritize capital projects using an objective assessment of needs;	The new Capital Project Specialist will work with Park Superintendents along with other front-line staff and Department Heads to prioritize capital projects using an objective assessment of needs.		Q4 2019 ongoing	
(BD/OPS) # 21.4	Identify how the NPCA will obtain funding to undertake these projects;	The new Capital Project Specialist will work with Senior Management to identify funding sources for projects.		Q4 2019 ongoing	
(BD/OPS) # 21.5	Refine the capital plan, based on the above action items, and present it to the NPCA Board for approval.	The new Capital Project Specialist will work with all staff as required to constantly refine the Capital Plan for eventual Board approval.		Q4 2019 ongoing	

Lead and Rec. #	AUDITOR GENERAL RECOMMENDATIONS	NPCA RESPONSE	INITIATED	TARGETTED COMPLETION	COMPLETE
(M) # 22	To ensure that conservation authorities have the necessary information to interpret and fulfill their legislative mandate, we recommend that the Ministry of the Environment, Conservation and Parks, upon proclamation of Section 40 of the Conservation Authorities Act:				
(M) # 22.1	Clearly describe for conservation authorities what the development of natural resources entails, and how it differs from “development” in general;	MOECP has launched two reviews under the Environmental Registry of Ontario on April 5, 2019 - Modernizing conservation authorities’ operations - CAA and Focusing conservation authority’s development permits on the protection of people and property . This provincial review will assist in addressing Recommendations 22.1 to 24.3. As noted under recommendation #1, Bill 108 was passed on June 4, 2019. NPCA continues to work with the province and Conservation Ontario as we move toward establishing regulations which will enact Bill 108.	X	2020	
(M) # 22.2	Provide guidance to help conservation authorities prioritize the objectives of their programs and services (conservation, restoration, development and management of natural resources);	NPCA is actively involved in providing comments to Conservation Ontario regarding the provincial government review.	X	2020	
(M) # 22.3	Use its regulatory powers to establish minimum requirements and standards for conservation authorities’ delivery of programs and services;	NPCA will ensure that minimum requirements and standards will be developed for programs and services. NPCA currently complies with response standards for commenting under The Planning Act.	X	2020	
(M) # 22.4	Establish the governance practices that it determines conservation authorities should be uniformly following province-wide:	NPCA will comply with governance practices recommended by the province.	X	2020	
(M) # 23	To ensure that conservation authority boards of directors are held to account appropriately, we recommend that the Ministry of the Environment, Conservation and Parks work with municipalities to develop and implement a formal, cost-effective and purposeful reporting process that includes a discussion of the outcomes of conservation authorities’ activities.	NPCA will work through Conservation Ontario to request that CO/conservation authorities are part of the discussion with MOECP and municipalities regarding reporting processes.	X	2020	

Lead and Rec. #	AUDITOR GENERAL RECOMMENDATIONS	NPCA RESPONSE	INITIATED	TARGETTED COMPLETION	COMPLETE
(M) # 24	To ensure that issues that are beyond conservation authorities' ability to manage themselves are dealt with appropriately and in a timely manner, we recommend that the Ministry of the Environment, Conservation and Parks (Ministry) work with municipalities to:				
(M) # 24.1	Determine the circumstances when Ministry and/or municipality intervention is warranted;	NPCA will work through Conservation Ontario to request that CO/conservation authorities are part of the discussion with MOECP and municipalities regarding intervention definitions and requirements.	X	2020	
(M) # 24.2	Establish mechanisms for the Ministry and/or municipalities to intervene when necessary in conservation authorities' operations;	NPCA will work through Conservation Ontario to request that CO/conservation authorities are part of the discussion with MOECP and municipalities regarding intervention definitions and requirements.	X	2020	
(M) # 24.3	Formalize such mechanisms through a memorandum of understanding between the Ministry, municipalities and conservation authorities that clearly establishes the roles and responsibilities of each party and when intervention is necessary.	NPCA will work with the Ministry, Conservation Ontario and participating municipalities to formalize an appropriate Memorandum of Understanding.	X	2020	

Report To: Board of Directors

**Subject: Niagara Region & NPCA Memorandum of Understanding (MOU)
and Special Levy - \$1.6M**

Report No: FA-113-19

Date: August 14, 2014

Recommendation:

That Report No. FA-113-19 RE: Niagara Region Memorandum of Understanding (MOU) and Special Levy - \$1.6M **BE RECEIVED** for information.

Purpose:

The purpose of this report is to inform the NPCA Board of the impact of the decision to reduce Niagara's portion of the Special Levy by a total of \$1,617,165 (Resolution No. FA-50-19).

Background:

On December 10, 2012, the NPCA Board received a report (Appendix 2) submitted by the then CAO, Tony D'Amario, recommending a Debenture MOU with the Niagara Region. It was a proposed resolution: "...with respect to debt financing of past NPCA capital projects by the Niagara Region. Over the last several years, the NPCA budget reflected a debt payment to the Niagara Region which has been in turn levied as a special benefitting levy to the Niagara Region." At its December 10, 2012 meeting, via Resolution FA 133-12, the NPCA Approved the Debenture MOU with Niagara Region.

Subsequently, a further report (Appendix 3) was brought forward to the NPCA Board on April 17, 2013 with a recommendation to approve a revised Debenture MOU. The CAO at the time, Tony D'Amario, explained that the December 2012 MOU was revised following a number of meetings and discussions with the Region's solicitor and staff, NPCA Auditors and Legal representatives. It was noted that from an accounting perspective, the NPCA required a responsibility of debt, however, it also has the authority to levy the Niagara Region for debt servicing costs. The revised MOU was essentially the same as the December 2012 version but provided clarification on the amount of debt and payment as well as further confirming the 2012 levy for debt servicing, as part of the NPCA's base budget for future years. The Revised (and current) MOU was approved by the NPCA Board at its April 17, 2013 meeting via Resolution FA 57-13. The MOU is a commitment that the NPCA will pay the debt to the Region, however it does not limit the NPCA's right to levy for operating or capital expenditures in future. It is important to note that the 2012 debt payment of \$1,628,852 is included in the NPCA base budget and will continue in subsequent years

notwithstanding that the debt payments will reduce over time. A schedule entitled 'Year-End Debt Balance' showing principal, interest and total NPCA debt charges per year from 2012-2020 is attached as Appendix 4. A table outlining annual NPCA Budget Vs Actual Debt Servicing Charges is included on page 2 (Figure 1) of Appendix 5.

To summarize:

2012, 2013 and 2014:

There was no excess or surplus of Debenture MOU funds; Special Levy to Niagara Region fully utilized to retire a portion of the debt.

2015 and 2016:

Consolidated surplus of Debenture MOU funds of approximately \$275,000. This excess over debt servicing charges was absorbed into the respective operating budgets for each of those 2 years.

It was in 2016, by speaking with those engaged in the 2012 MOU discussions as well as Niagara Region staff, that NPCA staff confirmed that the intent of any future excess over time was to be used for both NPCA capital investments specific to the Niagara Region and future debenture payments.

NPCA staff further recognized the risk of absorbing any excess into the operating budget as the MOU came closer to expiring would mean an operating reliance on funding related to an MOU that expires in 2020. Although, approx. \$275,000 was absorbed into operating for 2015 & 2016, it was also recognized that the NPCA did not levy the amount it should have.

2017 and 2018:

Debt servicing charges (actual)	\$1,916,382
Niagara Region Capital Projects	\$1,275,603

2019:

Debt servicing charges (actual)	\$ 511,686
Niagara Region Capital Projects	\$1,117,166

It is important to note that the Special Levy Niagara (Debenture MOU) funded capital projects do not represent all of the Capital projects for the respective years, only those funded through the Special Levy. Finally, the Auditor General of Ontario, after approx. 10 months of auditing all aspects of this organization, assessed and interviewed relevant current/former NPCA and Regional staff regarding the Debenture MOU and did not note an issue with it.

At the NPCA Board meeting held February 20, 2019, the following Resolution FA-50-19 (page 4 – Appendix 6) was passed:

“That the NPCA staff meet with Niagara Region staff to reduce the Niagara’s portion of the Special Levy by a total of \$1.6 million dollars.”

Financial Implications:

Niagara's portion of the (original) Special Levy for 2019 breaks down as follows:

• Debt servicing charges	\$ 511,686
• Contribution to the Niagara Land acquisition reserve	500,000
• <u>Niagara Region capital projects</u>	<u>1,117,166</u>
• Total	\$ 2,128,851

Revised Niagara Special Levy:

• Debt servicing charges	\$ 511,686
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Further to Resolution FA-50-19 at the Feb. 20, 2019 Board meeting, capital disbursements for Niagara Region will be funded from Capital Reserves (Appendix 7). Additionally, the Niagara Land Acquisition Reserve will remain static at 2018 level: \$1,798,176.

Related Reports and Appendices:

Appendix 1 – 2012 Memorandum of Understanding (MOU) – Niagara Region and NPCA

Appendix 2 – NPCA Board Report #64-12 – December 10, 2012

Appendix 3 – NPCA Board Report #29-13 – April 10, 2013

Appendix 4 – Schedule – NPCA Debt with Niagara Region – 2012 to 2020

Appendix 5 – NPCA Board Report #12-19 – February 20, 2019

Appendix 6 – NPCA Board Minutes – February 20, 2019

Appendix 7 – Statement of Continuity for Capital and Operating Reserves - 2019

Authored by:

Original Signed by

Lise Gagnon, CPA, CGA
Director, Corporate Services

Submitted by:

Original Signed by

D. Gayle Wood, BES, CMMIII
Chief Administrative Officer/Secretary-Treasurer

MEMORANDUM OF UNDERSTANDING

BETWEEN:

THE REGIONAL MUNICIPALITY OF NIAGARA ("Region")

and

NIAGARA PENINSULA CONSERVATION AUTHORITY ("NPCA")

WHEREAS the NPCA has levied the Region for Capital Works as one of the constituent Municipalities in its watershed;

AND WHEREAS the Region debentured the amount so levied, pursuant to the *Conservation Authorities Act*, R.S.O. 1990, c.C.27 (the "Act")

74-2003-10-CA

89-2004-10-CA

61-2005-10-CA

57-2006-10-CA

72-2007-10-CA

61-2008-10-CA

67-2009-10-CA

73-2010-10-CA ("Past Capital Levy")

AND WHEREAS the Parties wish to provide for the proper accounting of the Past Capital Levy and the orderly payment of future obligations;

NOW THEREFORE THE PARTIES HERETO hereby agree as follows:

1. The Region acknowledges that the NPCA shall levy the Region as a special benefitting Municipality, an annual amount for the debenture interest and principal due for the current year on the Past Capital Levy. Such levy shall continue until the current debt is retired.
2. As of December 31, 2012, the remaining amount of the Past Capital Levy is \$7,512,782.90.
3. The NPCA shall pay to the Region the amount required by the Region to meet the annual payment for the portion of the Region's debenture obligations that are properly attributable to the debt undertaken to meet the Past Capital Levies of NPCA. Such portion to be referred to as the "NPCA Share"
4. The NPCA will record the NPCA Share as a debt on its annual Financial Statements. The Region will record the NPCA Share as a debt recoverable from NPCA on its annual Financial Statements.
5. Pursuant to the Act, the NPCA levies the Region a total levy for its requirements for operations which includes the annual payment on the Past Capital Levy (the "Total Levy"). The 2012 Total Levy was \$6,557,104.00 which included the Past Capital Levy payment of \$1,628,851.96. Both figures shall continue to be used in the base budget for subsequent Total Levies plus or minus the Budget guidance directed by Regional Council, which budget

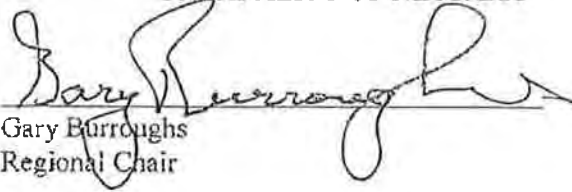
is submitted to Regional Council for approval.

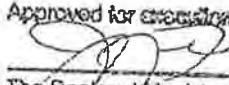
6. The Parties agree that this Memorandum acknowledges the Past Capital Levies that have been funded by the Region for the benefit of NPCA to December 31, 2012 and which form part of the NPCA Total Levy to the Region. The Parties agree that this Memorandum is intended to record the arrangement that has been reached to deal with the past practices of the Parties in recording the Past Capital Levy. In the event that in subsequent years new debentures are issued by the Region for new NPCA Capital Levies the same accounting for the debentures on the books of the Parties shall be used, subject to the Parties adjusting the amount of the NPCA Share of the Region's debentures and annual payment on account of such amount.
7. It is acknowledged that NPCA is eligible from time to time to obtain funding from the Ontario Government which may entail further levies for Capital Projects. This Memorandum is not intended to prejudice the NPCA's ability to apply for or participate in such future opportunities.
8. The Parties agree to meet and discuss the annual payments to be made and/or future debenture issues upon either party requesting such an opportunity.


Dated at Thorold, this 31st day of December, 2012.

THE REGIONAL MUNICIPALITY OF NIAGARA

Per:


Name: Gary Burroughs
Title: Regional Chair

Approved for execution

The Regional Municipality of Niagara
Legal Services



Name: Janet Pilon
Title: Regional Clerk

We have authority to bind the Corporation

Dated at Welland, this 31st day of December, 2012.

NIAGARA PENINSULA CONSERVATION AUTHORITY

Per:


Name: TONY DAMARIS
Title: CAO/ Secretary Treasurer

//We have authority to bind the Corporation



TO: The Chairman and Members of the Authority

DATE: December 10, 2012

SUBJECT: Debenture MOU – Niagara Region - Report No. 64 -12

The Board will recall an outstanding issue with respect to debt financing of past NPCA capital projects by the Niagara Region. Over the last several years, the NPCA budget reflected a debt payment to the Niagara Region which has been in turn levied as a special benefitting levy to the Niagara Region. The NPCA 2011 approved financial statements included a note that indicates the debt payment, but did not indicate or otherwise reconcile the total outstanding debt on the financial statements. The reason for this was, based on our legislation, that our yearly invoice to the Niagara Region was and is a statutory levy. However, as indicated above, the Authority is committed to making repayments on the debt charge until paid as per our previous understanding and agreement.

The Niagara Region staff have indicated concerns that the NPCA financial statements do not recognize the debt on our books and accordingly there is no transparent record of the debt in either of the NPCA or Region's financial statements. In an effort to deal with this matter, NPCA and Region staff, legal representatives and auditors met to discuss viable options. Our auditors reviewed the financial statements of the other Conservation Authorities in Ontario and found no other municipalities that have borrowed on behalf of the Authority to finance the Authority's capital levy. As there was no model to refer to in this regard, the group developed an appropriate MOU for consideration by the Authority that would address the issues.

Attached is a copy of the proposed MOU for consideration of the Board as reviewed and endorsed by both the NPCA solicitor and auditor as appropriate given the circumstances. It is important to note that:

- the MOU deals with the historical debt amounts only (balance as of year-end 2012 will be \$7,512,782);
- the MOU would end when the historical debt is paid (Year 2020)
- the MOU does not limit the NPCA right to levy for operating or capital expenditures in the future
- the 2012 debt payment of \$1,628,851 is included in the NPCA base budget and will continue in subsequent years notwithstanding that the debt payments will reduce over time.

The final draft MOU was forwarded to the Niagara Region staff for comment, however due to unavoidable issues, their input was not received in time for this agenda. Additional information and/or comments received in this regard will be presented at the meeting.

Once approved, the MOU will be signed by the NPCA Chairman and CAO as well as appropriate Region Representatives

RECOMMENDATION:

That Report 64-12 be received and that the NPCA approve the Proposed Debenture MOU with the Niagara Region.

Respectfully Submitted By:

Tony D'Amario, P. Eng. CAO/ Secretary-Treasurer



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

TO: The Chairman and Members of the Authority

DATE: April 10, 2013

SUBJECT: Revised Debenture MOU – Niagara Region - Report No. 29-13

The Board previously adopted a recommendation approving the Proposed Debenture MOU with the Niagara Region. (see attached report 64-12).

The MOU was forwarded to the Niagara Region staff for comment and following a number of meetings and discussions with the Region's solicitor and staff, NPCA Auditors and Legal representatives, the attached final draft MOU was agreed to for presentation to both the NPCA Board and the appropriate Niagara Region Committee.

The revised MOU is essentially the same as the initial draft but provide clarification on the amount of debt and payment as well as further confirming the 2012 levy for debt payment is recognized by the Region as part of the NPCA's base budget for future years.

Once approved, the MOU will be signed by the NPCA and Region Chairman.

RECOMMENDATION:

That Report No. 29-13 be received and that the NPCA approve the Revised Debenture MOU with the Niagara Region.

Respectfully Submitted By:


Tony D'Amario, P. Eng. CAO/ Secretary-Treasurer

MEMORANDUM OF UNDERSTANDING

BETWEEN:

THE REGIONAL MUNICIPALITY OF NIAGARA ("Region")

and

NIAGARA PENINSULA CONSERVATION AUTHORITY ("NPCA")

WHEREAS the NPCA has levied the Region for Capital Works as one of the constituent Municipalities in its watershed;

AND WHEREAS the Region debentured the amount so levied, pursuant to the *Conservation Authorities Act*, R.S.O. 1990, c.C.27 (the "Act")

74-2003-10-CA

89-2004-10-CA

61-2005-10-CA

57-2006-10-CA

72-2007-10-CA

61-2008-10-CA

67-2009-10-CA

73-2010-10-CA ("Past Capital Levy")

AND WHEREAS the Parties wish to provide for the proper accounting of the Past Capital Levy and the orderly payment of future obligations;

NOW THEREFORE THE PARTIES HERETO hereby agree as follows:

1. The Region acknowledges that the NPCA shall levy the Region as a special benefitting Municipality, an annual amount for the debenture interest and principal due for the current year on the Past Capital Levy. Such levy shall continue until the current debt is retired.
2. As of December 31, 2012, the remaining amount of the Past Capital Levy is \$7,512,782.90.
3. The NPCA shall pay to the Region the amount required by the Region to meet the annual payment for the portion of the Region's debenture obligations that are properly attributable to the debt undertaken to meet the Past Capital Levies of NPCA. Such portion to be referred to as the "NPCA Share"
4. The NPCA will record the NPCA Share as a debt on its annual Financial Statements. The Region will record the NPCA Share as a debt recoverable from NPCA on its annual Financial Statements.
5. Pursuant to the Act, the NPCA levies the Region a total levy for its requirements for operations which includes the annual payment on the Past Capital Levy (the "Total Levy"). The 2012 Total Levy was \$6,557,104.00 which included the Past Capital Levy payment of \$1,628,851.96. Both figures shall continue to be used in the base budget for subsequent Total Levies plus or minus the Budget guidance directed by Regional Council, which budget is submitted to Regional Council for approval.
6. The Parties agree that this Memorandum acknowledges the Past Capital Levies that have

been funded by the Region for the benefit of NPCA to December 31, 2012 and which form part of the NPCA Total Levy to the Region. The Parties agree that this Memorandum is intended to record the arrangement that has been reached to deal with the past practices of the Parties in recording the Past Capital Levy. In the event that in subsequent years new debentures are issued by the Region for new NPCA Capital Levies the same accounting for the debentures on the books of the Parties shall be used, subject to the Parties adjusting the amount of the NPCA Share of the Region's debentures and annual payment on account of such amount .

