

FULL AUTHORITY MEETING

February 20, 2019

9:30 am

**Ball's Falls Centre for Conservation
Glen Elgin Room
3292 Sixth Avenue, Jordan, ON**

A G E N D A

1. ADOPTION OF AGENDA

- 1.1 Addition of items
- 1.2 Change in order of items

2. DECLARATION OF CONFLICT OF INTEREST

3. PRESENTATIONS (and/or Delegations)

- 3.1 Presentations

None.

- 3.2 Delegations

None.

4. ADMINISTRATIVE BUSINESS

- 4.1 Approval of Draft Minutes

4.1.1 Full Authority Meeting – January 23, 2019

4.1.2 Special Board Meeting – February 15, 2019

- 4.2 Business Arising from Minutes

- 4.3 Correspondence

Letter dated Feb. 12, 2019 from Haldimand County
RE: Council Resolution Supporting the Funding of Shoreline Rehabilitation

- 4.4 Chairman's Remarks

- 4.5 Chief Administrative Officer Comments

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

6. BUSINESS FOR CONSIDERATION

6.1 Standing Committee Reports

6.1.1 NPCA CAO Selection Committee - Minutes January 30, 2019

Resolutions for Board Consideration:

That this Committee recommend to the NPCA Full Authority Board:

1. The DRAFT CAO Selection Committee Terms of Reference **BE APPROVED** as presented; and

6.1.2 NPCA CAO Selection Committee - Minutes February 19, 2019

Resolutions for Board Consideration: To be distributed (if any)

6.1.3 NPCA Governance Committee – Minutes February 4, 2019

Resolutions for Board Consideration:

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. [*see attached minutes for recommended amendments*]

6.2 Reports

6.2.1 DRAFT RFP IT Services
Report No. 13-19

6.2.2 Facility Use Agreement Renewal – Binbrook CA
Report No. 14-19

6.2.3 Annual Policy Resolutions 2019
Report No. 15-19

6.2.4 Freedom of Information (FOI) Annual Statistics Report & Designation
Report No. 16-19

7. **BUSINESS – In Camera**

7.1 Motion to move in to Closed Session:

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:

That the NPCA Full Authority meeting **RECONVENE** in Open Session.

7.3 Business Arising from Closed Session

8. NOTICE OF MOTION

At its January 23, 2019 Full Authority meeting, Member Clark put forward a Notice of Motion:

That the Board retain independent labour relations counsel to provide advice and that no settlements be finalized unless brought before the Full Authority Board.

9. NEW BUSINESS

10. ADJOURNMENT



**NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA)
FULL AUTHORITY
MEETING MINUTES**

Wednesday, January 23, 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
R. Foster
B. Heit
D. Huson (Vice-Chair)
T. Insinna
B. Johnson
J. Jordan
J. Kaspersetz
J. Metcalfe
B. Steele (at 9:44 am)
R. Shirton
T. Whalen
G. Zalepa

MEMBERS ABSENT:

K. Gibson
B. Greenwood

STAFF PRESENT:

D. Barrick, Interim Chief Administrative Officer/Secretary-Treasurer
K. Caputo, Director, Communications & Administration (Designated Clerk)
G. Furtney, Interim Senior Director, Corporate Resources
D. MacKenzie, Director, Watershed Management
M. Reles, Senior Manager, Communications
D. Drennan, Forester
J. Wallace, Manager, Finance

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*

The Board Chair called the meeting to order at 9:36 a.m. and welcomed those Board, staff and community members present.

1. ADOPTION OF AGENDA

1.1 Addition of items

Resolution No. FA-34-19

Moved by Board Member Chiocchio

Seconded by Board Member Shirton

Suspend section 6.11 of the NPCA Administrative By-Law to allow Member Greenwood to participate by phone. 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 (7): Chiocchio, Heit, Foster, Huson, Jordan, Steele, Whalen.

No (8): Beattie, Clark, Johnson, Kaspersetz, Metcalfe, Shirton, Zalepa, Bylsma

DEFEATED

1.2 Change in order of items

There were no changes in the order of items.

1.3 Adopt Agenda

Resolution No. FA-35-19

Moved by Board Member Shirton

Seconded by Board Member Kaspersetz

That the Agenda **BE APPROVED** as presented.

CARRIED

2. DECLARATION OF CONFLICT OF INTEREST

There were no declarations of Conflict of Interest.

3. PRESENTATIONS (and/or Delegations)

3.1 Presentations

There were no presentations

3.2 Delegations

There were no delegations

4. ADMINISTRATIVE BUSINESS

4.1 Approval of Draft Minutes

4.1.1 Full Authority Meeting – Minutes
November 21, 2018

4.1.2 Special Meeting of the Full Authority – Minutes
November 28, 2018

4.1.3 NPCA Advisory Committee – Minutes
November 29, 2018

4.1.4 Special Meeting of the Full Authority – Minutes
December 3, 2018

4.1.5 Special Meeting of the Full Authority – Minutes
January 7, 2019

4.1.6 60th Annual General Meeting of the Full Authority – Minutes
January 16, 2019

Resolution No. FA-36-19

Moved by Member Johnson

Seconded by Member Kaspersetz

Member Zalepa noted that the minutes from the January 7, 2019 Special Meeting of the Full Authority Board should be amended to reflect the changes noted in Business Arising from Closed Session - Item 6.3, resolution FA 20-19 motion to include the amended resolution *that the board would like information on all contracts, hires, obligations, promotions, changes to organizational structure and be provided in a confidential memo.*

1. That the Full Authority Board minutes of the meeting held on

November 21, 2018 **BE RECEIVED** for information.

2. That the Special Meeting of the Full Authority Board minutes of the meetings held on November 28, 2018; December 3, 2018 **BE RECEIVED** for information.
3. That the NPCA Advisory Committee minutes of the meeting held on November 29, 2018 **BE RECEIVED** for information.
4. That the 60th Annual General Meeting of the Full Authority Board minutes of the meeting held on January 16, 2019 **BE APPROVED** as presented.
5. That the Special Meeting of the Full Authority Board minutes of meeting held on January 7, 2019, **BE APPROVED** as presented.

CARRIED

4.2 Business Arising from Minutes

No business arising from minutes

4.3 Correspondence

There were no items of correspondence.

4.4 Chairman's Remarks

The Chair noted that he's only been the Chair for two weeks and he's excited for the new initiatives to provide a stable and well-functioning Conservation Authority. He remarked that he appreciates the trust and responsibility that has been placed on him. The changes and challenges will take time and he is pleased with the progress at this time.

4.5 Chief Administrative Officer Comments

None.

5. BUSINESS FOR INFORMATION

Resolution No. FA-37-19
Moved by Member Steele
Seconded by Member Whalen

That the following items **BE RECEIVED** for information:

- 5.1 Communications & Administration Q4 (2018) Status Report
Report No. 02-19
- 5.2 Corporate Resources Q4 (2018) Status Report
Report No. 03-19
- 5.3 Watershed Management Q4 (2018) Status Report
Report No. 04-19
- 5.4 Niagara Region Tree and Forest Conservation By-law Q4 (2018) Status Report
Report No. 05-19
- 5.5 Board Member Per Diem & Honourarium- Annual Report (2018)
Report No. 06-19
- 5.6 Auditor General Recommendation Implementation Update
Report No. 07-19

CARRIED

Resolution No. FA-38-19
Moved by Member Zalepa
Seconded by Member Shirton

1. Staff provide details as per Report 07-19 OPS10 regarding reporting structure changes, and;
2. Provide details as per OPS 20.2 regarding changes made to procurement policies to the Board and Governance Committee prior to next meeting.

CARRIED

Staff Direction(s)

1. Provide members with per diem policy information before next meeting
2. That a summary be provided to the Board and Member Zalepa regarding tree removal in Niagara-on-the-Lake.

6. BUSINESS FOR CONSIDERATION

- 6.1 Annual Bank Borrowing Resolution (2019)
Report No. 08-19

Resolution No. FA-39-19
Moved by Member Beattie
Seconded by Member Zalepa

WHEREAS Section 3(5) of The Conservation Authorities Act authorizes Conservation Authorities to borrow such monies as may be required until the payment of any grants and levies; and

WHEREAS the Niagara Peninsula Conservation Authority deems it appropriate to borrow such sums, with the total borrowed amount not to exceed \$800,000 at any one time in the year of 2019 to meet approved administration, maintenance and capital expenditures;

NOW THEREFORE BE IT RESOLVED that the Niagara Peninsula Conservation Authority BE AUTHORIZED to borrow from time to time from a Financial Institution by way of an overdraft agreement executed and signed by the Chair and the Secretary-Treasurer of the Niagara Peninsula Conservation Authority, with the total amount not exceeding \$800,000 at any one time in 2019 to meet approved administration, maintenance and capital expenditures.

CARRIED

6.2 2019 NPCA Board Meeting Schedule
Report No. 09-19

Resolution No. FA-40-19

Moved by Member Johnson

Seconded by Member Shirton

1. That Report No. 09-19 respecting NPCA Full Authority Board DRAFT 2019 Meeting Schedule BE APPROVED;

2. That the Clerk BE DIRECTED to ensure that the approved 2019 Meeting Schedule is posted on the Niagara Peninsula Conservation Authority website and appropriately communicated to participating municipalities and area municipalities.

CARRIED

7. BUSINESS – IN CAMERA

7.1 Motion to move in to Closed Session:

That the Niagara Peninsula Conservation Full Authority Board meeting **DO NOW MOVE** in to Closed Session for the purposes of receiving information of a confidential manner respecting:

Resolution No. FA-41-19

Moved by Member Clark

Seconded by Member Johnson

7.1.1 Matters respecting Labour relations, Human Resources, Employee Negotiations – Verbal Update;

7.1.2 Matters respecting Solicitor-Client Advice – Verbal Update.

7.1.3 Anonymous correspondence – identifiable individual as per 11.1.b of the NPCA Administrative by-law.

CARRIED

7.2 Motion to reconvene in Open Session:

Resolution No. FA-42-19

Moved by Member Zalepa

Seconded by Member Beattie

That the NPCA Full Authority meeting **RECONVENE** in Open Session.

CARRIED

7.3 Business Arising from Closed Session

Resolution No. FA-43-19

Moved by Member Steele

Seconded by Member Kaspersetz

That staff **PROCEED** as directed in closed session, and
That the letter from the NPCA solicitor **REMAINS** confidential.

CARRIED

Resolution No. FA-44-19
Moved by Member Zalepa
Seconded by Member Clark

That an in-camera session be ADDED to the next regular Full Authority meeting agenda for a Human Resources issue, and an update on all legal matters.

CARRIED

8. NOTICE OF MOTION

Member Clark provided notice that at the next Full Authority Board meeting, he will be putting forth a motion that the Board retain independent labour relations counsel to provide advice and that no settlements be finalized unless brought before the Full Authority Board.

9. NEW BUSINESS

No new business

10. ADJOURNMENT

The Board Chair adjourned the meeting at 1:28 p.m.

David Bylsma
Board Chair
Niagara Peninsula Conservation Authority

Krystle Caputo
Designated Clerk
Niagara Peninsula Conservation Authority



February 12, 2019

dbarrick@npca.ca

Dear David Barrick:

RE: Funding of Shoreline Rehabilitation

Please be advised that on February 11, 2019, Haldimand County Council passed the following motion:

THAT Haldimand County Council supports the Dunnville Rotary Club/Lowbanks Ratepayers grand application to the Niagara Peninsula Conservation Authority (NPCA) for shoreline rehabilitation;

AND THAT the Clerk be directed to advise the NPCA of this support resolution on February 12, 2019.

Should you require further information, please contact the undersigned at (905) 318-5932, extension 6349.

Yours truly,

per Evelyn Eichenbaum
Clerk

EE/km

Report To: Board of Directors

Subject: 2018 Draft Annual Report

Report No: 09-19

Date: February 20, 2019

RECOMMENDATION:

That Report No. 09-19 **BE RECEIVED** for information.

NOTE: Following Board approval, the 2018 Annual Report (Appendix 1) will be distributed to participating municipalities, community stakeholders, NPCA Advisory Committee, and the public.

PURPOSE:

To provide the NPCA Board of Directors with a Draft 2018 Annual Report to be distributed among key stakeholders, and the public via various forms of media.

BACKGROUND:

Staff reviewed Annual Reports from within the sector (Conservation Authorities) and other sectors in developing an annual report, and have implemented various best-practices in preparing the 2018 report.

DISCUSSION:

The purpose of the NPCA Annual Report is to provide the community with a document that:

1. highlights major accomplishments of the organization;
2. communicates the legislative mandate, Mission, Vision and Values of the organization;
3. provides information on programs and services of the organization;

The NPCA Annual Report is easy to read, sustains the purpose of the report as expressed above, and is significantly shorter than most of reports in NPCA archives.

The 2018 Annual Report will be distributed throughout the community in various media formats.

FINANCIAL IMPLICATIONS:

Distribution of Annual Report is within 2019 budget allocations.

RELATED REPORTS AND APPENDICES:

1. Appendix 1: 2018 Draft Annual Report

Prepared by:



Krystle Caputo
Director, Administration & Communications

Submitted by:



David Barrick
Interim CAO/Secretary-Treasurer

This report was prepared with the consultative input from Michael Reles, Senior Manager, Communications, Erika Navarro, Communications Specialist; and, the Senior Management Team.



PARTNERS IN CONSERVATION: A SHARED RESPONSIBILITY

2018
Annual Report

A MESSAGE FROM THE CHAIR

It is my pleasure to present the 2018 Annual Report, which highlights key NPCA accomplishments from the last year.

The Strategic Plan 2018-2021, Partners in Conservation, was developed and imagines a watershed where conservation is a shared responsibility. I look forward to upholding that value as our staff delivers on initiatives that provide a more significant impact on the health of our watershed.

Conservation Authorities do important work. They undertake programs and services, on a watershed basis, to further the conservation, restoration, development, and management of natural resources; and help protect people and property by regulating, and risk-mitigating development through reviewing and commenting on applications.

We manage our obligations responsibly, and are committed to being open and transparent with the people of the Niagara Peninsula watershed.

Sincerely,

Dave Bylsma
NPCA Board Chair

A MESSAGE FROM THE INTERIM CAO

In 2018, the NPCA unveiled a lot of exciting projects. Binbrook Conservation Area opened FunSplash Sports Park, an obstacle course on the water that resulted in a spike in park attendance, and work has started on TreeTop Trekking for 2019; another example of recreational programming that gets people to engage with the natural environment.

Ball's Falls Conservation Area, an NPCA flagship park, is sold out for weddings for the foreseeable future, and the PD Day and March Break Adventure Camps have never been better attended thanks to excellent educational programming and NPCA's dedicated team.

We also had the privilege of welcoming the Star Trek Discovery film crew, to film Ball's Falls as the newly discovered planet, 'New Eden', and we hosted over 25,000 people at the Thanksgiving Festival. We engaged more than 76,000 people in our support of the Board's Strategic Plan 2018-2021 and are looking forward to delivery on the Areas of Focus.

We issued 315 permits and the 2018 Watershed Report Card. As we begin 2019, I look forward to improving and expanding park services while continuing to serve our mandate.

Sincerely,

David Barrick
Interim CAO and Secretary Treasurer

ABOUT US

OUR WATERS

The NPCA manages the Niagara Peninsula watershed, with the purpose of keeping people and property safe from flooding and erosion.

Our watershed includes several bodies of interconnected waters that flow throughout Niagara and part of Hamilton and Haldimand County. NPCA implements programming aimed at improving water quality.

OUR LANDS

NPCA manages its 42 Conservation Areas, including Ball's Falls, Binbrook, Long Beach, and Chippawa Creek. These lands are held in public trust for recreation, heritage preservation, conservation, and education.

The NPCA also reviews and regulates proposed developments when that development is occurring on land that contains features such as slopes, valleys, wetlands, etc.

OUR LEGACY

We manage the Niagara Peninsula watershed and our conservation areas for this generation, and for all future generations.

OUR LIFE

Water and air are essential to biological life. It is everyone's responsibility to protect those resources.



TOGETHER, WE CAN ACHIEVE MORE



KEY EVENTS



Binbrook Hard Water Derby
FEBRUARY

2018 Conservation Awards
FEBRUARY

Niagara Peninsula Hawkwatch
MARCH

St. Johns Pond Opening
APRIL

Filming of Star Trek Discovery
at Ball's Falls CA
MAY

New FunSplash Sports Park Opens
at Binbrook CA
JUNE

Begin Planning of 2019 Biennial
Tour
JULY

Binbrook Movie Night & Ontario
Bolerama at Long Beach CA
AUGUST

2018 Education Programs begin
at Ball's Falls CA
SEPTEMBER

Ball's Falls
Thanksgiving Festival
OCTOBER

NPCA BY THE NUMBERS

520,000

Residents

942

Volunteers



NPCA
WATERSHED

2,911

Hectares

42

Conservation
Areas

\$1.4M

Returned to Niagara Taxpayers
(Hamilton Apportionment Decision)

COMMUNITY SPOTLIGHT

8,548 Volunteer Hours

405 Yellow Fish Road
Program Participants

4,000 Trees & Native
Shrubs Planted

6,357 Children
Engaged in Outdoor
Education

Worked with 61
Community Groups

5.2%

Reduction in
2018 Budget

ACCESSIBILITY

New accessible lookout platform at Beamer
Memorial Conservation Area, unveiled at the
2018 Niagara Peninsula Hawkwatch.

315
NPCA
PERMITS
ISSUED IN
2018

93 New Construction

62 Provincial, Municipal, or
Regional Work

B-

Health of NPCA after completing first ever 2014–2017 Strategic Plan.

Beginning the process of the 2018–2021 Strategic Plan.

4 Strategic Plan Areas of Focus

Evidence-Based Watershed Resource Management

Rebuild the Canopy
Plant 1 Million Trees & 3 Million Native Plants

Forging Corridors & Creating Parks
100-Year Land Plan

Sustainable Asset Management & Meeting Public Demand for Park Services

2018-2021 Strategic Plan Process

- Four Town Halls
- 2 Online Engagement Sessions on GetInvolved.NPCA.ca
- More than 76,500 Niagara Peninsula Watershed residents engaged to provide feedback

2018-2021 STRATEGIC PLAN COMPLETED

2018 PARTNER SPOTLIGHT

General Motors St. Catharines

Google

Friends of One Mile Creek

Stratus Vineyards

DSBN & NCDSB

Niagara Chapter Trout Unlimited

Niagara College & Brock University

The Pen Centre

Niagara Regional Métis Council

Niagara Region Native Centre

Niagara Parks Commission

Welland River Keepers

Glanbrook Conservation Committee



Updated Source Protection Plan Submitted to the Minister of Environment, Conservation and Parks

1 New Project Manager

Section 36 Amended Order received from Minister of Environment, Conservation and Parks

1 New Communications Plan focused on community engagement, social media, and outreach

2018-2021 STRATEGIC PLAN

More than 76,500 people throughout the Niagara Peninsula watershed were contacted to provide feedback on the Areas of Focus that would inform the 2018-2021 Strategic Plan.

MANDATE

As prescribed by the Conservation Authorities Act:

To establish and undertake programs and services, on a watershed basis, to further the conservation, restoration, development, and management of natural resources; and

As prescribed by Provincial Regulations:
To protect people and property by regulating, and risk-mitigating development through reviewing and commenting on applications, issuing permits, and ensuring policy compliance within the appropriate legislative and regulatory framework.

MISSION

To implement our Conservation Authorities Act mandate by remaining a responsive, innovative, accountable and financially sustainable organization.

Our success in meeting our mission is dependent upon working in collaboration with our partners in conservation. Ensuring the future viability of the Niagara Peninsula watershed is a shared responsibility.

2018 WATERSHED REPORT CARD

The 2018 Niagara Peninsula Watershed Report Card was completed and submitted to Conservation Ontario. Watershed Report Cards are published every five years, and provide a baseline that can inform the focus of our work. Our watershed received the following grades:

B | GROUND WATER
QUALITY

D | SURFACE WATER
QUALITY

D | FOREST CONDITIONS

B | WETLAND COVER

The NPCA monitors daily water levels at 15 stream gauge stations, and collect climatic data at 15 climate stations. Routine maintenance, calibration, and inspections at all 30 installations is done as part of the NPCA's routine flood forecasting and warning duties.

In 2018, we completed routine monitoring at all 80 water quality monitoring stations. This monitoring was performed monthly from March until November and samples are being analyzed for general chemistry, nutrients, metals, and bacteria. For 2018, NPCA processed 59 water quality data requests from other governmental agencies, consultants, and academic institutions.



ENGAGING OUR COMMUNITY

In 2018, The Niagara Peninsula Conservation Authority had the privilege of partnering with many organizations, community groups, conservation and garden clubs, and educational institutions among many others, in an effort to share the responsibility that is the health and resiliency of the Niagara Peninsula watershed.

We continue to proactively seek partners in our communities to work with in order to improve our watershed.

In addition to previously highlighted partners and projects, in 2018 the NPCA engaged with:

- * Niagara College: Bio Blitz
- * Great Lakes Christian High School – Community Service Day
- * Greater Fort Erie Secondary School
- * Friends of Walker's Creek
- * Hospice Niagara
- * Maple Leaves Forever
- * Port Colborne Horticulture Society

- * Friends of One Mile Creek
- * Herman Miller
- * Scouts Canada
- * Town of Pelham
- * Infrastructure Ontario Sustainability Fair
- * Beacon Christian School
- * City of Niagara Falls - Parks in the City Committee
- * Ohnia:kara Aspiring Global Geopark
- * Bird Studies Canada
- * Ridgeway and District Garden Club
- * McKay Public School
- * Urban Forest Innovations
- * Sustainable Hamilton Burlington
- * The Printing House
- * Kids Out Fishing

These partnerships would not have been possible without the efforts and commitment of 942 volunteers, who gave of their time, resources, and incredible talent for a total of 8,548 hours.



EDUCATION & RECREATION

Through 2018, the NPCA continued to be a leader in children's programming and outdoor, interactive and experiential education.

This past year saw the addition of a new overnight education program and relationship with the District School Board of Niagara (DSBN), sold-out day camps, and record attendance in educational programs.

The recent addition of a second programming team member has allowed for further development of programs and program leadership going into 2019.

6,357
CHILDREN ENGAGED IN
OUTDOOR EDUCATION
& RECREATION

OUR CONSERVATION AREAS

BALL'S FALLS:

The 45th Annual Ball's Falls Thanksgiving Festival attracted more than 25,000 guests from across Ontario and engaged a total of 125 volunteers who contributed more than 1,600 hours over the course of the weekend. Despite the rain and at times, cold temperatures, the Festival saw record attendance on Friday and Monday.

Ball's Falls had the privilege to host the film crew for Star Trek Discovery, as they were on site filming for various future episodes.

Facility Rentals saw a revenue increase of 16 per cent.

CHIPPAWA CREEK CONSERVATION AREA

Ninety-five seasonal campers enjoyed the area in the summer of 2018. Demand for seasonal campsites continues to increase steadily.

While in season, staff hosted various events for campers including the Annual seasonal campers' BBQ, Canada Day Parade, Christmas in July, and Summer Carnival.

BINBROOK CONSERVATION AREA

The opening of FunSplash Sports Park caused the number of park visitors to increase 50 per cent and revenue to increase 58 per cent in comparison to 2017. Binbrook is the ideal summer destination for families, with Boarder Pass Wakeboarding and Staycation Rentals also providing unique park experiences.

May of 2019 will welcome Treetop Trekking, a great addition to the recreational services and programs offered at the Conservation Area.

Binbrook also hosted Mud Girl, which drew 10,000 visitors on the first weekend in June.

LONG BEACH CONSERVATION AREA

One hundred and twenty-two seasonal campers enjoyed their summer at the Conservation Area. Demand for more seasonal campsites continues to increase every year.

Staff hosted various events including the annual seasonal campers' BBQ, Christmas in July, and Halloween in September.

ST. JOHNS CONSERVATION AREA

The ceremonial first cast was once again initiated by NPCA Board Member Mickey Difruscio to mark the beginning of 2018 trout season.

#DISCOVERNPCA



@NPCA_ONTARIO



Comfort Maple Conservation Area

www.npca.ca | info@npca.ca
Phone: 905.788.3135 | Fax: 905.788.1121



250 Thorold Road West; 3rd Floor, Welland, ON L3C 3W2

Report To: Board of Directors

Subject: NPCA 2019 Detailed Operating & Capital Budget

Report No: 10-19

Date: February 20, 2019

RECOMMENDATION:

That Report No. 10-19 **BE RECEIVED** for information.

PURPOSE:

To provide the current NPCA Board of Directors with the approved 2019 NPCA Operating Budget & Capital Budget.

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 the approved 2019 Detailed Operating & Capital Budget. This report and Appendix is for Board reference.

DISCUSSION:

The NPCA Board approved the 2019 Operating & Capital budget at its Full Authority meeting November 21, 2018.

FINANCIAL IMPLICATIONS:

There are no financial implications with receiving this report for information.

RELATED REPORTS AND APPENDICES:

1. Appendix 1: 2019 Detailed Operating & Capital Budget

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.

2018	2019 (Using 2019 Apportionment)			
Region of Niagara	Region of Niagara			
Regular Levy	4,848,695	4,972,722	124,027	2.6%
Special Levy	2,128,851	2,128,851	0	0.0% \$1,628,851 + \$ 500,000
Total Region of Niagara	6,977,546	7,101,573	124,027	1.8%
City of Hamilton	City of Hamilton			
Regular Levy	1,282,780	1,324,928	42,148	3.3%
Special Levy	123,315	123,315	0	0.0% \$100,000 + \$23,315
Total City of Hamilton	1,406,095	1,448,243	42,148	3.0%
Haldimand County	Haldimand County			
Regular Levy	114,643	118,434	3,791	3.3%
Total Municipalities	Total Municipalities			
Regular Levy	6,246,118	6,416,084	169,966	2.7%
Special Levy	2,252,166	2,252,166	0	0.0%
Total Municipal Levy	8,498,284	8,668,250	169,966	2.0%
2% - \$169,966	2019 Total Levy \$8,668,250			
	Regular \$6,416,084			
	Special \$2,252,166			

2018 Funding Allocation

Allocated to Operating Budget

Regular Levy	5,805,740
Special Levy	87,006
Federal Grant	155,000
Provincial Grant	473,996
Park Operations/Strat Init.	1,660,350
Admin Fees	367,500
Fees for Service(Municipal)	185,000
Other	136,000
Opg Funds	

Operating Budget Funding Total

8,870,592

Expenditure

Board/Administration

1,775,035

Watershed

2,578,492

Corporate Resources

4,517,065

Operating Expenditure Total

8,870,592

Surplus/(Deficit)

0

Allocated to Loan Principal

Special Levy (Niagara)

760,429

Allocated to Capital Budget

Regular Levy	
Special Levy	804,731
Federal Grant	
Reserves	204,000
Opg Funds	275,000

Capital Budget Total

1,283,731

Allocated Directly to Reserves

Regular Levy (Niagara Differential)	440,378
Special Levy (Land Acquisition)	600,000

Reserve Total

1,040,378

Grand Total

11,955,130

2019 Funding Allocation

Allocated to Operating Budget

Regular Levy	5,826,809
Special Levy	51,296
Federal Grant	100,000
Provincial Grant	476,996
Park Operations/Strat Init.	1,916,600
Admin Fees	314,850
Fees for Service(Municipal)	170,000
Other	101,200
Opg Funds	

Operating Budget Funding Total

8,957,751

Expenditure

Board/Administration

1,816,912

Watershed

2,412,194

Corporate Resources

4,728,645

Operating Expenditure Total

8,957,751

Surplus/(Deficit)

0

Allocated to Loan Principal

Special Levy (Niagara)

483,705

Allocated to Capital Budget

Regular Levy	449,186
Special Levy	1,117,165
Federal Grant	
Reserves	33,955
Opg Funds	

Capital Budget Total

1,600,306

Allocated Directly to Reserves

Regular Levy (Niagara Differential)	140,089
Special Levy (Land Acquisition)	600,000

Reserve Total

740,089

Grand Total

11,781,851

**NIAGARA PENINSULA CONSERVATION AUTHORITY
STATEMENT OF CONTINUITY FOR CAPITAL & OPERATING RESERVES
FORECAST FOR 2018 & 2019**

	Balance 31-Dec 2017	Authorized Appropriations 2018	Forecasted Balance 31-Dec 2018	Approved Budget 2019	Forecasted Balance 31-Dec 2019
	\$	\$	\$	\$	\$
Unexpended Capital Reserves					
Equipment	279,319	(204,000)	75,319	(8,000)	67,319
General Capital	1,058,385	(404,850)	653,535	(7,500)	646,035
Flood Protection Services	359,266	(110,000)	249,266	0	249,266
Niagara Levy Differential	1,206,213	440,378	1,646,591	0	1,646,591
Land acquisition-Hamilton	1,000,000	100,000	1,100,000	100,000	1,200,000
Land acquisition-Niagara	1,298,176	500,000	1,798,176	500,000	2,298,176
Land acquisition-Cave Springs	133,704		133,704		133,704
	5,055,744	525,528	5,581,272	592,500	6,173,772
	5,335,063	321,528.00	5,656,591	584,500	6,241,091
Operating Reserves					
General Operating Reserve	713,420	(40,000)	673,420	140,089	813,509
Tree Bylaw Agreement	82,371	0	82,371	0	82,371
	795,791	(40,000)	755,791	140,089	895,880
	795,791	0	795,791	140,089	935,880
Grand Total Reserves	6,130,854	321,528	6,452,382	724,589	7,176,971
*Unfunded employee future benefits liability \$109,500					
Deferred Revenue - Ontario Power Generation Funding	1,547,585	(446,348)	1,101,237	0	1,101,237
OPG Funded 2018					
\$275,000 Capital Works (2018)					
\$171,348 Capital Works (2017)					
2019 Approved					
\$18,455 Capital Works(Binbrook) from excess Canada 150 Funding (Deferred Revenue)					

2019 Capital Projects Business Cases - Summary

Suggested Funding Source:		<u>Balance</u>
	Special Levy - Niagara	\$1,117,165
	Regular Levy- Capital Contribution	\$449,186
	Capital Reserve	\$33,955

Location: Ball's Falls Conservation Area

<u>No:</u>	<u>Description</u>	<u>Estimated Project Cost</u>
1	Historical Building Restoration and Improvements	\$ 35,000
2	Thanksgiving Festival Ticket Booths	\$ 30,000
3	Interpretative/Education Facility Upgrades	\$ 80,000
4	WIFI Boosting in Main Park	\$ 14,000
5	Additional Roadway from 7th Ave into the park	\$ 75,000
6	<u>Insulate & Heat Workshop</u>	\$ 15,665
	Total Ball's Falls	\$ 249,665

Location: Binbrook Conservation Area

<u>No:</u>	<u>Description</u>	<u>Estimated Project Cost</u>
1	Tractor	\$ 70,000
2	Parking Capacity (Main Park)	\$ 95,000
3	New Entrance (plan/permit)	\$ 30,000
4	Treetop Trekking Parking	\$ 18,455
5	Water Tank & Equipment	\$ 30,000
6	<u>Treetop Trekking Building and Amenities*</u>	\$ 150,000 *
	Total Binbrook	\$ 393,455

* Total project cost is \$300,000, bound by contract to complete within 2 years.

Recommend to spread cost over 2 year period as well.

Can consider alternate funding source (e.g. Capital Reserve and/or operating excess)

Location: Central Workshop

<u>No:</u>	<u>Description</u>	<u>Estimated Project Cost</u>
1	Gainsborough Drive Shed Roof Replacement	\$ 35,000
2	New Mower (1)	\$ 38,000
3	Gainsborough Compound Fence	\$ 25,000
4	Morgan's Point Comfort Station Renovation	\$ 25,000
5	Gainsborough Potable Water System	\$ 15,000
6	Morgan's Point Pavilion	\$ 60,000
7	St. John's Corner Dock Replacement	\$ 40,000
8	Picnic Tables - All CA Properties	\$ 60,000
9	Flag Pole - Jordan Harbour	\$ 7,500
10	Waste and Recycling Containers	\$ 20,000
11	New Park Signage	\$ 50,000
12	Ash Tree Removal	\$ 70,000
13	<u>Double Walled Diesel tank and accessories</u>	\$ 7,000

Other Capital Considerations

BF	Center for Conservation Front Landscaping	\$	80,000
Binbrook	Park Radio Communication	\$	7,500
Binbrook	Computer Workstation, Printer, and Copier	\$	8,000
Binbrook	Replace Perimeter Fencing	\$	60,000
Binbrook	Playground Phase 2	\$	75,000
Central	New Driveshed - Gainsborough	\$	225,000
Central	Beamer Memorial Pavilion	\$	60,000
Watershed Flow Monitoring (<i>likely OPG funded</i>)		\$	60,000
Ecological	Binbrook Buffer (<i>likely OPG funded</i>)	\$	63,000

Recommended Use of Remaining Operating Excess:	\$140,089
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Floodplain Risk Assessment	\$75,000
Strat Plan/AG implementation	\$40,089
Increased Training Budget	<u>\$25,000</u>
TOTAL:	\$140,089

**2018 Operating Budget &
2019 Operating Budget**

CAO/Administration- Expenditures

	2018 YTD - September				2019 Budget
	Actual	Budget	Var. AB	Var AB %	
SALARIES & BENEFITS	830 658	1 016 535	185 877	81.71%	1 155 412
OTHER EMPLOYEE RELATED	116 320	214 250	97 930	54.29%	192 850
BOARD AND VOLUNTEER	46 040	93 250	47 210	49.37%	89 900
PROFESSIONAL FEES	146 069	206 000	59 931	70.91%	159 000
VEHICLES AND EQUIPMENT	8 707	42 000	33 293	20.73%	20 500
EXPENSES	53 903	39 000	(14 903)	138.21%	33 000
MATERIALS AND SUPPLIES	24 037	34 000	9 963	70.70%	53 250
MARKETING AND PROMOTION	97 698	130 000	32 302	75.15%	113 000
Total Exp	1 323 432	1 775 035	451 603	74.56%	1 816 912

**2018 Operating Budget &
2019 Operating Budget**

CAO/BOARD - Expenditures

		2018 YTD - September				2019 Budget
		Actual	Budget	Var AB	Var AB %	
SALARIES & BENEFITS		233 738	296 376	62 638	78.87%	320 090
Salaries & Benefits		233 738	296 376	62 638	78.87%	320 090
002101-150	WAGES - SALARIED	182 254	240 500	58 246	75.78%	256 952
002107-150	CPP	5 670	5 130	(540)	110.52%	5 200
002108-150	EI	2 166	2 340	174	92.56%	2 440
002109-150	OMERS	22 141	27 170	5 029	81.49%	29 535
002110-150	WSIB	6 701	7 335	634	91.36%	8 222
002111-150	GROUP INSURANCE	10 727	9 211	(1 516)	116.46%	12 730
002112-150	EHT	4 079	4 690	611	86.97%	5 011
OTHER EMPLOYEE RELATED		12 232	11 000	(1 232)	111.20%	16 100
Other Employee Related		12 232	11 000	(1 232)	111.20%	16 100
002122-150	STAFF MILEAGE	852	800	(52)	106.55%	900
002123-150	STAFF EXPENSES	43	200	157	21.62%	200
002170-150	CAO EXPENSES	11 336	10 000	(1 336)	113.36%	15 000
BOARD AND VOLUNTEER		46 040	93 250	47 210	49.37%	89 900
Board and Volunteer		46 040	93 250	47 210	49.37%	89 900
002116-150	MEMBER'S PER DIEM	22 246	40 000	17 754	55.62%	40 000
002117-150	MEMBER'S HONORARIUM	4 112	8 250	4 138	49.84%	8 400
002118-150	MEMBER'S MILEAGE	10 535	20 000	9 465	52.68%	20 000
002119-150	MEMBER'S EXPENSES	6 603	15 000	8 397	44.02%	13 500
002168-150	COMMUNITY OUTREACH	2 544	10 000	7 456	25.44%	8 000
PROFESSIONAL FEES		11 054	20 000	8 946	55.27%	20 000
Professional Fees		11 054	20 000	8 946	55.27%	20 000
002151-150	LEGAL FEES	11 054	20 000	8 946	55.27%	20 000
MATERIALS AND SUPPLIES		173	1 000	827	17.30%	12 750
Materials and Supplies		173	1 000	827	17.30%	12 750
002133-150	MATERIALS & SUPPLIES	173	1 000	827	17.30%	750
Total Exp		303 236	421 626	118 390	71.92%	458 840

**2018 Operating Budget &
2019 Operating Budget**

Office Services - Expenditures

		2018 YTD - September				2019 Budget
		Actual	Budget	Var AB	Var AB %	
SALARIES & BENEFITS		161 809	227 234	65 425	71.21%	229 869
Salaries & Benefits		161 809	227 234	65 425	71.21%	229 869
002101-103	WAGES - SALARIED	124 421	176 510	52 089	70.49%	178 280
002107-103	CPP	5 810	7 695	1 885	75.50%	7 800
002108-103	EI	2 902	3 510	608	82.68%	3 660
002109-103	OMERS	11 673	16 500	4 827	70.75%	16 755
002110-103	WSIB	3 994	5 384	1 390	74.19%	5 705
002111-103	GROUP INSURANCE	10 573	14 193	3 620	74.50%	14 193
002112-103	EHT	2 435	3 442	1 007	70.75%	3 476
VEHICLES AND EQUIPMENT		7 918	41 000	33 082	19.31%	19 500
Vehicles & Equipment		7 918	41 000	33 082	19.31%	19 500
002125-103	EQUIPMENT PURCHASE	173	1 000	827	17.30%	500
002126-103	EQUIPMENT RENTAL	5 672	36 000	30 328	15.76%	16 000
002127-103	POSTAGE METER RENTAL	2 073	4 000	1 927	51.81%	3 000
EXPENSES		735		(735)	0.00%	2 000
Cost and expenses		735		(735)	0.00%	2 000
002145-103	MISCELLANEOUS	735		(735)	0.00%	2 000
MATERIALS AND SUPPLIES		19 282	30 000	10 718	64.27%	33 000
Materials and Supplies		19 282	30 000	10 718	64.27%	33 000
002131-103	POSTAGE	10 021	10 000	(21)	100.21%	15 000
002132-103	STATIONERY	2 979	5 000	2 021	59.58%	5 000
002133-103	MATERIALS & SUPPLIES	6 282	15 000	8 718	41.88%	13 000
Total Exp		189 744	298 234	108 490	63.62%	284 369

**2018 Operating Budget &
2019 Operating Budget**

Human Resources - Expenditures

		2018 YTD - September				2019 Budget
		Actual	Budget	Var AB	Var AB %	
SALARIES & BENEFITS		86 771	117 368	30 597	73.93%	199 001
Salaries & Benefits		86 771	117 368	30 597	73.93%	199 001
002101-107	WAGES - SALARIED	67 471	92 326	24 855	73.08%	145 878
002104-107	WAGES- STUDENT					15 000
002107-107	CPP	2 428	2 565	137	94.66%	4 600
002108-107	EI	1 121	1 170	49	95.78%	2 220
002109-107	OMERS	7 588	10 385	2 797	73.06%	15 500
002110-107	WSIB	2 166	2 816	650	76.92%	4 668
002111-107	GROUP INSURANCE	4 678	6 306	1 628	74.18%	8 290
002112-107	EHT	1 320	1 800	490	73.36%	2 845
OTHER EMPLOYEE RELATED		97 490	195 750	98 260	49.80%	169 750
Other Employee Related		97 490	195 750	98 260	49.80%	169 750
002122-107	STAFF MILEAGE	725	750	25	96.66%	1 000
002123-107	STAFF EXPENSES	71	500	429	14.25%	250
002124-107	STAFF TRAINING & DEV.	54 408	120 000	65 592	45.34%	85 000
002134-107	UNIFORMS	6 827	19 000	12 173	35.93%	20 500
002154-107	RECRUITMENT EXPENSES	2 565	5 000	2 435	51.29%	5 000
002155-107	HEALTH & SAFETY	6 492	10 000	3 508	64.92%	10 000
002158-107	STAFF RECOGNITION	1 594	9 000	7 406	17.71%	9 500
002171-107	HEALTH SPENDING SUN LIFE	4 299	3 000	(1 299)	143.30%	10 000
002180-107	RETIREE BENEFITS	20 509	28 500	7 991	71.96%	28 500
PROFESSIONAL FEES		91 219	150 000	58 781	60.81%	100 000
Professional Fees		91 219	150 000	58 781	60.81%	100 000
002151-107	LEGAL FEES	91 219	150 000	58 781	60.81%	100 000
EXPENSES		2 259	10 000	7 741	22.59%	10 000
Cost and expenses		2 259	10 000	7 741	22.59%	10 000
002147-107	MEMBERSHIPS	2 259	10 000	7 741	22.59%	10 000
Total Exp		277 740	473 118	195 378	58.70%	478 751

**2018 Operating Budget &
2019 Operating Budget**

Communications - Expenditures

		2018 YTD - September				2019 Budget
		Actual	Budget	Var AB	Var AB %	
SALARIES & BENEFITS		348 341	375 557	27 216	92.75%	406 452
Salaries & Benefits		348 341	375 557	27 216	92.75%	406 452
002101-111	WAGES - SALARIED	267 359	291 886	24 527	91.60%	316 845
002104-111	WAGES - CASUAL	3 038		(3 038)	0.00%	
002107-111	CPP	12 118	10 260	(1 858)	118.11%	10 400
002108-111	EI	5 687	4 680	(1 007)	121.51%	4 880
002109-111	OMERS	25 829	30 220	4 391	85.47%	33 655
002110-111	WSIB	8 681	8 903	222	97.50%	10 139
002111-111	GROUP INSURANCE	20 216	23 916	3 700	84.53%	24 355
002112-111	EHT	5 291	5 692	401	92.96%	6 178
002113-111	VACATION PAY	122		(122)	0.00%	
OTHER EMPLOYEE RELATED		6 598	7 500	902	87.97%	7 000
Other Employee Related		6 598	7 500	902	87.97%	7 000
002122-111	STAFF MILEAGE	5 649	5 000	(649)	112.97%	5 000
002123-111	STAFF EXPENSES	949	2 500	1 551	37.96%	2 000
PROFESSIONAL FEES		43 796	36 000	(7 796)	121.65%	39 000
Professional Fees		43 796	36 000	(7 796)	121.65%	39 000
002163-111	SERVICES	43 796	36 000	(7 796)	121.65%	39 000
VEHICLES AND EQUIPMENT		789	1 000	211	78.89%	1 000
Vehicles & Equipment		789	1 000	211	78.89%	1 000
002125-111	EQUIPMENT PURCHASE	789	1 000	211	78.89%	1 000
EXPENSES		50 908	29 000	(21 908)	175.54%	21 000
Cost and expenses		50 908	29 000	(21 908)	175.54%	21 000
002145-111	MISCELLANEOUS	2 835	1 500	(1 335)	189.00%	
002167-111	ACHIEVEMENT AWARDS	15 528	15 000	(528)	103.52%	16 000
002169-111	PHOTOGRAPHY/VIDEO	2 676	10 000	7 324	26.76%	5 000
002175-111	EXHIBITS & DISPLAYS	4 032	2 500	(1 532)	161.28%	
002283-111	SPECIAL PROJECTS	25 837		(25 837)	0.00%	
MATERIALS AND SUPPLIES		4 582	3 000	(1 582)	152.74%	7 500
Materials and Supplies		4 582	3 000	(1 582)	152.74%	7 500
002133-111	MATERIALS & SUPPLIES	4 582	3 000	(1 582)	152.74%	7 500
MARKETING AND PROMOTION		97 698	130 000	32 302	75.15%	113 000
Marketing and Promotion		97 698	130 000	32 302	75.15%	113 000
002159-111	MARKETING	33 650	25 000	(8 650)	134.60%	30 000
002161-111	GENERAL PRINTING	19 215	10 000	(9 215)	192.15%	15 000
002162-111	ADVERTISING	36 341	65 000	28 659	55.91%	45 000
002168-111	COMMUNITY OUTREACH	2 407	15 000	12 593	16.05%	15 000
002196-111	SIGNS	6 095	15 000	8 915	40.57%	8 000
Total Exp		552 712	582 057	29 345	94.96%	594 952

**2018 Operating Budget &
2019 Operating Budget**

Watershed

	2018 YTD - September				2019 Budget
	Actual	Budget	Var AB	Var AB %	
SALARIES & BENEFITS	1 136 854	1 854 095	717 241	61.32%	1 656 713
OTHER EMPLOYEE RELATED	17 973	39 995	22 022	44.94%	36 755
BOARD AND VOLUNTEER	263		(263)	0.00%	0
PROFESSIONAL FEES	131 813	238 565	106 752	55.25%	325 420
VEHICLES AND EQUIPMENT		2 500	2 500	0.00%	2 500
CONTRACTOR SERVICES	26 254	321 900	295 646	8.16%	298 500
EXPENSES	47 049	60 692	13 643	77.52%	57 626
MATERIALS AND SUPPLIES	16 862	60 745	43 883	27.76%	34 680
Total Exp	1 377 068	2 578 492	1 201 424	53.41%	2 412 194

**2018 Operating Budget &
2019 Operating Budget**

Municipal Plan Input & Review

		2018 YTD - September				2019 Budget
		Actual	Budget	Var AB	Var AB %	
SALARIES & BENEFITS			117 288	117 288	0.00%	0
Salaries & Benefits			117 288	117 288	0.00%	0
002101-351	WAGES - SALARIED		92 236	92 236	0.00%	
002107-351	CPP		2 565	2 565	0.00%	
002108-351	EI		1 170	1 170	0.00%	
002109-351	OMERS		10 385	10 385	0.00%	
002110-351	WSIB		2 813	2 813	0.00%	
002111-351	GROUP INSURANCE		6 320	6 320	0.00%	
002112-351	EHT		1 799	1 799	0.00%	
OTHER EMPLOYEE RELATED		224	2 000	1 776	11.20%	0
Other Employee Related		224	2 000	1 776	11.20%	0
002122-351	STAFF MILEAGE	202	1 700	1 498	11.89%	
002123-351	STAFF EXPENSES	22	300	278	7.28%	
PROFESSIONAL FEES		3 422	25 000	21 578	13.69%	20 000
Professional Fees		3 422	25 000	21 578	13.69%	20 000
002151-351	LEGAL FEES				0.00%	
002165-351	CONSULTING SERVICES	3 422	25 000	21 578	13.69%	20 000
MATERIALS AND SUPPLIES		302	500	198	60.45%	0
Materials and Supplies		302	500	198	60.45%	0
002133-351	MATERIALS & SUPPLIES	302	500	198	60.45%	
Total Exp		3 948	144 788	140 840	2.73%	20 000

**2018 Operating Budget &
2019 Operating Budget**

Development Plan Input & Review

		2018 YTD - September				2019 Budget
		Actual	Budget	Var AB	Var AB %	
SALARIES & BENEFITS		137 281	272 578	135 297	50.36%	403 854
Salaries & Benefits		137 281	272 578	135 297	50.36%	403 854
002101-361	WAGES - SALARIED	103 897	213 696	109 799	48.62%	314 911
002107-361	CPP	4 909	7 695	2 786	63.80%	10 400
002108-361	EI	2 348	3 510	1 162	66.90%	4 880
002109-361	OMERS	10 628	21 900	11 272	48.53%	33 465
002110-361	WSIB	3 338	6 518	3 180	51.21%	10 077
002111-361	GROUP INSURANCE	10 127	15 092	4 965	67.10%	23 980
002112-361	EHT	2 033	4 167	2 134	48.80%	6 141
OTHER EMPLOYEE RELATED		2 218	6 800	4 582	32.62%	6 800
Other Employee Related		2 218	6 800	4 582	32.62%	6 800
002122-361	STAFF MILEAGE	1 990	5 600	3 610	35.54%	5 600
002123-361	STAFF EXPENSES	228	1 200	972	19.01%	1 200
PROFESSIONAL FEES		2 442	10 000	7 558	24.42%	5 000
Professional Fees		2 442	10 000	7 558	24.42%	5 000
002151-361	LEGAL FEES		10 000	10 000	0.00%	
002165-361	CONSULTING SERVICES	2 442		(2 442)	0.00%	5 000
MATERIALS AND SUPPLIES			500	500	0.00%	500
Materials and Supplies			500	500	0.00%	500
002133-361	MATERIALS & SUPPLIES		500	500	0.00%	500
Total Exp		141 941	289 878	147 937	48.97%	416 154

**2018 Operating Budget &
2019 Operating Budget**

Construction Permit Reviews & Compliance

		2018 YTD - September				2019
		Actual	Budget	Var AB	Var AB %	Budget
SALARIES & BENEFITS		86 201	201 724	115 523	42.73%	298 162
Salaries & Benefits		86 201	201 724	115 523	42.73%	298 162
002101-371	WAGES - SALARIED	67 223	159 997	92 774	42.01%	233 544
002107-371	CPP	2 416	5 130	2 714	47.10%	7 800
002108-371	EI	1 115	2 340	1 225	47.64%	3 660
002109-371	OMERS	7 540	17 170	9 630	43.91%	26 065
002110-371	WSIB	2 158	4 880	2 722	44.23%	7 473
002111-371	GROUP INSURANCE	4 434	9 087	4 653	48.80%	15 066
002112-371	EHT	1 316	3 120	1 804	42.17%	4 554
OTHER EMPLOYEE RELATED		836	2 150	1 314	38.86%	2 150
Other Employee Related		836	2 150	1 314	38.86%	2 150
002122-371	STAFF MILEAGE	595	1 650	1 055	36.04%	1 650
002123-371	STAFF EXPENSES	241	500	259	48.17%	500
PROFESSIONAL FEES		6 327	32 000	25 673	19.77%	6 000
Professional Fees		6 327	32 000	25 673	19.77%	6 000
002151-371	LEGAL FEES	214	26 000	25 786	0.82%	
002165-371	CONSULTING SERVICES	6 114	6 000	(114)	101.89%	6 000
MATERIALS AND SUPPLIES		86	500	414	17.30%	500
Materials and Supplies		86	500	414	17.30%	500
002133-371	MATERIALS & SUPPLIES	86	500	414	17.30%	500
Total Exp		93 450	236 374	142 924	39.53%	306 812

**2018 Operating Budget &
2019 Operating Budget**

Forest By-Law Niagara

2018 YTD - September					2019 Budget
Actual	Budget	Var AB	Var AB %		
SALARIES & BENEFITS	75 859	0	(75 859)	0.00%	0
Salaries & Benefits	75 859	0	(75 859)	0.00%	0
002101-387 WAGES - SALARIED	58 419		(58 419)	0.00%	
002107-387 CPP	2 440		(2 440)	0.00%	
002108-387 EI	1 126		(1 126)	0.00%	
002109-387 OMERS	6 274		(6 274)	0.00%	
002110-387 WSIB	1 877		(1 877)	0.00%	
002111-387 GROUP INSURANCE	4 579		(4 579)	0.00%	
002112-387 EHT	1 143		(1 143)	0.00%	
OTHER EMPLOYEE RELATED	117	0	(117)	0.00%	0
Other Employee Related	117	0	(117)	0.00%	0
002122-387 STAFF MILEAGE	107		(107)	0.00%	
002123-387 STAFF EXPENSES	10		(10)	0.00%	
MATERIALS AND SUPPLIES	285	0	(285)	0.00%	0
Materials and Supplies	285	0	(285)	0.00%	0
002133-387 MATERIALS & SUPPLIES	285		(285)	0.00%	
Total Exp	76 262	0	(76 262)	0.00%	0

**2018 Operating Budget &
2019 Operating Budget**

Watershed Biology

		2018 YTD - September				2019 Budget
		Actual	Budget	Var AB	Var AB %	
SALARIES & BENEFITS		54 453	114 561	60 108	47.53%	0
Salaries & Benefits		54 453	114 561	60 108	47.53%	0
002101-391	WAGES - SALARY	40 589	92 326	51 737	43.96%	
002107-391	CPP	2 411	2 565	154	93.98%	
002108-391	EI	1 172	1 170	(2)	100.19%	
002109-391	OMERS	4 761	10 385	5 624	45.85%	
002110-391	WSIB	1 614	2 816	1 202	57.31%	
002111-391	GROUP INSURANCE	2 923	3 499	576	83.53%	
002112-391	EHT	984	1 800	816	54.64%	
OTHER EMPLOYEE RELATED		651	4 000	3 349	16.28%	4 000
Other Employee Related		651	4 000	3 349	16.28%	4 000
002122-391	STAFF MILEAGE	620	3 000	2 380	20.68%	3 000
002123-391	STAFF EXPENSES	31	1 000	969	3.08%	1 000
PROFESSIONAL FEES			500	500	0.00%	92 500
Professional Fees			500	500	0.00%	92 500
002165-391	CONSULTING SERVICES		500	500	0.00%	92 500
CONTRACTOR SERVICES		8 675		(8 675)	0.00%	
Contractor Services		8 675		(8 675)	0.00%	
002164-391	CONTRACTOR SERVICES	8 675		(8 675)	0.00%	
MATERIALS AND SUPPLIES			500	500	0.00%	500
Materials and Supplies			500	500	0.00%	500
002133-391	MATERIALS & SUPPLIES		500	500	0.00%	500
Total Exp		63 780	119 561	55 781	53.34%	97 000

**2018 Operating Budget &
2019 Operating Budget**

Great Lakes Sustainability Projects - Niag River Watershed 17/18

2018 YTD - September					2019 Budget
Actual	Budget	Var AB	Var AB %		
OTHER EMPLOYEE RELATED	1 050	1 050	0.00%	0	
Other Employee Related	1 050	1 050	0.00%	0	
002122-255 STAFF MILEAGE	206	206	0.00%		
002123-255 STAFF EXPENSES	844	844	0.00%		
CONTRACTOR SERVICES	6 350	6 350	0.00%	0	
Contractor Services	6 350	6 350	0.00%	0	
002164-255 CONTRACTOR SERVICES	6 350	6 350	0.00%		
MATERIALS AND SUPPLIES	6 350	6 350	0.00%	0	
Materials and Supplies	6 350	6 350	0.00%	0	
002133-255 MATERIALS & SUPPLIES	6 350	6 350	0.00%		
Total Exp	13 750	13 750	0.00%	0	

**2018 Operating Budget &
2019 Operating Budget**

Great Lakes Sustainability Projects - Niag River Watershed 16/17

		2018 YTD - September				2019 Budget
		Actual	Budget	Var AB	Var AB %	
OTHER EMPLOYEE RELATED		0	3 150	3 150	0.00%	0
Other Employee Related		0	3 150	3 150	0.00%	0
002122-263	STAFF MILEAGE		619	619	0.00%	
002123-263	STAFF EXPENSES		2 531	2 531	0.00%	
CONTRACTOR SERVICES		0	19 050	19 050	0.00%	0
Contractor Services		0	19 050	19 050	0.00%	0
002164-263	CONTRACTOR SERVICES		19 050	19 050	0.00%	
MATERIALS AND SUPPLIES		0	19 050	19 050	0.00%	0
Materials and Supplies		0	19 050	19 050	0.00%	0
002133-263	MATERIALS & SUPPLIES		19 050	19 050	0.00%	
Total Exp		0	41 250	41 250	0.00%	0

**2018 Operating Budget &
2019 Operating Budget**

Watershed General Restoration

		2018 YTD - September				2019 Budget
		Actual	Budget	Var AB	Var AB %	
SALARIES & BENEFITS		135 735	180 613	44 878	75.15%	0
Salaries & Benefits		135 735	180 613	44 878	75.15%	0
002101-227	WAGES - SALARIED	103 704	142 464	38 760	72.79%	
002104-227	WAGES - CASUAL				0.00%	
002107-227	CPP	4 900	5 130	230	95.51%	
002108-227	EI	2 272	2 340	68	97.10%	
002109-227	OMERS	10 610	14 600	3 990	72.67%	
002110-227	WSIB	3 332	4 345	1 013	76.68%	
002111-227	GROUP INSURANCE	8 888	8 956	68	99.24%	
002112-227	EHT	2 030	2 778	748	73.06%	
OTHER EMPLOYEE RELATED		424		(424)	0.00%	0
Other Employee Related		424		(424)	0.00%	0
002122-227	STAFF MILEAGE	244		(244)	0.00%	
002123-227	STAFF EXPENSES	180		(180)	0.00%	
CONTRACTOR SERVICES		2 854	250 000	247 146	1.14%	250 000
Contractor Services		2 854	250 000	247 146	1.14%	250 000
002164-227	CONTRACTOR SERVICES	2 854	250 000	247 146	1.14%	250 000
Total Exp		139 013	430 613	291 600	32.28%	250 000

**2018 Operating Budget &
2019 Operating Budget**

Niagara River Remedial Action Plan Co ordination 18/19

		2018 YTD - September				2019
		Actual	Budget	Var AB	Var AB %	Budget
SALARIES & BENEFITS		25 389	27 774	2 385	91.41%	29 294
Salaries & Benefits		25 389	27 774	2 385	91.41%	29 294
002101-243	WAGES - SALARIED	21 541	24 234	2 693	88.89%	25 764
002107-243	CPP	1 195	640	(555)	186.66%	650
002108-243	EI	338	295	(43)	114.43%	305
002110-243	WSIB	691	740	49	93.44%	824
002111-243	GROUP INSURANCE	1 203	1 390	187	86.55%	1 249
002112-243	EHT	421	475	54	88.73%	502
OTHER EMPLOYEE RELATED		3 222	950	(2 272)	339.17%	825
Other Employee Related		3 222	950	(2 272)	339.17%	825
002122-243	STAFF MILEAGE	454		(454)	0.00%	
002123-243	STAFF EXPENSES	1 582	950	(632)	166.53%	825
002124-243	STAFF TRAINING & DEV.	1 186		(1 186)	0.00%	
BOARD AND VOLUNTEER		263		(263)	0.00%	0
Board and Volunteer		263		(263)	0.00%	0
002177-243	COMMITTEE EXPENSES	263		(263)	0.00%	
PROFESSIONAL FEES		40 132	12 690	(27 442)	316.25%	11 730
Professional Fees		40 132	12 690	(27 442)	316.25%	11 730
002165-243	CONSULTING SERVICES	40 132	12 690	(27 442)	316.25%	11 730
EXPENSES		36 393	6 360	(30 043)	573.12%	5 970
Cost and expenses		36 393	6 350	(30 043)	573.12%	5 970
002139-243	ACCOMODATION/FOOD & BE	4 553	1 060	(3 493)	429.55%	1 030
002195-243	COMMUNICATIONS SERVICE	31 840	5 290	(26 550)	601.88%	4 940
MATERIALS AND SUPPLIES		4 054	2 115	(1 939)	191.68%	2 058
Materials and Supplies		4 054	2 115	(1 939)	191.68%	2 058
002133-243	MATERIALS & SUPPLIES	4 054	2 115	(1 939)	191.68%	2 058
Total Exp		109 452	49 879	(59 573)	219.44%	49 877

**2018 Operating Budget &
2019 Operating Budget**

Niagara River Remedial Action Plan Co-ordination 19/120

		2018 YTD - September				2019
		Actual	Budget	Var AB	Var AB %	Budget
SALARIES & BENEFITS		55 387	83 303	27 916	66.49%	87 887
Salaries & Benefits		55 387	83 303	27 916	66.49%	87 887
002101-241	WAGES - SALARIED	48 467	72 700	24 233	66.67%	77 291
002107-241	CPP	1 234	1 925	691	64.12%	1 950
002108-241	EI	783	875	92	89.53%	915
002110-241	WSIB	1 556	2 216	660	70.23%	2 474
002111-241	GROUP INSURANCE	2 398	4 172	1 774	57.49%	3 749
002112-241	EHT	948	1 415	467	67.02%	1 508
OTHER EMPLOYEE RELATED		615	2 855	2 240	21.55%	2 470
Other Employee Related		615	2 855	2 240	21.55%	2 470
002122-241	STAFF MILEAGE	408		(408)	0.00%	
002123-241	STAFF EXPENSES	207	2 855	2 648	7.26%	2 470
PROFESSIONAL FEES		(2 500)	38 075	40 575	-6.57%	35 190
Professional Fees		(2 500)	38 075	40 575	-6.57%	35 190
002165-241	CONSULTING SERVICES	(2 500)	38 075	40 575	-6.57%	35 190
EXPENSES		301	19 042	18 741	1.58%	17 904
Cost and expenses		301	19 042	18 741	1.58%	17 904
002139-241	ACCOMODATION/FOOD & BEVERAG	301	3 175	2 874	9.47%	3 085
002195-241	COMMUNICATIONS SERVICES		15 867	15 867	0.00%	14 819
MATERIALS AND SUPPLIES		4 221	6 345	2 124	66.53%	6 172
Materials and Supplies		4 221	6 345	2 124	66.53%	6 172
002133-241	MATERIALS & SUPPLIES	4 221	6 345	2 124	66.53%	6 172
Total Exp		58 024	149 620	91 596	38.78%	149 623

**2018 Operating Budget &
2019 Operating Budget**

SOURCE WATER PROTECTION

		2018 YTD - September				2019
		Actual	Budget	Var AB	Var AB %	Budget
SALARIES & BENEFITS		86 289	117 382	31 093	73.51%	104 685
Salaries & Benefits		86 289	117 382	31 093	73.51%	104 685
002101-205	WAGES - SALARIED	67 223	92 326	25 103	72.81%	82 886
002107-205	CPP	2 584	2 565	(19)	100.76%	2 600
002108-205	EI	1 115	1 170	55	95.28%	1 220
002109-205	OMERS	7 563	10 385	2 822	72.83%	7 335
002110-205	WSIB	2 274	2 816	542	80.74%	2 652
002111-205	GROUP INSURANCE	4 152	6 320	2 168	65.69%	6 376
002112-205	EHT	1 379	1 800	421	76.61%	1 616
OTHER EMPLOYEE RELATED		659	1 190	531	55.37%	2 160
Other Employee Related		659	1 190	531	55.37%	2 160
002122-205	STAFF MILEAGE	199	740	541	26.83%	740
002123-205	STAFF EXPENSES	460	450	(10)	102.29%	1 420
PROFESSIONAL FEES			5 300	5 300	0.00%	0
Professional Fees			5 300	5 300	0.00%	0
002165-205	CONSULTING SERVICES		5 300	5 300	0.00%	
EXPENSES		4 794	15 300	10 506	31.34%	10 252
Cost and expenses		4 794	15 300	10 506	31.34%	10 252
002195-205	COMMUNICATIONS SERVICES		5 300	5 300	0.00%	3 385
002217-205	I.T. SERVICES				0.00%	
002302-205	COMMITTEE EXPENSES	4 794	10 000	5 206	47.94%	6 867
MATERIALS AND SUPPLIES		41	435	394	9.36%	0
Materials and Supplies		41	435	394	9.36%	0
002133-205	MATERIALS & SUPPLIES	41	435	394	9.36%	
Total Exp		91 783	139 607	47 824	65.74%	117 097

**2018 Operating Budget &
2019 Operating Budget**

WATER RESOURCES ENGINEERING

		2018 YTD - September				2019
		Actual	Budget	Var AB	Var AB %	Budget
OTHER EMPLOYEE RELATED			1 500	1 500	0.00%	1 500
Other Employee Related			1 500	1 500	0.00%	1 500
002122-321	STAFF MILEAGE		1 000	1 000	0.00%	1 000
002123-321	STAFF EXPENSES		500	500	0.00%	500
PROFESSIONAL FEES		24 764		(24 764)	0.00%	0
Professional Fees		24 764		(24 764)	0.00%	0
002165-321	CONSULTING SERVICES	24 764		(24 764)	0.00%	
CONTRACTOR SERVICES		9 917	7 000	(2 917)	141.67%	9 000
Contractor Services		9 917	7 000	(2 917)	141.67%	9 000
002164-321	CONTRACTOR SERVICES	9 917	7 000	(2 917)	141.67%	9 000
MATERIALS AND SUPPLIES		2 640	8 200	5 560	32.19%	8 200
Materials and Supplies		2 640	8 200	5 560	32.19%	8 200
002133-321	MATERIALS & SUPPLIES	2 640	8 200	5 560	32.19%	8 200
Total Exp		37 321	16 700	(20 621)	223.48%	18 700

**2018 Operating Budget &
2019 Operating Budget**

Watershed Water Quality Monitoring Program

		2018 YTD - September				2019
		Actual	Budget	Var AB	Var AB %	Budget
SALARIES & BENEFITS		161 177	214 027	52 850	75.31%	216 273
Salaries & Benefits		161 177	214 027	52 850	75.31%	216 273
002101-265	WAGES - SALARIED	117 957	161 626	43 669	72.98%	163 246
002104-265	WAGES - CASUAL	7 062	6 400	(662)	110.34%	7 160
002107-265	CPP	5 196	5 395	199	96.31%	5 200
002108-265	EI	2 429	2 505	76	96.95%	2 440
002109-265	OMERS	12 668	17 400	4 732	72.81%	17 535
002110-265	WSIB	4 014	5 115	1 101	78.47%	5 224
002111-265	GROUP INSURANCE	9 117	12 309	3 192	74.07%	12 285
002112-265	EHT	2 452	3 277	825	74.82%	3 183
002113-265	VACATION PAY	282		(282)	0.00%	
OTHER EMPLOYEE RELATED		582	1 000	418	58.18%	1 000
Other Employee Related		582	1 000	418	58.18%	1 000
002122-265	STAFF MILEAGE	460	700	240	65.68%	700
002123-265	STAFF EXPENSES	122	300	178	40.70%	300
PROFESSIONAL FEES		25 748	94 500	68 752	27.25%	94 500
Professional Fees		25 748	94 500	68 752	27.25%	94 500
002165-265	CONSULTING SERVICES		9 000	9 000	0.00%	9 000
002216-265	LAB ANALYSIS	25 748	85 500	59 752	30.11%	85 500
VEHICLES AND EQUIPMENT			2 500	2 500	0.00%	2 500
Vehicles & Equipment			2 500	2 500	0.00%	2 500
002126-265	EQUIPMENT RENTAL		2 500	2 500	0.00%	2 500
CONTRACTOR SERVICES		4 808	25 000	20 192	19.23%	25 000
Contractor Services		4 808	25 000	20 192	19.23%	25 000
002164-265	CONTRACTOR SERVICES	4 808	25 000	20 192	19.23%	25 000
MATERIALS AND SUPPLIES		3 306	5 000	1 694	66.12%	5 000
Materials and Supplies		3 306	5 000	1 694	66.12%	5 000
002133-265	MATERIALS & SUPPLIES	3 306	5 000	1 694	66.12%	5 000
Total Exp		195 620	342 027	146 407	57.19%	344 273

**2018 Operating Budget &
2019 Operating Budget**

FLOOD PROTECTION - FORECASTING AND WARNING

		2018 YTD - September				2019
		Actual	Budget	Var AB	Var AB %	Budget
SALARIES & BENEFITS		67 885	91 824	23 939	73.93%	92 802
Salaries & Benefits		67 885	91 824	23 939	73.93%	92 802
002101-301	WAGES - SALARIED	51 861	71 232	19 372	72.81%	71 947
002107-301	CPP	2 450	2 565	115	95.53%	2 600
002108-301	EI	1 134	1 170	36	96.96%	1 220
002109-301	OMERS	5 315	7 300	1 985	72.80%	7 335
002110-301	WSIB	1 666	2 173	507	76.67%	2 302
002111-301	GROUP INSURANCE	4 444	5 995	1 551	74.13%	5 995
002112-301	EHT	1 015	1 389	374	73.07%	1 403
OTHER EMPLOYEE RELATED		979	1 250	271	78.35%	1 250
Other Employee Related		979	1 250	271	78.35%	1 250
002122-301	STAFF MILEAGE	74	500	426	14.77%	500
002123-301	STAFF EXPENSES	906	750	(156)	120.75%	750
CONTRACTOR SERVICES			5 000	5 000	0.00%	5 000
Contractor Services			5 000	5 000	0.00%	5 000
002164-301	CONTRACTOR SERVICES		5 000	5 000	0.00%	5 000
EXPENSES		5 561	20 000	14 439	27.81%	21 500
Cost and expenses		5 561	20 000	14 439	27.81%	21 500
002166-301	INFORMATION SYSTEMS		4 000	4 000	0.00%	4 000
002181-301	PAGER & TELEPHONE	784	2 000	1 216	39.22%	2 000
002182-301	WELLAND RIVER SYPHON GAUGE	893	2 000	1 107	44.66%	
002184-301	WELLAND RIVER/CAISTORS CORS.				0.00%	
002185-301	GAUGE STATION MAINTENANCE	1 298	10 000	8 702	12.98%	15 500
002187-301	CANBOROUGH GAUGE		1 000	1 000	0.00%	
002188-301	BLACK CREEK	447	500	53	89.38%	
002189-301	WALKER CREEK	2 138	500	(1 638)	427.68%	
MATERIALS AND SUPPLIES		1 131	7 000	5 869	16.15%	7 000
Materials and Supplies		1 131	7 000	5 869	16.15%	7 000
002133-301	MATERIALS & SUPPLIES	1 131	7 000	5 869	16.15%	7 000
Total Exp		75 556	125 074	49 518	60.41%	127 552

**2018 Operating Budget &
2019 Operating Budget**

SPECIAL PROJECTS

	2018 YTD - September				2019 Budget
	Actual	Budget	Var AB	Var AB %	
SALARIES & BENEFITS	0	14 995	14 995	0.00%	0
Salaries & Benefits	0	14 995	14 995	0.00%	0
002101-217 WAGES - SALARIED				0.00%	0
002104-217 WAGES - CASUAL		13 400	13 400	0.00%	
002107-217 CPP		600	600	0.00%	
002108-217 EI		350	350	0.00%	
002109-217 OMERS				0.00%	
002110-217 WSIB		385	385	0.00%	
002111-217 GROUP INSURANCE				0.00%	
002112-217 EHT		260	260	0.00%	
002113-217 VACATION PAY				0.00%	
OTHER EMPLOYEE RELATED	211	1 600	1 389	13.16%	1 600
Other Employee Related	211	1 600	1 389	13.16%	1 600
002122-217 STAFF MILEAGE		500	500	0.00%	500
002123-217 STAFF EXPENSES	211	1 100	889	19.14%	1 100
PROFESSIONAL FEES	0	8 000	8 000	0.00%	8 000
Professional Fees	0	8 000	8 000	0.00%	8 000
002216-217 LAB ANALYSIS		8 000	8 000	0.00%	8 000
CONTRACTOR SERVICES	0	9 500	9 500	0.00%	9 500
Contractor Services	0	9 500	9 500	0.00%	9 500
002164-217 CONTRACTOR SERVICES		9 500	9 500	0.00%	9 500
EXPENSES	0	0	0	0.00%	2 000
Cost and expenses	0	0	0	0.00%	2 000
002195-217 COMMUNICATIONS SERVICES				0.00%	2 000
MATERIALS AND SUPPLIES	42	1 750	1 708	2.38%	1 750
Materials and Supplies	42	1 750	1 708	2.38%	1 750
002133-217 MATERIALS & SUPPLIES	42	1 750	1 708	2.38%	1 750
Total Exp	252	35 845	35 593	0.70%	22 850

**2018 Operating Budget &
2019 Operating Budget**

WATERSHED MANAGEMENT

		2018 YTD - September				2019 Budget
		Actual	Budget	Var AB	Var AB %	
SALARIES & BENEFITS		251 198	418 026	166 828	60.09%	423 756
Salaries & Benefits		251 198	418 026	166 828	60.09%	423 756
002101-325	WAGES - SALARIED	194 404	334 344	139 940	58.14%	336 483
002107-325	CPP	7 351	7 695	344	95.53%	7 800
002108-325	EI	3 452	3 510	58	98.35%	3 660
002109-325	OMERS	22 655	39 525	16 870	57.32%	39 625
002110-325	WSIB	6 242	10 197	3 955	61.22%	10 767
002111-325	GROUP INSURANCE	13 290	16 235	2 945	81.86%	18 860
002112-325	EHT	3 804	6 520	2 716	58.35%	6 561
OTHER EMPLOYEE RELATED		7 234	10 500	3 266	68.90%	13 000
Other Employee Related		7 234	10 500	3 266	68.90%	13 000
002122-325	STAFF MILEAGE	439	3 500	3 061	12.56%	5 200
002123-325	STAFF EXPENSES	6 795	7 000	205	97.07%	7 800
PROFESSIONAL FEES		31 478	12 500	(18 978)	251.83%	52 500
Professional Fees		31 478	12 500	(18 978)	251.83%	52 500
002151-325	LEGAL FEES	31 478	10 000	(21 478)	314.78%	50 000
002165-325	CONSULTING SERVICES		2 500	2 500	0.00%	2 500
MATERIALS AND SUPPLIES		755	2 500	1 745	30.18%	3 000
Materials and Supplies		755	2 500	1 745	30.18%	3 000
002133-325	MATERIALS & SUPPLIES	755	2 500	1 745	30.18%	3 000
Total Exp		290 665	443 526	152 861	65.54%	492 256

**2018 Operating Budget &
2019 Operating Budget**

Corporate Resources

	2018 YTD- September				2019 Budget
	Actual	Budget	Var AB	Var AB %	
SALARIES & BENEFITS	1 993 101	2 623 874	630 773	75.96%	2 881 465
OTHER EMPLOYEE RELATED	9 649	59 000	49 351	16.35%	92 500
PROFESSIONAL FEES	194 093	350 000	155 907	55.46%	262 500
OCCUPANCY COSTS	407 421	507 000	99 579	80.36%	540 000
VEHICLES AND EQUIPMENT	144 835	180 000	35 165	80.46%	172 200
PARK MAINTENANCE	281 967	385 600	103 633	73.12%	396 500
DEBT SERVICING (Interest Only)	53 989	63 691	9 702	84.69%	27 980
EXPENSES	236 086	291 900	55 814	80.88%	331 500
MATERIALS AND SUPPLIES	13 436	56 000	42 564	23.99%	25 000
Total Exp	3 345 576	4 517 065	1 182 489	74.07%	4 728 645