7. It is acknowledged that NPCA is eligible from time to time to obtain funding from the Ontario Government which may entail further levies for Capital Projects. This Memorandum is not intended to prejudice the NPCA's ability to apply for or participate in such future opportunities.
8. The Parties agree to meet and discuss the annual payments to be made and/or future debenture issues upon either party requesting such an opportunity.

Dated at _____, this 31st day of December, 2012.

THE REGIONAL MUNICIPALITY OF NIAGARA

Per:

Name: Gary Burroughs

Title: Regional Chair

Name: Janet Pilon

Title: Regional Clerk

We have authority to bind the Corporation

Dated at _____, this 31st day of December, 2012.

NIAGARA PENINSULA CONSERVATION AUTHORITY

Per:

Name:

Title:

I/We have authority to bind the Corporation

The Regional Municipality of Niagara

Year-End Debt Balance with Annual Debt Charges for Departmental Debt Existing at December 31, 2011

For Department N.P.C.A. (D_CA) — Include ACCR Amount Class with Interest - No

Debtenture By-Law	Debtenture Amount	Principal Payments to Date	Principal Outstanding at Year End	2012 Principal	2012 Interest	2012 Debt Charges	2012 Debt Balance	2013 Principal	2013 Interest	2013 Debt Charges	2013 Debt Balance
57-2006-10-CA	1,977,725.00	881,725.00	1,096,000.00	200,000.00	54,968.50	254,968.50	896,000.00	209,000.00	45,168.50	254,168.50	587,000.00
61-2005-10-CA	1,342,900.00	747,990.07	594,909.93	140,059.09	21,774.45	161,833.54	454,850.84	145,518.33	16,096.55	161,614.88	309,332.51
61-2008-10-CA	2,468,703.00	635,703.00	1,833,000.00	229,000.00	84,138.98	313,138.98	1,604,000.00	239,000.00	74,406.48	313,406.48	1,365,000.00
67-2009-10-CA	2,353,999.00	419,999.00	1,934,000.00	217,000.00	76,094.50	293,094.50	1,717,000.00	222,000.00	70,452.50	292,452.50	1,495,000.00
72-2007-10-CA	2,060,840.00	706,206.38	1,354,633.62	199,137.44	68,017.90	267,155.34	1,155,496.18	209,096.49	58,160.62	267,257.11	946,399.59
73-2010-10-CA	1,813,836.00	150,028.38	1,663,807.62	156,254.55	61,955.81	218,210.36	1,507,553.07	162,739.11	57,719.42	220,458.53	1,344,813.96
74-2003-10-CA	387,500.00	295,311.06	92,188.94	44,914.83	4,887.20	49,802.03	47,274.11	47,274.11	2,529.16	49,803.27	0.00
89-2004-10-CA	542,500.00	351,196.55	191,303.45	60,694.75	9,953.96	70,648.71	130,608.70	63,723.87	6,858.56	70,582.43	66,884.83
Total for N.P.C.A.			8,759,843.56	1,247,060.66	381,791.30	1,628,851.96	7,512,782.90	1,298,351.91	331,391.79	1,629,743.70	6,214,430.99

Version: 1

Location: Projects - 03 Debtentures Report: D8022 - Y/E Debt Balance with Annual Debt Charges - Departmental Debt
 /client/package/@name=Project-03 Debtentures/report/@name=D8022 - Y/E Debt Balance with Annual Debt Charges - Departmental Debt

Page 1 of 4

Date: 2012-08-08

Time: 11:32:31

The Regional Municipality of Niagara

Year-End Debt Balance with Annual Debt Charges for Departmental Debt Existing at December 31, 2011

For Department N.P.C.A. (D_CA) -- Include ACCR Amount Class with Interest - No

Project Id	2014 Principal	2014 Interest	2014 Debt Charges	2014 Debt Balance	2015 Principal	2015 Interest	2015 Debt Charges	2015 Debt Balance	2016 Principal	2016 Interest	2016 Debt Charges	2016 Debt Balance
57-2006-10-CA	219,000.00	17,411.50	236,411.50	468,000.00	229,000.00	23,873.00	252,873.00	239,000.00	239,000.00 ✓	12,308.50	251,308.50	0.00
61-2005-10-CA	151,493.99	9,968.43	161,462.42	157,838.52	157,838.52	3,393.53	161,232.05	0.00	0.00	0.00	0.00	0.00
61-2008-10-CA	249,000.00	64,009.98	313,009.98	1,116,000.00	261,000.00	52,929.48	313,929.48	855,000.00	272,000.00 ✓	40,923.48	312,923.48	583,000.00
67-2009-10-CA	229,000.00	63,459.50	292,459.50	1,266,000.00	234,000.00	55,444.50	289,444.50	1,032,000.00	241,000.00	46,435.50	287,435.50	791,000.00
72-2007-10-CA	219,576.79	47,810.38	267,387.17	726,822.90	230,567.20	36,831.56	267,398.76	496,255.70	242,067.70 ✓	25,187.94	267,255.64	254,188.00
73-2010-10-CA	169,492.78	52,480.02	221,972.80	1,175,321.18	176,526.74	46,419.40	222,946.14	998,794.44	183,852.55 ✓	39,612.66	223,465.25	814,941.85
74-2003-10-CA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
89-2004-10-CA	66,884.83	3,544.90	70,429.73	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total for N.P.C.A.	1,304,448.39	258,684.71	1,563,133.10	4,909,982.60	1,288,932.46	218,891.47	1,507,823.93	3,621,050.14	1,177,920.29	164,468.08	1,342,388.37	2,443,129.85

PRINCIPAL

Version: 1

Location: Projects - 03 Debentures Report: DB022 - Y/E Debt Balance with Annual Debt Charges - Departmental Debt
/content/package[@name="Projects - 03 Debentures"]/report[@name="DB022 - Y/E Debt Balance with Annual Debt Charges - Departmental Debt"]

Page 2 of 4

Date: 2012-08-09

Time: 11:32:31

The Regional Municipality of Niagara

Year-End Debt Balance with Annual Debt Charges for Departmental Debt Existing at December 31, 2011

For Department N.P.C.A. (D_CA) -- Include ACCR Amount Class with Interest - No

Project Id	2017 Principal	2017 Interest	2017 Debt Charges	2017 Debt Balance	2018 Principal	2018 Interest	2018 Debt Charges	2018 Debt Balance	2019 Principal	2019 Interest	2019 Debt Charges	2019 Debt Balance
57-2006-10-CA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
61-2005-10-CA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
61-2008-10-CA	285,000.00	28,139.50	313,139.50	298,000.00	298,000.00	14,602.00	312,602.00	0.00	0.00	0.00	0.00	0.00
67-2009-10-CA	252,000.00	36,434.00	288,434.00	539,000.00	263,000.00	25,346.00	288,346.00	276,000.00	276,000.00	13,248.00	289,248.00	0.00
72-2007-10-CA	254,188.00	12,963.56	267,151.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
73-2010-10-CA	191,482.48	32,054.28	223,536.76	623,459.37	199,429.00	23,743.44	223,172.44	424,030.37	207,705.30	14,732.49	222,437.79	216,325.07
74-2003-10-CA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
89-2004-10-CA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total for N.P.C.A.	982,670.48	109,591.34	1,092,261.82	1,460,459.37	760,429.00	63,691.44	824,120.44	700,030.37	483,705.30	27,980.49	511,685.79	216,325.07

Version: 1

Location: Projects - 03 Debentures Report: DB022 - Y/E Debt Balance with Annual Debt Charges - Departmental Debt
/content/package?name=Projects - 03 Debentures /report?name=DB022 - Y/E Debt Balance with Annual Debt Charges - Departmental Debt

Page 3 of 4

Date: 2012-08-08
Time: 11:32:31

The Regional Municipality of Niagara

Year-End Debt Balance with Annual Debt Charges for Departmental Debt Existing at December 31, 2011

For Department N.P.C.A. (D_CA) -- Include ACCR Amount Class with Interest - No

Project Id	2020 Principal	2020 Interest	2020 Debt Charges	2020 Debt Balance	2021 Principal	2021 Interest	2021 Debt Charges	2021 Debt Balance	2022 Principal	2022 Interest	2022 Debt Charges	2022 Debt Balance
57-2006-10-CA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
61-2005-10-CA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
61-2008-10-CA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
67-2009-10-CA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
72-2007-10-CA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
73-2010-10-CA	216,325.07	5,029.56	221,354.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
74-2003-10-CA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
89-2004-10-CA	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total for N.P.C.A.	216,325.07	5,029.56	221,354.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Version: 1

Location: Projects - 03 Debentures Report: D0022 - Y/E Debt Balance with Annual Debt Charges - Departmental Debt
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Page 4 of 4

Date: 2012-08-08
 Time: 11:32:31

Report To: Board of Directors

Subject: 2012 Memorandum of Understanding (MOU): Niagara Region & NPCA

Report No: 12-19

Date: February 20, 2019

RECOMMENDATION:

That Report No. 12-19 **BE RECEIVED** for information.

PURPOSE:

To provide the NPCA Board of Directors with information respecting the 2012 MOU (Appendix 1) between the Niagara Region and the NPCA regarding debt.

BACKGROUND:

On January 31st, 2019, NPCA staff delivered the 2019 NPCA Budget Presentation to Niagara Regional Council. Stemming from the budget presentation, an NPCA Board member made an information request for staff to provide additional information relating to the noted Debenture MOU with the Niagara Region. This report and Appendices are for Board reference.

DISCUSSION:

December 10, 2012, the NPCA Board received a report (Appendix 2) submitted by the then CAO, Tony D'Amario, recommending a 'Debenture MOU' with the Niagara Region. It was a proposed resolution:

"...with respect to debt financing of past NPCA capital projects by the Niagara Region. Over the last several years, the NPCA budget reflected a debt payment to the Niagara Region which has been in turn levied as a special benefitting levy to the Niagara Region." However, "The NPCA 2011 approved financial statements...did not indicate or otherwise reconcile the total outstanding debt on the financial statements."

Niagara Region staff approached the NPCA in 2012 with, *"concerns that the NPCA financial statements do not recognize the debt on our books and accordingly there is no transparent record of the debt in either of the NPCA or Region's financial statements."* Since the NPCA was paying the Region for the debt, without an agreement or MOU, the debt would be on the Region's books without a corresponding asset (the NPCA has the asset).

The 2012 report further states that, *"In an effort to deal with this matter, NPCA and Region staff, legal representatives and auditors met to discuss viable options...As there was no model to refer to in this regard, the group developed an appropriate MOU for consideration by the Authority that would address the issues."*

At its December 10, 2012 meeting, via Resolution FA 133-12, the NPCA Approved the Debenture MOU with Niagara Region. With that stated, a further report (Appendix 3) was brought forward to the NPCA Board on April 17, 2013 with a recommendation to approve a 'revised' Debenture MOU.

The CAO at the time, Tony D'Amario, explained that the December 2012 MOU was revised, *"following a number of meetings and discussions with the Region's solicitor and staff, NPCA Auditors and Legal representatives."* It was noted that from an accounting perspective, the NPCA required a responsibility of debt, however, it also has the authority to levy the Niagara Region. The revised MOU was essentially the same as the December 2012 version but provided, *"clarifications on the amount of debt and payment as well as further confirming the 2012 levy for debt payment...as part of the NPCA's base budget for future years."*

The Revised (and current) MOU was approved by the NPCA Board at its April 17, 2013 meeting via Resolution FA 57-13. The MOU is a commitment that the NPCA will pay the debt to the Region, however, does not limit the NPCA's right to levy for operating or capital expenditures in future.

It is important to note that the 2012 debt payment of \$1,628,852 is included in the NPCA base budget and will continue in subsequent years notwithstanding that the debt payments will reduce over time. A detailed 'Year-End Debt Balance' showing principal, interest and total NPCA debt charges per year from 2012-2020 is attached as Appendix 4.

Figure 1

Year	NPCA Budget	Actual Debt Charges	Excess
2020	not yet produced	n/a	n/a
2019	1,628,852	511,686	1,117,166
2018	1,628,852	824,120	804,732
2017	1,563,133	1,092,262	470,871
2016	1,563,133	1,342,388	220,745
2015	1,563,133	1,507,824	55,309
2014	1,563,133	1,563,133	0
2013	1,628,852	1,629,744	-892
2012	1,628,852	1,628,852	0
Total	9,510,236	6,841,413	2,668,823

Assessing Figure 1, there was no excess (or surplus) of Debenture MOU funds for the years 2012, 2013 or 2014.

In 2015 & 2016, there was an excess of approx. \$275,000 combined. The excess was absorbed into the respective operating budgets for those years.

It was in 2016, by speaking with those engaged in the 2012 MOU discussions as well as Niagara Region staff (which was unaware of the MOU nor did they have a copy of it) that NPCA staff confirmed that the intent of any future excess over time was to be used for NPCA capital investments and/or future debenture payments. NPCA staff further recognized the risk of absorbing any excess into the operating budget as the MOU came closer to expiring would mean an operating reliance on funding that becomes questionable, at best, after 2020.

Although, approx. \$275,000 was absorbed into operating for 2015 & 2016, it was also recognized that the NPCA did not levy the amount it should have been according to the MOU; of approx. \$65,000 less. Although the discussions were in 2016, they were related to the 2017 budget process. The NPCA and Niagara Region committed to correcting to the MOU levy amount but starting in 2018, understanding the NPCA would also clearly use any excess for Capital projects in Niagara. So, although the NPCA absorbed approx. \$275,000 of excess into its operating budget in 2015 & 2016, it also forwent approx. \$265,000 of levy it should have collected according to the MOU.

With the course corrected in 2016, and with a growing excess, it becomes very clear in 2017 and subsequent years exactly where the excess is being allocated:

Figure 2:

2017 Niagara Special Levy (Debenture MOU)	
Amount collected	\$1,563,133
Paid to Niagara Region	\$1,092,262
2017 Excess	\$470,871
Capital Works Projects (Niagara)	
Balls Falls	
Ball Home Porch Replacement , Outbuilding Refurbishment	\$50,000
Septic System Replacement - (Lower Comfort Station)	\$70,000
Total Balls Falls	\$120,000
Central Workshop	
Jordan Harbour - Pedestrian Bridge	\$15,000
Jordan Harbour - Eavestrough Replacement Main Building	\$15,000
Total Central Workshop	\$30,000
Long Beach	
Electrical Upgrades	\$100,000
Water Treatment Upgrades	\$75,000
Replace Gate System	\$70,000
Total Long Beach	\$245,000

Watershed Management	
Monitoring & Conductivity Loggers	\$26,000
Water Quality Stereo Microscope	\$10,000
Flood Forecasting Telemetry & Water Sensor Upgrades	\$10,000
Total Watershed Management	\$46,000
Corporate Resources/Information Technology	
Data Centre Maintenance	\$30,000
Total Funded by Niagara Special Levy	\$471,000

Figure 3:

2018 Niagara Special Levy (Debenture MOU)	
Amount collected	\$1,628,851
Paid to Niagara Region	\$824,120
2018 Excess	\$804,731
Capital Works Projects (Niagara)	
Balls Falls	
Refurbishment Big Barn & Field Centre	\$25,000
St. Georges Church Upgrades	\$45,000
Centre for Conservation Upgrade	\$50,201
Furry Cabin Repair	\$40,000
Monitoring Well - CFC Septic System	\$8,000
Total Balls Falls	\$168,201
Central Workshop	
Jordan Harbour Building Upgrades	\$50,000
Gord Harry Trail Gate Refurbishment	\$30,000
Wainfleet Wetlands Parking Lot	\$15,000
Total Central Workshop	\$95,000
Chippawa Creek	
Main Washroom (Comfort Station #1) Interior Renovation	\$75,000

Long Beach	
Lagoon Empty/New GateValve/Integrity Evaluation	\$150,000
Electrical Upgrade North Side	\$100,000
Playground South Side	\$80,000
Total Long Beach	\$330,000
Watershed Management	
Cityview Upgrade	\$20,000
Telemetry Sensors	\$10,000
Groundwater Instrumentation	\$10,000
Total Watershed Management	\$40,000
Corporate Resources/Information Technology	
Eye Wash Stations	\$6,500
Annual Computer Replacements	\$30,000
Records Management Solution	\$50,000
External Data Centre Maintenance	\$10,000
Total Corp. Resources	\$96,500
Total Funded by Niagara Special Levy	\$804,701

Figure 4:

2019 Niagara Special Levy (Debenture MOU)	
Amount to be collected	1,628,851
Due To Niagara Region	511,686
2019 Excess	1,117,165
Capital Works Projects (Niagara)	
Balls Falls	
Historical Building Restoration and Improvements	35,000
Thanksgiving Festival Ticket Booths	30,000
Interpretive/Education Facility Upgrades	80,000
WIFI Boosting Main Park	14,000
Additional Roadway from 7th Ave. to Park	75,000
Insulate and Heat Workshop	15,665
Total Balls Falls	249,665

Central Workshop	
Gainsborough Drive Shed Roof Replacement	35,000
New Mower (1)	38,000
Gainsborough Compound Fence	25,000
Morgan's Point Comfort Station	25,000
Gainsborough Potable Water System	15,000
Morgan's Point Pavilion	60,000
St. John's Corner Dock Replacement	40,000
Picnic Tables (all C.A Properties)	60,000
Waste Recycling and Containers	20,000
New Park Signage	50,000
Double Walled Diesel Tank and Accessories	7,000
Total Central Workshop	375,000
Chippawa Creek	
Water Capacity Cistern and Plumbing	35,000
Long Beach	
Sewer Pipe Replacement	75,000
North Side Comfort Station Renovations	75,000
North Side Palyground and Shade Structures	75,000
Park Road Upgrades	65,000
Cabins (Pilot Revenue Generator)	30,000
Total Long Beach	320,000
Watershed Management	
Water Quality Loggers	25,000
T,C & Water Level Loggers	5,000
Groundwater Instrumentation	5,000
Telemetry & Sensors	10,000
Survey /Leveling Equipment	3,500
Total Watershed Management	48,500
Corporate Resources/Information Technology	
Annual Computer Replacement	35,000
Office Furnishings	38,000
Software Firewall	16,000
Total Corp. Resources	89,000
Total Funded by Niagara Special Levy	1,117,165

To be clear, the Special Levy Niagara (Debenture MOU) funded capital projects listed in Figures 2,3,4 do not represent all of the Capital projects for the respective years, only those funded through the Special Levy.

Finally, it is important to note that the Auditor General of Ontario, after approx. 10 months of auditing all aspects of this organization, assessed and interviewed relevant current/former NPCA and Regional staff regarding the Debenture MOU and did not note an issue with it.

FINANCIAL IMPLICATIONS:

There are no financial implications with receiving this report for information.

RELATED REPORTS AND APPENDICES:

Appendix 1: 2012 Memorandum of Understanding (MOU) between the Niagara Region & NPCA
Appendix 2: NPCA Board Report #64-12 December 10, 2012
Appendix 3: NPCA Board Report #29-13 April 10, 2013
Appendix 4: Detailed 'Year-End Debt Balance' NPCA Debt 2012-2020

Prepared by & Submitted by:



David Barrick
Interim CAO/Secretary-Treasurer

This report was prepared with the consultative input from John Wallace, Manager of Finance and Gregg Furtney, Interim Senior Director of Corporate Resources.



**NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA)
FULL AUTHORITY
MEETING MINUTES**

Wednesday, February 20, 2019
9:30 a.m.

Ball's Falls Centre for Conservation - Glen Elgin Room
3292 Sixth Avenue, Jordan, ON

MEMBERS PRESENT: D. Bylsma (Chair)
S. Beattie
P. Chiocchio
B. Clark
K. Gibson
B. Greenwood
B. Heit
D. Huson (Vice-Chair)
T. Insinna
B. Johnson
J. Jordan
J. Metcalfe
B. Steele
R. Shirton
T. Whalen
B. Wright
G. Zalepa

MEMBERS ABSENT: R. Foster

STAFF PRESENT: G. Furtney, Interim Senior Director, Corporate Services
D. MacKenzie, Director, Watershed Management
K. Caputo, Director, Communications & Administration (Designated Clerk)
M. Reles, Senior Manager, Communications

NOTE: The archived recorded meeting is available on the NPCA website. The recorded video of the Source Protection Authority meeting is not considered the official record of that meeting. The official record of the Source Protection Authority meeting shall consist solely of the Minutes approved by the Source Protection Authority Board. NPCA Administrative By-law Section 14.5

The Board Chair called the meeting to order at 10:16 a.m.

1. ADOPTION OF AGENDA

1.1 Addition of Items

Member Steele requested under Section 7. Business in Camera to:

- Add 7.0A to suspend the by-law regarding staff being present at the in-camera session; and
- Add 7.0B to appoint Joanne Scime as the designated clerk.

Member Chiocchio questioned the time allowed for presentations and delegations and asked to suspend the rules to allow for Mr. Ken Kawall and Mr. Ed Smith to speak.

Resolution No. FA-45-19

Moved by Member Chiocchio

Seconded by Member Johnson

To suspend the rules to allow (2) five minute presentations. As per Appendix 5 section 9 of the Administrative By-Law a Motion to Suspend the Rules requires two-thirds majority to carry. Recorded vote was requested, it was:

Yes (16): Beattie, Chiocchio, Clark, Gibson, Greenwood, Heit, Huson, Insinna, Johnson, Jordan, Metcalfe, Shirton, Steele, Whalen, Wright, Zalepa

No (1): Bylsma

CARRIED

Member Zalepa requested Item 5.2 – Detailed Operating & Capital Budget be lifted for discussion.

The Chair would like to pull Item 4.1.2 Special Board Meeting February 15, 2019.

The Chair requested remove Item 6.1.2 NPCA CAO Selection Committee Minutes dated February 19, 2019 as they are not complete.

Vice-Chair Huson asked Item 6.1.1 NPCA CAO Selection Committee Minutes dated January 30, 2019 be removed as these are not complete.

1.2 Change in Order of Items

There were no changes in order of agenda items.

1.3 Adoption of Agenda

Resolution No. FA-46-19

Moved by Member Johnson

Seconded by Member Insinna

That the Agenda **BE APPROVED** as amended.

CARRIED

2. DECLARATION OF CONFLICT OF INTEREST

There were no declarations of Conflict of Interest.

3. PRESENTATIONS (and/or Delegations)

- 3.1 Mr. Ken Kawall, Town of Lincoln did a presentation on "Turning Around the NPCA", and Mr. Ed Smith, A Better Niagara presented a brief chronology of the NPCA.

STAFF DIRECTION: Obtain copies of the preceding presentations to be distributed to Board of Directors.

- 3.2 Delegations

There were no delegations.

4. ADMINISTRATIVE BUSINESS

- 4.1 Approval of Draft Minutes

- 4.1.1 Full Authority Meeting – January 23, 2019

Resolution No. FA-47-19
Moved by Member Steele
Seconded by Member Insinna

That the Full Authority Board minutes of the meeting held on January 23, 2019 **BE APPROVED** as presented.

CARRIED

- 4.2 Business Arising from Minutes

There was no business arising from the minutes.

- 4.3 Correspondence

Letter dated Feb. 12, 2019 from Haldimand County
RE: Council Resolution Supporting the Funding of Shoreline Rehabilitation.
The following resolution was presented:

Resolution No. FA-48-19
Moved by Member Shirton
Seconded by Member Chiocchio

That the Board **DIRECTS** staff to report if there is a possibility of funding for any of this project, or if there are records of NPCA funding any other projects similar to this.

That the letter dated February 12, 2019 from Haldimand County **BE RECEIVED** for information.

CARRIED

4.4 Chairman's Remarks

The Chair mentioned that the chair's portfolio is a challenging role and is very and that he is thankful for Vice-chair Huson. Also, he thanked the board for being cohesive and working together to be responsible to the citizens. He will be going to the Niagara Region requesting an extension to the Regional representatives' terms. Also really appreciates the enthusiasm everyone has around this table.

5. BUSINESS FOR INFORMATION

5.1 NPCA 2018 Annual Report Report No. 09-19

5.2 NPCA 2019 Detailed Operating & Capital Budget Report No. 10-19

5.3 Operating Parks – Financials 2012 - 2018 Report No. 11-19

5.4 2012 Memorandum of Understanding (MOU) between Niagara Region & NPCA Report No. 12-19

Resolution No. FA-49-19
Moved by Member Beattie
Seconded by Member Zalepa

That Reports FA-09-19 to FA-12-19 **BE RECEIVED** for information.

CARRIED

Resolution No. FA-50-19
Moved by Member Zalepa
Seconded by Member Whalen

That the NPCA staff meet with Niagara Region staff to reduce the Niagara's portion of the Special Levy by a total 1.6 million dollars.

Recorded vote on Resolution FA-50-19, members voted as follows:

Yes (14): Chiocchio, Clark, Gibson, Greenwood, Heit, Huson, Insinna, Johnson, Jordan, Steele, Whalen, Wright, Zalepa, Bylsma

Abstain (3): Beattie, Metcalfe, Shirton

The Board Chair called the question on Resolution FA-50-19 and declared it was,

CARRIED

STAFF DIRECTION: To report back to the board in regards to the restoration program with:

1. Dylan Report forward to the Board of Directors for review; and
2. Update on commitment made to meet with OPG and where this stands.

6. BUSINESS FOR CONSIDERATION

6.1 Standing Committee Reports

6.1.3 NPCA Governance Committee Minutes February 4, 2019

Resolution No. FA-51-19
Moved by Member Beattie
Seconded by Member Huson

That the Governance Committee recommends to the Full Authority:

1. That the DRAFT Governance Committee Terms of Reference **BE APPROVED** as presented.
2. That the Niagara Peninsula Conservation Authority Administrative By-law **BE AMENDED** as presented with the deletion of the last sentence in section 5.5, page 4. (*see attached minutes for recommended amendments*).
3. That the February 4, 2019 Governance Committee Minutes **BE RECEIVED** for information.

CARRIED

6.2 Reports

6.2.1 DRAFT RFP IT Services Report No. 13-19

Resolution No. FA-52-19
Moved by Member Shirton
Seconded by Member Metcalfe

That the NPCA Board of Directors **APPROVE** the issuance of the attached Request for Proposal (RFP) in order to ensure continued Information Technology services for the NPCA as amended.

CARRIED

6.2.2 Facility Use Agreement Renewal – Binbrook CA Report No. 14-19

Resolution No. FA-53-19
Moved by Member Johnson
Seconded by Member Beattie

1. That Report 14-19 respecting the Staycation Beach and Boat Rentals Inc. Facility Use Agreement Renewal **BE RECEIVED** as amended; and
2. That the NPCA Board of Directors **AUTHORIZE** the Interim CAO to enter into a one (1) year Facility Use Agreement (Appendix1) with Staycation Beach and Boat Rentals Inc. to operate at Binbrook Conservation Area.

CARRIED

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6.2.3 Annual Policy Resolutions 2019
Report No. 15-19

Resolution No. FA-54-19
Moved by Member Johnson
Seconded by Member Beattie

1. That Report 15-19 respecting the Annual Policy Resolutions **BE RECEIVED**; and
2. That the Health and Safety Policy Statement and Workplace Violence & Harassment Prevention Policy attached to Report No. 15-19 as Appendix 1 and Appendix 2 **BE APPROVED**, as per Section 25(2)(j) of the Occupational Health and Safety Act.

CARRIED

6.2.4 Freedom of Information (FOI) Annual Statistics Report & Designation
Report No. 16-19

Resolution No. FA-55-19
Moved by Member Johnson
Seconded by Member Shirton

That Report 16-19 respecting the Freedom of Information Annual Statistics Reporting and Designation **BE DEFERRED** to the next Full Authority Meeting.

7. BUSINESS – IN CAMERA

7.0A Suspend the Rules to Appoint a Clerk Designate.

Resolution No. FA-56-19
Moved by Member Steele
Seconded by Member Huson

As per Appendix 5 section 9 of the Administrative By-Law a Motion to Suspend the Rules requires two-thirds majority to carry. Recorded vote was requested, it was:

Yes (17): Bylsma, Beattie, Chiocchio, Clark, Gibson, Greenwood, Heit, Huson, Insinna, Johnson, Jordan, Metcalfe, Shirton, Steele, Whalen, Wright, Zalepa

CARRIED

7.0B Appoint Designated Clerk Joanne Scime for the in-camera session.

Resolution No. FA-57-19
Moved by Member Steele
Seconded by Member Gibson

The Chair requested a recorded vote, it was:

Yes (17): Bylsma, Beattie, Chiocchio, Clark, Gibson, Greenwood, Heit, Huson, Insinna, Johnson, Jordan, Metcalfe, Shirton, Steele, Whalen, Wright, Zalepa

CARRIED

7.1 Motion to move in to Closed Session:

Resolution No. FA-58-19

Moved by Member Johnson

Seconded by Member Heit

That the NPCA Full Authority meeting **DO NOW MOVE** in to Closed Session, as per NPCA Administrative Bylaw Section 11.1, for the purpose of:

7.1.1 Personnel matters about an identifiable individual(s) including NPCA employees

7.1.2 A Proposed or Pending Acquisition of Land

7.1.3 Solicitor-Client Privilege – Hamilton Appeal letter dated January 22, 2019 (update on Judicial Review – verbal)

7.2 Motion to reconvene in Open Session:

Resolution No. FA-59-19

Moved by Member Metcalfe

Seconded by Member Insinna

That the NPCA Full Authority meeting **RECONVENE** in Open Session.

7.3 Business Arising from Closed Session

7.3.1 Resolution No. FA-60-19

Moved by Member Shirton

Seconded by Board Member Greenwood

1. That Legal Counsel be hereby **AUTHORIZED TO PROCEED** as directed in Closed Session with respect to a personnel matter related to identifiable individuals.

CARRIED

Resolution No. FA-61-19

Moved by Member Whalen

Seconded by Board Member Shirton

2. That the Chair and Vice-Chair **BE DIRECTED** to retain an external firm to conduct a Forensic Accounting and Human Resource Audit.

CARRIED

7.4 Other Business

7.4.1 Resolution No. FA-62-19

Moved by Member Steele

Seconded by Member Metcalfe

That this board set a Budget Committee consisting of the Chair, Vice-Chair and at least three board members appointed by the Full Authority Board.

Committee consists of:
Chair Bylsma, Vice-Chair Huson, Members Metcalfe, Wright & Zalepa.

CARRIED

- 7.4.2 Resolution No. FA-63-19
Moved by Member Steele
Seconded by Member Whalen

That staff set up a Budget Review Meeting with all directors who wish to attend to bring the Board up to speed on the 2019 budget, including the past three years budgets and actuals.

CARRIED

8. NOTICE OF MOTION

This item is pulled.

9. NEW BUSINESS

There was no new business.

10. ADJOURNMENT

There being no further business, the Full Authority meeting adjourned at 1:57 p.m. with the following resolution;

Resolution No. FA- 64-19
Moved by Member Zalepa
Seconded by Member Johnson

That the February 20, 2019 meeting of the NPCA Board of Directors do now adjourn.

CARRIED

David Bylsma, Board Chair
Niagara Peninsula Conservation Authority

Debbie Gullett, Designated Clerk
Niagara Peninsula Conservation Authority

Appendix 7 – Statement of Continuity for Capital and Operating Reserves

NIAGARA PENINSULA CONSERVATION AUTHORITY			
STATEMENT OF CONTINUITY FOR CAPITAL & OPERATING RESERVES - 2019			
	Opening Balance	Authorized Appropriations	Forecasted Balance
	31-Dec-18	2019	31-Dec-19
Capital Reserves			
Equipment	107,258	0	107,258
General Capital	1,373,806	-1,334,443	39,363
Flood Protection Services	318,406	-59,443	258,963
Niagara Levy Differential	1,646,591	0	1,646,591
Land acquisition-Hamilton	1,100,000	100,000	1,200,000
Land acquisition-Niagara	1,798,176	0	1,798,176
Land acquisition-Cave Springs	133,703	0	133,703
Capital Reserves - Total	6,477,940	-1,293,886	5,184,054
Operating Reserves			
General Operating Reserve *	1,287,543	-192,576	1,094,967
Restoration Program	250,000	0	250,000
Tree Bylaw Agreement	82,371	0	82,371
Operating Reserves - Total	1,619,914	-192,576	1,427,338
GRAND TOTAL RESERVES	8,097,854	-1,486,462	6,611,392
* Unfunded employee future benefits liability \$73,200			
not included in General Operating Reserve total			

Report To: Board of Directors

Subject: Media Coverage and Communications Update Report-July 2019

Report No: FA-116-19

Date: August 14, 2019

Recommendation:

That Report No. FA-116-19 RE: Media and Coverage and Communications Update Report-July 2019 **BE RECEIVED** for information.

Purpose:

To provide the Board of Directors with an update of media exposure surrounding the work of the NPCA in July 2019.

To assist with media relations, it would be helpful for Board Members to liaise with the Communications Department in advance of media interviews, until such time that the Communications & Social Media Protocol is updated for the consideration of the Board of Directors. This will ensure consistency and the inclusion of these media opportunities in future reports.

Background:

The Media Report consists of all media coverage for the month of July. This includes outlet names, dates of coverage, titles, links when available, tonality, and PR value.