**2018 Operating Budget &
2019 Operating Budget**

Management - Expenditures

		2018 YTD- September				2019
		Actual	Budget	Var AB	Var AB %	Budget
SALARIES & BENEFITS		237 038	422 519	185 481	56.10%	530 996
Salaries & Benefits		237 038	422 519	185 481	56.10%	530 996
002101-101	WAGES - SALARIED	185 111	338 280	153 169	54.72%	417 945
002104-101	WAGES - CASUAL	6 720		(6 720)	0.00%	7 160
002107-101	CPP	5 142	7 695	2 553	66.82%	10 400
002108-101	EI	2 392	3 510	1 118	68.15%	4 880
002109-101	OMERS	21 644	40 120	18 476	53.95%	46 685
002110-101	WSIB	6 160	10 318	4 158	59.70%	13 374
002111-101	GROUP INSURANCE	7 218	16 000	8 782	45.12%	22 402
002112-101	EHT	2 382	6 596	4 214	36.11%	8 150
002113-101	VACATION PAY	269		(269)	0.00%	
OTHER EMPLOYEE RELATED		2 597	39 000	36 403	6.66%	81 500
Other Employee Related		2 597	39 000	36 403	6.66%	81 500
002122-101	STAFF MILEAGE	157	3 000	2 843	5.22%	1 500
002123-101	STAFF EXPENSES	2 440	6 000	3 560	40.67%	5 000
002158-101	EMPLOYEE ALLOWANCE		30 000	30 000	0.00%	75 000
PROFESSIONAL FEES		85 398	150 000	64 602	56.93%	70 000
Professional Fees		85 398	150 000	64 602	56.93%	70 000
002151-101	LEGAL FEES	8 717	10 000	1 283	87.17%	10 000
002165-101	CONSULTING SERVICES	76 681	140 000	63 319	54.77%	60 000
OCCUPANCY COSTS		354 801	432 000	77 199	82.13%	465 000
Occupancy Costs		354 801	432 000	77 199	82.13%	465 000
002121-101	OFFICE LEASE	88 364	130 000	41 636	67.97%	140 000
002137-101	HYDRO	95 268	145 000	49 732	65.70%	145 000
002152-101	PROPERTY TAXES	36 172	32 000	(4 172)	113.04%	38 000
002153-101	INSURANCE	117 418	105 000	(12 418)	111.83%	120 000
002220-101	NATURAL GAS	17 578	20 000	2 422	87.89%	22 000
DEBT SERVICING (Interst Only)		53 989	63 691	9 702	84.69%	27 980
Debt Servicing		53 989	63 691	9 702	84.69%	27 980
002200-101	DEBT CHARGES-NIAGARA REGION	53 989	63 691	9 702	84.69%	27 980
EXPENSES		61 424	67 500	6 076	91.00%	71 500
Cost and expenses		61 424	67 500	6 076	91.00%	71 500
002145-101	MISCELLANEOUS	3 650	8 000	4 350	45.63%	8 000
002146-101	ACAO LEVY	52 395	46 000	(6 395)	113.90%	55 000
002147-101	MEMBERSHIPS	278	1 500	1 222	18.53%	1 000
002179-101	PUBLICATIONS & SUBSCRIPTIONS		1 500	1 500	0.00%	
002263-101	FISH STOCKING	4 524	8 000	3 476	56.55%	5 000
002294-101	INVENTORY UPDATES	577	2 500	1 923	23.08%	2 500
MATERIALS AND SUPPLIES		454	35 000	34 546	1.30%	8 000
Materials and Supplies		454	35 000	34 546	1.30%	8 000
002133-101	MATERIALS & SUPPLIES		5 000	5 000	0.00%	3 000
002268-101	TREES		5 000	5 000	0.00%	
002293-101	ECO. MAT/SUPPLIES	454	25 000	24 546	1.82%	5 000
Total Exp		795 699	1 209 710	414 011	65.76%	1 254 976

**2018 Operating Budget &
2019 Operating Budget**

Financial Services - Expenditures

		2018 YTD- September				2019
		Actual	Budget	Var AB	Var AB %	Budget
SALARIES & BENEFITS		207 025	300 316	93 291	68.94%	308 352
Salaries & Benefits		207 025	300 316	93 291	68.94%	308 352
002101-105	WAGES - SALARIED	159 655	233 705	74 050	68.31%	242 644
002107-105	CPP	6 410	7 695	1 285	83.31%	7 800
002108-105	EI	3 096	3 510	414	88.21%	3 660
002109-105	OMERS	19 280	24 850	5 570	77.58%	26 060
002110-105	WSIB	5 126	7 128	2 002	71.91%	7 765
002111-105	GROUP INSURANCE	10 334	18 871	8 537	54.76%	15 691
002112-105	EHT	3 124	4 557	1 433	68.56%	4 732
OTHER EMPLOYEE RELATED		1 253	4 000	2 747	31.33%	3 000
Other Employee Related		1 253	4 000	2 747	31.33%	3 000
002122-105	STAFF MILEAGE	581	2 000	1 419	29.04%	1 500
002123-105	STAFF EXPENSES	672	2 000	1 328	33.62%	1 500
PROFESSIONAL FEES		2 978	45 000	42 022	6.62%	37 500
Professional Fees		2 978	45 000	42 022	6.62%	37 500
002149-105	AUDIT FEES		35 000	35 000	0.00%	35 000
002163-105	SERVICES	2 978	10 000	7 022	29.78%	2 500
EXPENSES		33 059	38 000	4 941	87.00%	39 000
Cost and expenses		33 059	38 000	4 941	87.00%	39 000
002145-105	MISCELLANEOUS		1 000	1 000	0.00%	1 000
002150-105	BANK CHARGES	33 059	37 000	3 941	89.35%	38 000
Total Exp		244 315	387 316	143 001	63.08%	387 852

**2018 Operating Budget &
2019 Operating Budget**

Information Technology - Expenditures

	2018 YTD- September				2019 Budget
	Actual	Budget	Var AB	Var AB %	
SALARIES & BENEFITS	180 185	220 847	40 662	81.59%	229 255
Salaries & Benefits	180 185	220 847	40 662	81.59%	229 255
002101-109 WAGES - SALARIED	142 154	173 267	31 113	82.04%	180 051
002107-109 CPP	5 526	5 130	(396)	107.72%	5 200
002108-109 EI	2 405	2 340	(65)	102.77%	2 440
002109-109 OMERS	13 617	19 100	5 483	71.29%	19 945
002110-109 WSIB	4 559	5 285	726	86.27%	5 762
002111-109 GROUP INSURANCE	9 146	12 346	3 200	74.08%	12 346
002112-109 EHT	2 778	3 379	601	82.22%	3 511
OTHER EMPLOYEE RELATED	994	3 000	2 006	33.12%	2 000
Other Employee Related	994	3 000	2 006	33.12%	2 000
002122-109 STAFF MILEAGE	772	1 000	228	77.22%	1 000
002123-109 STAFF EXPENSES	221	2 000	1 779	11.07%	1 000
PROFESSIONAL FEES	105 717	155 000	49 283	68.20%	155 000
Professional Fees	105 717	155 000	49 283	68.20%	155 000
002163-109 SERVICES	105 717	155 000	49 283	68.20%	155 000
OCCUPANCY COSTS	52 620	75 000	22 380	70.16%	75 000
Occupancy Costs	52 620	75 000	22 380	70.16%	75 000
002135-109 VOICE/DATA SERVICE	52 620	75 000	22 380	70.16%	75 000
EXPENSES	64 639	77 500	12 861	83.41%	77 500
Cost and expenses	64 639	77 500	12 861	83.41%	77 500
002145-109 MISCELLANEOUS		500	500	0.00%	500
002176-109 LICENCE FEES	64 639	77 000	12 361	83.95%	77 000
MATERIALS AND SUPPLIES	929	5 000	4 071	18.58%	4 000
Materials and Supplies	929	5 000	4 071	18.58%	4 000
002133-109 MATERIALS & SUPPLIES	929	5 000	4 071	18.58%	4 000
Total Exp	405 083	536 347	131 264	75.53%	542 755

**2018 Operating Budget &
2019 Operating Budget**

Strategic Initiatives Management

		2018 YTD- September				2019
		Actual	Budget	Var AB	Var AB %	Budget
SALARIES & BENEFITS		211 346	336 268	124 922	62.85%	177 733
Salaries & Benefits		211 346	336 268	124 922	62.85%	177 733
002101-395	WAGES - SALARY	163 923	261 690	97 767	62.64%	139 699
002107-395	CPP	7 144	10 260	3 116	69.63%	5 200
002108-395	EI	3 365	4 680	1 315	71.91%	2 440
002109-395	OMERS	13 139	26 200	13 061	50.15%	14 100
002110-395	WSIB	5 258	7 982	2 724	65.87%	4 470
002111-395	GROUP INSURANCE	15 311	20 353	5 042	75.23%	9 100
002112-395	EHT	3 205	5 103	1 898	62.80%	2 724
OTHER EMPLOYEE RELATED		4 806	13 000	8 194	36.97%	6 000
Other Employee Related		4 806	13 000	8 194	36.97%	6 000
002122-395	STAFF MILEAGE	1 907	3 000	1 093	63.55%	3 000
002123-395	STAFF EXPENSES	2 899	10 000	7 101	28.99%	3 000
EXPENSES		35 104	15 000	(20 104)	234.02%	35 000
Cost and expenses		35 104	15 000	(20 104)	234.02%	35 000
002297-395	STRATEGIC INIT- GENERAL	35 104	15 000	(20 104)	234.02%	35 000
Total Exp		251 255	364 268	113 013	68.98%	218 733

**2018 Operating Budget &
2019 Operating Budget**

Thanksgiving Festival

		2018 YTD- September				2019
		Actual	Budget	Var AB	Var AB %	Budget
SALARIES & BENEFITS			21 500	21 500	0.00%	22 000
Salaries & Benefits			21 500	21 500	0.00%	22 000
002104-411	WAGES - STUDENT		15 000	15 000	0.00%	15 000
002106-411	WAGES - SECURITY		6 500	6 500	0.00%	7 000
PARK MAINTENANCE		172	4 500	4 328	3.81%	4 500
Park Maintenance		172	4 500	4 328	3.81%	4 500
002141-411	GROUNDS MAINTENANCE	172	4 000	3 828	4.29%	4 000
002234-411	GARBAGE DISPOSAL		500	500	0.00%	500
EXPENSES		22 631	83 000	60 369	27.27%	97 600
Cost and expenses		22 631	83 000	60 369	27.27%	97 600
002145-411	MISCELLANEOUS	1 349	3 000	1 651	44.97%	
002162-411	ADVERTISING				0.00%	15 000
002244-411	TENT RENTAL	4 918	20 000	15 082	24.59%	20 000
002245-411	WASHROOM RENTAL & SUPPLIES		7 000	7 000	0.00%	6 000
002248-411	ENTERTAINMENT/SOUND SYS.	16 364	12 000	(4 364)	136.36%	15 000
002249-411	PROGRAMS,POSTERS,TICKETS		3 500	3 500	0.00%	4 000
002250-411	ADMISSION TICKETS		500	500	0.00%	
002252-411	MILLING SUPPLIES		1 000	1 000	0.00%	2 500
002253-411	DISPLAYS		500	500	0.00%	
002255-411	COMMUNICATION SYSTEM		1 500	1 500	0.00%	2 700
002256-411	CATERING		6 000	6 000	0.00%	6 000
002257-411	BEER & WINE EXPENSES		17 500	17 500	0.00%	18 900
002258-411	BUS RENTALS		10 000	10 000	0.00%	7 500
002259-411	ASSOC.ANNUAL MEMBERSHIPS		500	500	0.00%	
Total Exp		22 802	109 000	86 198	20.92%	124 100

**2018 Operating Budget &
2019 Operating Budget**

Balls Falls Conservation Area

		2018 YTD- September				2019
		Actual	Budget	Var AB	Var AB %	Budget
SALARIES & BENEFITS		277 821	285 984	8 163	97.15%	515 456
Salaries & Benefits		277 821	285 984	8 163	97.15%	515 456
002101-401	WAGES - SALARIED	113 277	146 823	33 546	77.15%	317 781
002104-401	WAGES - STUDENT	114 153	100 000	(14 153)	114.15%	105 000
002107-401	CPP	9 411	5 130	(4 281)	183.45%	13 000
002108-401	EI	5 126	2 340	(2 786)	219.08%	6 100
002109-401	OMERS	10 540	15 245	4 705	69.14%	31 400
002110-401	WSIB	7 247	4 478	(2 769)	161.85%	10 169
002111-401	GROUP INSURANCE	8 954	9 105	151	98.34%	25 809
002112-401	EHT	4 532	2 863	(1 669)	158.28%	6 197
002113-401	VACATION PAY	4 581		(4 581)	0.00%	
VEHICLES AND EQUIPMENT		2 962	2 000	(962)	148.12%	0
Vehicles & Equipment		2 962	2 000	(962)	148.12%	0
002228-401	GASOLINE & OIL	2 962	2 000	(962)	148.12%	0
PARK MAINTENANCE		66 933	64 500	(2 433)	103.77%	59 500
Park Maintenance		66 933	64 500	(2 433)	103.77%	59 500
002141-401	GROUNDS MAINTENANCE	9 560	15 000	5 440	63.73%	1 500
002142-401	BUILDINGS MAINTENANCE	31 717	25 000	(6 717)	126.87%	30 000
002225-401	WATER SYSTEM MAINTENANCE	12 621	4 500	(8 121)	280.48%	15 000
002226-401	SEWAGE SYSTEM MAINTENANCE	1 207	3 500	2 293	34.48%	3 500
002227-401	ELECTRICAL MAINTENANCE	1 841	1 000	(841)	184.08%	1 000
002229-401	SMALL TOOLS	1 243	1 000	(243)	124.31%	1 000
002230-401	PICNIC TABLE REPAIRS	361	500	139	72.14%	500
002231-401	WASHROOM SUPPLIES	3 756	4 500	744	83.46%	4 500
002234-401	GARBAGE DISPOSAL	894	2 500	1 606	35.74%	2 500
002235-401	RESIDENCE MAINTENANCE	1 872	2 000	128	93.60%	
002301-401	RETAIL PURCHASES	1 862	5 000	3 138	37.24%	
EXPENSES		7 439	2 000	(5 439)	371.95%	2 000
Cost and expenses		7 439	2 000	(5 439)	371.95%	2 000
002145-401	MISCELLANEOUS	315	2 000	1 685	15.76%	2 000
002157-401	SPECIAL EVENTS	6 919		(6 919)	0.00%	
002196-401	SIGNS	204		(204)	0.00%	
MATERIALS AND SUPPLIES		6 359	6 500	141	97.83%	6 500
Materials and Supplies		6 359	6 500	141	97.83%	6 500
002278-401	PRINTING & OFFICE SUPPLIES	3 500	4 500	1 000	77.78%	6 500
002280-401	OFFICE SUPPLIES & EQUIPMENT	2 859	2 000	(859)	142.95%	
Total Exp		361 515	360 984	(531)	100.15%	583 456

**2018 Operating Budget &
2019 Operating Budget**

Binbrook Conservation Area

		2018 YTD- September				2019
		Actual	Budget	Var AB	Var AB %	Budget
SALARIES & BENEFITS		234 244	273 951	39 707	85.51%	281 062
Salaries & Benefits		234 244	273 951	39 707	85.51%	281 062
002101-403	WAGES - SALARIED	116 605	146 823	30 218	79.42%	148 293
002104-403	WAGES - STUDENT	72 832	85 000	12 168	85.68%	90 000
002105-403	WAGES - GATEKEEPER				0.00%	
002107-403	CPP	7 942	5 130	(2 812)	154.82%	5 200
002108-403	EI	4 209	2 340	(1 869)	179.88%	2 440
002109-403	OMERS	11 096	15 245	4 149	72.78%	15 420
002110-403	WSIB	5 952	4 478	(1 474)	132.92%	4 745
002111-403	GROUP INSURANCE	8 954	12 072	3 118	74.17%	12 072
002112-403	EHT	3 758	2 863	(895)	131.26%	2 892
002113-403	VACATION PAY	2 896		(2 896)	0.00%	
VEHICLES AND EQUIPMENT		2 747	2 000	(747)	137.37%	3 500
Vehicles & Equipment		2 747	2 000	(747)	137.37%	3 500
002228-403	GASOLINE & OIL	2 747	2 000	(747)	137.37%	3 500
PARK MAINTENANCE		56 539	47 100	(9 439)	120.04%	64 500
Park Maintenance		56 539	47 100	(9 439)	120.04%	64 500
002141-403	GROUNDS MAINTENANCE	5 714	10 000	4 286	57.14%	10 000
002142-403	BUILDINGS MAINTENANCE	14 400	4 500	(9 900)	320.01%	10 000
002225-403	WATER SYSTEM MAINTENANCE	11 819	7 000	(4 819)	168.84%	15 000
002226-403	SEWAGE SYSTEM MAINTENANCE	14 099	12 500	(1 599)	112.79%	15 000
002229-403	SMALL TOOLS	106	1 000	894	10.58%	1 000
002230-403	PICNIC TABLE REPAIRS		2 500	2 500	0.00%	2 500
002231-403	WASHROOM SUPPLIES	3 071	2 600	(471)	118.11%	3 500
002234-403	GARBAGE DISPOSAL	2 649	3 000	351	88.31%	3 500
002301-403	RETAIL PURCHASES	4 682	4 000	(682)	117.04%	4 000
EXPENSES		6 584	3 000	(3 584)	219.46%	3 000
Cost and expenses		6 584	3 000	(3 584)	219.46%	3 000
002145-403	MISCELLANEOUS	153	3 000	2 847	5.09%	3 000
MATERIALS AND SUPPLIES		2 019	3 000	981	67.30%	2 000
Materials and Supplies		2 019	3 000	981	67.30%	2 000
002278-403	PRINTING & OFFICE SUPPLIES	2 019	3 000	981	67.30%	2 000
Total Exp		302 134	329 051	26 917	91.82%	354 062

**2018 Operating Budget &
2019 Operating Budget**

Chippawa Creek Conservation Area

		2018 YTD- September				2019
		Actual	Budget	Var AB	Var AB %	Budget
SALARIES & BENEFITS		241 328	271 451	30 123	88.90%	273 562
Salaries & Benefits		241 328	271 451	30 123	88.90%	273 562
002101-405	WAGES - SALARIED	115 873	146 823	30 950	78.92%	148 293
002104-405	WAGES - STUDENT	76 398	82 500	6 102	92.60%	82 500
002107-405	CPP	7 697	5 130	(2 567)	150.03%	5 200
002108-405	EI	4 153	2 340	(1 813)	177.50%	2 440
002109-405	OMERS	15 195	15 245	50	99.67%	15 420
002110-405	WSIB	6 156	4 478	(1 678)	137.47%	4 745
002111-405	GROUP INSURANCE	8 954	12 072	3 118	74.17%	12 072
002112-405	EHT	3 817	2 863	(954)	133.32%	2 892
002113-405	VACATION PAY	3 085		(3 085)	0.00%	
VEHICLES AND EQUIPMENT		2 613	2 500	(113)	104.51%	2 700
Vehicles & Equipment		2 613	2 500	(113)	104.51%	2 700
002228-405	GASOLINE & OIL	2 613	2 500	(113)	104.51%	2 700
PARK MAINTENANCE		44 589	47 500	2 911	93.87%	47 500
Park Maintenance		44 589	47 500	2 911	93.87%	47 500
002141-405	GROUNDS MAINTENANCE	4 325	7 000	2 675	61.78%	7 000
002142-405	BUILDINGS MAINTENANCE	2 698	3 000	302	89.93%	3 000
002225-405	WATER SYSTEM MAINTENANCE	12 146	12 000	(146)	101.22%	12 000
002226-405	SEWAGE SYSTEM MAINTENANCE	10 978	9 000	(1 978)	121.98%	9 000
002227-405	ELECTRICAL MAINTENANCE	758	2 000	1 242	37.90%	2 000
002229-405	SMALL TOOLS	310	500	190	62.06%	500
002230-405	PICNIC TABLE REPAIRS		1 000	1 000	0.00%	1 000
002231-405	WASHROOM SUPPLIES	2 078	2 300	222	90.36%	2 300
002232-405	ICE	2 050	2 200	150	93.19%	2 200
002233-405	FIREWOOD	3 480	2 000	(1 480)	174.00%	2 000
002234-405	GARBAGE DISPOSAL	1 414	3 000	1 586	47.12%	3 000
002301-405	RETAIL PURCHASES	4 351	3 500	(851)	124.32%	3 500
EXPENSES		2 680	2 900	220	92.41%	2 900
Cost and expenses		2 680	2 900	220	92.41%	2 900
002145-405	MISCELLANEOUS	1 312	1 500	188	87.45%	1 500
002238-405	BASS DERBY	901	1 000	99	90.13%	1 000
002261-405	ACTIVITIES-SUPPLIES	467	400	(67)	116.72%	400
MATERIALS AND SUPPLIES		1 213	1 500	287	80.87%	0
Materials and Supplies		1 213	1 500	287	80.87%	0
002278-405	PRINTING & OFFICE SUPPLIES	1 213	1 500	287	80.87%	0
Total Exp		292 422	325 851	33 429	89.74%	326 662

**2018 Operating Budget &
2019 Operating Budget**

Long Beach Conservation Area

		2018 YTD- September				2019
		Actual	Budget	Var AB	Var AB %	Budget
SALARIES & BENEFITS		235 076	271 451	36 375	86.60%	273 662
Salaries & Benefits		235 076	271 451	36 375	86.60%	273 662
002101-407	WAGES - SALARIED	116 248	146 823	30 575	79.18%	148 293
002104-407	WAGES - STUDENT	75 191	82 500	7 310	91.14%	82 500
002107-407	CPP	7 929	5 130	(2 799)	154.57%	5 200
002108-407	EI	4 134	2 340	(1 794)	176.67%	2 440
002109-407	OMERS	11 783	15 245	3 462	77.29%	15 420
002110-407	WSIB	6 132	4 478	(1 654)	136.94%	4 745
002111-407	GROUP INSURANCE	6 865	12 072	5 207	56.86%	12 172
002112-407	EHT	3 799	2 863	(936)	132.71%	2 892
002113-407	VACATION PAY	2 995		(2 995)	0.00%	
VEHICLES AND EQUIPMENT		1 713	3 000	1 287	57.11%	3 000
Vehicles & Equipment		1 713	3 000	1 287	57.11%	3 000
002228-407	GASOLINE & OIL	1 713	3 000	1 287	57.11%	3 000
PARK MAINTENANCE		65 503	76 000	10 497	86.19%	83 500
Park Maintenance		65 503	76 000	10 497	86.19%	83 500
002141-407	GROUNDS MAINTENANCE	5 897	10 000	4 103	58.97%	10 000
002142-407	BUILDINGS MAINTENANCE	15 527	6 000	(9 527)	258.79%	8 000
002225-407	WATER SYSTEM MAINTENANCE	23 055	20 000	(3 055)	115.28%	25 000
002226-407	SEWAGE SYSTEM MAINTENANCE	2 461	7 500	5 039	32.81%	10 000
002227-407	ELECTRICAL MAINTENANCE	5 516	10 000	4 484	55.16%	10 000
002229-407	SMALL TOOLS	86	1 500	1 414	5.76%	1 500
002230-407	PICNIC TABLE REPAIRS		1 500	1 500	0.00%	1 500
002231-407	WASHROOM SUPPLIES	4 283	6 500	2 217	65.89%	5 000
002232-407	ICE	1 650	2 500	850	66.01%	2 500
002233-407	FIREWOOD	1 850	2 500	650	74.00%	2 500
002234-407	GARBAGE DISPOSAL	2 079	4 000	1 921	51.97%	3 500
002301-407	RETAIL PURCHASES	3 098	4 000	902	77.45%	4 000
EXPENSES		2 528	3 000	472	84.25%	3 000
Cost and expenses		2 528	3 000	472	84.25%	3 000
002145-407	MISCELLANEOUS	2 024	2 000	(24)	101.20%	2 000
002261-407	ACTIVITIES-SUPPLIES	504	1 000	496	50.35%	1 000
MATERIALS AND SUPPLIES		943	2 000	1 057	47.17%	1 500
Materials and Supplies		943	2 000	1 057	47.17%	1 500
002278-407	PRINTING & OFFICE SUPPLIES	943	2 000	1 057	47.17%	1 500
Total Exp		305 763	355 451	49 688	86.02%	364 662

**2018 Operating Budget &
2019 Operating Budget**

Gainsborough Central Workshop - Expenditures

		2018 YTD- September				2019
		Actual	Budget	Var AB	Var AB %	Budget
SALARIES & BENEFITS		169 038	219 587	50 549	76.98%	269 387
Salaries & Benefits		169 038	219 587	50 549	76.98%	269 387
002101-427	WAGES - SALARIED	103 433	140 935	37 502	73.39%	214 292
002104-427	WAGES - STUDENT	32 340	42 000	9 660	77.00%	
002107-427	CPP	5 917	5 130	(787)	115.35%	7 800
002108-427	EI	2 924	2 340	(584)	124.96%	3 660
002109-427	OMERS	10 399	14 385	3 986	72.29%	21 920
002110-427	WSIB	4 357	4 299	(58)	101.36%	6 857
002111-427	GROUP INSURANCE	5 684	7 750	2 066	73.34%	10 679
002112-427	EHT	2 680	2 748	68	97.52%	4 179
002113-427	VACATION PAY	1 302		(1 302)	0.00%	
PARK MAINTENANCE		48 231	146 000	97 769	33.04%	136 000
Park Maintenance		48 231	146 000	97 769	33.04%	136 000
002234-427	GARBAGE DISPOSAL	606	1 500	894	40.40%	1 500
002268-427	MAT/SUPPLIES-TREES		3 500	3 500	0.00%	
002269-427	MAT/SUPPLIES-GROUNDS	17 188	50 000	32 812	34.38%	50 000
002270-427	MAT/SUPPLIES-BUILDINGS	8 858	15 000	6 142	59.05%	15 000
002272-427	MAT/SUPPLIES-TRAILS	1 337	1 000	(337)	133.73%	20 000
002273-427	MAT/SUPPLIES-MISC	9	1 000	991	0.90%	500
002277-427	SNOW REMOVAL	468	3 000	2 532	15.60%	3 000
002288-427	PUMP MAINT. & REPAIRS	1 089	1 000	(89)	108.89%	1 000
002289-427	GATE ATTENDANT	18 676	30 000	11 324	62.25%	30 000
002291-427	TREE REMOVAL		40 000	40 000	0.00%	15 000
MATERIALS AND SUPPLIES		1 519	3 000	1 481	50.64%	3 000
Materials and Supplies		1 519	3 000	1 481	50.64%	3 000
002133-427	MATERIALS & SUPPLIES	1 519	3 000	1 481	50.64%	3 000
Total Exp		218 788	368 587	149 799	59.36%	408 387

**2018 Operating Budget &
2019 Operating Budget**

Vehicles

		2018 YTD- September				2019
		Actual	Budget	Var AB	Var AB %	Budget
VEHICLES AND EQUIPMENT		90 623	119 000	28 377	76.15%	117 000
Vehicles & Equipment		90 623	119 000	28 377	76.15%	117 000
002292-801	VEHICLE RENTALS	47 633	87 000	39 367	54.75%	90 000
002298-801	SMALL TOOLS/SHOP SUPPLIES	194	2 000	1 806	9.72%	3 000
002500-801	2008 DODGE #90 - GASOLINE	2 092		(2 092)	0.00%	
002501-801	2011 DODGE #100 - GASOLINE	2 236	30 000	27 764	7.45%	24 000
002502-801	RENTAL VEHICLES - GASOLINE	8 751		(8 751)	0.00%	
002503-801	2011 DODGE #101 - GASOLINE	1 409		(1 409)	0.00%	
002504-801	2012 GMC SIERRA #98 - GASOLINE	1 252		(1 252)	0.00%	
002505-801	2007 DODGE 3500 #86 - GASOLINE	2 022		(2 022)	0.00%	
002506-801	2006 GMC DUMP TRUCK #81 - GASOLINE	1 334		(1 334)	0.00%	
002507-801	2007 DODGE 1500 #87 - GASOLINE	2 352		(2 352)	0.00%	
002508-801	2007 DODGE 1500 #88 - GASOLINE	3 540		(3 540)	0.00%	
002509-801	OLD WATER TRUCK - GASOLINE	277		(277)	0.00%	
002513-801	2006 VAN #79 - GASOLINE	642		(642)	0.00%	
002517-801	2010 RANGER #95-GASOLINE	1 258		(1 258)	0.00%	
002518-801	2011 GMC SIERRA #96-GASOLINE	1 469		(1 469)	0.00%	
002520-801	2017 WATER TRUCK -GASOLINE	139		(139)	0.00%	
002550-801	2008 DODGE #90 - MAINTENANCE/REPAIRS	1 037		(1 037)	0.00%	
002551-801	2011 DODGE #100 - REPAIRS/MAINT.	1 482		(1 482)	0.00%	
002553-801	2011 DODGE #101 - MAINT/REPAIRS	82		(82)	0.00%	
002554-801	2012 GMC SIERRA #98-MAINT/REPAIRS	353		(353)	0.00%	
002555-801	2007 DODGE 3500 #86 - MAINT/REPAIRS	1 049		(1 049)	0.00%	
002556-801	2006 GMC DUMP TRUCK #81 - MAINT/REPAIRS	3 332		(3 332)	0.00%	
002557-801	2007 DODGE 1500 #87 - MAINT/REPAIRS	1 269		(1 269)	0.00%	
002558-801	2007 DODGE 1500 #88 - MAINT/REPAIRS	395		(395)	0.00%	
002559-801	OLD WATER TRUCK-MAINTENANCE/REPAIRS	3 265		(3 265)	0.00%	
002563-801	2006 VAN #79 - MAINT/REPAIRS	783		(783)	0.00%	
002568-801	2010 FORD RANGER #95-MAINT/REPAIRS	824		(824)	0.00%	
002569-801	2011 GMC SIERRA #96 - MAINT/REPAIRS	32		(32)	0.00%	
002571-801	2017 WATER TRUCK-REPAIRS/MAINT	121		(121)	0.00%	
Total Exp		90 623	119 000	28 377	76.15%	117 000

2018 Operating Budget &
2019 Operating Budget

Equipment

2018 YTD- September					2019 Budget	
Actual	Budget	Var AB	Var AB %			
VEHICLES AND EQUIPMENT						
	44 176	51 500	7 324	85.78%	46 000	
Vehicles & Equipment						
	44 176	51 500	7 324	85.78%	46 000	
002228-901	GASOLINE & OIL	2 646	4 000	1 354	66.15%	4 000
002295-901	EQUIPMENT PURCHASE	7 680	15 000	7 320	51.20%	12 000
002296-901	EQUIPMENT MAINTENANCE	33 732	30 000	(3 732)	112.44%	30 000
002298-901	SMALL TOOLS/SHOP SUPPLIES	118	2 500	2 382	4.72%	
Total Exp						
	44 176	51 500	7 324	85.78%	46 000	

Report To: Board of Directors

Subject: NPCA Operating Park Financials 2012-2018

Report No: 11-19

Date: February 20, 2019

RECOMMENDATION:

That Report No. 11-19 **BE RECEIVED** for information.

PURPOSE:

To provide the NPCA Board of Directors with financial information respecting NPCA Operating Parks from the period covering 2012-2018.

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 detailed revenue and expenses for NPCA Operating Parks covering the years 2012-2018. This report and Appendix is for Board reference.

DISCUSSION:

Park operations were accounted for differently in 2012/13/14 compared to 2015/16/17/18. Items such as vehicle and equipment chargebacks, uniforms, banks charges have not been included in the amounts for years 2012/13/14 to demonstrate an 'apples to apples' comparison.

From a trending perspective, one can see the operating parks combined went from a net deficit of approx. \$430,000 in 2012 to a combined net contribution of \$280,000 in 2018 (unaudited).

Net contributions add to the overall financial health of the organization. The Audited net book value of total NPCA capital assets went from \$16,343,688 in 2012 to \$19,904,908 in 2017 (this takes into account accumulated depreciation of assets).

Further, it is important to note that the Auditor General of Ontario, after approx. 10 months of auditing all aspects of this organization, confirmed "no issues" with park operations (pg. 7 of AGO Special Audit of the NPCA Sept. 2018).

FINANCIAL IMPLICATIONS:

There are no financial implications with receiving this report for information.

RELATED REPORTS AND APPENDICES:

1. Appendix 1: Operating Park Financials 2012-2018

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.

Park Overview

Revenues & Expenditures

Park Operations	2012	2013	2014	2015	2016	2017	2018
Balls Falls							
Revenue	448,363	470,937	502,695	520,677	609,356	663,955	727,422
Expenditure	805,775	883,423	617,572	576,571	515,846	506,044	575,306
Binbrook							
Revenue	208,075	204,592	227,863	237,868	256,017	255,659	391,623
Expenditure	264,489	289,572	307,451	294,106	311,162	317,700	373,402
Chippawa Creek							
Revenue	286,547	274,728	310,870	310,211	329,686	381,443	368,723
Expenditure	274,638	262,530	308,948	300,770	336,000	334,339	347,234
Long Beach							
Revenue	318,396	311,317	343,261	372,177	420,021	423,360	448,024
Expenditure	255,362	255,716	293,069	346,083	353,734	374,578	381,872
St Johns							
Revenue	105,767	55,285	8,460	0	0	24,000	24,000
Expenditure	198,411	189,625	157,283	0	0	0	0
Revenues total	1,367,148	1,316,859	1,393,150	1,440,933	1,615,079	1,748,417	1,959,792
Expenditure total	1,798,674	1,880,866	1,684,324	1,517,531	1,516,742	1,532,662	1,677,814
Net (Contribution)	-431,527	-564,007	-291,174	-76,598	98,337	215,755	281,978

*Balls Falls includes Thanks giving & Christmas Program

**St John's negative contribution was offset by Niagara Special Levy (Land Acquisition).

*** 2018 is unaudited

Ball's Falls

Revenues	2012	2013	2014	2015	2016	2017	2018
Day Use	51,268.26	49,822.27	44,830.54	49,747.95	53,094.75	72,622.69	55,676.09
Camping	1,805.98	1,350.44	1,352.12	781.70	1,158.50	5,045.52	1,950.10
Seasons Passes	4,820.97	4,394.58	3,811.95	3,270.00	1,130.77	5,980.00	2,441.50
US Exchange	-0.02	451.40	52.64	121.84	117.02	80.18	91.81
Unspecified	44,439.50	60,613.27	7,335.27	27,471.24	47,177.33	3,643.88	12,635.20
Outdoor Ceremony						15,823.67	15,641.98
Barn Rental	49,920.49	54,568.49	60,557.58	78,051.73	135,894.39	130,139.75	163,719.00
Church Rental	33,592.72	32,564.27	50,901.90	41,313.82	36,939.46	25,397.63	13,415.77
Centre Rental		100.00	61,290.06	46,011.13	58,454.42	87,602.64	106,499.96
Retail Sales	11,784.28	12,880.99	9,456.94	7,946.84	6,151.31	7,229.14	4,869.26
Special Events							17,721.25
Self Pay	1,244.34	2,658.31	3,125.76	2,696.84	3,534.90	1,381.55	1,773.00
Grants- Seasonal Staff				6,828.00	5,130.00	8,115.56	5,574.74
Residence Rental	11,700.00	11,940.00	12,240.00	12,420.00	11,220.00		
Day Camps /Programming						31,688.47	83,234.24
Filming						21,034.96	22,650.01
Balls Falls Historical Park	61,564.04	43,337.81	32,527.66				
Balls Falls Christmas Program	1,490.00	4,587.87	3,424.82	6,975.31	8,615.61	1,856.25	
Thanksgiving Festival	174,732.22	191,667.76	211,788.07	237,040.45	240,737.60	246,312.91	219,528.00
Total Revenues	448,362.78	470,937.46	502,695.31	520,676.85	609,356.06	663,954.80	727,421.91
Expenditures							
Wages/Benefits	398,486.53	460,876.94	389,394.94	395,264.44	308,188.15	299,348.40	356,970.67
Parking Lot & Road Maintenance				1,171.07			
Grounds Maintenance	4,953.38	6,278.81	12,798.05	12,132.10	16,282.33	12,923.66	12,750.69
Building Maintenance	16,003.24	17,957.05	15,974.21	21,293.55	21,218.25	38,695.56	32,909.00
Miscellaneous	17.73	1,048.88	803.31	903.60	1,843.08	821.40	735.74
Special Events							6,919.41
Signs	9,610.74	9,779.13	9,799.48			569.86	204.30
Water System Maintenance	3,796.26	4,891.44	4,244.81	4,885.60	9,332.46	10,689.56	16,149.82
Sewage System Maintenance	2,984.30	1,283.83	1,573.47	5,781.45	3,124.16	4,345.72	4,021.79
Electrical Maintenance	446.40	2,723.32	2.33	325.23	6,567.94	2,372.08	1,950.52
Gasoline & Oil	1,994.37	2,723.32	1,968.30	2,378.66	1,306.97	2,614.80	3,632.78
Small Tools	238.51	472.23	130.73	577.32	893.83	387.17	1,243.06
Picnic Table Repairs							360.72
Washroom Supplies	1,503.63	2,176.59	2,422.52	4,295.60	4,122.29	4,638.45	4,378.04
Garbage Disposal	1,005.12	1,139.40	773.67	1,102.01	2,234.64	2,813.57	1,182.24
Residence Maimtenance	2,234.39	4,047.79	5,056.89	569.07	122.11	1,618.19	1,871.92
Printing & Office Supplies	7,214.89	7,515.66	6,992.35	7,009.99	4,026.58	2,077.37	3,759.04
Office Supplies & Equipment				1,009.45	2,035.12	2,905.58	3,146.23
Programming Expenses				981.06			
Retail Purchases	8,767.84	8,234.98	4,691.59	4,041.80	1,622.64	3,094.73	2,158.26
Balls Falls Historical Park	184,340.99	177,542.98	44,141.06				
Balls Falls Christmas Program	886.03	1,594.39	959.84	7,001.62	13,885.38	732.49	
Thanksgiving Festival	161,290.38	173,136.18	115,844.77	105,847.27	119,040.06	115,395.76	120,961.36
Total Expenditure	805,774.73	883,422.92	617,572.32	576,570.89	515,845.99	506,044.35	575,305.59
Net Contribution	-357,411.95	-412,485.46	-114,877.01	-55,894.04	93,510.07	157,910.45	152,116.32

Binbrook

Revenues	2012	2013	2014	2015	2016	2017	2018
Day Use	119,732.77	112,264.80	127,423.03	138,596.58	168,628.00	150,009.13	259,697.51
Seasons Passes	31,337.69	27,691.49	30,191.59	31,735.00	27,189.55	33,820.00	42,395.72
Unspecified	34,616.84	31,486.96	32,733.71	42,462.35	43,989.40	53,842.25	55,258.12
Retail Sales	17,320.82	26,855.31	29,905.43	16,267.90	11,275.78	7,393.65	6,359.34
Special Events	5,067.04	6,292.98	7,609.03	4,161.90	4,934.00	2,477.88	16,522.12
Grants Seasonal Staff				4,644.00		8,116.00	11,390.00
Total Revenues	208,075.16	204,591.54	227,862.79	237,867.73	256,016.73	255,658.91	391,622.81
Expenditures							
Wages/Benefits	221,903.65	243,457.08	245,293.76	233,727.04	247,699.18	257,326.87	292,445.47
Parking Lot & Road Maintenance	890.40	1,139.22	1,109.18	27.50			
Grounds Maintenance	1,489.81	1,192.20	6,309.41	9,312.29	9,667.39	8,450.10	13,923.20
Building Maintenance	3,963.97	6,711.41	3,785.68	3,937.20	4,534.51	14,513.49	14,946.66
Miscellaneous	152.64	4,897.87	4,560.84	2,843.95	2,942.86	2,101.35	152.64
Special Events							6,348.66
Signs	467.08	668.14	2,714.80	259.49	256.44		
Water System Maintenance	6,437.70	5,096.36	9,743.52	7,296.11	14,838.55	5,593.81	12,764.65
Sewage System Maintenance	6,429.24	5,791.16	10,443.15	12,162.99	11,929.98	16,135.12	15,362.19
Electrical Maintenance						58.41	82.43
Gasoline & Oil	2,062.87	2,471.81	3,224.82	2,852.62	2,013.62	3,316.64	4,214.34
Small Tools	205.78	790.97	1,895.74	1,180.58	1,066.42	486.19	142.78
Picnic Table Repairs	1,614.61	1,526.40	2,543.86	2,005.02	2,307.30	1,623.03	
Washroom Supplies	1,670.34	1,848.43	2,083.29	2,345.29	2,568.86	2,332.68	3,070.90
Garbage Disposal	3,069.14	2,480.29	2,236.48	3,258.33	2,949.92	2,807.33	2,927.86
Printing & Office Supplies	3,632.00	4,221.81	3,146.67	2,632.25	2,781.77	621.73	2,133.43
Retail Purchases	10,499.80	7,278.76	8,360.07	10,265.75	5,605.48	2,333.33	4,887.05
Total Expenditure	264,489.03	289,571.91	307,451.27	294,106.41	311,162.28	317,700.08	373,402.26
Net Contribution	-56,413.87	-84,980.37	-79,588.48	-56,238.68	-55,145.55	-62,041.17	18,220.55

Chippawa Creek

Revenues	2012	2013	2014	2015	2016	2017	2018
Day Use	13,150.54	14,742.42	13,015.71	10,252.62	15,424.01	14,241.35	19,946.43
Camping	238,756.23	229,772.43	257,337.83	269,790.17	285,529.10	330,115.46	313,684.56
Seasons Passes	5,327.52	5,436.15	5,901.24	1,605.00	356.00	1,729.00	2,707.00
Ice	5,804.86	4,470.98	3,638.08	4,337.50	5,055.08	5,442.50	4,546.40
Firewood	4,572.82	3,699.80	3,508.03	5,711.48	2,237.28	6,805.86	5,070.94
US Exchange	-2.81	2.24		3.14	29.76	10.25	15.65
Unspecified	10,750.77	3,746.74	14,906.96	7,644.60	5,215.63	8,105.09	10,153.31
Retail Sales	7,468.62	12,034.11	9,425.26	7,266.65	7,738.71	6,877.99	5,984.39
Bass Derby Registration	718.59	823.01	3,136.90				
Grants Seasonal Staff				3,600.00	8,100.00	8,115.67	6,614.26
Total Revenues	286,547.14	274,727.88	310,870.01	310,211.16	329,685.57	381,443.17	368,722.94
Expenditures							
Wages/Benefits	214,259.69	205,223.60	242,396.05	249,716.47	279,186.56	279,421.42	289,881.81
Parking Lot & Road Maintenance	1,116.21	124.37	1,731.49		752.01		
Grounds Maintenance	2,204.33	730.35	2,230.63	3,642.32	9,379.94	4,644.97	4,940.23
Building Maintenance	2,068.16	3,139.40	2,904.16	2,731.28	2,743.36	3,513.23	2,945.24
Miscellaneous	1,471.13	3.20	1,420.77	1,223.02	1,090.62	1,293.42	1,311.69
Signs	1,315.45	740.30	501.17	366.34	50.88		
Water System Maintenance	14,487.36	12,344.28	15,355.73	16,411.93	12,602.57	14,803.33	15,148.09
Sewage System Maintenance	7,097.41	8,200.46	6,911.39	5,605.86	9,312.59	6,961.41	11,509.71
Electrical Maintenance	1,094.58	723.82	927.25	586.13	2,182.93	947.83	948.24
Gasoline & Oil	852.27	3,129.87	1,966.62	2,776.16	2,738.62	2,742.64	3,240.08
Small Tools	647.04	586.84	247.46	172.38	955.45	404.94	310.32
Picnic Table Repairs	1,106.96	1,366.71	1,271.84	830.89	323.85	711.25	
Washroom Supplies	1,726.99	1,599.86	1,709.91	1,485.95	2,324.55	1,913.05	2,214.96
Ice	2,366.10	1,322.10	1,897.45	1,826.85	2,165.05	2,354.00	2,050.20
Firewood	2,572.49	3,303.12	4,479.98	4,997.35	1,703.21	4,540.00	3,805.00
Garbage Disposal	2,828.21	3,703.87	4,190.18	4,092.58	2,861.20	2,747.95	1,995.71
Aquatic Weed Control	549.18		202.50				
Bass Derby	768.11	598.24	851.94	54.36	981.53	895.01	901.34
TV & Movie Rental			61.03				
Activities-Supplies	846.25	186.20	216.02	99.47	275.87	310.42	466.86
Mat/Supplies - Trail Mtce	457.82		886.71				
Printing & Office Supplies	6,259.88	9,322.54	10,755.07	799.81	1,093.63	1,450.78	1,213.04
Retail Purchases	8,541.88	6,180.64	5,833.12	3,350.65	3,275.75	4,683.33	4,351.37
Total Expenditure	274,637.50	262,529.77	308,948.47	300,769.80	336,000.17	334,338.98	347,233.89
Net Contribution	11,909.64	12,198.11	1,921.54	9,441.36	-6,314.60	47,104.19	21,489.05

Long Beach

Revenues	2012	2013	2014	2015	2016	2017	2018
Day Use	17,752.73	14,210.89	13,134.31	12,256.62	11,282.07	5,907.99	18,415.26
Camping	270,583.73	267,081.83	292,358.33	306,728.42	341,242.49	340,873.35	378,292.85
Seasons Passes	3,748.00	3,720.00	3,905.62	1,059.10	1,026.00	976.56	768.85
Ice	5,394.66	4,841.61	5,321.95	5,029.31	5,815.28	6,541.50	5,721.37
Firewood	2,730.16	5,179.02	6,234.63	5,458.37	1,703.59	5,135.65	4,230.31
US Exchange	-108.33	6.90			6.15		
Unspecified	14,050.23	11,359.51	16,575.47	6,299.33	13,759.66	15,107.54	13,421.83
Retail Sales	4,244.74	4,917.17	5,731.14	4,375.52	4,385.37	4,605.08	4,820.91
WiFi User Fees				1,146.96		159.30	
Grants Seasonal Staff				4,500.00	10,800.00	8,115.67	7,977.74
Wainfleet Beach Access Revenue				25,323.18	30,000.00	35,937.50	14,375.00
Total Revenues	318,395.92	311,316.93	343,261.45	372,176.81	420,020.61	423,360.14	448,024.12
Expenditures							
Wages/Benefits	197,556.64	211,676.98	237,391.83	269,429.59	286,384.05	279,499.46	288,781.90
Parking Lot & Road Maintenance	2,046.27	992.32	1,913.84	820.45			
Grounds Maintenance	2,634.28	2,332.67	3,386.34	18,553.64	9,752.00	9,370.34	11,418.48
Building Maintenance	1,623.81	3,165.89	2,977.09	1,723.52	6,078.85	4,148.66	15,627.79
Miscellaneous	1,564.63	265.07	400.88	109.09	647.67	2,284.05	2,086.85
Signs	1,827.54	852.42	610.56	122.11	50.88		
WiFi Bandwidth Fee				620.49			
Water System Maintenance	14,759.14	6,944.14	9,537.76	12,776.21	16,958.23	35,419.19	24,707.11
Sewage System Maintenance	5,455.29	3,329.10	6,252.02	9,561.07	5,638.67	9,413.94	7,076.48
Electrical Maintenance	1,149.82	475.74	1,592.17	390.74	4,468.06	15,219.72	7,969.78
Gasoline & Oil	1,931.05	1,836.33	783.79	1,854.81	2,687.71	1,764.49	2,124.57
Small Tools	1,103.25	624.11	483.95	550.05	1,459.77	847.49	1,592.05
Picnic Table Repairs	1,116.56	309.12	595.33	6,883.88		1,061.35	1,121.65
Washroom Supplies	2,232.14	2,587.76	2,737.36	4,884.78	6,058.65	2,494.00	6,410.34
Ice	1,827.90	1,107.00	2,333.20	2,245.80	2,274.30	2,050.00	1,650.36
Firewood	1,929.37	3,303.11	4,479.99	4,900.00	1,703.21	3,515.00	1,850.00
Garbage Disposal	3,768.07	4,452.58	4,039.75	4,464.39	3,856.95	3,466.93	2,972.95
TV & Movie Rental	87.46		46.49				
Activities-Supplies	381.83	190.62	583.48	495.61	698.71	302.30	613.06
Printing & Office Supplies	8,786.76	8,145.16	8,360.99	2,944.51	1,182.25	644.18	2,766.03
Retail Purchases	3,579.86	3,126.21	4,562.51	2,752.74	3,834.02	3,077.31	3,102.61
Total Expenditure	255,361.67	255,716.33	293,069.33	346,083.48	353,733.98	374,578.41	381,872.01
Net Contribution	63,034.25	55,600.60	50,192.12	26,093.33	66,286.63	48,781.73	66,152.11

St. Johns

Revenues	2012	2013	2014	2015	2016	2017	2018
Jackman Foundation	80,000.00	40,000.00	0				
Other	25,766.72	15,285.40	8,460.00			24,000.00	24,000.00
Total Revenues	105,766.72	55,285.40	8,460.00			24,000.00	24,000.00
Expenditures							
Wages/Benefits	153,016.90	130,408.41	93,572.00				
Materials & Supplies	42,429.52	48,345.74	51,222.47				
Contractor Services	90.04		11,925.51				
Consulting Services	2,874.87	10,871.10	82.26				
Equipment/Vehicle Chargebacks			480.26				
Total Expenditure	198,411.33	189,625.25	157,282.50				
Net Contribution	-92,644.61	-134,339.85	-148,822.50	0.00	0.00	24,000.00	24,000.00

*Negative contribution is offset from Niagara Special Levy (Land Acquisition)

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.

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

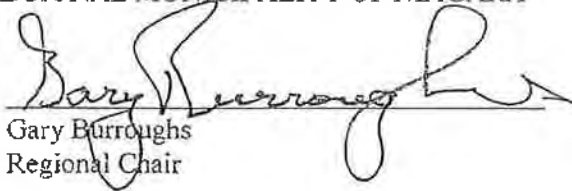
is submitted to Regional Council for approval.

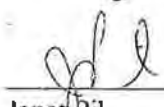
6. The Parties agree that this Memorandum acknowledges the Past Capital Levies that have been funded by the Region for the benefit of NPCA to December 31, 2012 and which form part of the NPCA Total Levy to the Region. The Parties agree that this Memorandum is intended to record the arrangement that has 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.

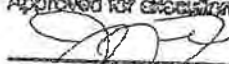
THE REGIONAL MUNICIPALITY OF NIAGARA

Per:


Name: Gary Burroughs
Title: Regional Chair


Name: Janet Pilon
Title: Regional Clerk

Approved for execution



The Regional Municipality of Niagara
Legal Services

We have authority to bind the Corporation

Dated at Welland, this 31st day of December, 2012.

NIAGARA PENINSULA CONSERVATION AUTHORITY

Per:


Name: Tony Damario
Title: CAO/ Secretary Treasurer

I/We have authority to bind the Corporation



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

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

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 chose to debenture the amount so levied

74-2003-10-CA

89-2004-10-CA

61-2005-10-CA

57-2006-10-CA

72-2007-10-CA

61-2008-10-CA

61-2009-10-CA

73-2010-10-CA

AND WHEREAS the Parties wish to provide for the proper accounting of the resulting debenture 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 equivalent to the debenture interest and principal due for the current year. Such levy shall continue until the current debt as of December 31, 2012, being, \$7,512,782.90 is retired.
2. 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"
3. The NPCA will record the NPCA Share as a debt on its annual Financial Statements.
4. The Region acknowledges that the 2012 debenture payment of \$1,628,851.96 is included in the NPCA's base budget in 2012 and will continue to be used in subsequent budgets for the purposes of determining NPCA's future years' guidance for target % change as set by the Region from time to time.

5. 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 dealing with NPCA levies of a Capital nature.
6. 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.
7. The Parties agree to meet and discuss the payments upon either party requesting such an opportunity.



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:

A handwritten signature in black ink, appearing to read "Tony D'Amario".

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

Debt By-Law	Debt 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	637,000.00
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	66,883.83
Total for N.P.C.A.				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

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

PIZINAR.

Project Id	2014			2015			2016			2016			2016 Debt Balance
	Principal	Interest	Debt Charges	Principal	Interest	Debt Charges	Principal	Interest	Debt Charges	Principal	Interest	Debt Charges	
57-2006-10-CA	219,000.00	17,411.50	236,411.50	229,000.00	23,873.00	252,873.00	239,000.00	12,308.50	251,308.50	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	3,393.53	161,232.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00
61-2008-10-CA	249,000.00	64,009.98	313,009.98	261,000.00	52,929.48	313,929.48	855,000.00	40,923.48	312,923.48	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	234,000.00	55,444.50	289,444.50	1,032,000.00	46,435.50	287,435.50	241,000.00	46,435.50	287,435.50	790,000.00
72-2007-10-CA	219,576.79	47,810.38	267,387.17	230,567.20	36,831.56	267,398.76	496,255.70	25,187.94	267,255.64	242,067.70	25,187.94	267,255.64	254,088.00
73-2010-10-CA	169,492.78	52,480.02	221,972.80	176,526.74	46,419.40	222,946.14	598,794.44	39,612.66	223,465.25	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	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	0.00
Total for N.P.C.A.	1,304,448.39	258,684.71	1,563,133.10	1,288,932.46	218,891.47	1,507,823.93	3,621,050.14	164,468.08	1,342,388.37	1,177,920.29	164,468.08	1,342,388.37	2,443,129.85

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

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



**NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA)
CAO SELECTION COMMITTEE
MEETING MINUTES**

Wednesday, January 30, 2019
3:00 p.m.
West Lincoln Municipal Offices
318 Canborough St., Smithville, ON

MEMBERS PRESENT:

D. Bylsma (Chair)
P. Chiocchio
D. Huson (Vice-Chair)
B. Johnson (Committee Vice-Chair)
B. Steele (Committee Chair)

MEMBERS ABSENT:

T. Insinna

STAFF PRESENT:

D. Barrick, Interim Chief Administrative Officer/Secretary Treasurer
K. Caputo, Director, Administration & Communications (Designated Clerk)
E. Gervais, Procurement Specialist
M. Reles, Senior Manager, Communications

The Board Chair called the meeting to order at 3:02 p.m.

1. 1. SELECTION OF CHAIR/VICE-CHAIR

The Board Chair welcomed all to the meeting and opened the floor for suggestions for Chair and Vice-Chair of the CAO Selection Committee.

Resolution No. SC-01-19
Moved by Member Huson
Seconded by Member Chiocchio

That members Steele and Johnson **BE APPOINTED** as Chair and Vice-Chair of the CAO Selection Committee.

CARRIED

2. ADOPTION OF AGENDA

2.1 Addition of Items

There were no additional items.

2.2 Change in Order of Items

There were no changes in the order of items.

2.3 Motion to adopt Agenda

Resolution No. SC-02-19

Moved by Member Johnson

Seconded by Member Huson

That the agenda **BE ADOPTED** as presented.

CARRIED

3. DECLARATION OF INTEREST

There were no declarations of interest.

4. PRESENTATIONS (and/or Delegations)

There were no presentations.

5. BUSINESS FOR INFORMATION

5.1 CAO Job Description (2017)

Members discussed changing the preferred amount of experience to 10 years from seven, and added the preferred candidate would have experience in watershed management or environmental education.

5.2 CAO Job Posting (2017)

The committee discussed handing the job posting responsibilities to a search firm, which would be discussed later in the meeting.

Resolution No. SC-03-19

Moved by Member Bylsma

Seconded by Member Johnson

That the CAO Job Description and CAO Job Posting **BE RECEIVED** for information and amended.

6. BUSINESS FOR CONSIDERATION

6.1 NPCA CAO Selection Committee DRAFT Terms of Reference

The Committee revised the Terms of Reference to remove specific staff and the end date of the Selection Committee will be dissolved.

Resolution No. SC-04-19
Moved by Member Johnson
Seconded by Member Huson

That the NPCA CAO Selection Committee Terms of Reference **BE APPROVED** as amended.

CARRIED

6.2 Process to select HR/Executive Recruitment firm

The Committee supported the draft RFP in principle with minor changes. Staff recommended posting the RFP by the end of the week, which was supported by the committee.

Resolution No. SC-05-19
Moved by Member Johnson
Seconded by Member Chiocchio

That the HR/Executive Recruitment firm RFP **BE APPROVED** as amended, and issued by Friday, February 1, 2019.

CARRIED

6. NEW BUSINESS

There were no new business items.

7. ADJOURNMENT

There being no further business, the CAO Selection Committee meeting adjourned 4:23 p.m. with the following resolution;

Resolution No. SC-06-19
Moved by Member Chiocchio
Seconded by Member Johnson

That the CAO Selection Committee Meeting **BE NOW ADJOURNED**.

CARRIED

Bill Steele
CAO Selection Committee Chair,

Krystle Caputo
Designated Clerk



**NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA)
GOVERNANCE COMMITTEE
MEETING MINUTES**

Monday, February 4, 2019
5:00 p.m.
West Lincoln Municipal Offices
318 Canborough St., Smithville, ON

MEMBERS PRESENT: D. Bylsma (Chair)
B. Clark (Committee Chair)
R. Foster (Committee Vice-Chair)
D. Huson (Vice-Chair)
R. Shirton

MEMBERS ABSENT: none

STAFF PRESENT: D. Barrick, Interim Chief Administrative Officer/Secretary Treasurer
K. Caputo, Director, Administration & Communications (Designated Clerk)
G. Furtney, Interim Senior Director, Corporate Resources
D. MacKenzie, Director, Watershed Management
M. Reles, Senior Manager, Communications

The Board Chair called the meeting to order at 4:59 p.m.

1. SELECTION OF CHAIR/VICE-CHAIR

The Board Chair welcomed all to the meeting and opened the floor for suggestions for Chair and Vice-Chair of the Governance Committee.

Resolution No. GC-01-19
Moved by Member Shirton
Seconded by Member Huson

That members Clark and Foster **BE APPOINTED** as Chair and Vice-Chair of the Governance Committee respectively.

CARRIED

2. ADOPTION OF AGENDA

2.1 Addition of Items

Committee Chair Clark added revisions to Per Diems and Freedom of Information Policies to the Business for Consideration

2.2 Change in Order of Items

There were no changes in the order of items.

2.3 Motion to adopt Agenda

Resolution No. GC-02-19

Moved by Member Huson

Seconded by Member Bylsma

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

CARRIED

3. DECLARATION OF CONFLICT OF INTEREST

There were no declarations of conflict of interest.

4. PRESENTATIONS (and/or Delegations)

There were no presentations.

5. BUSINESS FOR INFORMATION

- 5.1 NPCA Report 57-17-Strategic Plan (2014-2017) Assessment– next steps
- 5.2 Evidence Based Progress Evaluation of 2014-2017 Strategic Plan
- 5.3 Auditor General of Ontario Special Audit of NPCA (2018)
- 5.4 Auditor General Recommendations Implementation Status
- 5.5 NPCA 2018-2021 Strategic Plan
- 5.6 NPCA Scorecard (KPI's)
- 5.7 NPCA Administrative By-Law
- 5.8 Conservation Authorities Act
- 5.9 NPCA Policy Manual
- 5.10 NPCA Organization Chart
- 5.11 NPCA Committees (including respective Terms of Reference)

Resolution No. GC-03-19

Moved by Member Huson

Seconded by Member Foster

That items 5.1 – 5.11 **BE RECEIVED** for information and **BE PROVIDED** to the Full Authority Board.

6. BUSINESS FOR CONSIDERATION

6.1 NPCA Governance Committee DRAFT Terms of Reference

The Committee revised the Terms of Reference to change meeting dates, agenda distribution, and other recommendations by Chair Clark.

Resolution No. GC-04-19
Moved by Member Foster
Seconded by Member Bylsma

That the NPCA Governance Committee Terms of Reference **BE APPROVED** as amended.

CARRIED

6.2 Administrative By-Law: Per Diems

The Committee supported changes to the per diem language in the NPCA Administrative By-Law. The By-Law was revised to add to the Clerk's responsibilities to ensure members are in compliance, and to clearly state honourarium rates as approved by the Full Authority Board.

Resolution No. GC-05-19
Moved by Member Bylsma
Seconded by Member Huson

That the NPCA Administrative By-Law **BE AMENDED** as follows:

Changes in Definition section

~~"Per Diem" means a per diem rate is the~~ **daily rate** ~~established by the board that applies to the Chair, Vice-Chair and Board Members for service to the Authority in attendance at Authority Board Meetings and Standing Committee meetings, or other such meetings as previously approved by the board. and at such other business functions as may be from time to time requested by the Chair, through the Chief Administrative Officer. A per diem will be paid for each separate meeting attended.~~

Changes in Section B Governance

5. Honourarium, Per Diems, Expenses and Mileage

5.1 The Authority shall establish an honourarium rate from time to time and this rate will apply to the Chair and Vice-Chair.

5.2 The Authority shall establish a per diem rate from time to time and this rate will apply to the Chair, Vice-Chair and Board Members for service to the Authority in attendance at Authority Board meetings, Standing Committee meetings, Source Protection Authority meetings ~~and at such other business functions as may be from time to time requested by the Chair, through the Chief Administrative Officer. or other such meetings as previously approved by the board.~~

5.3 ~~A per diem will be paid for each separate meeting attended.~~ **The per diem rate is the daily rate** established by the board that applies to the Chair, Vice-Chair and Board Members for service to the Authority in attendance at Authority Board Meetings, Standing Committee meetings, Source Protection Authority meetings or other such

meetings as previously approved by the board.

5.4 The Chair, Vice-Chair and Board Members will be responsible for advising **filing claims with** the Executive Assistant to the Board of any per diems and mileage incurred for other than Full Authority Board Meetings or Source Protection Authority Meetings, within 30 days of the per diem or mileage being incurred.

5.5 The Authority will reimburse Board Members' travel expenses incurred for the purpose of attending meetings and/or functions on behalf of the Authority. Mileages are based on the Board Member's principle residential address in the municipality they represent.

5.6 On February 6, 2017, the Ontario Municipal Board approved the current honourarium to be set at \$6,663.08 for the Chair and \$1,299.66 and per diem to be set at \$73.58 paid to members attending authority meetings to be set at \$73.58.

~~NOTE: On March 7, 2013 the Ontario Municipal Board approved the per diem paid to Members "per meeting".~~

CARRIED

6.2 Administrative By-Law: Freedom of Information

The Committee supported the formation of a Freedom of Information Committee which would act as the Head of the organization for the purposes of fulfilling the requirements under the Municipal Freedom of Information and Protection of Privacy Act.

Resolution No. GC-06-19

Moved by Member Shirton

Seconded by Member Foster

That appointments to the Freedom of Information Committee **BE ADDED** to the February 20, 2019 Full Authority Board Meeting, and;

That the NPCA Administrative By-Law **BE AMENDED** as follows:

Changes to Freedom of Information

5. Freedom of Information and Protection of Privacy

~~5.1 The Authority members shall be governed, at all times, by the provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).~~

~~5.2 In the instance where a member vacates their position on the Authority Board they will continue to be bound by MFIPPA requirements.~~

Insert the following:

5.1 The Board of Directors will adopt and supports key principles and

policies providing Access by Design and Privacy by Design.

5.2 **Access by Design** policies will promote the view that government-held information retained by the NPCA should be routinely made available to the public, and that any exceptions should be limited, specific and in accordance with any permissible exemptions as outlined in MFIPPA when necessary.

5.3 **Privacy by Design** policies will provide the maximum degree of privacy by ensuring that personal data is automatically protected in any given IT system or business practice at the NPCA in full compliance with MFIPPA, as well as the Personal Information Protection and Electronic Documents Act (PIPEDA).

5.4 The Board of Directors shall appoint an **MFIPPA Review Committee** consisting of three board members to ~~as~~ Head of the Institution ~~as pursuant to~~ the MFIPPA.

5.5 The Board of Directors in consultation with the CAO will appoint a staff person as Freedom of Information Co-ordinator for the purposes of receiving, reviewing, responding **and making recommendations to the MFIPPA Review Committee** in order to comply with the Municipal Freedom of Information and Protection of Privacy Act.

5.6 ~~The Board of Directors will appoint three board members to serve as the~~ **The MFIPPA Review Committee** **with the assistance of the FOI Coordinator**, will ~~assist the review and~~ **make decisions** on FOI requests and/or privacy concerns in full compliance with MFIPPA and PIPEDA. ~~and report to the Head of the Institution.~~

5.7 The MFIPPA Review Committee will present an annual report to the Board of Directors on FOI requests, committee decisions, appeals, and IPC decisions

CARRIED

7. NEW BUSINESS

The committee discussed the need for the several other committees of the Board that exist and requested that those be reviewed at the next Governance Committee meeting.

The committee also expressed their desire to examine the Conflict of Interest guidelines at the next committee meeting.

8. ADJOURNMENT

There being no further business, the Governance Committee meeting adjourned 6:30 p.m. with the following resolution;

Resolution No. GC-07-19
Moved by Member Bylsma
Seconded by Member Fioster

That the Governance Meeting **BE NOW ADJOURNED.**

CARRIED

Brad Clark
Governance Committee Chair,

Krystle Caputo
Designated Clerk

DRAFT



NPCA Governance Committee Meeting

Monday February 4, 2019

5:00 pm

318 Canborough St., Smithville, ON

West Lincoln Municipal Offices

A G E N D A

- 1. SELECTION of NPCA Governance Committee Chair and Vice-Chair**
- 2. ADOPTION OF AGENDA**
 - 2.1 Addition of items
 - 2.2 Change in order of items
 - 2.3 Adopt Agenda
- 3. DECLARATION OF CONFLICT OF INTEREST**
- 4. PRESENTATIONS (and/or Delegations)**
 - 4.1 None
- 5. BUSINESS FOR INFORMATION**
 - 5.1 NPCA Report 57-17-Strategic Plan (2014-2017) Assessment– next steps
 - 5.2 Evidence Based Progress Evaluation of 2014-2017 Strategic Plan
 - 5.3 Auditor General of Ontario Special Audit of NPCA (2018)
 - 5.4 Auditor General Recommendations Implementation Status
 - 5.5 NPCA 2018-2021 Strategic Plan
 - 5.6 NPCA Scorecard (KPI's)
 - 5.7 NPCA Administrative By-Law
 - 5.8 Conservation Authorities Act
 - 5.9 NPCA Policy Manual
 - 5.10 NPCA Organization Chart
 - 5.11 NPCA Committees (including respective Terms of Reference)
- 6. BUSINESS FOR CONSIDERATION**
 - 6.1 NPCA Governance Committee DRAFT Terms of Reference
 - 6.2 NPCA Board Member Per Diem Policy Recommendations
 - 6.3 NPCA Freedom of Information (FOI) Process Recommendations
- 7. NEW BUSINESS**
- 8. ADJOURNMENT**

Report To: Board of Directors

Subject: NPCA Strategic Plan Assessment– next steps

Report No: 57-17

Date: May 17, 2017

RECOMMENDATION:

That Report No. 57-17 be RECEIVED for information.

That the NPCA Board ENGAGE Performance Concepts to proceed with an Operational Assessment of the current Strategic Plan as outlined in this report.

That the NPCA Board APPROVE the Strategic Planning Committee DRAFT Terms of Reference (Appendix 5). Further, that the Chair, Vice Chair and three Board Members (_____, _____, _____) be appointed to the Committee.

PURPOSE:

At its April 21, 2017 Board of Directors meeting, staff was directed, *“to report back to the Board on how to proceed with an Operational Assessment of the current Strategic Plan.”* The purpose of this report is for the Board to consider next steps in assessing the implementation of its 2014-2017 Strategic Plan and to begin formulating a framework in the development of its next Strategic Plan for 2018 and beyond.

This report aligns with the 2014-2017 Strategic Plan under, ‘Transparent Governance & Enhanced Accountability,’ specifically, ‘develop improved transparency.’

BACKGROUND:

Preliminary Workplan & Situation Analysis (2010-12)

In 2010 the NPCA embarked on the process of developing a Strategic Plan to guide the organization into the future. Todd MacDonald of Performance Concepts was engaged to carry out the work following an RFP.

A committee of the Board was formed and worked with Mr. MacDonald in the early phase to engage stakeholders in order to gain an understanding of how the NPCA was viewed through internal and external consultation processes. Comprehensive internal consultations with the Board, Management, HQ staff and field staff were held to establish strengths, weaknesses & strategic change priorities

In the fall of 2011, a number of public consultation sessions were held and were well attended by various members of the public. These consultation opportunities with the agricultural sector, dedicated environmentalists, the development industry and especially the general public, were incredibly important to the NPCA Board and senior staff. Valuable insights were gained about the NPCA's strengths, weaknesses and the necessary 'change' pathway going forward. It was understood that carefully considered change was necessary.

The result of this third party consultation confirmed NPCA problems (see Appendix 1 for 2011 NPCA Situation Analysis/Environmental Scan) and began to chart a course for change.

Working Groups Change Plan (2012-13)

The NPCA turned inwards and took a hard look at its operations, policy framework and future priorities.

The next phase of the Strategic Planning process involved a more in-depth evaluation of the NPCA's lines of business with a focus on identifying opportunities for performance improvements. This part of the process looked at operations incorporating 5 basic themes which comprise the basis of the NPCA's operations.

With these themes in mind, working Groups consisting of a balanced cross-section of watershed stakeholders, technical experts and the general public were formed to address the five performance improvement themes identified above. Members of the NPCA Board Sub-Committee on Strategic Planning chaired these five Working Groups. These Working Groups generated meaningful discussions and recommended the necessary changes needed to create significant performance improvement opportunities for the NPCA. The Working Groups themes and members were:

Governance and Accountability Working Group, chaired by Brian Baty

This group was to set criteria for measuring the success of business operations, including a redesign of the budget process in order to reward successful results-based performance. These individuals were to consider programs to help encourage and preserve public use of lands in order to increase revenues used to maintain park facility assets. The following people were invited to comprise the Governance and Accountability Working Group:

Steve Hardaker
Ken Milo
Dan Bouwman
Robert W.P. Welch
Kevin Graham
Albert Witteveen
Bryan Boles

Effective Communication with Stakeholders and Public, chaired by April Jeffs

This group engaged major stakeholders from throughout the community in order to address customer and community concerns. They reviewed the layout of the administrative facilities and make recommendations pertaining to operational efficiency. These individuals also conducted a 3rd party review of communications and investigate the applicability of online social media to

improve NPCA profile. The following people were invited to comprise the Effective Communication with Stakeholders and Public:

Debbie Whitehouse
Mark Hardwick
Doug Draper
Richard F. Brady
Damian Goulbourne
Nina Secord DiLorenzo
Peter Conradi
Klara Young-Chin

Effective NPCA Model to Set Policy & Establish Priorities, chaired by Bruce Timms

This group conducted a detailed Board policy review exercise to ensure policy frameworks reflect perspectives on conservation/economic development. These individuals also conducted brainstorming workshops to develop organizational processes. The following people were invited to comprise the Effective NPCA Model to Set Policy and Establish Priorities Working Group:

Ron Tripp
George Lepp
J.D. Pachereva
Mark Neufeld
Martin Heikoop
Lisa Campbell
Doug Whitty
Ed Lustig
Frank Scremin

Improving Development Process Performance, chaired by Carmen D'Angelo

This group conducted a 3rd party evidence based business process re-engineering review of the NPCA development and permit approvals process. These individuals also conducted an organizational structure review in order assess resource adequacy and service delivery. The following people were invited to comprise the Improving Development Process Performance Working Group:

Drew Semple
Peter Graham
Jonathan Whyte
Mario D'Uva
Ken Gonyou
Kathleen Dale
Peter Colisimo

NPCA Assets and Asset Management, chaired by Bart Maves

This group reviewed NPCA land acquisition policies and strategies in order to balance life-cycle responsibilities with the capital budget process. These individuals implemented a best practices review of land program delivery model and processes. The following people were invited to comprise the NPCA Assets and Asset Management Working Group:

Len Pennachetti
Rainer Hummel
Mark Green
Phil Ritchie
Victor F. Muratori
Mary Lou Tanner
Austin Kirkby
Ken Todd

Aligning with the priorities of the public - Strategic Plan Approved (2014)

The recommendations forwarded by the 5 Working Groups helped form the 'Draft' Strategic Plan. Further public consultations were conducted on the Draft Strategic Plan. The comments received through those public consultations were considered and a Final Draft was developed. That Final Draft was presented to the NPCA Board of Directors (public was invited in order to create another opportunity for comment) February 19, 2014 and approved (see Appendix 2-NPCA Strategic Plan 2014-2017).

Upon Board approval of the Strategic Plan, the Community Liaison Advisory Committee was created and staff engaged in a series of presentations to levy member municipalities, lower tier municipalities, stakeholders, business groups, other public agencies, 'Friends of' groups, etc. to outline the highlights of the plan. Further, the Strategic Plan contains the first ever Mission, Vision and Values of the corporation and has forty-two (42) deliverables.

DISCUSSION:

The NPCA Board has received updates of the 42 deliverables as identified in the 2014 – 2017 NPCA Strategic Plan, with the most recent update being October 2016 (see Appendix 3). As the current Strategic Plan ends its cycle this year, the Board has sought to proceed with an assessment of the current Strategic Plan with the intention to use that information to for its next Strategic Planning cycle.

As Performance Concepts was retained to support/advise the NPCA in the design & execution of its strategic plan, the Board's request to assess the implementation of that plan, as per the Consultant Selection Policy, *"is a subsequent phase of a previous project and it is in the best interest of the project to continue or complete the subsequent phases utilizing the same consultant."* Therefore, in line with the Consultant Selection Policy, the Board may directly appoint Performance Concepts to undertake the assessment.

In preparation of this report, Performance Concepts was contacted to attain additional background information on the formation of the current Strategic Plan as well as to advise of the Board's option to retain additional services with respect to the assessment of its implementation. Todd MacDonald of Performance Concepts understands that looking back is critical to

completing the 2014-2017 Strategic Planning cycle and completing the 2014 cycle is the necessary precursor to initiating the 2018 cycle. Therefore, he has prepared a workplan for the Board's consideration (see Appendix 4 - Consolidating Progress & Embracing Change).

In essence, Performance Concepts offers the following workplan to conduct the assessment:

1. Map out/confirm the timelines of evidence-based accomplishments (2014–Present) against the Strategic Plan commitments (5 streams).
2. Execute facilitated listening sessions with NPCA Board members to assess change management accomplishments & identify ongoing challenges.
3. Execute facilitated listening sessions with NPCA frontline staff & Management Team to assess change management accomplishments & identify ongoing challenges.
4. Execute facilitated listening sessions with development/municipal/other stakeholders RE: NPCA accomplishments, culture, accountability tools etc.
5. Independent review of Key Performance Indicator data trends versus targets – integrate data driven trends with other streams of proposed work.
6. Review NPCA organization design & management/control systems...how far have they evolved? Do they meet province-wide peer standards?
7. Create 2014-17 Strategic Planning cycle conclusion report for NPCA Board. Conduct facilitated workshop to position NPCA Board for 2018-21 cycle:
 - a. Identify carry-forward issues from 2014 cycle to feed into new Situation Analysis
 - b. Consider refinements to the go-forward strategic planning model/methodology/resourcing strategy (based on evaluation of 2014-17 cycle)

Staff recommend engaging Performance Concepts to conduct the Strategic Plan implementation assessment as it is a subsequent phase of a previous project. If approved, Performance Concepts can initiate the workplan immediately and be completed by early to mid-September. With an assessment completed by September 2017, the Board would then have the opportunity to consider how it would like to proceed with moving forward on the formulation of its next Strategic Plan, to be in place for 2018.

Staff recommend the Board approve a DRAFT Terms of Reference to set up an ad hoc Strategic Planning Committee (see Appendix 5). This committee could then work with Performance Concepts on the 2014-2017 Strategic Plan assessment and begin making recommendations to the Board on next steps in the formulation of a new Strategic Plan – ensuring the process is Board driven.

Other Options

The Board has the option to have staff initiate a Strategic Plan assessment. However, staff have limited resources and the Board should be aware of the possible perception of staff reviewing, in essence, its own work.

The Board further has the option to begin an RFP process to look at engaging another consultant to do the work. However, timing is a consideration especially taking into account a recent similar RFP process was unsuccessful.

The Board can choose not to set up a Strategic Planning Committee or may amend the DRAFT Terms of Reference in any way.

FINANCIAL IMPLICATIONS:

The cost to retain Performance Concepts for the 2014-2017 Strategic Plan operational assessment is \$48,000 (+ HST) and falls within the approved 2017 budget; specifically within the consultant budget allocation for Corporate Services.

RELATED REPORTS AND APPENDICES:

Appendix 1 - 2011 NPCA Situation Analysis/Environmental Scan

Appendix 2- NPCA Strategic Plan 2014-2017

Appendix 3 - NPCA Strategic Plan Update – October 2016

Appendix 4 - Performance Concepts - *Consolidating Progress & Embracing Change*

Appendix 5 - Strategic Planning Committee DRAFT Terms of Reference

Prepared by:

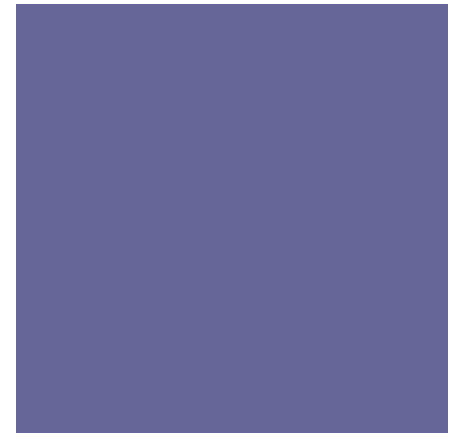
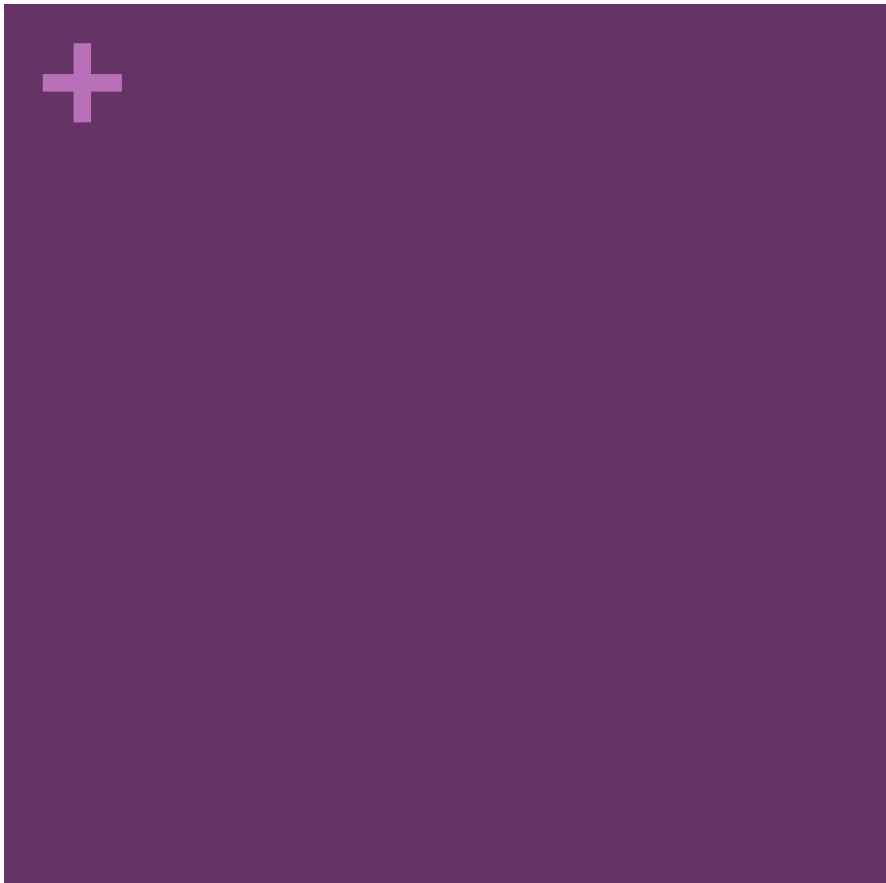


David Barrick
Director of Corporate Services

Submitted by:



Mark Brickell
Acting CAO/Secretary Treasurer



NPCA Strategic Plan

Situation Analysis/Environmental Scan

October 5th 2011



NPCA Strategic Plan Facilitator



- Todd MacDonald, President Performance Concepts Consulting

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Performance.concepts@sympatico.ca



Setting the Scene



Rationale for NPCA Strategic Plan



- Represents a path forward for NPCA and stakeholders
- Will ensure NPCA meets various community/stakeholder expectations in terms of focus/results
 - Environmental/Conservation
 - Agricultural
 - Development
 - Public recreational users
- Improve link between NPCA Board strategic priorities & staff-driven operational planning/execution



Situation Analysis/Scan: The Tools



Internal Perspectives

- Staff on-line G-mail questionnaire
- Board member interviews
- NPCA extended management team interviews
- HQ technical & professional staff bear pit session
- Parks & facilities “uniform” staff bear pit session

External Perspectives

- Local municipal staff interviews
- Region staff interviews
- Development industry consultation session
- Public meeting 1 (Thorold)
- Public meeting 2 (Grimsby)



Key NPCA Lines of Business



- Watershed Regulation
- Watershed Planning
- Source Water Protection
- Watershed Restoration
- GIS/Mapping/Data Management
- Parks Operations & Land Programs

Each NPCA line of business features portfolio of programs & activities with varying degrees of Board latitude in decision-making

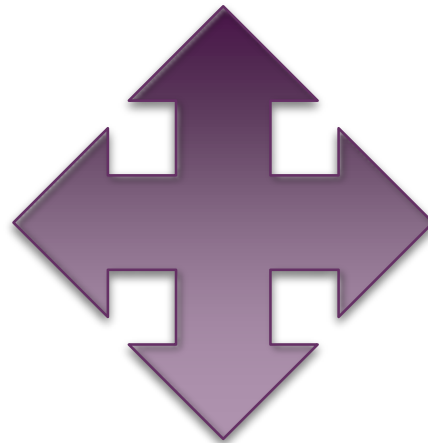


Priority Themes/Issues Emerging from Situation Analysis/Scan



Governance, Accountability
& Leadership

Public Perception,
Outreach &
Brand Management



Organization Cohesion,
Line of Sight, Corporate
Priority Setting

Development & Enforcement Processes:
Roles/Performance/Perceptions



Strategic Planning Perspectives



Internal NPCA Perspectives

- Board
- Senior management
- Extended management
- Planning/Engineering
- Scientific
- Facilities/Parks



External Community Perspectives

- Environmentalist
- Agriculture
- Development
- Broader Public



Internal NPCA Perspective



Theme – Governance & Leadership



■ Internal Perspective

- Board unclear on latitude of discretion in setting policy & making decisions
- Absence of staff trust/confidence in Board governance
 - Agenda/motive concerns
 - Competency/knowledge concerns
- Profound absence of trust/confidence in CAO & SMT leadership
 - Perceived absence of support for staff by CAO
 - Perceived SMT silos & infighting...competency concerns widespread
 - Absence of org direction/objectives...who is running the show?
 - Staff cannot “feel the love” in terms of professional appreciation
 - Morale deficit...perception of young technical staff (mission driven go-getters) versus the old & tired

+ Public Perceptions & Brand Management



➤ Internal Perspective

- NPCA invisible to broader public...no brand management
- Communications function under-resourced & not delivering
- Staff not being utilized as communications ambassadors (not showing the flag & not being encouraged to do so)
- No content script for uniformed parks staff to tell the NPCA story
- Staff feel the public expects/assumes a broad conservation mandate (i.e. more than flood control)
- Unfair/inaccurate NPCA brand re. the development “spoiler”
 - NPCA the enforcement “pointy end of the stick” in a provincially legislated regulatory system
 - Niagara fragmented development model the problem (too many municipalities)
 - Staff feel gagged & unable to respond to this inaccurate branding



Org Cohesion, Line of Sight & Corporate Priority Setting



➤ **Internal Perspective**

- Unanimous sense that internal cohesion & line of sight are absent...no clear sense of direction/priorities...ad hoc & reactive
- Management & decision-making silos...technical & professional staff alienated from Board
- Parks staff have no idea who Management are...many claim they would not recognize them
- No regular performance appraisals to connect staff to org priorities
- Scientific & professional silos
- Absence of rational operational planning tools/discipline
- Budget/accounting systems out of step with reality...mask true allocation of resources across programs
- No support for Foundation...cut & redeploy resources & responsibility



NPCA Development Process

Role/Performance/Perceptions



➤ **Internal Perspective**

- Technical & professional staff rejects development spoiler accusations
- Staff contend technical expertise being reasonably applied as pragmatic regulators
- Some staff reject notion of membership on “team Niagara” economic development agenda...they are on “team conservation” with MOE & MNR
- Staff acknowledge need to do more site visits on the permitting side of the business (work load challenge)
- Management acknowledges that some frontline staff are lacking in customer service skills/tone
- Some staff indicate a willingness to administer a more permissive policy framework – if the Board transparently puts it in place...but are unwilling to compromise professional comments/opinions while existing framework in place...disconnect between policy framework and Board direction seen as very problematic



External NPCA Perspective



Public Meeting Observations



- Both public meetings well attended (100+ individuals in total)
- Very strong Niagara-wide agriculture community turnout at both meetings
- Relatively weak environmental community turnout
- Some limited development community turnout (recognizing private meeting was preferred consultation forum)
- Dialogue was authentic, blunt, passionate & overwhelmingly negative
 - There was also a “reasonable man” positive dialogue struggling to emerge...focused on NPCA accomplishments outside the regulatory/enforcement role



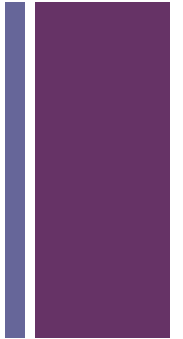
Theme – Governance & Leadership



■ External Perspective

- Absence of mission & vision
- Board has historically been controlled/managed by NPCA staff
- Board appointment process was not well understood
- Agriculture community complaints about representation...wanted direct representation of stakeholder communities instead of politicians
- Calls for an elected Board, not appointed
- Some environmentalists wondered whether Board qualifications re. conservation competencies should be required
- Widespread belief that more public representation & fewer politicians is preferred on Board
- Acknowledgement that new Board has not been “captured” by NPCA staff (yet)

+ Theme - Governance & Leadership



■ External Perspective

- Management perceived as having little control over junior staff swinging heavy regulatory & enforcement sledge hammers
- Staff “empires” a function of accumulated powers exercised to the max without Board accountability
- CA mandate described as too broad...absence of focus...doing too much but doing nothing well...preference for NPCA as a science information provider, with municipalities reclaiming the “decider” role
- Some participants contend an inherent conflict of interest for NPCA as a development commenter, regulator & scientific data champion...undue concentration of power via legislation, knowledge & absence of electoral transparency

+ Public Perceptions & Brand Management



➤ External Perspective

- Perception A: NPCA as heavy handed development spoiler (out of tune with Niagara economic development agenda)
- Perception B: NPCA as competent source of technical knowledge in “one port hole” approach to regulation & development processing
- Perception C: NPCA powerful, unaccountable and invisible...the HQ cited as hidden and not customer friendly
- NPCA as intrusive to agriculture community’s autonomy on their land...small L libertarian...big applause when call for abolition of NPCA at one public meeting
- NPCA as reasonable regulator & provider of positive facilities/events/programs (minority view)
- Bylaw enforcement “sandpaper” attitude...absence of customer service...multiple stories citing attitude issues
- Extremist regulatory positions not necessarily supported by science (e.g. Always opting for a 30 metre buffer/setback despite policy language of buffers “**...up to 30 metres**”
 - Ideological “default” position ignores science based business cases for some sites

+ Public Perceptions & Brand Management



➤ External Perspective

- Extremist regulatory positions not necessarily supported by science (e.g. Always opting for a 30 metre buffer/setback despite policy language of buffers “...*up to 30 metres*”
 - Ideological “default” position ignores science based business cases for some sites/applications
- NPCA as technically suspect in core business of data management...numerous criticisms of mapping accuracy
- NPCA as dictatorial...farmers bearing costs of watershed restoration without compensation...fallow farmland not being permitted to be farmed despite zoning compliance...power creep by NPCA
- NPCA over-extended...failing assets in parks/facilities
- Positive view of restoration & land acquisition programs
- Calls for advisory mechanisms...liaison committees for agriculture, developers, environmentalists



NPCA Development Process

Role/Performance/Perceptions



➤ External Perspective

- Hot-button public meeting issues
 - Setbacks & buffers maxed out with no discretion
 - Flood plain & wetlands mapping accuracy problems & lack of public input/outreach on changes
 - Drainage prohibitions
 - Absence of documented review/application processes for public understanding/usage
 - NPCA weak on large water issues...municipal and other discharges...but the bully on small landowner issues
 - Entangled overall development approvals process in Niagara the culprit (two-tier planning + NPCA + Escarpment Commission + greenbelt)
 - MOU a mistake because it expanded NPCA mandate



NPCA Development Process

Role/Performance/Perceptions



➤ External Perspective

- Development industry sees NPCA culture problems as pervasive and irreversible...driven by ideology
- Development community feels HR/personnel changes as necessary
 - Clean house staffing change perspective versus smaller-scale surgical staffing change perspective
- Statements that firms/investment are leaving Niagara due to NPCA intransigence
- Statements that NPCA far less flexible than GRCA and other CAs that the industry works with successfully
 - Sentiment echoed by OFA staff on agriculture side
- Stories of unprofessional meetings featuring “I call the shots” attitudes and statements by NPCA staff

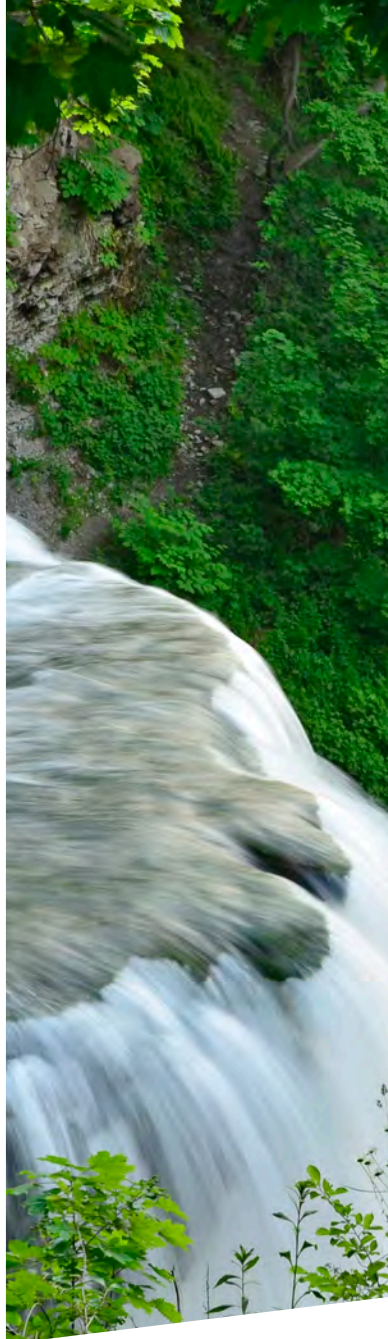


Next Step Process Discussions



1. Board Steering Committee briefing re. Situation Analysis findings
2. Additional Outreach interviews with entire Board & Hamilton actors (e.g. Hamilton-Halton Homebuilders Association)
3. Board requires “elbow room” briefing by staff on opportunities to revisit/refine the Made in Niagara” components of the regulatory policy framework
4. Full Board facilitated working sessions (to establish draft strategic priorities) can follow the “elbow room” briefing by staff
5. Public meeting attendees unanimous in wanting to “stress test” the Board’s draft strategic priorities and Mission/Vision statements before the NPCA strategic plan is finalized





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*"The objects of an authority 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."
R.S.O. 1990, c.C.27 s.20*

NPCA'S STRATEGIC CHALLENGE

This document will lay out the Niagara Peninsula Conservation Authority (NPCA) strategic direction for the next 4 years.

NPCA is committed to organizational transformation.

Transformation will be externally focused – involving stakeholders from the development, agriculture and environmental communities, as well as government partners at all levels. Transformation will also be internally focused – generated by the Board, Management, and front-line staff.

NPCA's transformation will deliver a pragmatic customer-friendly “feel” in resolving complex regulatory issues, a re-focused conservation/sustainable growth mandate, and an ambitious change agenda moving forward. Concrete change actions will be executed with excellence, accountability and measurable results. The plan will promote a corporate culture that positively benefits the organization and the public at large including all stakeholders.



"The world as we have created it, is a process of our thinking. It cannot be changed without changing our thinking."
EINSTEIN



NPCA MISSION, VISION & VALUE STATEMENTS

"The objects of an authority 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."

R.S.O. 1990, c.C.27 s.20

Responsibilities of NPCA include;

- Floodplain Management (1970's)
- Hazard Land Management including the management of local areas susceptible to flood and erosion risks (1983)
- Great Lake Shoreline management (1988)
- Ontario Regulation 155/06 NPCA: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (2006)
- Level II agreement with Fisheries and Oceans Canada to administer the review of projects under section 35(1) of the Fisheries Act (1998)

MISSION

To manage our watershed's natural resources by balancing environmental, community, and economic needs.

VISION

Balancing conservation and sustainable development for future generations by engaging landowners, stakeholders and communities through collaboration.

VALUES

To the landowners, stakeholders and communities affected by our actions, we value:

1. A **sustainable balance** between environmental conservation, economic growth and agricultural prosperity.
2. **Clear and respectful** communication.
3. **Integrity, fairness and sensitivity** to all impacted by our actions and decisions.
4. **Creativity and innovation** in service delivery to clients.
5. **Transparency, accountability and quality** in our services.
6. **Pragmatic solution oriented** approaches to decision making.
7. A **respectful work environment** and **professional** development.

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."
OUR COMMON FUTURE (Report of the World Commission on Environment & Development)

THE NPCA STRATEGIC PLAN PROCESS

THE CHANGE PROCESS HAS INVOLVED EXTENSIVE CONSULTATION WITH STAKEHOLDERS, GOVERNMENT PARTNERS & THE PUBLIC.

- Public meetings re: NPCA mandate, performance & need for positive change
- “Sleeves Rolled Up” stakeholder working sessions to identify problems & recommend solutions
- Candid stakeholder & government partner interviews
- Five empowered stakeholder “change management” working groups led by NPCA Board members

THE CHANGE PROCESS HAS ALSO INVOLVED RIGOROUS INTERNAL EXAMINATION OF NPCA'S ORGANIZATIONAL CULTURE, WORK PROCESSES AND ACCOUNTABILITY TOOLS.

- Board & staff interviews re; challenges & opportunities
- Third party objective assessment of organization performance issues
- Town Hall style front line staff sessions re: strengths & weaknesses



- NPCA's Historical Mandate
- Creation of the NPCA
- NPCA Jurisdiction



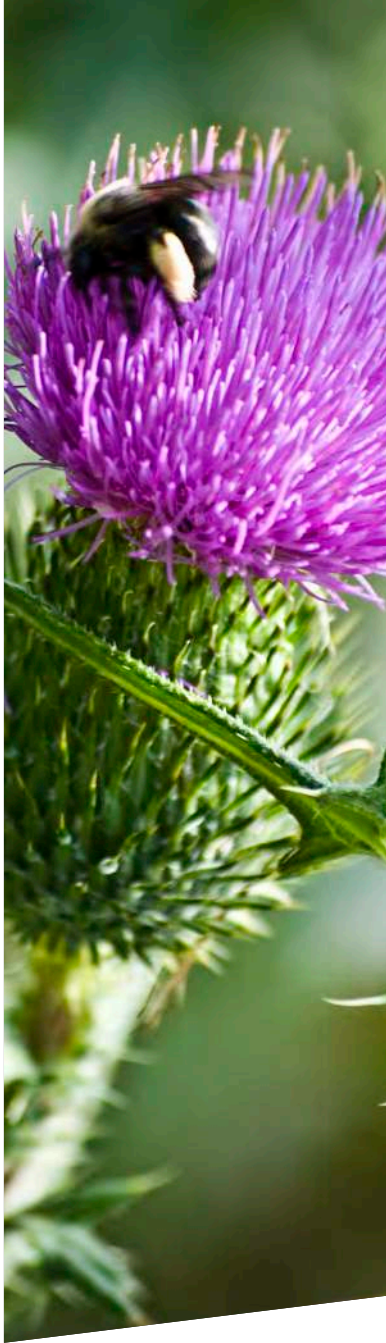
- Identified Challenges Existing at the NPCA



- Strategic Change Consultation
- Stakeholder Meetings
- Public Consultation
- Strategic Plan Sub-Committees



- Transparent Governance & Enhanced Accountability
- Effective Internal / External Communication
- Model to set Policies & Priorities
- Streamlined Delivery of Development Process Approvals
- Asset Management & Land Programs



WHO WE ARE

OUR STRATEGIC PLAN RECOGNIZES THE CONSERVATION IDEALS THAT THE NPCA WAS FOUNDED ON IN 1959.

The Niagara Peninsula Conservation Authority (NPCA) was established on April 30, 1959 under the Conservation Authorities Act, and serves approximately half a million people in an area known as the Niagara Peninsula Watershed. This area of jurisdiction encompasses the whole of Niagara Region, 21% of the City of Hamilton and 25% of Haldimand County. At its inception, the driving force behind the Conservation Authority movement was its grassroots land stewardship and water protection programs. Today, this vital commitment continues as we strive to manage the impact of human activities, urban growth and rural activities on the watershed.

With its unique resources, the Niagara Peninsula is one of the most complex watersheds in the Province. It includes lands drained by the Niagara River, Twenty Mile Creek, the Welland River, the Welland Canal, Lake Erie and Lake Ontario. Nestled between two Great Lakes and transversed by the Niagara Escarpment, the Niagara Peninsula has truly unique climatic and biotic zones that are unlike anywhere else in North America. Programs focus on watershed management activities that help keep people and their property safe from events such as flooding and erosion.

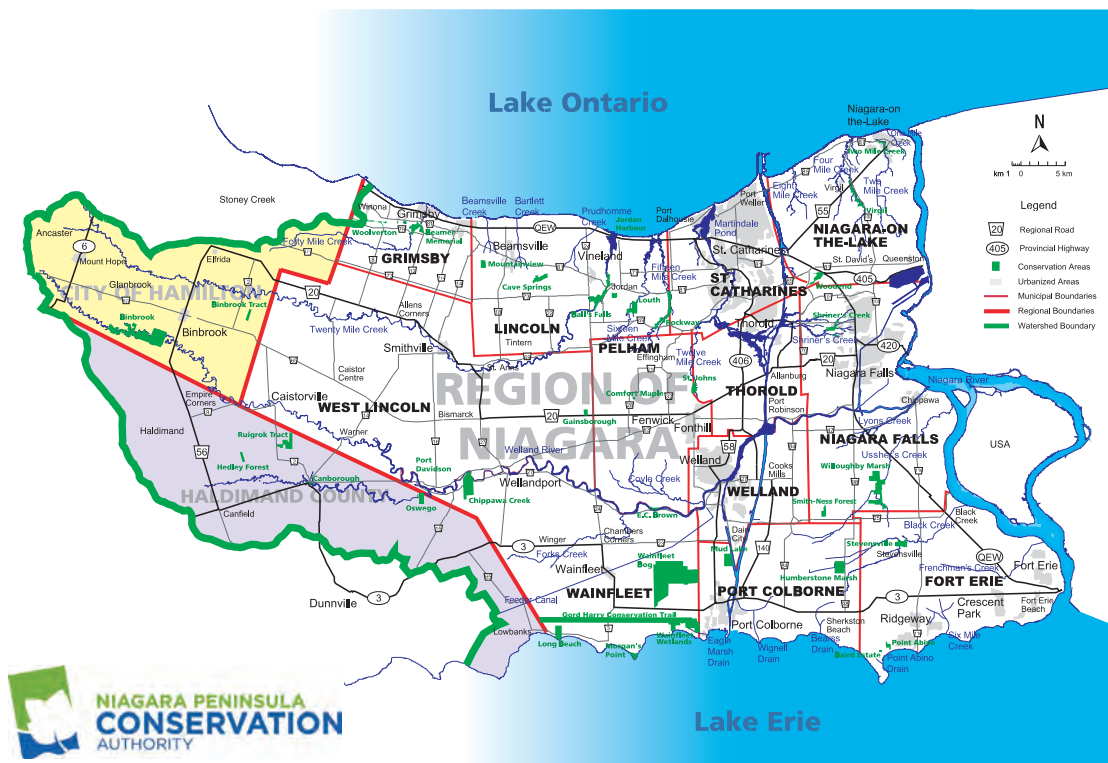
The NPCA delivers programs, advises municipalities and regulates land use according to a complex series of legislative mandates.

The NPCA fulfills this mandate by advocating and implementing programs that:

- **Improve the quality of lands and waters within its jurisdiction**
- **Contribute to public safety from flooding and erosion**
- **Provide for the management of conservation and hazard lands**
- **Enhance the quality of life in its watershed by using its lands for regional recreation, heritage preservation and conservation education**

As stewards of the watershed's natural resources, the NPCA works with landowners, government, conservation clubs, volunteer groups, individuals of all ages and many other partners to accomplish the work that needs to be done. Each year, thousands of voluntary hours are contributed to help protect the ecological health of Niagara's watershed through public engagement in stewardship activities, playing a vital role in helping achieve the underlying goals of these programs.

WATERSHED AREA OF JURISDICTION



The Niagara Peninsula Conservation Authority serves approximately 500,000 people and covers an area of approximately 2,424 square kilometers, encompassing:

- The entire Niagara Region
- 21% of the City of Hamilton
- 25% of Haldimand County

The activities of the NPCA are governed by a Board of Directors comprised of 15 members appointed by the member municipalities as follows; 12 appointed by Region of Niagara, 2 appointed by City of Hamilton, and 1 by Haldimand County. The Directors are committed to serving the local, rural and urban communities on behalf of the watershed municipalities and contribute their leadership and expertise in decisions that determine the policies and programs of the Authority.

"You must know where you came from yesterday, know where you are today, to know where you're going tomorrow."
CREE SAYING



ENVIRONMENTAL SCAN: THE NEED FOR STRATEGIC PLANNING

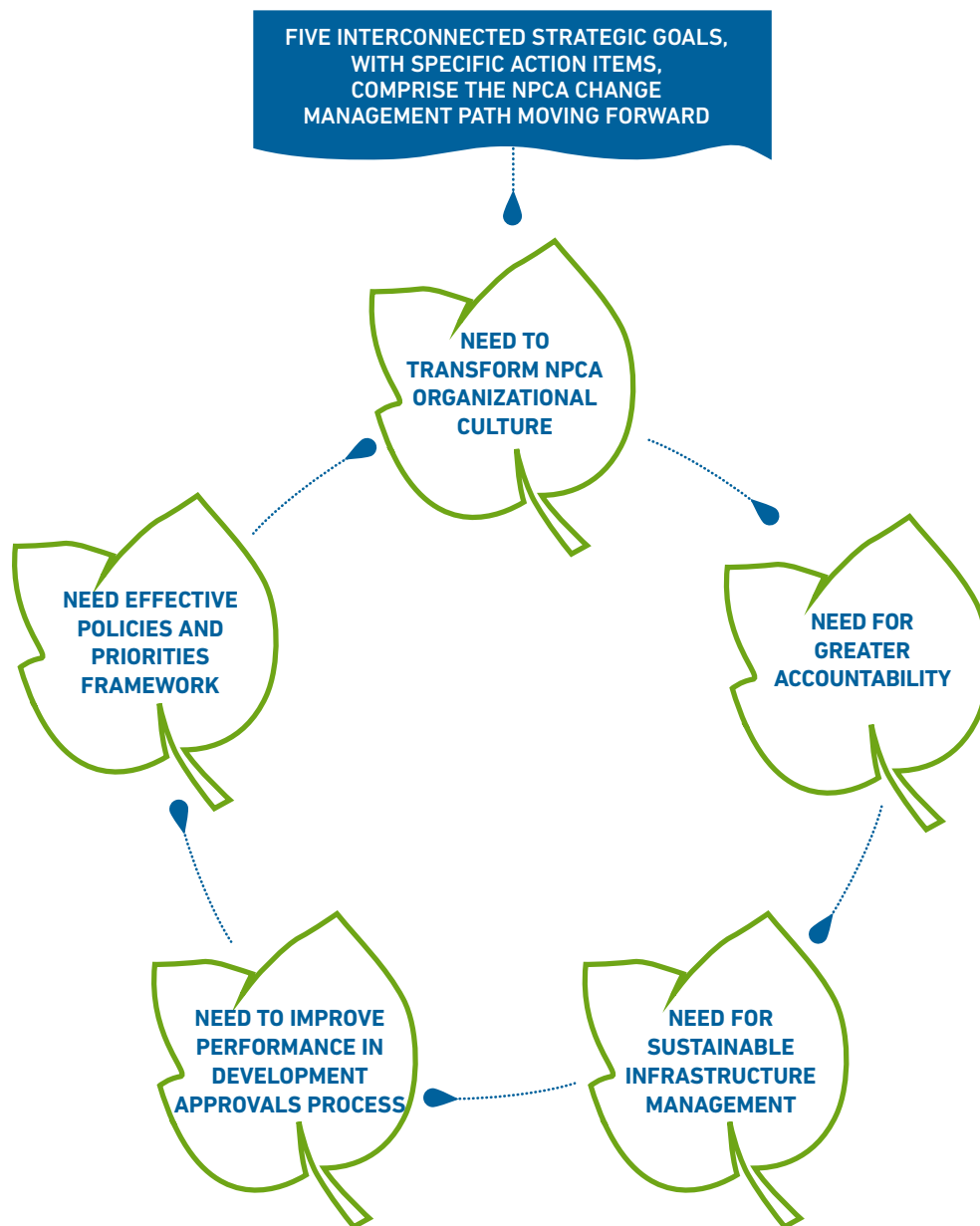
The Board of the Niagara Peninsula Conservation Authority committed to engaging in a change process that would identify challenges and create solutions to better service the watershed community.

NPCA CHALLENGES CLEARLY IDENTIFIED

1. **NEED TO TRANSFORM NPCA ORGANIZATIONAL CULTURE:**
Through the strategic plan process the NPCA recognized the need to transform NPCA culture to embrace public and stakeholder collaboration and communication.
2. **NEED FOR GREATER ACCOUNTABILITY:**
Through the strategic plan process the NPCA recognized the need for greater accountability regarding NPCA Governance and Management.
3. **NEED FOR SUSTAINABLE INFRASTRUCTURE MANAGEMENT:**
Through the strategic plan process the NPCA recognized the need for sustainable management of NPCA land and fixed assets.
4. **NEED TO IMPROVE PERFORMANCE IN DEVELOPMENT APPROVALS PROCESS:**
Through the strategic plan process the NPCA recognized the need to improve NPCA performance in the development approvals process.
5. **NEED EFFECTIVE POLICIES AND PRIORITIES FRAMEWORK:**
Through the strategic plan process the NPCA recognized the need to have an effective framework to refine NPCA Policies and Priorities.

"A powerful idea communicates some of its strength to him who challenges it."
MARCEL PROUST

NPCA STRATEGIC GOALS



"When we strive to become better than we are, everything around us becomes better too."
PAULO COELAO



DRIVING STRATEGIC CHANGE: THE STRATEGIC PLANNING WORKING GROUPS' MANDATE

EFFECTIVE NPCA MODEL TO SET POLICY AND PRIORITIES

This group was tasked with the mandate to develop a detailed Board policy review exercise to ensure policy frameworks reflect current perspectives and needs on conservation / economic development.

NPCA ASSETS AND ASSET MANAGEMENT

This group's mandate was to review NPCA land acquisition policies and strategies in order to balance life-cycle responsibilities with the capital budget process. They recommended a best practices review of land program delivery model and processes for implementation

IMPROVING DEVELOPMENT PROCESS PERFORMANCE

This group's mandate was to conduct 3rd party evidence based business process re-engineering review of the NPCA development and permit approvals process. They also conducted an organizational structure review in order assess resource adequacy and service delivery.

EFFECTIVE COMMUNICATION WITH STAKEHOLDERS AND PUBLIC

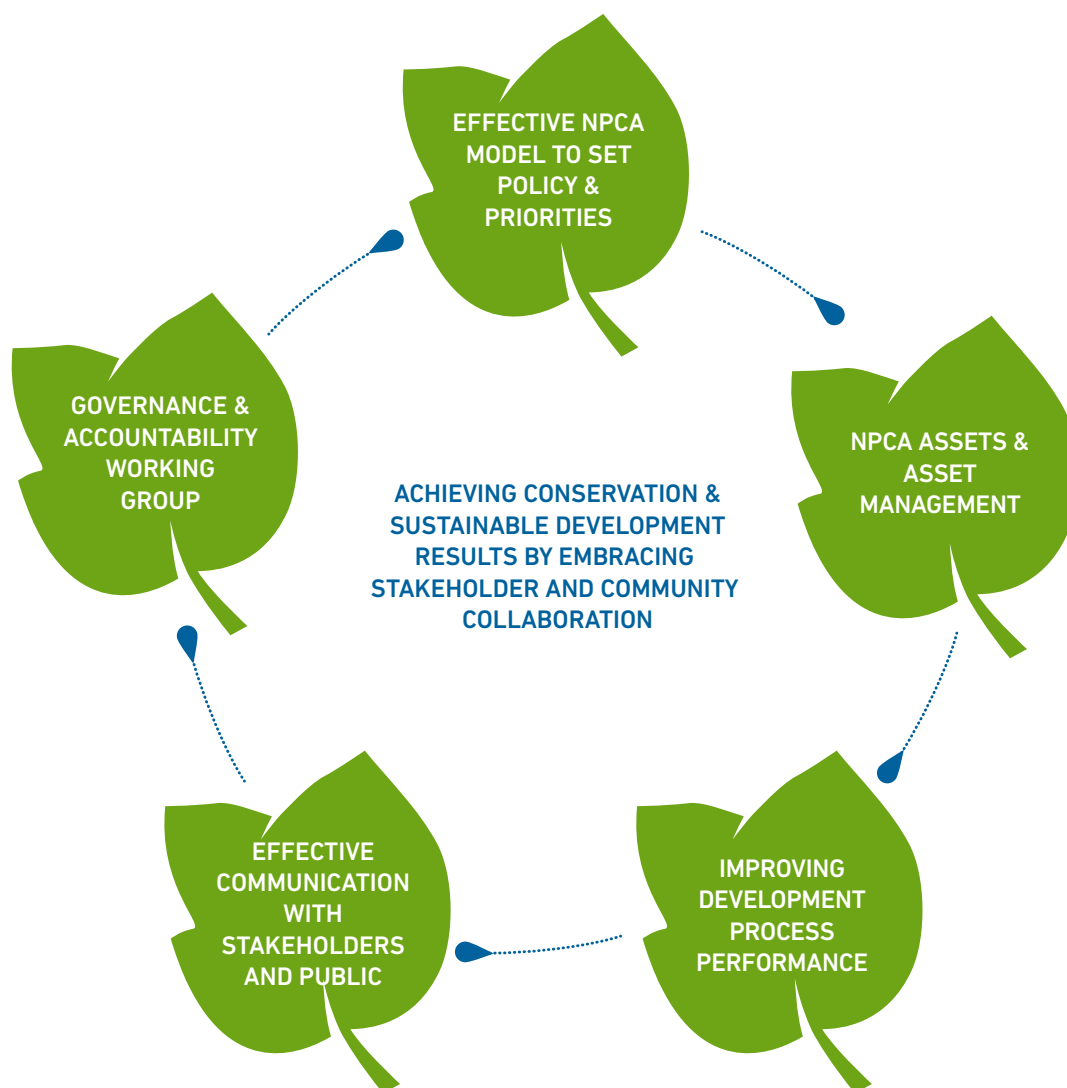
This group's mandate was to engage major stakeholders from throughout the community in order to address customer and community concerns. They investigated the applicability of incorporating on line social media to improve NPCA profile.

GOVERNANCE AND ACCOUNTABILITY WORKING GROUP

This group's mandate was to set criteria for measuring the success of business operations, including an accountability dashboard and report card. They recommended the budget process be redesigned to achieve successful results-based performance; and implement programs to help encourage and preserve public use of lands in order to increase revenues used to maintain park facility assets.

"You must be the change you wish to see in the world."
MAHATMA GANDHI

NPCA STRATEGIC PLAN WORKING GROUPS



"Never believe that a few caring people can't change the world. For, indeed, that's all who ever have."
MARGARET MEAD



STRATEGIC CHANGE CONSULTATION

CONSULTATION PROCESS

1. PUBLIC & STAKEHOLDER CONSULTATION TOOL KIT

At the onset of the process a number of public consultation sessions were held. These consultation opportunities with the development industry, the agricultural sector, dedicated environmentalists, and especially the general public generated blunt and powerful feedback. Valuable insights were gained about NPCA strengths, weaknesses and the necessary “change” pathway going forward. It is understood that carefully considered change is necessary.

2. RIGOROUS INTERNAL DIALOGUE AND PERFORMANCE ASSESSMENT

The NPCA has turned inwards and taken a hard look at its operations, policy framework and future priorities in an effort to meet customer needs and deliver balanced regulatory services that recognize conservation and economic progress can co-exist.

3. STAKEHOLDER ‘CHANGE’ WORKING GROUPS LED BY BOARD MEMBERS WERE ESTABLISHED TO GENERATE PRAGMATIC, MULTI-YEAR CHANGE ACTION PLANS.

With this in mind, working groups consisting of a balanced cross-section of watershed stakeholders, technical experts and the general public were formed to address five performance improvement themes identified in Chart 2. Board Members from the NPCA Strategic Committee chaired these five Working Groups. These Working Groups generated meaningful discussions and recommended the necessary changes needed to create significant performance improvement opportunities for the NPCA. The result is a refocused, re-energized “new” NPCA that is aligned with the conservation and economic priorities of the public, key stakeholders, and the Board.



"We do not inherit the earth from our ancestors, we borrow it from our children."
NATIVE AMERICAN PROVERB

EFFECTIVE NPCA MODEL TO SET POLICIES & PRIORITIES

PHASE 1:

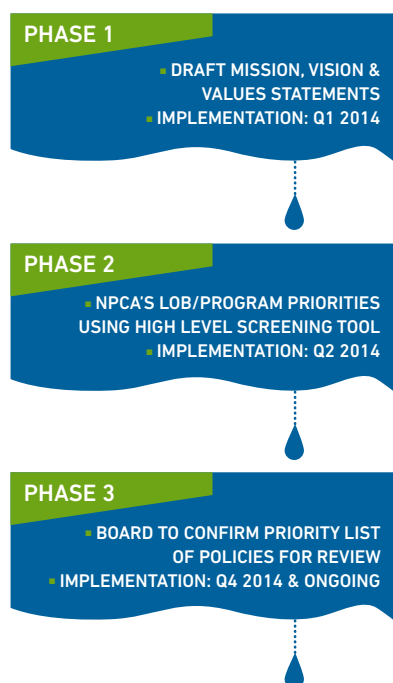
- Board to establish/endorse draft Mission, Vision & Values Statements. (Implementation: Q1 2014)

PHASE 2:

- Board must confirm NPCA's Lines of Business/Program Priorities.
- High-level screening tool developed/tested by Policy Working Group to be used for this purpose. (Implementation: Q2 2014)

PHASE 3:

- Board to confirm priority list of policies for review.
- NPCA Development Approvals Policies will kick-off review process. Priority policies will be vetted using decision making tool developed by Policy group. (Implementation: Q2 2014 & ongoing)



"The human brain now holds the key to our future. We have to recall the image of the planet from outer space: a single entity in which air, water, and continents are interconnected. That is our home."

DAVID SUZUKI



STREAMLINED, EFFICIENT DELIVERY OF DEVELOPMENT APPROVALS PROCESS

PHASE 1:

- Board to consider & adopt the development review and permit approval process business rules/flow charts and dispute resolution process, (including the recommended processing timelines). (Implementation: Q2 2014)
- Board to consider & adopt the dispute resolution process tool. (Implementation: Q3 2014)
- The Community Liaison Advisory Committee (CLAC), endorsed by the Board, will participate in providing specific detailed recommendations beyond the conclusion of this process. (Implementation: Q4 2014)

PHASE 2:

- Complete majority of review and permit approvals with in-house staff to improve management control and continuity - confirm in 2014 budget. (Implementation: Q2 2014)
- Staff capacity comprised of appropriately experienced personnel needs to be provided via additional resources or realignment of existing resources - confirm in 2014 budget. (Implementation: Q2 2014)
- NPCA should adopt use of a software system for monitoring development applications. (Implementation: Q3 2014)

PHASE 3:

- NPCA policy document should clearly distinguish between broader planning guidance and regulatory/permit requirements. (Implementation: Q4 2014)

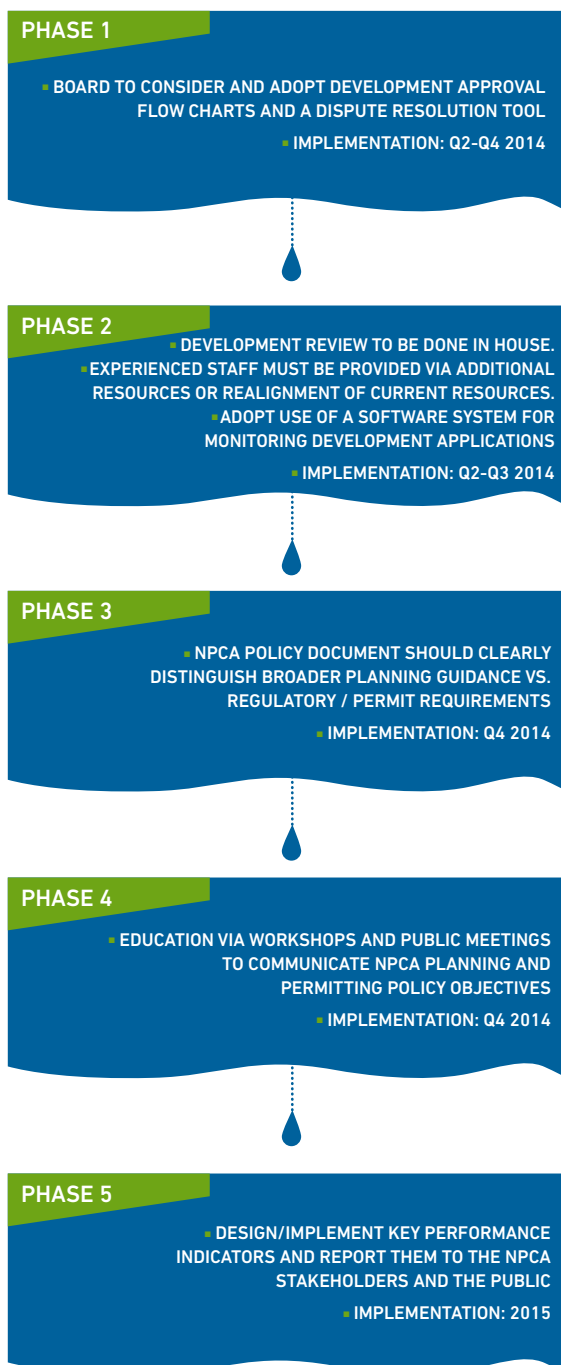
PHASE 4:

- Education via workshops and public meetings to communicate NPCA planning and permitting policy and objectives. (Implementation: Q4 2014)
- Advise stakeholders about the roles of NPCA permitting procedures. (Implementation: Q4 2014)

PHASE 5:

- Design/implement key performance indicators and report them to the NPCA, key stakeholders and the public. (Implementation: 2015)

"To improve is to change; to be perfect is to change often".
WINSTON CHURCHILL



"If there is no struggle, there is no progress".
FREDERICK DOUGLASS

IMPROVED CAPACITY FOR MANAGING ASSETS & LAND PROGRAM

PHASE 1:

- Initiate Board approval process for recommended new land management criteria in consultation with Community Liaison Advisory Committee (CLAC).

NEW ACQUISITION CRITERIA

The criteria for land acquisition should be reviewed and updated based on the following objectives:

1. Is the property outside the urban area?
2. Is the property already protected through legislation (e.g. Provincially Significant Wetland)?
3. Are there other organizations that may be more appropriate recipients of the property?
4. Is acquisition the only means by which the land can be preserved and protected?
5. Is the acquisition clearly within the statutory mandate of the NPCA?
6. What are the long-term capital and operating costs associated with the property?
(Implementation: Q3 2014)

PHASE 2:

- Conduct review of current NPCA land holdings to determine properties that meet/fail to meet new land acquisition and management criteria.
- Properties outside acquisition criteria should be flagged for long-term management solutions – including management, acquisition, transfer, and partnership.
(Implementation: Q4 2014)

PHASE 3:

- Develop GIS mapping of candidate properties for land management. Appendix for land acquisition strategy & guide for establishing priority sites. (Implementation: Q4 2014)

PHASE 4:

- Execute comprehensive condition rating on complete inventory of NPCA assets.
- Establish required reserve contributions based on overall asset replacement plan. (Implementation: 2015)

PHASE 5:

- Asset management plan based on "first to worst" rankings. Focus on top 5 priorities. Integrate with capital budget.
(Implementation: 2015)

PHASE 1

- INITIATE BOARD APPROVAL FOR RECOMMENDED NEW LAND MANAGEMENT CRITERIA IN CONSULTATION WITH THE COMMUNITY LIAISON ADVISORY COMMITTEE
- IMPLEMENTATION: Q3 2014

PHASE 2

- CONDUCT REVIEW OF CURRENT NPCA LAND HOLDINGS TO DETERMINE PROPERTIES THAT MEET/FAIL NEW MANAGEMENT CRITERIA
- IMPLEMENTATION: Q4 2014

PHASE 3

- DEVELOP GIS MAPPING OF CANDIDATE PROPERTIES FOR LAND MANAGEMENT
- IMPLEMENTATION: Q4 2014

PHASE 4

- EXECUTE COMPREHENSIVE CONDITION RATING ON COMPLETE INVENTORY OF NPCA ASSETS.
- ESTABLISH REQUIRED RESERVE CONTRIBUTIONS BASED ON OVERALL ASSET REPLACEMENT PLAN
- IMPLEMENTATION: 2015

PHASE 5

- ASSET MANAGEMENT PLAN BASED ON "FIRST TO WORST" RANKINGS
- IMPLEMENTATION: 2015

*"Leave the beaten track behind occasionally and dive into the woods.
Every time you do you will be certain to find something you have never seen before."*
ALEXANDER GRAHAM BELL

TRANSPARENT GOVERNANCE & ENHANCED ACCOUNTABILITY

PHASE 1:

- Review established governance processes and develop improved public transparency – provide easily accessible information about board appointment process.
- Provide board profile page on website to include but not limited to photograph, conservation training/employment or relevant education, personal interests in conservation.
- Implement board member event participation tracking tool for annual reporting. (Implementation: Q3 2014)

PHASE 2:

- Expand public participation to support NPCA Governance via establishment of a Community Liaison Advisory Committee (environment, agriculture, landowners, development, industry, volunteer/user sectors).
- Improve NPCA profile and accountability to municipal governments by providing ongoing quarterly briefings to watershed member municipalities and local councils on activities and key issues being addressed by NPCA. (Implementation: Q3 2014)

PHASE 3:

- Design and implement business planning based on core lines of business and key performance indicators and vet through board and newly created community liaison groups.
- Create long range business plan and redesign NPCA operating and capital budget process and accounting structures to reflect real programming and staffing deployment. Link budgets to key performance indicators.
- PSAB compliant capital project reporting. (Implementation: Q4 2014)

PHASE 4:

- Implement code of conduct to satisfy legislative requirements.
- Develop and implement a workplace satisfaction survey and publish annual results.
- Develop an employee recognition program and review annually.
- Develop and implement a performance review process for CAO and directors to include personal growth development. (Implementation: Q2 2014 – Q4 2015)

PHASE 1

- IMPLEMENT IMPROVED ON-LINE GOVERNANCE TRANSPARENCY TOOLS SUGGESTED BY WORKING GROUP
- ESTABLISH STAKEHOLDER WORKING GROUPS
- IMPLEMENTATION: Q3 2014

PHASE 2

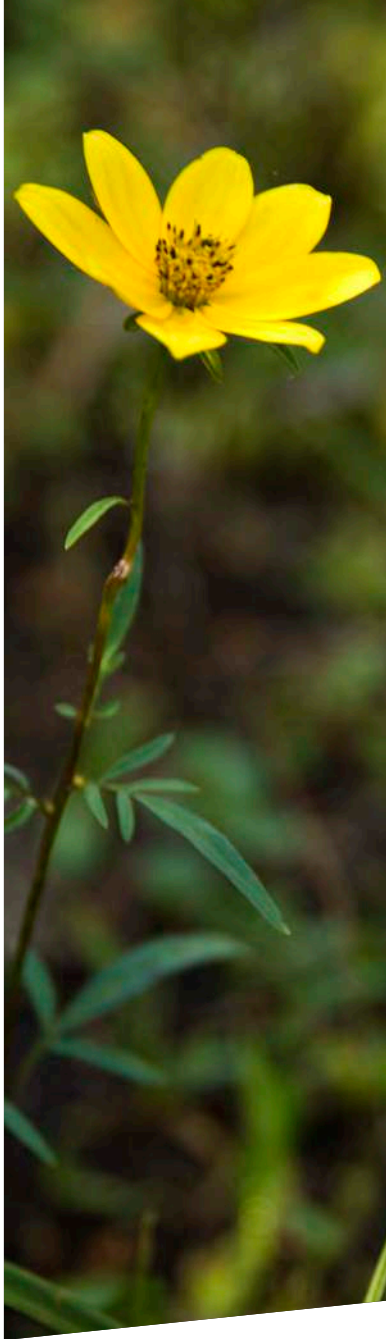
- IMPROVE NPCA PROFILE AND ACCOUNTABILITY TO WATERSHED MUNICIPAL COUNCILS
- PROMOTE BOARD MEMBER PARTICIPATION AT NPCA EVENTS
- IMPLEMENTATION: Q3 2014

PHASE 3

- ESTABLISH LONG RANGE BUSINESS PLAN AND REDESIGN
- BUDGET PROCESS STRUCTURES TO REFLECT CURRENT OPERATING AND CAPITAL BUDGETS
- PSAB COMPLIANT CAPITAL PROJECT REPORTING
- IMPLEMENTATION: Q4 2014

PHASE 4

- IMPLEMENT CODE OF CONDUCT TO MEET LEGISLATIVE REQUIREMENTS
- EMPLOYEE RECOGNITION PROGRAM
- PERFORMANCE AND PERSONAL GROWTH DEVELOPMENT FOR SENIOR MANAGEMENT TEAM
- IMPLEMENTATION: Q2 2014 - Q4 2015



EFFECTIVE COMMUNICATION WITH STAKEHOLDERS & PUBLIC

PHASE 1:

- Initiate a corporate culture of effective two-way communication; encourage employee participation in contributing towards the Board's aims and objectives. (Implementation: Q2, 2014)
- Develop corporate conceptual marketing and communications materials and budget for all NPCA's programs and initiatives to ensure consistency of messaging priorities. (Implementation: Q3 2014)
- Create NPCA identity standards manual and provide training to ensure corporate protocol is followed including; style and readability of communications materials. (Implementation: Q3 2014)

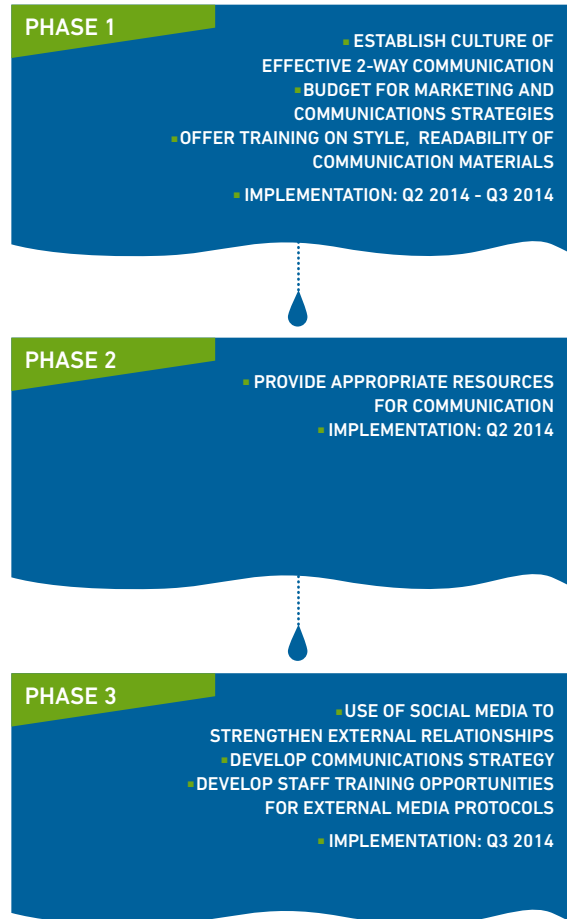
PHASE 2:

- Provide appropriate level of resources for communication. (Implementation: Q2 2014)

PHASE 3:

- Use social media opportunities to strengthen connections and encourage information sharing – use opportunities and look for ways to get more for less. Set clear, realistic and measurable goals.
- Identify potential new partners, funders and allies. Encourage commitment and involvement.
- Develop clear and concise communications strategy and time lines outlining the Board's objectives as to the roles and services performed by NPCA.
- Develop staff training opportunities for external communication and media protocols. (Implementation: Q3 2014)

"There are no passengers on Spaceship Earth. We are all crew."
MARSHALL MCLUHAN



*"Every creature is better alive than dead, men and moose and pine trees,
and he who understands it aright will rather preserve its life than destroy it.*
HENRY DAVID THOREAU



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

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Report To: Board of Directors

Subject: 2014 – 2017 NPCA Strategic Plan Update – October 2016

Report No: 106-16

Date: October 19, 2016

RECOMMENDATION:

THAT Report No. 106-16 related to the 2014 – 2017 NPCA Strategic Plan be **RECEIVED** for information.

PURPOSE:

For the NPCA Board to receive an update of the 42 Deliverables as identified in the 2014 – 2017 NPCA Strategic Plan.

BACKGROUND:

With the provision of over 50 years of NPCA regulations, programming and services, the NPCA Board of Directors developed and implemented its inaugural Strategic Plan in 2014 to guide the corporation over the next 4 years.

The Strategic Plan contained the first ever Mission, Vision and Values of the corporation. In addition, the Strategic Plan returned the corporation back to its legislative mandate of *conserving, restoring, managing and development* of the natural resources within the watershed.

This report provides an update in the completion of the 42 Deliverables contained in the Strategic Plan. The implementation and completion of these deliverables is a performance measure of the Chief Administrative Officer.

DISCUSSION:

The 2014 – 2017 Strategic Plan contained 42 Deliverables under the themes of:

- Effective NPCA Model to set Policies and Priorities;
- Streamlined, Efficient Delivery of Development Approvals Process;
- Improved Capacity for Managing Assets and Land Program;
- Transparent Governance and Enhanced Accountability; and
- Effective Communication with Stakeholders and Public.

To date, as identified in Appendix 1 of this report, 36 of the 42 deliverables (86%) have been completed. The remainder of the 16% are scheduled to be completed either by the end of 2016 or thereafter in Q1 2017.

In brief, the yet-to-be-completed Deliverables are focused on the completion of the policy review entitled *The Living Landscape* (associated to O. Reg. 155/06), a staff satisfaction survey, corporate identity standard, and a corporate communications strategy.

FINANCIAL IMPLICATIONS:

The completion of the remaining Deliverables is within the 2016 and 2017 budget plans.

RELATED REPORTS AND APPENDICES:

Appendix 1: Strategic Plan Update – October 2016

Prepared and Submitted by:

A handwritten signature in black ink, appearing to read 'C. D'Angelo', is written over a solid horizontal line.

**Carmen D'Angelo
Chief Administrative Officer
Secretary Treasurer**

This report was prepared in consultation with the Senior Management Team.

NPCA STRATEGIC PLAN DELIVERABLES AS AT OCTOBER 2016

Category Description	Status	Proposed Start Date	Completed Date	Target Date	Comments	Department Lead
1 Effective NPCA Model to set Policies and Priorities						
a Board to establish/endorse draft Mission, Vision & Value Statements.	Completed	Q1 2014	Q1 2014		NPCA Board of Directors adopted the 2014-2017 Strategic Plan on February 19, 2014 via Report Number 06-14, which included the Mission, Vision and Value Statements	NPCA Board
b Board must confirm NPCA's Lines of Business and Program Priorities.	Completed	Q2 2014	Q4 2014		NPCA Board of Directors adopted Organizational Structure of staff in alignment with regulatory and business functions (focus on CAO's Office, and the departments of Watershed Management, Operations and Corporate Services).	NPCA Board and CAO
c High level screening tool developed and tested by Policy Working Group to be used for this purpose.	Completed	Q2 2014	Q2 2014		Policy screening tool developed by the "Policy Working Group"	NPCA Board
d Board to confirm priority list of policies for review	Completed and continuously ongoing	Q2 2014	Q1 2016		<p>Policies reviewed and completed to date:</p> <ul style="list-style-type: none"> ✓ Memorandum of Understanding for Improving the Planning Function in Niagara (March 19, 2014). ✓ Consultant Selection Policies Amended (March 19, 2014). ✓ Binbrook Master Plan (May 21, 2014) ✓ Community Liaison Advisory Committee Terms of Reference (May 21, 2014) ✓ 2014 Vehicle Assessment and Options (May 21, 2014) ✓ Vehicle and Equipment Policy (June 18, 2014) ✓ Unsolicited Proposal Policy (July 16, 2014) 	

NPCA STRATEGIC PLAN DELIVERABLES AS AT OCTOBER 2016

Category Description	Status	Proposed Start Date	Completed Date	Target Date	Comments	Department Lead
					✓ Accessibility Standard Compliance Policy (July 16, 2014) ✓ Policy Revisions related to O. Reg. 155/06 (July 16, 2014) ✓ Dispute Resolution Process (November 19, 2014) ✓ Regulation #1 - Governance and Administration Policies (November 19, 2014) ✓ Regulation #2 - Meeting Procedures (November 19, 2014) ✓ Regulation #3 - Hearing Procedures (November 19, 2014) ✓ NPCA Permit Approval Process (December 17, 2014) ✓ Health and Safety Policy Statement (February 19, 2015) ✓ Workplace Violence and Harassment Prevention Policy (February 19, 2015) ✓ Tangible Capital Asset Accounting Policy (May 20, 2015) ✓ Phase One of Provincial Policy Review of Greenbelt Act, Niagara Escarpment Act, and Places to Grow Act (May 20, 2015) ✓ Land Management Plan - includes land acquisition criteria (June 17, 2015) ✓ Moveable Assets Policy (July 15, 2015) ✓ Naming of Assets and Facilities Policy (July 15, 2015) ✓ NPCA Geocaching Guidelines (November 18, 2015) ✓ Planning and Regulation Fees (November 18, 2015) ✓ Purchasing and Procurement Policy (December 16, 2015) ✓ Cash Deposit Policy (January 20, 2016) ✓ Capital Assets Management and Planning Policy (January 20, 2016) Other Policy Reviews Completed ✓ Phase One of Provincial Policy Review of Greenbelt Act, Niagara Escarpment Act, and Places to Grow Act (May 20, 2015)	NPCA Board and CAO

NPCA STRATEGIC PLAN DELIVERABLES AS AT OCTOBER 2016

Category Description	Status	Proposed Start Date	Completed Date	Target Date	Comments	Department Lead
					✓ Phase One of Conservation Authorities Act Review (September 16, 2015) ✓ Phase One of Ontario Wetland Strategy (September 16, 2015) ✓ Phase Two of Conservation Authorities Act Review (July 20, 2016)	
					Policies in progress: ✓ Cave Springs Master Plan (Commenced June 18, 2014) ✓ Welland River Floodplain Mapping (Commenced 17, 2014) ✓ Policy Review for O. Reg. 155/06 (Commenced April 16, 2015) ✓ Phase Two of Provincial Policy Review of Greenbelt Act, Niagara Escarpment Act, and Places to Grow Act (May 20, 2015)	
e NPCA Development Approval Policies will kick-off review process. Priority policies will be vetted using decision making tool developed by Policy Group.	Ongoing	Q2 2014 & Ongoing		Q1 2017	The Policy Review for O. Reg. 155/06 has commenced with the issuance of an RFP in April 2015 and an anticipated completion date of December 2016. Public consultation process to be undertaken. Policies related to floodplains will receive consultation from Floodplain Steering Committee. Several updates have been provided to NPCA Board of Directors, CLAC and Municipal Working Group. Policies related to floodplains will receive consultation from Floodplain Steering Committee.	Watershed Management

**NPCA STRATEGIC PLAN DELIVERABLES
AS AT OCTOBER 2016**

Category Description	Status	Proposed Start Date	Completed Date	Target Date	Comments	Department Lead
2 Streamlined, Efficient Delivery of Development Approvals Process						
a Board to consider & adopt the development review and permit approval process business rules/flow charts and dispute resolution process, (including the recommended processing timelines).	Completed	Q2 2014	Q3 2014 and Q4 2014		Construction Permit Approval Process Business and Flow Charts completed and adopted (July 2014 and December 2014) and Dispute Resolution Process completed and adopted (November 2014). Development Permit Approval Business and Flow Charts completed and adopted (September 2016).	Board and Watershed Management
b Board to consider & adopt the dispute resolution process tool.	Completed	Q3 2014	Q4 2014		Dispute Resolution Process completed and adopted (November 2014).	Board and Watershed Management
c The Community Liaison Advisory Committee (CLAC), endorsed by the Board, will participate in providing specific detailed recommendations beyond the conclusion of this process.	Ongoing	Q4 2014		Q4 2016	Policy Review of O. Reg 155/06 commenced April 2015 and consultation with CLAC has occurred at each phase of the project, and is ongoing.	Watershed Management
d Complete majority of review and permit approvals with in-house staff to improve management control and continuity - confirm in 2014 budget.	Completed	Q2 2014	Q2 2014 and Q2 2015		2014 and subsequent budgets confirmed for staff resourcing. Staff review of permit approvals completed (July 2014, November 2014 and December 2014) with Development Tracking Software (CityView) to be implemented (Q4 2016) and comprehensive review to be completed next year (June 2016).	Watershed Management

NPCA STRATEGIC PLAN DELIVERABLES AS AT OCTOBER 2016

Category	Description	Status	Proposed Start Date	Completed Date	Target Date	Comments	Department Lead
e	Watershed Management	Completed	Q2 2014	Q2 2014 and Q1 2015		Overall Organizational Structure adopted by the NPCA Board (2014) with management oversight of development reviews and permits. An increase of 2.0 FTEs in the number of qualified Planners (2014) and an increase in 1.0 FTE in the number of Watershed Technicians.	CAO and Watershed Management
f	NPCA should adopt use of a software system for monitoring development applications.	Ongoing	Q3 2014	Q3 2016		NPCA issued an RFP for a software system to develop for monitoring development applications and selected CityView as the successful system. Launch of CityView completed on August 15, 2016.	Watershed Management & Corporate Services
g	NPCA policy document should clearly distinguish between broader planning guidance and regulatory/permit requirements.	Completed	Q4 2014	Q4 2014		Revisions to current policies (July 2014 and December 2014) provided further clarity between planning guidance and regulatory/permit requirements. In specific, the December 2014 report clearly distinguishes the permit approval process (flow chart) with associated decision points and timelines. Further clarity on processes to be developed with the comprehensive review to be completed in Q4 2016.	Watershed Management
h	Education via workshops and public meetings to communicate NPCA planning and permitting policy and objectives.	Ongoing	Q4 2014		Q1 2017	Education and workshops are an integral part of the approved plan to conduct a comprehensive review of the policies to be completed in December 2016.	Watershed Management
i	Advise stakeholders about the roles of NPCA permitting procedures.	Ongoing	Q4 2014		Q1 2017	Stakeholder consultation is an integral part of the approved plan to conduct a comprehensive review of the policies to be completed in December 2016.	Watershed Management

NPCA STRATEGIC PLAN DELIVERABLES AS AT OCTOBER 2016

Category Description	Status	Proposed Start Date	Completed Date	Target Date	Comments	Department Lead
j Design/implement key performance indicators and report them to the NPCA, key stakeholders and the public.	Completed	Q1 2015	Q2 2016		Key Performance Indicators (KPIs) are being reported via the Annual Report, Quarterly Communications, and monthly via Departmental Status Reports. Further performance measures related to planning and permits will be established with the implementation of the CityView software system.	Watershed Management & Corporate Services
3 Improved Capacity for Managing Assets and Land Program						
a Initiate Board approval process for recommended new land management criteria in consultation with Community Liaison Advisory Committee (CLAC).	Completed	Q3 2014	Q2 2015		The new Land Management Plan has been adopted and includes newly developed land acquisition criteria initiated via the Strategic Plan working group.	Board and Operations
b Conduct review of current NPCA land holdings to determine properties that meet/fail to meet new land acquisition and management criteria.	Completed	Q4 2014	Q2 2015		All non-NPCA owned lands have been divested back to the appropriate agencies. Master Plans for all NPCA owned properties either completed (Binbrook), in development (Cave Springs, Lake Erie Properties) or in review.	Operations
c Properties outside acquisition criteria should be flagged for long-term management solutions – including management, acquisition, transfer, and partnership.	Completed	Q4 2014	Q2 2015		This process is ongoing for all NPCA owned properties with the adoption of the new Land Management Plan.	Operations

NPCA STRATEGIC PLAN DELIVERABLES AS AT OCTOBER 2016

Category Description	Status	Proposed Start Date	Completed Date	Target Date	Comments	Department Lead
d Develop GIS mapping of candidate properties for land management. Appendix for land acquisition strategy & guide for establishing priority sites.	Completed	Q4 2014	Q2 2015		Land acquisition Strategy part of the new Land Management Plan.	Operations
e Execute comprehensive condition rating on complete inventory of NPCA assets.	Completed	Q2 2015	Q4 2015		Purchase of software assisted in completing inventory of assets.	Operations
f Establish required reserve contributions based on overall asset replacement plan.	2015		Q1 2015		Capital budget reserve established.	Corporate Services & Operations
g Asset management plan based on "first to worst" rankings. Focus on top 5 priorities. Integrate with capital budget.	Completed	2015	Q1 2015		Of the current land holdings, capital projects ranked and top projects approved in the 2015 and subsequent budgets.	Operations
4 Transparent Governance and Enhanced Accountability						
a Review established governance processes and develop improved public transparency - provide easily accessible information about board appointment process.	Completed	Q3 2014	Q2 2015		Board appointment process is the responsibility of the three participating municipalities. The appointment process was posted on the NPCA website for transparency.	Corporate Services

NPCA STRATEGIC PLAN DELIVERABLES AS AT OCTOBER 2016

Category Description	Status	Proposed Start Date	Completed Date	Target Date	Comments	Department Lead
b Provide board profile page on website to include but not limited to photograph, conservation training/employment or relevant education, personal interests in conservation.	Completed	Q3 2014	Q3 2015		New NPCA web site RFP awarded February 17, 2015. New web site developed, tested and implemented on time and on budget. All Board members are identified and contact information is accessible.	Corporate Services
c Implement board member event participation tracking tool for annual reporting.	Completed	Q3 2014	Q1 2015		All NPCA Board members submit their attendance at NPCA events via tracking sheets submitted to the Administrative Assistant to the Chair and CAO.	CAO
d Expand public participation to support NPCA Governance via establishment of a Community Liaison Advisory Committee (environment, agriculture, landowners, development, industry, volunteer/user sectors).	Completed	Q3 2014	Q1 2015		Community Liaison Advisory Committee (CLAC) established May 21, 2014 with regular scheduled meetings in 2015. The CLAC is supported by the Senior Management Team and a Community Liaison and Volunteer Coordinator.	Board, CAO and Corporate Services
e Improve NPCA profile and accountability to municipal governments by providing ongoing quarterly briefings to watershed member municipalities and local councils on activities and key issues being addressed by NPCA.	Completed	Q3 2014	Q3 2015		Annual Report and quarterly reports are distributed to watershed member municipalities, including all 12 local municipalities in Niagara.	Corporate Services

NPCA STRATEGIC PLAN DELIVERABLES AS AT OCTOBER 2016

Category	Description	Status	Proposed Start Date	Completed Date	Target Date	Comments	Department Lead
f	Design and implement business planning based on core lines of business and key performance indicators and vet through board and newly created community liaison groups.	Completed	Q4 2014	Q1 2015		Master Plans (example <i>Cave Springs</i>) and Business Plans (example Land Management Plan, Permit Fees) are vetted by the Community Liaison Advisory Committee and thereafter approved by the NPCA Board.	Senior Management Team
g	Create long range business plan and redesign NPCA operating and capital budget process and accounting structures to reflect real programming and staffing deployment. Link budgets to key performance indicators.	Completed	Q4 2014	Q1 2015		Upgrades to accounting software and payroll systems implemented. 2015 budget restructured to represent real programming and staffing deployment. Monthly budget tracking established and distributed to all Departments and Divisions.	Corporate Services
h	PSAB compliant capital project reporting.	Completed	Q4 2014	Q2 2015		Capital asset software purchased and <i>Tangible Capital Asset Accounting Policy</i> approved May 20, 2015.	Corporate Services and Operations
i	Implement code of conduct to satisfy legislative requirements.	Completed	Q2 2014 to Q4 2015	Q1 2015		<i>Code of Conduct Policy</i> compliant to legislative requirements implemented prior to Strategic Plan process. <i>Workplace Violence and Harassment Prevention Policy</i> renewed annually.	Senior Management Team
j	Develop and implement a workplace satisfaction survey and publish annual results.	Ongoing	Q2 2014 to Q4 2015		Q4 2016	Staff Recognition Committee formed in 2015. One of the goals is to establish a Employee Satisfaction Survey.	Corporate Services

Category	Description	Status	Proposed Start Date	Completed Date	Target Date	Comments	Department Lead
k	Develop an employee recognition program and review annually.	Ongoing	Q2 2014 to Q4 2015	Q4 2015		Staff Recognition Committee formed. Service recognition awards presented every year in 5-year milestones and retirements recognized.	Corporate Services
l	Develop and implement a performance review process for CAO and directors to include personal growth development.	Ongoing	Q2 2014 to Q4 2015	Q3 2016		Performance Reviews of all management members completed.	CAO and Human Resources
5 Effective Communication with Stakeholders and Public							
a	Initiate a corporate culture of effective two-way communication; encourage employee participation in contributing towards the Board's aims and objectives.	Complete	Q2 2014	Q4 2014		<input type="checkbox"/> NPCA Staff participated in the development of Strategic Plan. <input type="checkbox"/> Town Hall staff meetings occur regularly with a goal of capturing continuous feedback. <input type="checkbox"/> Extended Management Team (EMT) meetings and Senior Management Team (SMT) meetings occur regularly where department and divisional feedback is received. <input type="checkbox"/> NPCA staff encouraged to attend Board meetings when their programming is on the agenda in order to promote greater interaction between staff and Board members.	Senior Management Team
b	Develop corporate conceptual marketing and communications materials and budget for all NPCA's programs and initiatives to ensure consistency of messaging priorities.	Ongoing	Q3 2014		Q4 2016	Budget has been established in 2015 for <i>Marketing and Community Relations</i> division. Marketing and communication materials (and policy) in development with a projected completion date of Q4 2016.	Corporate Services

NPCA STRATEGIC PLAN DELIVERABLES AS AT OCTOBER 2016

Category Description	Status	Proposed Start Date	Completed Date	Target Date	Comments	Department Lead
c Create NPCA identity standards manual and provide training to ensure corporate protocol is followed including; style and readability of communications materials.	Ongoing	Q3 2014		Q1 2016	All corporate materials are vetted via the <i>Marketing and Community Relations</i> division. Staff training to coincide with the implementation of the Marketing and Communications policy.	Corporate Services
d Provide appropriate level of resources for communication.	Completed	Q2 2014	Q1 2015		2015 budget and staff resources established for <i>Marketing and Community Relations</i> division.	Corporate Services
e Use social media opportunities to strengthen connections and encourage information sharing – use opportunities and look for ways to get more for less. Set clear, realistic and measurable goals.	Completed	Q3 2014	Q1 2015		Social media opportunities utilized by NPCA with the direct responsibility of the Communications Specialist. In addition to using social media to communicate decisions at Board meetings, social media utilized for all NPCA events and specialized programming (such as Thanksgiving Festival, Cave Springs Master plan, etc.).	Corporate Services
f Identify potential new partners, funders and allies. Encourage commitment and involvement.	Completed	Q3 2014	Q1 2015		The Community Liaison and Volunteer Coordinator is responsible in forging new partnerships, volunteer opportunities and stakeholders engagement. Fundraising is the focus of the newly re-invented Niagara Peninsula Conservation Foundation, which is a separate entity of the NPCA with its own Board.	Corporate Services
g Develop clear and concise communications strategy and time lines outlining the Board's objectives as to the roles and services performed by NPCA.	Ongoing	Q3 2014		Q6 2015	Communication strategy and timelines being developed by the <i>Marketing and Community Relations</i> division.	Corporate Services

NPCA STRATEGIC PLAN DELIVERABLES AS AT OCTOBER 2016

Category Description	Status	Proposed Start Date	Completed Date	Target Date	Comments	Department Lead
h Develop staff training opportunities for external communication and media protocols.	Completed	Q3 2014	Q2 2015		Initial staff training to be completed on June 24, 2015 and subsequent training to occur upon completion and implementation of the Marketing and Communications policy.	Corporate Services

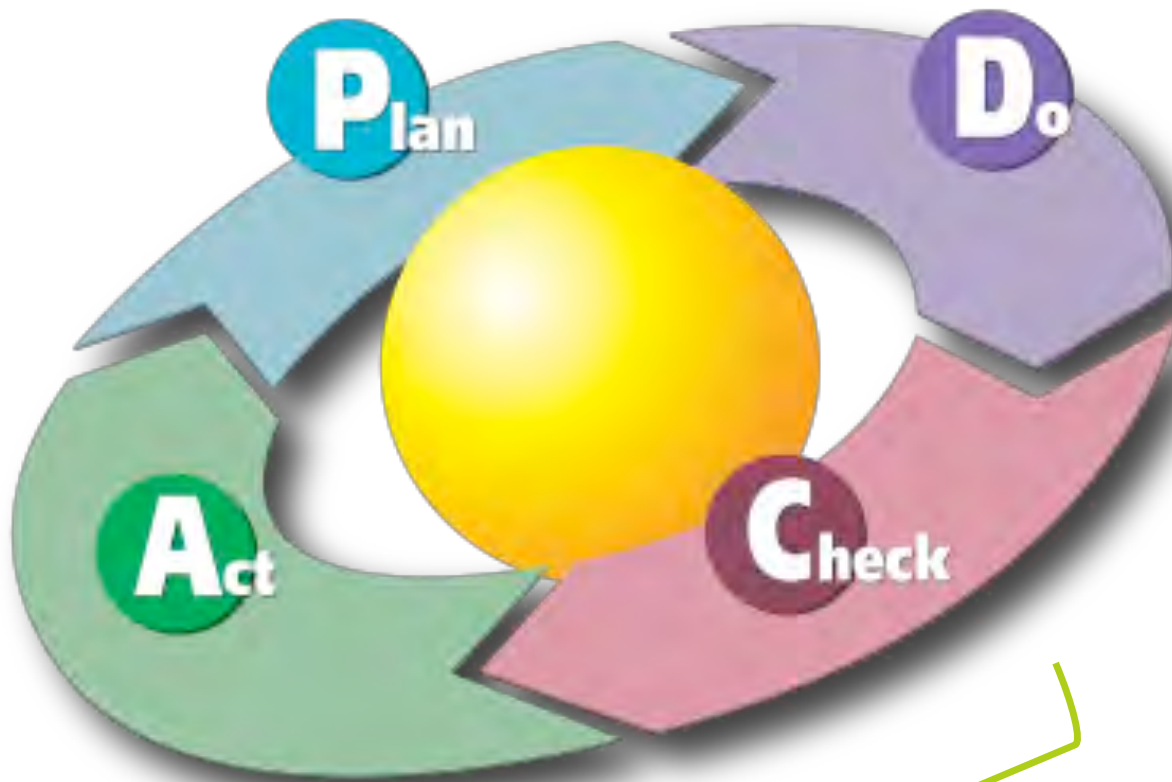


2018 NPCA Strategic Plan 2018-2021

Consolidating Progress & Embracing Change

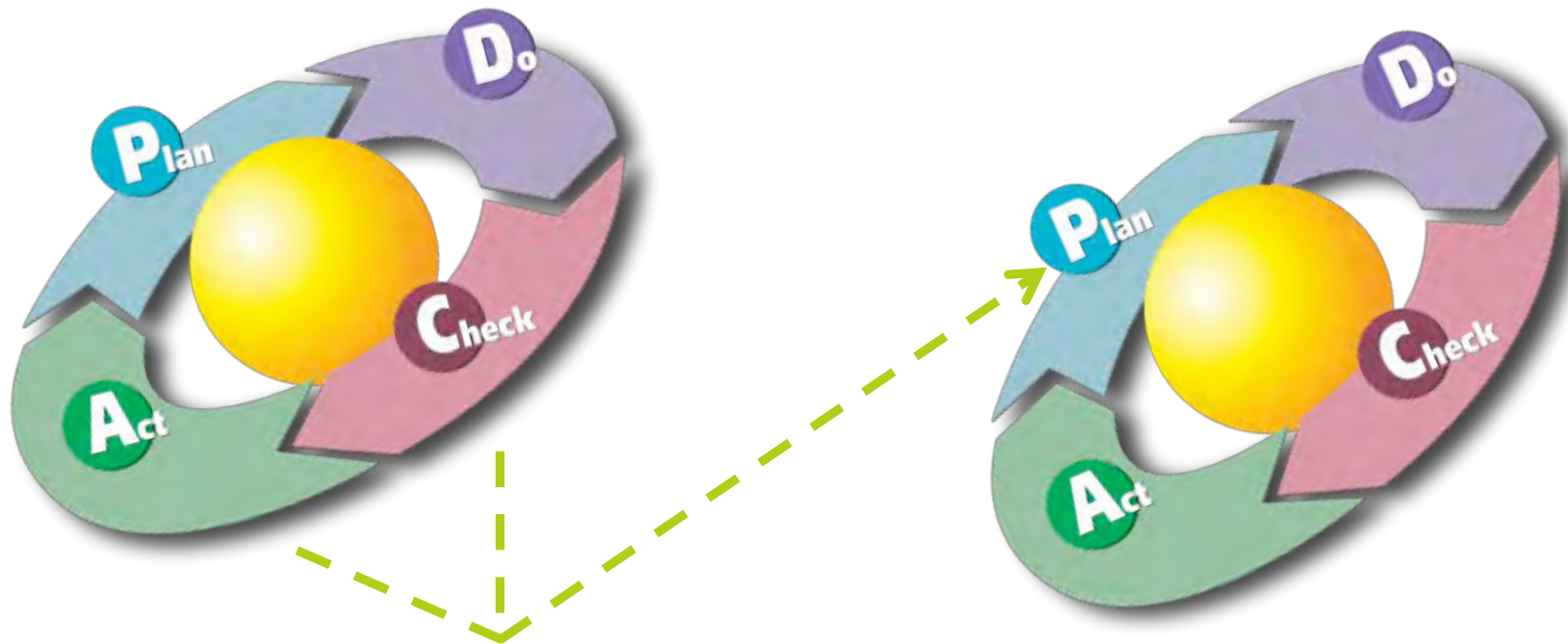
May 2017

Strategic Planning Is Cyclical & Ongoing



NPCA 2014-2017
Strategic Plan is
Now HERE

Strategic Planning Cycles Connect



Existing
NPCA 2014-2017
Strategic Plan

New
NPCA 2018-2021
Strategic Plan

Looking Back: Work Plan for Evaluating 2014-17 Strategic Plan

“Evaluation” Work Plan Links 2014 & 2018 Strategic Planning Cycles

- Evaluation (Looking Back) critical to completing the 2014-2017 Strategic Planning cycle
 - Did NPCA make significant progress on its Change Management journey?
 - Are their unresolved/ongoing change issues that need to be routed forward into the 2018-2021 Strategic Planning cycle?
- Completing the 2014 cycle is the necessary precursor to initiating the 2018 cycle!