Discussion:

NPCA continues to receive generally positive media coverage, which has been a trend for several months. The following outlines the media coverage over the past month:

Media Releases:

- Long Beach Conservation Area Hosts 19th Annual Ontario Bolerama: <https://npca.ca/our-voice/post/long-beach-conservation-area-hosts-19th-annual-ontario-bolerama>
- Public Notice Regarding Falsified Information: <https://npca.ca/our-voice/post/public-notice-regarding-falsified-information>
- Board of Directors Extends CAO Contract: <https://npca.ca/our-voice/post/board-extends-cao-contract>

Upcoming Media Releases:

- NPCA Statement on Thundering Waters

Past and Upcoming Events:

- 6th Annual Douglas Elliott Memorial Bass Derby: July 13 at 7 a.m.
- Ball's Falls Heritage Day: July 14 at 10 a.m.
- Get Back to Nature Series at Pathstone Mental Health: August 8, Monarch Butterflies
- Annual Public Perseids Meteor Shower Night at Binbrook: August 9
- Binbrook JAWS ON THE WATER Movie Night: August 10
- Stargazing at Chippawa Creek Conservation Area: August 17, begins after sunset

Related Reports and Appendices:

1. Appendix 1 - Media Coverage Report- July 2019

Authored by:

Original Signed by

Erika Navarro, B.A. (Hon)
Communications Specialist

Reviewed by:

Original Signed by

Renee Bisson,
Manager, Community Engagement/Communications

Submitted by:

Original Signed by

D. Gayle Wood, BES, CMMIII
Chief Administrative Officer/Secretary-Treasurer



Niagara Peninsula Conservation Authority

MEDIA COVERAGE REPORT

July 2019

Total Media Hits: 64
Estimated media impressions: 2,972,428
Estimated PR value: \$264,431

Outlet	Date	Headline	Link	Tone	Circulation/ Visitors Per Month	PR Value
Online						
Niagara this Week	June 28, 2019	Summer programs begin at Lincoln Public Library July 2	https://www.niagarathisweek.com/what-son-story/9479937-summer-programs-begin-at-lincoln-public-library-july-2/	Positive	161,400	\$9,744
Niagara this Week	July 7, 2019	Boler owners gather in Wainfleet	https://www.niagarathisweek.com/community-story/9491397-boler-owners-gather-in-wainfleet/	Positive	161,400	\$9,744
Niagara Families	July 9, 2019	Ball's Falls Heritage Days	https://niagarafamilies.com/event/balls-falls-heritage-day/	Positive	10,000	\$3,920
Niagara this Week	July 10, 2019	Lincoln to recommend Ken Kawall for NPCA board	https://www.niagarathisweek.com/news-story/9497104-lincoln-to-recommend-ken-kawall-for-npca-board/	Neutral	161,400	\$9,744
105.1 The River	July 11, 2019	WATER LEVELS DROPPING, BUT STILL ABOVE AVERAGE	http://www.105theriver.ca/news1/water-levels-dropping-but-still-above-average/	Neutral	N/A	N/A
Brampton Guardian	July 16, 2019	Plan for future NPCA boards a work in progress	https://www.bramptonguardian.com/news-story/9504161-plan-for-future-npca-boards-a-work-in-progress/	Neutral	137,957	\$14,369
St. Catharines Standard	July 16, 2019	Plan for future NPCA boards a work in progress	https://www.stcatharinesstandard.ca/news-story/9504161-plan-for-future-npca-boards-a-work-in-progress/	Neutral	57,000	\$6,500
St. Catharines Standard	July 16, 2019	Rotting soybeans source of noxious smell near Pelham creek	https://www.stcatharinesstandard.ca/news-story/9506192-rotting-soybeans-source-of-noxious-smell-near-pelham-creek/	Negative	57,000	\$6,500
Voice of Pelham	July 16, 2019	Minor damage as lightning hits Comfort Maple	http://www.thevoiceofpelham.ca/2019/07/16/minor-damage-as-lightning-hits-comfort-maple/	Neutral	17,000	N/A
Niagara NOW	July 17, 2019	Town spending \$105,000 to stop Garrison Village E. coli leaks	http://www.niaganow.com/news.phtml/2251-town-spending-105000-to-stop-garrison-village-e-coli-leaks	Neutral	N/A	N/A
St. Catharines Standard	July 17, 2019	Bradley working to solve NPCA board conundrum	https://www.stcatharinesstandard.ca/news-story/9507846-bradley-working-to-solve-npca-board-conundrum/	Neutral	57,000	\$6,500

Niagara at Large	July 18, 2019	Niagara Peninsula Conservation Authority's Board of Directors Declares a "Climate Emergency"	https://niagaraatlarge.com/2019/07/18/niagara-peninsula-conservation-authoritys-board-of-directors-declares-a-climate-emergency/	Positive	N/A	N/A
Niagara this Week	July 18, 2019	Beach fence in Port Colborne gets a pass from city	https://www.niagarathisweek.com/news-story/9509017-beach-fence-in-port-colborne-gets-a-pass-from-city/	Neutral	161,400	\$9,744
Niagara at Large	July 19, 2019	Niagara's Seat Count on NPCA's Board of Directors Jumps from 12 to 15	https://niagaraatlarge.com/2019/07/19/niagaras-seat-count-on-npcas-board-of-directors-jumps-from-12-to-15/	Neutral	N/A	N/A
NOTL Local	July 19, 2019	Town endorses NPCA representative	https://notllocal.com/2019/07/19/town-endorses-npca-representative/	Neutral	N/A	N/A
St. Catharines Standard	July 19, 2019	Regional council adds three members to NPCA board	https://www.stcatharinesstandard.ca/news-story/9510830-regional-council-adds-three-members-to-npca-board/	Neutral	57,000	\$6,500
St. Catharines Standard	July 21, 2019	NPCA impersonators sending emails, knocking on doors	https://www.stcatharinesstandard.ca/news-story/9512617-npca-impersonators-sending-emails-knocking-on-doors/	Neutral	57,000	\$6,500
St. Catharines Standard	July 21, 2019	NPCA to apologize to Hodgson over 2017 censure	https://www.stcatharinesstandard.ca/news-story/9512752-npca-to-apologize-to-hodgson-over-2017-censure/	Neutral	57,000	\$6,500
Welland Tribune	July 21, 2019	NPCA to apologize to Hodgson over 2017 censure	https://www.wellandtribune.ca/news-story/9512752-npca-to-apologize-to-hodgson-over-2017-censure/	Neutral	33,000	\$6,500
105.7 The River	July 22, 2019	IMPOSTERS POSING AS NPCA STAFF MEMBERS	http://www.105theriver.ca/news1/imposters-posing-as-npca-staff-members/	Neutral	N/A	N/A
Hamilton Spectator	July 22, 2019	NPCA declares climate change emergency	https://www.thespec.com/news-story/9514760-npca-declares-climate-change-emergency/	Positive	N/A	N/A
Newstalk 610	July 22, 2019	NPCA BOARD MAKES '180 DEGREE TURNAROUND' ON THUNDERING WATERS	http://www.iheartradio.ca/610cktb/news/1.9498038	Positive	N/A	N/A
Niagara Falls Review	July 22, 2019	NPCA declares climate change emergency	https://www.niagarafallsreview.ca/news-story/9514760-npca-declares-climate-change-emergency/	Positive	34,000	\$6,500

St. Catharines Standard	July 22, 2019	NPCA declares climate change emergency	https://www.stcatharinesstandard.ca/news-story/9514760-npca-declares-climate-change-emergency/	Positive	57,000	\$6,500
Niagara Independent	July 23, 2019	Clearing the air on conservation authorities	https://niagaraindependent.ca/clearing-the-air-on-conservation-authorities/	Positive	103,871	\$6,000
Niagara Falls Review	July 23, 2019	Pelham's Comfort Maple 'will live longer than all of us'	https://www.niagarafallsreview.ca/news-story/9515795-pelham-s-comfort-maple-will-live-longer-than-all-of-us-/	Positive	34,000	\$6,500
Niagara this Week	July 23, 2019	West Lincoln appoints citizen to NPCA board	https://www.niagarathisweek.com/community-story/9516301-west-lincoln-appoints-citizen-to-npca-board/	Neutral	161,400	\$9,744
Newstalk 610 CKTB	July 24, 2019	NPCA BOARD VOTES TO EXTEND CONTRACT OF CAO	http://www.iheartradio.ca/610cktb/news/npca-board-votes-to-extend-contract-of-cao-1.9521007	Positive	N/A	N/A
News Alert Niagara	July 24, 2019	NPCA strikes again!	http://newsalertniagara.blogspot.com/	Negative	N/A	N/A
St. Catharines Standard	July 24, 2019	Wood staying with NPCA for another five months	https://www.stcatharinesstandard.ca/news-story/9518719-wood-staying-with-npca-for-another-five-months/	Positive	57,000	\$6,500
Niagara at Large	July 25, 2019	Work of NPCA's Interim CAO Receives Vote of Approval with Contract Extension	https://niagaraatlarge.com/2019/07/25/work-of-npcas-interim-cao-receives-vote-of-approval-with-contract-extension/	Positive	N/A	N/A
Print						
Welland Tribune	June 28, 2019	Port Colborne to let councilor seek NPCA seat	N/A	Neutral	33,00	\$2,925
Niagara Falls Review	July 18, 2019	Bradley working to solve NPCA board conundrum	N/A	Neutral	34,000	\$2,925
Niagara this Week	July 18, 2019	Something foul rots near Pelham country road	N/A	Negative	161,400	\$9,744
St. Catharines Standard	July 18, 2019	Bradley working to solve NPCA board conundrum	N/A	Neutral	57,000	\$3,537
Welland Tribune	July 18, 2019	Bradley working to solve NPCA board conundrum	N/A	Neutral	33,00	\$2,925

Welland Tribune	July 20, 2019	Rethinking Falls development	N/A	Neutral	33,00	\$2,925
Niagara Falls Review	July 22, 2019	NPCA changes view on Falls development	N/A	Positive	34,000	\$2,925
Niagara Falls Review	July 22, 2019	NPCA impersonators sending emails, knocking on doors	N/A	Neutral	34,000	\$2,925
St. Catharines Standard	July 22, 2019	NPCA to apologize to Hodgson over 2017 censure	N/A	Neutral	57,000	\$3,537
St. Catharines Standard	July 22, 2019	NPCA changes view on Falls development	N/A	Positive	57,000	\$3,537
St. Catharines Standard	July 22, 2019	NPCA impersonators sending emails, knocking on doors	N/A	Neutral	57,000	\$3,537
Welland Tribune	July 22, 2019	NPCA impersonators sending emails, knocking on doors	N/A	Neutral	33,00	\$2,925
Welland Tribune	July 22, 2019	NPCA changes view on Falls development	N/A	Positive	33,00	\$2,925
Welland Tribune	July 22, 2019	NPCA to apologize to Hodgson over 2017 censure	N/A	Neutral	33,00	\$2,925
Niagara Falls Review	July 23, 2019	Region adds 3 members to NPCA Board	N/A	Neutral	34,000	\$2,925
Niagara Falls Review	July 23, 2019	NPCA declares climate change emergency	N/A	Positive	34,000	\$2,925
St. Catharines Standard	July 23, 2019	NPCA declares climate change emergency	N/A	Positive	57,000	\$3,537
Welland Tribune	July 23, 2019	Region adds 3 members to NPCA Board	N/A	Neutral	33,00	\$2,925
Welland Tribune	July 23, 2019	Climate change an emergency: NPCA	N/A	Positive	33,00	\$2,925

Niagara Falls Review	July 24, 2019	Wood staying with NPCA for another five months	N/A	Positive	34,000	\$2,925
Niagara Falls Review	July 24, 2019	NPCA apology to Hodgson was way overdue	N/A	Neutral	34,000	\$2,925
St. Catharines Standard	July 24, 2019	NPCA apology to Hodgson was way overdue	N/A	Neutral	57,000	\$3,537
St. Catharines Standard	July 24, 2019	Regional Council adds members to NPCA Board		Neutral	57,000	\$3,537
St. Catharines Standard	July 24, 2019	Wood staying with NPCA for another five months	N/A	Positive	57,000	\$3,537
Welland Tribune	July 24, 2019	Wood staying with NPCA for another five months	N/A	Positive	33,00	\$2,925
Welland Tribune	July 24, 2019	NPCA apology to Hodgson was way overdue	N/A	Neutral	33,00	\$2,925
Niagara this Week	July 25, 2019	Bench fence in Port Colborne gets a pass from city	N/A	Neutral	161,400	\$9,744
Niagara this Week	July 25, 2019	NPCA impersonators sending emails, knocking on doors	N/A	Neutral	161,400	\$9,744
Welland Tribune	July 25, 2019	Comfort Maple will live longer than all of us	N/A	Positive	33,00	\$2,925
Niagara this Week	July 27, 2019	Comfort Maple will live longer than all of us	N/A	Positive	161,400	\$9,744
Broadcast						
Newstalk 610 CKTB	July 22, 2019	THUNDERING WATERS WETLANDS- Member Ed Smith	http://www.iheartradio.ca/610cktb/audio/thundering-waters-wetlands-1.9497143?mode=Article	Positive	N/A	N/A
Newstalk 610 CKTB	July 25, 2019	NPCA BOARD VOTES TO EXTEND CONTRACT OF CAO	http://www.iheartradio.ca/610cktb/audio/npc-board-votes-to-extend-contract-of-ca-1.9529331?mode=Article	Positive	N/A	N/A
Newstalk 610 CKTB	July 26, 2019	CAO, Gayle Wood on air re: contract extension	N/A	Positive	N/A	N/A

Report To: Board of Directors

Subject: NPCA Promotion Policy

Report No: FA-69-19

Date: August 14, 2019

Recommendation:

That Report No. FA-69-19 RE: NPCA Promotion Policy **BE APPROVED.**

Purpose:

The purpose of this Report is to seek the Board's approval of a new NPCA Promotion Policy to ensure a fair and consistent promotion process.

Background:

Based on Recommendation 16 within the Auditor General of Ontario's Special Audit of the NPCA a new Promotion policy was developed to address processes for promotions and/or appointments. This Recommendation states:

"To enable the Niagara Peninsula Conservation Authority (NPCA) to assess its performance in fulfilling its mandate, we recommend that the NPCA:

Update its promotion policies to include the decision-making process required to be followed and documented for promotions and appointments".

Discussion:

To address Recommendation 16 a draft NPCA Promotion Policy is outlined in Appendix 1 for the Board of Directors' approval.

Financial Implications:

There are no financial implications associated with this Report.

Links to Policy/Strategic Plan:

Although the current NPCA Strategic Plan does not address “Administrative Excellence”, it is essential to have approved recruitment and promotion policies.

Related Reports and Appendices:

Appendix 1 – NPCA Promotion Policy

Authored by:**Original Signed by**

Misti Ferrusi, CHRL
Manager, Human Resources

Submitted by:**Original Signed by**

D. Gayle Wood, BES, CMMIII
Chief Administrative Officer/Secretary-Treasurer

Appendix 1 – NPCA Promotion Policy

Promotion			1-9
Developed by:	Human Resources		
Policy Applies To:	All Employees		
Date Created:	July 2019	Approved By:	
Version #:	2019-1	Last Review Date:	

1.0 PURPOSE

The NPCA values the work that our employees do and want to invest and reward our employees who perform well. This policy presents guidelines for advancing and promoting employees from within the organization. The policy includes the process for promotion to ensure all promotions are applied in a fair and consistent manner based on performance and are free from discrimination.

2.0 DEFINITION

A *Promotion* may be defined by:

- A move to a position of higher responsibility and job grade (salary)
- A reclassification of an individual's existing position as a result of the individual performing duties at a higher degree of responsibility and/or complexity

3.0 ELIGIBILITY

The internal promotion policy applies to all employees that have completed their probationary period.

4.0 PROCEDURE GUIDELINES

New Vacant Positions

All new vacant bargaining unit positions will be as described in the Collective Agreement between the NPCA and OPSEU – Local 212.

All new vacant positions will be advertised in accordance with the NPCA Recruitment & Selection policy.

Reclassification of an Individual's Existing Position

If it is believed that a position has changed and/or evolved the Department head shall review and submit a new job description to Human Resources for review. The job description should highlight the changes from the existing role. The Department head will also provide reasons for the changes (ex. increased responsibility; department growth; enhanced duties etc.)

Human Resources will review the documentation and determine if the recommendation should be supported.

- In the case the recommendation is supported by Human Resources, the position will be subject to the Job Evaluation process to determine the appropriate compensation level and submitted to the CAO for final approval
- In the case the recommendation is not supported by Human Resources, the rationale will be communicated to the Department Head
 - If the Department head disagrees with the decision of Human Resources, the Department head and Human Resources shall meet with the CAO to discuss reasons for the approval and/or denial of the promotion
- In the case of recommended reclassification of bargaining unit positions, Human Resources shall review such changes with the local bargaining unit representative.

Where more than one employee holds the position (prior to enhancement), the enhanced position shall be treated as a vacant position and subject to the NPCA Recruitment & Selection policy.

Where only one employee holds the position (prior to enhancement), and upon enhancement, the initial position will be eliminated, the employee shall be eligible for reclassification to the new role provided there are no active documented performance management plans in place.

Acting Roles

Bargaining Unit employees shall be appointed to acting assignments in accordance with the Collective Agreement between NPCA and OPSEU – Local 212.

The CAO may appoint an individual, upon mutual agreement, to fulfil an acting role for a period of up to 12 months provided there are no active documented performance management plans in place. After a period of 12 months, the position shall be treated as a vacant position and filled in accordance with the NPCA Recruitment & Selection policy. In the case of extenuating circumstances, and with mutual agreement, the CAO may extend the acting assignment beyond 12 months.

5.0 PAY CHANGES

Promotion to a Vacant Position

When a vacant position is filled internally through the Recruitment & Selection process, the successful internal employee's salary shall be adjusted to the closest step, without loss of pay, in the new pay grade, (with a minimum 5% increase) and not to exceed the maximum of the grade and shall be effective upon the date of commencing the new responsibilities.

Reclassification

In the case of a reclassification of an existing position, salary shall be adjusted to the closest step, without loss of pay, in the new pay grade and shall be effective retroactively to the date the recommendation was provided to Human Resources.

Acting Pay

Bargaining Unit employees that are selected for Acting Assignments shall be compensated in accordance with the Collective Agreement between NPCA and OPSEU – Local 212.

Acting pay shall be applied when an employee is appointed to an Acting position for more than two (2) weeks.

When an employee experiences a pay change as a result of an appointment to an acting role, their salary shall be adjusted to the closest step, without loss of pay, in the new pay grade and shall be effective upon the date of commencing the new responsibilities.

Report To: Board of Directors

Subject: Stormwater Outlets in Valleylands

Report No: FA-74-19

Date: August 14, 2019

Recommendation:

1. That Report No. FA-74-19 RE: Stormwater Outlets in Valleylands **BE RECEIVED**.
2. That the Board **APPROVE** Option 3 of Report FA-74-19 regarding Stormwater Outlets in Valleylands to be utilized as a NPCA Procedure.

Purpose:

The purpose of this Report is to provide the Board with background information and a recommendation for addressing the issue of private stormwater outlets in valleylands.

Background:

There are an increasing number of *Planning Act* applications involving properties that back onto regulated valleylands (typically residential and commercial developments). These properties are usually located within urban areas where Provincial Policies direct development in order to promote intensification. The NPCA is circulated these applications to comment on with respect to the NPCA's Regulation and policies. In many of these applications, the buildings meet NPCA setback requirements.

The NPCA's land use policies (NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act) prohibits new development below the physical top of slope in valleylands where the bank height is three metres or more in height and the slope is 3:1 (horizontal to vertical) or steeper. In this context, development includes private infrastructure such as stormwater outlets. Note that municipal infrastructure (including municipal stormwater outlets) are allowed in valleylands where they have been subject to an approved Environmental Assessment under the *Environmental Assessment Act*.