NPCA Strategic Planning: Looking Back Before 2014 Plan

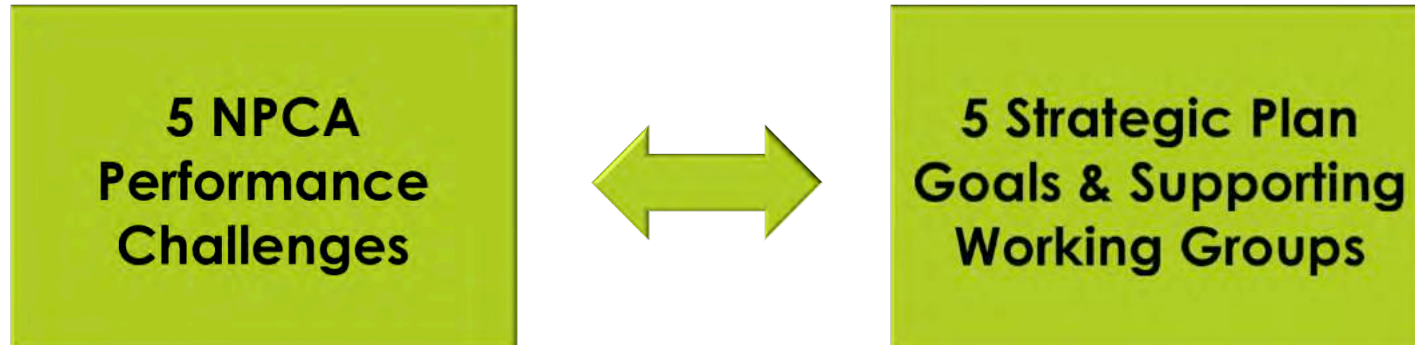
- Performance Concepts retained to support/advise NPCA in design & execution of its strategic plan.
- External consultations revealed an organization in crisis. Virtually all stakeholders voiced dissatisfaction with NPCA performance, and decried its blunt regulatory over-reach.
- Internally, it became clear that senior management leadership shortcomings, and a lack of appropriate/mature financial and human resource systems, were compromising the organization.

NPCA Strategic Planning: Looking Back before 2014 Plan

- Performance Concepts carried these difficult “performance deficits” to the Board clearly and unequivocally – speaking truth to power.
- The Board directed that the Strategic Plan become an “organization transformation” process; seeking to re-build the NPCA brand by becoming a listening, pragmatic, problem-solving organization – as opposed to a “no discussion” heavy handed yet unfocused regulator.

Key Question: Did 2014-17 Strategic “Change Plan” Actually Work?

- As first step in 2018-2021 strategic planning cycle, NPCA must measure actual progress against the “change” storyline set out by the Board in the 2014-17 Strategic Plan



Proposed Work Plan to Gauge Impact of 2014-17 Strategic Plan

1. Map out/confirm the timelines of evidence-based accomplishments (2014–Present) against the Strategic Plan commitments (5 steams)
2. Execute facilitated listening sessions with NPCA Board members to assess change management accomplishments & identify ongoing challenges
3. Execute facilitated listening sessions with NPCA frontline staff & Management Team to assess change management accomplishments & identify ongoing challenges

Proposed Work Plan to Gauge Impact of 2014-17 Strategic Plan

4. Execute facilitated listening sessions with development/municipal/other stakeholders re. NPCA accomplishments, culture, accountability tools etc.
5. Independent review of Key Performance Indicator data trends versus targets – integrate data driven trends with other streams of proposed work
6. Review NPCA organization design & management/control systems...how far have they evolved? Do they meet province-wide peer standards?

Proposed Work Plan to Gauge Impact of 2014-17 Strategic Plan

7. Create 2014-17 Strategic Planning cycle conclusion report for NPCA Board. Conduct facilitated workshop to position NPCA Board for 2018-21 cycle.
 - ▣ Identify carry-forward issues from 2014 cycle to feed into new Situation Analysis
 - ▣ Consider refinements to the go-forward strategic planning model/methodology/resourcing strategy (based on evaluation of 2014-17 cycle)

Strategic Plan: High Level Timing/ Critical Path

Strategic Planning Component	High Level Timing	Budget For Execution
Looking Back: 2014-2017 Strategic Plan Impact Evaluation	Coordinated by Performance Concepts May to August	\$40,000 +HST
Moving Forward: Board Report 7 Workshop(s) on Cycle Completion	Facilitated by Performance Concepts Early/Mid September	\$8,000 +HST
Kicking Off 2018-21 Cycle	Resourcing & Timing TBD	TBD

Contact Information

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 - www.performanceconcepts.ca



Appendix: Strategic Planning Insights & Hard Truths

Relentless Focus Amidst Change...

"The Main Thing is to Keep the Main Thing the Main Thing"

Management Guru
Stephen Covey

"If you're currently trying to execute five, ten, or even twenty important goals, the truth is that your team can't focus. This lack of focus magnifies the intensity of the whirlwind, dilutes your efforts, and makes success almost impossible."

4 Disciplines of Execution



"Beginning at the End..."

"We may be very busy, we may be very efficient, but we will also be truly effective only when we begin with the end in mind."

Management Guru
Stephen Covey



"Management is efficiency in climbing the ladder of success; leadership determines whether the ladder is leaning against the right wall."

The Challenge: Develop Real Strategy & Avoid Being a Mile Wide

- But the truth is that many companies ...don't really have strategies. At the core, strategy is about focus, and most complex organizations don't focus their resources. Instead, they pursue multiple goals at once, not concentrating enough resources to achieve a breakthrough in any of them.

Richard Rumlet, Good Strategy/Bad Strategy & Why It Matters

Shortcomings of Traditional Strategic Plans

“You can call these exercises “strategic planning” if you like, but they are not strategy. They cannot deliver what senior managers want: a pathway to substantially higher performance. To obtain higher performance, leaders must identify the critical obstacles to forward progress and then develop a coherent approach to overcoming them. The leader’s responsibility is to decide which of these pathways will be the most fruitful and design a way to marshal the organization’s knowledge, resources and energy to that end.”

Richard Rumlet, *Good Strategy/Bad Strategy & Why It Matters*

Shortcomings of Traditional Strategic Plans

“There is a large industry of consultants and book writers who are willing to provide instruction on the delicate differences between missions, visions, strategies, initiatives, and priorities. From small boutiques to the large IT-based firms trying to break into strategy work, consultants have found that template-style strategy frees them from the onerous work of analyzing the true challenges and opportunities faced by the client. Plus, by couching strategy in terms of positives – vision, mission, and values – no feelings are hurt.

Richard Rumlet, Good Strategy/Bad Strategy & Why It Matters

Draft Terms of Reference:
NPCA Strategic Planning Committee

<i>Committee Name:</i>	Strategic Planning Committee
<i>Committee Type:</i>	Ad hoc, set up and approved by the NPCA Board of Directors in May 2017
<i>Purpose:</i>	The Committee will review the current NPCA Strategic Plan (2014-2017) and provide recommendations into the formulation of an updated Strategic Plan.
<i>Scope:</i>	Since it is a review of the current plan, the scope will be different than a full-fledged development of a new Strategic Plan. Discussions will involve what's still relevant, what's currently working and what needs to be improved or changed. Opportunities for input will occur with a variety of partners to ensure effective communication. These include, but are not limited to, community partners, stakeholders, NPCA Board and staff.
<i>Authority:</i>	Decisions and recommendations will be made by the Committee members and then sent to the Full Authority Board for approval.
<i>Membership:</i>	The Committee will have Five (5) Members and will include the NPCA Chair, Vice-Chair and three (3) Board Members appointed by the Full Authority Board.
<i>Meeting Requirements:</i>	Meetings will be held at the call of the Committee Chair. Agendas will be prepared by the Committee Chair in consultation with staff. Minutes will be prepared by staff and distributed to all Committee members and Senior Management prior to the next meeting.
<i>Meeting Location:</i>	Meetings will be at NPCA Head Office (250 Thorold Rd. West, Welland), Ball's Falls Conservation Area or at a location determined by the Committee Chair.
<i>Resources/Budget:</i>	The work will be done by the Committee, any consultants, senior staff, Administrative Assistants and the Communication Specialist. Any costs will be discussed by the Committee, and if required, taken to the Board for approval.
<i>Responsibilities/duties:</i>	All Committee members will make every effort to attend all meetings, participate in the discussions, support the process and make decisions to carry out the Strategic Planning process and develop a draft Strategic Plan.
<i>Decision Making:</i>	The Committee will operate openly with the aim of arriving at decisions through consensus. However, votes may be called by the Committee Chair to advance the agenda. Results of the discussions will be reflected in the minutes.
<i>Timelines:</i>	To be developed by the Committee. There will be some flexibility but the Committee should have a Draft Strategic plan to the Board of Directors at a regular Board meeting within the first quarter of 2018. Upon Board approval of an updated Strategic Plan this ad hoc committee will have concluded its work and dissolve.



NPCA STRATEGIC PLAN (2014-17)

AN EVIDENCE-BASED PROGRESS EVALUATION

November 15th, 2017

Submitted by



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INTRODUCTION/BACKGROUND & METHODOLOGY

Evidence-Based Evaluation of the 2014-17 NPCA Strategic Plan – Introduction & Background

Performance Concepts Consulting Inc. was retained during Q2 2017 by the NPCA Board to execute an independent 3rd party evaluation of the progress achieved to date across the NPCA's 2014-17 Strategic Planning cycle.

The 2014-17 NPCA Strategic Plan has served as the defining “change management” blueprint for the NPCA Board, its senior management team, and frontline employees. A range of external stakeholders also have a significant stake in the 2014-17 Strategic Plan's “change” agenda.

The Performance Concepts 3rd party strategic plan *progress assessment* will provide the NPCA Board, staff and community stakeholders with evidence-based confirmation of progress made to date, highlight areas where progress remains uneven or unrealized, and position the NPCA Board to maintain its “change management” momentum during the 2018-21 planning cycle.

i. NPCA Performance Assessment in 2012-13

In order to properly evaluate the progress made by the NPCA, it is important to be clear-eyed and objective about the state of the organization in the period leading up to the 2014 Strategic Plan. When Performance Concepts Consulting was retained to coordinate the NPCA's first strategic planning cycle in 2012, it soon became clear that the organization was in crisis. The crisis extended across governance systems, management systems, stakeholder relationships, facilities and the key Conservation Act service delivery mandate. By necessity, the strategic planning process evolved into a detailed and comprehensive two-phase undertaking. The first phase consisted of a full-bore operational review, and the second phase became a stakeholder driven strategic planning “change plan” exercise. When Performance Concepts briefed the NPCA Board on the challenges facing the organization in 2012, the performance issues set out in the figure below were communicated in clear, unambiguous language.

Summary of NPCA Board Briefing by Performance Concepts in 2012: Speaking Truth to Power

NPCA “Situation Analysis” Prior to 2014-17 Strategic Plan

- *Absence of appropriate management tools/systems (Budget/Asset Management/HR)...competence gap in clear sight*
- *Absence of appropriate staff capacity to deal with Permit/Development Application workload...a choke point*
- *No established set of policies re. governance/management/conservation “blue print” to support CA regulatory decisions...ad hoc decision-making by staff without Board leadership*
- *A “regulatory hammer” culture where problem-solving not the focus...not a listening organization...no sustainable capacity for two-way communication with stakeholders*
- *Multiple mandates/regulatory hats...unclear which “hat” is being worn for a given decision...scope creep & lack of focus in mandate*
- *No alignment between Board/Senior Management/Front-line staff*

The above noted assessment in 2012 reflected a series of NPCA internal interviews, a wide range of external stakeholder consultation sessions, technical analysis of internal management systems, and feedback from frontline NPCA staff.

In 2012-13 it was objectively clear that a traditional strategic planning cycle was not what the dysfunctional NPCA encountered by Performance Concepts Consulting required. The Board, to its credit, realized that transformational change was necessary to improve NPCA capacity and performance across a wide range of systems, programs and mandates. The Board decided the 2014-17 Strategic Plan was going to be the vehicle for this transformation.

ii. NPCA Board's Response: A Change-Driven Strategic Plan

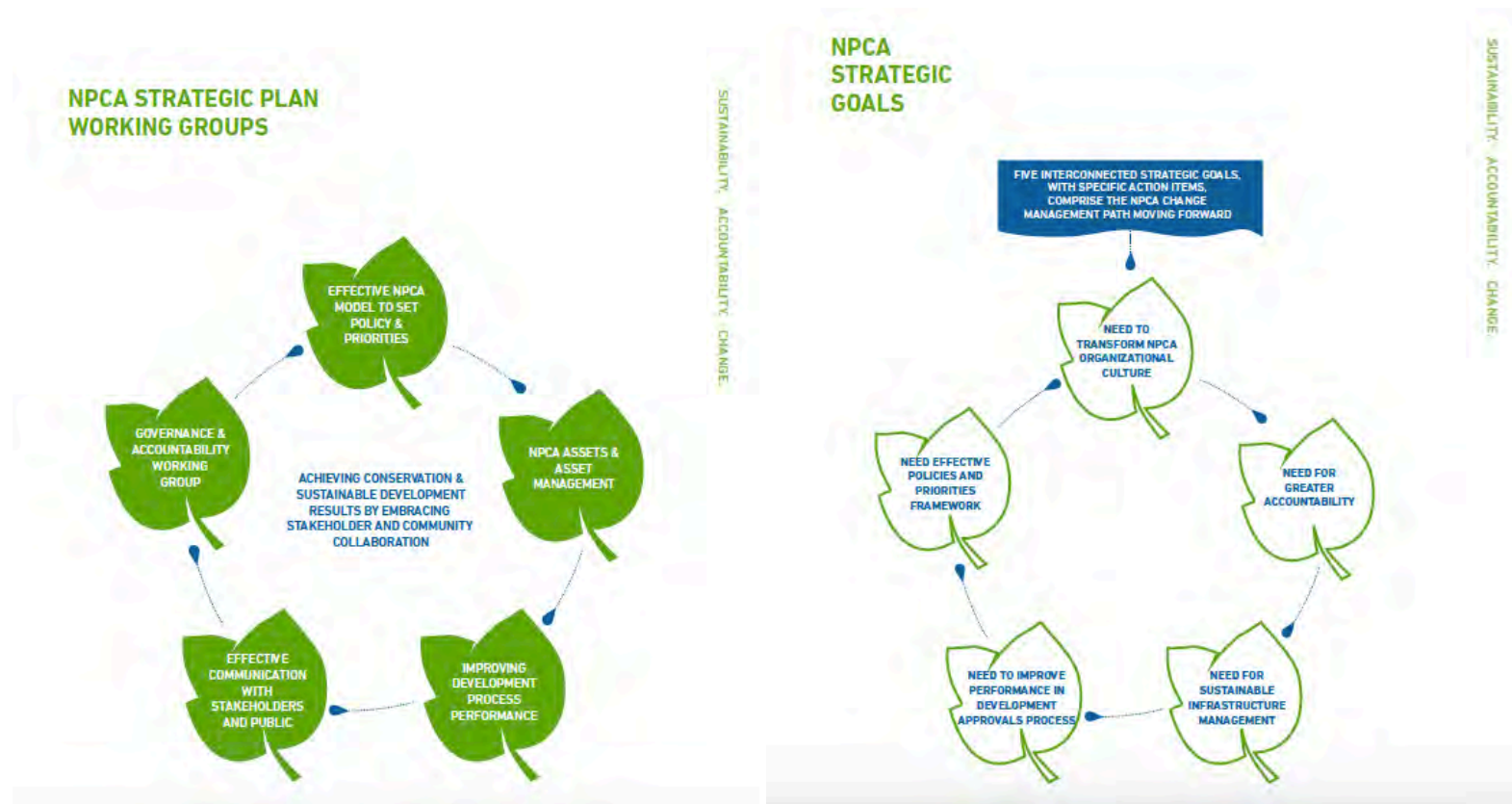
When confronted with the stream of evidence indicating that the NPCA was a dysfunctional organization, the Board realized that a traditionally executed strategic plan would not suffice. Instead the Board opted for a transformational planning process that would be structured around the core problems already identified by the stakeholders and internal Situation Analyses coordinated by Performance Concepts. Five Strategic Plan Working Groups (each chaired by a NPCA Board member) were struck to deal with the core problems hindering the NPCA. Each Working Group consisted of stakeholder organization representatives and notable Niagara community/watershed leaders. Over an 8-month period in 2012-13 these Working Groups developed the “change” actions/agenda that eventually became the backbone of the 2014-17 NPCA Strategic Plan. The figures on the following page set out the Working Groups:

- Governance & Accountability
- Assets & Asset Management
- Improving Development Process Performance
- Effective NPCA Model to Set Policies & Priorities
- Effective Communication with Stakeholders & Public

In turn, the Working Groups provided the substantive actions to be taken under the following umbrella of Strategic Goals (each with specific supporting Action Items):

- Greater Accountability
- Transform Organizational Culture
- Sustainable Infrastructure Management
- Improved Development Approvals Process Performance
- Effective Policies & Priorities Framework

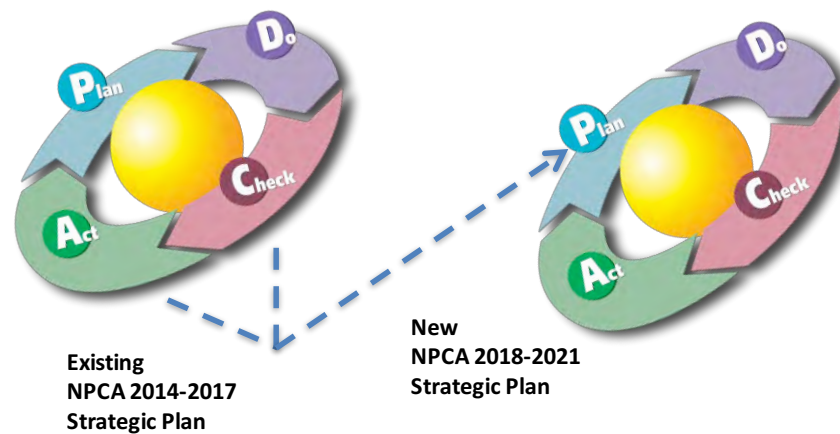
Stakeholder Working Groups Executed a Transformational Strategic Planning Process



Progress Evaluation Built into Strategic Planning Cycle

Good management 101 is premised on the Plan-Do-Check-Act cycle. The NPCA Board and the Working Groups had crafted a transformational plan. But the Strategic Plan was/is meaningless unless execution was effective in generating the desired change across the five Strategic Goals. Therefore, the “Check” stage of the 2014-17 cycle requires an evidence based evaluation of progress. The subsequent “Act” stage of the 2014-17 cycle will properly position the NPCA to continue its change journey via the upcoming 2018-2021 planning cycle.

NPCA Strategic Planning Cycles Connect



The key evaluation question facing the NPCA Board, the NPCA senior management team, and key external stakeholders is set out in the figure below. Has measurable progress been achieved? Progress can be measured from a process perspective – have the 2014-17 Strategic Plan’s action items (positioned under each Strategic Goal) been executed? This is a checklist approach. But a more powerful approach to measure progress is focussed on results rather than a checklist. Have service delivery outcomes, management system performance, and the organization’s culture actually undergone significant evolution/improvement? The Performance Concepts evaluation has focussed on the results based approach to understanding NPCA progress against the Strategic Plan.

Key Question: Did NPCA 2014-17 Strategic “Change Plan” Actually Work?

- As first step in 2018-2021 strategic planning cycle, NPCA must measure actual progress against the “change” storyline set out by the Board in the 2014-17 Strategic Plan



iii. Methodology for 2014-17 Strategic Plan Progress Evaluation

The Performance Concepts evaluation has been executed according to the following evidence based methodology. The overriding principles of value-for-money, need for a sustainable business model, and the imperative of a culture of accountability and two-way stakeholder dialogue have shaped the methodology.

Performance Concepts team has executed a detailed review of NPCA internal management and control systems (a risk management perspective). Financial, IT and operational planning systems have been reviewed. Internal interviews, Board reports, budgets, financial statements, 3rd party program reviews & project/work flow management tools have been reviewed. More than 100 documents have been reviewed as part of the technical internal evaluation of NPCA performance.

Stakeholder working sessions have been executed with the following groups: agriculture sector, development sector, municipal planners, community volunteers, nature club representatives, environmentally committed citizens of the watershed, and parks users. Discussions with NPCA Board members, management staff and selected frontline and administrative staff have added context to the evaluation.

Progress maps have been prepared around a number of progress themes that mirror the structure of the 2014-17 Strategic Plan. These progress maps extend across 2014-2017 and set out achievement milestones to date. Featured quantitative data "stories" confirm the progress maps.

Findings & Recommendations have been developed to guide the Board and the management team as it moves forward with the upcoming 2018-21 strategic planning cycle. An series of overall progress assessment "grades" have been developed to convey the degree of transformational success achieved by the NPCA.

Stakeholder Feedback Critical – It Balances the Quantitative Data-Driven Evaluation of Services/Systems

External

General Public

Agriculture
Community

Conservation/Nature
Groups

Region/Municipal
Planners

Development
Community

Park Users &
Volunteers

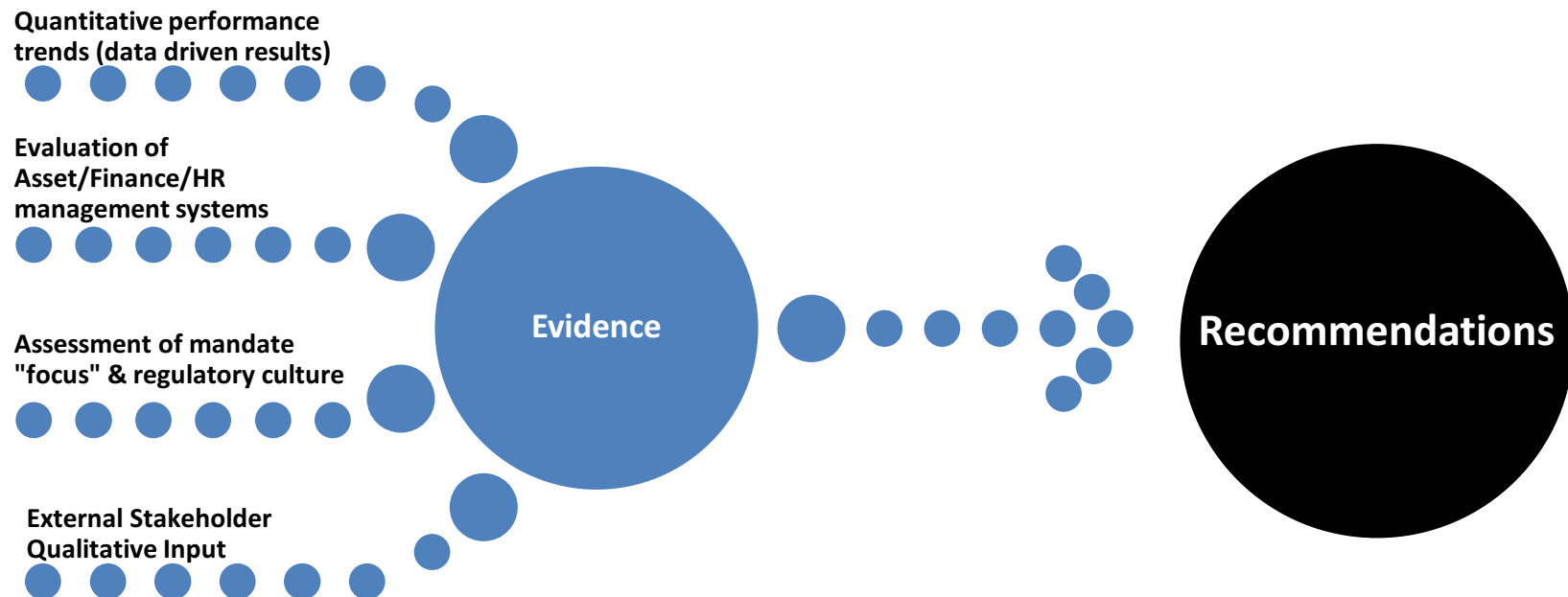
Internal

NPCA Board
(Strategic Plan Cmtte)

NPCA
Management/Selected
Staff

A Methodology Based on Evidence

The independent evaluation of the 2014-17 Strategic Plan's performance was driven by a mix of quantitative and qualitative evaluation approaches. Findings and recommendations have been informed by this evidence based methodology.



Structure of the 2014-17 Strategic Plan Progress Evaluation

The following evaluation components (with supporting progress maps and highlighted measurable achievements where appropriate) are documented in this report:

- NPCA Governance & Accountability
- Asset Management & Financial/Human Resource Management
- Development Permitting & MOU Development Application Advisory Services
- Policy Driven Decision-Making Framework
- Stakeholder & Public Communication/Consultation
- Opportunities for Improvement Moving Forward
- Overall Findings & Recommendations

STRATEGIC PLAN PROGRESS EVALUATION: GOVERNANCE & ACCOUNTABILITY

The Performance Concepts progress map (see below) indicates that the NPCA has made significant progress around this 2014-17 Strategic Plan goal. Board transparency and public accountability initiatives are achieving industry “best practices” in some cases.

In terms of Board transparency, all member profiles (including professional background & any technical qualifications) are published online at the NPCA website. NPCA Board meetings are televised in their entirety. Meetings are open to the public. NPCA Board and Committee agendas and minutes are made available before/after meetings on a timely basis. Responding to stakeholder concerns (expressed in 2013) that NPCA staff were exercising excessive discretionary authority without Board control/accountability, governance decision-making processes have been reworked. Staff now make use of a restructured Board report format/template to ensure Board decision-making is transparent. In this report template the issue is identified, background information is supplied, decision options are set out, and staff recommendations are put forward. Decisions are then made by the Board. This NPCA Board-centric decision-making report template/process mirrors municipal sector “best practices” documented by Performance Concepts Consulting across 17-years of management consulting for Ontario municipalities. Finally, Board member expenses/activity are reported to the appropriate watershed funding municipality.

In 2014 the NPCA struck a new advisory body – the Community Liaison & Advisory Committee (CLAC). CLAC features diverse representation from various NPCA stakeholder groups, and has provided the NPCA Board with valued feedback on numerous matters of public policy and program design. The Province’s new Conservation Authority legislation (Bill 139) mandates CLAC-style advisory committees across all Conservation Authorities. There are currently only two Conservation Authorities with advisory committees. NPCA has pioneered “best practices” across Ontario in this regard – best practices now mandated by the Province. CLAC’s terms of reference have been recently updated to improve the flow of two-way stakeholder communication and consultation on NPCA strategic business priorities. The NPCA’s community outreach staff team provides ongoing support to CLAC. The NPCA Chairman has championed public communication of the NPCA mandate and regulatory mission.

The NPCA staff team has instituted periodic “update reporting” to the Board around the strategic plan – adopting a process oriented checklist of action items called for in the Plan that have been executed. Performance Concepts has reviewed these update reports and can confirm their basic accuracy.

NPCA Strategic Plan (2014-17) – Evidence Based Progress Evaluation

NPCA Governance & Accountability Progress Map

2014	2015	2016	2017
Restructured format for Board Reports to enhance accountability (Issue, Background, Options, Recommendations)	Board Member profile pages posted on-line to improve transparency/ accountability	Live TV streaming of NPCA Board meetings	CLAC Terms of Reference review completed & members supported to promote 2-way sustained communication
Established CLAC terms of reference...members selected by Q4	Staff Quarterly Update Reports to Board/municipalities/ online posting	CLAC terms of reference update considered internally via an assessment of CLAC effectiveness	Updated Board Code of Conduct proposed/in process of refinement
Implemented Reg. 2 Code of Conduct	Regular Board Progress Reporting Re. Strategic Plan Execution	NPCA Chairman "Outreach Roadshow" across Niagara to explain re-focused/simplified NPCA mandate as Conservation Act regulator	Board member activity reporting to Watershed Municipalities...i.e. meeting attendance, mileage expenses

STRATEGIC PLAN PROGRESS EVALUATION: ASSET MANAGEMENT & FINANCIAL/HUMAN RESOURCE CONTROL SYSTEMS

In 2013 the NPCA lacked basic management control systems pertaining to budgeting, financial reporting and human resources planning/management. There were simply no qualified staff able to design and execute appropriate operational planning and financial controls. It was unclear which staff were actually delivering which programs, and the accurate operating and capital costs of programs were not readily available. Financial reporting was meaningless, and even misleading.

At that time (2013) Performance Concepts Consulting reported to the Board that the risk management implications of this gap were unacceptable. Significant corrective measures were needed.

It was also clear in 2013 that NPCA assets were not being properly managed/maintained. Parks facilities were eroding and revenue generation to recover costs was inadequate. There were no asset inventories, condition ratings or lifecycle based capital investment plans. PSAB asset reporting requirements were not being met.

Finally, NPCA land acquisition/maintenance arrangements were haphazard and not being undertaken using objective criteria or value-for-money principles.

The 2014-17 progress maps (see below) document the exceptional progress made by NPCA management/professional staff to implement competent, industry-standard financial and asset management planning and control systems.

In 2014 the first NPCA stand-alone capital budget was created – eliminating the confusing and accountability killing blended operating and capital “budget” that had existed until then. In 2016 a new NPCA operating budget accounting structure was put into place (meshing an accurate/appropriate organization chart and NPCA core program areas). Manager level cost-centre accountabilities were put in place – NPCA managers built/owned their budgets and were going to be held accountable for the service delivery results associated with those budgets. Regular budget-versus-actuals variance reporting (to CAO & Board) has been implemented during each fiscal year. PSAB compliant financial statements were produced for the first time in 2016. On the HR side, proper HRIS software was implemented to properly manage new hires and existing staff. HR processes were reviewed and updated. Job evaluation and performance appraisal based planning commenced. HR system progress is ongoing in 2017 – payroll was automated and transferred to finance staff. The next generation of NPCA staff performance appraisals tied to NPCA business plan objectives will soon commence in 2018.

NPCA Strategic Plan (2014-17) – Evidence Based Progress Evaluation

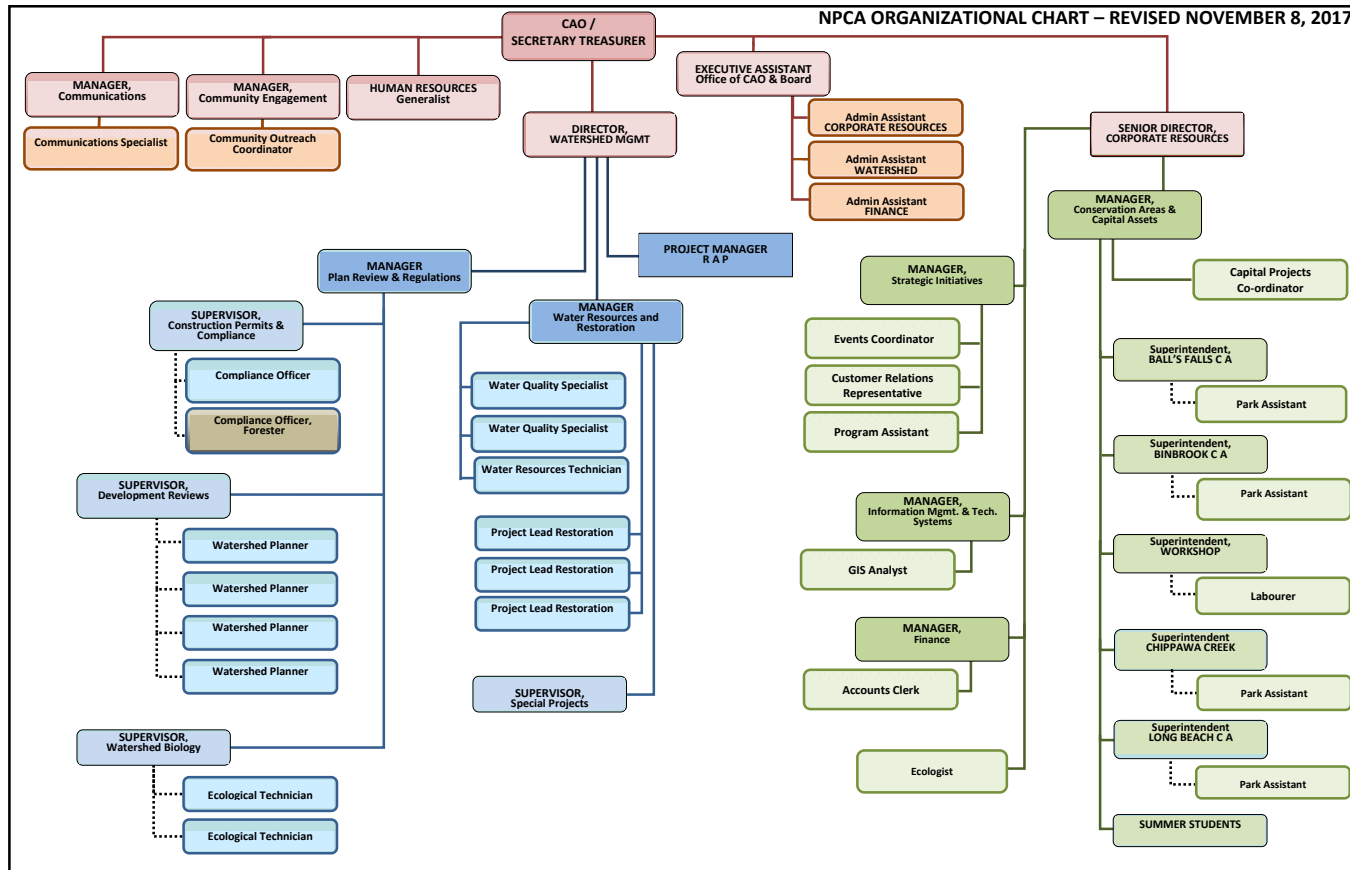
NPCA Progress Map – Financial/HR Control Systems

2014	2015	2016	2017
Stand-alone Capital Budget created...eliminating confusing accountability mix with operating budget	Decentralized staff budgeting model; establishing new NPCA Manager level cost-centre management accountabilities	HR staff specialist, HRIS software Payroll transfer to Finance to meet audit requirements HR processes review	On-line automated payroll system Purchasing model re-design initiated by CAO...commitment to new centralized controls/monitoring
	Initiated significant user-pay revenue expansion & cost control efficiencies across portfolio of Parks – achieving full-cost recovery by 2016	PSAB compliant financial statements...also Quarterly capital/operating budget versus actual reporting	Implemented 20-year Capital Project/Budgeting Planning Cycle
		Finance/accounting specialist...Budget accounts restructured to reflect NPCA business lines & org structure ...eliminates previous fog around service costs	Value-for-Money Program Evaluation (i.e. Land Restoration) – identified operational problems & yielded opportunity for new delivery model with lower overheads

Value-for-money program reviews have been undertaken by NPCA when appropriate. During this assignment, Performance Concepts detected process execution and value-for-money concerns pertaining to the NPCA Land Restoration Program. A subsequent 3rd party in-depth program review confirmed significant program delivery risks, and recommended a new delivery model featuring enhanced investments and lower overheads. The resulting new program delivery model will reduce service delivery risks and improve program targeting/results. The lack of public understanding re. this successful program review by the NPCA should be remedied, and the expected improved Land Restoration outcomes should be publicly reported by the Board.

NPCA Strategic Plan (2014-17) – Evidence Based Progress Evaluation

The NPCA org chart is a critical example of improved competency in control system design. Business units (i.e. staff) are organized according to program bundles they deliver. Budget and reporting accounting structures reflect the org chart and program bundle view of the organization. This was not historically the case – prior to 2014 budgets and org charts and program bundles were not coordinated in their management or external presentation. The org chart/program bundle “backbone” improves costing precision.



NPCA Strategic Plan (2014-17) – Evidence Based Progress Evaluation

NPCA Progress Map – Asset & Land Management

2014	2015	2016	2017
Developed 6+1 Criteria for Evaluating Holdings	Board-approved Land Management Plan	Implementation of asset management software/reporting	
Review of NPCA Owned Holdings for possible divestment – eliminated maintenance contracts & consolidated to core holdings (reduced risk)	Completed comprehensive NPCA assets inventory/valuations, condition ratings & lifecycles		Capital Project Management “Critical Path” Tracking Tool linked to 2-year “use it or lose it” budgeting model
Review of 2007 map of desirable land packages for NPCA acquisition	Evidence-Based Land Acquisition Decisions: 3 Case Studies - avoided \$millions in clean-up risks & liability transfers	Facility-by-Facility capital budgets...new 2 yr. “use it or lose it” capital budgeting/project model	
St Johns acquisition & Catholic Board/Brock partnership (indigenous programming)		Fleet restructuring review resulting in shedding owned fleet & leasing...\$100k capital + \$30k operating savings	
6 +1 Acquisitions: i) Balls Falls farmland + ii) Lakeshore/Wainfleet	A series of Park-specific master plans establishing operational & asset management priorities		

Land management decision-making by the NPCA has been significantly upgraded between 2014-17 (see above). In 2014, the NPCA adopted new “6+1” evaluation criteria for re-structuring its land holdings. The NPCA has eliminated expensive maintenance contracts associated with “dumped” properties it had no business managing according to objective conservation criteria. The NPCA refocused on core properties, and reviewed its mapping of desired/appropriate properties for acquisition. Subsequent acquisitions (St Johns, Ball Falls, Lakeshore/Wainfleet) were subjected to objective review using the 6+1 evaluation criteria. Of equal importance, the criteria were used to evaluate and reject potential purchases of flawed properties with significant clean-up risks/liability issues.

Sustainable asset management is a priority for the province and Ontario municipalities.

The NPCA approach to sustainable asset management meets “best practices” in the municipal sector. In 2015 the NPCA completed a detailed project to establish asset inventory, asset valuations, and asset condition ratings. This base data supported the development of asset usage/reinvestment lifecycles for all major NPCA assets. The new NPCA 20-year capital budget model incorporated this critically important technical work. Facility-by-facility capital budgets incorporate a two-year “use it or lose it” business rule. The resulting capital planning discipline is noteworthy – capital funding commitments are not permitted to accumulate in the absence of work progressing. Municipal governments in Niagara and beyond would be well advised to make use of a similar “use it or lose it” business rule for capital planning. A capital project critical path tracking tool (simple but effective excel based tracking) supports timely capital project execution and enforcement of the “use it or lose it” business rule.

A series of park-specific master plans have created a sustainable operations and financing model. The master plans have identified user-defined capital priorities/marketing plans/timeframes for implementation (see figures below for Binbrook). The user defined priorities have been properly costed and integrated into the 20-year capital planning framework.

Excerpts from 2014 Binbrook CA Master Plan – Confirms NPCA Sustainable Parks Planning Model

Binbrook Excerpts 1-2:



Phasing Plan

The Phasing Plan for the Binbrook Conservation Area identifies three periods for implementation, short term (years 1-5), medium term (years 6-10), and long term (years 11+). As identified in the previous section, some projects require attention in Years 1 through 3 to ensure that the park continues providing a high level of service.

PHASE	YEAR	PROJECTS
SHORT TERM	1	<ul style="list-style-type: none"> Infrastructure Upgrades (Includes septic system upgrades / new system, additional water well, and electrical servicing upgrades) Existing Washroom Facility Upgrades / Expansion Accessible Children's Trail Continuous Trail Upgrades Kayak / Canoe Storage Racks Pavilion #2 Wind Curtain
	2	<ul style="list-style-type: none"> Electronic Control System at Main Entrance Expanded Heated Gatehouse Gazebo at West Reflection Area Outdoor Event Venue Upgrades
	3	<ul style="list-style-type: none"> Pavilion #1 Expansion New Picnic Pavilions (2) Roads and Parking Upgrades
	4-5	<ul style="list-style-type: none"> Multi-Purpose Building
MEDIUM TERM	6-10	<ul style="list-style-type: none"> Observation Tower New Fishing Platforms Main Boat Launch Upgrades Glamping Area
LONG TERM	11+	<ul style="list-style-type: none"> South Side Trail Continuous Accessible Trail Around Lake Niapenco Splash Pad Upgrades / Renovation

Table 6.1: Phasing Plan

Binbrook Excerpt 3:

6.2 Site Development Costs

Order of magnitude development cost estimates for the master plan elements have been developed. These are presented below. The total development cost for all elements in the master plan is in the range of \$8.255 - \$9.025 million. It should be noted that these costs do not include design fees or H.S.T.

Years 1-5	
Item	Estimated Cost
Septic System	
Option A – Upgrade Existing 2 Septic beds	\$400,000
Option B – Centralized System (w/ waste water in forced main system to constructed wetland)	\$800,000
Additional Water Wall (w/ treatment facility)	\$150,000
Electrical Services Upgrades	\$500,000
Existing Washroom Facility	
Option A – Upgrade existing to comply with AQWA	\$30,000
Option B – Expand Facility (add sinks, stalls, change area, etc.)	\$100,000
Electronic Control System at Main Entrance	\$20,000
Expanded Gatehouse	\$100,000
Accessible Children's Trail	
Limestone Screening (2 m wide x 800 m long)	\$50,000
Educational / interpretive elements (ages 4-8)	\$20,000
Trail Upgrades (continuous)	
Limestone Screening (2 m wide)	\$100,000
Interpretive / Educational signage (20 signs)	\$50,000
Pavilion #2 Wind Curtains	\$5,000
Pavilion #1 Expansion (incl. washrooms)	\$100,000
New Picnic Pavilions (2)	\$150,000
Gazebo at West Reflection Area	\$35,000
Kayak / Canoe Storage Racks (50 spaces)	\$25,000
Camping Area (incl. road access, toilet system, water, electricity, 20 sites)	\$820,000
Upgrade Roads and Parking	
Roads (1600 m x 6 m)	\$500,000
Expand Parking Areas (5000 sq. m)	\$250,000
Outdoor Event Venue (incl. site grading)	\$150,000
Multi-Purpose Building (6,000 sq. ft., w/ washrooms)	\$1,000,000
Year 1-5 TOTAL (low / high)	\$3,255,000 / \$5,725,000

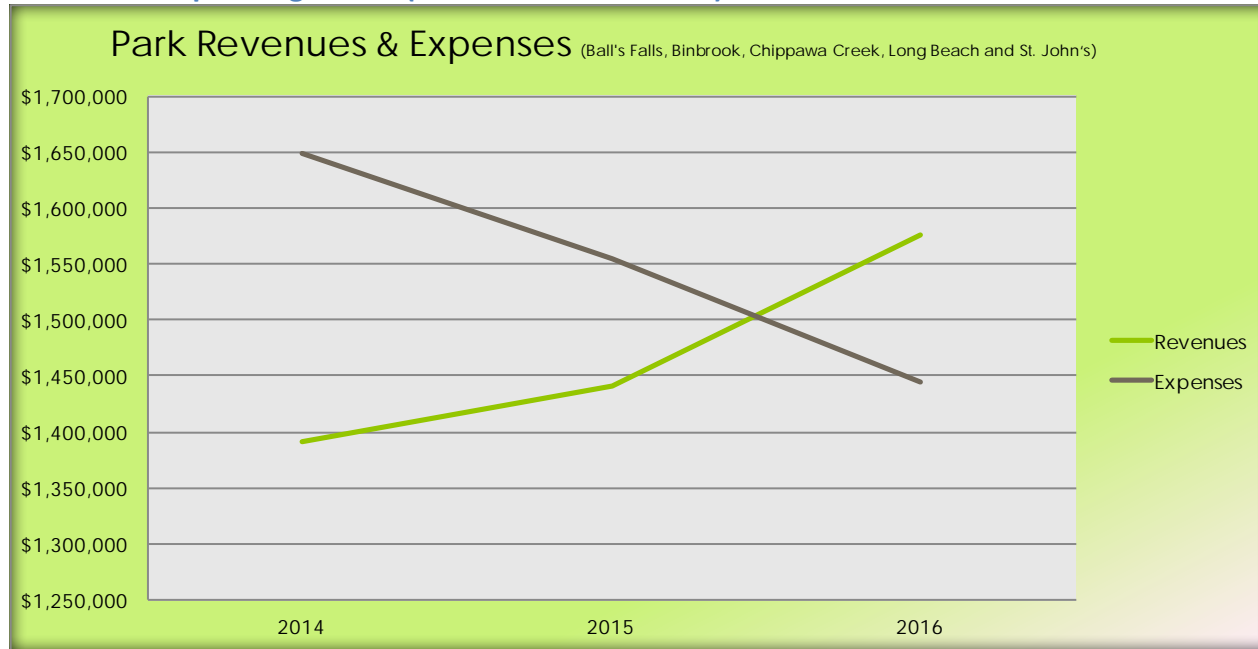
Years 6-10			
Item	Estimated Cost		
Observation Tower	\$200,000		
Fishing Platforms	\$300,000		
Main Boat Launch Upgrades	\$150,000		
Year 6-10 TOTAL	\$650,000		
Years 11+			
Item	Estimated Cost		
South Side Trail			
Limestone Screening (3 m wide, 1000 m long)	\$150,000		
Continuous Accessible Trail Around Lake (limestone screening + boardwalk)	\$2,000,000		
Splash Pad			
Option A – Enlarge Existing Splash Pad	\$200,000		
Option B – Themed Water Play Area (to be major attraction)	\$500,000		
Year 11+ TOTAL (low / high)	\$2,350,000 / \$2,650,000		
TOTAL for All Phases (low / high)	\$8,255,000 / \$9,025,000		

Table 6.2: Development Costs

NPCA Strategic Plan (2014-17) – Evidence Based Progress Evaluation

Augmenting the sustainable NPCA parks capital planning model, notable progress has been made in developing a full cost recovery operating model for the NPCA “big five” park locations (see figure below). The NPCA’s facilities rental/marketing group has been successful in generating new revenue streams, and operating costs have been effectively controlled. This turnaround in just three fiscal years represents a significant operational accomplishment for the NPCA.

Sustainable Operating Model (Costs versus Revenues)

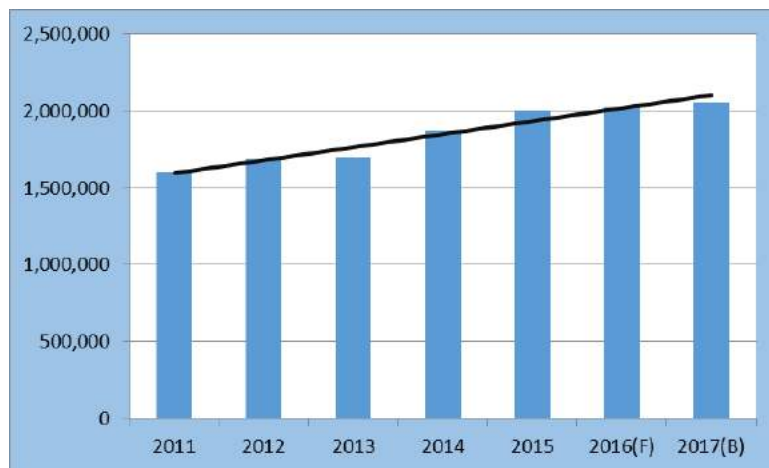


NPCA Strategic Plan (2014-17) – Evidence Based Progress Evaluation

The steady improvement in NPCA self-generated revenues (especially 2014 onwards) represents substantial progress by the NPCA towards financial sustainability and a net reduction in financial risk moving forward.



NPCA Self-Generated Funds



* NPCA Self-Generated Funds include User Fees, sales, admissions, administration fees & interest

**STRATEGIC PLAN PROGRESS EVALUATION: CONSERVATION ACT
DEVELOPMENT PERMITTING & REGION OF NIAGARA ADVISORY
SERVICES UNDER MOU**

In 2012-2013 municipal planners and developers/builders from across Niagara were critical of the NPCA's performance in delivering timely Conservation Act permit decisions and MOU advice on development applications. NPCA resources were inadequate for the volume of work that was required. NPCA review processes were not mapped, nor were timeframe targets for decisions put in place by staff or endorsed by the Board. An inflexible and doctrinaire regulatory culture was derided by applicants and development stakeholders.

In 2014 the NPCA redeployed existing FTE to create two new Development Planner positions – essentially doubling the existing workload capacity. An estimated 3,000 file-processing hours were added. Permit processes were mapped and streamlined. Timeframe targets were established. The Board endorsed the new process maps and timeframe targets (2016). The Board also endorsed a new dispute resolution model where unduly delayed applications/files could be escalated from staff consideration to Board consideration (2014). The Board's dispute resolution model has galvanized NPCA staff's commitment to provide timely decisions on permit files.

In 2015 the NPCA purchased and implemented the CityView workflow software tool for coordinating its development workload across numerous applications/files (both Conservation Act permits and MOU workload for municipalities). Workflow software is employed by numerous Ontario growth municipalities to ensure timely and coordinated development application processing – juggling the competing file workload/deadlines in a rational fashion. The resulting “conveyor belt” of files can be properly triaged according to completeness, complexity and aging. The NPCA is the only Ontario conservation authority to install/use workflow software in order to rationalize its development approvals service delivery. This sector “best practice” has been attracting attention/interest from conservation authorities across the province. The NPCA CityView rollout compares favourably with most municipal rollouts of similar workflow software solutions.

As part of this review, Performance Concepts requested customized development application processing timeframe reports from NPCA staff (a mini test audit). The reports were configured promptly by NPCA IT staff and they confirmed the ability of CityView to report actual processing timeframes versus targets. Additional refinement to CityView reporting capabilities are tentatively planned for 2018. The figure on page 29 is indicative of CityView automated reporting capabilities moving forward.

NPCA development fees were updated in 2015 – positioning the NPCA to conform with new Bill 139 fee provisions/requirements.

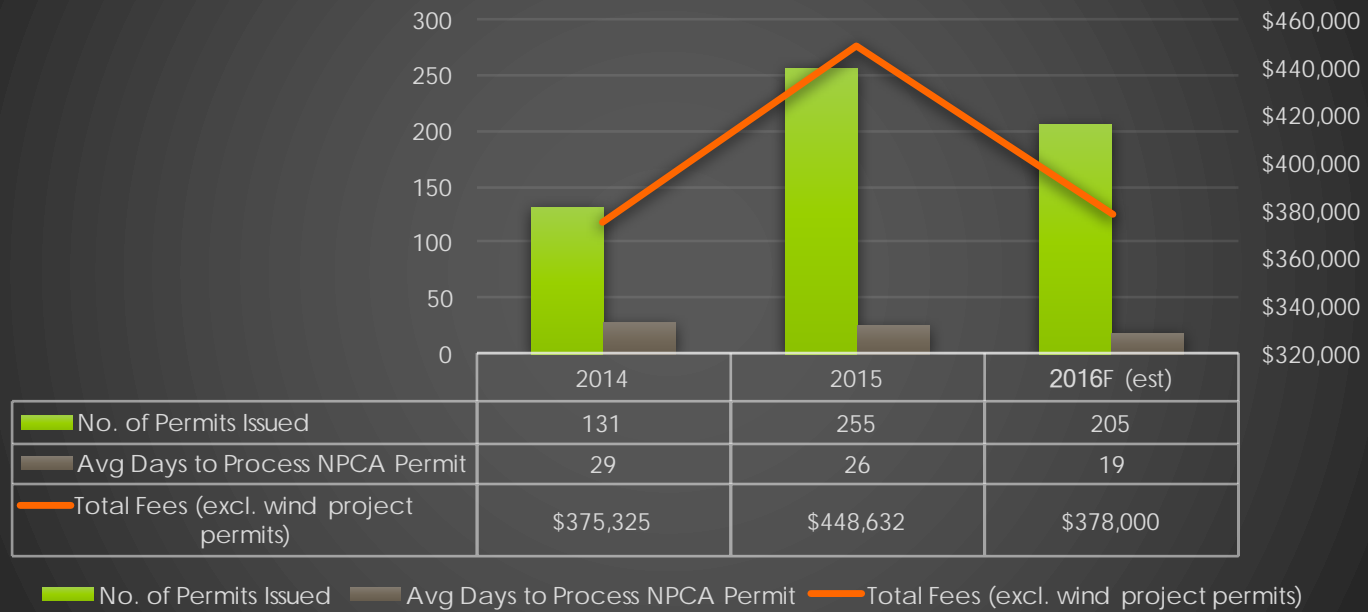
NPCA Progress Map - Permitting & Development Advisory Services

Streamlined/Efficient Delivery of Permitting & Development Advisory Services (MOU)

2014	2015	2016	2017
Two new Development Planner positions (3,000 file processing hours) added to improve processing timeframes	CityView work-flow software tool selected, purchased & implemented...only Ontario CA to adopt this efficiency-driven development approvals workflow tool		Full year of performance reporting capacity tracked in CityView for municipal development applications & NPCA permits
Board adoption of streamlined Development Permit process (mapped)	Development fees policy/structure review executed	Development Review Process timelines adopted...quarterly reporting instituted	P. Concepts executes test of CityView software reporting accuracy/capability
Board adoption of Dispute Resolution model for applicants		100% attendance at municipal pre-con meetings...expedites review timeliness	MOU rationalization process initiated to ensure Region/NPCA roles are disentangled/streamlined

The current rationalization of the dated Region of Niagara-NPCA MOU indicates ongoing due diligence by both parties re. development approvals roles/mandates. The validity of conservation authority involvement in development approvals (via an MOU) has been endorsed in the Province's new Conservation Act Bill 139. However, the precise roles played by a conservation authority already differs across provincial watersheds. For instance, a similar MOU roles/responsibilities rationalization (beyond Niagara) is currently being negotiated by Halton Region and Conservation Halton. Performance Concepts can report that the potential transfer of application processing capacity (i.e. staffing) between a regional government and a conservation authority is a legitimate aspect of modernizing MOU arrangements – in both Niagara and beyond.

NPCA Permitting (2014 - 2016F)



STRATEGIC PLAN PROGRESS EVALUATION: POLICY DRIVEN DECISION- MAKING FRAMEWORK

Prior to 2014, NPCA decision making was perceived by stakeholders and staff to be ad-hoc, inconsistent and not necessarily reflective of the Board's perspective/collective point of view. The widely held stakeholder perspective was that staff occupied this Board "policy void" with its own agenda and perspectives. Accountability and transparency were not well served.

In 2014 the Board approved the Mission/Vision/Values statements contained in the 2014-17 Strategic Plan. These statements provided the overarching rationale for a policy-making model to be applied to management and policy matters alike. A policy screening tool was applied to identify a list of policies that needed to be developed and implemented. Across 2015-2017 approximately 25 policies dealing with governance, administrative matters, development approvals, financial controls and Board conduct were developed and approved (see figure on page 33). Staff's role as advisor and implementer became more defined and circumspect. The Board's role as the decision-maker within a policy defined framework was re-enforced.

Major policies central to the NPCA's Conservation Act mandate have been successfully implemented (i.e. Places to Grow, Greenbelt Act, Niagara Escarpment Plan). The NPCA regulatory policies imbedded in the draft "Living Landscape" document is currently being navigated through extensive community consultations (2017).

NPCA Progress Map – Policy Framework Development

Effective NPCA Model to Set Policies & Priorities

2014	2015	2016	2017
Mission/Vision/Values produced & approved by Board...overarching platform for Policy development			
Policy Screening tool developed/approved for subsequent use reviewing multiple policies			
List of Policies for Review confirmed by Board			25+ governance, administrative, development approval, financial control policies reviewed/refined
NPCA Development Policies review	Places to Grow review executed Greenbelt Act review executed Niagara Escarpment Plan review executed	•Reg. 155/06 •Living landscape Discussion paper & public consultation	Living Landscape Policy Production

NPCA Strategic Plan (2014-17) – Evidence Based Progress Evaluation

NPCA's Steady Progress Developing a Wide Range of Policy Frameworks – Excerpt 2016 Staff Report Updating Strategic Plan Completion

NPCA Policy Framework Producing...	Year
Planning MOU Improvement Policy	2014
Consultant Selection Policy	2014
Binbrook Master Plan Policies	2014
CLAC Terms of Reference	2014
Unsolicited Proposals Policy	2014
Vehicle & Equipment Policy	2014
Accessibility Standard Compliance Policy	2014
O Reg. 155/06 Policy Revisions	2014
Policy Re. Dispute Resolution Process	2014
Regulation #1 Governance/Admin Policies	2014
Regulation #2 Meeting Procedures	2014
Regulation #3 Hearing Procedures	2014
Permits Approvals Process Policy	2014
Health & Safety Statement	2015

Policy Framework Producing...	Year
Workplace Violence & Harassment Prevention	2015
Tangible Capital Asset Accounting	2015
Greenbelt Act Phase 1 Provincial Review	2015
Places to Grow & Niagara Escarpment Act	2015
Land Management Plan	2015
Moveable Assets Policy	2015
Naming of Assets/Facilities Policy	2015
Geocaching Guidelines	2015
Planning & Regulation Fees Policy	2015
Purchasing/Procurement Policy	2015
Cash Deposit Policy	2016
Capital Assets Management/Planning	2016

STRATEGIC PLAN PROGRESS EVALUATION: STAKEHOLDER & PUBLIC COMMUNICATION/CONSULTATION

The NPCA 2014-17 Strategic Plan sought to transform the culture of the organization. In 2012-13 stakeholders criticized the NPCA for carrying a heavy regulatory hammer and displaying little capacity or willingness to pragmatically address/resolve issues. The NPCA was seen as dictatorial and some frontline staff were lacking in the requisite problem solving and communications skills. Other staff were commended for partnership building and outreach. The Board emphasized the need for the NPCA regulator to become a listening organization. Clearly, the NPCA had its work cut out for it given the diverse mandates and stakeholder perspectives it needed to consider. Resourcing and capacity were a major stumbling block – in 2014 the NPCA had a single communications specialist on staff.

Limited progress has been made. Previous recognition of the value of CLAC has been noted in this report. Efforts have been made to expand the use of social media to create conversation pathways with the public and stakeholders. Board outreach – especially by the current Board Chair – has produced some degree of improved dialogue. There continues to be significant room for improved effectiveness in creating a two-direction sustained conversation with the public and key stakeholders. In the execution of this review Performance Concepts has received helpful stakeholder input around techniques/actions to improve communication moving forward. Investments by the Board in added community outreach and communications staff resources (2017) represent a promising ongoing commitment. However, the NPCA does currently suffer from an absence of communication discipline vis-à-vis its dealings with the media and other stakeholders. The transformation story that has unfolded since 2014 does not yet enjoy widespread public traction, despite ample evidence of significant progress. Technology can play a key role in improving the sustainability of two-way meaningful/interactive consultation with the public and stakeholders. There remains much work to be done.

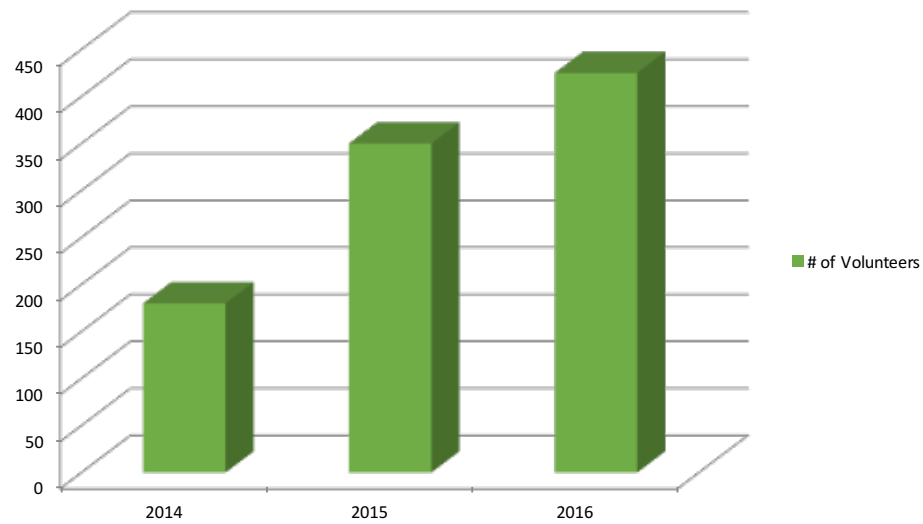
One such progress area is volunteer activation. The count of volunteers and volunteer hours, that leverage/amplify NPCA program delivery, has climbed steadily in recent years. NPCA has documented those increases when requested by Performance Concepts. By mid-2017 approximately 350 volunteers (25 organizations/groups) delivered 3,000 hours. The 2017 reporting moves beyond volumes of volunteer effort to set out actual countable units of work accomplished (see Progress Map below). The 2017 reporting build on the progress trends documented in the 2014-16 data displayed on page 37 of this report.

NPCA Progress Map – Effective Communication with Stakeholders & Public

Effective Communications with Stakeholders & Public

2014	2015	2016	2017
	Marketing & Communications Division created		Community Outreach/Communication capacity improved to achieve sustained 2-way dialogue with stakeholders/public
	Expanded use of social media toolkit to engage public & stakeholders (e.g. Thanksgiving Festival, Cave Springs Master Plan)		
Successful expansion/growth of volunteer capacity coordinated by Community Outreach staff	Tracking # volunteers, volunteer hours but not impacts		<p>Quarterly impact Reporting of Volunteers: A Q2 2017 Sample</p> <p>Removed 62 garbage bags of garlic mustard from our Conservation Areas Planted 357 native trees Planted 2200 native wildflowers Monitored 26 Eastern Bluebird boxes at Ball's Falls - 11 boxes hosting bluebirds and a total of 40 bluebird eggs Helped educate 6036 children</p> <p>Total volunteers (January to June): 75 individuals + 268 from 25 community groups/partners = 343 volunteers Total hours: 2886 hours</p>

Trends- Volunteers



STRATEGIC PLAN PROGRESS EVALUATION: OVERALL EVALUATION & RECOMMENDED OPPORTUNITIES FOR IMPROVEMENT

NPCA Strategic Plan (2014-17) – Evidence Based Progress Evaluation

The NPCA is not a perfect organization. There are no perfect organizations. However, the NPCA has utilized its “change” driven 2014-2017 Strategic Plan to transform itself into a progress-driven organization. In 2013, the organization was failing against all of the evaluation criteria noted in the “report card” style scorecard appearing below. By 2017, the NPCA displayed significant improvement in most categories, and limited improvement in one category (Public/Stakeholder Relations). The management team has noted that a continuous improvement commitment will permit the NPCA to build on these results. Performance Concepts can state with confidence, that its evidence-based evaluation of the NPCA reveals a competently managed organization – poised to tackle significant policy issues (e.g. climate change), refine its core mandate, and improve its two-way stakeholder communications.

Service Delivery/Management	Overall Assessment Grade in 2017 (Summarizing Evidence Based Evaluations)
Governance & Accountability	B+
Budget/Financial Controls/Asset Management	A
Permitting & Development Approvals Services to Region via MOU	B+
Policy Development Framework	B
Public/Stakeholder Relations	C+ to B-

NPCA demonstrates evidence based progress from “D” level performance in all categories as evidenced 2012-13

The key improvement opportunities revealed in the Performance Concepts evaluation of 2014-2017 Strategic Planning progress are as follows:

1. Improve NPCA's cultural alignment and service delivery accountability by adopting & populating Key Performance Indicators (i.e. an NPCA Conservation Scorecard) for all forward-facing programs. Integrate Conservation Scorecard development within the 2018-2021 strategic planning cycle. Use the Scorecard to set longer term program-specific and broad community outcome performance targets.
2. Improve NPCA's already robust management/financial controls by adopting a centralized purchasing model to ensure standardized/consistent vendor selection processes. Do so during 2018.
3. Utilize CLAC to devise a new technology-driven model for sustained two-way stakeholder communication and problem solving. Position this initiative within the 2018-2021 strategic planning cycle. Imbed a new, effective consultation model/process/toolkit in a new Board approved policy that moves beyond "last century" failed consultation approaches.
4. Expand community outreach and stakeholder consultation efforts around watershed indigenous communities that share NPCA conservation values.
5. Continue to conduct detailed/targeted program reviews to ensure value-for-money and foster continuous improvement.

PERSPECTIVES ON UPCOMING 2018-21 STRATEGIC PLANNING CYCLE

Opportunity to Rebalance Towards NPCA Program & Mandate Driven Priorities Moving Forward

The 2014-2018 Strategic Plan moved the NPCA into the category of a competently managed organization. The 2018-2021 strategic planning cycle can build on that hard-earned foundation of financial/asset management and operational planning competence.

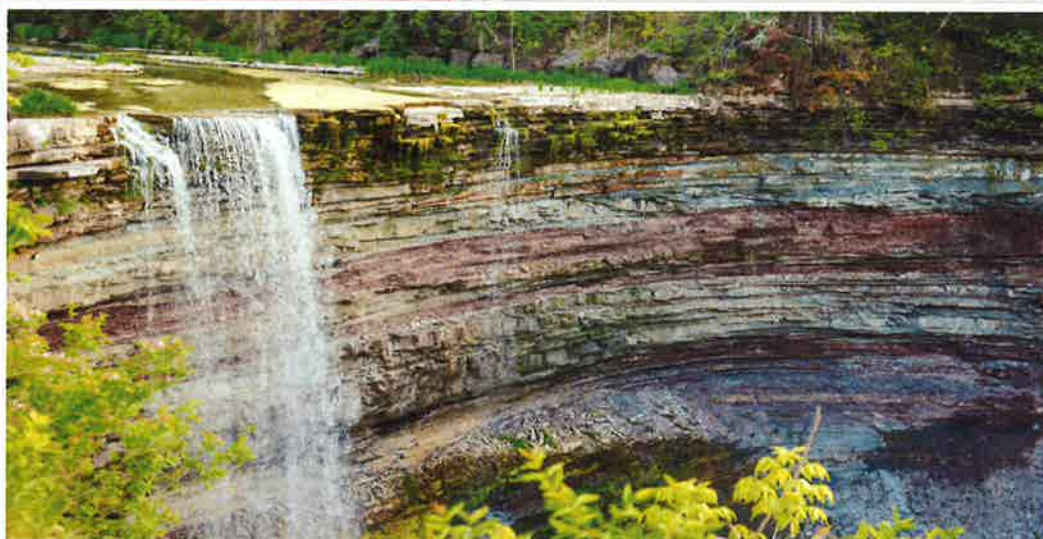
The NPCA's 2018-2021 strategic planning cycle can consider ambitious planning and delivery of forward-facing programs and community initiatives. This is consistent with recent public announcements made by the CAO around strategic initiatives such as a 100-year Water Quality Plan and Climate Change Mitigation. This type of pivot towards ambitious conservation objectives, now that previous NPCA management deficiencies have been dealt with during 2014-2017, was strongly supported during stakeholder listening sessions that occurred as part of this review exercise.

A 2018-2021 strategic planning process that integrates NPCA Board priorities, NPCA staff's operational ambitions, and stakeholders' diverse reservoir of ideas for sustainable collaboration, will result in a continued cycle of progress for the organization.



Office of the Auditor General of Ontario

Special Audit of the Niagara Peninsula Conservation Authority



September 2018



Office of the Auditor General of Ontario

To the Honourable Speaker
of the Legislative Assembly

I am pleased to transmit my report on the
Special Audit of the Niagara Peninsula
Conservation Authority, as requested by the
Standing Committee on Public Accounts under
Section 17 of the *Auditor General Act*.

Bonnie Lysyk
Auditor General

September 2018
Toronto, Ontario

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Ce document est également disponible en français.

ISBN 978-1-4868-2534-9 (Print)
ISBN 978-1-4868-2535-6 (PDF)

Cover photograph credit:
Niagara Peninsula Conservation Authority



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Special Report

Special Audit of the Niagara Peninsula Conservation Authority

1.0 Reflections

In light of mounting criticisms of the Niagara Peninsula Conservation Authority (NPCA), the Standing Committee on Public Accounts of the Legislative Assembly of Ontario requested on October 25, 2017, that our Office conduct an audit of the NPCA. In Canada, conservation authorities are unique to Ontario and were created by the *Conservation Authorities Act* (Act) almost 75 years ago. The Act and its regulations lay out the mandate of conservation authorities and their governance through boards of directors that are largely composed of municipal mayors and councillors.

During our audit, we found significant operational issues specific to the NPCA. Many of these issues stem from a broader governance issue relevant to all conservation authorities that will need clarification and guidance from the Province to overcome. The Act states that conservation authority board members have the authority to vote and generally act on behalf of their respective municipalities. However, employees and the public have the different expectation that board members will act in the best interests of the conservation authority they represent.

In the case of the NPCA, Board members have been involved in day-to-day operations and other situations where they have put, or have been per-

ceived to have put, the interests of their municipality ahead of the interests of the conservation authority. This has contributed to internal and external criticisms of the NPCA over the last few years.

Our report includes recommendations directed to both the NPCA and the Province. The NPCA needs to restore community trust by making improvements in the areas of human resources, procurement, capital planning, flood mapping, restoration programming, complaint follow-up and violation enforcement, review of development proposals and permit applications, and performance measurement and public reporting. The NPCA Board and management have responded positively to these recommendations. As well, the Ministry of the Environment, Conservation and Parks (Ministry) has committed to work with the NPCA and monitor its progress on implementing them. It is also committed to working with municipalities to establish clear and consistent expectations for conservation authority roles and responsibilities.

In closing, we appreciate the opportunity to have worked with those both directly and indirectly involved in municipal governance. NPCA Board members, management and staff engaged in productive discussions with us throughout the audit. We thank them for their co-operation. We also value the input we received from the Ministry and Conservation Ontario, which represents the 36 conservation authorities in Ontario.

2.0 Summary

The Niagara Peninsula Conservation Authority (NPCA) is one of 36 conservation authorities in Ontario. Each of them delivers programs and services to manage natural resources and protect people and their properties from natural hazards such as floods and erosion.

The *Conservation Authorities Act* (Act) establishes the legislative framework for the creation, funding and operation of conservation authorities in Ontario. It is administered by the Ministry of the Environment, Conservation and Parks (Ministry, previously the Ministry of Natural Resources and Forestry). The Act requires that conservation authorities undertake activities to “further the conservation, restoration, development and management of natural resources.”

On October 25, 2017, in light of mounting criticisms of the NPCA, the Standing Committee on Public Accounts of the Legislative Assembly requested that our Office conduct a value-for-money audit of the NPCA.

Our audit covered the areas noted in **Figure 1**. As **Figure 1** shows, there were no issues in the NPCA’s management of its flood-control structures, water quality monitoring, and operation of its conservation areas to deliver recreational and educational programs to the public. For example, NPCA staff regularly monitor surface and groundwater quality across the watershed and publicly report the results of their monitoring annually. In addition, the NPCA delivers environmental education programs that highlight the importance of sustainable environmental management. This report focuses on areas for improvement.

The NPCA serves about half a million people in the Niagara Peninsula, encompassing the entire Niagara Region (made up of 12 local municipalities), 21% of the City of Hamilton and 25% of Haldimand County. The Board of Directors that governs the NPCA comprises 15 members who are appointed by the municipalities within the NPCA’s

jurisdiction (Niagara Region, Hamilton and Haldimand County). In 2017, the NPCA received about \$8.9 million (or 71% of its total revenues of about \$12.5 million) from municipalities, about \$380,000 from the Province, and the rest through federal funding, fees charged for specific services, and donations from individuals and organizations.

Overall Conclusion

Over the last few years, the NPCA has taken steps to improve its business functions and has several initiatives under way. In 2011, the NPCA Board identified the need to make operational changes and, in 2014, began implementing such changes. For example, the NPCA developed its first Strategic Plan in 2014 and in 2017 assessed its progress against the goals outlined in the plan. At the time of our audit, the NPCA was also developing its 2018–21 Strategic Plan, which was approved by the NPCA Board in July 2018. The 2018–21 Strategic Plan identifies the four areas where the NPCA will focus its efforts: using science and evidence to support watershed management decisions; planting trees and native plants to rebuild the canopy; creating more parks; and investing in its parks to meet public demand.

However, in our audit of the NPCA, we identified a number of opportunities for further improvement. We found that the NPCA needs to improve its processes to ensure that it delivers programs and services economically, efficiently and in accordance with relevant legislation, regulations, agreements and policies, and that the impact of human activities, urban growth and rural activities in the lands within the NPCA’s jurisdiction is effectively managed.

We also found that the NPCA does not have effective processes to measure, assess and publicly report on the operational effectiveness of its programs and services. As a consequence, the NPCA has not been able to fully demonstrate, and the Ministry and municipalities could not fully assess, how well the NPCA was fulfilling its legislative mandate to further the conservation, restoration,

Figure 1: Areas Covered in Our Audit

Prepared by the Office of the Auditor General of Ontario

	No Issues Noted	Issues Noted*
Activities NPCA Must Undertake as a Conservation Authority		
Control, alter or divert watercourses with infrastructure (e.g., dams) to reduce adverse effects of floods	✓	
Forecast floods and issue flood alerts		S. 6.1
Advise municipalities on where development is allowed		S. 6.2
Approve or deny applications from landowners for work permits		S. 6.2.1, 6.2.3
Activities NPCA May Undertake as a Conservation Authority		
Develop maps of flood- and erosion-prone lands and wetlands		S. 6.1
Develop policies for where to allow development and other changes to the environment		S. 6.2.1
Inspect sites for compliance with the <i>Conservation Authorities Act</i> and investigate complaints about suspected prohibited activities		S. 6.3
Monitor water quality	✓	
Work with landowners on projects to restore ecosystems on their properties		S. 6.4
Acquire lands for parks and protection		S. 6.5
Operate conservation areas and deliver recreational and educational programs	✓	
Other Areas		
Measurement of the impact of NPCA's programs and services		S. 6.6
Management of human resources, including hiring, promotion and restructuring		S. 6.2.3, 7.1
Management of financial and capital resources		S. 7.2
Board governance		S. 5.1, 5.2, 5.3, 5.4
Ministry's and municipalities' role in overseeing conservation authorities in general		S. 8.1, 8.2, 8.3

* The section numbers refer to the sections of this report that describe issues noted.

development and management of natural resources within its jurisdiction. And, given that the Ministry only requires conservation authorities to submit their audited financial statements and information about provincially funded activities, the Ministry also cannot assess how well any of the 35 other conservation authorities across the province are fulfilling their legislative mandate.

This report contains 24 recommendations with 75 action items. See **Appendix 1** for a summary of recommendations to the NPCA and the Ministry.

The following sections describe more detailed findings in the areas of governance and the NPCA's operations.

Governance

Our audit found that the governance structure established in the Act and weaknesses in the NPCA Board's oversight were two of the key contributors to the problems at the NPCA that have been the subject of concerns and criticisms.

- Municipal priorities sometimes conflict with conservation authorities' interests.** Conservation authorities are governed by boards of directors whose members are appointed by the municipalities that provide funding to conservation authorities. The Act authorizes board members to "vote and generally act on behalf of their respective

municipalities.” This puts board members in a difficult position when municipal interests conflict with the interests and responsibilities of conservation authorities and their employees. Further complicating board members’ role is the fact that municipalities are the main source of funding for conservation authorities, accounting for, on average, almost half of their revenues. This dependence may present challenges for conservation authorities, including their boards, to make decisions independent from municipal pressures. The conflict is especially problematic when board members are also elected officials (mayors and councillors), whose municipal priorities include facilitating economic development in their municipalities. In certain cases, allowing such development may not be in line with the provincial legislation and policies that conservation authorities are mandated to implement. For example, in 2017, a municipal staff member contacted their Board representative at the NPCA when the NPCA assessed that the municipality’s proposed amendment to its municipal plan that would allow future development on a floodplain is not allowed under provincial legislation and policies. The Board member contacted the NPCA’s Chief Administrative Officer (CAO) to discuss the matter. Following the discussion, meeting notes on file indicate that the CAO told the municipality that the NPCA would not appeal if the municipality went ahead with the plan. The municipality did go ahead, and the NPCA did not appeal. Amendments made to the Act in 2017, if proclaimed, will give the Province powers to impose requirements regarding Board composition that could address the conflict. At the time of our audit, these amendments had not yet been proclaimed.

- **Not all NPCA Board members follow leading governance practice of keeping a distance from the NPCA’s day-to-day operations.** In their response to the

October 25, 2017 Hansard that contained the motion made by the Standing Committee on Public Accounts, the NPCA wrote that “the NPCA Board plays no part in the approval of planning applications or building permits.” However, we found instances of some Board members being involved in the NPCA’s day-to-day operations. Their involvement ranged from asking for information about a development application to attending meetings between the NPCA and municipal staff to advising NPCA staff to revise their comments about a development application. A key role of the Board is to provide a countervailing perspective by objectively assessing the assumptions and rationale behind management’s recommendations, and to do so through an official process at Board meetings. Any degree of Board involvement in day-to-day operations is inappropriate because it compromises the Board’s objectivity in fulfilling its oversight role. It also has the potential to create a difficult working environment for employees.

- **The Province and municipalities could do more to oversee conservation authorities.** According to the Ministry, the Province and municipalities share responsibility for overseeing conservation authorities. However, neither the Province nor municipalities are involved to the extent necessary to assess how well conservation authorities are fulfilling their mandate. In addition, the Act does not give the Ministry or municipalities powers to intervene to address serious concerns with conservation authorities. In the NPCA’s case, the Ministry and the Niagara Regional Council received numerous requests in the past from municipalities to conduct an independent audit of the NPCA, but both responded that they did not have jurisdiction to initiate an audit.
- **Conservation authorities need more direction from the Province to clarify priorities and ensure consistency in programs and services across the province.** Our survey

found that there are variations in how conservation authorities across the province interpret their mandate and their policies to meet that mandate. For example, 75% of the conservation authorities we surveyed indicated that they encountered conflicts between conservation and development in the work they did. However, the Province has not provided guidance to clarify what “development of natural resources” entails and to what extent conservation of natural resources must be prioritized. Amendments to the Act in 2017 will give the Province the ability to make additional regulations, but those amendments had not been proclaimed at the time of our audit.

Operations

We found weaknesses in how the NPCA delivers its programs and services. These weaknesses affect the NPCA’s effectiveness in fulfilling its legislative mandate. For example:

- **The NPCA does not have complete and up-to-date information about flood risks within the lands in its jurisdiction.** The NPCA does not have maps that identify flood-prone areas for over half of the watercourses in its jurisdiction. The unmapped areas include about 14,500 dwellings and commercial buildings near the watercourse. In addition, almost one-quarter of the maps that have been completed are outdated, having been completed between 20 and 43 years ago. About 51,700 structures are located near the flood lines shown in the outdated maps.
- **The NPCA has not used consistent criteria to assess the safety of proposed development.** In 2007, the Board approved the policies for where development is allowed, in line with the general stipulations of legislation. In 2013, NPCA senior management instructed staff to use more flexible criteria to review development proposals. Although NPCA senior management told us during our audit that staff no longer used the more flexible criteria, our review of a sample of recent reviews showed that the 2007 policies were not always followed. This leaves municipalities, individuals applying to do work on their property and other stakeholders unsure of what the NPCA’s rules are for controlling development in flood-prone areas and wetlands.
- **NPCA senior management proposed a project to allow wetland destruction in Thundering Waters.** In 2015, the NPCA proposed a pilot project to the provincial government to allow wetlands in Thundering Waters to be destroyed to facilitate the development of a multi-use residential, commercial and entertainment community. In compensation, the proposal was that new wetlands (three times as large in area as those that would be destroyed) would be recreated elsewhere. The NPCA had not studied the site’s ecosystems to determine if they contained unique features that cannot be replicated and an NPCA staff member expressed concerns to senior management that there was no scientific analysis to support the proposal.
- **The NPCA is taking longer to complete its review of development proposals and work permit applications than in 2013.** Overall, the average time to review development proposals increased from 16 days in 2013 to 38 days in 2017. This increase can be at least partly attributed to frequent organizational restructurings, which we further comment on below. Our analysis of review times for work permit applications found that the average review time increased from 29 days in 2013 to 37 days in 2017.
- **In some cases, the NPCA has taken little or no action when the Conservation Authorities Act is violated (for example, when wetlands are destroyed or debris is dumped into a waterway).** One-quarter of the complaints we reviewed from the public about possible Act violations between 2013 and 2017

were still open, meaning that the potential violation had not been dealt with and the damage or alteration to the environment had not been fixed. In one example, the NPCA had received 11 complaints about debris dumped on an embankment within the floodplain. The NPCA enforcement officer visited the site seven times between December 2014 and August 2017, and did find evidence of a violation. However, the officer did not issue a Notice of Violation ordering the offender to stop, and the offender eventually moved away. In another example, the NPCA found that a developer had destroyed wetlands in 2008 (10 years ago), but at the time of our audit there had been no restoration despite the developer being issued with a court order in 2010 to restore the wetlands by 2011. Although the NPCA normally employs one enforcement officer, there were 13 months between September 2016 and April 2018 that the NPCA had no dedicated enforcement officer, further contributing to delays in resolving violations.

- **The NPCA has not done any work on improving water quality since it suspended its restoration program in July 2017.** One way the NPCA undertook to improve water quality was through a program to carry out restoration projects in collaboration with landowners. In July 2017, the NPCA suspended this program after identifying concerns about the program and engaged an external consultant to review it. The NPCA began accepting applications for the new restoration program in August 2018.
- **The NPCA has not spent \$3 million it received from Ontario Power Generation (OPG) in 2007 as was agreed to with OPG.** The NPCA was to spend the funding between 2007 and 2012 on projects aimed at improving the health of the Welland River, but by 2018 had spent only \$1.45 million, and 27% of that amount (or \$390,000) has been spent on projects that do not meet the agreed-to eligibility requirements.

We noted that in 2014, the NPCA began implementing policies and functions to improve its human resources (HR), procurement and capital-planning processes. However, we identified areas where further work is necessary:

- **The NPCA has not developed a long-term plan for its staffing needs.** In the absence of a long-term plan for staffing, the NPCA implemented four organizational restructurings between 2012 and 2017, which were both costly and short-sighted (for example, eight positions were created only to be eliminated, on average, three-and-a-half years later).
- **The fairness of hirings and promotions is not always clear.** We noted that recruitment files do not always support the hiring of the selected candidate and that promotions are not always competitive.
- **The NPCA has experienced a high employee grievance rate and has many outstanding grievances.** In 2017, 13 of the NPCA's 37 unionized employees filed grievances. Of 51 total grievances filed since 2016, 19 were still unresolved and had been ongoing for an average of 344 days. In 13 of the 16 harassment or discrimination-related grievances and complaints since 2017, the NPCA did not conduct an appropriate or timely investigation of the incident or obtain sufficient information to determine if an investigation was required. Our survey of and interviews with staff found that half of NPCA employees had a negative view of the workplace.
- **Administrative spending has increased while spending on watershed services has decreased.** While the NPCA's overall expenses of \$9.6 million in 2017 were 3% lower than its expenses of \$9.8 million in 2012, expenses related to administrative support and corporate services increased by 49%, from \$2.3 million in 2012 to \$3.4 million in 2017. Spending on watershed services and management of conservation areas decreased by 18%, from \$7.54 million in 2012 to \$6.16 million in 2017.

- **The NPCA has not taken full advantage of opportunities for cost savings.** The NPCA did not acquire goods and services competitively as required by its procurement policy in half of the \$3.8 million of purchases we reviewed. Also, the NPCA's policies do not require that legal services be procured competitively. The NPCA has paid over \$500,000 in legal fees to 17 different law firms since 2015.
- **Given increases to planned capital spending, the NPCA needs to better detail needs and costs.** The NPCA has planned to undertake 237 capital projects between 2017 and 2032 at an estimated cost of \$45.8 million. The NPCA has not planned how to fund these projects and has not prioritized them to know which projects it can undertake with its available funds. As well, its cost estimates for some projects are not always supported. For example, the NPCA estimates in its capital plan that a new headquarters building will cost \$9.2 million, but other documentation it provided to us shows a cost estimate of between \$4.3 million and \$6.94 million.

NPCA OVERALL RESPONSE

The Niagara Peninsula Conservation Authority (NPCA) wishes to express its appreciation to the Auditor General of Ontario for conducting an extensive and thorough review of its operations. The NPCA is committed to openness, transparency and accountability. As the Auditor General has noted in this report, while the NPCA is not perfect, it has taken steps to make improvements to its operations.

The NPCA agrees with almost all of the Auditor General's recommendations in this report. As noted in the report, the NPCA, in recent years, has taken steps to address a number of deficiencies in its business functions. Examples in 2018 include hiring a procurement specialist to ensure best practices are followed for all procurements, and the NPCA Board providing a directive to develop and deliver a comprehen-

sive education/orientation program to ensure that Board members properly understand their roles, responsibilities and the legislative framework within which they operate. Significant investments have been made in our parks and campgrounds, with more planned. In addition, self-generated revenues have increased substantially in the last five years.

Some of the recommendations in this report go beyond the requirements under the current legislation and/or the ability of the NPCA to unilaterally bring about the recommended change. The NPCA looks forward to working with stakeholders including the Province, other conservation authorities and Conservation Ontario.

MINISTRY OVERALL RESPONSE

The Ministry appreciates the Auditor General's observations and recommendations resulting from the value-for-money audit of the Niagara Peninsula Conservation Authority (NPCA). Conservation authorities have played a significant role in the conservation, restoration, development and management of Ontario's natural resources for over 70 years. We are proud of the work undertaken by Ontario's conservation authorities to protect people from water-related natural hazards, provide recreational and educational opportunities, support science and research, and conserve and protect the natural environment.

The Ministry acknowledges that the NPCA has already taken or initiated a number of steps to help address the Auditor General's findings and that the NPCA has made additional commitments to making further improvements. The Ministry is committed to working with the NPCA, and monitoring the progress on the implementation of its action plan. In addition, we will work with participating municipalities, and the broader conservation authority community, to more broadly advance some of the Auditor General's suggested areas for enhanced effort.

A number of changes were recently made to the *Conservation Authorities Act* to provide the government with a suite of new tools for improving oversight and accountability in conservation authorities' operations and clarifying responsibilities. The Ministry will use the recommendations resulting from the audit of the NPCA to help determine how best to use these new tools to help restore responsibility, accountability and trust in the NPCA. Any actions taken by the Ministry to respond to the Auditor General's recommendations will be developed in close consultation with municipalities, conservation authorities and other interested stakeholders.

3.0 Background

3.1 Overview of Conservation Authorities

The Niagara Peninsula Conservation Authority (NPCA) is one of 36 conservation authorities in Ontario. Each is a local public-sector agency that delivers programs and services to manage natural resources and protect people and their properties from water-related natural hazards such as floods and erosion.

Each conservation authority's boundaries are determined by its watershed, instead of by the boundaries of its municipalities. A watershed is an area of land that drains or "sheds" the rain or snow it collects into a common body of water such as a marsh, stream, river or lake. Therefore, the water bodies into which water from an area drains determine the boundary of each watershed.

Approximately 90% of Ontario's population lives in a watershed managed by a conservation authority. See **Appendix 2** for a map of the 36 conservation authorities in Ontario and **Appendix 3** for key information about their operations.

3.1.1 What Conservation Authorities Do

The *Conservation Authorities Act* (Act), passed in 1946, establishes the legislative framework for the creation, funding and operation of conservation authorities in Ontario. Under the Act, conservation authorities are corporations with a degree of autonomy from the provincial government and municipalities; they are local public-sector organizations, but are not agencies, Boards, or commissions of the Province.

According to the Act, the objective of conservation authorities is "to provide, in the area over which [they have] jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources." Other federal and provincial acts add to the authority and responsibilities of conservation authorities. **Figure 2** lists the key responsibilities and activities of conservation authorities under the Act and these other pieces of legislation.

The Province began creating conservation authorities after World War II in response to flooding, erosion and deforestation occurring in Ontario because of poor land, water and forestry practices in the 1930s and 1940s. **Appendix 4** shows the evolution of the activities and responsibilities of conservation authorities, including legislative amendments. In 2017, the Province amended the Act to improve oversight and accountability and provide clarification and consistency in programs and services delivered by conservation authorities. Some amendments have been proclaimed, but many have not (see **Appendix 4** for details).

Conservation authorities are unique to Ontario. As shown in **Appendix 5**, in most other Canadian jurisdictions, provincial and municipal governments deliver the key programs and services that in Ontario are delivered by conservation authorities. According to the Province, the watershed-based model under which conservation authorities operate is a meaningful scale to address local needs because changes in one part of the watershed may cause changes across municipal boundaries.

Figure 2: Mandatory and Optional Programs and Services Provided by Conservation Authorities (CAs)

Prepared by the Office of the Auditor General of Ontario

CAs Must	How CAs Do This	Source(s) of Authority	Covered in Our Audit ¹
Mandatory Programs and Services (Conservation Authorities Act, s. 21.1 (1))			
Control the flow of surface waters to prevent or reduce the adverse effects of floods or pollution	Own, operate and maintain flood- and erosion-control infrastructure such as dams, dykes and berms	Conservation Authorities Act, s.21(1) (i),(j),(k); s.39	✓
Erect works and structures, and create reservoirs by the construction of dams; and alter or divert watercourses to further the conservation, restoration, development and management of natural resources			
Prohibit, restrict, regulate or grant permission: <ul style="list-style-type: none"> for development in or close to watercourses, shorelines, flood- and erosion-prone lands, wetlands and other areas where development could interfere with a wetland's ability to store water and mitigate flooding to straighten, change, divert or interfere with a watercourse, or to change or interfere with a wetland 	Develop specific policies/rules for <ul style="list-style-type: none"> where development, and changes to and interference with the environment, are prohibited and when allowed what conditions must be met in specific situations when development and changes are allowed Approve or deny work permit applications from landowners based on the CA's specific policies/rules	Conservation Authorities Act, s.28 Conservation Authorities Act, O.Reg. 97/04 Various regulations under the Conservation Authorities Act ²	✓
Describe the areas, such as waterways, shorelines, flood- and erosion-prone lands, and wetlands, over which it has jurisdiction		Conservation Authorities Act, s.28(4) Various regulations under the Conservation Authorities Act ²	✓
Develop and implement flood forecasting and warning systems	Monitor water levels and flow, and issue flood alerts	Conservation Authorities Act, s.39	✓
Help 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, and not create new or aggravate existing hazards Examples of natural hazard areas: lands next to shorelines that can flood and erode; "dynamic" (unstable) beaches	Develop specific policies/rules for when development is too close to a natural hazard area and should not occur Review municipal policy documents (e.g., official plans and zoning by-laws) and development proposals, and advise municipalities on where development should be restricted	Provincial Policy Statement ³ (issued under Planning Act, s.3), s.3.1 Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources, and the Ministry of Municipal Affairs and Housing on Procedures to Address Conservation Authority Delegated Responsibility	✓

CAs May	How CAs Do This	Source(s) of Authority	Covered in Our Audit ¹
Optional Programs and Services to Further Objectives (Conservation Authorities Act, s. 21.1 (1))			
Study and investigate the watershed to determine how natural resources may be conserved, restored, developed and managed	Develop Watershed Plans, water quality reports and floodplain maps	Conservation Authorities Act, s.21(1)(a)	
Acquire land for parks, recreational purposes, or other purposes to achieve its objectives	Buy land for conservation areas and to protect it from development (because it contains natural hazards)	Conservation Authorities Act, s.21(1)(c),(e),(m)	✓
Charge fees for admission to and use of facilities in acquired land	Own and operate conservation areas, and run recreation and education programs in them		
Appoint an officer to ensure compliance with the Conservation Authorities Act and its regulations	Conduct inspections of sites where landowners are doing work under approved work permits to ensure the work complies with permit conditions	Conservation Authorities Act, s.30.1 to 30.4	✓
Issue stop work orders and pursue issues of non-compliance with the provincial court	Investigate public complaints about suspected violations of the Conservation Authorities Act	Various regulations under the Conservation Authorities Act ²	
Enter into agreements with private landowners to carry out projects	Work with landowners to carry out projects to restore ecosystems on their properties	Conservation Authorities Act, s.21(1)(g)	✓
Collaborate with and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations and individuals	Work with ministries to monitor water quality Work with environmental non-profit organizations to undertake stewardship/restoration projects	Conservation Authorities Act, s.21(1)(n)	✓
Plant trees	Undertake tree-planting projects through CA stewardship/restoration programs	Conservation Authorities Act, s.21(1)(o)	✓
Allow research to be done	Issue permits to conduct research in CA-owned parks	Conservation Authorities Act, s.21(1)(p)	
Charge fees for services approved by the Minister	Charge fees for reviewing development proposals and work permit applications	Conservation Authorities Act, s.21.2	
Make regulations with respect to their own lands	Issue hunting and fishing permits	Conservation Authorities Act, s.29(1)	
Optional Programs and Services Provided on Behalf of Municipalities (Conservation Authorities Act, s. 21.1 (1))			
Provide programs and services on behalf of a municipality, laid out in a memorandum of understanding with the municipality	Review development proposals for compliance with a municipality's policies relating to stormwater or natural heritage features Administer and enforce municipal forest conservation by-laws Conduct technical studies (on, for example, low-impact development and strategizing for climate change)	Conservation Authorities Act, s.21(3)	

1. See Figure 1 for a summary of our findings.

2. There is a separate regulation for each conservation authority.

3. The Provincial Policy Statement is a document that establishes the policy foundation for regulating the development and use of land while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

3.1.2 Who Funds Conservation Authorities

On average, conservation authorities receive over half of their annual funding from municipalities, about 10% from the Province, and about 3% from the federal government. The remainder is earned through donations from the public, service fees charged to landowners who apply for work permits, and fees charged to the public for admission to conservation areas.

3.1.3 Conservation Authorities' Relationships with Stakeholders

Conservation authorities work with provincial ministries and tribunals, municipalities, and other non-government entities. There are three main stakeholders: the Ministry of the Environment, Conservation and Parks, which administers the Act; municipalities, which provide funding through lev-

ies; and the public, whose interest the conservation authorities are mandated to protect. See **Figure 3** for a summary of conservation authorities' relationships with different stakeholders.

3.2 The Niagara Peninsula Conservation Authority

Established in 1959, the NPCA serves approximately 500,000 people in the Niagara Peninsula watershed, encompassing the entire Niagara Region (made up of 12 municipalities), 21% of the City of Hamilton and 25% of Haldimand County.

See **Appendix 6** for a map of the NPCA's jurisdiction, which covers an area of over 2,400 square kilometres. From a land-use perspective, approximately 64% of the Niagara Peninsula watershed is estimated to be used for agricultural activities, 21% is estimated to be wooded or in a natural state, and the remaining 15% is urbanized.

Figure 3: Entities That Have Interests in Conservation Authorities

Prepared by the Office of the Auditor General of Ontario

Provincial Government	
Ministry of the Environment, Conservation and Parks ¹	<ul style="list-style-type: none"> • Administers the <i>Conservation Authorities Act</i> (Act), 1946. • Approves municipalities' requests to create, amalgamate and dissolve conservation authorities. • Provides grants to conservation authorities to operate and maintain flood- and erosion-control structures, implement flood forecasting and warning systems, and provide comments to municipalities regarding their land-use planning policies (e.g., Official Plans and zoning by-laws) on behalf of the Ministry. • May make regulations about board composition and member qualifications, creation of advisory boards and external reviews of conservation authorities.
Other provincial ministries	<ul style="list-style-type: none"> • May work with conservation authorities to undertake certain activities (e.g., monitor water quality, develop source-water protection plans).
Local Planning Appeal Tribunal ²	<p>Hears appeals from:</p> <ul style="list-style-type: none"> • conservation authorities and members of the public that disagree with a municipality's decision to approve a development; and • municipalities that disagree with how conservation authorities allocate special levies.
Mining and Lands Tribunal ³	<p>Hears appeals from:</p> <ul style="list-style-type: none"> • municipalities that disagree with how conservation authorities allocate annual municipal levies; and • private landowners who have been refused a work permit to develop lands in floodplains or wetlands or who object to the conditions of a work permit issued by a conservation authority.

Municipal Government

Municipal councils	<ul style="list-style-type: none"> • Appoint their representatives to conservation authority boards of directors. The Act prescribes the number of representatives based on the municipality's population. • Fund conservation authorities, through levies, to cover the cost of delivering their programs and services. The Act prescribes the formula for allocating the total levies among the municipalities within a conservation authority's jurisdiction.
Municipal planning departments	<ul style="list-style-type: none"> • Must consult with conservation authorities when developing and updating their municipal land-use planning policies. Conservation authorities provide comments to municipal planning departments.⁴ Municipal councils have authority to approve or deny municipal land-use planning policies. • Must consult with conservation authorities when they receive development proposals from private landowners. Conservation authorities provide comments⁴ to municipal planning departments, which approve or deny the development proposal.
Other	
Conservation Ontario	<ul style="list-style-type: none"> • Represents the 36 conservation authorities and provides input to government bodies about policies that affect conservation authorities. • Provides training and other services to conservation authorities. • Funded primarily by conservation authorities through membership fees.
Environmental non-government organizations	<ul style="list-style-type: none"> • May work with conservation authorities to carry out stewardship or restoration projects to help improve the health of the watershed. In some cases, these organizations may receive funding from conservation authorities.
Private landowners	<ul style="list-style-type: none"> • Must submit development proposals to municipal planning departments, which then consult with conservation authorities. • Must apply for work permits from conservation authorities to develop land in or close to watercourses, shorelines, flood- and erosion-prone lands, and wetlands. Conservation authorities may approve or deny the application.⁴ • May work with conservation authorities to carry out projects on their properties to help improve the health of the watershed. In some cases, landowners may receive funding from conservation authorities.
Members of the public	<ul style="list-style-type: none"> • Must pay fees for access to conservation areas. • May report suspected violations of the <i>Conservation Authorities Act</i> to conservation authorities. • May volunteer in conservation authorities' educational and conservation programs.

1. Before June 29, 2018, the Ministry of Natural Resources and Forestry administered the *Conservation Authorities Act*.

2. Named the Ontario Municipal Board prior to April 1, 2018.

3. Named the Ontario Mining and Lands Commission prior to April 1, 2018.

4. Conservation authorities review municipal land-use planning policies, development proposals, and work permit applications using policies developed by each conservation authority. Conservation authorities base their individual policies on the Provincial Policy Statement (section 3.1) and the *Conservation Authorities Act*. (In some cases, these documents prescribe specific development restrictions, such as the number of metres between a development and an environmental feature; in other cases, their requirements are more generally stated, and it is left up to conservation authorities to determine the rules to follow to meet these requirements.)

3.2.1 Board of Directors

The Board of Directors that governs the NPCA comprises 15 members—12 from each of the municipalities in the Niagara Region, two from the City of Hamilton and one from Haldimand County. See **Appendix 7** for a summary of how each participating municipality selects its member to the Board and the list of current NPCA Board members.

As shown in **Appendix 7**, the Niagara Region's process for Board appointments gives preference to elected officials. When the Board was last formed in 2015, this process resulted in 11 of the Niagara Region's 12 representatives (and 11 of the total Board membership of 15) being elected officials representing the local municipalities in the region.

3.2.2 Financial Operations

In 2017, the NPCA earned about \$12.5 million in revenues from various sources, including municipal levies, provincial and federal funding, fees charged for specific services, and donations from individuals and organizations. As shown in Figure 4, the NPCA earned about 71% of its 2017 revenues through municipal levies.

In 2017, the NPCA spent approximately \$9.6 million to deliver its various programs and services. As shown in Figure 4, the NPCA categorizes its expenditures based on the following three functions: watershed management, management of conservation areas, and administrative support and corporate services.

For the period from 2013 to 2017, the NPCA had an average annual surplus of about

\$2.7 million dollars. This means that revenues exceeded operating expenses in those years. As of December 31, 2017, the NPCA had accumulated a surplus of \$24.5 million, \$6 million of which is held in reserves for future operating and capital expenditures.

3.2.3 Programs and Services

As of May 1, 2018, the NPCA had 49 full-time staff in three areas of operations (see Appendix 8 for the NPCA organizational chart). As shown in Figure 5, 14.5 of the 49 staff provide administrative services, such as human resources, finance and communications. The remaining 34.5 staff (or 71%) are involved in delivering the NPCA's various programs and services.

Figure 4: NPCA Revenues and Expenses, 2012–2017

Source of data: Niagara Peninsula Conservation Authority

	2012		2013	2014	2015	2016	2017		%
	\$ 000	% of Total	\$ 000	\$ 000	\$ 000	\$ 000	\$ 000	% of Total	Change ¹
Revenue Sources									
Municipal levies	7,442	61	7,646	7,826	8,803	8,803	8,891	71	19
Fees, sales and admissions ²	1,584	13	1,578	1,770	1,914	2,006	2,258	18	43
Provincial funding	786	6	863	521	535	555	380	3	(52)
Federal funding	256	2	235	200	214	271	231	2	(10)
Other ³	2,188	18	849	643	730	629	767	6	(65)
Total Revenues	12,256	100	11,171	10,960	12,196	12,264	12,527	100	2
Expenses^{4,5}									
Watershed management	3,439	35	3,073	3,135	3,053	3,343	2,828	29	(18)
Management of conservation areas	4,099	42	3,198	2,862	2,908	2,986	3,330	35	(19)
Administrative support and corporate services	2,288	23	2,306	3,173	2,813	3,140	3,415	36	49
Total Expenses	9,826	100	8,577	9,170	8,774	9,469	9,573	100	(3)
Annual Surplus⁶	2,430		2,594	1,790	3,422	2,795	2,954		

1. Represents the percentage change in dollars earned and spent in 2012 and 2017.

2. Includes user fees and admissions revenue from conservation areas that are open to the public for recreational activities such as camping, hiking, fishing and skiing. It also includes fees for permitting services.

3. Includes transfers from the Niagara Peninsula Conservation Foundation (a registered charity that supports and fundraises for the NPCA) and interest income.

4. Expenses do not include amortization.

5. Expenses will not tie in to the amounts in the NPCA's audited financial statements. Beginning in 2014, the NPCA changed its method for allocating overhead costs, such as those for utilities and information technology. Before 2014, the NPCA allocated costs to the relevant departments. Beginning in 2014, all overhead costs are included in administrative and corporate services. The amounts in this figure reflect the adjustments made, based on available information, to allocate overhead costs to administrative and corporate services for all years.

6. The amount of revenues earned throughout the year in excess of expenses.

Figure 5: Staffing Breakdown, 2012 and 2018¹

Prepared by the Office of the Auditor General of Ontario

	Watershed Services ²		Management of Conservation Areas ³		Administration and Corporate Support ⁴		Total	
	2012	2018	2012	2018	2012	2018	2012	2018
# of management staff	6	7 ⁵	6	6.5 ⁶	3	5.5 ⁶	15	19
# of non-management staff ⁷	22	11 ⁶	9	10.0 ⁸	5	9.0	36	30
Total	28	18	15	16.5	8	14.5	51	49
% of Total Staff	55	37	29	34	16	29	100	100

Note: We have divided staff into the three categories of Watershed Services, Management of Conservation Areas, and Administration and Corporate Support based on the type of work they do, not on their place in the NPCA's 2018 reporting structure as shown in Appendix 8. For example, the work of Geographic Information System (GIS) analysts involves mapping, measuring and monitoring features of the watershed, so they are included as Watershed Services staff, even though they are part of Corporate Resources in the NPCA's 2018 reporting structure.

1. 2018 staffing is as of May 1, 2018. Since then, two senior staff in Watershed Services have left the NPCA. The NPCA filled one position with a temporary external contract staff and had not filled the other when we completed our audit.
2. Watershed Services include reviewing development proposals and work permits, monitoring water quality, forecasting floods and issuing flood warning, restoring the natural state of the watershed and analyzing GIS data for mapping, measuring and monitoring features of the watershed.
3. Management of Conservation Areas includes developing programming for and running events at conservation areas, as well as operating the areas.
4. Administration and Corporate Support includes the functions of finance, communications, public relations, human resources and administrative support, as well as the work of the Chief Administrative Officer (CAO).
5. Management staff includes managers and supervisors. In Appendix 8, the seven Watershed Services management staff are the Watershed Management Director; the Manager, Plan Review and Regulation; the one staff who reviews work permit applications (a supervisor); the one biologist (a supervisor); the Manager, Water Resources and Restoration; the one engineer who does source water protection and other work (a supervisor); and the Project Manager, Niagara River Remedial Action Plan.
6. In the NPCA's 2018 reporting structure, one Senior Director is responsible for overseeing both Management of Conservation Areas, and Administration and Corporate Support. This figure shows the division of the Senior Director's time as a 0.5 FTE in each of the two areas.
7. All 30 non-management staff in 2018 were part of the union. The union did not exist in 2012.
8. One staff in Watershed Services and two staff in Management of Conservation Areas were on parental leave at the time of our audit.

4.0 Audit Objective and Scope

On October 25, 2017, the Legislature's Standing Committee on Public Accounts (Committee) passed a motion requesting that the Auditor General conduct a value-for-money audit of the Niagara Peninsula Conservation Authority (NPCA). The motion was presented in light of increasing public criticisms against the NPCA.

See Appendix 9 for a summary of the concerns raised during the deliberation before the motion was passed and Appendix 10 for a chronology of events involving the NPCA over the last 10 years.

We accepted this assignment under Section 17 of the *Auditor General Act*, which states that the Committee can request the Auditor General to perform special assignments.

The objective of our audit was to assess whether the NPCA, in partnership with the Ministry of the Environment, Conservation and Parks (Ministry, previously the Ministry of Natural Resources and Forestry) and participating municipalities, has effective procedures and systems in place to ensure that:

- programs and services are delivered economically, efficiently and in accordance with relevant legislation, regulations, agreements and policies, such that the impact of human activities, urban growth and rural activities on the area of the watershed within the NPCA's jurisdiction is effectively managed; and
- operational effectiveness is measured, assessed and publicly reported on.

Our audit criteria (see Appendix 11) were established based on our review of applicable legislation, directives, policies and procedures,

internal and external studies, and best practices. Senior management at the NPCA reviewed and agreed with the suitability of our audit objective and related criteria.

We conducted the audit between January 8, 2018, and July 31, 2018, and obtained written representation from the NPCA and the Ministry on September 14, 2018, that they had provided us with all the information they were aware of that could significantly affect the findings or conclusion of this report.

Our audit focused on the NPCA's operations (and to some extent, the Ministry and participating municipalities' oversight of the NPCA's operations) in the five-year period between 2013 and 2017. We did not audit other conservation authorities, although we surveyed them about certain aspects of their operations.

The NPCA has a foundation called the Niagara Peninsula Conservation Foundation (a registered charity that receives donations and raises funds for the NPCA). The Foundation's primary activities include hosting three fundraising events annually and procuring goods and services for those events. As part of our audit, we reviewed the Foundation's procurement practices since those expenses comprise the majority of the Foundation's operating costs. We identified issues in the Foundation's procurement practices similar to those at the NPCA (described in **Section 7.2.1**). As such, the Foundation may benefit from implementing our recommendations related to procurement practices (see **Recommendation 20**). We did not perform any other audit work on the Foundation.

Appendix 12 further describes the work we did during our audit.

There has been significant staff turnover in almost all key positions at the NPCA resulting from four reorganizations within the six-year period from 2012 to 2017. In fact, half of the staff at the time of our audit had been employed at the NPCA for less than six years. This posed challenges for auditing various aspects of the NPCA's operations. These challenges were compounded by incomplete

documentation in certain areas, particularly prior to 2014 (a policy to retain records was not put in place until 2017). It is therefore possible that information may come to light after the release of this report that we were not, or could not, be made aware of, and therefore could not incorporate into our findings and conclusions.

Leaked Confidential Document

During the course of our audit, we provided a document to the NPCA for factual clearance describing our preliminary observations from our review of a sample of procurements. This working paper was inappropriately provided to the media by an unidentified individual prior to July 23, 2018. Since the document contained preliminary observations, the details in our report may differ from those reported in the media.

The Office of the Auditor General of Ontario has taken this release of our working papers seriously. Working papers are confidential under Section 19 of the *Auditor General Act*. We conducted an investigation into this matter, but could not reach a definitive conclusion as to who provided the confidential document to the media. However, we have advised the NPCA to take steps to protect confidential documents from being inappropriately disclosed in the future.

5.0 Detailed Audit Observations: NPCA Board Governance of NPCA Operations

The oversight of an organization by its board of directors is critical to ensure that the organization fulfils its mandate, achieves value for money, and operates in compliance with applicable laws, policies and standards.

We reviewed the NPCA's governance structure to assess whether the NPCA's Board operates

according to its legislated framework and leading governance practices. We found that while NPCA Board policies comply with the legislated governance framework, the Board's policies and practices are not aligned with leading governance practices, which has limited the effectiveness of the Board's oversight of the NPCA.

5.1 Board Not Sufficiently Independent for Objective Oversight

5.1.1 Municipal Priorities Sometimes Conflict With Board Responsibilities

The NPCA's Board of Directors decides on the NPCA's strategic direction, including its programs, services, policies and budget. Leading governance practices suggest that board members who are appointed as representatives of a stakeholder group should be vigilant in ensuring that representing their stakeholder group does not conflict with acting in the best interest of the organization they are overseeing. However, under Section 2(3) of the *Conservation Authorities Act*, "board members have the authority to vote and generally act on behalf of their respective municipalities." NPCA Board members said the same to us, confirming that they act primarily on behalf of their municipality when making NPCA Board decisions.

As shown in **Appendix 7**, 12 of the 15 members (or 80%) of the NPCA's Board of Directors are elected officials such as mayors and regional councillors. This is not unique to the NPCA. According to a 2016 Conservation Ontario survey of all conservation authorities, elected officials comprise, on average, 80% of conservation authority boards across the province. In fact, 11 of the 36 conservation authority boards are made up entirely of elected officials. There are only four conservation authority boards in the province with more non-elected officials than elected officials (Lake Simcoe, St. Clair, Sudbury and Upper Thames).

There are certain benefits in having elected officials on the NPCA Board: they know their municipalities and are accountable to the taxpayers they represent. However, due to this accountability, Board members may face situations where they have difficulties balancing their competing municipal and NPCA interests and responsibilities, compromising their ability to make objective decisions in the NPCA's best interest. As a result, these multiple competing interests may place Board members in actual or perceived conflict-of-interest situations. For example, in 2015, one Board member expressed concerns about the NPCA's proposed pilot project to create wetlands elsewhere to compensate for those that would be destroyed in a Niagara Region site called Thundering Waters (described in **Section 6.2.2**) and about which staff had also expressed concerns. The Board member stated that the proposal would create a "conflict of interest" for Board members from the Niagara Region because those Board members would benefit from the development being facilitated by the proposed pilot project.

The issue of competing municipal and NPCA interests is not strictly limited to elected officials—even non-elected officials are appointed to the NPCA Board to represent the interests of their municipalities. This was evident in 2015, when the NPCA Chief Administrative Officer (CAO) at the time, having found no formal agreement between the NPCA's funding municipalities to support the levy calculations in previous years, requested the Board's approval to determine Hamilton's municipal levy in line with the amount it should pay annually under the legislated levy calculation formula (see **Appendix 14** for additional details). Board members voted in line with their own municipality's interests even though the change in the calculation would not have changed the total amount the NPCA received—it would change only the portion of the total levy that each municipality paid. Specifically, representatives from the Niagara Region voted in favour of the increase in Hamilton's

payments, while the non-elected representatives from the City of Hamilton voted against it.

As part of the 2015 review of the Act, conservation authorities' board members' accountability was clarified in draft guidance developed by Conservation Ontario, with support from the Ministry, in 2017, which stated that "members have fiduciary responsibility to the conservation authority as their primary role." The guidance was intended to provide conservation authorities with a template for developing their administrative policies. However, the final version of the guidance released in April 2018 no longer refers to members' fiduciary responsibility to the conservation authority, and mirrors the wording in Section 2(3) of the Act.

RECOMMENDATION 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.

MINISTRY RESPONSE

The Ministry agrees that the responsibilities of authority members need to be clarified.

Conservation authorities are a partnership of the Province and the municipalities that create them to address natural resource issues at the watershed scale. Once established, each municipality within the partnership is entitled to appoint members to the conservation authorities.

We agree that the role of Board members in providing effective oversight needs to be clarified—including how to balance being vigilant in representing the municipalities that appoint them while acting in the best interest of the organization.

The Ministry will work with the Ministry of Municipal Affairs and Housing to develop

governance training to be delivered to conservation authority members that clarifies the role of municipal appointees in providing oversight of conservation authorities' operations. This would include their role in ensuring the effective delivery of programs and services and the efficient use of taxpayer dollars. In addition, the Ministry will develop best management practices for the recruitment and selection of authority members, including best practices for the appointment of non-elected officials.

5.1.2 Conflict of Interest Not Clearly Defined and Understood

The NPCA's Code of Conduct requires Board members to avoid conflict of interest with respect to their fiduciary duties (that is, their duties to take care of the NPCA's resources and assets on behalf of the NPCA). However, the Board has not discussed how its members' various competing interests may give rise to apparent and actual conflict of interests given that Board members are appointed to represent their municipalities' interests. In addition, the Board has not developed any guidance on how to identify circumstances (such as those arising from multiple competing interests) and/or relationships that could lead to a potential or perceived conflict of interest and how to manage them. The onus is on Board members to recognize and declare if, in their opinion, they are in a conflict.

Board members told us in interviews that they did not believe that acting in their municipalities' interests created a conflict with their responsibilities to oversee the NPCA. They referred often to the definition of "conflict of interest" under the *Municipal Conflict of Interest Act*, which is limited to circumstances where an individual or a relative has pecuniary or financial interests in the matter being discussed. NPCA Board policies describe conflict of interest similarly—where a Board member's "private interests or personal considerations ... could compromise or reasonably appear to compromise

the member's judgment in acting objectively and in the best interest of the [NPCA]."

However, as discussed in **Section 5.1.1** above, Board members may face situations where their competing responsibilities place them in a conflict-of-interest position even though they will not directly benefit from the decision financially.

5.1.3 Board Involvement in Day-to-Day Operations and Decision-Making Compromises Board's Objectivity

We found Board member involvement in about 10% of the sample of development proposals and work permit applications between 2016 and 2018 that we reviewed. While this is not a high percentage, no degree of involvement by the Board is appropriate, and the cases we found had the potential to affect people, property and the environment on a large scale.

We also reviewed Board members' correspondence with staff between January 2012 and March 2018 to determine the nature and extent of Board involvement and found that Board members contacted staff about 14 additional development projects.

The nature and extent of Board member involvement ranged from asking for information and updates about a proposal, to attending meetings between the NPCA and municipal staff, and in 2016, instructing NPCA staff that the NPCA needed to support a proposal. See **Figure 6** for example situations where Board members involved themselves in operational matters.

Another example of the Board being involved in day-to-day operations is the new structure of the NPCA's program to restore water quality. In May 2018, the Board approved the proposed structure for its restoration program, whereby Board members will be involved in approving or denying grant applications (see **Section 6.4.1** for details).

A key role played by the Board is to provide a countervailing perspective by objectively assessing the assumptions and rationale behind manage-

ment's recommendations, and to do so through an official process at Board meetings. It cannot fulfill this oversight role when Board members are involved in day-to-day operations. Staff told us that the involvement of NPCA Board members in operational matters created an uneasiness in their workplace, especially when they perceive certain Board members as trying to influence their decisions.

Board members told us they got involved because they were perceived to be accountable to the taxpayers in their municipality. Regardless of Board members' intentions, Board involvement compromises the work and affects the morale of NPCA staff, who are required to review development applications in accordance with the Provincial Policy Statement and the Act. The NPCA Board's Code of Conduct also states that members must respect that staff are charged with making recommendations that reflect their professional expertise without undue influence from any individual Board member.

Our survey results (see **Appendix 13**) indicated that the boards of other conservation authorities are not as involved in day-to-day operations as the NPCA Board. Specifically, 89% of the other conservation authorities we surveyed indicated that their Board members, the majority of whom were also elected officials, were not involved in staff's reviews of development proposals and permit applications.

RECOMMENDATION 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:

- 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; and

Figure 6: Situations Where Board Members Involved Themselves in Operational Matters

Prepared by the Office of the Auditor General of Ontario

Board Member Involvement Resulted in Future Development Being Allowed in Floodplain

In October 2017, NPCA staff informed a town's municipal staff that the NPCA could not fully support the town's plan to amend its municipal plan, which would allow redevelopment of lands located on a floodplain. This location makes development on them naturally hazardous to the people and property involved because of flood risk (it is land along the Niagara River shoreline). Subsequently, a senior municipal planner from the town contacted the town's representative on the NPCA Board. The planner asserted that the floodplain lands were not in the NPCA's jurisdiction. However, the NPCA is responsible for implementing policies under Section 3.1.2 of the Provincial Policy Statement, which states that development is not permitted within flooding hazards along connecting channels such as the Niagara River. The Board member contacted the NPCA CAO to discuss the matter. Afterward, NPCA staff sent a letter to the town stating that the NPCA did not have jurisdiction over the floodplain but that the flooding hazard remained. The NPCA's comments on the flooding hazard were based on a 2007 floodplain map of the area. In addition, meeting notes on file indicate that the CAO told the municipal planners that the NPCA would not appeal the matter to the Local Planning Appeal Tribunal if the municipality decided to proceed with the plan (conservation authorities that disagree with a municipality's decisions regarding development matters after they have advised the municipality that the matter poses a risk to people and/or property can appeal to the Local Planning Appeal Tribunal; see Figure 3). The town approved the plan in March 2018, and the NPCA did not appeal.

Board Member Involvement Aimed to Allow a Development to Proceed

In May 2009, NPCA staff issued a Notice of Violation to a developer for altering and damaging a Provincially Significant Wetland in 2008 while preparing a site for development. Staff instructed the developer to stop the preparations and contact the NPCA to discuss how to remediate the damage. When the landowner did not, the NPCA pursued legal action, and the Provincial Offences Court issued a court order in December 2010 requiring the developer to restore the wetland by September 2011. The developer did not comply. In October 2013, when the developer asked to consult with the NPCA about the development, the NPCA responded that the developer needed to comply with the court order first. On two occasions, the Board member representing the municipality where the wetland was located became involved. In 2015, the Board member asked the NPCA CAO to meet with the developer, stating that "we need some traction" on the development project. The CAO and Director of Corporate Services met with the developer to discuss allowing the developer to begin construction before restoring the wetlands, provided that the developer give the NPCA financial surety for the cost of the restoration. The developer did not provide such surety. NPCA staff were not made aware of this discussion. In June 2017, the developer emailed the Board member citing concerns about the timeline of the development and stating that he wanted to get the project moving by "addressing the remaining environmental issues."

The Board member said he would bring in the developer "to get this done" and forwarded the email to the NPCA CAO. NPCA staff met with the developer in July 2017, reiterating that the developer needed to comply with the court order. In September 2017, the Board decided that before proceeding with the development, the developer should consult with the municipality and NPCA and hire a wetland evaluator to study the wetland and update the restoration timeline. At the time of our audit, the landowner had still not complied with the court order to restore the wetland that was destroyed 10 years previously.

Board Member Communication Undermined NPCA Staff's Concerns

In 2016, a town began the process to amend its municipal plan to allow a large development along the Lake Ontario shoreline. Both Ministry and NPCA staff had concerns that species at risk were present in the lands proposed for development, but the town allowed the developer to clear the lands before an environmental study could be done to confirm. Despite this, an NPCA Board member emailed a local councillor that "if the NPCA can lend any support as [municipal planning staff] gather comments from agencies and the public, don't hesitate to bring [any challenges with respect to shoreline or natural hazard areas] forward." An NPCA staff member was copied on this email.

- 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*.

NPCA BOARD RESPONSE

The NPCA Board agrees with the Auditor General's recommendation. In accordance with recent amendments to NPCA Board policies, the NPCA is now developing a Board education/orientation program to ensure that NPCA Board members properly understand their roles and responsibilities. The Chief Administrative Officer will deliver this orientation program to the new NPCA Board of Directors that will be formed after the October 2018 municipal elections.

The NPCA will review its 2017 Code of Conduct and define circumstances and any other relationships that could lead to an actual or perceived conflict of interest beyond those defined in the *Municipal Conflict of Interest Act*.

5.2 Identifying Necessary Skills and Competencies Could Improve Board Effectiveness

The municipalities in the NPCA's jurisdiction do not appoint their NPCA Board members based on skills or competencies. The *Conservation Authorities Act* (Act) does not impose any requirement regarding Board composition and member qualifications beyond establishing the minimum number of representatives and requiring that Board members reside in the municipalities within the conservation authority's jurisdiction.

Some of the current NPCA Board members have backgrounds and expertise in business, law, education, engineering, biology and environmental consulting, and some have identified a personal interest in conservation. However, the NPCA Board cannot determine whether it collectively has the

necessary skills and competencies to oversee the NPCA's activities effectively because it has not identified the knowledge, skills and diversity it needs to do so.

Board members advised us that they rely on the NPCA staff's expertise if the Board does not have expertise in particular areas. This may not be sufficient given the Board's oversight role. A board also needs to rely on the collective skills and expertise of its members to assess the assumptions and rationale behind management's recommendations, and ultimately to make strategic decisions.

In 2014, the NPCA formed an advisory committee—made up of representatives from the agriculture, development, business, land-use planning, conservation, and Indigenous communities—to provide advice to the Board. While this was an important step toward obtaining the perspectives of the NPCA's stakeholders, the Board has not assessed whether the committee's role is sufficient to fulfill any gaps in skills and competencies.

We also noted that the NPCA Board has not had board governance training to help its members understand the scope and limitations of their oversight role. Most Board members told us that they had little or no board-of-director experience when they first joined the Board.

During the Ministry's 2015–16 review of the Act, some stakeholders raised concerns regarding board qualification and composition, identifying the “need to balance board composition to reduce political influence” and stating that “the ideal board composition is a mixture of individuals engaged in governance (e.g., municipal councillors) and those who are experts in the field.” Amendments made to the Act in 2017 (see **Appendix 4**), if proclaimed, will give the Province powers to impose additional requirements regarding Board composition and member qualifications. At the time of our audit, these amendments had not yet been proclaimed.

RECOMMENDATION 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:

- 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;
- work with the NPCA's funding municipalities to ensure that their Board appointment processes consider skills and experience requirements;
- 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; and
- identify initial and ongoing Board governance training needs.

NPCA BOARD RESPONSE

The NPCA Board will undertake an exercise to determine the skills and experience necessary on the Board based on the NPCA's mandate.

As part of this exercise, the NPCA Board will review the current role of its advisory committee to determine whether the committee fills any gaps in Board skills and competencies.

The results of this exercise may be provided to the Niagara Regional Council, Hamilton City Council and Haldimand County Council to assist them in selecting their representatives on the NPCA Board of Directors starting with the 2019–2022 term. The councils, however, ultimately have discretion over the selection and appointment process.

As members are appointed after the October 2018 municipal elections, the NPCA Board will determine the extent of Board governance training that is needed, if any.

RECOMMENDATION 4

We recommend that the **Ministry of the Environment, Conservation and Parks**:

- make a recommendation to the Executive Council of Ontario to proclaim Section 40 of the *Conservation Authorities Act*;
- 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; and
- 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.

MINISTRY RESPONSE

The Ministry agrees that actions need to be taken to strengthen oversight and accountability in decisions made by conservation authorities regarding the conservation, restoration, development and management of natural resources.

Section 40 of the Act enables the Executive Council of Ontario to establish minimum standards for the appointment of authority members, but this is only one tool recently added to the Act to help improve governance. Additional tools include the development of policies, procedures, best management practices, and training programs and materials that would support municipalities in making appointment decisions.

The Ministry will work with its municipal partners to develop best management practices for the recruitment and selection of authority members (which individual municipalities could use when making appointment decisions), and training and orientation materials for authority members. The determination of how best

to use these tools to improve oversight and accountability of conservation authority operations—including whether or not a regulation prescribing requirements for board composition is necessary—will be made in consultation with municipalities.

5.3 Board Does Not Assess CAO or Board's Performance

NPCA policies require that the Board regularly evaluate the CAO's performance against the NPCA's strategic plan and the financial and human resources goals of the organization. We found that the last formal CAO evaluation was conducted in 2001. Since then, the NPCA has had four different CAOs.

We also found that there is no formal process in place for the Board to self-evaluate its oversight processes and activities. The Board has also not established goals and performance indicators to enable such evaluation. Although neither the Act nor NPCA Board policies require a formal evaluation process, leading governance practices suggest that boards should periodically monitor and assess their performance in fulfilling their governance responsibilities. Doing so can help the Board members identify when, for example, their decisions were made in the interest of their municipalities and perhaps not the NPCA.

Many Board members indicated that since they were elected officials, their constituents can assess their performance on the NPCA's Board during municipal elections. However, this raises questions as to whether constituents are evaluating Board members' performance based on whether their decisions were made in the interest of the municipality or of the NPCA. Also, this process may not be as timely as regular and formal board evaluations in identifying areas where improvements are needed. Board evaluations can be designed to focus on specific areas, such as governance policies and processes, committee structures, board member participation and preparation, and the board's

information requirements and ability to obtain the information it needs.

In the absence of such a formal evaluation process, we asked Board members to assess their individual performance on the NPCA Board. Their assessments ranged from "mediocre" to "pretty pleased." Commitment to Board committees and activities also varied among Board members. Many Board members noted that they do not have much time to participate in Board activities due to municipal commitments. We found that three Board members participate in all of the three standing committees they are able to join, while four are only on one committee and two are not on any.

RECOMMENDATION 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**:

- regularly evaluate the performance of the NPCA's Chief Administrative Officer, as required by its policies;
- develop performance indicators to facilitate the Board's evaluation of its oversight processes and activities; and
- regularly evaluate both its collective performance and the performance of individual Board members.

NPCA BOARD RESPONSE

The NPCA Board agrees with the Auditor General's recommendation. The NPCA has recently implemented a performance evaluation process for all of its employees, including the Chief Administrative Officer (CAO). The Board plans to evaluate the CAO's performance in October 2018, and annually thereafter.

Previously, the NPCA Board assessed its collective performance based on its progress in implementing the actions in its

2014–17 Strategic Plan. For example, in 2017, the NPCA engaged a third-party consultant to make this assessment. The consultant concluded that the NPCA had made significant improvement in most areas that were evaluated.

After the approval of its 2018–21 Strategic Plan in July 2018, the NPCA is now developing key performance indicators to enable a formal evaluation of performance against the goals stated in the plan. The NPCA Board will also develop criteria against which individual Board members' performances can be assessed.

The NPCA Board will evaluate its collective performance and those of individual Board members annually.

5.4 More Clarity Needed Around Board Activities Eligible for Per Diem Payments

From 2010 to 2017, payments to NPCA Board members (including honorariums, per diems and travel expenses) increased mainly because per diem payments for Board members' attendance at a variety of meetings increased significantly.

Per diem payments in 2017 totalled \$47,700, compared with \$7,900 in 2010. The per diem rate increased from \$66 in 2010 to \$75 in 2017, which is in line with the average per diem rate of \$73 in the other conservation authorities we surveyed (see **Appendix 13**). However, the total number of meetings claimed by NPCA Board members increased 422% from 121 in 2010 to 632 in 2017. This is equivalent to 42 meetings for each NPCA Board member in 2017. In comparison, Board members in 28 of the other 35 conservation authorities we surveyed claimed an average of four meetings each in 2017.

For the five-year period from 2013 to 2017, we noted that the average annual payments per NPCA Board member (\$3,500) was more than twice the average annual payments per Board member in the other conservation authorities we surveyed (\$1,500). In the same period, each NPCA Board member also claimed an average of 25 meetings

annually—five times the number of meetings claimed by each Board member in the other conservation authorities we surveyed (five).

The NPCA's most recent Board policies (dated 2017) state that Board members may receive per diem payments for attending Board meetings, standing committee meetings, and "other business functions as may be from time to time requested by the Chair, through the CAO." The policies do not specify what "other business functions" may include. This has resulted in one Board member receiving per diem payments for 145 meetings in 2017 (an average of three meetings per week). Only 28 of the 145 meetings were Board or committee meetings; the rest were mainly for attendance at NPCA events, meetings with industry groups and municipal representatives, and performing administrative duties (such as signing Board meeting minutes), and, according to the Board member, preparing for Board and committee meetings.

In comparison, our survey of other conservation authorities found that:

- 68% of conservation authorities do not pay per diems to Board members for attending conservation authority events such as festivals and staff appreciation events;
- 50% of conservation authorities do not pay per diems to Board members for meetings with industry groups; and
- 75% of conservation authorities do not pay per diems to Board members for performing administrative duties such as signing Board meeting minutes.

According to the NPCA Board, 2016 and 2017 have been unusual years that have required increased Board involvement (from 355 per diems in 2015 to 429 in 2016 to 632 in 2017)—through increased Board and committee meetings and a more active presence in the community—in order to address new challenges faced by the NPCA. Although Board members may consider such activities part of their responsibilities, the unprecedented increase in per diems highlights the need for clear rules about payment eligibility.

RECOMMENDATION 6

To ensure that per diem payments to Board members are reasonable and transparent, we recommend that the **Niagara Peninsula Conservation Authority**:

- clarify its Board policies to specify the meetings and other functions for which Board members may receive per diem payments in the future; and
- continue to publish information on actual Board per diems and other expenses annually online.

NPCA RESPONSE

The NPCA agrees with the Auditor General's recommendation and will update its Board policies to specify the meetings and other functions for which Board members may receive per diem payments.

In March 2018, the NPCA published information on Board expenses from 2012 to 2017. The NPCA will continue to publish such information annually.

6.0 Detailed Audit Observations: Protection of People and Property from Flooding and Erosion

6.1 Identifying Flood-Prone Areas

According to the Canadian Disaster Database maintained by Public Safety Canada, flooding is the most frequent natural disaster in Ontario, costing an estimated \$946 million in insurance payments and government assistance in the last 10 years.

According to Conservation Ontario, floodplain maps, which predict when, where and how flooding will impact a community, are the foundation of any flood prevention program. At the time of our audit,

we found that the NPCA did not have complete and up-to-date information about flood-prone areas within its watershed. Without this information, the NPCA cannot ensure that development does not occur in these areas. According to the Insurance Bureau of Canada, property insurance does not cover flood damage if the structure is built in a flood-prone area.

6.1.1 No Floodplain Maps for Over Half of the Watercourses in NPCA's Watershed

The NPCA does not have floodplain maps for 117 (or 58%) of the 202 watercourses in its watershed. These include 70 watercourses for which the Ministry recommends floodplain maps be prepared because they drain land areas 125 hectares in size or larger.

Neither the Act nor the Ministry requires conservation authorities to develop floodplain maps. However, the NPCA indicated the need to use such maps to review and make decisions on development proposals and work permit applications, and to forecast floods. In addition, for the purpose of implementing the regulations of the Act that govern work permit applications, conservation authorities are required to detail the areas they regulate through a geographic description or by referring to maps.

The NPCA has not formally assessed the risk to the communities around the unmapped watercourses, which include about 14,500 dwellings and commercial buildings. The NPCA does not have a plan, nor has it estimated the funding and time necessary, to map these watercourses. Currently, the NPCA requires landowners who wish to develop near these watercourses to obtain a floodplain map of the area at their own cost.

In our survey of conservation authorities (see **Appendix 13**), we found that this issue is not unique to the NPCA. Almost half (46%) of conservation authorities reported that they have mapped less than 50% of all watercourses in their watershed with drainage areas of at least 125 hectares.

6.1.2 Almost One-Quarter of Existing Floodplain Maps Need Updating

The NPCA has identified that 12 (or 21%) of the 57 existing floodplain maps for watercourses, which were completed between 20 and 43 years ago, need to be updated due to their age and the development that has occurred around the watercourse. In addition, none of the maps were developed with consideration of the impacts of climate change. Flood lines can change with changes in land use, weather patterns and water flows. We noted the following about the 12 watercourses:

- About 51,700 structures—including sheds, dwellings and commercial buildings—are located near a flood line, which the NPCA has established as within 300 metres.
- People and property are at high risk from flooding in 35% of the floodplain areas (on average; in some areas, the high risk is for up to 80% of the area).
- In six of the watercourses, there is a high potential for existing urban infrastructure to exacerbate flooding.

Similarly to when floodplain maps do not exist, when floodplain maps are outdated, the NPCA's decisions regarding development proposals and work permit applications may be made without current information on actual flood risks.

Conservation Ontario's 2015 inventory of conservation authorities' floodplain maps noted that three-quarters of the existing floodplain maps in Ontario are outdated and that it will cost an estimated \$136 million to update them. As noted in **Appendix 4**, the amount of funding each conservation authority receives from the Ministry is for provincially mandated activities (such as operating flood forecasting systems, and flood and erosion control infrastructure) and is based on average operational costs in the 1990s.

The consequences of outdated floodplain maps were realized in August 2017 when flooding caused by Hurricane Harvey damaged more than 200,000 homes in Houston, Texas. A study published days

before Hurricane Harvey hit Houston determined that outdated floodplain maps of the area failed to identify 75% of the flooding damage from the five previous major flooding events.

RECOMMENDATION 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:

- assess the risk to communities around the unmapped watercourses;
- determine the time and cost for completing and updating floodplain maps; and
- 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.

NPCA RESPONSE

The NPCA agrees that floodplain mapping is an important tool when reviewing and making decisions on development proposals and work permit applications and to forecast floods. In the past, due to funding limitations, the NPCA relied upon historical data and informal risk assessment to mitigate the risk to public health or safety or of property damage.

In response to this recommendation, the NPCA has set aside funds in its 2019 draft operating budget to undertake a formal floodplain risk assessment across the watershed. In addition, through its 2018–2021 Strategic Plan, the NPCA has committed to developing a long-term water resource management plan. The plan will include a floodplain mapping strategy that outlines the estimated cost and time frame to complete the necessary floodplain maps.

RECOMMENDATION 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:

- establish clear responsibility and criteria for developing and updating floodplain maps across the province; and
- review current funding levels to conservation authorities to determine how floodplain mapping can be completed in a timely manner.

MINISTRY RESPONSE

Under the *Planning Act* and Provincial Policy Statement, municipalities are delegated the responsibility of identifying areas subject to natural hazards and to take actions needed to limit exposure to public health and safety risks.

This responsibility includes identifying floodplains in municipal plans and incorporating policies to address new development consistent with provincial policy into the planning framework (for example, through incorporation into zoning bylaws).

Where an application for development is received for an area where mapping does not exist, proponents may be required to undertake studies to determine flood risks and appropriate mitigation measures. Where no development is being proposed, floodplain mapping may not be required.

While municipalities may choose to rely on the services of conservation authorities to undertake floodplain mapping, the responsibility for identifying these areas ultimately rests with municipalities.

The Ministry will work with the Ministry of Municipal Affairs and Housing and municipalities to determine how best to co-ordinate and clarify municipalities' and conservation authorities' roles and responsibilities for identifying flood-prone areas.

6.2 Controlling Development in Flood-Prone Areas and Wetlands

According to Conservation Ontario, restricting development in flood-prone areas protects people and prevents costly property and infrastructure damage from flooding. As noted in **Figure 3**, private landowners submit their development proposals to their municipal planning department, which then requests comments from the NPCA. The NPCA comments on whether the proposed development will affect the control of flooding, erosion, pollution or conservation of land as laid out in the *Conservation Authorities Act* (Act) and regulations, and the natural hazard policies under the *Planning Act*. If the municipality decides to accept the proposal and proceed with the development despite concerns from the NPCA, the NPCA can appeal to the Local Planning Appeal Tribunal.

Private landowners who want to make changes on their land—such as adding or removing fill; constructing or adding to buildings, swimming pools, bridges, docks and ponds; or changing a watercourse—must submit work permit applications to the NPCA. Under the Act, the NPCA is empowered to prohibit or regulate certain activities in or near watercourses, valleys, wetlands, in areas affected by flooding and erosion hazards (such as slopes that can erode), and along the Great Lakes shorelines.

6.2.1 Inconsistent Criteria Used to Review Development Proposals and Work Permit Applications

As noted in **Figure 2**, the Act empowers conservation authorities to develop specific policies for where development is allowed. Such policies are based on the Act and the stipulations of the Provincial Policy Statement that development be directed “away from areas where there is a risk to public health or safety or of property damage” and “to areas outside of hazardous lands...impacted by flooding and/or erosion hazards.” It is important for the NPCA, municipalities, individuals applying

to do work on their property and other stakeholders to share a common understanding of the NPCA's rules for controlling development in flood-prone areas and wetlands. See **Appendix 15** for an overview of what those policies/rules are and what they are based on.

Our review of a sample of development proposals and work permit applications since 2016 found that, in 13% of them, the NPCA's comments were inconsistent with NPCA policies. For example, in 2018, the NPCA approved the construction of a new house within a floodplain while both NPCA policies and the Provincial Policy Statement prohibit development within the floodplain. The NPCA informed us that, because both a consultant hired by the NPCA and a consultant hired by the property owner were able to show through technical engineering work that the house would not affect the existing flood risk, the NPCA believed it would be acceptable to give approval for the house to be built.

We found that the NPCA, at one time, had contradictory policies for reviewing development proposals and work permit applications. Specifically, in 2013, NPCA senior management developed "interim directives" that instructed staff to use more flexibility in reviewing development proposals and work permit applications near wetlands and valleys than allowed in the policies approved by the Board in 2007 (see **Appendix 15**).

At the time of our audit, NPCA senior management told us that staff no longer used these interim directives in reviewing development proposals and had reverted back to the 2007 policy. However, the NPCA was unable to provide evidence that staff had been so instructed. We also found that in 2014, staff had been instructed to use the interim directives until a comprehensive review and update of the existing policies was completed. This review began that same year. As of July 2018, the policies had still not been finalized but were expected to be presented to the NPCA Board for approval in September 2018. Furthermore, we found cases in 2016 and 2017 where staff did not follow the 2007 policy in certain development and work permit applica-

tions. They were either still following the directives or stretching their interpretation of the 2007 policy to be more permissive about where development can occur.

We reviewed the most recent draft of the NPCA's proposed policies and noted that the policies are generally similar to the 2007 policy, but also incorporate the more permissive policies under the interim directives regarding developments near wetlands and valleylands. For example, the 2007 policy states that no new development is permitted within 30 metres of a Provincially Significant Wetland. In comparison, the proposed new policy states that development is not permitted within 30 metres of any wetland unless the applicant can demonstrate that there are no negative impacts on the wetland's ecosystems and the wetland's ability to store water and mitigate flooding.

RECOMMENDATION 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)**:

- finalize, as soon as possible, its policies for reviewing development proposals and work permit applications; and
- 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 RESPONSE

The NPCA agrees with the Auditor General's recommendation. Following the public consultation process, the NPCA has recently completed the development of its new policy document, which will be presented to the NPCA Board of Directors for approval at the September 2018

Board meeting. The NPCA believes that the new policy document is consistent with Section 3.1 of the Provincial Policy Statement and the *Conservation Authorities Act*.

6.2.2 NPCA Proposed Project to Allow Wetland Destruction in Contravention of Provincial Policy

In 2015, a developer purchased a 195-hectare parcel of land in an area in the Niagara Region called Thundering Waters (in Niagara Falls) with the intention of developing it into a multi-use residential, commercial and entertainment community. About half of the land (100 hectares) is Provincially Significant Wetlands (PSW), which the Province has designated as important because of their biological and hydrological functions and the benefits they provide to society. According to the Provincial Policy Statement, PSWs cannot be altered or developed.

In March 2015, NPCA staff began attending consultation meetings with representatives from the City of Niagara Falls, Niagara Region and the developer to discuss the development proposal. Minutes from these meetings indicate that NPCA senior management informed the developer that it was working on an alternative way to address the obstacle posed by the wetlands within the land proposed for development.

In May 2015, the NPCA retained the services of a registered lobbyist firm to “advance key issues amongst senior levels of government.” The firm was involved in organizing meetings between the NPCA and senior provincial government officials about “biodiversity offsetting” in Thundering Waters. Biodiversity offsetting is the practice of recreating an ecosystem, such as a wetland, elsewhere to compensate for one that is destroyed due to development.

In December 2015, the then NPCA CAO, a Board member, and staff met with a Member of Provincial Parliament and an advisor to the then Premier to propose and obtain approval for a pilot biodiversity

offsetting project involving the Thundering Waters development. NPCA senior management informed us that this meeting was in response to a discussion paper on wetland conservation that the Province posted on the Ontario Environmental Registry in July 2015 and about which it requested comments from interested parties. The NPCA had previously submitted a public response to this discussion paper in September 2015, via the Ontario Environmental Registry, but this public response did not mention any specific sites for attempting biodiversity offsetting.