While many developments along valleylands have municipal stormwater servicing available to outlet stormwater, some sites do not have such infrastructure available or cannot be connected due to elevation constraints. In these cases, the developers frequently propose to direct stormwater down the valley to the watercourse at the bottom (where available). Specific engineering techniques have

involved overland sheet flow and others have contemplated installing pipes within the valley, which involves digging open the valley wall. The latter is contrary to the NPCA's Policies.

When the NPCA updated its policies in 2018, a new policy was included to assist in these situations. It allowed for overland flow to be directed down the valley slope where the flow is not concentrated, will not compromise the long-term stability of the slope, and not adversely impact the ecological features or functions of the valley (Policy 6.2.8). Developers have recently been expressing concerns with the use of overland flow either due to the inability to diffuse the flow before it goes down the valley slope or the nature of the slope is such that it is not possible to control erosion. As a result, they have been encouraging the use of a drop pipe as a more appropriate method to ensure long-term stability of the valley slope.

NPCA staff are encountering these situations more frequently. Where NPCA staff cannot support a stormwater outlet in a valley, it may mean that an otherwise developable site cannot be developed due to a lack of available stormwater servicing. NPCA are working to address this issue in manner that meets our Regulatory obligations while helping municipalities achieve their Provincially mandated obligations to meet density targets in urban areas.

Discussion:

NPCA staff are seeking the Board's approval of Option 3 to address stormwater outlets in valleylands.

Option 1: Do Nothing

This option involves not making any policy or procedural changes. It would mean that NPCA staff would continue to not support private stormwater outlets in Regulated valleylands and the only recourse for a developer would be to proceed to an NPCA Board Hearing under Subsection 28(12) of the *Conservation Authorities Act* (and any subsequent appeal rights available to them). While it may be seen as upholding the NPCA's Regulatory responsibility, it can result in sterilizing otherwise developable lands.

Option 2: NPCA Staff Modify the Valleyland Policies

This option would involve NPCA staff exploring changes to the Valleyland policies that would help staff address this situation. An example would be the creation of a new policy to allow the use of techniques such as pipes in the valley wall. This has the benefit of providing NPCA staff with the ability to address these types of proposal without having to undergo a Subsection 28(12) Hearing. The concern here is that having such a policy may be interpreted by applicants as "having approval in principle", regardless of any conditions sited in the policy and can place undue pressure to approve such applications.

Option 3: Establish a Variance Process in the NPCA's Policies

This would involve creating a process/procedure whereby an applicant can appear before the NPCA's Board in a non-Hearing format to seek a variance to NPCA policy. The intent is this would be used only where there is an active NPCA Permit application that NPCA staff are supportive of the proposal but unable to support because of specific wording in the NPCA's Policies. Situations where NPCA staff are not supportive of the proposal would continue to go through the formal Subsection 28(12) Hearing.

The benefit to this is that it allows for consideration of challenging applications on a case by case basis and can avoid the need for a Board Hearing (and the costs involved with that). It also does not result in a change to the NPCA's policies, thereby maintaining the overall intent of the NPCA's Policies. This process was contemplated during the 2018 policy update and a placeholder was created in the NPCA Policies (Section 12.7.4).

NPCA staff support Option 3 as the preferred option. If the Board approves this option, NPCA staff would bring a future report to the Board outlining a proposed variance process for consideration.

Financial Implications:

Financial implications for Option 1 include potential increased legal costs associated with Board Hearings. Financial implications for Options 2 and 3 include costs for public consultation. These costs would need to be determined.

Links to Policy/Strategic Plan:

The recommendations contained in this report are consistent with the NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act, in which Section 12.7.4 contemplated the creation of a variance process.

Related Reports and Appendices:

None

Authored by:

Original Signed by

David Deluce, MCIP, RPP
Senior Manager, Planning & Regulations

Reviewed by:

Original Signed by

Darren MacKenzie, C.Tech., rcsi
Director, Watershed Management

Submitted by:

Original Signed by

D. Gayle Wood, BES, CMMIII
Chief Administrative Officer/Secretary-Treasurer

Report To: Board of Directors

Subject: NPCA Floodplain Mapping Workplan

Report No: FA-89-19

Date: August 14, 2019

Recommendation:

1. That Report No. FA-89-19 RE: NPCA Floodplain Mapping Workplan BE RECEIVED for consideration.
2. That the Board DIRECT staff to secure funding from the NPCA's member municipalities in order to undertake the Floodplain Mapping Workplan through a long-term capital submission.

Purpose:

The purpose of this Report is to present to the NPCA Board of Directors a Floodplain Mapping Workplan (with associated costs and scheduling) which addresses the recommendation of the Auditor General.

Background:

In the 2018 'Special Audit of the Niagara Peninsula Conservation Authority', the Auditor General indicated in Recommendation 7 that the NPCA should:

- 1) Assess the risk to communities around watercourses with no floodplain mapping;
- 2) Determine the time and cost for completing and updating floodplain maps; and
- 3) Schedule this work based upon the risk assessment.

Discussion:

NPCA staff has undertaken a comprehensive review of the status of the NPCA's floodplain mapping (Appendix 1). The spreadsheet indicates which watercourses require an update to existing floodplain mapping or the generation of new floodplain mapping.

The NPCA staff has prioritized undertaking floodplain mapping of these watercourses by utilizing the following criteria:

- 1) Does the watercourse flow through a known damage center where there is a demonstrated risk to people and property? Is there a benefit to updating the floodplain mapping to better refine and delineate the flood hazard?
- 2) Are there currently development pressures within the watershed? Would the development community and the local municipality benefit from the provision of up-to-date NPCA floodplain mapping at no cost to them?
- 3) Does the watercourse have existing (albeit outdated) floodplain mapping or no floodplain mapping whatsoever? Preference will be given to watercourses with no existing floodplain mapping.
- 4) Are there large rural watersheds, uniform in topography, land use, and population distribution that could be provided with floodplain maps in an efficient and relatively economic manner?

Financial Implications:

Based on the foregoing, it is recommended that the following Floodplain Mapping Workplan be initiated:

- 1) Fiscal Year 2020
 - a. Beaver Creek in the Township of West Lincoln. The 2010 Welland River Floodplain Mapping Update, that was not adopted by the NPCA Board at that time, indicated that there were over 76 structures located within the regulatory floodplain. Since this report was not adopted, no current floodplain mapping exists. As such, it is recommended that floodplain mapping for this watercourse and its associated tributaries be undertaken to confirm the extent of the flood hazard. Estimated project cost = \$175,000.
- 2) Fiscal Year 2021
 - a. Big Forks Creek in the Township of Wainfleet. The existing 1985 floodplain mapping covering only the main channel indicates that over 59 structures are located within the regulatory floodplain. The NPCA notes that there are several major tributaries of Big Forks Creek that are not presently floodplain mapped. As such, it is recommended that the floodplain mapping for Big Forks Creek be updated and new mapping be generated for its tributaries in order to confirm the extent of the flood hazard. Estimated project cost = \$175,000.
- 3) Fiscal Year 2022
 - a. Draper's Creek in the City of Welland. The 1988 Draper's Creek floodplain mapping indicated that there were over 29 buildings susceptible to flooding in this known damage center. It is recommended that this flood hazard be updated. Estimated project cost = \$75,000.
 - b. Coyle Creek in the Town of Pelham and the City of Welland. The rural building lots in close proximity to the amenities found within the Welland, Fonthill, and Fenwick urban areas have attracted much development in the past few years. This trend is anticipated to continue. The provision of accurate floodplain mapping will help to guide development in a comprehensive fashion. Estimated project cost = \$100,000.

- 4) Fiscal Year 2023
 - a. Mill Race Creek in the Township of Wainfleet. No floodplain mapping exists for the large watershed which encompasses much of the central portion of the Township. As such, it is recommended that new floodplain mapping be commissioned to address this gap. Estimated project cost = \$175,000.
- 5) Fiscal Year 2024
 - a. Oswego Creek in the County of Haldimand. Only a small extent of floodplain mapping exists for this very large watershed which encompasses much of the County of Haldimand within the NPCA's jurisdiction. As such, it is recommended that new floodplain mapping be commissioned to address this gap. Estimated project cost = \$200,000.
- 6) Fiscal Year 2025
 - a. Upper Welland River Tributaries (Elsie Creek, Buckhorn Creek, West Wolf Creek, Wolf Creek, Mill Creek, and Moore's Creek) in the City of Hamilton, County of Haldimand, and the Township of West Lincoln. No floodplain mapping exists for these watercourses which encompass much of the upper portion of the Welland River watershed. As such, it is recommended that new floodplain mapping be commissioned to address this gap. Estimated project cost = \$175,000.
- 7) Fiscal Year 2026 and beyond
 - a. It is recommended that \$200,000 per year be set aside to undertake updates to floodplain mapping projects that are older than 20 years.

Once the 2025 floodplain mapping is completed, NPCA floodplain mapping coverage of our watershed would be 95% completed with the remaining 5% being more minor watercourses located in rural areas or being of a size that flooding is not a concern presently.

Related Reports and Appendices:

Appendix 1 – NPCA Floodplain Mapping Status Spreadsheet – July 2019

Authored by:

Original Signed by

Steve Miller, P.Eng.
Senior Manager, Water Resources

Reviewed by:

Original Signed by

Darren MacKenzie, C.Tech., rcsi
Director, Watershed Management

Submitted by:

Original Signed by

D. Gayle Wood, BES, CMMIII
Chief Administrative Officer/Secretary-Treasurer

NPCA FLOODPLAIN MAPPING STATUS - JULY 2019									
Watercourse	Watershed	Municipality	Project Date	Date of Original Study	Update / New Mapping Required	Status	Total Drainage Area (sq.km)	Total Length of Watercourse with Floodplain Mapping (km)	Project Comments
Bartlett Creek	Lake Ontario	Lincoln	1998	None Previous	Yes	Presently Being Updated	13.3	3.8	Floodplain Mapping Update in the Towns of Grimsby and Lincoln (2019)
Bayers Creek	Niagara River	Niagara Falls / Fort Erie	2009	1976	No		12.1	6.8	NPCA Floodplain Mapping, Bayers Creek. May 2009.
Beamer Creek	Lake Ontario	St. Catharines	1987	None Previous	Yes	Presently Being Updated	8.9	1.7	Floodplain Mapping Update in the City of St. Catharines (2019)
Beamsville Creek	Lake Ontario	Lincoln	1989	None Previous	Yes	Presently Being Updated	8.0	7.3	Floodplain Mapping Update in the Towns of Grimsby and Lincoln (2019)
Beaverdams Creek	Welland Canal	Niagara Falls / Thorold	1982	None Previous	Yes	Outdated	15.5	5.6	Shriner's, Beaverdams Creek and Tributary (Kilborn, 1982)
Beaver Creek	Welland River	West Lincoln	1988	None Previous	Yes	Outdated	73.3	3.5	Watershed Flood Damage Assessment Study, CCL 1988
Big Forks Creek	Welland River	Wainfleet	1985	None Previous	Yes	Outdated	64.5	13.3	Flood Plain Mapping of the Big Fork Creek (Dillon, 1985)
Black/Beaver Creek	Niagara River	Fort Erie	2008	1988	No		106.6	43.3	Fort Erie Creeks Watershed Plan, Philips 2008
Carter Creek	Lake Ontario	St. Catharines	1995	None Previous	No		3.1	3.2	Flood and Erosion Control Study for Juliana, Secord, Carter, Rosdale, Dick's, and Francis Creeks. Aquafor Beech, 1995.
Coyle Creek	Welland River	Welland / Pelham	1994	None Previous	Yes	Development Pressures	40.6	13.7	NPCA Coyle Creek Floodplain Mapping Study, 1994
Dicks Creek	Lake Ontario	St. Catharines	1995	None Previous	No		16.8	7.8	Flood and Erosion Control Study for Juliana, Secord, Carter, Rosdale, Dick's, and Francis Creeks. Aquafor Beech, 1995.
Drapers Creek	Welland River	Welland	1988	None Previous	Yes	Damage Center	8.9	7.1	Draper's Creek Floodplain Mapping Study, Kilborn 1988
Eagle Marsh Drain	Lake Erie	Port Colborne / Wainfleet	2010	1988	No		10.8	4.5	NPCA Floodplain Mapping - Eagle Marsh Drain Port Colborne 2010
Eight Mile Creek	Lake Ontario	Niagara-on-the-Lake	2007	1978	No		13.3	11.1	Niagara-on-the-lake Watershed Study. Aquafor Beech, 2007
Forty Mile Creek	Lake Ontario	Hamilton / Grimsby	1999	None Previous	No		64.8	23.7	Floodline and Fill Line Map Forty Mile Creek (Philips, 1999)
Four Mile Creek	Lake Ontario	Niagara-on-the-Lake	2007	1995	No		46.1	34.2	Niagara-on-the-lake Watershed Study. Aquafor Beech, 2007
Frenchmans Creek	Lake Ontario	Fort Erie	2004	None Previous	No		17.5	7.7	NPCA Frenchmans Creek Floodplain Mapping, 2004
Hunters Drain	Niagara River	Niagara Falls	2008	1975	No		3.1	3.8	NPCA Floodplain Mapping - Hunters Drain, 2008.
Juliana Creek	Lake Ontario	St. Catharines	1995	None Previous	No		4.1	2.5	Flood and Erosion Control Study for Juliana, Secord, Carter, Rosdale, Dick's, and Francis Creeks. Aquafor Beech, 1995.
Lyons Creek	Welland River	Welland / Niagara Falls	2011	1994	No		45.1	40.1	NPCA Floodplain Mapping - Lyons Creek Including Tee Creek, 2011.
One Mile Creek / Epps Drain	Lake Ontario	Niagara-on-the-Lake	2004	1988	No		2.8	4.7	NPCA Floodplain Mapping - One Mile Creek and Epps Drain, 2004.
Oswego Creek	Welland River	Haldimand	1988	None Previous	Yes	Outdated	188.7	16.1	Flood Plain Mapping of Oswego Creek (Kilborn Engineering Ltd. 1976)
Prudhommes Creek	Lake Ontario	Lincoln	1989	None Previous	Yes	Presently Being Updated	9.0	4.4	Floodplain Mapping Update in the Towns of Grimsby and Lincoln (2019)
Richardsons and Francis Creeks	Lake Ontario	St. Catharines	2004	1988	No		19.0	25.3	NPCA - Francis and Richardson Creeks Floodplain Mapping, 2004.
Rosedale Creek	Lake Ontario	St. Catharines	1995	1988	No		3.2	1.7	Flood and Erosion Control Study for Juliana, Secord, Carter, Rosdale, Dick's, and Francis Creeks. Aquafor Beech, 1995.
Secord Creek	Lake Ontario	St. Catharines	1995	None Previous	No		2.8	1.7	Flood and Erosion Control Study for Juliana, Secord, Carter, Rosdale, Dick's, and Francis Creeks. Aquafor Beech, 1995.
Shriners Creek	Welland Canal	Niagara Falls	1982	None Previous	Yes	Outdated	15.2	5.7	Shriner's, Beaverdams Creek and Tributary (Kilborn Ltd. 1982)
Spring Garden Creek	Lake Ontario	St. Catharines	2008	1987	No		3.8	1.9	NPCA - Spring Garden Creek Floodplain Mapping, 2008.
Ten Mile Creek	Welland Canal	Niagara Falls	2002	1985	No		6.5	3.4	Niagara Falls: Ten Mile Creek Flood Plain Mapping (Earthtech 2002)
Thirty Mile Creek	Lake Ontario	Lincoln	1998	None Previous	No		9.2	6.8	Thirty Mile Creek Floodplain Mapping (Weibe, 1998)
Thompson Creek	Welland River	Niagara Falls	1998	None Previous	No		14.6	9.2	Flood Plain Mapping Study - Thompson Creek & Unnamed Creek (Proctor & Redfern Ltd. 1998)
Two Mile Creek	Lake Ontario	Niagara-on-the-Lake	2007	1995	No		23.8	14.2	Niagara-on-the-lake Watershed Study. Aquafor Beech, 2007
Twenty Mile Creek	Lake Ontario	Hamilton/ Linc./W. Lincoln	2007	2005 / 1988	No		302.9	137.6	NPCA Twenty Mile Creek Floodplain Mapping, 2007
Upper Twelve Mile Creek	Lake Ontario	Pelham / Thorold	2005	None Previous	No		50.5	19.7	Upper Twelve Mile Creek Floodplain Mapping (NPCA 2005)
Usshers Creek	Niagara River	Niagara Falls	2009	1992	No		19.4	11.4	NPCA Floodplain Mapping - Usshers Creek, 2009.
Walkers Creek	Lake Ontario	St. Catharines	1987	None Previous	Yes	Presently Being Updated	6.4	4.6	Floodplain Mapping Update in the City of St. Catharines (2019)