The NPCA stated the pilot offsetting project would result in three hectares of wetland being created elsewhere for every one hectare destroyed in Thundering Waters. However:

- The proposal was not based on any scientific analysis to determine the feasibility of offsetting in Thundering Waters. An NPCA staff member specializing in wetlands raised this concern to senior management, stating that there was no sound science to support the proposal given the type of wetlands in Thundering Waters.
- The NPCA had not gathered information on the ecosystems in Thundering Waters to determine if they contained unique features that cannot be replicated. Meeting notes on file indicate that when a Niagara Region representative asked if there would be an environmental study before attempting biodiversity offsetting, the then NPCA CAO stated that it would take too long. The CAO had planned to enter into a research partnership with an academic institution to conduct research on biodiversity offsetting in other provinces and countries, but only once the NPCA received approval from the Province for the pilot project.

The Province did not support the NPCA’s proposed pilot project. At the time of our audit, the development was still in the planning stages.

We noted that, in 2008, a municipal staff member requested that the NPCA, through its

Board of Directors, allow biodiversity offsetting on the same site. At the time, the Province had not yet classified the wetlands as PSWs, which meant that development of the wetlands was not prohibited under the *Planning Act*. However, NPCA staff expressed concerns to the Board, stating that although development was not prohibited, such a “large-scale wetland relocation to accommodate major development proposals [was] outside the parameters of [the NPCA’s] policies.” In 2010, the Province designated the wetlands as PSWs.

Our survey of conservation authorities found only two other conservation authorities (Kawartha Conservation and Toronto and Region Conservation Authority) allow biodiversity offsetting of Provincially Significant Wetlands. Kawartha noted that it would only do so when directed by the Board, and Toronto considered it as a last resort when major infrastructure projects are involved.

Our survey also found that, unlike the NPCA, the 16 conservation authorities that submitted comments on the Province’s wetland conservation discussion paper did not provide additional information to Members of Provincial Parliament beyond their submitted comments.

6.2.3 Frequent Reorganizations Have Affected NPCA’s Delivery of Mandated Services

The NPCA underwent four organizational restructurings between 2012 and 2017, under four different CAOs (three permanent and one acting). See **Figure 7** for a summary of the restructurings, including the financial costs associated with them (described later in **Section 7.1.1**). These restructurings have had a significant impact on staffing for the review of development proposals and work permit applications:

- Four staff were let go, one demoted, and four staff were hired to fill new positions in the 2012 restructuring.
- One staff was let go and three were hired to fill new positions in the 2014 restructuring.

- One staff was let go in the 2016 restructuring.
- Five staff were let go in the 2017 restructuring.

As shown in **Figure 5**, just over one-third of NPCA staff (37%) work in Watershed Services as of May 2018, compared to over half (55%) in 2012. This change was partly due to a reduction of 10 FTE Watershed Services staff (both management and non-management staff). Looking at just the non-management staff (i.e., the frontline staff doing the watershed work of reviewing development proposals, and restoring and monitoring water quality), 50% of staff (or 11 positions) were eliminated. After we completed our audit, an engineer and a biologist from Watershed Services resigned. The NPCA filled the biologist position through an external contract but had not determined how it would fill the other vacancy.

In contrast, Administration and Corporate Support staff increased by seven FTE positions over the same period. As a result, Administration and Corporate Support staff increased to 29% of total full-time NPCA staff in 2018, compared to 16% in 2012. This is, in part, due to the addition of corporate support staff who now perform administrative functions that were previously performed by frontline staff.

Our survey (summarized in **Appendix 13**) found that administrative and corporate support staff comprise, on average, 25% of total staff in other conservation authorities. Of the 28 conservation authorities that responded to the survey, 20 had a lower administrative and corporate support staff ratio than the NPCA, while eight had a higher one.

Some Restructuring Decisions Not Based on NPCA’s Needs

We noted that the decisions to restructure did not always appear to be based on the NPCA’s needs. For example, in September 2017, the NPCA laid off five staff involved in reviewing development proposals. One of the NPCA’s reasons for the layoffs was that the NPCA anticipated that the work involved in

Figure 7: Four Organizational Restructurings between 2012 and 2017

Prepared by the Office of the Auditor General of Ontario

	2012 Restructuring (Jan-Apr 2012)	2014 Restructuring (Aug 2013–Nov 2014)	2016 Restructuring (Nov-Dec 2016)	2017 Restructuring (Sept-Oct 2017)
Stated reasons and goals for restructuring	<p>To "focus more on customer service"¹</p> <p>To "facilitate approvals while balancing conservation objectives"¹</p>	<p>To meet the goals of the 2014–17 Strategic Plan, including a more streamlined development approvals process and an appropriately resourced communications department²</p>	<p>To "realign resources and to more effectively fulfil budgetary obligations"³</p> <p>"Due to business demands"⁴</p>	<p>To address concerns regarding accountability, financial stewardship, customer service and communications while ensuring that the delivery of the NPCA's core mandate is strengthened⁵</p>
Staffing impact	<p>6 firings:⁶</p> <ul style="list-style-type: none"> Planning/permit – 4 staff Restoration – 2 staff <p>4 hires (external):</p> <ul style="list-style-type: none"> Planning/permit – 4 staff 	<p>13 firings:⁷</p> <ul style="list-style-type: none"> Planning – 1 staff Restoration – 4 staff Conservation areas – 6 staff, 1 manager Communications – 1 manager <p>10 hires (external):</p> <ul style="list-style-type: none"> Planning – 2 managers, 3 staff⁸ Conservation areas – 2 managers Corporate services – 1 manager Communications – 1 staff Human resources – 1 manager 	<p>3 firings:⁷</p> <ul style="list-style-type: none"> Water quality – 1 manager Restoration – 1 manager GIS⁹ – 1 staff <p>0 hires</p>	<p>9 layoffs and 1 firing:¹⁰</p> <ul style="list-style-type: none"> Planning – 1 manager (fired), 5 staff Restoration – 3 staff Conservation areas – 1 staff <p>2 hires (external):</p> <ul style="list-style-type: none"> Communications – 2 staff
	<p>1 demotion:</p> <ul style="list-style-type: none"> Planning – 1 manager <p>3 reassignments¹¹/internal hires:</p> <ul style="list-style-type: none"> Restoration – 1 staff GIS – 1 staff Planning – 1 staff 	<p>3 demotions:</p> <ul style="list-style-type: none"> Restoration – 1 manager Conservation area – 1 manager Communications – 1 manager (later terminated) <p>5 reassignments¹¹/internal hires:</p> <ul style="list-style-type: none"> Restoration to conservation areas – 1 staff Conservation areas – 3 managers, 1 staff 	<p>0 demotions</p> <p>0 reassignments¹¹/internal hires</p>	<p>1 internal hire:</p> <ul style="list-style-type: none"> Communications – 1 manager <p>3 recalls:¹²</p> <ul style="list-style-type: none"> Restoration – 2 staff Planning – 1 staff

Associated Costs ¹³	2012 Restructuring (Jan-Apr 2012)	2014 Restructuring (Aug 2013–Nov 2014)	2016 Restructuring (Nov–Dec 2016)	2017 Restructuring (Sept–Oct 2017)	Total
Staff compensation (\$)	234,205	493,012	245,269	277,871	1,250,357
Consultants (\$)	–	41,226	–	–	41,226
HR counselling (\$)	–	18,952	9,831	4,916	33,699
Total (\$)	234,205	553,190	255,100	282,787	1,325,282

1. Email from CAO to staff dated January 11, 2012.
2. Strategic Plan 2014–2017.
3. Email from Acting CAO to staff dated November 22, 2016.
4. Termination letter to laid-off GIS staff dated December 15, 2016.
5. NPCA news release dated September 27, 2017.
6. To be laid off means the staff's work stopped temporarily because of restructuring and not because of poor job performance. There is an expectation in a layoff to be "recalled" back to work in the future.
7. To be fired means the staff's contract with the employer is permanently broken. It can be due to poor job performance. When it is not, it is a firing for no cause, and the employer should provide reasonable notice or compensate the staff instead of such notice. All employees were fired for no cause.
8. GIS stands for geographic information systems, which link computer-generated maps with databases.
9. Of the 10 staff laid off, two were recalled to new positions and one was bumped into a temporary contract.
10. One position was filled in June 2015, but was identified in the approved organizational chart, which was the basis for the 2014 restructuring.
11. To be reassigned is to be given a different job.
12. Includes one staff who was laid off and then bumped into a temporary contract.
13. Costs comprise compensation paid to staff for severance, salary continuance, costs associated with grievances filed at the time of firing and fees for consultants hired to assist in restructuring or firings. Costs do not include legal fees associated with the firings. See Section 7.1.1 for a discussion of total costs associated with human resource matters, including legal fees.

reviewing development proposals for the Niagara Region would be somewhat reduced. Specifically, it expected that the terms of a 2007 memorandum of understanding (MOU) between the NPCA and the Niagara Region would be changed so that NPCA staff would no longer review development proposals against the Region's policies relating to natural heritage features (such as woodlands, wildlife habitat and water resources). NPCA staff's review would be restricted to the natural hazard policies of the Provincial Policy Statement and the Act.

We found a report that an NPCA manager had prepared, in consultation with a number of management staff, prior to the 2017 restructuring. The report identified that, if the changes to the Niagara Region MOU were approved, no more than four positions could be eliminated in order to meet the NPCA's mandated responsibilities for the review of development proposals. Specifically, the report recommended a staffing complement of three planners and one ecological technician. The report also noted that any deviation from the proposed staffing changes "is anticipated to result in longer review times, an increased amount of overtime, all at a drastically-reduced level of service." The restructuring did deviate from the report, leaving the NPCA with only two planners and no ecological technician.

Time to Review Development Proposals and Work Permit Applications Has Increased

As shown in **Figure 7**, improved customer service in the review of development proposals and permit applications was a central reason for the 2012 and 2014 restructurings. However, the NPCA has not measured whether those staffing changes improved the NPCA's delivery of these services.

We analyzed review times for development proposals for any impact staffing reductions may have had. Our analysis found that overall, the average time to review development proposals increased from 16 days in 2013 to 38 days in 2017. For example, the average review time for proposals involving detailed site plans increased from 19

days to 72 days in this period. We also noted that the average review time for minor amendments to municipal bylaws, which are less complex, increased from six days to 12 days. Similarly, our analysis of review times for work permit applications found that the average review time increased from 29 days in 2013 to 37 days in 2017.

We also noted that review times for development proposals that required biology reviews have increased. Specifically, in the first quarter of 2017, review times for such proposals took 40 days, compared to 145 days in the second quarter of 2018. Planning staff in various municipalities within the NPCA's jurisdiction also advised us that the NPCA has taken longer to provide its comments on development proposals since the 2017 restructuring.

Although other factors, such as the type and complexity of applications received, may impact the average review times, the NPCA has not analyzed how much the staffing reductions have contributed to the increase in average review times.

RECOMMENDATION 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:

- develop a human resources (HR) plan that identifies current and future HR needs, as they relate to the strategic direction of the NPCA;
- in developing such an HR plan, review its staffing mix to determine the appropriate level of administrative and corporate support staff;
- base future HR decisions on its HR plan; and
- provide information about planned restructuring decisions, including their financial implications, to the NPCA Board prior to implementing such decisions.

NPCA RESPONSE

The NPCA agrees with the Auditor General's recommendation. The NPCA will soon begin developing operational and work plans to implement the actions in its 2018–21 Strategic Plan. In addition, the NPCA is currently developing a document that is intended to inform stakeholders about the NPCA's mandate, roles and responsibilities. Once completed, the NPCA will develop a long-term HR plan based on these documents that identifies the organization's staffing needs, including the appropriate staffing mix.

This long-term HR plan will be the basis for all future HR decisions. Although the Chief Administrative Officer has ultimate responsibility for staffing decisions, the NPCA Board will be informed about planned restructuring decisions in the future.

6.3 Responding to Public Complaints About Violations of the Conservation Authorities Act

6.3.1 NPCA Needs To Take Timely and Progressive Action After Complaints Received

Anyone who fills in or destroys wetlands, dumps debris into a watercourse or embankment, or alters a watercourse is in violation of the *Conservation Authorities Act* (Act). NPCA policies require staff to visit the site, take photographs and complete an inspection form upon receiving a report of a possible violation. If there is a violation, staff must first negotiate to get the violator to comply with the Act and remediate the site. If negotiations with the violator are unsuccessful, staff issue a Notice of Violation instructing the violator to stop the prohibited activity and discuss remediation steps with the NPCA. If the violator does not comply with the notice, the NPCA may proceed with legal action. The 2017 amendments to the Act, once proclaimed,

would also give conservation authorities the power to issue stop work orders requiring landowners to stop engaging in activities that are in violation of the Act.

Timely enforcement action is important, not only to ensure that no further damage occurs, but because, under the Act, the NPCA cannot take legal action against the violator if it has been two years or longer since it became aware of the violation.

We reviewed a sample of public complaints about possible violations that the NPCA had logged as having been received between 2013 and 2017 and found that one-quarter of the complaints were still open, meaning that the violation had not been dealt with and the damage or alteration to the environment had not been fixed. Some dated as far back as 2014. For example:

- The NPCA received 11 complaints between September 2014 and August 2017 about debris being dumped on an embankment. An NPCA enforcement officer visited the site seven times between December 2014 and August 2017. Despite finding evidence of a violation, the NPCA never issued a Notice of Violation requiring the offender to stop the unauthorized activity. The offender has since moved to another property. The NPCA told us it would follow up on the violation when staffing permits.
- In July 2017, Ministry staff sent the NPCA aerial photographs showing a wetland had been destroyed. However, NPCA staff did not visit the site or follow up on the known violation. The NPCA advised us that it would do so once a permanent enforcement officer has been hired, which had not occurred as of August 2018.

From 2013 to 2017, the NPCA issued 13 Notices of Violation related to 11 identified violations, but nine of the violations were still unresolved in July 2018. This means that the violation is still ongoing and the NPCA has not yet pursued further enforcement action against the offender.

The lack of consistent, dedicated enforcement staff has contributed to delays in resolving violations. The NPCA normally employs one enforcement officer but did not have any enforcement officer between September 2016 and April 2017, and again between November 2017 and April 2018. In April 2018, the NPCA re-assigned one of its restoration staff, who had knowledge of ecological functions but had no prior enforcement training or experience, to work on investigating complaints about potential violations of the Act on a part-time basis.

Number of Actual Violations and NPCA's Response Cannot Always Be Determined

According to the NPCA's log of public complaints, the NPCA received 423 reports of suspected violations from 2013 to 2017. However, the NPCA does not consistently track complaints about possible violations and enforcement actions taken to address the complaint. Because of this, we could not determine the actual number of reported suspected violations and how many of those have been investigated and resolved.

In searching for enforcement files, we were able to locate 277 electronic files, but NPCA staff advised us that these files may not necessarily correspond to the reports listed in the complaints log. This is because, as mentioned previously, staff did not consistently track complaints.

We reviewed a sample of enforcement files between 2013 and 2017 to determine whether the NPCA took appropriate steps to address the complaint and resolve any identified violation. We found the following:

- For one-third of the complaints, dating as far back as 2012, the NPCA closed the files, but there was insufficient documentation to indicate whether the violation had been dealt with and whether the damage or alteration to the environment had been fixed. For example, between October 2012 and September 2014, the NPCA received three reports involving

the destruction of a wetland. After receiving the first complaint, the enforcement officer spoke with the landowner, who agreed to stop damaging the wetland. The NPCA subsequently received two more similar complaints, but the file was eventually closed when the landowner promised to stop damaging the wetland. There was no evidence that the enforcement officer visited the site to confirm that the landowner had indeed stopped damaging the wetland.

- Two-thirds of the files we reviewed indicated that the enforcement officer visited the site that was the subject of the complaint, but the files did not contain completed inspection or investigation reports. This is contrary to the NPCA's enforcement policy, which states that site visits must be documented in an inspection or investigation report.

In 2016, the NPCA put in place a computer application called CityView to manage the review of development proposals and work permit applications. It has the capability to track enforcement activities, but the NPCA was not using this feature at the time of our audit.

RECOMMENDATION 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**:

- determine the number of enforcement staff necessary to address violations on a timely basis and staff accordingly;
- ensure that enforcement staff obtain the necessary training to discharge their responsibilities;
- 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;

- revise its enforcement policy to require that enforcement activities be sufficiently documented and ensure that staff adhere to the policy; and
- use CityView to track reports of possible violations.

NPCA RESPONSE

The NPCA agrees with the Auditor General's recommendation and acknowledges that its documentation of enforcement activities needs to be improved. The NPCA will update its enforcement policy to require that enforcement activities be documented and to provide further guidance on progressive actions to address violations.

As part of the long-term HR plan that will be developed in response to **Recommendation 10**, the NPCA will determine, by April 2019, the number of enforcement staff necessary to address violations on a timely basis. In September 2018, the NPCA hired a new enforcement officer, who has the necessary training and experience to respond to reports of possible violations of the *Conservation Authorities Act*. Additional training will be provided as necessary.

Staff have recently begun reviewing options to improve the tracking and documentation of the NPCA enforcement program. Using CityView may be viable, but privacy concerns will need to be addressed prior to committing to this path.

6.3.2 Violations May Be Occurring Without the NPCA's Knowledge

Public Not Educated on Violations and How to Report Them

As mentioned, from 2013 to 2017, the NPCA received at least 423 reports of possible violations of the Act, but there may be more violations that NPCA staff are not aware of. This is because the NPCA relies entirely on public complaints to identify those individuals engaging in prohibited

activities. However, the NPCA has not informed the public about which activities are prohibited and how to report such activities to the NPCA.

Not knowing when or how to report violations to the NPCA, the public may not report all violations or may report them to the incorrect organization. For example, in May 2012, a member of the public notified a municipality of a potential violation of the Act (filling in of a wetland). The municipality did not inform the NPCA. In 2015, the NPCA became aware of the violation when the same member of the public filed a Freedom-of-Information request to the NPCA regarding the alleged violation. The NPCA enforcement officer visited the site with an ecological technician. While they found the violation may have occurred, they determined that too much time had passed between the violation and the discovery to gather evidence. The NPCA informed us that it received legal advice suggesting not to pursue a court case on the matter due to lack of evidence; however, the NPCA could not provide us with any documentation of this legal advice.

Our research found that Conservation Halton, Toronto and Region Conservation Authority and the Nottawasaga Valley Conservation Authority provide information on their websites about what constitutes a violation and how to report it. In addition, in our survey (see **Appendix 13**), 89% of conservation authorities that responded reported having proactive strategies for monitoring compliance with the Act; for example, selecting sites for inspection based on staff's assessment of risks associated with approved work permits. In particular, 44% of conservation authorities reported using other methods, such as partnerships with municipalities, to monitor compliance.

NPCA Does Not Know if Work Has Been Completed According to Permit Conditions

From 2013 to 2017, the NPCA issued 938 work permits, but we found that, in almost all cases, the NPCA did not conduct site visits to confirm that the landowners were complying with the conditions of

the permit. Depending on the nature of the work, the NPCA imposes certain conditions on the work permit to ensure that the landowner takes appropriate measures to mitigate risk to people, property and the environment.

In addition, all work permits issued by the NPCA include a condition that the NPCA be notified no later than two weeks after the work is completed. NPCA staff could not determine how often they received such notification. As a result, NPCA staff have little to no assurance that the work approved by the permit was completed according to the permit's conditions.

Subsequent to our audit fieldwork, in June 2018, the NPCA conducted some limited permit inspections. They included driving by the permit sites and taking some photos, but no further documentation was prepared.

RECOMMENDATION 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:

- 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;
- 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; and
- 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.

NPCA RESPONSE

The NPCA agrees with the Auditor General's recommendation. An NPCA staff member has been tasked with implementing the action items in this recommendation.

6.4 Improving Water Quality

A key component of the NPCA's watershed management work to improve water quality is its "restoration program" (in **Figure 2**, this is one of the optional programs conservation authorities offer to further their objectives, under Section 21(1)(g) of the Act). Until 2017, this was a cost-sharing program where the NPCA worked with landowners to improve the habitat on their property, either through restoring wetlands or tree cover, or implementing agricultural best practices, to help improve the health of any waterbodies on or adjacent to their property. Through the restoration program, the NPCA provided over \$900,000 in grants to private landowners between 2012 and 2016 for 244 projects aimed at improving the habitat on their properties.

6.4.1 Restoration Program to Improve Water Quality Was Suspended for One Year

In July 2017, the NPCA suspended its restoration program and engaged an external consultant to review the program after it identified concerns about lack of financial controls and potential conflict of interest. The consultant noted that landowners were complimentary about the program but identified issues. These issues, which we confirmed in our review of a sample of completed restoration projects from 2012 to 2017, included:

- The program had been promoted primarily through word of mouth. As a result, there was potential bias in who knew about and took advantage of the program.

- Project evaluation left room for discretion because the criteria for approving applicants were subjective.
- Files lacked sufficient documentation. For example, it was unclear whether landowners were paying their share because there was no documentation of how the “in-kind” contribution was calculated.

In light of the results of the review, the NPCA Board expressed concerns about continuing with the program under the current structure. Anticipating that the program would change was one of the reasons the NPCA gave us for the 2017 restructuring, mentioned in **Section 6.2.3** and shown in **Figure 7**.

In September 2017, the Board’s audit committee selected a new structure for the program. It involved the NPCA giving grants to other organizations, such as environmental non-profit organizations or municipalities, instead of to private landowners, to undertake eligible projects.

In May 2018, eight months after suspending the old program, the Board approved draft terms of reference for the new restoration program that were in line with the structure selected by the Board in September 2017. Under the new program structure, private landowners wishing to undertake a restoration project must solicit the support of an established organization (such as an environmental, non-profit organization), which would then apply for a grant from the NPCA. The NPCA began accepting such applications in August 2018.

Under the new program structure, a review committee—which includes five voting Board members and three non-voting NPCA staff—will determine which applicants receive grant funding. However, as noted in **Section 5.1.3**, Board member involvement in day-to-day decision-making, such as approving grant applications, is inconsistent with governance best practices. Establishing a committee of the Board to review management’s approval of grant applications will help ensure that funding is directed in accordance with the goals of the program and keep the Board from getting involved in day-to-day operations.

6.4.2 Funding Under Former Restoration Program Not Directed to Where Restoration Is Most Needed

The NPCA did not establish clear goals for its restoration program, nor did it determine where restoration work was most needed.

In 2012 and 2018, the NPCA issued Watershed Report Cards to identify areas within the watershed where the NPCA needs to focus its efforts. They highlighted two areas of concern within the NPCA watershed:

- Surface water quality was poor, especially in the Niagara-on-the-Lake sub-watershed, due to contamination from agricultural runoff and sewage discharges.
- Forested areas were lacking, especially in the Niagara-on-the-Lake sub-watershed, the upper portion of the Welland River and Lake Ontario’s south shore.

Our review of all restoration projects between 2013 and 2017 showed that restoration grants were not directed toward these areas of concern and toward activities that would alleviate the concerns. Specifically:

- Projects to control agricultural runoff and wastewater discharges, which were identified as the primary reasons for poor surface water quality, comprised just 3% of all funded projects and received 10% of the total funding. Almost two-thirds of the NPCA watershed is used for agricultural activities, yet only 11% of funded projects and 19% of total grant funding awarded were related to encouraging best farm management practices.
- Projects relating to reforestation comprised just 18% of the total funding, and only two of the 88 projects were located in Niagara-on-the-Lake, which had been identified as an area with particularly poor forest cover.

The NPCA indicated that there was no systematic approach to distribute funding and that it was based on applications received in any given year.

RECOMMENDATION 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.

NPCA RESPONSE

The NPCA agrees with the Auditor General's recommendation. The NPCA has recently redesigned its restoration program with a clear goal of supporting projects that improve water quality. The NPCA will work with its partners and volunteers to achieve the objectives set out in this recommendation.

6.4.3 Almost One-Third of \$3 Million in Welland River Funding Not Spent as Intended

In 2007, Ontario Power Generation (OPG) provided \$3 million in funding to the NPCA to carry out activities to improve the health of the Welland River; these included tree planting, wetland restoration, outreach activities to educate the public about the Welland River, and acquisition of wetlands and floodplain lands. These restoration projects aimed to reduce any potential impact OPG's hydroelectric power generation on the Niagara River might have on the Welland River. The OPG agreement required the NPCA to spend all the funds within five years of receipt, that is, by 2012.

We found that the NPCA has not met key expectations agreed to with OPG for the restoration projects. Specifically:

- The NPCA has spent only \$1.45 million (48%) of the total funds, and for 73% of the money spent (\$1.06 million), the NPCA could not

provide any details on the projects other than their amounts and locations. These projects were carried out between 2007 and 2014.

- For the remaining 27% of the money where we have sufficient details (\$390,000), we found that money was spent on, or approved for, projects that were not eligible for funding under the agreement with OPG. For example, the NPCA approved landscaping projects in Lincoln, Grimsby, Wainfleet, St. Catharines, Niagara-on-the-Lake and Hamilton, and plans to use OPG funding to purchase equipment to collect water quality data and aerial photography to be used in the entire watershed. The NPCA was also planning to spend about \$460,000 in 2018 on other projects not specifically aimed at improving the health of the Welland River.

In May 2018, the NPCA met with OPG staff to discuss the intent of the 2007 agreement and provide information on how the NPCA has spent and plans to spend the funds. Minutes of the meeting indicate that OPG staff requested additional details on the project expenditures, including where they were located within the watershed. Minutes also indicate that OPG staff approval is required for spending on projects outside the Welland River floodplain. The NPCA and OPG have now agreed to meet quarterly for the next year, and as needed after that.

RECOMMENDATION 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)**:

- seek clarification with OPG regarding its expectations for how the remaining funds are to be spent;
- revise, as necessary, the formal agreement between the NPCA and OPG to outline such expectations; and

- 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.

NPCA RESPONSE

The NPCA agrees with the Auditor General's recommendation. Beginning in May 2018, NPCA and OPG staff have agreed to meet on a quarterly basis. Both parties have agreed to update and abide by a new Memorandum of Understanding (MOU) that will clarify roles, responsibilities and expectations for how the remaining funds are to be spent. Once the new MOU is drafted, the NPCA will develop a plan that identifies the projects and their locations for which the remaining funds will be spent, in accordance with the terms of a new MOU.

6.5 Buying Land for Conservation, Recreation and Education

The *Conservation Authorities Act* empowers the NPCA to acquire land to accomplish its objectives. The NPCA currently owns and manages 2,938 hectares of land within the watershed, which represents about 1% of the entire watershed.

In 2007, the NPCA developed a land acquisition strategy that identified over 800 parcels of land, covering 7,400 hectares across 15 municipalities, for protection. The strategy called for the highest-priority lands to be acquired in the next five years (i.e., by 2012) and recommended that the NPCA set aside \$500,000 annually to fund these acquisitions.

6.5.1 NPCA's 2007 Land Acquisition Strategy To Acquire Ecologically Sensitive Lands Not Followed

The 2007 strategy was based on scientific data and objective analysis. The NPCA identified sensitive

natural areas that were at risk of being lost and then prioritized the lands based on their proximity to future development, type of habitat and potential to connect important natural areas.

However, we found that the NPCA did not follow its land acquisition strategy between 2008 and 2017. It spent a total of \$3 million on 10 parcels of land totalling 109 hectares. A 2014 purchase, representing 66% of this amount (\$1.98 million) was of a 6.1-hectare Lakewood Beach property in Wainfleet that the 2007 strategy designated as low priority (scoring three out of a possible 15). In its report to the Board requesting approval for the purchase, the NPCA identified that the Town of Wainfleet supported the acquisition in order to provide the public access to waterfront areas. The Board report also indicated that the acquisition met the proposed new land acquisition criteria (see **Figure 8**), but did not describe how.

Only 5% of the \$3 million (\$146,000) was spent on land that was identified as a high priority in 2007—a 9.85-hectare piece of land with high ecological value.

6.5.2 Current Land Acquisition Plans Lack Details on How to Achieve Their Goals

In 2015, the NPCA developed a Land Management Plan to identify goals for current and future NPCA land holdings. In October 2017, the NPCA announced a 100-year land plan to acquire from 25,000 to 40,000 acres (10,100 to 16,200 hectares) of land in the 100-year period. Unlike the 2007 strategy, both the 2015 and 2017 land plans are less detailed and provide less direction about lands to be acquired. Specifically:

- Neither plan describes the process for prioritizing proposed acquisitions. Instead, the 2015 plan's criteria for land acquisition are six questions (see **Figure 8**), but it is unclear how the answer to each question will help determine whether the land should be acquired.
- Neither plan identifies how acquiring lands will fulfill the NPCA's mandate to protect

Figure 8: Current Land Acquisition Criteria

Source of data: NPCA 2015 Land Management Plan

1. Is the property outside the urban area?
2. Is the property already protected through legislation (e.g., Provincially Significant Wetland)?
3. Are there other organizations that may be more appropriate recipients of the property?
4. Is the acquisition the only means by which the land can be preserved and protected?
5. Is the acquisition clearly within the statutory mandate of the NPCA?
6. What are the long-term capital and operating costs associated with the property?
7. Property subject to an ecological assessment for Board consideration.

people and property from flood and erosion hazards. In comparison, both the Toronto and Region Conservation Authority and the Grand River Conservation Authority specify in their strategies acquiring lands for flood and erosion control projects, and lands that are unsafe for development because, for example, they are on floodplains or have steep slopes.

To meet the goal of its 100-year land plan, the NPCA will need to acquire at least 250 acres (100 hectares) per year—more than what it acquired over the last 10 years combined. NPCA management could not tell us how it established this goal and did not conduct any analysis to determine whether the goal is feasible. The NPCA has not estimated how much it would cost to achieve its goal, nor has it developed a plan to raise the necessary funds.

RECOMMENDATION 15

To ensure that lands are acquired to help the Niagara Peninsula Conservation Authority (NPCA) fulfill its mandate, we recommend that the NPCA:

- 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;

- improve its current land acquisition criteria to provide clear direction on which lands should be acquired;
- prioritize its current land acquisition criteria to reflect the revised goals;
- determine the total cost of its land acquisition plan and how it will fund the acquisitions;
- develop and implement a plan to achieve its land acquisition goals; and
- monitor and report to the NPCA Board of Directors on land acquisition progress.

NPCA RESPONSE

The NPCA acknowledges that it has not followed a clear or comprehensive land acquisition strategy. In its 2018–21 Strategic Plan, the NPCA has committed to begin developing a detailed 100-year land plan for the watershed in early 2019. The plan calls on the NPCA to conserve, restore and protect more land in the watershed.

In developing the plan, the NPCA will consult with stakeholders to ensure that the plan is financially sustainable, enhances the watershed and incorporates the actions in this recommendation.

The NPCA will monitor and report on its land acquisition progress as part of its progress reports on its 2018–21 Strategic Plan.

6.6 Measuring the Impact of NPCA's Programs and Services

6.6.1 NPCA Public Reports Could Be Improved by Greater Focus on Results

The NPCA's annual reports describe the organization's achievements in the previous year. Beginning in the last quarter of 2015, the NPCA also began producing quarterly reports to provide more frequent updates regarding its activities. We found that the reports:

- did not always include key information about the NPCA's mandate (for example, of the annual reports from 2012 to 2017, only the 2012 and 2014 reports included a description of the different departments and core activities of NPCA);
- contained mainly narrative descriptions, often including a chronology of events, of the major projects completed during the year, with limited information about the benefits of such projects or how they contribute to the NPCA fulfilling its mandate; and
- included quantitative information—for example, the number of development proposals reviewed, number of work permits

issued, and the average time it took staff to review applications—but did not compare this information against pre-established goals or targets or include any trend analysis.

We also reviewed the NPCA's annual reports against best practices for performance reporting as outlined in the directives issued by Management Board of Cabinet for provincial agencies and guidance issued by the Public Sector Accounting Board. Figure 9 summarizes our assessment.

In 2014, the NPCA developed its first Strategic Plan, which outlined its goals for the next four years, and identified specific action items to meet those goals. One of the action items in the NPCA's 2014–17 Strategic Plan was to design, implement and report on key performance indicators by the end of 2015. At the time of our audit, the NPCA was still in the process of developing a set of indicators against which to assess its performance.

6.6.2 Recent Assessment of NPCA's Performance an Important Step, But Some Information Missing

In 2017, the NPCA engaged a third-party consultant to assess its progress in achieving the goals it

Figure 9: Assessment of NPCA Annual Reports Compared with Public Performance Reporting Best Practices

Prepared by the Office of the Auditor General of Ontario

Included in Annual Report	2012	2013 ¹	2014	2015	2016	2017
Description of mandate and key activities	Y	—	Y	Y	N	N
Outputs of activities	Y	—	Y	Y	Y	Y
Operational analysis	Y ²	—	Y ²	Y ²	Y ²	Y ²
Linkage of financial and non-financial data	N	—	N	Y ³	Y ³	N
Outcome-based measures	N	—	N	N	N	N
Performance targets	N	—	N	N	N	N
Audited financial statements	N	—	N ⁴	N ⁴	N ⁴	N ⁴
Financial analysis	N	—	N	N	N	N
Risk discussion	N	—	N	N	Y	N

Note: Best practices include those outlined in Statement of Recommended Practice, Public Performance Reporting (SORP-2) issued by the Public Sector Accounting Board, and annual report content requirements issued in directives by Management Board of Cabinet for provincial agencies and broader-public-sector organizations.

1. The NPCA did not publish an annual report in 2013.

2. Reports outputs of activities, but not how well such activities help the NPCA meet its mandate.

3. Analysis not done consistently.

4. Audited financial statements reported publicly, but separate from annual report.

established in its 2014–17 Strategic Plan. The consultant, who previously assessed the NPCA in 2011 in preparation for the development of the 2014–17 Strategic Plan and helped develop the plan, concluded in 2017 that the NPCA had made significant improvement in most areas that were evaluated.

Our review of the consultant's report and other related documentation noted the following:

- The assessment was not based on the action items identified in the 2014–17 Strategic Plan. The Plan outlined 42 specific action items to help the NPCA achieve five goals. The consultant's report specifically stated that the consultant intentionally did not evaluate the NPCA's progress in completing each action item. Only focusing on what the NPCA has done, without identifying what the NPCA has not yet done, provides an incomplete picture of the NPCA's true progress in achieving the goals of its Strategic Plan.
- The conclusions were primarily based on steps taken by the NPCA to establish new policies and structures. The review did not assess whether the policies are being followed, nor did it evaluate whether the structures are achieving their intended results. For example, the report concluded that decision-making about land management has significantly improved, in part because of the new land acquisition criteria (see Figure 8). However, as discussed in Section 6.5.2, we noted concerns with the new criteria.

RECOMMENDATION 16

To enable the Niagara Peninsula Conservation Authority (NPCA) to assess its performance in fulfilling its mandate, we recommend that the NPCA:

- develop performance indicators that are tied to its mandate and overall program goals;
- establish targets against which each indicator will be assessed;

- 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; and
- 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.

NPCA RESPONSE

The NPCA agrees with the Auditor General's recommendation. The NPCA is now developing key performance indicators and targets. The NPCA will gather information about its programs to determine their impact on the NPCA watershed. This information will be reflected in the NPCA's annual and quarterly reports.

7.0 Detailed Audit Observations: NPCA's Business Practices

7.1 Managing Human Resources

7.1.1 NPCA Staffing Has Been Unstable with Frequent and Costly Restructurings

The NPCA has not developed a long-term plan for its staffing needs. In the absence of such a plan, the NPCA underwent four reorganizations under four different CAOs in the six-year period from 2012 to 2017 (see Figure 7). The organizational restructurings resulted in a total of 32 full-time employees out of an annual average of 60 being laid off or terminated from their positions, three of whom were subsequently recalled or reassigned to a contract position.

Because of these reorganizations, the NPCA's average involuntary turnover rate (the annual rate at which employees are dismissed or laid off, or employees' recurring contracts are not renewed)

in the 2012–17 period was 11%—two-and-a-half times the average rate of 4.4% for the public and private sectors in the same period reported by the Conference Board of Canada. At 11%, the NPCA has the highest involuntary turnover rate in the last five years than any of the conservation authorities we surveyed. In comparison, the involuntary turnover rate for other conservation authorities in the same period ranged from 0% to 7%, with an average of 1%.

Between 2012 and 2017, the NPCA has paid out over \$1.3 million in staff compensation, settlements related to grievances filed at the time of termination, and HR counselling and consulting fees relating to the terminations. The NPCA has also incurred \$217,000 in legal fees relating to terminations and grievances, some of which can be attributed to the restructurings. At the time of our audit, 14 termination-related grievances filed in that time period were still ongoing. In its 2017 financial statements, the NPCA estimated that it may incur about \$40,000 for settlements in addition to the \$1.3 million.

One of the consequences of not having a long-term plan for staffing needs is that positions are created only to be eliminated afterwards. As shown in Figure 10, this occurred for eight positions involved with the review of development proposals and work permit applications, restoration activities, and event co-ordination. On average, the positions were eliminated three-and-a-half years after

being created. The portion of the \$1.3 million in termination-related costs associated with these eliminated positions was \$87,800.

7.1.2 Improvements Made in Human Resource Processes Since 2014, But Best Practices Still Frequently Not Followed

In 2014, the NPCA began taking steps to improve its human resource (HR) practices. For example:

- In 2014, the NPCA hired an HR staff person on contract to begin developing the HR function within the organization. In 2015, the NPCA hired its first permanent HR staff. Prior to this, department managers recruited their own staff.
- In 2014, the NPCA began documenting the screening of applicants based on a comparison of the applicants' education and experience to the requirements in the job posting.
- In 2014, the NPCA formalized its recruitment process for summer students by developing application forms and, in 2015, standardized interview questions.
- In 2016, the NPCA revised its HR policies to prohibit immediate family members from being involved in any aspect of the recruitment process or being employed within the same division. The NPCA was aware of nepotism that had occurred in past hirings and supervision (for example, an NPCA staff hiring an

Figure 10: Positions Created and Eliminated in Restructurings

Source of data: Niagara Peninsula Conservation Authority

Position	2012	2014	2017
Development Services Technician ¹	1 position created	1 position eliminated	
Ecological Technician ^{1,2}	1 position created	1 position created ³	2 positions eliminated
Stewardship Program Assistant ¹	1 position created	1 position eliminated	
Event and Volunteer Co-ordinator		1 position created	1 position eliminated
Planner ¹		2 positions created	2 positions eliminated
Supervisor, Development Reviews ¹		1 position created	1 position eliminated

1. These positions provide watershed services, such as reviewing development proposals and working with landowners on restoration projects.

2. The position created in 2012 was called "Fish and Wildlife Technician," and the position created in 2014 was called "Watershed Technician." Both were renamed "Ecological Technician" and were eliminated in 2017.

3. The position was filled in June 2015, but was identified in the approved organizational chart, which was the basis for the 2014 restructuring.

immediate family member or supervising the work of a relative as recently as 2014).

However, we also noted that the NPCA has still frequently not followed HR best practices. Below are examples.

Recruitment Files Have Not Always Supported Hiring of Selected Candidate

The Ontario Human Rights Commission recommends that employers take the necessary steps to ensure a fair hiring process, including developing objective criteria, interview questions and marking schemes for selecting candidates. Without objective criteria and proper documentation, the employer could be vulnerable to claims of discrimination.

The NPCA hired 53 full-time employees (both permanent and on contract) between 2012 and 2017. Of these 53, 27 have since left the NPCA (seven of whom had been on short-term contracts that concluded as agreed upon).

Our review of all recruitment files since 2012 found improvements in some areas beginning in 2016. Specifically:

- Initial screening of applications is better documented. There was evidence of the initial screening of applications in only seven (or 19%) of the 37 hirings from 2012 to 2015. In comparison, there was evidence of the initial screening in 100% of the 16 hirings from 2016 to May 2018.
- Interviews are better documented. In 20 (or 54%) of the 37 hires from 2012 to 2015, there was no evidence that the candidates were interviewed. In comparison, there was documentation of interview notes in 100% of the 16 hirings from 2016 to May 2018.
- Interviews scores are better documented. In seven (or 19%) of the 37 hires from 2012 to 2015, the interviewers did not score the applicant's interviews. In comparison, there was documentation of interview scores in 100% of the 16 hirings from 2016 to May 2018.

Nonetheless, we also noted other concerns in three areas of the recruitment process in files from

2014 and 2017. The examples (some described in **Figure 11**) highlight the need to review existing recruitment policies and practices to ensure fairness and transparency. For example, we found:

- two cases where one of the applicants selected for interviews was ranked in the bottom half of applicants in the initial screening, calling into question the usefulness of the initial screening or the hiring managers' decisions in selecting the best candidates;
- two cases where the successful candidate's application did not have all of the required education or experience listed in the job posting; and
- four cases where actual or perceived conflicts of interest or bias in hiring staff were not mitigated.

NPCA Does Not Follow Its Policy for Assessing Staff Performance Annually

NPCA policy requires that staff appraisals be carried out annually. Only 36% of the 44 current staff who have been working at the NPCA for more than one year have a performance appraisal on file. No current employee has been evaluated more than once in the last five years.

Performance appraisals used to be done more consistently—76% of the 25 current staff who joined the NPCA before 2011 had one or more performance appraisals on file from 2011 or earlier.

Performance appraisals provide the opportunity to document progress and can be used to assist in decisions regarding promotions and salary increases. We noted that, in eight of the 11 promotions since 2012 that occurred without a competition, the employee did not have a performance appraisal completed in the year prior to their promotion.

NPCA senior management told us they have revised the performance appraisal process and included goal-setting, which they planned to implement on a rolling basis as employees' hiring anniversaries occur. The first performance appraisal was completed in May 2018.

Figure 11: Examples of Concerns of Fairness in the Hiring Process

Prepared by the Office of the Auditor General of Ontario

Board Member Becomes CAO

In October 2013, the NPCA Board agreed to have a Board member provide sole sourced consulting services to the NPCA, and in April 2014 the same Board member was awarded the CAO position. Both appointments could be perceived as a conflict of interest given the individual's involvement in decision-making processes prior to each hire:

- With regard to the contract position, the Board member was involved in proposing the creation of the consultant position he was later hired to fill. There was no replacement NPCA Board member during this leave. In fact, email communication with the NPCA Board Chair indicated the NPCA Board member would continue to receive Board-related communication during his leave.
- During his role as consultant, this individual was involved in staff restructuring decisions related to hirings and terminations, and negotiating the terms and timing of the then CAO's retirement. Shortly before the CAO vacancy was posted, this individual returned to the Board and submitted his application for CAO. He was on the Board (although not on the hiring committee) when the hiring committee selected which candidates to interview for the CAO position. He took a leave of absence only after being selected for an interview. Following the interviews, he was appointed to the CAO position. As before, there was no replacement NPCA Board member during his second leave of absence.

Unposted Position Awarded to Board Member

In 2013, the NPCA engaged the Niagara Region to help with the recruitment of a senior manager position. The Region helped conduct interviews with final candidates and reference checks for the selected candidate. A Board member (who was also an elected official) applied for the position and immediately requested a leave of absence from the NPCA Board. Another applicant won the competition, but the Board member was awarded another newly created senior manager position. There was no evidence that this job was posted for competition, even though the Chair of the NPCA Board and NPCA senior management had committed to a recruitment process for this position. Furthermore, the Region was not involved in recruitment efforts for this position, and no reference check was conducted. The position was offered to the NPCA Board Member while the then CAO was on vacation. At the time of this hiring, NPCA policies required "the approval of the CAO or his/her designate" for all positions below Director (Board approval was required for Director positions and above). The decision to hire was made by a selection committee, made up of three NPCA Board members, all fellow elected officials. The job offer was not signed or approved by the CAO. Following the hiring, the former Board member, still currently employed at the NPCA, also continued his position as a sitting elected official. NPCA's personnel policies are silent regarding employees holding public office. In contrast, we noted that the Grand River Conservation Authority requires employees to take an unpaid leave of absence while campaigning and that employees resign if they are elected as an official within the Grand River watershed. Similarly, the Toronto and Region Conservation Authority requires employees to take a leave of absence when they run for office.

Successful Candidate Applied Late and Did Not Have All the Required Experience

In the 2015 recruitment for a conservation area position, the successful candidate's application did not have all of the required education or experience listed in the job posting. The individual also submitted their application nine days after the posting closed and after the HR staff had already screened the applicants who had submitted their application on time. The candidate also had previously worked with and volunteered on the election campaign of one member of the recruitment panel at a different organization.

CAO Expresses Support to External Candidate Prior to Posting Union Position

In 2017, the NPCA hired two individuals, who had previously done consulting work for the NPCA, to fill a posting for one union position.

Almost two months before the job was posted, the CAO told one of the individuals about the job posting coming up and asked the individual if they were interested in the job. The CAO told the individual there was no one he would rather have in that role than the individual. The individual and CAO met off-site to discuss this in more detail. The day after their meeting, the individual emailed the CAO to express their interest in the position, and stating they “would love to accept.” Six days before the posting, the CAO forwarded the individual’s resume to HR.

The posting had been for one position, but during the interviews the NPCA decided to expand it to two positions. The NPCA did not conduct any analysis documenting the need for a second position. The individual was one of two hired for the position. The CAO was a member on the recruitment panel. Given his prior interaction with the candidate, his involvement in selecting the candidate may be perceived as a conflict of interest.

RECOMMENDATION 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:

- 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;
- update its promotion policies to include the decision-making process required to be followed and documented for promotions and appointments;
- assess staff’s performance annually, as required by its policies; and
- provide quarterly updates to the NPCA Board of Directors on staffing changes and performance.

NPCA RESPONSE

The NPCA is committed to ensuring that the NPCA follows fair and transparent recruitment processes, and that the best-qualified individuals are hired and promoted. The NPCA will build on the improvements that began in 2014, including updating its policies to reflect the actions in this recommendation, and fully implementing its revised performance appraisal

process as employees’ hiring anniversaries occur. In addition, information on staffing changes and overall performance will be included in quarterly HR updates to the Board of Directors beginning in January 2019.

7.1.3 Staff Concerns Over Incidents Leading to Grievances and Complaints Not Always Addressed Appropriately by Management

In 2014, NPCA staff voted to have union representation, and in 2015, the collective agreement was ratified by staff, management and the Board of Directors. Since 2016, 21 NPCA staff have filed 51 grievances.

The NPCA’s grievance rate is high compared with the rate at the public and private companies surveyed by the Conference Board of Canada. These companies had an average of five grievances per 100 unionized employees in 2016—that is, a rate of 5%. Under its first collective bargaining agreement, the NPCA’s grievance rate was 42% in 2016 (14 grievances were filed by 16 employees, and the NPCA had 33 unionized employees) and 92% in 2017 (34 grievances were filed by 13 employees, and the NPCA had 37 unionized employees).

Twenty-nine of the grievances were filed after 10 staff were laid off or terminated from their positions in 2017. These grievances alleged improper layoff, being targeted for union activity, that management restricted staff from returning to another

position or returning to the same level of position after parental leave, and harassment.

At the time of our audit, 32 of the 51 grievances filed were resolved or settled, on average, within 100 days. Of the 32 grievances that have been completed:

- 26 were withdrawn by the complainant, often following a monetary settlement;
- five were resolved between the NPCA and the complainant prior to arbitration; and
- one was withdrawn by the complainant during the grievance process.

The remaining 19 grievances were still unresolved, with most awaiting arbitration dates. As of July 31, 2018, the unresolved grievances had been ongoing for an average of 344 days. The delay could be due to various factors beyond the NPCA's control, for example, the availability of the other parties (i.e., employee and arbitrator).

Out of all 51 grievances that have been filed since 2016, only one has been resolved through arbitration, where an independent third party makes the decision. In this case, the arbitrator sided with the complainant and ordered the NPCA to re-post an administrative assistant position and grant the complainant an interview should she apply. Following the arbitrator's decision, the NPCA did not re-post the position and filed for a review of the arbitrator's decision. The grievance, originally filed in 2016, is still ongoing.

In January 2018, the NPCA began providing quarterly reports to the NPCA Board summarizing the status of various HR functions such as recruitment, grievances, and performance appraisals. However, the reports have no details on the subject of the grievances or their financial implications.

Harassment Complaints Not Always Dealt With in Accordance with Legislation and Best Practices

Ten of the 34 grievances filed in 2017 alleged harassment or discrimination. NPCA staff also filed six harassment complaints in 2017—three against NPCA management, two against a Board member, and the last one against a member of the public.

We engaged an independent HR specialist to assess the reasonableness of the NPCA's response to these harassment grievances and complaints, based on the requirements of the *Occupational Health and Safety Act* and the *Ontario Human Rights Code*, as well as best practices outlined in the Ministry of Labour's Code of Practice. Our assessment did not include a determination regarding the merits of the grievances and complaints. We found that, for 13 of the 16 harassment grievances and complaints, the NPCA did not conduct an appropriate or timely investigation of the incident or obtain sufficient information to determine if an investigation was required. See Figure 12 for a summary of the findings of our specialist.

We also noted that under the NPCA's organizational structure, the HR staff person reports directly to the CAO. This presents a conflict if the HR staff person receives a complaint against the CAO. In fact, although all NPCA employees we interviewed were aware of the procedure for reporting harassment concerns, one-third of them reported a concern that the HR staff person would not be able to properly investigate their concerns in an unbiased and neutral manner. According to the Code of Practice, the person conducting the investigation must not be under the direct control of the subject of the complaint. The NPCA's workplace harassment policy allows the CAO or the HR staff person to appoint an external investigator, but the NPCA had not done so for any of the grievances or complaints filed.

RECOMMENDATION 18

To ensure compliance with the *Occupational Health and Safety Act*, the *Ontario Human Rights Code* and the Ministry of Labour's Code of Practice, we recommend that the **Niagara Peninsula Conservation Authority (NPCA)**:

- 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;

Figure 12: Summary of Harassment- and Discrimination-Related Grievances and Complaints, January 2017–May 2018

Prepared by the Office of the Auditor General of Ontario

	Grievances ¹	Complaints			Total
		Against Board Member	Against Member of NPCA Management	Against Member of Public	
# Where Issues Were Noted with NPCA's Response					
# where NPCA did not request additional information to determine if an investigation was required ^{2,3}	8	0	0	0	8
# where NPCA did not conduct an investigation, but should have	1	0	3	0	4
# where NPCA investigated, but response was not timely and appropriate ²	1	0	0	0	1
Total	10 ⁴	0	3	0	13
# Where NPCA's Response was Timely and Appropriate ²	0	2	0	1	3
Total # of Harassment or Discrimination-Related Grievances or Complaints Filed ⁵	10	2	3	1	16

1. Unionized employees may file grievances for violations of their rights under the collective agreement.

2. Based on our assessment of the NPCA's response, using as criteria the requirements of the *Occupational Health and Safety Act* and guidelines in the Ministry of Labour's Code of Practice.

3. The complainant and the union also failed in their duties to provide details of the incident.

4. Of the 10 harassment or discrimination-related grievances, four were still in arbitration at the time of our audit, two were withdrawn by staff who were recalled to work, and four were resolved through a settlement with the grievor.

5. Some employees filed multiple grievances and/or complaints. In total, 13 employees filed 16 grievances and/or complaints.

- 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; and
- 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.

NPCA RESPONSE

The NPCA agrees with the Auditor General's recommendation, recognizing that within a unionized environment some matters are dealt with through the agreed-upon union process. By

following this process, both the NPCA and the union (the Ontario Public Service Employees Union) are afforded opportunities to voice concerns as well as document responses, which include a determination of whether an investigation is required in response to a particular harassment grievance, should such a grievance be filed.

Additionally, the NPCA acknowledges and agrees with the recommendation regarding external investigation of complaints against the CAO, as stated in the current NPCA harassment policy. However, due to the cost of external third-party investigations, the NPCA will assess the need for other mechanisms to allow internal staff to determine if a complaint is frivolous or vexatious in nature, as a means to effectively manage costs.

Beginning in January 2019, additional information on grievances, staff complaints and investigations will be included in confidential reports to the NPCA Board of Directors.

7.1.4 Staff Have Divided Opinions About NPCA Workplace Culture

To determine whether harassment was a concern at the NPCA and objectively assess the current state of the work environment at the NPCA, we surveyed and interviewed all active NPCA staff. In response to our survey, about half of the staff either reported that the work environment was positive (citing training opportunities and support from colleagues and senior management) or had no view of it. The remaining half of the staff reported that mistrust between management and staff, lack of transparency regarding hiring and promotion practices, concerns about activities being monitored by management, and frequent terminations have all contributed to a difficult and distrustful workplace culture.

2017 Surveys Reflect Difficult Relationship Between Management and Staff

Prior to our survey in 2018, in 2017, the Ontario Public Service Employees Union (OPSEU) administered a staff survey in March/April, and NPCA management administered a second staff survey in November/December.

The NPCA management survey was conducted to fulfill an action item for the NPCA's Strategic Plan. As stated in the OPSEU survey summary, the OPSEU survey was done in response to numerous employees' allegations that "workers felt bullied by senior management," "management was investigating staff and searching emails," "hiring processes were unfair" and "staff were regularly threatened by job loss."

Figure 13 summarizes the relevant details of the two surveys, as well as the results of the survey we conducted in April/May 2018. Because of the dif-

ferences in questions asked, the results of the three surveys cannot be directly compared.

Both NPCA management and OPSEU had concerns with each other's respective surveys. The link to the OPSEU survey was public, and NPCA management was concerned that anyone (including individuals not employed at the NPCA) could have completed it. On the other hand, OPSEU noted that employees had to use their work emails to complete the NPCA management survey, and they were concerned that management could trace their responses back to them. We reviewed the NPCA management survey and could not link the responses to names of individuals; however, results could be grouped by department and tenure of the respondents.

Positive and Negative Outlooks Expressed by Employees

In response to our survey question about the NPCA work environment, 49% of NPCA staff responded "there is a negative work environment," 38% responded "there is a positive work environment," and 13% responded that they had "no view on this." These views were further communicated during our interviews where half of NPCA employees told us the workplace was generally positive, respectful and supportive, while the other half expressed concerns of harassment, fear and intimidation.

On the positive side, many employees highlighted management's investment in staff training and continuous development. In 2017, the NPCA spent \$55,000 on staff training and professional development. Several employees who had a positive view of the workplace commented that some employees, who were resistant to change, were not happy about efforts to change and modernize the organization.

Employees who had a negative view of the workplace said that they were fearful that if they disagreed with management or otherwise raised concerns about management's strategic direction, they would be fired or laid off.

Figure 13: Summary of OPSEU, NPCA and OAGO Surveys

Source of data: Ontario Public Service Employees Union, Niagara Peninsula Conservation Authority and the Office of the Auditor General of Ontario

OPSEU Survey		NPCA Survey		OAGO Survey
Survey Administration				
When administered	March 28–April 9, 2017	November 23, 2017 and November 24–December 8, 2017 ¹	April 20–May 4, 2018	
Development of survey questions	Questions were developed by an occupational hygienist from the Occupational Health Clinics for Ontario Workers based on the Copenhagen Psychosocial Questionnaire ²	Questions were developed by the NPCA HR staff person based on resources gathered mostly through the Human Resources Professionals Association, as well as from other conservation authorities	Questions were developed by OAGO in consultation with an external HR lawyer with expertise in HR matters	
Delivery of survey	An OPSEU representative sent the survey link to employees' personal e-mail addresses	The NPCA HR staff person sent the survey link to employees, who had to sign in with their work email to complete the survey	Hosted in Canada Surveys (a secure proprietary survey software) sent a secure login to employees	
# of employees surveyed	37 unionized NPCA employees ³	48 active full-time and contract NPCA employees	49 full-time and contract NPCA employees	
Survey Content				
# of respondents	32 (86%)	Between 36 and 46 (75%–96%) ⁴	47 (95%)	
Period covered	Last 12 months ⁵	Previous six months (June–November)	Approximately previous 16 months (January 1, 2017–time of survey)	
Key areas covered ⁶	<ul style="list-style-type: none">Organizational climate and cultureWorking conditionsWorkload and work paceContinuous learning opportunitiesLevel of engagement, job satisfactionQuality of, trust in, leadershipExposure to offensive behaviours	<ul style="list-style-type: none">Communications (e.g., ability to share ideas)Meeting NPCA customers' needsGrowth and development opportunitiesOrganization and culture (e.g., recognition)Employment conditions (e.g., salaries)Health and safetyLevel of engagement	<ul style="list-style-type: none">Employee knowledge of harassment policy frameworkIncidents of harassment or bullying experienced or witnessedManagement's response to harassment complaintsEmployee perceptions of workplace culture and environment	

Key findings ^{6,7}	OPSEU Survey	NPCA Survey	OAGO Survey
	<ul style="list-style-type: none"> • Lack of trust, respect and job security were top issues raised • 37% experienced discrimination • 55% stated that the workplace was toxic • 67% experienced bullying in the previous year • 87% agreed or strongly agreed that the NPCA tolerates behaviour that is harmful 	<ul style="list-style-type: none"> • Level of engagement and competitiveness of benefits package scored highest • 66% felt they were treated with dignity and respect • 69% agreed or strongly agreed that they feel encouraged to share their opinions and ideas • 86% felt comfortable approaching their manager with questions or concerns related to work 	<ul style="list-style-type: none"> • 98% were aware of the procedure for reporting an act of physical, written or verbal harm and/or workplace harassment at the NPCA • 83% stated they had not been subjected to an act of physical, written or verbal harm and/or workplace harassment • 36% stated they were aware of, or have witnessed, an act of physical, written or verbal harm and/or workplace harassment • 45% stated they were reluctant to report if they were aware of, or had witnessed, an act of physical, written or verbal harm and/or workplace harassment • 15% agreed or strongly agreed that NPCA senior management was responsive to recommendations from employees about matters related to physical, written or verbal harm and/or workplace harassment; 32% disagreed or strongly disagreed; 53% were not aware of recommendations • 47% agreed or strongly agreed that workplace harassment is currently a concern at the NPCA • 38% stated there is a positive work environment at the NPCA; 49% stated there is a negative work environment; 13% had no view on the work environment

1. The survey link was initially posted available on November 23, 2017, but was reposted the following day after the HR staff person received requests asking for more room in the comment sections.

2. The Copenhagen Psychosocial Questionnaire was first developed in 2000 by researchers from the National Research Centre for the Working Environment in Copenhagen to assess psychosocial risk factors at work.

3. NPCA management declined OPSEU's invitation to participate in the survey because, according to it, it had "already begun the process of creating an employee satisfaction survey to gather information in regards to a variety of identified areas."

4. The NPCA HR staff person could not determine how many employees completed the survey because the survey was distributed twice and the HR staff was not able to prevent duplicate responses.

5. The survey specified this time period only when asking staff about exposure to offensive behaviour.

6. Lists are not exhaustive.

7. Key findings from the NPCA Survey reflect the results from the first batch of responses from 35 employees. See note 1 above.

RECOMMENDATION 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:

- develop and implement an action plan to address workplace concerns;
- present this action plan and related timeline to the NPCA Board of Directors for review and approval; and
- report on its progress in implementing the actions within the approved timeline.

NPCA RESPONSE

The NPCA values its staff and strives to be a professional, positive, and productive workplace. Over the past year, efforts have been made to improve management-union relations. In addition, the NPCA has significantly increased its education, training and team-building budget to allow staff to grow and teams to thrive. The new mandatory performance evaluation process will help ensure that all employees understand their roles and responsibilities and are supported with resources, coaching and opportunities for growth.

Building on these initiatives, the NPCA will develop an action plan to address workplace concerns. Once completed, the NPCA will present the plan to the NPCA Board for approval. Progress in implementing the actions in the plan will be included in HR updates to the Board.

7.2 Managing Financial and Capital Resources

7.2.1 NPCA Has Not Taken Full Advantage of Cost Saving Opportunities Due to Procurement Practices

In the five-year period from 2013 to 2017, the NPCA spent an average of \$4 million annually on the procurement of goods and services. Our review of the NPCA's spending policies and practices found that the NPCA:

- did not acquire goods and services competitively as required by its procurement policy in half of the purchases we reviewed from 2012 to 2017. The total value of those purchases was \$2 million;
- can accept unsolicited proposals (proposals from companies to provide services that the NPCA is not explicitly seeking); and
- exempts legal services from competitive procurement.

Procurement Policy Not Followed in Half of Cases We Reviewed

Our review of a sample of purchases from 2012 to 2017 totalling \$3.8 million found that no documentation exists to show that the NPCA obtained verbal quotations in 100% of the cases where they were required and it did not issue a Request for Proposals (RFP) in 43% of the cases where it was required. See **Figure 14** for the requirements under the NPCA's procurement policies.

For example, the NPCA did not issue the required RFP for information technology (IT) services, paying a single vendor over \$530,000 for these services between 2015 and 2017. The vendor had been providing limited IT services for the NPCA's website and flood-monitoring system under a monthly agreement since 2008. The low cost of the initial services only required written quotations, which staff had obtained. In 2015, NPCA staff recommended migrating all of NPCA's technology management needs to the vendor on a one-year

interim basis to allow staff to pursue a long-term solution. NPCA staff recommended entering into a three-year agreement with the vendor based on their satisfaction with the vendor's performance, without issuing the required RFP. The current agreement with the vendor is for indefinite automatic renewal. Subsequent to our audit, the NPCA advised us that it planned to competitively procure this service.

In March 2018, the NPCA hired a full-time procurement staff to ensure that goods and services are acquired competitively, in accordance with NPCA policies.

Unsolicited Proposals Accepted Without Competitive Procurement Process

In July 2014, the NPCA established a policy for accepting unsolicited proposals. The policy requires that, upon receiving an unsolicited proposal, the NPCA must determine if it needs the services pro-

posed and, if it does, it must procure the services competitively if the services are available in the market.

In May 2015, the NPCA received an unsolicited proposal from a communications firm to "develop a strategic communications strategy." The NPCA accepted the proposal in contravention of the policy established in 2014. Specifically, there was no documentation that the NPCA assessed whether it needed the service being proposed, and the NPCA engaged the firm without a competitive procurement, as required by its policy.

In addition, other than emails indicating that the firm arranged meetings between NPCA senior management and provincial government representatives, neither NPCA staff nor the firm could provide us with any of the deliverables outlined in the contract (including, for example, a contract plan for provincial ministries and briefing documents). The NPCA paid the firm \$27,000 over an eight-month period.

Figure 14: Comparison of NPCA Procurement Policies Before and After December 2015

Source of data: Niagara Peninsula Conservation Authority

	Before December 2015	December 2015 to Present
Standard Purchases		
No quotation required	Never	Up to \$5,000 ¹
One quotation	Up to \$2,500	n/a
At least three verbal quotations	\$2,501–\$10,000	\$5,001–\$35,000 ²
At least three written quotations	\$10,001–\$50,000	\$35,001–\$75,000 ³
Request for proposals	Over \$50,000	Over \$75,000 ³
Approval Requirements		
Department manager	Never	Up to \$5,000
Department head	Purchases up to \$5,000	\$5,001–\$35,000
Chief Administrative Officer	Purchases over \$5,000 Extra or change work orders above the approved amount	Purchases over \$35,000 Emergency purchases from \$10,000–\$54,499
Board	Never	Emergency purchases of \$55,000 and over
Exemptions		
	None	Legal fees Land appraisal fees Training and conferences Meal, accommodation and travel expenses Utilities (e.g., hydro, phone)

1. While no quotations are required, purchases up to \$5,000 must be demonstrated to have been made at fair market value.

2. Written quotations may also be obtained.

3. In addition, three satisfactory references are required if the NPCA has not used the contractor before.

Our research of other conservation authorities' policies found that accepting unsolicited proposals is not a common practice. The policies of the Essex Region Conservation Authority and the Toronto and Region Conservation Authority state that unsolicited proposals are not to be accepted.

Legal Services Exempt from Competitive Procurement

The NPCA's annual legal costs increased by 633% between 2012 and 2017, from \$45,000 to \$294,000 (see **Appendix 16**). This increase is due to the organizational restructurings (see **Section 7.1.1**), a dispute over the municipal levy the NPCA charges Hamilton (see **Appendix 14**) and civil suits.

Since 2015, when the NPCA exempted legal services from competitive procurement, the NPCA has paid over \$500,000 in legal fees to 17 different law firms. We noted that, for example, in 2017, the NPCA paid five different law firms for legal services related to HR matters.

Given that the NPCA now requires frequent legal services, it is all the more important to procure such services competitively to ensure that it does so cost-effectively. In addition, the NPCA may benefit from establishing continuity and familiarity by contracting with a preferred law firm for each field of law it requires services.

In comparison, other public-sector organizations, including the Ontario Government, require that all professional services, including legal services, be procured competitively.

RECOMMENDATION 20

To ensure that the Niagara Peninsula Conservation Authority (NPCA) receives value for money spent on goods and services, we recommend that the NPCA:

- follow its procurement policies for the acquisition of goods and services;
- revise its procurement policies to require that any needed services associated with

unsolicited proposals be obtained in a transparent and competitive manner;

- 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; and
- revise its procurement policies for legal services to implement the results of the above assessment.

NPCA RESPONSE

The NPCA agrees with the Auditor General's recommendation. The procurement specialist hired in March 2018 is expected to help ensure that procurement policies are followed when the NPCA acquires goods and services and that procurement policies reflect best practices as described in the actions in this recommendation.

7.2.2 Improvements in Managing Capital Spending Since 2015 an Important Step, But More Can Be Done

In 2014, the NPCA began spending more on capital projects to improve the facilities in its conservation areas in order to improve public safety and enhance customer experience. It spent \$2.5 million on capital projects between 2014 and 2017, compared to \$1.4 million between 2012 and 2014.

We noted the following improvements in how the NPCA plans and manages this spending:

- In 2015, the NPCA purchased an asset management system to track the condition, estimated useful life, and estimated replacement cost of each asset. Prior to this, the NPCA did not maintain an asset inventory.
- In 2016, the NPCA developed its first capital plan for internal planning purposes, which identifies 237 projects to be undertaken between 2017 and 2032 at a total estimated cost of \$45.8 million. Projects include new buildings, structures and equipment for

conservation areas, as well as replacements for electrical systems, septic tanks and equipment.

- In 2017, NPCA staff began preparing business cases for projects, identifying the reason for the proposed project and the estimated cost. Prior to this, conservation area staff identified required capital projects in their conservation areas, which senior management approved. Staff were not required to prepare business cases for projects.

However, we found that the capital plan was not presented to the NPCA Board for approval. NPCA senior management informed us that the document is only intended to be used by staff to track desired capital projects. In addition, we noted weaknesses in the capital plan that limit its effectiveness.

Specifically:

- While the capital plan identifies the estimated costs of individual projects, there was little to no information to support the estimates for the 10 highest-costing projects. For example, the plan's most expensive project is to build a new NPCA headquarters in 2022 at an estimated cost of \$9.2 million. This is far more than the estimate in a July 2016 management report to the NPCA Board of Directors, where the amount for the headquarters was between \$4.3 million and \$6.94 million.
- While the capital plan identifies when projects are to be carried out, it does not prioritize the projects within particular years.
- The capital plan does not identify how the NPCA will obtain funding to implement the projects. For example, the plan identified 46 projects for 2018 at a total estimated cost of \$5.75 million, but the NPCA only had \$1.7 million in its capital reserves at the end of 2017—\$3.75 million less than needed.

RECOMMENDATION 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)**:

- 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;
- obtain reliable information to support replacement cost estimates and cost estimates for planned capital projects;
- prioritize capital projects using an objective assessment of needs;
- identify how the NPCA will obtain funding to undertake these projects; and
- refine the capital plan, based on the above action items, and present it to the NPCA Board for approval.

NPCA RESPONSE

The NPCA agrees with the Auditor General's recommendation. The NPCA is committed to strong financial management and expects to make significant progress in implementing the actions in this recommendation within the next two budget cycles.

8.0 Detailed Audit Observations: Province and Municipalities' Oversight of Conservation Authorities in Ontario

8.1 Province Does Not Give Conservation Authorities Sufficient Direction and Guidance

8.1.1 More Direction Needed From Province to Clarify Priorities and Ensure Consistency in Programs and Services

The *Conservation Authorities Act* (Act) mandates that conservation authorities provide programs and services “to further the conservation, restoration, development and management of natural resources.” This is a broad mandate that may be interpreted in different ways. For example, the Act does not provide guidance on what “development of natural resources” entails and to what extent conservation of natural resources must be prioritized.

The Province and municipalities have not provided such guidance either. In fact, the Ministry told us that the Act allows each municipality, through its Board representative(s), to set priorities for its conservation authority. As discussed in **Section 5.1.1**, this creates a conflict when municipal priorities to facilitate economic development are at odds with conservation authorities’ responsibility to protect people and property. In fact, 75% of the conservation authorities we surveyed indicated that they encountered conflicts between conservation and development in the work they did.

In the 2015 review of the Act initiated by the Province, stakeholders indicated there was a lack of common understanding of the role of conservation authorities in managing natural resources. In response to this finding, amendments to the Act in 2017 emphasized that certain programs and services are mandatory, and others are at the conservation authorities’ discretion to provide. The

updated Act specifies that mandatory programs are those that are required by provincial legislation. However, there is currently no provincial regulation in place that describes which specific programs and services are mandatory. The amendments also did not specify which of the objectives of conservation authorities—conservation, restoration, development or management of natural resources—takes priority when conflicts arise between the various objectives.

In our survey (see **Appendix 13**), 85% of conservation authorities that responded stated that the 2017 amendments helped clarify the role of conservation authorities. However, we also noted from their responses that conservation authorities’ interpretations of their mandate varied greatly. For example, one conservation authority stated “the intent of the phrase ‘development and management of natural resources’ means to develop natural areas for the health, safety and enjoyment of all, to protect areas and direct incompatible uses away from these areas.” In contrast, according to its 2014–17 Strategic Plan, the NPCA has interpreted its mandate as “manag[ing] the watershed’s natural resources by balancing environmental, community and economic needs.”

Our survey also found variation among conservation authorities’ policies for where development is allowed. For example, the required buffer for new development ranged from zero to 120 metres from wetlands. Stakeholders, including those in the conservation and development communities, told us that this variation has caused difficulties in carrying out conservation and development activities across the province because the rules differ depending on where the activity is proposed.

8.1.2 Province Not Yet Able to Exercise New Regulatory Powers to Fill in Gaps

The 2017 amendments to the Act would give the Province the ability to make additional regulations, including those:

- prescribing additional requirements regarding the appointment, qualifications and composition of conservation authority boards of directors;
- describing programs and services that conservation authorities are required to provide; and
- establishing standards and requirements for conservation authorities' delivery of such programs and services.

However, at the time of our audit, the government had not yet proclaimed these amendments, so the Province is not yet able to use its regulatory-making powers to provide clear direction to conservation authorities on how to meet their mandate.

In addition to clarifying the meaning of "to further the development of natural resources" as noted in the previous subsection, the Ministry could, through regulations:

- define what "development of natural resources" entails;
- prescribe requirements for Board qualifications and composition;
- provide a consistent policy to be used province-wide for regulating development in flood-prone areas and wetlands (to replace the different policies developed by each conservation authority); and
- require that conservation authorities prepare floodplain maps (to ensure that conservation authorities have the necessary information to identify flood-prone areas and determine what programs and services it needs to deliver to manage the health of their watersheds).

RECOMMENDATION 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*:

- clearly describe for conservation authorities what the development of natural resources entails, and how it differs from "development" in general;
- provide guidance to help conservation authorities prioritize the objectives of their programs and services (conservation, restoration, development and management of natural resources);
- use its regulatory powers to establish minimum requirements and standards for conservation authorities' delivery of programs and services; and
- establish the governance practices that it determines conservation authorities should be uniformly following province-wide.

MINISTRY RESPONSE

The Ministry agrees that action needs to be taken to increase clarity in conservation authority roles and responsibilities.

The Province will establish regulations outlining the programs and services conservation authorities are required to provide, including standards or other requirements to be met. These regulations will be developed in consultation with other ministries, municipalities, Indigenous communities, conservation authorities, stakeholders and the public. Once developed, these regulations will be supported with guidance designed to help conservation authorities fulfill these mandated requirements and report on their results.

While conservation authorities deliver a number of resource management programs and services on behalf of the Province, they also deliver programs and services designed to meet local resource management goals and objectives. These additional programs may be delivered on behalf of a participating municipality or as determined by the individual conservation authority as being advisable to further their objectives. While there is a need for greater consistency

and clarity in conservation authorities' roles and responsibilities, there is the desire to maintain the flexibility to tailor the scope and extent of their programs and services to reflect local needs and priorities—a key characteristic of the conservation authority model.

The Province will develop policies and procedures outlining standard expectations for programs and services being provided by conservation authorities on behalf of municipalities or as assigned by municipally-appointed members, including provincial expectations for reporting back to municipalities and appointed members on the results of these programs.

8.2 Neither the Ministry nor Municipalities Know How Conservation Authorities Are Fulfilling their Mandate

The Act requires conservation authorities to provide their annual audited financial statements to the Ministry and participating municipalities. Beyond this, the nature and depth of information requested by these oversight bodies from conservation authorities vary. Neither the Ministry nor the participating municipalities have been involved to the extent necessary to assess how well conservation authorities have been fulfilling their mandate.

8.2.1 Ministry Does Not Receive Reports on How All Responsibilities Delegated to Conservation Authorities Are Being Met

In addition to audited financial statements, the Ministry only requires conservation authorities to submit information on those of their activities that are provincially-funded—that is, those related to flood forecasting and warning, and flood and erosion control. Every year, conservation authorities must submit a year-end report that itemizes where its funding was spent and describes the conservation authorities' management of flood control structures, their operation of flood forecasting and warning

systems, and their review of municipal planning documents. The reports do not include information about how the conservation authorities' activities in these areas have helped them fulfill the responsibilities delegated to them by the Ministry.

Conservation authorities' financial statements may also be of limited usefulness to the Ministry because of inconsistencies in how conservation authorities allocate the costs of delivering their programs and services. For example, our initial review of the NPCA's 2013 and 2014 financial statements found that administrative and corporate services costs appeared to have nearly doubled, from \$1.4 million in 2013 to \$2.6 million in 2014. However, this apparent increase primarily reflects the fact that, in 2014, the NPCA changed how it allocates overhead costs, such as those for utilities and information technology. Before 2014, the NPCA allocated overhead costs to the departments incurring them. Beginning in 2014, all overhead costs are allocated to administrative and corporate services. To adjust for the change in cost allocation, we recalculated the distribution of 2012 and 2013 expenditures in **Figure 4** to better illustrate the changes in actual operational costs from 2012 to 2017.