Watercourse	Watershed	Municipality	Project Date	Date of Original Study	Update / New Mapping Required	Status	Total Drainage Area (sq.km)	Total Length of Watercourse with Floodplain Mapping (km)	Project Comments
Warren Creek	Chippawa Power Canal	Niagara Falls	2000	None Previous	No		5.9	3.3	Niagara Falls: Watershed Plan Philips Engineering, 2000
Welland River - Upstream of Binbrook Dam	Chippawa Power Canal	Hamilton	1999	1985	No		204.0	37.5	Welland River Floodplain Mapping Study. Philips, 1999
Welland River - Downstream of Binbrook Dam	Chippawa Power Canal	Ham. / W. Lincoln / Welland / Wainfleet / Pelham / Thorold / Nia. Falls	1985	None Previous	Yes	Presently Being Updated	705.5	135.4	Welland River Floodplain Mapping Update Study, WSP 2019
Wignell Drain	Lake Erie	Port Colborne	2011	1986	No		11.1	8.2	NPCA Floodplain Mapping Wignell Drain. August 2011
Lake Erie Shoreline		Haldimand / Wainfleet / Port Colborne / Fort Erie	2010	1992	No			75 km of shoreline	Lake Erie Shoreline Management Plan, Shoreplan Engineering, 2010
Lake Ontario Shoreline		Grimsby / Lincoln / St. Catharines / Niagara-on-the-Lake	2009	1992	No			50 km of shoreline	Lake Ontario Shoreline Management Plan, Baird, 2009.
Spring Creek	Twenty Mile Creek	Grimsby	2006	None Previous	No		43.7	22.3	NPCA Spring Creek Floodplain Mapping, 2006.
North Creek	Twenty Mile Creek	West Lincoln	2006	None Previous	No		37.6	17.7	NPCA North Creek Floodplain Mapping, 2006.
Gavora Ditch	Twenty Mile Creek	Lincoln	2006	None Previous	No		17.1	10.7	NPCA Gavora Ditch Floodplain Mapping, 2006.
Sinkhole Creek	Twenty Mile Creek	Hamilton	2006	None Previous	No		18.4	8.4	NPCA Sinkhole Creek Floodplain Mapping, 2006.
Eighteen Mile Creek	Lake Ontario	Lincoln	2005	None Previous	No		17.6	12.5	NPCA Eighteen Mile Creek Floodplain Mapping, 2005.
Fifteen Mile Creek	Lake Ontario	W. Lincoln / Lincoln / St. Catharines	2006	None Previous	No		62.7	34.5	NPCA Fifteen Mile Creek Floodplain Mapping, 2006.
Sixteen Mile Creek	Lake Ontario	West Lincoln / Lincoln	2006	None Previous	No		42.7	24.3	NPCA Sixteen Mile Creek Floodplain Mapping, 2006.
Beaver Dam Drain	Lake Erie	Port Colborne	2011	None Previous	No		12.5	7.7	NPCA Floodplain Mapping Beaver Dam Drain. February 2011
Bearss Drain	Lake Erie	Port Colborne	2010	None Previous	No		10.9	4.3	NPCA Floodplain Mapping Bearss Drain, Port Colborne 2010
Miller Creek	Niagara River	Fort Erie	2008	None Previous	No		9.0	7.3	Fort Erie Creeks Watershed Plan, Philips 2008
Six Mile Creek Fort Erie	Lake Erie	Fort Erie	2008	None Previous	No		18.1	10.9	Fort Erie Creeks Watershed Plan, Philips 2008
Baker Creek	Niagara River	Fort Erie	2008	None Previous	No		4.3	2.1	Fort Erie Creeks Watershed Plan, Philips 2008
Kraft Drain	Lake Erie	Fort Erie	2008	None Previous	No		5.6	1.8	Fort Erie Creeks Watershed Plan, Philips 2008
Singers Drain	Welland Canal	Thorold	2011	None Previous	No		15.7	8.5	Singers Drain Floodplain Update Report. Amec, 2011.
RURAL WATERCOURSES WITH NO CURRENT FLOODPLAIN MAPPING									
Buckhorn Creek	Welland River	Hamilton / Haldimand		None Previous	Yes		24.3		
Elsie Creek	Welland River	Haldimand		None Previous	Yes		25.6		
Little Forks Creek	Welland River	Wainfleet		None Previous	Yes		13.4		
Little Wolf Creek	Welland River	Hamilton / West Lincoln		None Previous	Yes		10.2		
Mill Creek	Welland River	West Lincoln		None Previous	Yes		33.3		
Mill Race Creek	Welland River	Wainfleet		None Previous	Yes		76.5		
Moores Creek	Welland River	West Lincoln		None Previous	Yes		13.2		
West Wolf Creek	Welland River	Hamilton / Haldimand		None Previous	Yes		13.9		
Wolf Creek	Welland River	Hamilton / Haldimand		None Previous	Yes		23.6		

Report To: Board of Directors

Subject: Honorary Member

Report No: FA-92-19

Date: August 14, 2019

Recommendation:

That Report No. FA-92-19 RE: Confidential Honorary Member **BE RECEIVED.**

That the Board of Directors **CONSIDER** the appointment of Mr. Mickey DiFruscio as an Honorary Member of the NPCA for the 2019 year in an ex-officio, non-voting capacity.

Purpose:

The purpose of this Report is for the Board to consider appointing Mr. Mickey DiFruscio as an Honorary Member of the Niagara Peninsula Conservation Authority for the 2019 year to recognize his contributions to the Board and enable him to fulfill 25 years of service to NPCA.

Background:

At the June 19, 2019 Board of Directors' meeting, staff were requested to prepare a report regarding the appointment of Mr. DiFruscio as an honorary member of the NPCA.

An Honorary Member is "one who is willing to lend their name in support of the organization. The member is usually a prominent community member who is committed to the organization's mission and who can help and support the agency. In an ex-officio, non-voting capacity, the member is recognized in the organization's materials including brochures, website and social media outlets and can attend events on behalf of the organization. Recognizing a member as honorary is a valid way to acknowledge and give visibility to a person's service."

Discussion:

Mr. Dominic DiFruscio, or Mickey as he is known to his friends and colleagues, has had a lifelong love of nature as an avid fisherman and hunter. His tenure as a Board Member of the Niagara Peninsula Conservation Authority lasted from 1993 to 2018; representing the Regional Municipality of Niagara (City of Thorold). Mr. DiFruscio participated in the following committees during his time on the Board: Cave Springs Management Plan Steering Committee, NPCA Budget Committee,

Welland River Restoration Committee, Niagara Water Quality Protection Strategy Committee, and the St. Johns Conservation Area Steering Committee to name a few.

He has attended countless community events and public meetings in his 24 years as an Authority Member and ambassador for conservation work. When Mickey learned of the plight of Monarch butterflies and other pollinators, he went a step further, leading by example, rolling up his sleeves, and getting his hands dirty to grow his famous milkweed plants every year in his home greenhouse. He donates these plants, the host plant for Monarch butterflies, to restoration projects undertaken by the NPCA throughout the watershed.

The Mickey DiFruscio and Family Legacy Project was established to honour Mickey and his family for their tireless work by establishing a series of pollinator gardens in Conservation Areas and other public lands, that will stand in tribute to Mickey and NPCA's shared goal of further restoration throughout the Niagara Peninsula Watershed.

Mr. DiFruscio served in the Canadian Armed Forces during WWII.

Financial Implications:

In the capacity of honorary member, no per diem or mileage would be offered by the NPCA.

Links to Policy/Strategic Plan:

As noted above, an honorary member is one who is committed to the organization's mission. The NPCA's mission, as stated in our Strategic Plan 2018 to 2021 is:

“to implement our Conservation Authorities Act mandate by remaining a responsive, innovative and financially sustainable organization.”

For over 24 years, Mr. DiFruscio has been a passionate supporter of the NPCA mandate and mission. He is also a current member of the Niagara Peninsula Conservation Foundation and a consistent donor to its cause.

Acknowledgement of Mr. DiFruscio as an honorary member for 2019 would enable him to be recognized for 25 years of service, which is an important milestone for him.

Submitted by:

Original signed by

D. Gayle Wood, BES, CMMIII
Chief Administrative Officer/Secretary-Treasurer

Report To: Board of Directors

Subject: Re-Appointment of NPCA Section 28 Regulations Officer

Report No: FA-98-19

Date: August 14, 2019

Recommendation:

1. That Report No. FA-98-19 RE: Re-Appointment of NPCA Regulations Officer **BE RECEIVED.**
2. That the Board **RE-APPOINT** Amy Parks, Regulations Officer, for the term of her employment with the NPCA, as an Officer pursuant to Section 28 of the Conservation Authorities Act and Ontario Regulation 155/06 (as amended).

Purpose:

The purpose of this Report is to obtain the Boards' approval to re-appoint Ms. Amy Parks as a Regulations Officer pursuant to Section 28 of the Conservation Authorities Act and Ontario Regulation 155/06 (as amended).

Background:

Enforcement activities related to Section 28.1(e) of the *Conservation Authorities Act* are also governed by Part III of the Provincial Offences Act (POA). By appointing staff as Officers under the *Conservation Authorities Act*, they also become recognized by the Courts as Provincial Offences Officers and are therefore required to govern themselves in accordance with other applicable legal requirements (e.g. laying of information/charges, search restrictions, disclosure of evidence, etc.).

Discussion:

Ms. Amy Parks returned to active status with the Niagara Peninsula Conservation Authority (NPCA) on June 17, 2019 in the vacant Regulations Officer position. As a requirement of these duties, Ms. Parks needs to be appointed (for the term of her employment) as Officer, pursuant to Section 28.1(e) of the *Conservation Authorities Act*, to fulfill job responsibilities. It should be noted that Ms. Parks had previously been appointed by the Board as an Officer but was not with the NPCA at the time of Report FA-47-2019 which identified all current NPCA Officers.

Financial Implications:

This is an existing position within the 2019 budget.

Related Reports and Appendices:

The following Reports are provided for reference only and not included as actual attachments:

1. Report FA-47-2019 Appointment/Reappointment of NPCA Compliance/Regulations Officers
2. Report FA-25-19 NPCA Compliance and Enforcement Officer Appointment
3. Report 64-18 Compliance and Enforcement Officer Appointment
4. Report 60-17 Appointment of Regulations Officer
5. Report 49-15 Appointment of Regulation Officer
6. Report 25-12 Appointment of Enforcement Officers
7. Report 72-08 Appointment of Enforcement Officers

Reviewed by:**Original Signed by**

Darren MacKenzie, C.Tech., rcsi
Director, Watershed Management

Submitted by:**Original Signed by**

D. Gayle Wood, BES, CMMIII
Chief Administrative Officer-Secretary/Treasurer

Report To: Board of Directors

Subject: Proposed 2021 Wedding Fee Schedule - Ball's Falls Conservation Area

Report No: FA-103-19

Date: August 14, 2019

Recommendation:

1. That Report No. FA-103-19 respecting the Proposed 2021 Wedding Fee Schedule – Ball's Falls Conservation Area **BE RECEIVED.**
2. That the Proposed 2021 Ball's Falls Wedding Fee Structure outlined in Appendix 1 of Report FA-103-19 **BE APPROVED.**

Purpose:

The purpose of the Report is to seek approval of the NPCA Board of Directors for to consider the 2021 Fee Wedding Structure for Ball's Falls Conservation Area.

Background:

Balls Fall's Conservation Area is a very popular site for weddings. Clients are already looking to book their wedding for 2021. Annually, NPCA staff review the Fee Structure for Weddings at Balls Falls Conservation Area, around August of each year, and compare our fees with other comparable sites. The 2020 rates were approved by the Board of Directors in 2018 and currently it is time to review the 2021 rates.

In 2017, staff completed an extensive review of rates, fees, and comparables, attached as Appendix 2. Comparable sites include Hernder Estates Winery in St. Catharines, Honsberger Estate Winery in Jordan and Rockway Conservation Area in Rockwood.

Staff are recommending approval of the proposed rates to allow for Wedding Fees to be posted in September 2019 and therefore, may begin booking wedding rentals at Ball's Falls Conservation Area for 2021.

Financial Implications:

Staff identify the costs associated with marketing and advertising 2021 Weddings at Ball's Falls Conservation Area as financial implications to this Report, which are accommodated within the budget. Since 2016 Ball's Falls has increased wedding rates by 67%. After a detailed comparable review in 2017, staff recommended that the value of the barn should be set at a rental fee of \$3,000, which is currently in place. With greater wedding venue competition in the area, and feedback from wedding bookings staff on supply and demand, a 0% increase is recommended for 2021.

Related Reports and Appendices:

Appendix – Proposed 2021 Wedding Fee Schedule for Ball's Falls Conservation Area
Appendix 2 – Ball's Falls Wedding Comparable Report

Authored by:

Original Signed by

Alicia Powell, B.Sc., MA, Phd(c)
Acting Manager, Strategic Initiatives

Reviewed by:

Original Signed by

Adam Christie
Acting Senior Manager, Operations and Special Projects

Submitted by:

Original Signed by

D. Gayle Wood, BES, CMMIII
Chief Administrative Officer/Secretary-Treasurer

Proposed 2021 Fee Schedule (Fees do NOT include Taxes)

Ball's Falls Conservation Area	2019	2020	2021
Barn Rental			
Barn Reception*	\$ 2,700.00	\$ 3,000.00	\$ 3,000.00
Venue Set-up Rental**	\$ 275.00	\$ 275.00	\$ 275.00

*Alcohol is not permitted outside of the Barn

**These rates apply only if Barn remains available within 2 weeks of wedding date

Center For Conservation: Glen Elgin Room			
Glen Elgin Rom Reception	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
Set-up Rental*	\$ 275.00	\$ 275.00	\$ 275.00

* These rate apply only if Glen Elgin Room remains available within 2 weeks of wedding date

Church Rental			
Two-Hour Ceremony*	\$ 850.00	\$ 850.00	\$ 850.00

* Rental Times: 9:30 am to 11:30 am; 12:00 pm to 2: 00 pm; 2:30 pm to 4:30 pm; 5:00 pm to 7:00 pm

Natural Setting Rental			
Outdoor Ceremony	\$ 750.00	\$ 800.00	\$ 850.00

Bridal Suite Rental			
Daily Rate	\$ 350.00	\$ 375.00	\$ 375.00

Niagara Peninsula Conservation Authority



WEDDINGS NIAGARA

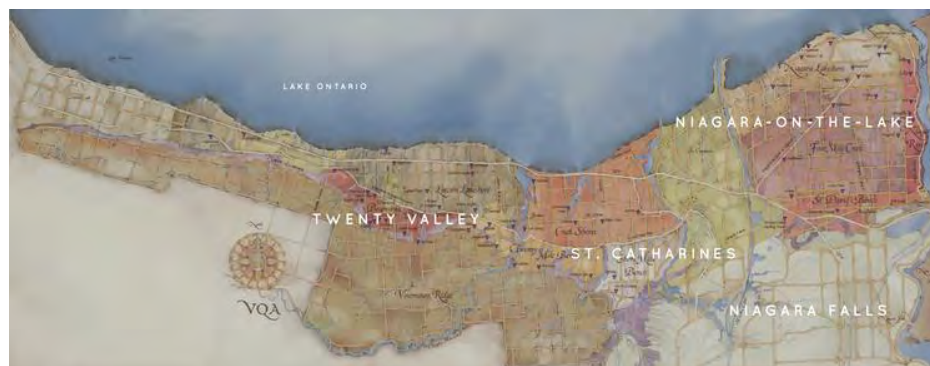
Niagara is known for its natural beauty, its fabulous floral displays and its wonderful ambiance. Romance is in the air year round. Niagara Region has an excellent selection of first-class hotels, wineries, talented musicians, caterers, creative photographers and florists in the area, all of the necessary elements to plan that perfect day exist right here. With over hundreds of venues to choose from and high market demand for new venues Niagara is becoming a sought after location for many local and distance brides.

Niagara-on-the-Lake - Located where the Niagara River meets Lake Ontario. Wineries, restaurants, and historic sites are plentiful, and this small town is frequently recognized for its beautiful gardens, previously winning the title of Canada's Prettiest Town.

Twenty Valley - At the base of the Niagara Escarpment Twenty Valley is charming and memorable. It boasts a developing culinary scene and boutique wineries that are laid-back and approachable.

St. Catharines – The largest city in the Niagara Region and is nicknamed 'The Garden City' for its thousands of acres of parks, trails, and gardens

Niagara Falls – Home to the enchanting Botanical Gardens, the scenic Niagara River Parkway and three large, world-famous waterfalls (the smallest of which is named Bridal Veil Falls).



Overview

There are primarily two types of venue options available within the Niagara Region. Hall/Facility rentals and all-inclusive wedding venues make up the majority of the Niagara wedding market. There are many deciding factors why a couple would choose one option over another. Typically when either a hall or facility is rented the couple is responsible for organizing all details of the event (including; catering, décor, entertainment, setup, and clean up). This allows brides and grooms to personalize their wedding in order to fit their needs. Renting a facility provides greater opportunity to control wedding expenses and gives couples the ability to decide on how much and where their money is best spent. This type of wedding venue is not for everyone, due to the time commitment, responsibility and organization that is required throughout the planning process. Although the price to rent a facility may be considered a high price upfront, on average couples spend less per person when all wedding expenses are realized.

Most wedding venues in Niagara do not have the option to rent the facility only. These venues require couples to purchase packages from a select list of wedding options. These packages are typically inclusive of everything a bride and groom may need to plan their wedding (including; venue space, catering, some décor, entertainment, setup, and clean up). The cost of these package are priced per person which can vary by season, and days of the week (i.e. Friday wedding vs Saturday wedding). There is typically an extra fee which occurs for any extras, substitutions, or changes to the package choices, which many brides and grooms can find overwhelming with the additional costs. Although this venue option is found to be more expensive, many couples choose to have all-inclusive wedding venue to simplify their wedding day.

Ball’s Falls Conversation Area has two facility rentals, Glen Elgin Room and the Barn. Both venues are facility rentals only, and the bride and groom are responsible for all aspects of their event outside of amenities included in the hall. Table A and Table B. have been included to demonstrate direct and non-direct comparables to Ball’s Falls Conservation Area.

Wedding ceremony’s can be consider the most important aspect when planning a wedding. Niagara Region offers everything a couple would want for a ceremony space, from lush floral gardens, picturesque vineyards, scenic waterfront views, and historical churches. Many Niagara venues now offer the ability to have a ceremony on site, some venues provide more than one option for a ceremony location. Typically, there is an extra fee charged when booking a ceremony space, which may include some extra amenities. Ball’s Fall Conversation Area offers three different ceremony spaces which can be booked separate from the Glen Eglin room and the Barn. Table C. has been included to demonstrate ceremony space comparables within the Niagara Region.

Indirect Comparables

TABLE A.

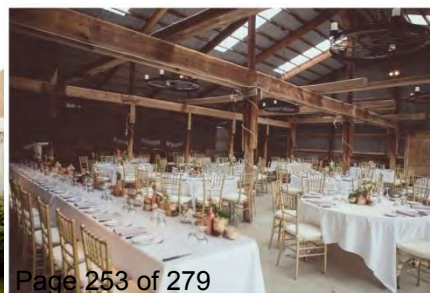
Venue	Location	Amenities	Disadvantages	Seating Capacity	2017 Rates	2018 Rates
HERNDER ESTATES (Barn) A. Victoria Room B. Alexis Room	1607 Eighth Avenue, St. Catharines, ON	Outdoor ceremony space Available (extra fee) Inclusive wedding packages	Limited to in house catering and reception options (less personalized)	A. Victoria Room Inside: 160-250 B. Alexis Room Inside: 90 -150	\$155 pp –\$165pp	\$165pp-\$180pp
HONSBERGER ESTATE (Barn)	4060 Jordan Road, Jordan Station, ON	Outdoor ceremony space Available Inclusive wedding packages	No Sunday books offered Limited to in house catering and reception options	Barn 150	\$184 pp (Friday) \$189pp (Saturday)	\$194pp (Friday) \$199pp (Saturday)
LEGENDS ON THE NIAGARA	9651 Niagara Pkwy, Niagara Falls, ON	Outdoor ceremony space Available Inclusive wedding packages	Limited to in house catering and reception options Only 3 hour bar service	Inside: 200	\$89pp – \$128pp approx. (plus tax and gratuities)	\$93.50 - \$135.00
INN ON THE TWENTY	3845 Main Street, Jordan Station, ON	Inclusive wedding packages Discount for winter weddings	Outdoor ceremony space Limited to in house catering and reception options	Inside: 120-140	\$125pp (Friday & Sunday) \$140pp (Saturdays) \$115pp (Nov-April) (plus tax and gratuities)	N/A
STONEWALL ESTATE (Barn)	1607 Eighth Avenue Louth, St. Catharines, ON	Outdoor ceremony space Available Inclusive wedding packages Bridal suite onsite	Only portable bathrooms Wine not included in Price Limited to in house catering & reception options Minimum booking requirement	Inside: 200 approx.	\$213pp + HST	\$213pp + HST



Direct Comparables

TABLE B

Hall/Facility	Location	Amenities	Disadvantages	Seating Capacity	2017 Rates	2018 Rates
NAVY HALL	305 Ricardo Street, Niagara-on-the-Lake, ON	Located on the Niagara River Outside ceremony space Tables and chairs included	Limited parking	Inside: 100 Tent: 150approx	\$735.90	\$735.90 (currently)
AGORA	Fort George Grounds, Niagara-on-the-Lake, ON	Picturesque venue on the grounds of Fort George Tables and chairs included	Walk to washrooms	Inside: 110 Tent: Unlimited	\$1,962.00	\$1,962.00 (currently)
NIAGARA ON THE LAKE COURTHOUSE A. Grand Hall B. John Drope Hall C. Both Halls	26 Queen Street, Niagara-on-the-Lake, ON	Tables and chairs included	Only available for bookings through mid-October to mid-March	Inside: 100 -200 approx.	A. \$734.00 B. \$526.00 C. \$890.00	A. \$749.00 B. \$537.00 C. \$908.00
GLEN DRUMMOND FARM (Barn)	418 Fallsview Road, Dundas, ON	Location edge of Niagara escarpment Includes open courtyard, outdoor fire, wagon ride along the escarpment, picnic tables & Muskoka chairs, Onsite wedding coordinator and professional DJ	Secluded location Limited surrounding accommodation options	Inside: 200	\$4500.00	\$4500.00
ROCKWAY CONSERVATION AREA AND THE MILL RUINS	161 Fall Street, Rockwood, ON	Located on a picturesque bank over the Emorosa River and surrounded by towering limestone cliffs stands the stone shell of the old Harris Wollen Mill	Park admission fee is required for each guest No washrooms onsite Tent not included No hydro onsite Event curfew - 11pm	Tent: Unlimited	\$1000.00	\$1000.00
DUNDAS VALLEY Conservation Area (Hermitage Ruins)	650 Governors Road, Dundas, ON	A restored stone house and its outbuildings. Area include lush Carolinian Forests, and colourful meadows	No washrooms or onsite No hydro or water onsite Tent not included Event curfew - 6pm	Tent: Unlimited	\$1050.00	\$1050.00
WESTFIELD HERITAGE VILLAGE Ironwood Hall (Hamilton Conservation)	1049 Kirkwall Road, Rockton, ON	Over 30 historical buildings Hall includes kitchen, air conditioning and outdoor deck Ceremony space, onsite photography, and early setup available (extra fees apply)	Dated Hall	Inside: 110	\$1836.00	\$1836.00



Wedding Ceremony Comparables

TABLE C.

Facility Name	Location	Information	2017 Rates	2018 Rates
GLEN DRUMMOND FARMS	418 Fallsview Rd, Dundas, On, L9H 5E2	Choice of 2 different outdoor ceremony spaces; 1.Ceremony on the edge of the escarpment overlooking Dundas Valley 2.Ceremony outside in the gardens Ceremony includes chairs, signing table, setup, and use of farm area for photos	\$1,500.00	\$1,500.00
LUNA GARDENS	526 Winona Rd, Stoney Creek, ON, L8E 5E9	Ceremony space has a spectacular view of the waterfront and gardens Includes onsite photography, chairs, access to power, and a wedding supervisor	\$1,820.00 \$1,300.00 when reception is booked at located	\$1,820.00 \$1,300.00 when reception is booked at location
HERNDER ESTATES	1607 Eighth Ave, St. Catharines, ON	Choice 2 beautiful outdoor ceremony locations surrounding the vineyard 1.Ceremony on garden patio 2.Ceremony next to vineyard pond Includes your space of choice, chairs, signing table with linen, and an event coordinator	N/A	\$1,500.00
BELFOUNTAIN Conservation Area (Credit Valley Conservation)	10 Credit Park Street, Belfountain, ON	Ceremony terrace area Includes admission for up to 100 guests as well as hydro Includes signing table and chair	\$800.00	\$800.00
WESTFIELD HERITAGE VILLAGE (Hamilton Conservation)	1049 Kirkwall Rd, Rockton, On	Victorian Church located on the Westfield Heritage Village	\$408.00	\$408.00



Balls Falls Conservation Area

Wedding Reception

Facility/Hall	Location	Amenities	Disadvantages	Seating Capacity	2017 Rates	2018 Rates
BALL'S FALLS CONSERVATION AREA A. Glen Elgin B. The Barn	3292 Sixth Avenue, Lincoln, On	Located on majestic Twenty Mile Creek, with beautiful views of the upper and lower falls. Many locations for onsite wedding photography Outdoor ceremony space available (extra fee) A. Glen Elgin Tables and chairs Included (with setup) Garden patio off facility can be used for ceremony or cocktail space Modern facility with wheelchair accessibility B. Barn Bridal Suite available (extra fee) Wooden tables and chiavari chairs included (with setup)	A. Glen Eglin Corporate room divider B. Barn Walk to washrooms No air conditioning or heaters	A. Glen Egin -150 B. Barn- 190	A. \$2,300 Glen Elgin B. \$2,000 Barn	A.\$2,800 Glen Elgin B. \$2,500.Barn

Ceremony Space

Ceremony	Location	Information	2017 Rates	2018 Rates
BALL'S FALLS CONSERVATION AREA	3292 Sixth Avenue, Lincoln, On	Choice of 3 different settings to have outdoor ceremony. Customer must supply and setup chairs and tables 1. Historical Church 2. Forested Area (back of the "v") 3. Open field along 6 th Avenue	\$675.00 - Outdoor Ceremony \$750.00 – Historical Church	\$725.00 - Outdoor Ceremony \$800.00 – Historical Church

Summary

Ball's Falls Conservation reception facility rates can be considered slightly above average however the quality of the extra amenities can be argued to be far superior over the other direct comparables. Everything from modern tables and chairs, accessible utilities, convenient washrooms, plenty of parking, beautiful ceremony space, and acres of privacy are important factors which differentiate Ball's Falls from other facilities.

Ball's Falls pricing strategy has proven sales history, demonstrating successful rentals rates. In 2017 165 wedding receptions were booked every Friday-Saturday from April to October (60 receptions were booked in the barn and 30 receptions in the Glen Elgin). 2018 has a combined 103 receptions already booked (Barn – 46, Glen Elgin 17). The ceremony rental rates offered at Ball's Falls are average amongst the market, but are aligned with the amenities being offered. Ball's Falls could consider increasing their ceremony rental rates if extra services were offered as an option. Overall the current rental prices at Ball's Falls can be considered reasonable within the current marketplace.

Report To: Board of Directors

Subject: Update - Governance Committee Revised Terms of Reference

Report No: FA-105-19

Date: August 14, 2019

Recommendation:

That Report No. FA-105-19 RE: Update – Governance Committee Terms of Reference, August 14, 2019 **BE APPROVED.**

Purpose:

The purpose of this Report is to seek approval from the Board of Directors regarding revised Governance Committee Terms of Reference.

Background:

The NPCA's Governance Committee was created in 2019 in response to the recommendations of the Auditor General for governance improvements. This Committee was first envisioned as an Ad Hoc Committee. However, after six months of operation, as well as considering the importance that governance has within the NPCA, the Committee is recommending that the Authority approve this as a Standing Committee.

Discussion:

While reviewing and updating the NPCA's Administrative By-Law at their July 24th meeting, the Governance Committee determined that this should be a Standing Committee. As this requires a change to the Committee's Terms of Reference, a few additions to the Committee's key responsibilities are recommended for approval as well.

The recommended revisions are outlined in red in the attached Appendix for the Board's consideration and approval.

Financial Implications:

There are no financial impacts to the NPCA as a result of this report.

Related Reports and Appendices:

Appendix 1: Revised Governance Committee Terms of Reference – August 14, 2019

Submitted by:**Original Signed by**

D. Gayle Wood, BES, CMMIII
Chief Administrative Officer/Secretary-Treasurer

Niagara Peninsula Conservation Authority

TERMS OF REFERENCE

GOVERNANCE COMMITTEE

Date of Committee Review – March 27, 2019

Date of Board Approval – April 17, 2019

Revised August 14, 2019

Committee Type: **Standing Committee**

Committee Purpose and Scope:

The Governance Committee's scope is to review NPCA Procedural By-laws, code of conduct, conflict of interest, the NPCA policy manual and board roles and responsibilities.

Specifically, key responsibilities include:

	Key Responsibilities
1	<ul style="list-style-type: none">Reviewing and recommending changes and approval of the NPCA Administrative By-law.
2	<ul style="list-style-type: none">Reviewing and recommending changes to the NPCA's Code of Conduct policies, including the Conflict of Interest Policy.
3	<ul style="list-style-type: none">Reviewing legislative changes to governance issues to ensure NPCA compliance.
4	<ul style="list-style-type: none">Clarifying NPCA policy on members per diems and honorariums.

5	<ul style="list-style-type: none"> Reviewing the NPCA's Policy Manual and recommending any changes or new policies to the Board.
6	<ul style="list-style-type: none"> Reviewing and recommending practices and procedures for Board meetings, such as board agenda content, consent agenda order of consideration.

Committee Authority:

On January 7, 2019, the NPCA Board of Directors passed the following resolution:

“direct staff to draft the terms of reference to be approved by the Board regarding the formations of a governance committee comprised of 4-5 members to review NPCA policies, roles and responsibilities.”

Decisions and recommendations, including amendments to the Terms of Reference, will be made by the Committee members and then sent to the Full Authority Board for approval.

Membership:

The Committee will have five members, appointed by the Board of Directors at each Annual Meeting, and will include the Chair and Vice Chair in ex-officio, non-voting capacity. Members can be added to the Committee upon approval of the Board of Directors throughout the year.

Meeting Requirements:

Meetings will be held at the call of the Committee Chair. Agendas will be prepared by staff with the approval of the Committee Chair and circulated five days in advance of a meeting and posted on the NPCA website. Minutes will be prepared by staff and distributed to the Committee members and Senior staff prior to the next meeting. Minutes will be forwarded to the Board of Directors for approval.

Meeting Location:

Meetings will be at the NPCA Head Office (250 Thorold Road West, Welland), Ball's Falls Conservation Area, or at a location determined by the Committee Chair.

Resources/Budget:

The work will be done by the Committee, NPCA staff and any duly procured and authorized consultant. Costs will be discussed by the Committee and if required, taken to the Board of approval.

Decision-making:

The committee will operate openly. All decisions will be made by committee votes. Results of the deliberations and subsequent votes will be reflected in the minutes.

Report To: Board of Directors

Subject: Board of Directors Training and Development

Report No: FA-107-19

Date: August 14, 2019

Recommendation:

That Report No. FA-107-19 RE: Board of Directors Training and Development **BE RECEIVED.**

That Staff **BE DIRECTED** to finalize a 2019 training and development program as approved by the Board of Directors.

Purpose:

The purpose of this Report is to seek direction and approval from the Board of Directors regarding a training and development program for the remainder of 2019.

Background:

The Auditor General's Report addressed the importance of good governance; which, in part, relies on a training and development program for the Board of Directors.

Setting this program for 2019 has been a challenge as the board composition is still in transition. At the July Board Meeting, it was recommended that the CAO seek input from the Board regarding training and development that they wish to receive for the remainder of 2019.

Staff sent a request for comments by the Board Members on July 22nd, with a request to provide input regarding this matter by July 31, 2019.

Discussion:

Staff have completed some training and development with the Board as noted in red below. In addition, Board members have identified training needs in the table that follows. Staff have outlined some priorities, from their perspective in green below, and seek Board direction in this regard.

Training Topic	Date	Status
Orientation - History of the NPCA	March 20, 2019	Repeat with new Board
Audited Financial Statements	April 17, 2019	Repeat in 2020
Budget Process 2016/19	April 15, 2019	
Auditor General Report	May 3, 2019	Repeat in 2020 with a second review by the AG
Orientation (Feor, Ingrao, Mackenzie, Smith)	June 10, 2019	Repeat in Fall 2019
Water Quality Monitoring Summary – 2018	June 19, 2019	Repeat in 2020
Niagara River Remedial Action Plan	July 17, 2019	
Board Team Development and Effective Board Governance	November, 2019	2019 Priority
Full Board Orientation including legal mandate, jurisdiction, legal duties of members	October 2019	2019 Priority
Budget Process and 2020 budget	Draft Operating Budget – September 18, 2019	2019 Priority – as part of 2020 Budget Process
Overview of Administrative By-Law, Code of Conduct and Conflict of Interest	September Board Meeting	2019 Priority - Annual review thereafter

The Conservation Authorities Act	October Board Meeting	2019 Priority
CA/Municipal Roles and Responsibilities		
Service Agreements with municipalities and partners		
NPCA Policy, Policy Development, Process and Access to information		
Boards and the Media		
Roles of the Executive Management Team		
Niagara Peninsula Conservation Foundation		
NPCA Complaint Process		
NPCA and Landowners		
NPCA's Strategic Planning		
Effective Board Meetings		
Effective Board/CAO Relationship Building		
Member Legal Advice		

Financial Implications

Board Development and Effective Governance Training as well as Code of Conduct Training may require resourcing for an external facilitator.

Submitted by:

Original Signed by

D. Gayle Wood, BES, CMMIII
Chief Administrative Officer/Secretary-Treasurer

Report To: Board of Directors

Subject: CAO Selection Committee - Next Steps

Report No: FA-112-19

Date: August 14, 2019

Recommendation:

That Report No. FA-112-19 RE: CAO Selection Committee - Next Steps **BE APPROVED**.

That Member Brady **BE APPROVED** as a Member of the CAO Selection Committee.

That the Terms of Reference for the CAO Selection Committee **BE AMENDED** to allow for seven (7) members of the Committee.

Purpose:

The purpose of this Report is to:

1. Advise the Board of Directors regarding the next steps for the CAO Selection Committee;
2. Add Member Brady to the CAO Selection Committee and;
3. Revise the Terms of Reference for the CAO Selection Committee to permit 7 members on the Committee.

Background:

The CAO Selection Committee held its first meeting on January 30, 2019 to commence the process of hiring a new CAO for the NPCA. In the interim, Ms. Gayle Wood was selected on March 1, 2019 to support the Authority prior to the hiring of a new CAO. Ms. Wood's contract which ended July 31, 2019, was extended until December 31, 2019.

Discussion:

It is important to continue the search for a new CAO prior to the end of Ms. Wood's contract in December 2019. In addition to the following members of the Committee, Member Brady has requested to be added to the Committee:

Member Steele, Committee Chair
Member Johnson, Committee Vice Chair

Member Bylsma, NPCA Chair
Member Huson, NPCA Vice Chair
Member Foster
Member Beattie.

With the addition of a new member to the Committee, the Terms of Reference will be revised to indicate that the CAO Selection Committee will have seven (7) members.

Financial Implications:

Mr. Patrick Rowan, of Feldman Daxon – an executive search firm, was hired by the NPCA, through the approved procurement process around March 2019 to assist the CAO Selection Committee. The contract price was approved at \$30,000. This funding has been allocated in the 2019 budget.

Links to Policy/Strategic Plan:

Both the Conservation Authorities Act and the Administrative By-Law speaks to the importance of the role of the Chief Administrative Officer/Secretary-Treasurer.

Submitted by:

Original signed by

Member Bill Steele
Chair, CAO Selection Committee

Report To: Board of Directors

Subject: NPCA Public Advisory Committee (PAC)

Report No: FA-115-19

Date: August 14, 2019

Recommendation:

1. That Report No. FA-115-19 RE: NPCA Public Advisory Committee (PAC) BE RECEIVED for information.
2. That the Board of Directors APPROVE the **revised** Terms of Reference (TOR) for the NPCA Public Advisory Committee (PAC).

Purpose:

The NPCA Public Advisory Committee (formally called the NPCA Advisory Committee) was created based on recommendations from the NPCA's Strategic Plan 2014-2017. At the May 3, 2019 Board of Directors meeting, the Board members approved the staff recommended changes to the PAC Terms of Reference (TOR) and advised staff to forward the TOR to the PAC for their review, comment on filling vacancies and feedback to the Board.

At the June 27th, 2019 PAC meeting, members were asked to review the Draft TOR. Changes recommended by members of the PAC are outlined below:

- Add a second Agricultural sector representative to allow for a North and South representative on the Committee;
- Add a seat for a First Nations representative;
- Remove the reference to review up to "4 projects" per year under the "new mandate" section of the TOR; and
- Approve all other changes highlighted in yellow in the attached Appendix 1 to this Report.

Background:

The current mandate of the PAC, which was created in 2014, is:

"To provide collaborative local perspective, guidance and expert advice in the implementation of the NPCA policies, plans and/or other issues as the Board may request. Members serve in a non-governance capacity with a focus on providing advice and recommendations for consideration by the NPCA Board."