We asked the Ministry if it has recently reviewed any aspect of conservation authorities' operations. The Ministry informed us that, in 2012, it conducted one-time reviews of conservation authorities' processes for establishing the service fees charged for reviewing development proposals and work permit applications, and the timeliness of their reviews of work permit applications. Aside from these reviews with limited scope, the Ministry has not reviewed conservation authorities' delivery of programs and services.

The 2017 amendments to the Act require conservation authorities to provide to the Ministry whatever information the Ministry requires about their operations, programs and services. However, as described in **Section 8.1.2**, the specific provision that empowers the Ministry to prescribe the type of information conservation authorities must provide had not yet been proclaimed at the time of our audit.

8.2.2 Municipalities Vary in How They Receive Updates from Conservation Authorities

Our discussions with NPCA Board members and representatives from the NPCA's three participating municipalities noted that there is no consistent, formal mechanism through which the municipalities hold the NPCA Board to account. Specifically:

- In Niagara Region, the NPCA has, on occasion, attended the regional council's Audit Committee meeting to respond to any questions that regional councillors may have on the audited financial statements.
- The City of Hamilton requests that the NPCA submit its annual budget to the city council's Budget Committee and report on the NPCA's financial performance, any budgetary pressures, and other relevant highlights.
- Haldimand County receives the NPCA's annual budget but does not generally request further information.

In addition, none of the three participating municipalities require the NPCA to submit information about the cost of projects for which the municipalities have been charged special levies, to ensure that the levies did not exceed the cost of the projects. From 2013 to 2017, the NPCA charged a total of \$16.9 million to the three participating municipalities for various projects, including acquiring land acquisition and improving conservation areas within a municipality.

Our survey of other conservation authorities found that the funding municipalities of 88% of the conservation authorities that responded requested more information than just their annual audited financial statements. The additional information requested includes operating and capital budgets, annual per diem payments to board members, board attendance, quarterly variance reports, and details of projects for which municipalities have been charged special levies.

RECOMMENDATION 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.

MINISTRY RESPONSE

The Ministry agrees that additional accountability is required to ensure conservation authorities are fulfilling their mandate.

The Province will work with municipalities to develop and implement a formal cost-effective and purposeful reporting process that includes a discussion of the outcomes of conservation authority activities. These reporting requirements will initially be focused on reporting on the results of provincially mandated roles and responsibilities.

This reporting process will take into account the variation in conservation authorities across the province in regard to the programs and services they deliver, as well as resourcing levels.

8.3 Neither the Ministry nor Municipalities Can Step In to Address Serious Concerns with Conservation Authorities

Despite the 2017 legislative amendments, the Act does not give the Ministry or municipalities powers to intervene in conservation authorities' operations when there are indications of operational issues. As shown in **Appendix 10**, various stakeholders began expressing concerns about the NPCA's activities around 2014. Since then:

- The Ministry has received about 90 pieces of correspondence expressing concerns about the NPCA's activities, many of which

requested that the Ministry audit or review the NPCA's operations.

- Nine local municipal councils in the NPCA's watershed have also passed motions requesting that the Province or the NPCA Board review the NPCA's operations. See **Appendix 17** for a list of motions passed by the various local councils.

In December 2016, the Ministry's response to municipalities' requests for it to conduct an independent audit of the NPCA stated that "the Ministry does not have the legislative ability to order a forensic audit. [The Ministry's] interests are in flood control and watershed management, and we have no hand in the operations or operational oversight of conservation authorities."

In June 2016, the Niagara Regional Council denied a request to initiate an audit of the NPCA, stating that "Regional Council does not have jurisdiction (legislative authority)."

Legislation Provides Mechanism for Province or Municipalities to Intervene in Other Sectors

In comparison, ministries in other sectors that have delegated responsibility to other government bodies have a mechanism for either the Province or municipalities to intervene. For example, the Municipal Affairs, Health and Education Ministers may appoint individuals to audit, supervise or take over the operations of housing providers, hospitals, and school boards that are having governance, leadership and operational issues. In fact, in 2011, 2016 and 2017, the Health Minister appointed a supervisor to take over the board and the administration of three hospitals that were having leadership issues and poor financial performance. Similarly, in 2012, the Education Minister appointed a supervisor to oversee the operations of two school boards that were having operational problems.

While it could be argued that conservation authorities receive far less provincial funding than hospitals and school boards, it remains the case that the Province and municipalities share over-

sight responsibilities for conservation authorities. As such, they need to have processes for dealing with issues beyond the ability of the conservation authorities to manage themselves.

RECOMMENDATION 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:

- determine the circumstances when Ministry and/or municipality intervention is warranted;
- establish mechanisms for the Ministry and/or municipalities to intervene when necessary in conservation authorities' operations; and
- 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.

MINISTRY RESPONSE

We appreciate the extent to which this audit has identified specific concerns associated with the operation of the Niagara Peninsula Conservation Authority. While the Province takes these issues seriously, it is cautious to not assume that these issues are present in the operations of all of Ontario's 36 conservation authorities.

The Ministry appreciates the balanced recommendation by the Auditor General and agrees with the need to work closely with municipalities to determine the circumstances when it may be appropriate to intervene—and what type of intervention that might entail. The Ministry is committed to having these discussions with municipalities in order to ensure accountability and restore the public trust in them.

As outlined above, the Ministry is also committed to working with municipalities to establish clear and consistent expectations for conservation authority roles and responsibilities. Once established, these expectations will form the basis by which individual conservation authority decisions will be evaluated. Where decisions are not being made in accordance with these expectations, the Province and municipalities will work together to ensure effective action is taken.

Given that conservation authorities are also subject to other provincial legislation (for example, *Occupational Health and Safety Act*, *Accessibility for Ontarians with Disabilities Act*) and parts of legislation that governs municipalities (for example, *Municipal Conflict of Interest Act*, *Municipal Act*) the Ministry is committed to promoting the use of existing dispute resolution mechanisms that can be accessed by conservation authorities, municipalities, stakeholders and members of the public.

Appendix 1: Summary of Recommendations

Prepared by the Office of the Auditor General of Ontario

Recommendations to the Niagara Peninsula Conservation Authority (NPCA)	
Report Sections	OAGO Recommendations
5.1.2 Conflict of Interest Not Clearly Defined and Understood	Recommendation 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 : <ul style="list-style-type: none"> • 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; and • 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 <i>Municipal Conflict of Interest Act</i>.
5.1.3 Board Involvement in Day-to-Day Operations and Decision-Making Compromises Board's Objectivity	Recommendation 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 : <ul style="list-style-type: none"> • 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; • work with the NPCA's funding municipalities to ensure that their Board appointment processes consider skills and experience requirements; • 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; and • identify initial and ongoing Board governance training needs.
5.2 Identifying Necessary Skills and Competencies Could Improve Board Effectiveness	Recommendation 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 : <ul style="list-style-type: none"> • regularly evaluate the performance of the NPCA's Chief Administrative Officer, as required by its policies; • develop performance indicators to facilitate the Board's evaluation of its oversight processes and activities; and • regularly evaluate both its collective performance and the performance of individual Board members.
5.3 Board Does Not Assess CAO or Board's Performance	Recommendation 6 To ensure that per diem payments to Board members are reasonable and transparent, we recommend that the Niagara Peninsula Conservation Authority : <ul style="list-style-type: none"> • clarify its Board policies to specify the meetings and other functions for which Board members may receive per diem payments in the future; and • continue to publish information on actual Board per diems and other expenses annually online.
5.4 More Clarity Needed Around Board Activities Eligible for Per Diem Payments	Recommendation 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 : <ul style="list-style-type: none"> • assess the risk to communities around the unmapped watercourses; • determine the time and cost for completing and updating floodplain maps; and • 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.
6.1 Identifying Flood-Prone Areas	

Report Sections	OAGO Recommendations
6.2.1 Inconsistent Criteria Used to Review Development Proposals and Work Permit Applications	Recommendation 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: <ul style="list-style-type: none"> • finalize, as soon as possible, its policies for reviewing development proposals and work permit applications; and • 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 <i>Conservation Authorities Act</i>.
6.2.3 Frequent Reorganizations Have Affected NPCA's Delivery of Mandated Services	Recommendation 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: <ul style="list-style-type: none"> • develop a human resources (HR) plan that identifies current and future HR needs, as they relate to the strategic direction of the NPCA; • in developing such an HR plan, review its staffing mix to determine the appropriate level of administrative and corporate support staff; • base future HR decisions on its HR plan; and • provide information about planned restructuring decisions, including their financial implications, to the NPCA Board prior to implementing such decisions.
6.3.1 NPCA Needs to Take Timely and Progressive Actions After Complaints Received	Recommendation 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: <ul style="list-style-type: none"> • determine the number of enforcement staff necessary to address violations on a timely basis and staff accordingly; • ensure that enforcement staff obtain the necessary training to discharge their responsibilities; • 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; • revise its enforcement policy to require that enforcement activities be sufficiently documented and ensure that staff adhere to the policy; and • use CityView to track reports of possible violations.
6.3.2 Violations May Be Occurring Without the NPCA's Knowledge	Recommendation 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: <ul style="list-style-type: none"> • 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; • 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; and • update its website to provide information to the public about activities that are prohibited under the <i>Conservation Authorities Act</i> and how the public can report suspected violations to the NPCA.

Report Sections	OAGO Recommendations
6.4.1 Restoration Program to Improve Water Quality Was Suspended for One Year 6.4.2 Funding Under Former Restoration Program Not Directed to Where Restoration Is Most Needed	Recommendation 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.
6.4.3 Almost One-Third of \$3 Million in Welland River Restoration Funding Not Spent as Intended	Recommendation 14 To ensure that restoration 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) : <ul style="list-style-type: none"> • seek clarification with OPG regarding its expectations for how the remaining funds are to be spent; • revise, as necessary, the formal agreement between the NPCA and OPG to outline such expectations; and • 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 on areas of concern identified on the watershed plans that have been developed for the Welland River.
6.5 Buying Land for Conservation, Recreation and Education	Recommendation 15 To ensure that lands are acquired to help the Niagara Peninsula Conservation Authority (NPCA) fulfill its mandate, we recommend that the NPCA : <ul style="list-style-type: none"> • 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; • improve its current land acquisition criteria to provide clear direction on which lands should be acquired; • prioritize its current land acquisition criteria to reflect the revised goals; • determine the total cost of its land acquisition plan and how it will fund the acquisitions; • develop and implement a plan to achieve its land acquisition goals; and • monitor and report to the NPCA Board of Directors on land acquisition progress.
6.6 Measuring the Impact of NPCA's Programs and Services	Recommendation 16 To enable the Niagara Peninsula Conservation Authority (NPCA) to assess its performance in fulfilling its mandate, we recommend that the NPCA : <ul style="list-style-type: none"> • develop performance indicators that are tied to its mandate and overall program goals; • establish targets against which each indicator will be assessed; • 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; and • 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.

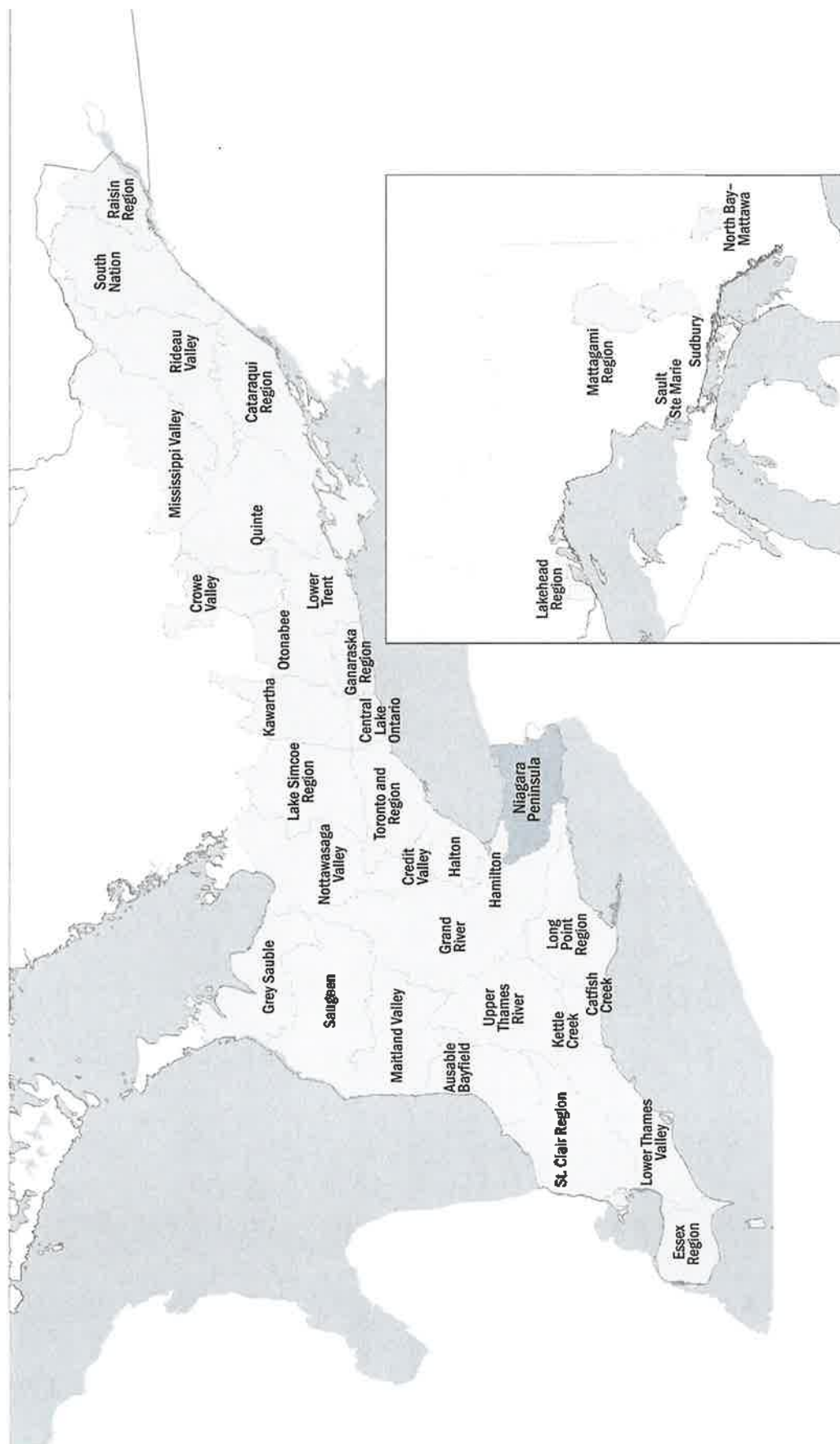
Report Sections	OAGO Recommendations
7.1.1 NPCA Staffing Has Been Unstable with Frequent and Costly Restructurings	Recommendation 17 To ensure that the Niagara Peninsula Conservation Authority (NPCA) follows fair and transparent recruitment and promotion processes, and that the best-qualified individuals are hired and promoted, we recommend that the NPCA: <ul style="list-style-type: none"> • 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; • update its promotion policies to include the decision-making process required to be followed and documented for promotions and appointments; • assess staff's performance annually, as required by its policies; and • provide quarterly updates to the NPCA Board of Directors on staffing changes and performance.
7.1.2 Improvements made in Human Resource Processes Since 2014, But Best Practices Still Frequently Not Followed	
7.1.3 Staff Concerns Over Incidents Leading to Grievances and Complaints Not Always Addressed Appropriately by Management	Recommendation 18 To ensure compliance with the <i>Occupational Health and Safety Act</i> , the <i>Ontario Human Rights Code</i> and the Ministry of Labour's Code of Practice, we recommend that the Niagara Peninsula Conservation Authority (NPCA): <ul style="list-style-type: none"> • 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; • use its ability, under its workplace harassment policy, to appoint an external investigator or develop mechanisms to ensure that complaints against the Chief Administrative Officer (CAO) are investigated by a party who does not report directly to the CAO; and • 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.
7.1.4 Staff Have Divided Opinions About NPCA Workplace Culture	Recommendation 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: <ul style="list-style-type: none"> • develop and implement an action plan to address workplace concerns; • present this action plan and related timeline to the NPCA Board of Directors for review and approval; and • report on its progress in implementing the actions within the approved timeline.
7.2.1 NPCA Has Not Taken Full Advantage of Cost Saving Opportunities Due to Procurement Practices	Recommendation 20 To ensure that the Niagara Peninsula Conservation Authority (NPCA) receives value for money spent on goods and services, we recommend that the NPCA: <ul style="list-style-type: none"> • follow its procurement policies for the acquisition of goods and services; • revise its procurement policies to require that any needed services associated with unsolicited proposals be obtained in a transparent and competitive manner; • 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; and • revise its procurement policies for legal services to implement the results of the above assessment.

Report Sections	OAGO Recommendations
7.2.2 Improvements in Managing Capital Spending Since 2015 an Important Step, But More Can Be Done	Recommendation 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) : <ul style="list-style-type: none"> • 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; • obtain reliable information to support replacement cost estimates and cost estimates for planned capital projects; • prioritize capital projects using an objective assessment of needs; • identify how the NPCA will obtain funding to undertake these projects; and • refine the capital plan, based on the above action items, and present it to the NPCA Board for approval.
Recommendations to the Ministry of the Environment, Conservation and Parks (Ministry) and to the Ministry of Natural Resources and Forestry	
Report Sections	OAGO Recommendations
5.1.1 Municipal Priorities Sometimes Conflict with Board Responsibilities	Recommendation 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.
5.2 Identifying Necessary Skills and Competencies Could Improve Board Effectiveness	Recommendation 4 We recommend that the Ministry of the Environment, Conservation and Parks : <ul style="list-style-type: none"> • make a recommendation to the Executive Council of Ontario to proclaim Section 40 of the <i>Conservation Authorities Act</i>; • 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; and • 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.
6.1 Identifying Flood-Prone Areas	Recommendation 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: <ul style="list-style-type: none"> • establish clear responsibility and criteria for developing and updating floodplain maps across the province; and • review current funding levels to conservation authorities to determine how floodplain mapping can be completed in a timely manner.
8.1 Province Does Not Give Conservation Authorities Sufficient Direction and Guidance	Recommendation 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 <i>Conservation Authorities Act</i> : <ul style="list-style-type: none"> • clearly describe for conservation authorities what the development of natural resources entails, and how it differs from "development" in general; • provide guidance to help conservation authorities prioritize the objectives of their programs and services (conservation, restoration, development and management of natural resources); • use its regulatory powers to establish minimum requirements and standards for conservation authorities' delivery of programs and services; and • establish the governance practices that it determines conservation authorities should be uniformly following province-wide.

Report Sections	OAGO Recommendations
8.2 Neither the Ministry nor Municipalities Know How Conservation Authorities Are Fulfilling their Mandate	Recommendation 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.
8.3 Neither the Ministry nor Municipalities Can Step In to Address Serious Concerns with Conservation Authorities	Recommendation 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: <ul style="list-style-type: none"> • determine the circumstances when Ministry and/or municipality intervention is warranted; • establish mechanisms for the Ministry and/or municipalities to intervene when necessary in conservation authorities' operations; and • 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.

Appendix 2: Ontario's 36 Conservation Authorities

Source: Niagara Peninsula Conservation Authority



Appendix 3: Key Information about Conservation Authorities in Ontario

Source: Conservation Ontario 2016 Conservation Authorities Survey and websites of individual conservation authorities

Conservation authorities are listed in order from highest to lowest expenditures in 2016.

#	Conservation Authority (CA)	# of Participating Municipalities	Size of Watershed (km ²)	Population within Watershed	Expenditures 2016 (\$ million)	Full Time Permanent Staff, 2016
1	Toronto and Region CA	6	3,467	3,505,052	100.9	520
2	Grand River CA	11	6,800	772,638	30.1	135
3	Credit Valley Conservation	4	1,000	609,672	26.5	150
4	Conservation Halton	4	1,000	449,456	23.0	135
5	Upper Thames River CA	7	3,432	381,119	16.1	72
6	Lake Simcoe Region CA	6	3,300	357,477	14.1	90
7	Hamilton CA	2	474	396,195	12.4	84
8	Niagara Peninsula CA	3	2,424	485,943	10.2	56
9	Rideau Valley CA	6	4,243	416,457	8.6	58
10	Essex Region CA	3	1,681	326,105	7.1	36
11	South Nation Conservation	4	4,384	287,720	6.3	38
12	St. Clair Region CA	3	4,100	149,181	5.4	28
13	Central Lake Ontario CA	1	638	296,944	5.3	44
14	Nottawasaga Valley CA	3	3,646	193,276	5.3	31
15	Ausable Bayfield CA	4	2,500	38,091	4.2	25
16	Long Point Region CA	5	2,893	97,222	4.2	19
17	Cataraqui Region CA	6	3,567	170,929	3.8	23
18	Quinte Conservation	6	6,000	101,220	3.8	21
19	Saugeen Conservation	4	4,675	73,576	3.5	19
20	Lower Thames Valley CA	4	3,275	100,501	3.4	0
21	Grey Sauble Conservation	2	3,146	59,216	3.3	16
22	Maitland Valley CA	4	3,266	52,132	3.1	16
23	Kawartha Conservation	3	2,563	52,238	3.0	20
24	Mississippi Valley Conservation	5	4,455	260,264	2.9	28
25	Otonabee Conservation	2	1,951	102,942	2.8	16
26	North Bay-Mattawa CA	10	2,984	55,559	2.7	18
27	Ganaraska Region CA	4	935	75,572	2.5	22
28	Kettle Creek CA	4	520	87,414	2.2	12
29	Lower Trent Conservation	3	2,121	58,841	2.2	18
30	Raisin Region CA	2	1,680	64,867	2.1	14
31	Lakehead Region CA	8	2,719	101,482	1.8	10
32	Nickel District CA	1	7,576	128,410	1.5	6
33	Catfish Creek CA	3	490	17,367	1.3	6
34	Crowe Valley CA	4	2,006	9,153	0.8	7
35	Mattagami Region CA	3	11,000	34,449	0.8	3
36	Sault Ste Marie CA	2	283	65,770	0.7	8

Appendix 4: Significant Events and Legislative Changes Relating to Conservation Authorities

Prepared by the Office of the Auditor General of Ontario

Date	Description of Event
1932	Following multiple floods in the Grand River Valley in the early 1930s, local authorities petition Ontario's Department of Lands and Forests to study the problem. The government publishes the 1932 <i>Report on Grand River Drainage</i> , which outlines the need to control water levels in the Grand River, for both flood protection and the safe disposal of sewage.
1938	Five municipalities form the Grand River Conservation Commission to address flooding on the Grand River.
1944	Conservation groups submit a proposal to the federal government requesting a watershed-based management strategy. The federal government agrees to jointly fund (with the province of Ontario) a survey of the Ganaraska watershed as a pilot project. The results of the survey are published in the Ganaraska Report in 1944. The report recommends that legislation be created to allow municipalities in any part of Ontario to undertake conservation programs. Specifically, the report recommends that the legislation combine the best features of the Grand River Commission and an American entity—the Muskingum Watershed Conservancy District—created in Ohio in 1933 to implement flood control and water conservation projects.
1946	The <i>Conservation Authorities Act</i> (Act) is passed.
1948	The Grand Valley Conservation Authority—Ontario's first conservation authority—is created under the new legislation. The Authority focuses on buying environmentally significant land, such as wetland and forests. (In 1966, it merges with the Grand River Conservation Commission to form the Grand River Conservation Authority.)
1954–1956	Because of the extreme flooding caused by Hurricane Hazel in 1954, the Act is amended in 1956 to allow conservation authorities to prohibit filling in floodplains. These regulations are broadened to include other areas that the conservation authority deems are at risk of flooding.
1959	The Niagara Peninsula Conservation Authority is created.
1996	The <i>Savings and Restructuring Act, 1996</i> , amends the Act to reduce provincial control over and involvement in conservation authorities. For example, the Province no longer appoints members to boards of directors and the Minister no longer selects the chair of the board or approves conservation authorities' budgets. Accompanying this legislation is a large decline in provincial funding to conservation authorities. Currently, the Ministry of Natural Resources and Forestry (Ministry) provides annual funding totalling approximately \$7.5 million to all conservation authorities for provincially mandated activities related to flood forecasting and warning, flood and erosion control, and the delegated responsibility for commenting on planning matters regarding the natural hazard policies under the Provincial Policy Statement. The Ministry also provides an additional \$5 million in application-based grants to conservation authorities for the maintenance and repair of existing flood- and erosion-control infrastructures. According to the Ministry, this is the minimum provincial funding level necessary to support conservation authorities' delivery of natural hazards management programs. The amount each conservation authority receives from the Ministry is a fixed amount based on an average of 1990s operational costs.
1998	Amendments to the Act expand conservation authorities' powers to also regulate development and activities in wetlands and the shorelines of the Great Lakes. Wetlands were added to conservation authorities' jurisdiction because of their ability to store water and mitigate floods. The regulation governing the content of conservation-authority-specific regulations came into effect in 2004. Conservation-authority-specific regulations were approved by the Minister in 2006.
2015–2017	The Ministry of Natural Resources and Forestry conducts a review of the Act.

Date	Description of Event
2017	<p>The government passed the <i>Building Better Communities and Conserving Watersheds Act</i>, which introduced a number of amendments to the Act. The intent of the changes was to strengthen oversight and accountability and provide clarification and consistency on roles and responsibilities of conservation authorities.</p> <p>The following amendments have been proclaimed:</p> <ul style="list-style-type: none"> • added a purpose statement to the Act; • changed the Board members' terms from three to four years, to align with municipal elections; • requires conservation authorities to create administrative bylaws for boards of directors; and • requires that programs provided to municipalities must be outlined in a memorandum of understanding. <p>The following amendments have not been proclaimed:</p> <ul style="list-style-type: none"> • requirement that MOUs with municipalities are to be made public and be reviewed periodically; • the transfer of the authority to make regulations concerning development and interference with watercourses or wetlands from individual conservation authorities to the Minister; • enhanced enforcement tools (for example, ability to issue stop work orders, increases to fines and penalties); • additional regulatory powers for the Province (through the Lieutenant Governor in Council), including making regulations to Board composition and qualifications of Board members, outlining the types of programs and services conservation authorities can provide, establishing minimum standards for service delivery, and enabling the Province with the ability to make regulations about apportionment of costs; and • additional regulatory powers for the Minister, including making regulations to require conservation authorities to provide or publish information, amend or prescribe additional bylaws to conservation authorities, require public consultation, revise criteria and information required for permits, and outline what types of services a conservation authority can charge fees for.
2018	<p>Following the June 2018 provincial election, responsibility for administering the Act is transferred from the Ministry of Natural Resources and Forestry to the new Ministry of the Environment, Conservation and Parks.</p>

Appendix 5: Entities that Manage Flood Risks and Watersheds in Canada

Prepared by the Office of the Auditor General of Ontario

	Management of Flood Risks			Management of Watersheds ⁴
	Operate Flood Control Structures ¹	Identify Flood Hazards ²	Controlling Development in Flood-Prone Areas ³	
Ontario	Conservation authorities	Conservation authorities	Conservation authorities	Conservation authorities
British Columbia	Province	Province issues flood warnings. Municipalities develop floodplain maps.	Municipalities	Province designates watersheds. Municipalities conduct watershed management.
Alberta	Province	Province	Municipalities	Watershed Planning and Advisory Councils ⁵
Saskatchewan	Province	Province issues flood warnings. Municipalities develop floodplain maps.	Municipalities	Province
Manitoba	Province	Province	Municipalities	Conservation Districts ⁶
Quebec	Province	Province	Municipalities	Municipalities
New Brunswick	Province	Province ⁷	Municipalities	Province
Nova Scotia	Province	Province ⁷	Municipalities	Municipalities
Prince Edward Island	n/a ⁸	Province ⁷	Municipalities	Public citizens
Newfoundland	Province	Province ⁷	Municipalities	Municipalities

1. Includes construction and management of dams and dykes.

2. Includes floodplain mapping, flood forecasting, and issuing flood warnings.

3. Includes issuing permits for development and/or reviewing and approving development proposals.

4. Includes ensuring the sustainability of the watershed through land conservation, habitat restoration and public education.

5. Watershed Planning and Advisory Councils are non-profit organizations designated by Alberta Environment and Parks to report on the health of the watershed; and to lead collaborative planning and education and stewardship activities on a watershed basis.

6. Conservation Districts are partnership organizations between provincial and municipal governments with the responsibility to protect, restore and manage land and water resources on a watershed basis.

7. The Atlantic Provinces—along with non-profit organizations, tribal governments, and industry—work together as part of the Atlantic Climate Adaptions Solutions Association to identify risks caused by climate change. Part of this work is floodplain mapping and analyzing flood risks.

8. There are no significant dams in Prince Edward Island.

Appendix 6: Map of Niagara Peninsula Watershed and the Municipalities Over Which NPCA Has Jurisdiction

Source: Niagara Peninsula Conservation Authority



Appendix 7: Municipalities' Board Member Selection Process and Members of NPCA Board of Directors, May 2018

Prepared by the Office of the Auditor General of Ontario

Niagara Region: The appointment is first offered to the Mayor and regional councillors. If more than one elected representative expresses interest, the regional council will decide by vote. If no elected member seeks appointment, the local council (of the lower-tier municipality) selects and recommends a citizen residing in the municipality for approval by the regional council.

Town of Fort Erie	Sandy Annunziata	Regional councillor*	Member since 2015
Town of Grimsby	Tony Quirk	Regional councillor*	Member since 2015
Town of Lincoln	Paul MacPherson	Councillor	Member since 2017
City of Niagara Falls	Jim Diodati	Mayor*	Member since 2015
Town of Niagara-on-the-Lake	Patrick Darte	Mayor*	Member since 2015
Town of Pelham	Brian Baty	Regional councillor*	Member since 2006
City of Port Colborne	John Maloney	Mayor*	Member since 2015
City of St. Catharines	Bruce Timms	Regional councillor*	Member since 2011
City of Thorold	Dominic DiFruscio	Citizen	Member since 1993
Township of Wainfleet	April Jeffs	Mayor*	Member since 2011
City of Welland	Frank Campion	Mayor*	Member since 2015
Township of West Lincoln	Douglas Joyner	Mayor*	Member since 2011

City of Hamilton: The city council advertises the appointment on the city's website and to local media. Citizens apply for the appointment and may be interviewed by the council's selection committee.

City of Hamilton	James Kaspersetz	Citizen	Member since 2015
City of Hamilton	James Stewart Beattie	Citizen	Member since 2011

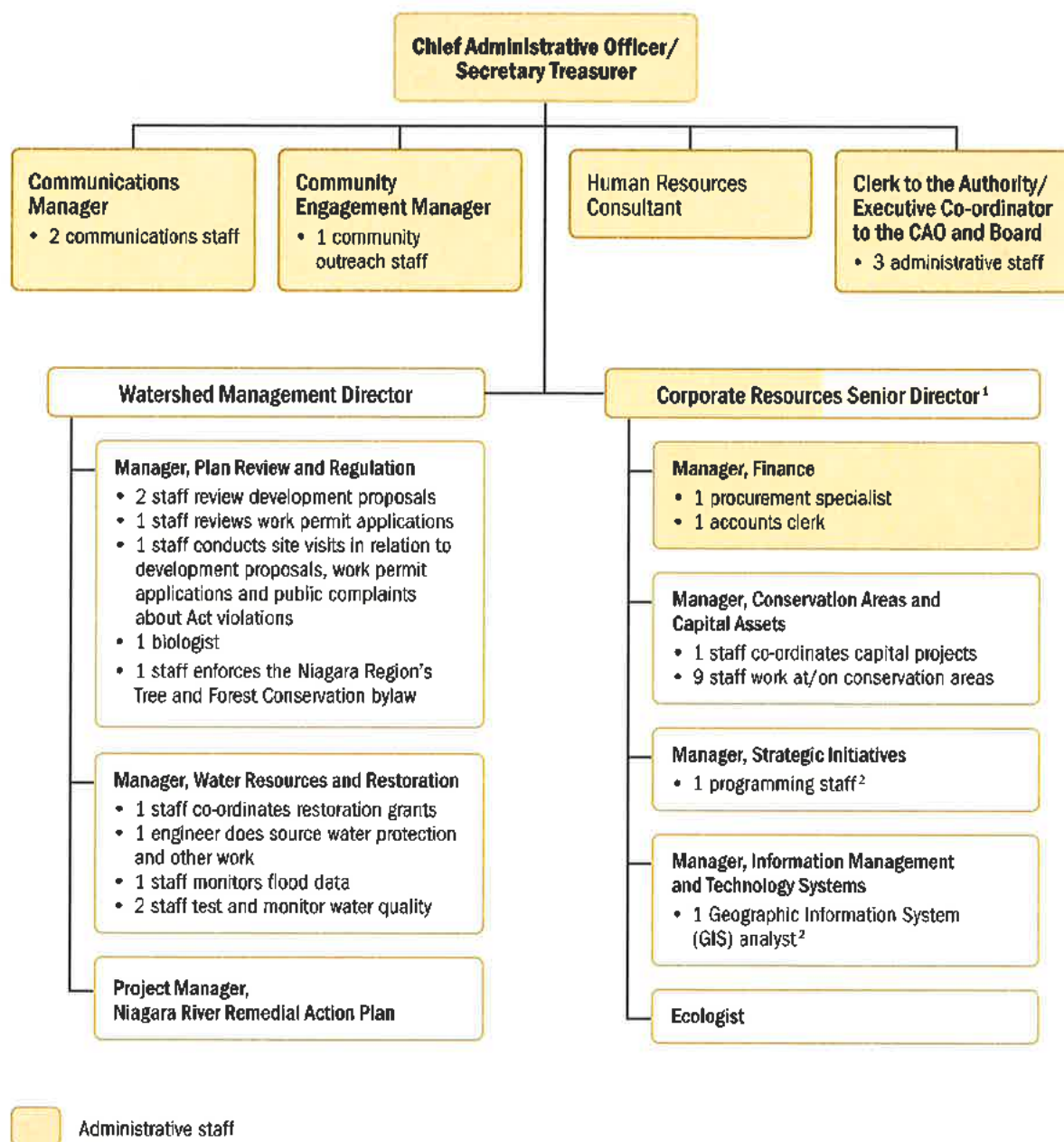
Haldimand County: The council selects an elected representative.

Haldimand County	Rob Shirton	Councillor	Member since 2015
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* These individuals are also members of the Niagara Regional Council. The Niagara Regional Council is made up of 31 members from the 12 local municipalities in the region. The mayor of each local municipality becomes a member of regional council by default. In addition, there are 18 regional councillors who are elected by voters in their municipalities. The number of regional councillors for each local municipality is determined by the Niagara Regional Council. The last member of regional council is the Regional Chair, who is elected by the other members of regional council at the first council meeting following the election.

Appendix 8: NPCA Organization, May 2018

Source of data: Niagara Peninsula Conservation Authority



1. The Corporate Resources Senior Director oversees both operations areas and the administrative function of Finance. The half-shaded box indicates the division of the Senior Director's time between administrative and non-administrative duties.

2. Three staff are on parental leave including two additional programming staff and one additional GIS analyst.

Appendix 9: Standing Committee of Public Account's Concerns about the NPCA

Sources of data: Hansard of October 25, 2017 Standing Committee on Public Accounts (Committee) meeting, NPCA's letter to the Committee dated November 10, 2017

Concern from October 25, 2017, Committee Meeting ¹ Governance	NPCA's November 10, 2017, Response ²	Audit Findings
<p><i>Oversight of Conservation Authorities</i></p> <p>Conservation authorities have no oversight other than following provincial government policy. The Ministry says it has no ability to address any of the issues that have been happening in NPCA.</p>	<p>No response.</p>	<p>Neither the Ministry nor the municipalities are involved to the extent necessary to assess how well conservation authorities are fulfilling their mandate. The Act does not give the Ministry powers to intervene in the operations of conservation authorities.</p> <p>See Section 8.3 for details.</p>
<p><i>Board Composition</i></p> <p>Conservation authorities appoint in different ways. In NPCA's situation, it is mostly elected officials and three public members.</p>	<p>All conservation authorities appoint to their Board the same way. The way Boards are populated is outlined in the Act. The Act recently went through a two-year review, and the results of that review saw that no changes to how Boards are appointed are to be made.</p>	<p>The Act authorizes municipalities to appoint conservation authority board representatives to generally act and vote on their behalf. Twelve of the NPCA's 15 Board members are elected officials. Amendments to the Act, if proclaimed, would give the Province the ability to make requirements for board qualifications or composition.</p> <p>See Section 5.1.1 for details.</p>
<p><i>Board Compensation</i></p> <p>During Carmen D'Angelo's tenure [on the NPCA board], he takes a leave of absence from the board, then he is awarded a contract by the Board for \$40,000 to work on a strategic plan. Once that is done, he goes back to the board ... takes another leave of absence, then he is appointed as NPCA CAO.</p> <p>All the while, sitting as an NPCA Board member, which is in contravention of the Act because Board members should not profit from having a seat on the Board.</p>	<p>The individual took a leave of absence from the NPCA Board to carry out the restructuring work that was recommended in the Strategic Plan process.</p> <p>There was a full recruitment process for his position as CAO. It is not atypical for a Board member to transition to staff position.</p> <p>The Act states that 'no salary, expenses or allowances of any kind shall be paid to any of the members...' His restructuring contract is not considered a salary, expense or allowance.</p>	<p>The individual took two leaves of absence, first in October 2013 to implement a human resource (HR) restructuring plan that he proposed when he was a Board member, and then in March 2014 prior to being interviewed for the CAO position. The municipality did not fill the vacancy each time on the NPCA Board.</p> <p>In 2014, the individual received over \$40,000 for consulting services related to the NPCA's 2014-17 Strategic Plan. The NPCA did not competitively procure this service.</p> <p>At the time, the Act stated that "no salary, expenses or allowances of any kind shall be paid to any of the members of the authority without the approval of the Ontario Municipal Board," but did not describe what such expenses would include. Therefore, it is unclear whether the payment was in contravention of the Act.</p> <p>See Section 7.1.2, Figure 11 (Board Member Becomes CAO) for details.</p>

Concern from October 25, 2017, Committee Meeting ¹	NPCA's November 10, 2017, Response ²	Audit Findings
<p>Code of Conduct</p> <p>Because [former Board member] Bill Hodgson called for an audit of the agency, he was censured by the NPCA. The NPCA has refused to release to the public what Mr. Hodgson supposedly did.</p> <p>The NPCA has instituted a code-of-conduct policy recently that says if anybody on the Board speaks out against the NPCA, they will be censured.</p>	<p>The NPCA Board was presented with a confidential report regarding the actions of the Board member. The Board found it fitting to censure the member for his actions regarding interference with the Request for Proposal (RFP) process.</p> <p>The code-of-conduct policy that is referenced was revised by a subcommittee of the Board of Directors. The 'unflinching loyalty' section of the policy is from the approved policy at another conservation authority and was not included in the approved policy.</p>	<p>In November 2014, the Board amended its policies to state Board members cannot criticize any decision of the Authority or the Committee. In June 2017, the Board further amended its Code of Conduct to expand members' responsibilities to provide a fair and balanced account of Board decisions even if they do not agree with them, and require members to refrain from making disrespectful comments about another member.</p> <p>The NPCA contracted a third-party consultant to provide an opinion on a former Board member's potential breach of the Code of Conduct. At issue was an email the Board member forwarded to the CAO. Based on the consultant's opinion, the Board censured the Board member for a perceived breach in the Board Code of Conduct prohibiting members from exercising undue influence on staff. An individual had emailed the Board member expressing an interest in submitting a bid to conduct the operational review of the NPCA. The Board member's response email, which he forwarded to the CAO, stated, "Thank you for your interest in the process to undertake an operation review at the NPCA. I will be pleased to forward your email to the acting CAO.... He has been directed by the board to initiate a competitive procurement process to retain the services of an independent third party." Our audit found other instances of Board member involvement in day-to-day operations that could be perceived as exercising undue influence on staff. See Sections 5.1.3. We did not consider this email to be in the same category.</p>

Concern from October 25, 2017, Committee Meeting ¹	Mandate	NPCA's November 10, 2017, Response ²	Audit Findings
<p>Thundering Waters</p> <p>Developers bought a property in Niagara Falls that the Ministry has determined is mainly protected wetlands ... almost 90% cannot be developed. But [NPCA lobbied] to try and get the Ministry of Natural Resources and Forestry to change their minds on this project.</p> <p>When the government called for comments on biodiversity offsetting, the NPCA was trying to get this significant wetlands on as a pilot project. It does not meet Ministry policy.</p>	<p>The NPCA did not lobby the government to allow developers to build on Provincially Significant Wetlands. The NPCA hired a lobbyist to further its position [on various matters], including building more wetlands.</p> <p>The NPCA's position on wetlands aims to achieve the goal of a three-to-one ratio, should the province move forward with offsetting. The NPCA did attempt to get a pilot project started in Niagara, but not exclusively at Thundering Waters.</p>	<p>The proposed Thundering Waters development site is 195 hectares in size, 100 of which are Provincially Significant Wetlands. The Provincial Policy Statement under the <i>Planning Act</i> prohibits development of Provincially Significant Wetlands.</p> <p>In March 2015, the NPCA began attending consultation meetings with representatives from the City of Niagara Falls, Niagara Region and the developer to discuss the development proposal. Minutes from these meetings indicate that NPCA senior management informed the developer that it was working on an alternative way to address the prohibition of development on the wetlands portion of the site.</p> <p>In May 2015, the NPCA retained the services of a registered lobbyist firm to "advance key issues amongst senior levels of government." The firm was involved in organizing meetings between the NPCA and senior provincial government officials about biodiversity offsetting in Thundering Waters.</p> <p>In September 2015, the NPCA publicly responded to the Ministry regarding its proposed Wetland Conservation Strategy, recommending that the Province should aim for a net gain instead of no net loss for wetland compensation. The NPCA's public response did not mention biodiversity offsetting of Provincially Significant Wetlands.</p> <p>In December 2015, the NPCA CAO, staff and a Board member met with an MPP and an advisor to the Premier to obtain approval for a biodiversity offsetting project involving Thundering Waters. The Province did not approve the project.</p> <p>See Section 6.2.2 for details.</p>	

Concern from October 25, 2017, Committee Meeting ¹	NPCA's November 10, 2017, Response ²	Audit Findings
<p><i>Responding to Violations</i></p> <p>[There have been] numerous complaints from local residents that when their issues go to the NPCA, they are ignored. They let developers move along and do whatever they choose to do, even if it's in violation, and they don't actually go after the developers when they are in contravention of the policies.</p>	<p>Although there have been instances where compliance to our regulations has not been met, it has often been due to a lack of evidence that charges have not been laid on landowners and developers. The NPCA's philosophy is to encourage compliance over conviction.</p>	<p>The NPCA does not consistently track complaints about suspected violations and enforcement actions taken to address the complaint. We could not determine the actual number of reported suspected violations and how many have been resolved or ignored. However, our review of available enforcement files found that violations continue for long periods without being resolved. See Section 6.3 for details.</p>
<p><i>Shifting Focus to Development</i></p> <p>The NPCA has moved more toward putting their focus on development as opposed to conservation.</p>	<p>The NPCA Board plays no part in the approval of planning applications or building permits. Those decisions are made by expert staff. As a regulator and commenting agency, the NPCA bases its conclusions and comments on policy. NPCA's current policy defines the standards for compliance for development within their development review areas. The NPCA is neither pro-development or anti-development.</p>	<p>We found examples where the NPCA appeared to support development projects. The NPCA's proposal for biodiversity offsetting in Thundering Waters was not based on scientific analysis; we noted examples of some NPCA Board members being involved in staff's review of some development proposals and permit applications; and staff have been instructed to be more flexible in reviewing development applications. See Sections 5.1.3 and 6.2 for details.</p>
<p>Human Resources</p>	<p><i>Hiring Decisions</i></p> <p>A board member, who is also an elected regional councillor, takes a leave of absence ... While he is on that leave of absence, he is awarded a senior management position at the NPCA, a position he did not apply for. He had applied for the finance position; he was not successful at that, so then he was awarded a senior management position as director of operations.</p>	<p>In November 2014, the individual took a leave of absence from the NPCA Board immediately after applying for a position at the NPCA.</p> <p>The individual was interviewed for a manager position, but was not selected to fill the role. The individual was offered a newly created senior manager position instead. There was no evidence of a separate recruitment process for this position.</p> <p>See Section 7.1.2 Figure 11 (Unposted Position Awarded to Board Member) for details.</p>

Concern from October 25, 2017, Committee Meeting ¹	NPCA's November 10, 2017, Response ²	Audit Findings
<p><i>Firing Decisions</i></p> <p>[At the same time as the two Board members' appointments to NPCA staff positions], 19 people were restructured out of their jobs. Since then, two more people have been terminated: a manager and a GIS technician.</p> <p>Over a period of three or three and a half years, a 60% turnover of the staff—at an agency that only has 50 employees, including their management staff.</p>	<p>The staffing changes made recently [in 2017] address these concerns [about accountability, financial stewardship, customer service and communications] while ensuring that the delivery of our core mandate is strengthened.</p> <p>The [2014 restructuring] was completed to bring the organization into good financial standing. The organization was mismanaged. There were several contract employees that were not renewed during the restructuring, as well as contracts that were completed yet the employee remained on staff without board approval for their salaries as full-time employees. The NPCA hired their first Human Resources employee in 2014 and added additional staff in the Finance department to better manage where and how funds are spent and allocated.</p>	<p>Between October 2013 and November 2014 there were 16 involuntary departures from the NPCA, 13 of which were related to restructuring. In 2016, three additional positions were terminated through restructuring.</p> <p>From 2014 to 2017, the NPCA's average staffing complement was 57 full-time equivalent (FTE) staff. During this period, there were 28 involuntary departures and 24 voluntary departures. The average annual turnover rate was 23%. The average annual involuntary rate during this period was 12%.</p> <p>See Sections 6.2.3 and 7.1.1 for details.</p>
<p><i>Firing Decisions</i></p> <p>There was a letter of understanding for the last 10 years between the region of Niagara and the conservation authority, which transferred some of the work of approving permits and dealing with those issues to the NPCA. Now the NPCA is saying that they are not going to do that work anymore; they are going to transfer that work back to the region.</p> <p>Before any discussion occurred with local municipalities, they laid off eight employees from the watershed program. They did not have them work the notice period; they just laid them off. People believe that they laid them off because that will assist them in balancing their budget for their legal fees.</p>	<p>The eight laid-off staff members were not solely from the watershed department. Subsequently, two staff members have been recalled to support the initiatives unveiled on October 25, 2017.</p> <p>The NPCA is not transferring responsibility to the Niagara Region. The NPCA, Niagara Region, and all 12 member municipalities entered into a Memorandum of Understanding (MOU) that delegated municipal responsibilities to the NPCA. Those responsibilities include planning reviews and their interpretation against the Niagara Region Official Plan (natural heritage). The protocols of the MOU have not been reviewed since they were agreed to in 2008. It was anticipated that the Niagara Region will take back their responsibilities under the MOU and for the NPCA to focus on their legislative mandate. The <i>Conservation Authorities Act</i> or section 3 of the <i>Planning Act</i> (wetlands) will remain under the purview of the NPCA, as designated by the province.</p>	<p>In summer 2017, the NPCA and Niagara Region began discussions to transfer the responsibility under the MOU back to the Region. In September 2017, the NPCA laid off five staff involved in reviewing development proposals. One of the NPCA's stated reasons for the layoffs was that the NPCA anticipated that the work involved in reviewing development proposals for the Niagara Region would be somewhat reduced when the MOU changed. However, we found a report that an NPCA manager had prepared in consultation with other management staff for the CAO before the layoffs stating that no more than four positions could be eliminated without "drastically reducing" service levels. In light of this, it is not clear why the NPCA laid off five staff. The changes to the MOU became effective January 2018, with a transition period lasting up until June 21, 2018 (i.e., until June 21, 2018, the work of reviewing development proposals was not completely reduced to exclude the Niagara Region work).</p> <p>See Section 6.2.3 for details.</p>

Concern from October 25, 2017, Committee Meeting ¹	NPCA's November 10, 2017, Response ²	Audit Findings
<p>Hiring Decisions</p> <p>The positions have not been filled with employees with any skills, abilities or expertise around the areas of conservation, but have been filled by friends of the new people who have been hired at the top.</p> <p>Recently, after terminating these eight watershed employees, they hired two more communications officers, so they now have three communications officers.</p>	<p>There is a gap in the education of what the NPCA does and is responsible for by the public and elected officials. The larger Communications Department will allow the NPCA to better educate and promote the work completed under their mandate as well as strengthen relationships with the community.</p>	<p>Our review of all recruitment files since 2012 found four instances where the selected candidate either did not have all of the required education or experience listed in the job posting in their application and/or scored lower in the interviews compared to other applicants.</p> <p>In September 2017, the NPCA fired or laid off 10 individuals from the Watershed Services department, two of whom were recalled and one was reassigned to a contract position one month later. In the same month, the NPCA hired two additional communications staff, resulting in a three-person Communications department (one manager and two staff).</p> <p>See Section 6.2.3, Figure 7 (2017 Restructuring) and Section 7.1.2 for details.</p>
<p>Workplace Harassment</p> <p>There has been widespread workplace harassment ... 86% of the people who completed the survey [done by the Occupational Health Clinics for Ontario Workers, OHCOW] indicated that they had been harassed or they had witnessed harassment in the workplace.</p> <p>One of the managers, who was terminated two years ago and spoke out about the widespread harassment, is now being sued by the NPCA.</p>	<p>There is zero record of bullying or harassment complaints at the NPCA since its Human Resources department was implemented four years ago.</p> <p>The NPCA's management rejects the survey's conclusions based on the validity of the methodology (including the fact that there were no controls in place to determine who was taking the survey, it was hosted on a public survey website, etc.). The administrators of the survey have acknowledged the shortfall in their methodology. A union staff member has come forward and disclosed to management that the survey by union members was initiated as a tool to tarnish the reputation of senior management.</p>	<p>Eighty-seven percent of unionized NPCA employees responded to the OHCOW survey. Of the respondents: 67% stated they were exposed to bullying in the workplace in the last 12 months; 58% stated they witnessed discrimination aimed at others in the workplace in the last 12 months; 88% stated they witnessed bullying aimed at others in the workplace in the last 12 months. In addition, 10 of 34 grievances from 2017 alleged harassment or discrimination; six complaints also alleged harassment or discrimination. One-half of staff told us in interviews that harassment was widespread in the NPCA workplace and that there was a culture of fear and intimidation at the NPCA.</p> <p>See Section 7.1.4 for details (including Figure 13, OPSEU Survey).</p>

Concern from October 25, 2017, Committee Meeting ¹	NPCA's November 10, 2017, Response ²	Audit Findings
Spending		
Legal Fees		
<p>The NPCA is currently suing a citizen for speaking out about the NPCA—a [Strategic Lawsuit Against Public Participation, SLAPP] suit—and have incurred \$200,000 in legal expenses in 2016. That does not count any of the legal expenses that have been incurred in 2017.</p>	<p>Legal fees in 2016 are \$95,129. Total legal fees paid in 2015 & 2016 are \$177,288. The legal action taken against the citizen began in December 2016. The legal costs incurred by the NPCA include several business areas, including violations to the <i>Conservation Authorities Act</i>. Very little of the legal fees incurred in 2016 are associated with the legal action taken against the citizen. The citizen has since made delegations to the Board of Directors after being served with a lawsuit on two occasions. His public participation rights were never being suppressed. NPCA commenced litigation only after attempts were made to have the citizen's document corrected. Mr. Smith did not correct the record, so NPCA and the former NPCA CAO were left with the litigation as the only method available to have the record corrected, which they did.</p>	<p>The NPCA pursued legal action against an individual for defamation for publishing statements in a document called "A Call for Accountability at the Niagara Peninsula Conservation Authority."</p> <p>The NPCA incurred no legal expenses related to the lawsuit in the 2016 calendar year. From January 2017 to March 2018, the NPCA paid \$127,705 in legal fees related to the suit. In addition, the court ordered the NPCA to pay the individual \$131,076 for legal costs. Therefore, total costs were about \$260,000. See Appendix 16 for details.</p>
Salaries	<p>In [NPCA's] latest budget, that they presented, they are proposing \$863,000 of salary cuts in watershed and corporate services, but they're increasing salaries in CAO and administration by half a million dollars.</p>	<p>In 2018, the NPCA created a new "CAO and Administration" category in its financial statements consistent with its reporting structure; previously, these costs were in Corporate Services. The 2018 budget projected a \$414,000 reduction in salaries. The appearance of an increase in salaries for the "CAO and Administration" component is due to these costs being presented separately.</p>

Concern from October 25, 2017, Committee Meeting ¹	NPCA's November 10, 2017, Response ²	Audit Findings
<p>Land Acquisition</p> <p>The NPCA, in 2014, bought a property at a much-inflated price and ... ended up getting ... 15 acres of a 54-parcel piece of property that the Niagara Region had rejected eight years earlier, for 60% or 80% of the price.</p>	<p>The property in question is a Wainfleet beach property. NPCA had this property targeted for acquisition since 2007.</p> <p>The NPCA and Niagara Region have different priorities for land acquisition. The Niagara Region lakefront enhancement strategy does not consider ecological and/or hydrological significance of the land. This property contains significant Fowler's Toad habitat, which the NPCA values.</p> <p>In 2014, the NPCA purchased this property at approximately \$133k/acre, which was below its assessed value at the time. The property value was assessed by an independent third party prior to the purchase by the NPCA and was valued higher than the purchase price.</p>	<p>In March 2014, the NPCA purchased a 15.04-acre parcel of land in Wainfleet from Lakewood Beach Properties Ltd. at a total cost of \$1.98 million. At the time, the parcel of land had an appraised value between \$2.6 million and \$2.8 million.</p> <p>The entire parcel of land was an approximately 54-acre site purchased by Lakewood Beach Properties Ltd. in October 2006 for \$3.1 million.</p> <p>See Section 6.5.1 for details.</p>
<p>Transparency</p> <p>Freedom of Information Requests</p> <p>Freedom of Information requests are being stalled. Most recently, the NPCA is declining to respond to FOIs from Ed Smith, saying that he's being frivolous and vexatious.</p>	<p>The NPCA has been prudent in responding to the increasing volume of Freedom of Information (FOI) requests. Denying access to records is not always the decision of the NPCA. There are third parties involved that do not wish their information released to the public. NPCA has been diligent in following the legislation regarding access to information and has released many documents without redaction. The vast majority of requests are fulfilled without appeal to the Information and Privacy Commissioner of Ontario.</p> <p>The application of the frivolous and vexatious section of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> (MFIPPA) is not taken lightly. The NPCA is a small organization and the number of access requests has tripled in 2017 and has burdened the resources of the organization.</p>	<p>Between September 6 and October 18, 2017, the NPCA denied a citizen's FOI requests seven times, stating they were deemed frivolous and vexatious. The NPCA denied another five requests from other parties for the same reason. All 12 denials were appealed to the Information and Privacy Commissioner of Ontario, after which the NPCA reissued an opinion (on January 31, 2018) stating that the information requested would be publicly disclosed within 90 days. The NPCA published the information at the end of March 2018.</p> <p>In 2017, the NPCA received 39 FOI requests. For 24 of these requests, the NPCA did not disclose all information requested. Of the 24 cases, 21 were appealed, and 16 of the appeals resulted in more information being disclosed. The other five were still in progress at the time of our audit.</p>

Concern from October 25, 2017, Committee Meeting ¹	NPCA's November 10, 2017, Response ²	Audit Findings
<p><i>Public Participation</i></p> <p>[The] NPCA has no accountability or transparency. The public has to register for the public meetings, but the NPCA will say that the meeting is full. Then the day before or of the meeting the NPCA will say there is room and there are only eight people in the meeting. So in fact, the meeting was not full.</p> <p>The NPCA announced a kickoff event about its new plans. MPP Forster's staff registered for her to attend the event. MPP Forster received an email saying that it was for NPCA family and friends and it was by invitation only.</p>	<p>The NPCA has had aggressive targets set to further the concept of open government. The NPCA is the only Conservation Authority to live-stream board meetings, one of only a few to disclose financials at each board meeting, and one of two Conservation Authorities to have prioritized public and sector-specific feedback through an advisory committee.</p> <p>There is no statutory requirement for the Conservation Authority to hold publicly open media events. All major media was invited to attend, along with our staff, their families, and key community partners. NPCA staff had to be mindful to not exceed the limits of the room as determined by the fire code.</p>	<p>The statement refers to the two public events held by the NPCA in September and October 2017. On September 12, 2017, the NPCA held a public meeting about the 2014-17 Strategic Plan Review. The venue had capacity to hold 200 people. Between September 8 and 11, the NPCA informed 21 individuals that they could not attend because the venue was full. On the day of the meeting, the NPCA sent an email to those individuals that the Board Chair made accommodations to increase the number of attendees. However, many responded that it was too late notice for them to attend. A total of six people attended the meeting. On September 26, 2017, the NPCA held a second meeting, which was attended by eight people.</p> <p>In October 2017, the NPCA publicly posted a link for members of the public to register for the "#ILoveNPCA Kickoff Party." NPCA staff subsequently emailed some parties stating the event was by invitation only, and was being held for staff, family and friends of the NPCA.</p>
<p>Other</p> <p><i>Auditor General</i></p> <p>We have been calling for the audit probably since January of last year. The Auditor General offered to do an audit, and it was declined by the Chair, saying that they were not ready to proceed.</p>	<p>The NPCA had been attempting to move forward with an audit since January 2017. A motion was approved in January 2017, and overturned in April 2017 after it was determined that an NPCA Board Member interfered with the process. At that time, the NPCA carried a motion to engage the Auditor General of Ontario for the purposes of conducting an audit. It was not until September 2017 when the NPCA received notice from Ms. Lysyk that the audit would not be moving forward.</p> <p>The Auditor General began the audit process on January 8, 2018.</p>	<p>In January 2017, the Auditor General offered to conduct an audit of the NPCA, but the Board Chair indicated that the Board needed more time to make its decision. In a letter dated February 14, 2017, the Auditor General acknowledged that the Board needed time to decide on the specifics of the audit. While respecting the time needed for the Board's process, she also indicated she would re-allocate her staff to another audit on February 21, 2017.</p>

Concern from October 25, 2017, Committee Meeting ¹	NPCA's November 10, 2017, Response ²	Audit Findings
<p><i>Provincial Supervisor</i></p> <p>The Auditor General and at least three municipalities have come on board to support a supervisor, but that is not anticipated under the Act.</p>	No response.	<p>The Auditor General did not state an opinion on the issue. At the time of the meeting, three local municipalities in the Niagara Region (Wainfleet, Port Colborne and St. Catharines) had passed motions asking the Province to appoint a supervisor to oversee the NPCA's operations. The <i>Conservation Authorities Act</i> does not give the Minister powers to appoint a supervisor. See Section 8.3 for details.</p>
<p><i>Relationship with Municipalities</i></p> <p>The City of Hamilton has been trying to end their relationship with the NPCA because they are attempting to increase their portion of the levy.</p>	<p>The NPCA is confident that the apportionment formula provided to conservation authorities from the Ministry of Natural Resources and Forestry is the correct method in the absence of an agreement between the City of Hamilton, Haldimand County, and the Region of Niagara. The NPCA continues to value the relationship with the City of Hamilton and has welcomed any discussions it would like to have regarding watershed management within the confines of the <i>Conservation Authorities Act</i>.</p>	<p>The City of Hamilton appealed the levy change to the Lands and Mining Commissioner, who ruled in favour of the NPCA. In January 2018, Hamilton requested that the Province change the boundary of the NPCA's watershed so Hamilton would no longer be within its jurisdiction. The Province denied the request. See Appendix 14 for details.</p>

1. These statements are from the Committee meeting on October 25, 2018, at the end of which the Committee passed the motion for us to conduct the audit. The statements have been edited for grammar and length but otherwise are reproduced verbatim.

2. After the October 25 Committee meeting, the NPCA sent the Committee a letter in response. The letter, dated November 10, 2017, states, "NPCA felt it necessary to respond to the arguments, issues, and comments brought forth to the Standing Committee on Public Accounts, which were captured in the Hansard dated Wed. Oct. 25, 2017. NPCA has been working tirelessly to address the erroneous claims and misinformation that have unfortunately been perpetuated and circulated about our organization. As such, it is in the spirit of due diligence in maintaining transparency that we do the same in this instance, as it pertains to the excerpts outlined and addressed in the following document." The NPCA's responses are from this letter. The responses have been edited for grammar and length but otherwise are reproduced verbatim.

Appendix 10: Chronology of Key Events Involving the NPCA, 2008–2017

Prepared by the Office of the Auditor General of Ontario

Date	Nature of Event	Description of Event
2008–2010*		
May 1, 2008	Leadership	NPCA Board appoints a new Chief Administrative Officer (CAO) after long-time NPCA CAO retires.
2011–2014*		
January 2011	Board	New Board of Directors is appointed following the 2010 municipal elections. Thirteen of the 15 members are new appointees.
October 2011	Organizational review	NPCA engages a third-party consultant to conduct a "Situational Analysis," which identifies a number of issues in the organization.
January–April 2012	Restructuring	NPCA lays off six staff, demotes one and hires four staff in the Watershed Services department.
October 17, 2013	Board	An NPCA Board member takes leave of absence from the Board to conduct work as a consultant to complete the human resources (HR) restructuring at the NPCA.
November 2013–January 2014	Restructuring	NPCA lays off 13 staff, demotes three staff, and hires nine staff.
December 5, 2013	Leadership	Another NPCA Board member is appointed to an unposted senior manager position at the NPCA.
January 15, 2014	Board	The NPCA Board member returns to the NPCA Board upon completion of the HR restructuring.
March 10, 2014	Organizational improvement	NPCA hires an HR specialist on contract.
March 17, 2014	Public concerns	MPP Cindy Forster (MPP-Welland) sends a letter to the Minister of Natural Resources and Forestry regarding her concerns with the NPCA. She notes high staff turnover since 2012 and a "shift in direction" at the NPCA towards land disposal and development.
March 19, 2014	Board	The NPCA Board member who implemented the HR restructuring in 2013/14 takes temporary leave from the Board (no reason provided).
April 2014	Strategic direction	The NPCA releases its 2014–17 Strategic Plan.
	Leadership	The NPCA Board member is awarded the position of NPCA CAO.
September 3, 2014	Union	NPCA staff votes to have union representation at the NPCA. (Collective bargaining begins on December 1, 2014.)
2015*		
January 2015	Board	New Board of Directors is appointed following the October 2014 municipal elections. Ten of the 15 members are new appointees.
February 26, 2015	Levies	NPCA requests new levy amount from City of Hamilton, which then appeals the apportionment to the Mining and Lands Commissioner.
September 21, 2015	Organizational improvement	NPCA hires a permanent HR staff.
November 3, 2015	Union	NPCA management and staff ratify the OPSEU collective agreement.
December 4, 2015	Thundering Waters	NPCA CAO, staff and a Board member meet provincial politicians to discuss a pilot project to allow the NPCA to experiment with biodiversity offsetting on the Thundering Waters site. See Section 6.2.2 for details.
December 16, 2015	Union	NPCA Board of Directors ratifies the OPSEU collective agreement.

Date	Nature of Event	Description of Event
2016*		
March 2016	Organizational improvement	NPCA hires its first accountant (holding the CPA designation) for the position of Manager of Finance.
October 2016	Public concerns	A citizen releases a document called "A Call for Accountability at the Niagara Peninsula Conservation Authority" detailing allegations about conflicts of interest and questionable practices at the NPCA. (One recipient was the Niagara Regional Police Service, which sent it to the OPP, which launched an investigation in November 2016.)
November 3, 2016	Public concerns	In an open letter, MPP Forster calls for a forensic audit of the NPCA immediately.
November 13, 2016	Leadership	The NPCA CAO resigns and becomes the new CAO of Niagara Region.
	Leadership	An NPCA senior management staff member is appointed as Acting CAO of the NPCA.
November–December 2016	Restructuring	NPCA fires three staff.
December 22, 2016	Litigation	The previous CAO and the NPCA file civil action lawsuits against a citizen (over the October 2016 document), jointly claiming \$100,000 in defamation lawsuits.
December 2016	Audit of the NPCA	Local municipalities in the Niagara Region begin requesting that the Province conduct an audit of the NPCA. Minister of Natural Resources and Forestry advises municipalities that the Ministry has no authority to implement a forensic audit.
2017–2018*		
March 9, 2017	Audit of the NPCA	NPCA Board approves an RFP to have independent accounting firms bid on an operational review and performance assessment of NPCA from 2011 to 2016.
April 21, 2017	Audit of the NPCA	NPCA Board votes to cancel RFP for operational review in order to request that OAGO conduct a VFM audit.
	Board	One week later, NPCA Board votes to censure a Board member for "behaving inappropriately in the RFP bidding process."
April 28, 2017	Leadership	Another NPCA senior management staff member is appointed as acting NPCA CAO (and is appointed permanent CAO on June 23, 2017).
May 18, 2017	Board	A Niagara Region representative resigns from the Board stating the reason as "an issue of bullying and harassment," and is replaced by another representative in October 2017.
September 2017	Restructuring	NPCA lays off nine full-time staff and one contract staff. Three of the nine full-time staff are subsequently recalled or reassigned to a contract position.
October 25, 2017	Audit of the NPCA	Public Accounts Committee passes motion for OAGO to conduct an audit of the NPCA.
	Strategic direction	NPCA launches its 100-year Plan covering eight areas. See Section 6.5.2 for details.
November 23, 2017	Litigation	A judge dismisses the NPCA and its former CAO's defamation lawsuits against a citizen stating that the NPCA "cannot sue an individual in defamation for criticizing it."
December 12, 2017	Legislation	The Province passes Bill 139 <i>Building Better Communities and Conserving Watersheds Act</i> . See Appendix 4 for details.
December 21, 2017	Levies	The Mining and Lands Commissioner rules in favour of the NPCA regarding the Hamilton levy apportionment dispute. See Section 5.1.1 and Appendix 14 for details.
January 25, 2018	Investigation	The November 2016 OPP investigation into any criminal activity regarding the NPCA found that there was no direct evidence of any criminal wrongdoing.
March 1, 2018	Organizational improvement	NPCA hires a Procurement Specialist.

* The events in this chronology are partly grouped by the periods under which the NPCA was governed by different Boards. That is, one Board governed the NPCA to 2010. After the 2010 municipal elections, the next Board was appointed and governed from 2011 to 2014. After the 2014 municipal elections, a new Board was appointed. We group subsequent events by year. The next municipal elections will be held in October 2018.

Appendix 11: Audit Criteria

Prepared by the Office of the Auditor General of Ontario

1. Roles, responsibilities and accountability requirements for the delivery of conservation programs are clearly defined to ensure compliance with legislative, contractual and program requirements.
2. Programs and services are established and delivered in a consistent and timely manner, and informed by best practices on the conservation, restoration, development and management of natural resources within the applicable watershed.
3. Processes are in place to ensure resources are acquired and managed with due regard for economy and efficiency, and used for the purposes intended to meet the NPCA's objectives.
4. Timely, accurate and complete data on the effectiveness of the NPCA's programs and services, including financial, operational and ecological data, is regularly collected, analyzed and used by management and the Board for decision-making and program improvements.
5. Performance measures and targets are established, monitored and compared against actual results and publicly reported to ensure that the intended outcomes are achieved and corrective actions are taken on a timely basis when issues are identified.

Appendix 12: Work Done to Perform the Audit

Prepared by the Office of the Auditor General of Ontario

We did our work primarily at the NPCA head office in Welland. In conducting our work, we obtained a reasonable level of assurance from:

- reviewing applicable legislation, agreements, guidelines, policies, relevant files and other information;
- reviewing emails and files from 2012 to 2018;
- visiting the NPCA's four revenue-generating conservation areas (Ball's Falls, Binbrook, Chippawa and Long Beach) and its central maintenance workshop in Gainsborough Conservation Area;
- interviewing all current and 17 former NPCA staff, including five of its former Chief Administrative Officers;
- speaking with staff from the Ontario Public Service Employees Union (OPSEU), which represents two-thirds of NPCA staff;
- interviewing all members of the current NPCA Board of Directors and one former NPCA Board member; and
- speaking with representatives from Ontario Power Generation.

To understand their role and relationship with the NPCA, we:

- interviewed staff from the Ministry and the three municipalities in the NPCA's jurisdiction; and
- met with representatives from Conservation Ontario (Conservation Ontario was established in 1980 to represent the 36 conservation authorities in Ontario, and is mainly funded by its membership, project funding and contracts).

To obtain their perspectives on the programs and services that the NPCA delivers, we:

- spoke with representatives from various environmental non-government organizations such as the Niagara Restoration Council, Trout Unlimited and Ducks Unlimited;
- met with other stakeholders who contacted us about their views on the NPCA's activities; and
- spoke with representatives from the Environmental Commissioner of Ontario.

To identify best practices, we:

- surveyed the 35 other conservation authorities, and 28 of them responded (see **Appendix 13** for a summary of the survey results);
- visited or interviewed representatives from six conservation authorities (Toronto and Region, Central Lake Ontario, Essex Region, Grand River, Rideau Valley, and Upper Thames River); and
- researched other jurisdictions and international conservation organizations.

We engaged specialists in the areas of human resources (HR) and governance to:

- assess the workplace culture and the reasonability of NPCA management's response to employees' complaints about workplace harassment; and
- review the NPCA Board of Directors' oversight structure and activities.

We conducted our work and reported on the results of our examination in accordance with the applicable Canadian Standards on Assurance Engagements—Direct Engagements issued by the Auditing and Assurance Standards Board of the Chartered Professional Accountants of Canada.

The Office of the Auditor General of Ontario applies the Canadian Standards of Quality Control and, as a result, maintains a comprehensive quality control system that includes documented policies and procedures with respect to compliance with rules of professional conduct, professional standards and applicable legal and regulatory requirements.

We have complied with the independence and other ethical requirements of the Code of Professional Conduct of the Canadian Professional Accountants of Ontario, which are founded on fundamental principles of integrity, objectivity, professional competence and due care, confidentiality and professional behaviour.

Appendix 13: Summary of Conservation Authorities Survey Results

Prepared by the Office of the Auditor General of Ontario

To identify best practices, we surveyed the other 35 conservation authorities in Ontario and received responses from 28 of them (a response rate of 80%). The survey included questions about conservation authorities' mandate, programs and services, policies, performance measurements, staffing, and Board policies and involvement. Below is a summary of the survey results.