The Committee is currently comprised of 10 members and the NPCA Board Chair. The members represent the public-at-large, Métis Niagara, property owners, Chamber of Commerce/Tourism, agriculture, development, conservation, urban/rural planning, and user/volunteers. Members are appointed by the NPCA Board of Directors and the NPCA Chair functions as Co-Chair of the Committee until the end of his/her term, along with a member Co-Chair elected by the Committee.

The next PAC meeting will be set for September 2019, date to be determined, as we are awaiting feedback on members' availability. At the September meeting, the members will be asked to consider their role in the approved NPCA ***Climate Change Strategy and Action Plan***.

Financial Implications:

The Committee members serve on a volunteer basis and do not receive remuneration for their service.

Related Reports and Appendices:

1. Appendix 1: NPCA Advisory Committee – Draft Terms of Reference

Authored by:

Original Signed by

Kerry Royer,
Coordinator, Community Outreach and Volunteers

Reviewed by:

Original Signed by

Renee Bisson,
Manager, Community Engagement/Communications

Submitted by:

Original Signed by

D. Gayle Wood, BES, CMMIII
Chief Administrative Officer/Secretary-Treasurer

NPCA Public Advisory Committee Draft Terms of Reference

Committee Name:	NPCA Advisory Committee
Type:	Standing Committee - Advisory
Date of Formation:	February 19, 2014
Staff Support:	Community Outreach & Volunteer Coordinator
Enabling Legislation:	Feb. 19, 2014 – NPCA Report # 06-2014
Amended Version:	September 20, 2017 (Proposed Revision August 14, 2019)
Total No. of Members:	13 (Includes NPCA Chair)
Meeting Frequency:	Quarterly – as required
No. of Meetings Annually:	4 (+)
Budget:	\$2,500
Reporting Method:	PAC Draft Minutes provided to the Board for consideration

1. TITLE:

The name of the Advisory Committee shall be “**The NPCA Public Advisory Committee**”, or until such time a more reflective name representative of the Authority is chosen at the discretion of the NPCA Board.

2. ACCOUNTABILITY AND MANDATE:

To provide collaborative local perspective, guidance and expert advice in the implementation of NPCA policies, plans and/or other issues as the Board may request. Members will serve in a non-governance capacity with a focus on providing advice and recommendations for consideration by NPCA Board, which are aligned with the approved NPCA annual workplans from each Division – Corporate Services, Land Management, Watershed Management, and Communications/Engagement.

3. TERMS OF APPOINTMENT and VACANCIES:

Upon establishment of the Committee, members will be appointed to serve for a term of TWO (2) years beginning in January of that year. Positions vacated will be filled through a “Call for Expression of Interest” to be conducted as required. In the event of a vacancy during a regular term, the vacancy may be filled for the remainder of that term.

The power to appoint or rescind shall be reserved solely for the full Board Authority. The NPCA Chair shall function as Co-Chair and will serve until the end of his/her term.

4. RESOURCES & BUDGET

The budget will be allocated at \$2,500 to cover meeting expenses. Thereafter, the budget will be re-assessed on an annual basis.

The Advisory Committee is primarily supported by the Community Outreach & Volunteer Coordinator, with the Community Engagement Manager and Chief Administrative Officer providing general oversight.

5. REPORTING

Meeting Agendas will be prepared by the Clerk/Executive Assistant to the CAO and Board and Community Outreach & Volunteer Coordinator in consultation with the Committee Co-Chairs. Minutes shall be recorded and circulated to members. DRAFT minutes will be submitted to the NPCA Board at their earliest meeting following an ADVISORY COMMITTEE meeting as long as Committee members are given 2 weeks to review the draft minutes. Actionable items to be carried forward by the NPCA Chair in a timely fashion.

6. RESPONSIBILITIES:

- Act as Champions/Ambassadors for the NPCA
- Advise on potential partnership opportunities
- Provide a conduit to the local community within their sector
- Identify barriers and opportunities in the community within their sector
- Advise on opportunities to communicate information from the NPCA to their sector partners
- Advise on other issues from within their sector.

7. MEMBERSHIP:

The NPCA PUBLIC ADVISORY COMMITTEE shall consist of up to THIRTEEN (13) members comprising multi-stakeholder representation including landowners, planners, business sector, agriculture, conservation, Indigenous representatives, development sector, the general public and the NPCA Chair. The NPCA encourages diversity of age and gender on the Committee.

7.1 REPRESENTATIVE SEAT STRUCTURE:

The Advisory Committee shall consist of the following representation:

- TWO (2) members from the public-at-large (with at least one member that has technical knowledge related to the work of the NPCA).
- ONE (1) member representing Métis Niagara
- ONE (1) member representing property owners
- ONE (1) member representing a Chamber of Commerce and/or Tourism Industry
- ONE (1) member representing agricultural/value-added agricultural sector

from the south part of the watershed and ONE (1) member representing agricultural/value-added agricultural sector from the north part of the watershed

- ONE (1) member representing the development sector
- ONE (1) member representing the environment sector
- ONE (1) member representing First Nations
- ONE (1) member representing urban and rural planning (must have Registered Professional Planner designation)
- ONE (1) member representing volunteers/users (e.g. hikers, hunters, campers, etc.)
- ONE (1) for the NPCA Board Chair (who also serves as a Co-Chair of the ADVISORY COMMITTEE)

7.2 Internal or external persons may be invited to attend the meetings at the request of the Co-Chairs, on behalf of the ADVISORY COMMITTEE, to provide advice and assistance where necessary. These attendees will have no advisory privileges and may be requested to leave the meeting at any time by the Chairperson. NPCA Board members are encouraged to attend Advisory Committee meetings but will carry no voting power and will not receive per diem for attending.

7.3 ADVISORY COMMITTEE members may cease to be a member of the Committee if they:

- Resign from the Committee
- Fail to attend 2 consecutive meetings without providing reasons of significance to the Co-Chairs
- No longer objectively represent their respective sector
- Breach of Confidentiality
- Co-Chairs can recommend to the NPCA Board for a member to be removed if they are no longer meeting their responsibilities.

7.4 Decisions of the ADVISORY COMMITTEE are considered as recommendations only and no formal voting process is required.

7.5 A meeting quorum will be 50% + 1 of current filled positions

7.6 Extended Absence

In the event that a member of the Advisory Committee advises the Co-Chairs of an extended absence in writing, a surrogate may be pre-approved at the discretion of the Chair and Full Board Authority.

8. PRIVACY

The meetings of the ADVISORY COMMITTEE are public; however, members should be aware that their names will be in the public realm and a list of membership may be provided when requested. Personal member information, other than name and resident municipality, will be kept confidential in accordance with Provincial legislation.

9. LEADERSHIP & ADVISORY COMMITTEE CO-CHAIRS

To provide leadership, the NPCA Board Chair will serve as Co-Chair of the ADVISORY COMMITTEE. In addition, a member Co-Chair shall be elected by the ADVISORY COMMITTEE to serve for a period of 12 months. Co-Chairs may serve for two (2) consecutive terms (with the exception of the NPCA Board Chair). The Co-Chair responsibilities include:

- Building consensus
- Providing leadership and ensuring the fair and effective functioning of the Committee
- Scheduling meetings and notifying ADVISORY COMMITTEE members
- Inviting special guests to attend meetings when required
- Guiding the meeting according to the agenda and time available
- Ensuring all discussion items end with a decision, action or definite outcome
- Review and approve the draft minutes before distribution

NPCA Chair responsibilities include:

- Approving Agenda items and correspondence
- Approving delegations for Advisory Committee meetings
- Act as a conduit between the Advisory Committee and the NPCA Board of Directors

10. ROLES AND EXPECTATIONS OF MEMBERS

- Review meeting materials in advance of the meetings and arrive prepared to provide a broad perspective on the issues under consideration.
- Submit agenda items to the Co-Chairs and staff a minimum of two (2) weeks prior to the meeting date for approval.
- Make every effort to attend regularly scheduled meetings. If not available, notify the Co-Chairs and staff contact on inability to attend at least one day prior to the meeting date.
- Agree to describe, process and resolve issues in a professional and respectful manner.
- Provide constructive input to help identify future projects or strategic priorities for consideration, respective of their sector representation.
- Members are encouraged to go back to their respective sectors with information received at Advisory Committee meetings to notify of opportunities to give feedback

11. ADMINISTRATION

Community Outreach & Volunteer Coordinator will provide Administrative services for the Advisory Committee, including preparation and distribution of Agendas, recording of meeting minutes/notes, reports and general information as required to ADVISORY COMMITTEE. The Community Outreach & Volunteer Coordinator will coordinate reports on ADVISORY COMMITTEE activities for inclusion in NPCA Board meeting agendas.

12. DURATION OF MEETINGS

Meetings will be approx. TWO (2) hours in duration. Exceptions may occur from time to time to deal with significant items.

13. APPLICATION PROCESS – CALLS FOR EXPRESSIONS OF INTEREST

- Potential applicants will be assessed and recommended for appointment based not only on if there is an available seat but also on their ability to meet the roles and expectations of a member (Section 11). Seats may remain vacant until candidates with the requisite background and skills can be identified.
- The Call of Expressions of Interest will be fully transparent and made public and published via NPCA website, social media venues and local print media.
- For Committee recruitments, the ADVISORY COMMITTEE will develop a Selection Sub-Committee comprised of the NPCA Board Chair, the member Co-Chair and one Advisory Committee member in good standing. In the absence of a Co-Chair in good standing, the NPCA Chair shall approve a 3rd member to sit on the sub-Committee from the members in good standing on the Advisory Committee.
- Applicants shall be required to submit the following information:
 - contact information
 - area of expertise, general availability, why they want to serve on NPCA PAC
 - highest level of education
 - professional/employment background
 - professional memberships
- Applications will be evaluated based on the following criteria:
 - Knowledge and experience related to the sector representation
 - Knowledge of the Niagara Peninsula Conservation Authority
 - Experience working on multi-sector committees

Considerations for diversity of gender, age, geography and ethnicity were also part of the evaluation process, in accordance with the current TOR.

- Final recommendation of candidates will be presented to the NPCA Board for appointment.

14.AMENDMENTS

The Terms of Reference and the role of the NPCA Advisory Committee shall be reviewed and assessed every 4 years by the incoming NPCA Board of Directors. The Terms of Reference may be amended to meet the ongoing needs of the NPCA, by agreement of the majority of Board members.

Report To: Board of Directors

Subject: Revised NPCA Media and Communications Policy

Report No: FA-117-19

Date: August 14, 2019

Recommendation:

That Report No. FA-117-19 RE: Revised NPCA Media and Communications Policy **BE APPROVED.**

Purpose:

The purpose of this Report is to seek the Board of Directors' approval for a Revised NPCA Media and Communications Policy.

Background:

On February 15, 2017, the NPCA approved a Communications Policy. The purpose is to outline:

1. The key spokespersons for the NPCA;
2. Identify which spokespersons should address which "level of issues" with the media; and
3. A working relationship between Board Members and the staff to ensure consistent media messaging as well as an understanding of who is speaking to the media on various issues.

Discussion:

With the new 2019 Board of Directors, the NPCA Media and Communications Policy was reviewed by staff and a few changes are being recommended. These changes are outlined in the revised Communications Policy attached as Appendix 1 to this Report.

Financial Implications:

There are no financial impacts as a result of this report.

Links to Policy/Strategic Plan:

Clear, consistent messaging to the various media outlets – TV, Radio, Print, - is important to ensuring that the NPCA mandate and mission is well understood and transparent to the community. Ensuring that an up-to-date Media and Communications Policy is approved by the Board of Directors is essential in meeting this objective.

Related Reports and Appendices:

Appendix 1 - Revised NPCA Communications Policy

Authored by:**Original Signed by**

Renee Bisson
Manager, Community Engagement/Communications

Submitted by:**Original Signed by**

D. Gayle Wood, BES, CMMIII
Chief Administrative Officer/Secretary-Treasurer

DEVELOPED BY: Communications Manager

APPROVED BY: Board of Directors

DATE: February 15, 2017

EFFECTIVE DATE: February 15, 2017

LATEST REVISION: July 31, 2019

INTRODUCTION

As a leader in open governance, transparency, and accountability, the Niagara Peninsula Conservation Authority (NPCA) acknowledges the value that mainstream and social media play to communicate information to the public.

Effective media and public relations are important to the NPCA. We are committed to fostering and maintaining positive working relationships with media bodies within the NPCA area of jurisdiction to promote public awareness and understanding of policies, programs, and initiatives.

PURPOSE

The goal of this policy is to ensure professionalism and consistency in how the NPCA communicates to media and the public. This policy also includes specific procedures for the effective delivery of media relations services.

To provide general principles and protocol when dealing with accredited media on behalf of NPCA, and communicating through social media to the public.

To ensure media inquiries are responded to on time, accurately and by the most appropriate spokesperson.

To ensure public and media relations are conducted in a proactive manner, providing residents and visitors to the watershed with timely, accurate and newsworthy information about programs, services, and issues of public safety.

SCOPE

This Policy applies to all staff of the NPCA, and members of the Board of Directors when communicating with media or in social media on matters related to the NPCA.

POLICY STATEMENT

Building and sustaining strong relationships with the media and public is a [top](#) priority for the NPCA. [Accredited Media](#) is an effective vehicle for communicating information about the organization and its goals, to the public and to foster positive public perception.

The NPCA acknowledges the importance of engaging the community through various means. Participation in social media provides many benefits such as maintaining open dialogue, sharing of information and an accessible forum for two-way communication. The intention of this Policy is to establish a culture of openness, trust, and integrity in social media. Employees and Board Members shall participate in a responsible and professional manner. Unless specific written approval from the Communications ~~Specialist~~ Manager has been granted, staff may not participate in social media on behalf of the NPCA or utilize their personal accounts to discuss or respond to NPCA matters.

INTEGRATION

All staff should be aware that some of our functions may have an impact on residents and the community and as such may be newsworthy. Newsworthy items include:

- good news and exciting initiatives
- a public event, product or program announcement, and public events conducted by a third-party at an NPCA property or facility;
- business successes;
- crisis or emergency issues;
- community or public meetings or any community consultation;
- staff presentations and responses to the Board of Directors; and
- visits or meetings with other levels of government.

Definition of Media:

The NPCA defines media as any print, radio, television or online media outlet. This includes national, regional, local, neighbourhood, community and ethnic media outlets. Online media refers to websites that publish news, investigative reports, analysis, commentary, events and/or general information. ~~The NPCA Communications Specialist reserves the right to refuse access to any media outlet that does not have professional accreditation or is a member of a recognized oversight body.~~

SPOKESPERSON PROCEDURE

- 1) The Chair shall be the NPCA spokesperson, particularly on issues of a political nature, on major initiatives, or issues that have an NPCA-wide impact. In his/her place, the spokesperson is the Vice-Chair.
- 2) The Chief Administrative Officer shall be the spokesperson on major staff or administrative/operational issues or initiatives.
- 3) Directors/Supervisors shall be spokespeople on issues or programs for which they are considered to be the experts, subject to the approval of the Communications Manager and CAO.
- 4) The direct media contact is the NPCA Communications Specialist and/or Manager who is fully briefed and authorized to speak to the media on behalf of the NPCA.

- 5) All other staff shall be the spokesperson(s) on issues that they are acknowledged content experts subject to the approval of the Communications ~~Specialist~~Manager, or CAO. The scope of media involvement is limited to specific areas of expertise only.
- 6) Other Board Members shall be spokespersons for the NPCA as assigned by the Chair, or in his/her absence, the Vice-Chair.

The assignment of official spokesperson(s) to comment on behalf of the NPCA shall be made in consultation with the NPCA Communications ~~Specialist~~ Manager and CAO in all cases. Furthermore, comments provided by all staff and Board Members must be reasonable, and at all times, refrain from disparaging statements towards Board Members, staff, and the organization.

All requests for comments or opinions by media or the public regarding the legislative mandate of the NPCA shall, without exception, be referred to the ~~Communications-Specialist~~CAO.

- 7) Without exception, media requests for political comments shall be referred to the NPCA Communications ~~Specialist~~ Manager and CAO and assigned appropriately.
- 8) Staff shall communicate any situation, occurrence, or knowledge that has come to their attention which could reasonably affect the reputation of the NPCA to the appropriate Supervisor or Director. The Supervisor or Director will notify the Communications ~~Specialist~~ Manager and CAO.
- 9) All NPCA employees and Board Members shall refrain from commenting on any NPCA matter that is in-camera, is the subject of litigation, or that is personal or confidential as defined in the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- 10) Communications staff shall be notified immediately of any and all media inquiries.
- 11) NPCA staff are to notify Communications staff for any plans to develop and distribute documents which are intended for the broader public.

Any media product that is written in collaboration with a community partner or government body and that refers to the NPCA, must have NPCA information on it, including logo and contact information.

On occasion, community partners do not have the resources or capacity to issue a media product. The distribution and assistance in development of the media product are at the discretion of the Communications ~~Specialist~~Manager.

- 12) After-hours media calls are to be directed to the appropriate NPCA Communications staff. For after-hours contact information, visit: <https://npca.ca/after-hours-contacts>

- 13) ~~Whenever a member of staff initiates a media release, for whatever purpose, a copy must be sent before it is released to the Department Head, and the NPCA Communications Specialist. All media releases will be drafted, be reviewed and then~~ distributed by the NPCA Communications ~~Specialist~~Department. Communications staff shall forward media releases, public meeting notices, all releases and advisories to the following:
- News releases posted to the NPCA website by a communications staff member
 - All members of the NPCA Board of Directors
 - All NPCA staff members
 - ~~News releases posted to the NPCA website by a communications staff member~~

PERSONAL USE OF SOCIAL MEDIA

The NPCA recognizes that employees and Board Members participate in social media in their personal lives. If either were to discuss matters related to the NPCA, employees and Board Members will clearly note they are representing their personal views and not the views of the NPCA. To be clear, disparaging statements towards Board Members, staff, and the organization are considered a breach of policy.

BREACH OF POLICY

A breach of this policy by an employee is a serious matter and may result in disciplinary action up to and including termination of employment.

The determination of a breach of this policy by a Board Member will be made by the Chair (or Vice-Chair in absence) of the Board of Directors. In this case, the Chair will choose a course of action consistent with, but not limited to, a vote of the Board of Directors to censure, suspend, or direct the Communications Specialist to issue an apology/retraction on the member's behalf.