Conservation Authorities' Mandate

	Yes (%)	No (%)	Did Not Answer (%)
Do conservation authorities encounter conflicts between conservation and development?	75	25	0
Is the conflict between conservation and development a concern for conservation authorities?	29	68	3
Did the 2017 amendments to the <i>Conservation Authorities Act</i> clarify the role of conservation authorities?	86	14	0

	Conservation Only (%)	Conservation and Development (%)	Neither (%)
Conservation authorities' focus	21	75	4

Programs and Services

	Minimum (as % of Total)	Maximum (as % of Total)	Average (as % of Total)	Median (as % of Total)
Watercourses that drain areas larger than 125 hectares for which floodplain maps exist	2	100	52	50
Watercourses that drain areas less than 125 hectares for which floodplain maps exist	0	100	15	0

Buffer or Setback Distance Required for New Developments (metres)				
	Minimum	Maximum	Average	Median
Flooding hazards	0	15	10	15
Erosion hazards	0	30	12	15
Dynamic beach hazards	0	60	14	15
Valley or stream corridors	0	50	13	15
Watercourses	0	30	17	15
Wetlands – Provincially Significant Wetlands (PSW)	120	120	120	120
Wetlands – non-PSW	30	30	30	30
Wetlands – both PSW and non-PSW	0	120	33	30
Areas adjacent or close to the Great Lakes–St. Lawrence River shorelines	0	200	22	15

Programs and Services (continued)

Policies Allowing Biodiversity Offsetting/ Wetland Compensation			
	Yes (%)	No (%)	Did Not Answer (%)
Provincially significant wetlands	7	86	7
Locally significant wetlands	29	64	7
Non-significant wetlands	29	64	7

Visiting Sites to Inspect for Compliance with the <i>Conservation Authorities Act</i>			
	Yes (%)	No (%)	Did Not Answer (%)
Site visits are conducted to inspect for compliance with the Act	89	7	4
Sites are selected for inspection based on complaints received from the public about suspected violations of the Act	96	0	4
Sites are selected for inspection based on staff's assessment of the level of risk associated with work permits issued by the Conservation Authority	89	7	4
Sites are selected for inspection based on other methods such as partnerships with municipalities	46	50	4

Types of Restoration/ Stewardship Program Delivered by Conservation Authorities	
	%
Rebate program ¹	18
Conservation Authority-led program ²	14
Education-only program ³	4
Partnership program ⁴	0
Other programs	46
None ⁵	4
Did not answer	14
Total	100

Performance Measurements

Activities that are Tracked by Conservation Authorities			
	Yes (%)	No (%)	Did Not Answer (%)
Average # of days to review each type of development proposal	46	50	4
Average # of days to review a minor work permit application	71	25	4
Average # of calendar days to review a major work permit application	71	25	4
Total # of complaints about suspected violations of the <i>Conservation Authorities Act</i>	57	39	4
Total # of site visits or inspections in response to public complaints	50	46	4
Total # of permit compliance inspections	36	64	0
Total # of watershed plans completed or updated	57	43	0

Information that is Provided by Conservation Authorities to Their Funding Municipalities			
	Yes (%)	No (%)	Did Not Answer (%)
Notice of levy apportionment	93	7	0
Audited financial statements	96	4	0
Other information specifically required by funding municipalities ⁶	89	11	0
Other information not specifically required by funding municipalities but the conservation authority chooses to provide ⁷	93	0	7

Organizational Structure

Staffing Complement				
	Minimum (as % of Total Staff)	Maximum (as % of Total Staff)	Average (as % of Total Staff)	Median (as % of Total Staff)
Watershed services staff	16	65	48	50
Management of conservation areas staff	4	39	17	20
Administrative and corporate support staff	15	50	25	23

Staffing Information: 2013-2017				
	Minimum	Maximum	Average	Median
# of full-time equivalent (FTE) staff during the year	6	549	58	28
# of FTE staff departures during the year	0	41	4	2
# of involuntary FTE staff departures (that is, employer-initiated) during the year	0	14	1	0
Involuntary turnover rate (%)	0	7	1	0

Board of Directors

Board Expenses		
	Average (\$)	Median (\$)
Board of Directors' current per diem rate	73	75

Activities Eligible for Per Diem Payments			
	Yes (%)	No (%)	Did Not Answer (%)
Administrative duties (for example, signing meeting minutes)	25	75	0
Meetings with conservation authority staff outside formal Board or Committee meetings	39	61	0
Attendance at conservation authority events (for example, festivals, staff appreciation events)	32	68	0
Attendance at conservation authority foundation board meetings and events	32	57	11
Meetings with representatives from municipalities (for example, mayor, councillors, staff)	43	54	3
Meetings with Conservation Ontario Council members	75	25	0
Meetings with representatives from other stakeholder and interest groups (for example, environmental NGOs, industry groups)	50	50	0

Payments to Members of Conservation Authority Board of Directors, 2017				
	Minimum	Maximum	Average	Median
Total payments per Board member (including honorariums, per diem payments, travel and other) (\$)	64	3,474	1,468	1,253
Total # of meetings (all types) claimed per Board member	0	22	4	2
Total # of meetings (all types) claimed by the Chair of the Board of Directors	0	47	16	14

Payments to Members of Conservation Authority Board of Directors, 2013-2017				
	Minimum	Maximum	Average	Median
Total payments per Board member (including honorariums, per diem payments, travel and other) (\$)	48	6,859	1,508	1,194
Total # of meetings (all types) claimed per Board member	0	38	5	2
Total # of meetings (all types) claimed by the Chair of the Board of Directors	0	199	22	15

Board of Directors (continued)

Activities That Board Members Are Involved In			
	Yes (%)	No (%)	Did Not Answer (%)
Developing and updating the Conservation Authority's Strategic Plan	96	4	0
Facilitating conservation authority staff's reviews of development proposals (for example, attending meetings with conservation authority staff, city staff and developers)	11	89	0
Facilitating conservation authority staff's reviews of work permit applications (for example, requesting information on behalf of landowners)	14	86	0
Facilitating negotiations with landowners regarding identified violations of the <i>Conservation Authorities Act</i>	4	96	0
Determining which applicants receive grant funding for stewardship/restoration on private property	11	86	3

General Questions

Conservation Authorities' Response to the Province's 2015 Discussion Paper on Wetland Conservation in Ontario			
	Yes (%)	No (%)	Did Not Answer (%)
Provided comments through Conservation Ontario	57	39	4
Provided comments directly to the Ministry of Natural Resources and Forestry	36	53	11
Provided comments to other provincial government representatives (for example, Members of Provincial Parliament, advisors to the Premier)	3	89	8
Staff met with government officials	25	67	8
Comments were made public (that is, posted to conservation authority's website)	25	67	8
Did not provide comments to the discussion paper	32	39	29

1. The Conservation Authority provides funding to private landowners who apply for grants to carry out a restoration project on their property. Landowners are responsible for completing the project. The Conservation Authority reimburses the landowner for all or a portion of the costs upon completion of the project.
2. The Conservation Authority provides funding to private landowners who apply for grants to carry out a restoration project on their property. Conservation Authority staff are responsible for completing the project. Upon completion of the project, the Conservation Authority invoices the landowner for their portion of the costs.
3. The Conservation Authority provides information to interested private landowners on how to enhance ecosystems and implement best management practices on their property, but does not provide grant funding to carry out restoration projects.
4. The Conservation Authority provides funding to environmental non-profit organizations to deliver stewardship/restoration programs within the watershed.
5. The Conservation Authority does not deliver stewardship/restoration programs for private landowners.
6. Examples include drafting annual financial budgets, Board per diem expenses, and long-term capital plans.
7. Examples include minutes of board meetings, and letter from Board Chair outlining priorities for coming year.

Appendix 14: Technical Explanation for the 2015 Increase in Hamilton's Municipal Levy

Prepared by the Office of the Auditor General of Ontario

Under the *Conservation Authorities Act*, conservation authorities are to set their budgets each year and then use the following formula to calculate what percentage of their operating costs budget each municipality in the watershed will pay the conservation authority in the form of the municipal levy:

$$\left[\frac{\text{Area of municipality within conservation authority's jurisdiction}}{\text{Total area of municipality}} \times \text{Assessed value* of land in entire municipality} \right] \div \text{Assessed value* of land in entire conservation authority jurisdiction}$$

* Assessed land value depends on how the land is used (for example, land used for commercial purposes is valued at a higher amount than land used for farming).

Before 2000, what is now the single municipality of the City of Hamilton consisted of six separate municipalities: Stoney Creek, Dundas, Ancaster, Glanbrook, Flamborough and Hamilton. Just three of them—Stoney Creek, Glanbrook and Ancaster—were in the NPCA's jurisdiction. The total percentage of the NPCA's budgeted operating costs that they paid, combined, through their municipal levies was very small (less than 5%).

On January 1, 2000, all six municipalities amalgamated into the new City of Hamilton. As a result, the "assessed value of land in entire municipality" input of the levy calculation formula significantly increased. Most of that increase comes from the high assessed land value of the urban area of Hamilton. The formula applies even though this area is not in the Niagara Peninsula watershed. The amalgamation did not change the boundaries of the NPCA's jurisdiction. The result is Hamilton's portion of the municipal levy increasing to about 20% of budgeted operating costs, from the about 4% paid in total by Stoney Creek, Glanbrook and Ancaster before amalgamation.

The NPCA's CAO in 2000 verbally agreed to continue to charge Hamilton its pre-amalgamation rate. Until 2014, Hamilton paid 4% (pre-amalgamation rate), Haldimand paid 1% and Niagara Region paid 95% of the NPCA's budgeted operating costs. In 2015, when the NPCA decided to go back to the formula, Hamilton was asked to pay 20%, Haldimand 2% and Niagara Region 78% of the NPCA's budgeted operating costs. For Hamilton, this translated to \$1.2 million (compared to \$245,000 the year before).

Appendix 15: Main Policies Used by Conservation Authorities to Review Municipal Land-Use Planning Policies, Development Proposals and Work Permit Applications

Prepared by the Office of the Auditor General of Ontario

For Municipal Planning Policies and Development Proposals

Planning Act

Establishes the rules for land-use planning in Ontario.

Provincial Policy Statement (Section 3.1)

[Issued under the *Planning Act* to provide direction on land-use planning and development matters of provincial interest]

Development shall be directed away from areas of natural hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

Development shall generally be directed to areas outside of:

- lands near the Great Lakes shorelines affected by flooding, erosion and unstable beach hazards
- lands near rivers, streams and inland lakes that are impacted by flooding or erosion hazards

Development and site alteration are not permitted within:

- portions of the flooding hazard along connecting channels such as the St. Mary's, St. Clair, Detroit, Niagara and St. Lawrence rivers
- unstable beaches
- a floodway or floodplain

Development and site alteration may be permitted if the effects and risk to public safety are minor and could be mitigated in line with provincial standards.

For Work Permit Applications

Conservation Authorities Act and regulations made under Section 28

No person shall undertake development in or on areas:

- near Great Lakes shorelines
- 15 metres from the stable top of the bank of a river or stream valleys
- flood- and erosion-prone lands
- wetlands
- other areas where development could interfere with wetlands' ability to store water and mitigate floods, including up to 120 metres of Provincially Significant Wetlands and wetlands two hectares in size or larger

Conservation authorities may grant permission for development in or on the above areas if, in its opinion, the control of flooding, erosion, unstable beaches, pollution or conservation of land will not be affected by the development.

NPCA-Developed Policies

2007 Board-Approved policies:

New development is prohibited:

- within the furthest distance from shores that people and property can be affected by flooding, erosion and unstable beaches
- within 15 metres of the stable top of the bank of a river or stream
- on a floodplain (as determined by a floodplain map)
- within 120 metres of a Provincially Significant Wetland and wetlands two hectares in size or larger
- within 30 metres of wetlands less than two hectares in size

Development may be permitted within any wetland when the development is only a replacement of an existing structure with the same dimensions and square footage as the original. When exceptions are made, the NPCA may require technical studies to ensure that the risk from natural hazards is not aggravated.

2013 Interim Directives issued by NPCA senior management:

Certain new developments may be permitted:

- within 30 metres of a wetland where an environmental impact study demonstrates there will be no net negative impact on the wetlands' ecological features and ability to absorb water and mitigate floods
- within river and stream banks where slopes are stable and developments are minor (e.g., storage sheds, stairs, decks, parking and septic systems)

Appendix 16: NPCA's Legal Expenses, January 1, 2012–March 31, 2018

Source of data: Niagara Peninsula Conservation Authority

	2012	2013	2014	2015	2016	2017	2018 ¹	Total
Human Resource Matters²								
# of firms engaged	1	2	3	2	4	5	2	11
Total amount spent (\$)	5,091	36,574	37,544	24,947	35,570	117,841	76,393	333,960
Levy Apportionment³								
# of firms engaged	0	0	1	1	1	1	1	2
Total amount spent (\$)	—	—	701	14,123	8,694	35,000	471	58,989
Property/Land Matters⁴								
# of firms engaged	1	1	1	5	1	1	0	7
Total amount spent (\$)	5,812	12,286	16,413	23,634	2,095	1,015	—	61,255
Regulation Violations⁵								
# of firms engaged	2	1	1	2	2	3	2	5
Total amount spent (\$)	33,946	11,589	5,936	25,264	7,756	41,053	8,948	134,492
Libel/Defamation Cases⁶								
# of firms engaged	0	0	0	0	1	3	1	4
Total amount spent (\$)	—	—	—	—	5,650	80,251	50,731	136,632
Other⁷								
# of firms engaged	0	0	1	1	4	2	0	6
Total amount spent (\$)	—	—	289	7,720	27,119	18,411	—	53,539
Total								
# of Firms Engaged	3	4	8	9	12	12	6	18
Total Amount Spent (\$)	44,849	60,449	60,883	95,688	86,884	293,571	136,543	778,867

1. From January to March 2018.

2. Fees associated with matters related to Human Resource such as dismissals, grievances, arbitrations, negotiations for settlements, personnel workplace investigations, and contract negotiations related to the collective agreement between the NPCA and OPSEU Local 217 (encompassing employees of the NPCA and the Niagara Parks Commission).

3. Fees associated with the City of Hamilton's appeal to the Mining and Lands Commissioner regarding levy apportionment, as per section 2.1(b) of Ontario Regulation 670/00 of the *Conservation Authorities Act* (see Section 5.1.1 and Appendix 13).

4. Fees paid for services related to any actual or potential land transactions, and a legal opinion regarding Provincial Regulation 139-196.

5. Fees paid for services related to the enforcement of the *Conservation Authorities Act* (Regulation 155-06). A small portion of these costs is for legal advice regarding planning and permit issues.

6. Costs involved with a lawsuit and anti-SLAPP (Strategic Lawsuit Against Public Participation) proceedings involving Ed Smith, a St. Catharines resident who criticized the NPCA in a 45-page document called "A Call for Accountability at the NPCA"; a review of material regarding liability related to online information posted about the NPCA; and legal advice for a potential defamation case against a former NPCA employee.

7. Other legal fees include: fees related to freedom-of-information (FOI) requests such as Affidavit Notarization and FOI adjudications; regulatory policy review and advice for flood plain mapping and potential regulatory negligence; code-of-conduct interpretations and staff conflict-of-interest training; advice regarding Hydro One and Chippawa Creek Campground property; and legal advice regarding landowner agreement reviews.

Appendix 17: List of Motions Passed by Local Municipal Councils Requesting an Audit

Prepared by the Office of the Auditor General of Ontario

Municipality	Date of Request	To Whom the Request Was Directed	Request
St. Catharines	December 5, 2016	Province	Initiate an investigation and forensic audit of the NPCA
	January 16, 2017	NPCA Board	Approve a third-party forensic audit, examining all of its operations, including land purchases and hiring processes from 2011 to 2016
Wainfleet	December 6, 2016	NPCA Board	Consider obtaining an independent audit such as a value-for-money and/or forensic audit
Niagara-on-the-Lake	December 12, 2016	Province	Conduct a forensic audit of the NPCA's reports and operations
Port Colborne	December 13, 2016	Province	Conduct a value-for-money and/or forensic/operational audit of the NPCA
Niagara Falls	December 13, 2016	NPCA Board	Consider obtaining an independent audit such as a value-for-money audit and/or forensic audit
Hamilton	December 14, 2016	Province	Initiate a value-for-money and/or a forensic audit of applicable 2012 to 2016 transactions of the NPCA
Pelham	December 19, 2016	Province	Initiate a thorough investigation, be it a value-for-money or a forensic audit, of the NPCA
Welland	December 20, 2016	Province	Direct the appropriate Ontario provincial body to determine and fund the action required to determine if any inappropriate or illegal activity has occurred at the NPCA
Thorold	December 20, 2016	Province	Initiate an unrestricted thorough investigation, be it a value-for-money and/or a forensic audit



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ISBN 978-1-4868-2534-9 (Print)
ISBN 978-1-4868-2535-6 (PDF)



LEGEND: Ministry (M), Board (B), New Board (NB), Board/CAO (BC), CAO/Municipalities (CM), Ministry/Conservation Ontario (MCO), New Board/CAO (NBC), Operations (Ops)

	RECOMMENDATION	ACTION	INITIATED	UNDERWAY	COMPLETE
(M)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.		N/A		
(B)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:		X		
(NB)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;	Update Communications Policy to ensure Board communication is funneled through Interim CAO/Director of Communications		X	
(NB)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.	Interim CAO to prepare a document for review based on this recommendation by Q2	X		
(BMC)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:		X		

(BC)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 Interim CAO will work with each Board Member to complete a fulsome review of the NPCA Mandate and Mission as well as provide them a tour of parks and projects	X		
(MCO)3.2	work with the NPCA's funding municipalities to ensure that their Board appointment processes consider skills and experience requirements;	The Interim CAO will support the Board as directed	X		
(NB)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;	Staff report for Q2 to be prepared and presented for Board input	X		
(BC)3.4	identify initial and ongoing Board governance training needs	As needed/requested	X		
(M)4	We recommend that the Ministry of the Environment, Conservation and Parks: make a recommendation to the Executive Council of Ontario to proclaim Section 40 of the Conservation Authorities Act;		N/A		
(M)4.1	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;		N/A		
(MC0)4.2	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		N/A		
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:		N/A		

(NB)5.1	regularly evaluate the performance of the NPCA's Chief Administrative Officer, as required by its policies;	The Board delivered its first CAO performance review on November 28, 2018			X
(BC)5.2	develop performance indicators to facilitate the Board's evaluation of its oversight processes and activities;	The Interim CAO is in the process of developing KPIs tied to the Strat plan 2018-2021 with consultant Performance Concepts	X		
(NBC)5.3	regularly evaluate both its collective performance and the performance of individual Board members	The Interim CAO will support the direction of the Board	X		
(B)6	To ensure that per diem payments to Board members are reasonable and transparent, we recommend that the Niagara Peninsula Conservation Authority:		N/A		
(NB)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;	By-Laws were updated and approved by Conservation Ontario per the Conservation Authorities Act			X
(B)6.2	continue to publish information on actual Board per diems and other expenses annually online	Staff will continue to make this information available online at npcadiologue.ca		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:		N/A		

(OPS)7.1	assess the risk to communities around the unmapped watercourses;	Floodplain mapping is currently underway for Welland River, Grimsby and Lincoln - First draft to be complete first quarter		X	
(OPS)7.2	determine the time and cost for completing and updating floodplain maps;		X		
(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	Although NPCA is not required to do floodplain mapping, NPCA will undertake floodplain mapping to help inform Regulation. We undertake floodplain mapping when funding is available as having this information as a tool within our mapping helps with planning and Regulation decisions.	X		
(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:		N/A		
(M)8.1	establish clear responsibility and criteria for developing and updating floodplain maps across the province;		N/A		
(M)8.2	review current funding levels to conservation authorities to determine how floodplain mapping can be completed in a timely manner		N/A		
(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):		N/A		

(OPS)9.1	finalize, as soon as possible, its policies for reviewing development proposals and work permit applications;	The Policy Document is finalized and is now being used by staff to regulate development			X
(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	The Policy Document is finalized and is now being used by staff to regulate development			X
(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:	The December 18 reporting structure change under the Interim CAO affected the following: Under the direction of Communications and Administration, establishing business needs to inform hiring practices, an updated organizational chart will be presented to the Board at its next regular meeting			X
(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;	Map out staff and skills required for each strategic Area of Focus as per the Strategic Plan 2018-2021	X		
(OPS)10.2	in developing such an HR plan, review its staffing mix to determine the appropriate level of administrative and corporate support staff;	Take into account Operational Plans; Map out staff and skills required for each strategic Area of Focus, as per the Strategic Plan 2018 - 2021	X		

(OPS)10.3	base future HR decisions on its HR plan;	Currently drafting template for Hiring Requisition to assist in assessing requested hires, including business case (as it relates to the plan) and ensuring all resources/implications have been considered to be included in each open position file	X		
(OPS)10.4	provide information about planned restructuring decisions, including their financial implications, to the NPCA Board prior to implementing such decisions	The Interim CAO to provide in camera updates concerning structuring decisions as necessary, as well as estimated funding required. Currently, all HR changed are within the approved 2019 budget.	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:	The December 18 reporting structure change under the Interim CAO affected the following: Having IT report to the Director of Communications and Administration gives the oversight to ensure that CityView is being used fully as a tool to address complaints in a timely manner		X	

(OPS)11.1	determine the number of enforcement staff necessary to address violations on a timely basis and staff accordingly;	With the change to the organization structure of permits to planning, at minimum a supervisor and 2 compliance and enforcement staff will be added. Should the volume be such that this is not sufficient, then a 3rd officer will be added.		X	
(OPS)11.2	ensure that enforcement staff obtain the necessary training to discharge their responsibilities;	Enforcement staff currently scheduled for Level 1 Conservation Ontario Compliance training in March 2019		X	
(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;	Currently under review	X		
(OPS)11.4	revise its enforcement policy to require that enforcement activities be sufficiently documented and ensure that staff adhere to the policy;	Currently under review	X		
(OPS)11.5	use CityView to track reports of possible violations.	CityView was recently updated to facilitate tracking			X

(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:	The December 18 reporting structure change under the Interim CAO affected the following: The Director Communications and Administration will work with IT and the Director of Planning and Regulations Department to expedite a more user-friendly, streamlined process for landowners to report completion of works for which NPCA has issued permits		X	
(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;	The website will be updated in January to advise how to register a complaint, having a dedicated complaint email and phone number for people and using CityView to flag properties that have concerns	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;	Currently under review	X		
(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	Scheduled Q1		X	

(OPS)13	<p>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</p>	<p>The Water Quality Improvement Grant Program was launched September 2018. The December 18 reporting structure change under the Interim CAO affected the following: The Director of Communications and Administration will work closely with the Director of Planning and Regulations to support garnering applications for the newly approved and implemented Water Quality Improvement Grant Program through not only specific communications strategies, but by helping to connect potential funding partners to the grant application, within the parameters of the grant program</p>			X
(OPS)14	<p>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):</p>	<p>The December 18 reporting structure change under the Interim CAO affected the following: Conversations to address the OPG funding issues are already underway, and clarification is being sought. The Interim Senior Director of Corporate Resources will ensure that the agreement and funds are appropriately allocated in accordance with the partnership agreement</p>		X	

(OPS)14.1	seek clarification with OPG regarding its expectations for how the remaining funds are to be spent;	Senior NPCA Staff have met with Senior OPG at OPG three times in 2018 (May 25th - first meeting, August 29, and October 31) with a regularly scheduled meeting planned for Q1 of 2019. Quarterly meetings are the will of both parties. NPCA staff discussed past spending with OPG Staff on August 29 and future spending and protocols on October 31. A new Agreement between the NPCA and OPG is being drafted by OPG.			X
(OPS)14.2	revise, as necessary, the formal agreement between the NPCA and OPG to outline such expectations;	The updated version of the past agreement between OPG and the NPCA was drafted by OPG staff.			X

(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	Future projects and spending of OPG funds was discussed at the October 31st meeting. At the Quarterly Meetings, NPCA staff will give OPG Staff updates on the spending and get approval from them before any further spending is done. There are a couple of projects that OPG has talked about doing with the NPCA where some of these funds could be used.			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:		N/A		
(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;	The Land Acquisition plan is under review and will be presented for Board Approval at the end of Q2. Currently, the Senior Director of Corporate Resources delivers reports to the Board on potential acquisitions.	X		
(OPS)15.2	improve its current land acquisition criteria to provide clear direction on which lands should be acquired;	The Land Acquisition plan is under review and will be presented for Board Approval at the end of Q2. Currently, the Senior Director of Corporate Resources delivers reports to the Board on potential acquisitions.	X		

(OPS)15.3	prioritize its current land acquisition criteria to reflect the revised goals;	The Land Acquisition plan is under review and will be presented for Board Approval at the end of Q2 Currently, the Senior Director of Corporate Resources delivers reports to the Board on potential acquisitions	X		
(OPS)15.4	determine the total cost of its land acquisition plan and how it will fund the acquisitions;	The Land Acquisition plan is under review and will be presented for Board Approval at the end of Q2 Currently, the Senior Director of Corporate Resources delivers reports to the Board on potential acquisitions	X		
(OPS)15.5	develop and implement a plan to achieve its land acquisition goals;	The Land Acquisition plan is under review and will be presented for Board Approval at the end of Q2 Currently, the Senior Director of Corporate Resources delivers reports to the Board on potential acquisitions	X		
(OPS)15.6	monitor and report to the NPCA Board of Directors on land acquisition progress	The Land Acquisition plan is under review and will be presented for Board Approval at the end of Q2 Currently, the Senior Director of Corporate Resources delivers reports to the Board on potential acquisitions			

(OPS)16	To enable the Niagara Peninsula Conservation Authority (NPCA) to assess its performance in fulfilling its mandate, we recommend that the NPCA:	The December 18 reporting structure change under the Interim CAO affected the following: Revenue generation at the parks will continue to increase by implementing a marketing and communications strategy that will be tied to key performance indicators (KPIs)		X	
(OPS)16.1	develop performance indicators that are tied to its mandate and overall program goals;	The Interim CAO is in the process of developing KPIs tied to the Strategic Plan 2018-2021 with consultant Performance Concepts		X	
(OPS)16.2	establish targets against which each indicator will be assessed;	The Interim CAO is in the process of developing KPIs tied to the Strategic Plan 2018-2021 with consultant Performance Concepts		X	
(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;	Staff are streamlining this process into a formal pipeline		X	
(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	The Interim CAO is in the process of developing KPIs tied to the Strategic Plan 2018-2021 with consultant Performance Concepts. Once established, the Quarterly and Annual Reports will include this update		X	

(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:	The December 18 reporting structure change under the Interim CAO affected the following: The Director of Communications and Administration will facilitate an open dialogue between all departments so that NPCA can improve responsiveness, in a direct way, which will improve internal communications and the speed and accuracy with which we respond to public inquiries.		X	
(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;	Recruitment policies currently being updated. Will be complete by Q2		X	
(OPS)17.2	update its promotion policies to include the decision-making process required to be followed and documented for promotions and appointments;	Recruitment policies currently being updated. Will be complete by Q2		X	
(OPS)17.3	assess staff's performance annually, as required by its policies;	First annual reviews were complete Q4 2018			X
(OPS)17.4	provide quarterly updates to the NPCA Board of Directors on staffing changes and performance	Will be provided at the next regular Board meeting		X	

(OPS)18	To ensure compliance with the Occupational Health and Safety Act, the Ontario Human Rights Code and the Ministry of Labour's Code of Practice, we recommend that the Niagara Peninsula Conservation Authority (NPCA):	The December 18 reporting structure change under the Interim CAO affected the following: Human Resources reports to the Director of Communications and Administration (no longer the CAO), removing HR's conflict should complaints be filed against the CAO.		X	
(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;	Staff have already begun to refine this process. The first complaint was addressed with a third party investigator in fewer than 24 hours after being received.		X	
(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;	Staff has already implemented this process			X
(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	Fulsome report to be presented In-Camera at the next Full Authority meeting.		X	
(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:	The December 18 reporting structure change under the Interim CAO affected the following: Human Resources will be supported by being provided the tools to build out and implement a formal process for addressing workplace concerns		X	

(OPS)19.1	develop and implement an action plan to address workplace concerns;	Staff is reviewing this process. To be complete Q2		X	
(OPS)19.2	present this action plan and related timeline to the NPCA Board of Directors for review and approval;	Will be presented at the July Full Authority Board Meeting		X	
(OPS)19.3	report on its progress in implementing the actions within the approved timeline	Staff will update the Board, as necessary forth July 2019	X		
(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:	The December 18 reporting structure change under the Interim CAO affected the following: Finance will continue to update and adhere to its procurement policy under the direction of the Interim Senior Director of Corporate Resources, with KPIs to track success		X	
(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.			X

(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;	Revisions to the existing Purchasing & Procurement Policy are in progress. Revisions regarding the use of Corporate Credit Cards will have its own specific policy including a Letter of Understanding for Card Holders.		X	
(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 Unsolicited Proposal Policy originally approved in July 2014 will be reviewed and amended as per the direction of the Board.		X	

(OPS)20.4	revise its procurement policies for legal services to implement the results of the above assessment	<p>Following discussions with the Office of the Auditor General, it was suggested that the 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. Using this as a model as suggested by the Office of the Auditor General the NPCA will issue a Request for Proposal to establish a vendor of record to handle its legal services in 2019.</p> <p>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.</p>		X	
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(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):	The December 18 reporting structure change under the Interim CAO affected the following: The Interim Senior Director of Corporate Resources will ensure that capital projects are sourced according to procurement policy, actual needs and in support master plans, should any exist.		X	
(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 Capital Planning Project Manager and has further initiated talks with KPMG to bring about enhancements to its asset management program. The strengthening of these two functions combined with an organizational adjustment in reporting structures will allow NPCA to address each of these recommendations more effectively.		X	

(OPS)21.2	obtain reliable information to support replacement cost estimates and cost estimates for planned capital projects;	The NPCA included in its 2019 Operating Budget a position identified Capital Planning Project Manager and has further initiated talks with KPMG to bring about enhancements to its asset management program. The strengthening of these two functions combined with an organizational adjustment in reporting structures will allow NPCA to address each of these recommendations more effectively.		X	
(OPS)21.3	prioritize capital projects using an objective assessment of needs;	The NPCA included in its 2019 Operating Budget a position identified Capital Planning Project Manager and has further initiated talks with KPMG to bring about enhancements to its asset management program. The strengthening of these two functions combined with an organizational adjustment in reporting structures will allow NPCA to address each of these recommendations more effectively.		X	

(OPS)21.4	identify how the NPCA will obtain funding to undertake these projects;	The NPCA included in its 2019 Operating Budget a position identified Capital Planning Project Manager and has further initiated talks with KPMG to bring about enhancements to its asset management program. The strengthening of these two functions combined with an organizational adjustment in reporting structures will allow NPCA to address each of these recommendations more effectively.		X	
(OPS)21.5	refine the capital plan, based on the above action items, and present it to the NPCA Board for approval	The NPCA included in its 2019 Operating Budget a position identified Capital Planning Project Manager and has further initiated talks with KPMG to bring about enhancements to its asset management program. The strengthening of these two functions combined with an organizational adjustment in reporting structures will allow NPCA to address each of these recommendations more effectively.	X	X	

(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:		N/A		
(M)22.1	clearly describe for conservation authorities what the development of natural resources entails, and how it differs from “development” in general;		N/A		
(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);		N/A		
(M)22.3	use its regulatory powers to establish minimum requirements and standards for conservation authorities’ delivery of programs and services;		N/A		
(M)22.4	establish the governance practices that it determines conservation authorities should be uniformly following province-wide		N/A		
(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.		N/A		
(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:		N/A		

(M)24.1	determine the circumstances when Ministry and/or municipality intervention is warranted;		N/A		
(M)24.2	establish mechanisms for the Ministry and/or municipalities to intervene when necessary in conservation authorities' operations;		N/A		
(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		N/A		

2018–2021 STRATEGIC PLAN

PARTNERS IN CONSERVATION

A SHARED RESPONSIBILITY



MESSAGE FROM THE CHAIR



As Chair of the Niagara Peninsula Conservation Authority (NPCA) Board of Directors, I am honoured to share our 2018–2021 Strategic Plan. The identified Areas of Focus are the result of the most ambitious and robust public consultation process the NPCA has ever undertaken. After hosting four Town Halls and three stakeholder-specific meetings, attending five events throughout our watershed, engaging our NPCA Advisory Committee, and using numerous communication platforms, such as Facebook, Twitter, Instagram, email, surveys, YouTube, telephone, Bang the Table, Mentimeter and face-to-face conversations, we've been able to reach approximately 76,300 individuals that all care passionately about the Niagara Peninsula watershed.

Long before we embarked on our Strategic Planning process, the NPCA Board of Directors made a commitment to engage the residents of our watershed in a different way, and to transition from a talking organization to a listening organization. We committed to evolving a leading and learning organization that could adapt, and that would strive towards excellence by implementing new technologies. We also committed to building new partnerships that would support a healthy watershed, all while simultaneously conserving and enhancing our 41 Conservation Areas. Witnessing first-hand partnerships evolve and leadership emerge continues to reaffirm our belief that efforts in conservation are a shared responsibility. No one person or organization can do it alone, but together we can ensure the quality of our watershed for generations to come.

In 2017, I had the opportunity to meet with over 165 groups, partners, and communities throughout the Niagara region, the City of Hamilton, and Haldimand County. Listening to feedback on how the NPCA can play a positive role in their respective sectors has been critical in moving the NPCA forward. Balancing the needs of all those sectors that are impacted by the work we do has at times been challenging, and has not been without conflict. However, as long as we continue to respectfully and conscientiously work together with our partners, and we do so exclusively within the language of the Conservation Authorities Act, we can feel confident we are moving in the right direction.

To the many voices we've now heard from, your comments and ideas will now help shape our focus, our direction, and our future. Thank you for your efforts, your continued support, and for embracing our shared responsibility of ensuring the health and resiliency of our magnificent watershed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sandy', with a large, sweeping flourish extending to the right.

Sandy Annunziata
Niagara Peninsula Conservation Authority Board Chair

THE NPCA STRATEGIC PLAN PROCESS

In 2012, the NPCA Board of Directors began the process of creating its first-ever Strategic Plan.

The 2014–2017 Strategic Planning process was also the first to consult with the public, stakeholders, landowners, municipal partners and park users.

The 2014–2017 Strategic Plan envisioned a fundamental change to how the NPCA and its staff conducted its business, interacted with the public, managed its finances and organized itself.

STAGE 1

Strategic Plan Process Begins

(January–March 2018)

- Review previous Strategic Plan outcomes
- Board of Directors defines organizational priorities (Areas of Focus)
- Sub-committee refines draft Areas of Focus package and mission statement
- Board of Directors endorses draft Areas of Focus package and mission for public feedback

STAGE 2

Public Consultation Period

(April–May 2018)

- NPCA reaches over 76,300 people to collect feedback on the draft Areas of Focus
 - Public input closed May 11, 2018
 - Public feedback is provided to the sub-committee, and the Board Of Directors
-

After the successful implementation of the 2014–2017 Strategic Plan, the NPCA Board of Directors began the process anew in the Spring of 2017 for the Strategic Plan 2018–2021.

The process began with a Board-driven workshop to identify Areas of Focus that, in consultation with staff, would allow the NPCA to focus on its core mandate, deliver professional services, and enhance the visitor experience to its facilities.

After seven Areas of Focus were identified by the Board of Directors, the organization undertook the largest public consultation process in its history, with Town Hall meetings, online engagement, social media campaigns, and targeted stakeholder meetings.

The consultation confirmed that the NPCA was on the right track with its Areas of Focus, and helped refine the Plan content. This Strategic Planning 2018–2021 document is the result.

STAGE 3

Strategic Plan Process

(May–June 2018)

- Board of Directors reviews public consultation feedback
- Sub-committee refines final Areas of Focus and implementation methods based on public consultation findings
- Sub-committee presents Board Of Directors with the proposed final Areas of Focus

STAGE 4

NPCA Board of Directors review and endorse the Areas of Focus and the Strategic Plan 2018–2021

(June 2018)

NPCA MANDATE AND MISSION

NPCA Mandate

As prescribed by the Conservation Authorities Act:

To establish and undertake programs and services, on a watershed basis, to further the conservation, restoration, development, and management of natural resources; and

As prescribed by Provincial Regulations:

To protect people and property by regulating, and risk-mitigating development through reviewing and commenting on applications, issuing permits, and ensuring policy compliance within the appropriate legislative and regulatory framework.

Mission

To implement our Conservation Authorities Act mandate by remaining a responsive, innovative, accountable and financially sustainable organization.

Our success in meeting our mission is dependent upon working in collaboration with our partners in conservation. Ensuring the future viability of the Niagara Peninsula watershed is a shared responsibility.

NPCA MANDATE STATEMENT

Niagara Peninsula Watershed

A watershed is a geologically defined geographic area of land that catches rain and snow, and drains or seeps into a marsh, stream, river, lake or groundwater.

The Niagara Peninsula watershed includes lands that are predominantly drained by the Welland River into the Niagara River, as well as those lands drained by creeks and streams into Lake Erie and Lake Ontario.

Our complex watershed covers the Niagara region and parts of Hamilton and Haldimand. It is made up of homes, farms, cottages, forests, small towns, and large cities. Everyone shares the responsibility to conserve within the watershed.

What does our mandate mean, and how do we implement programs and services to execute our mission?

Conservation

NPCA practices conservation on all 41 of its Conservation Areas. NPCA manages and maintains its properties in order to provide diverse recreational and educational opportunities with the purpose of keeping the properties healthy for future generations.

*Examples of our conservation programming include:
Grooming our properties to encourage healthy ecosystems,
planting native plants and trees to improve our water
quality and overall land health, offering camp grounds and
educational-based day camps.*

Restoration

NPCA improves or redevelops natural landscapes and habitats at its Conservation Areas so that they remain safe for humans, wildlife, and plant communities. Ecological destruction is usually the consequence of pollution, deforestation, salination or natural disasters.

Examples of our restoration projects include: Designing agricultural buffers, enhancing slope stability, and the planting of native trees and plants.

Development

NPCA works within the framework that the Provincial government sets to provide comment on the suitability of proposed changes or improvements to existing resources, and may recommend conditions based on Ontario Regulation 155/06: Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses.

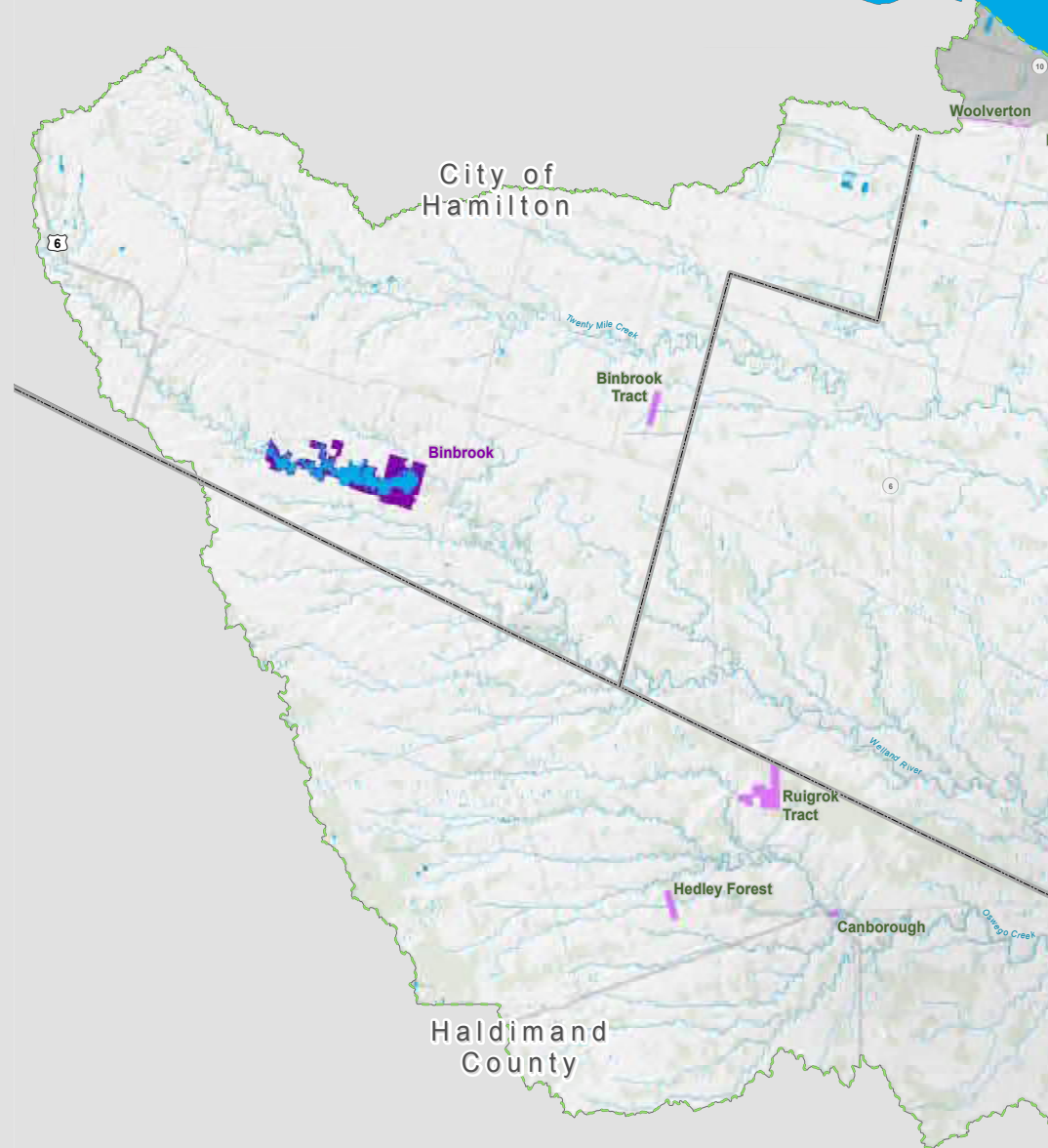
Examples of projects on which NPCA provides comments, recommendations or permits include: New dwellings and alterations to existing dwellings, pathway, and construction compliance when work takes place on properties that contain, for examples, a shoreline.

Management of Natural Resources

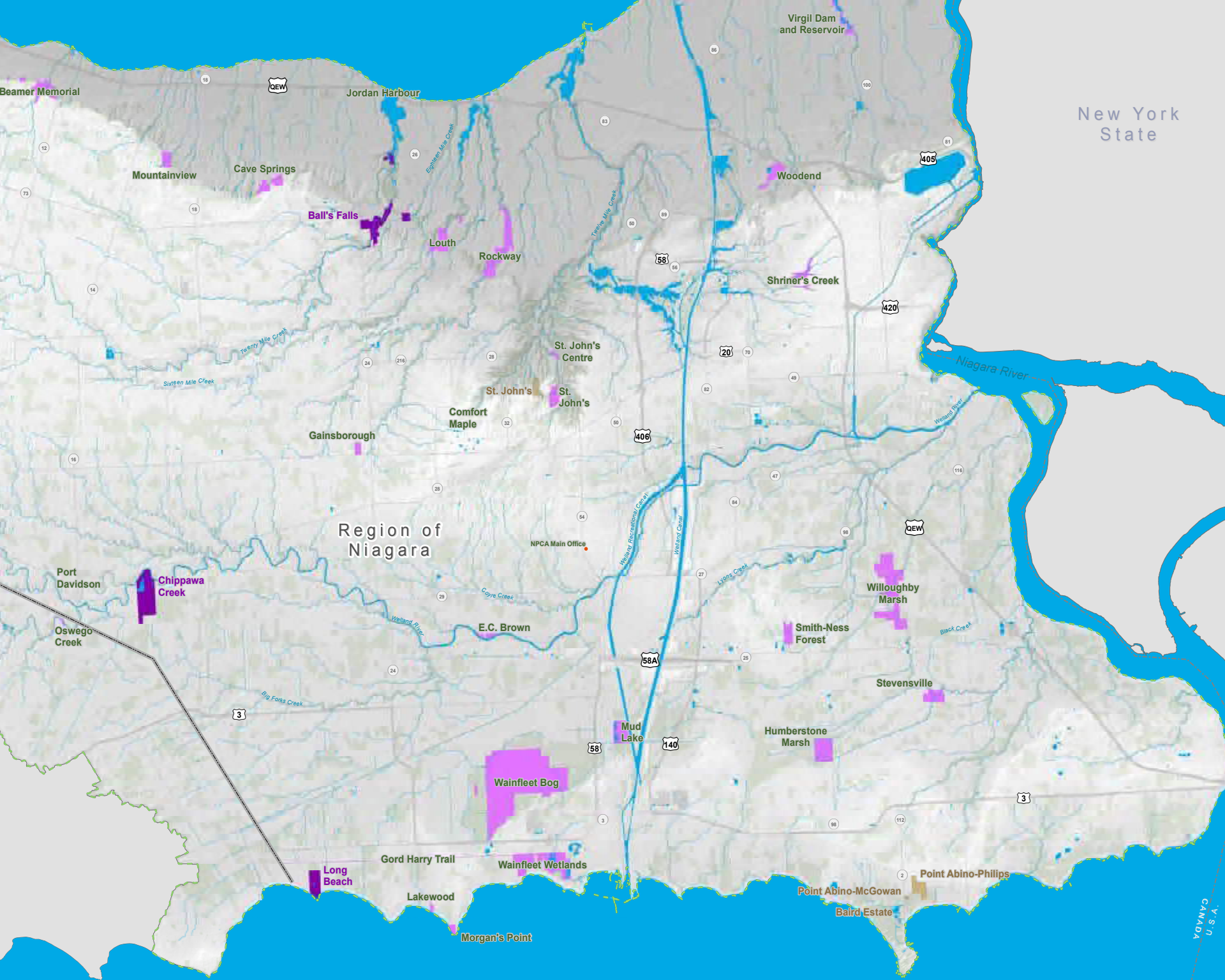
Natural resource management deals with managing the way in which people and natural landscapes interact. It connects land use planning, water management, biodiversity, conservation, and the future sustainability of industries like agriculture. NPCA relies on a scientific and technical understanding of resources and ecology, and the life-supporting capacity of those resources.

Examples of how NPCA manages natural resources include: hunting permits, building permits, and floodplain mapping.

NPCA WATERSHED MAP



- | | | |
|---------------------------------|------------------------|---------------------------------------|
| Major Highways | International Boundary | Haldimand County in NPCA Jurisdiction |
| Regional Roads | Major Watercourses | City of Hamilton in NPCA Jurisdiction |
| Niagara Region Boundary | Waterbodies | Conservation Areas |
| Lower Tier Municipal Boundaries | NPCA Watershed | Conservation Areas (Non-Public) |
| Hamilton/Haldimand Boundary | Natural Areas | Conservation Areas (Flagship) |



AREAS OF STRATEGIC FOCUS



Evidence-Based Watershed
Resource Management



Rebuild the Canopy
Plant 1 Million Trees & 3 Million Native Plants



Forging Corridors & Creating Parks
100-Year Land Plan for the Watershed



Sustainable Asset Management & Meeting
Public Demand for Park Services



Photo: Binbrook Conservation Area



EVIDENCE-BASED WATERSHED RESOURCE MANAGEMENT

Using Science & Data-Driven Problem Solving to:

- Support the protection and rehabilitation of aquatic habitats
- Support initiatives that lead to improved water quality
- Support continued Source Water Protection responsibilities

NPCA WILL:

- Develop a detailed long-term Water Resource Management Plan with clear goals, objectives, resources, measurables, and timelines.
- Develop, resource, and implement a ten year technology and data integration strategy that will optimize the use of technology, and better serve the various stakeholders of the Niagara Peninsula watershed.
- Build community coalitions on specific watercourses, with the NPCA as the organizing lead and coordinator, with a focus on water quality improvement solutions.
 - Establish 100 new formal partnerships.
 - Grow our volunteer list from 700 to 3,500+, and establish an Annual Watershed Awards program to recognize the most significant efforts.
 - Work in collaboration with other government bodies to develop science-based solutions to help mitigate climate change impacts, and report progress to the Board of Directors on an annual basis.



Photo: Effingham Water Monitoring Station



Photo: Long Beach Conservation Area



REBUILD THE CANOPY PLANT 1 MILLION TREES & 3 MILLION NATIVE PLANTS

Planting Trees and Native Plants allows us to:

- Achieve enhanced watershed restoration impacts
- Mitigate climate change impacts through natural means

NPCA WILL:

- Develop a detailed operational “Rebuild the Canopy” plan that recognizes efforts to enhance the natural features of the watershed as a shared responsibility.
- The operational plan will envision NPCA staff working in consultation with subject matter experts, Trees Co-op partners, and a community coalition.
- The operational plan will be a multi-term project expected to last beyond the next two terms of the NPCA Board of Directors, and span across the three watershed municipal councils.
- The operational plan will address project governance, staff and volunteer resources, funding sources, science-based criteria, and define roles of key stakeholders.
- The operational plan will include targets and methods to measure success.



100

FORGING CORRIDORS & CREATING PARKS 100-YEAR LAND PLAN FOR THE WATERSHED

Forging Corridors and Creating Parks allows us to:

- Conserve, restore and protect more land in the watershed
- Increase the amount of lands that are conserved in trust for future generations
- Expand recreational opportunities

NPCA WILL:

- Develop a detailed 100-year, financially sustainable land acquisition plan, in consultation and in partnership with stakeholders.
- Ensure the land acquisition policy is suitable to meet the needs and initiatives of the NPCA and is implemented in consultation with community partners and subject matter experts.
- Design a network of 3-4 Central Parks (between 150 and 350 hectares each).
 - The network will connect across the watershed.
 - The network will support and be supported by the “Rebuild the Canopy” plan.
 - The network will be designed in partnership with local and regional municipalities, public and private landowners, as well as with existing land trusts and conservancies.
 - The network will also serve as wildlife migration corridors by enhancing and restoring wildlife habitats.



Photo: Ball's Falls Conservation Area



Photo: Chippawa Creek Conservation Area



SUSTAINABLE ASSET MANAGEMENT & MEETING PUBLIC DEMAND FOR PARK SERVICES

Investing in Our Properties allows us to:

- Ensure our services meet the needs of our visitors
- Improve our Conservation Areas experience
- Create self-sufficient and sustainable funding models

NPCA WILL:

- Execute and implement Master Plan-mandated park improvements, **incorporating the Strategic Asset Management Plan** and the 10-year capital budget.
 - Deliver required lifecycle-driven maintenance/capital re-investments for existing NPCA parks/facilities/campsites.
 - Design and execute a financial strategy to leverage existing debt financing capacity and reduce the current lifecycle funding deficit.
- Enhance the recreational experience at NPCA's flagship properties by:
 - Finding new camping and recreational opportunities at existing NPCA park facilities.
 - Adding additional camping spaces at existing campgrounds, specifically: 50 additional camping spaces at Chippawa Creek Conservation Area and 50 additional camping spaces at Long Beach Conservation Area.
 - Developing a time frame and targets for each phase of creating the new campsites.

IMPLEMENTATION AND PROGRESS

- primary focus
- in progress
- forthcoming
- complete

AREA OF FOCUS	2018				2019				2020				2021			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Evidence-Based Watershed Resource Management																
Rebuild the Canopy Plant 1 Million Trees & 3 Million Native Plants																
Forging Corridors & Creating Parks 100-Year Land Plan for the Watershed																
Sustainable Asset Management & Meeting Public Demand for Park Services																

#DISCOVER**NPCA**



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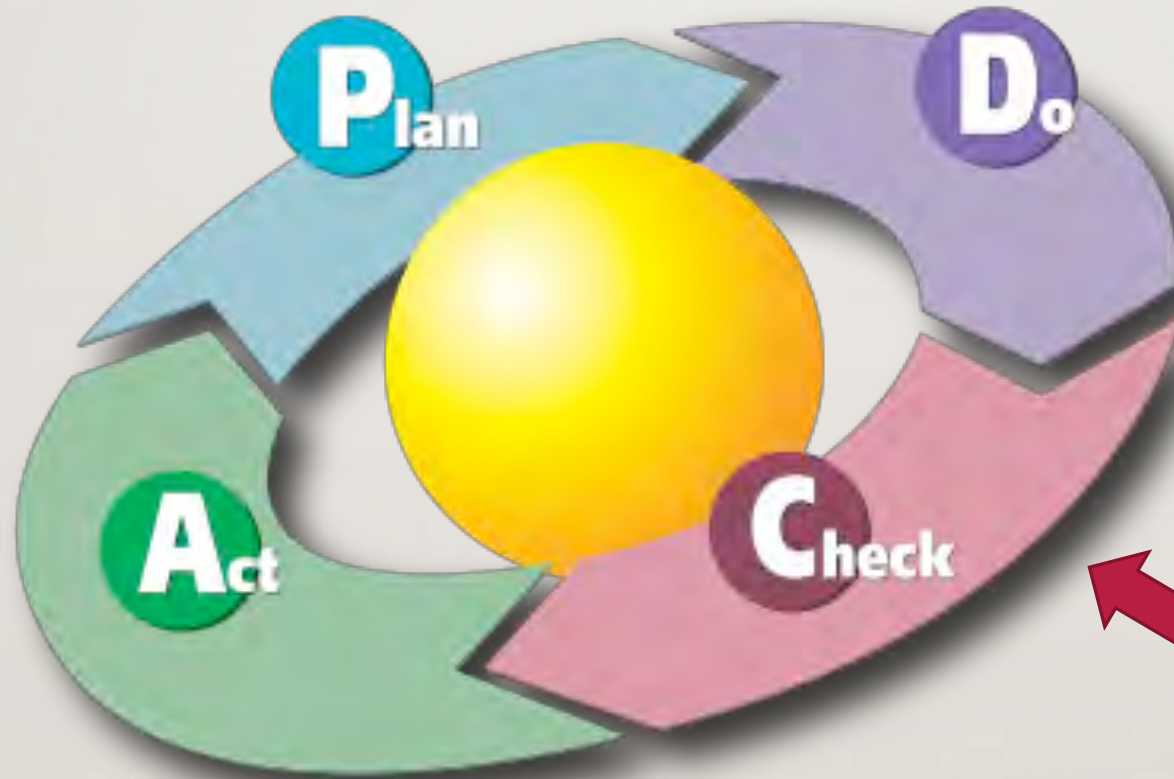
NPCA SCORECARD

OPERATIONAL SCORECARD + STRATEGIC PLAN SCORECARD

NOVEMBER 2018



STRATEGIC PLANNING IS CYCLICAL & ONGOING

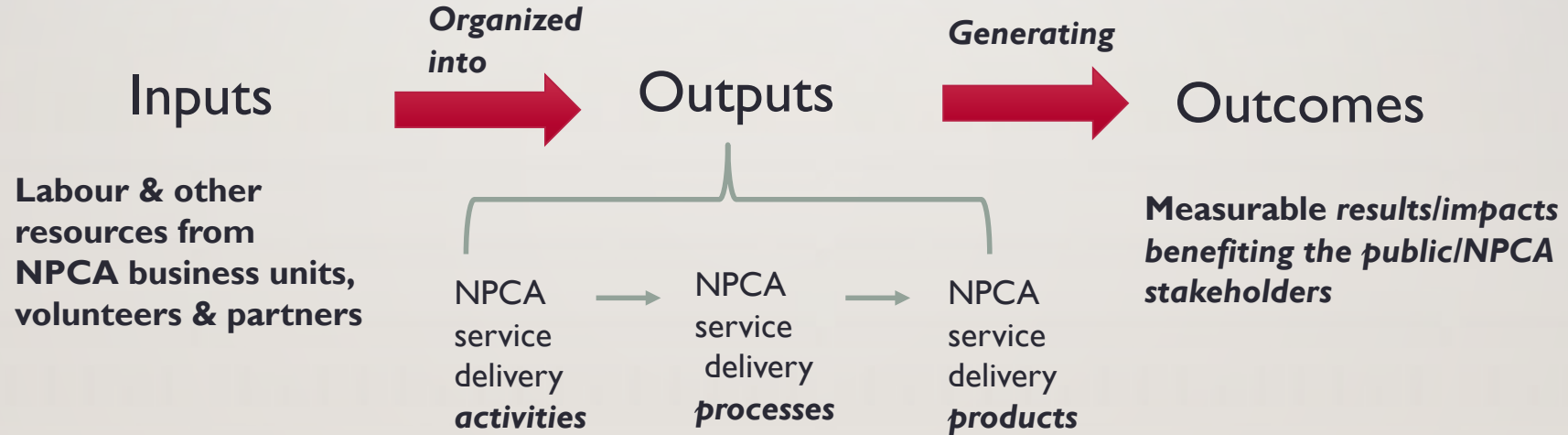


NPCA Scorecards

- Operations Scorecard
- Strategic Plan Scorecard

3

KEY TO SCORECARD DESIGN: UNDERSTANDING NPCA AS A SERVICE DELIVERY SYSTEM



SETTING & MEASURING NPCA GOALS: THE LAW OF DIMINISHING RETURNS

**Number of
Measured/Targeted
Results/Goals**

2-3

4-10

11-20



**Targeted Results/Goals
Achieved with Excellence**

2-3

1-2

0

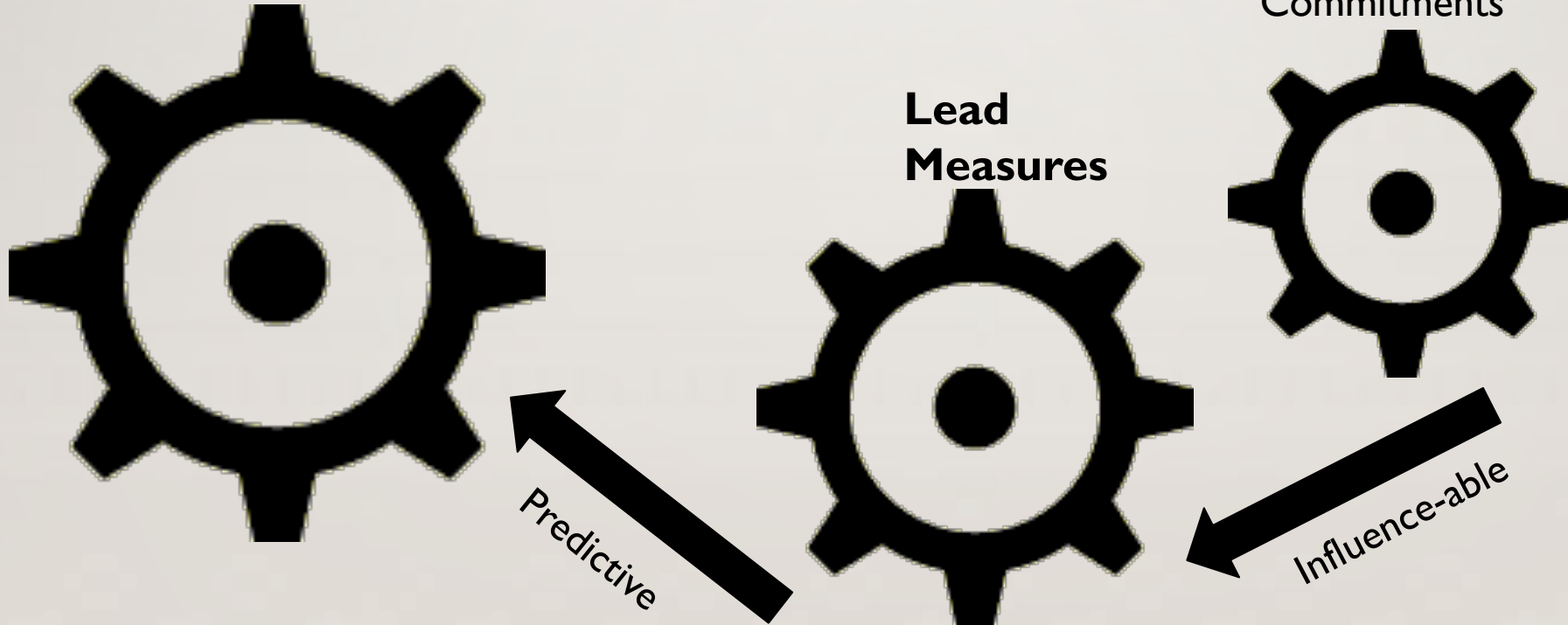
LEAD MEASURES PREDICT/INFLUENCE LAG MEASURES

(LAG MEASURE = QUANTIFIED GOAL FOR EACH STRATEGIC PLAN “AREA OF FOCUS”)

Wildly Important Goal (WIG)
(Lag Measure)

Weekly WIG Session's
Commitments

**Lead
Measures**



“WORKING TEMPLATE” TO DEVELOP LAG & LEAD MEASURES FOR NPCA OPERATIONAL SCORECARD



STEP I: CONFIRM CORE "LINES OF BUSINESS" FOR NPCA OPERATIONAL SCORECARD

Line of Business	Description of Service Delivery Outputs (i.e. the product)	Desired Service Delivery Results/Impacts
Conservation Parks - Revenue Generating	Camping/Special Events/Weddings/Programming etc.	High Utilization/Full Cost Recovery
Conservation Parks - Non-Revenue Generating	Traditional passive uses	Public enjoyment/conservation
Watershed - Regulatory	Planning/Permits/Natural Hazards/Source Water Protection	Compliance with CA Act & Prov. policies
Watershed - Stewardship	Water Quality Testing/Water Quality Improvement/Flood Level Monitoring/Restoration	Positive Conservation/ Environmental Community Impacts
Community Partnerships/Engagement	Volunteers/Partnerships/Stakeholder Management/Conservation Promotion	Listening NPCA Sustainable stakeholder relationships Informed/engaged public
Corporate Support & Science Information Services	IT/HR/Finance Mapping & Other Science Data	Leverage NPCA direct programs & share data for broader benefits

STEP 2: EXPLORE/SELECT **LAG** INDICATOR(S) THAT QUANTIFY DESIRED SERVICE DELIVERY **RESULTS/IMPACTS**

NPCA Lines of Business	Desired Service Delivery Results/Impacts	LAG Indicator that Quantifies Desired Results/Impacts
Conservation Parks - Revenue Generating	<ul style="list-style-type: none"> High Utilization Full Cost Recovery 	LAG #1 LAG #2
Conservation Parks - Non-Revenue Generating	<ul style="list-style-type: none"> Public enjoyment Securing conservation goals 	LAG #1 LAG #2
Watershed - Regulatory	<ul style="list-style-type: none"> Compliance with CA Act & Prov. policies 	LAG #1 LAG #2
Watershed - Stewardship	Positive Conservation/ Environmental Community Impacts via Core Programs	LAG #1 LAG #2
Community Partnerships/Engagement	Listening NPCA Sustainable stakeholder relationships Informed/engaged public	LAG #1 LAG #2
Corporate Support & Science Information Services	Leverage NPCA direct programs & share data for broader benefits	LAG #1 LAG #2

STEP 3: EXPLORE/SELECT **LEAD** INDICATORS THAT CAUSE LAG INDICATOR TO MOVE TOWARDS “THE TARGET”

Line of Business	LAG Indicator that Quantifies Desired Results/Impacts	Lead Indicator that Causes LAG To Move Towards Desired Result
Conservation Parks - Revenue Generating	LAG #1 LAG #2	LEAD #1 LEAD #2
Conservation Parks - Non-Revenue Generating	LAG #1 LAG #2	LEAD #1 LEAD #2
Watershed - Regulatory	LAG #1 LAG #2	LEAD #1 LEAD #2
Watershed - Stewardship	LAG #1 LAG #2	LEAD #1 LEAD #2
Community Partnerships/Engagement	LAG #1 LAG #2	LEAD #1 LEAD #2
Corporate Support & Science Information Services	LAG #1 LAG #2	LEAD #1 LEAD #2

TIMING FOR NPCA OPERATIONAL SCORECARD

Q1 2019

- Lag Indicators selected for each NPCA line of business
- Lead Indicators selected for each NPCA line of business

Q2 2019

- Data population plan put in place for each Lead/Lag indicator
- Staff team accountabilities put in place to achieve/report on each Lead/Lag indicator

RECOMMENDED INDICATORS FOR RE. 2018-21 STRATEGIC PLAN SCORECARD



WORKING TEMPLATE FOR STRATEGIC PLAN SCORECARD INDICATORS

	Evidence Based Watershed Resource Management	Rebuild the Canopy: Plant 1M Trees & 3M Native Plant	Forging Corridors & Creating Parks: 100 Year Land Plan	Sustainable Asset Management & Meeting Public Demand for Parks
LEAD (Predictive of LAG Results/Plan Goals)	<p>Regulatory</p> <p>% quarterly Permit applications actively tracked for timeframe adherence at identified process milestones <u>during</u> active review period</p> <p>% quarterly municipal applications actively tracked for timeframe adherence at identified process milestones <u>during</u> active review period</p> <p>Stewardship</p> <p># water quality coalition partners/activities/volunteer hours (secured quarterly)</p> <p># targeted watercourse pilots designed/executed</p> <p># targeted watercourse pilot work plans developed/ready to execute in year-one of strategic plan (2019)</p>	<p># volunteers/volunteer hours</p> <p># participating operational partners</p> <p># funding sources</p> <p># secured planting hectares by “Canopy Coalition” partners/agencies</p>	<p># annual leads pursued</p> <p># non-purchase land arrangements pursued</p> <p># staff hours allocated to land securement efforts</p> <p># transferred planting hectares for Rebuild the Canopy</p>	<p>Annual ratio of rehab/replacement funding/\$100k current value by X% for NPCA’s “top 100” core assets</p> <p># NPCA “top 100” core assets receiving annual condition assessment & valuation update</p> <p>Ratio of available \$ debt capacity to “top 100” core asset \$ valuation</p>

* Quarterly reporting across Lead scorecard indicators

WORKING TEMPLATE FOR STRATEGIC PLAN SCORECARD INDICATORS

	Evidence Based Watershed Resource Management	Rebuild the Canopy: Plant 1M Trees & 3M Native Plant	Forging Corridors & Creating Parks: 100 Year Land Plan	Sustainable Asset Management & Meeting Public Demand for Parks
LAG (Express Achievement of Plan Goals)	<p><i>Regulatory:</i></p> <p>Timely regulatory decisions versus timeframe targets (e.g. Permits/municipal development applications)</p> <p>Applicant Satisfaction Rating with NPCA Review Process (Index Score calculated from the detailed/process focused questions included in Operational Scorecard's Satisfaction Survey)</p> <p><i>Stewardship:</i></p> <p>Stewardship programs budgeted value of at least \$1M (across 4-year term of Strategic plan) leveraging at least \$3M in stewardship program value from coalition partners/participants</p>	<p>X planted/surviving trees by date Y (interim + final dates)</p> <p>X planted/surviving native plants by date Y (interim + final dates)</p> <p>X% tree canopy coverage improvement by date Y</p>	<p>X% of NPCA targeted Park/Corridor land parcels secured by date Y</p> <p># NPCA targeted Park/Corridor hectares secured by date Y</p>	<p>By 2022 ensure X% of NPCA projects in the capital budget (5 years) & forecast (15 years) are fully funded across their lifecycle.</p> <p>By 2022 ensure X% of NPCA assets are receiving annual rehab/ replacement \$ contribution that at least matches their annual \$ depreciation charge</p> <p>X% reduction in unfilled/refused NPCA park camp site requests by date Y</p>

TIMING FOR STRATEGIC PLAN SCORECARD

Q1 2019

- New Board endorses/refines Lead/Lag measures for each Area of Focus in strategic plan

Q2 2019

- New Board (with Senior Management Team support) sets performance targets for the measures associated with each Area of Focus in strategic plan



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

Niagara Peninsula Conservation Authority
Administrative By-law

Niagara Peninsula Conservation Authority Administrative By-Law

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I. Background

1. Amendments to the Conservation Authorities Act

The *Conservation Authorities Act*, as amended by the *Building Better Communities and Conserving Watersheds Act, 2017*, provides direction for conservation authorities to make such by-laws as are required for its proper administration. The new bylaws will replace administrative regulations created under the repealed Section 30 of the Act. Current administrative bylaws will cease to be in force upon the earlier of a) December 12, 2018 (one year after Section 19.1 came into force), or b) the day the regulation is revoked by the authority.

Section 19.1 of the Act, sets out the requirements for by-laws as follows:

By-laws

- 19.1** (1) An authority may make by-laws,
- (a) respecting the meetings to be held by the authority, including providing for the calling of the meetings and the procedures to be followed at meetings, specifying which meetings, if any, may be closed to the public;
 - (b) prescribing the powers and duties of the secretary-treasurer;
 - (c) designating and empowering officers to sign contracts, agreements and other documents on behalf of the authority;
 - (d) delegating all or any of its powers to the executive committee except,
 - (i) the termination of the services of the secretary-treasurer,
 - (ii) the power to raise money, and
 - (iii) the power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the authority;
 - (e) providing for the composition of its executive committee and for the establishment of other committees that it considers advisable and respecting any other matters relating to its governance;
 - (f) respecting the roles and responsibilities of the members of the authority and of its officers and senior staff;
 - (g) requiring accountability and transparency in the administration of the authority including,
 - (i) providing for the retention of records specified in the by-laws and for making the records available to the public,
 - (ii) establishing a code of conduct for the members of the authority, and
 - (iii) adopting conflict of interest guidelines for the members of the authority;
 - (h) respecting the management of the authority's financial affairs, including auditing and reporting on the authority's finances;
 - (i) respecting the by-law review required under subsection (3) and providing for the frequency of the reviews; and
 - (j) respecting such other matters as may be prescribed by regulation.

Conflict with other laws

(2) If a by-law made by an authority conflicts with any provision of the *Municipal Conflict of Interest Act* or the *Municipal Freedom of Information and Protection of Privacy Act* or a provision of a regulation made under one of those Acts, the provision of the Act or regulation prevails.

Periodic review of by-laws

(3) At such regular intervals as may be determined by by-law, an authority shall undertake a review of all of its by-laws to ensure, amongst other things, that the by-laws are in compliance with any Act referred to in subsection (2) or any other relevant law.

By-laws available to public

(4) An authority shall make its by-laws available to the public in the manner it considers appropriate.

Transition

(5) An authority shall make such by-laws under this section as are required for its proper administration,

- (a) in the case of an authority that was established on or before the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, within one year of that day; and
- (b) in the case of an authority that is established after the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, within one year of the day the authority is established.

Same

(6) Despite the repeal of section 30 by section 28 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, a regulation that was made by an authority under that section continues in force after the repeal until the earlier of,

- (a) the day that is one year after the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force; and
- (b) the day the regulation is revoked by the authority.

Direction by Minister

(7) The Minister may give an authority a written direction to make or amend a by-law on any matter described in subsection (1), in accordance with the direction, within such period of time as may be specified in the direction.

Compliance

(8) The authority that receives a direction under subsection (7) shall comply with the direction within the time specified in the direction.

Regulation where failure to comply

(9) If an authority fails to adopt a by-law in accordance with the direction made under subsection (7), the Minister may make regulations in relation to the matters set out in the direction that are applicable in the area of jurisdiction of the authority.

Same

(10) Any regulation made by the Minister under subsection (9) prevails over any conflicting by-law that the authority may have adopted.

II. NPCA Administrative By-Law

Introduction

A Conservation Authority is a non-share corporation, established under Section 3 of the *Conservation Authorities Act*, with the objects to provide, in the area over which it has jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, coal and minerals.

Under the Act, municipalities within a common watershed are enabled to petition the province to establish a conservation authority. The purpose of the Act is to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario. The Authority is comprised of its Members, appointed as representatives by the participating municipalities (Niagara Region, City of Hamilton, Haldimand County).

NPCA Mandate

As prescribed by the Conservation Authorities Act:

To establish and undertake programs and services, on a watershed basis, to further the conservation, restoration, development, and management of natural resources; and

As prescribed by Provincial Regulations:

To protect people and property by regulating, and risk-mitigating development through reviewing and commenting on applications, issuing permits, and ensuring policy compliance within the appropriate legislative and regulatory framework.

NPCA Mission

To implement our Conservation Authorities Act mandate by remaining a responsive, innovative, accountable and financially sustainable organization.

Our success in meeting our mission is dependent upon working in collaboration with our partners in conservation. Ensuring the future viability of the Niagara Peninsula watershed is a shared responsibility.

Mandate and Mission as per the 2018 – 2021 NPCA Strategic Plan

A. Definitions

“Act” means the *Conservation Authorities Act*, R.S.O. 1990, chapter C.27

“Authority” means the Niagara Peninsula Conservation Authority

“Board Members” means the appointed members to the Authority by the participating municipalities (Niagara Region, City of Hamilton, Haldimand County) within the watershed.

“Call of the Chair” shall mean the Chairperson of the Niagara Peninsula Conservation Authority will make the decision to have a meeting and will inform the Chief Administrative Officer/Secretary-Treasurer or designate and that person will ensure action if it is necessary.

“Chair” shall mean the Chairperson as elected by the Board Members of the Niagara Peninsula Conservation Authority.

“CAO/Secretary Treasurer” means the Chief Administrative Officer of the Authority which includes the responsibilities of the Secretary Treasurer.

“Clerk” means the Clerk of the NPCA and any other employee of the NPCA delegated to carry out the responsibilities of recording secretary on a temporary basis.

“Fiscal Year” means the period from January 1 through December 31.

“Inaugural Meeting” shall be an annual meeting to complete past year’s business; for annual elections and appointments; and to start current year’s business.

“Majority” means half of the votes plus one.

“Officer” means a member of the Authority and the CAO/Secretary-Treasurer.

“NPCA” means the “Authority” or the “Niagara Peninsula Conservation Authority”.

“Per Diem” means a per diem rate is the rate established that applies to the Chair, Vice-Chair and Board Members for service to the Authority in attendance at Authority Board meetings, Standing Committee meetings, and at such other business functions as may be from time to time requested by the Chair, through the Chief Administrative Officer. A per diem will be paid for each separate meeting attended.

“Private Interest” includes the financial or material interests of a member and the financial or material interests of a member of the member’s immediate family.

“Staff” shall mean staff members employed at the Niagara Peninsula Conservation Authority.

“Vice-Chair” shall mean the Vice-Chairperson as elected by the Board Members of the Niagara Peninsula Conservation Authority.

B. Governance

1. Board Members

- 1.1** Membership of the Niagara Peninsula Conservation Authority includes three (3) participating municipalities: Region of Niagara, City of Hamilton, and Haldimand County
- 1.2** The Niagara Peninsula Conservation Authority Board comprises all members appointed by the participating municipalities in accordance with Section 14 and Section 2 (2) of the Act.
- 1.3** The following represent the number of representatives that the participating municipalities may appoint:
- | | |
|-------------------|---|
| Region of Niagara | As appointed by the regional municipality, one member from each of their twelve (12) local municipalities for a total of 12 members |
| City of Hamilton | Two members |
| Haldimand County | One member |
- 1.4** A Board Member shall be appointed for a term of up to four years, as may be determined by the participating municipalities (Niagara Region, City of Hamilton, Haldimand County) that appoints the member. A member may be replaced by the participating municipality (Niagara Region, City of Hamilton, Haldimand County) that appointed the member.
- 1.5** The Board Members shall approve all policies and procedures of the Niagara Peninsula Conservation Authority, approve the budget with or without revisions, give direction on priority of programs and projects and are generally responsible for other matters as required by the Conservation Authorities Act and Regulations.

2. Mandatory Responsibilities of Board Members

2.1 Bound by Conservation Authorities Act

The Niagara Peninsula Conservation Board is bound by the *Conservation Authorities Act*, where:

Section 20 of the *Conservation Authorities Act* defines the mandate of a Conservation Authority as follows:

“The objects of an authority are to provide, in an area over which it has jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals.”

Section 21 of the Conservation Authorities Act specifically outlines to accomplish its objects, a Conservation Authority has power,

- (a) to study and investigate the watershed and to determine programs and services whereby the natural resources of the watershed may be conserved, restored, developed and managed;
- (b) for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary;
- (c) to acquire by purchase, lease or otherwise and to expropriate any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired;
- (d) despite subsection (2), to lease for a term of five years or less land acquired by the authority;
- (e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith;
- (f) to enter into agreements for the purchase of materials, employment of labour and other purposes as may be necessary for the due carrying out of any project or to further the authority's objects;
- (g) to enter into agreements with owners of private lands to facilitate the due carrying out of any project;
- (h) to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them;
- (i) to erect works and structures and create reservoirs by the construction of dams or otherwise;
- (j) to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof;
- (k) to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole;
- (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;

Note: *On a day to be named by proclamation of the Lieutenant Governor, clause 21 (1) (m.1) of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 19 (3))*

(n) to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations and individuals;

(o) to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose;

(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 or as may be desirable to further the objects of the authority.

2.2 Functions of the Board

In addition to the procedures in this policy and subject to the Conservation Authority Act, the Authority shall:

- Approve the auditor's statement for the preceding year – if the statement is not approved, the amended statement shall be reintroduced for approval at the next appropriate meeting;
- Pass a borrowing resolution for a specified amount for the purposes of the Authority and authorizing the appointed signing officers to sign notes as required to implement this borrowing;
- Approve a budget for the Authority for the ensuing year;
- Approve the levies to be paid by Municipalities;
- Supervise the activities of any Standing Committees and to accept or reject any of their recommendations;
- Receive delegations on behalf of the Authority;
- Consider requests for grants or donations from groups outside the Authority;
- Decide and recommend policies not covered in these resolutions;
- Update as required policies of the Authority.

All Board Members are public officials and thus have the responsibility to be guided by and adhere to the rules of conduct (Refer to Appendix 1 - Code of Conduct), explicit and implied, for all such holders of public office in the Province of Ontario. In addition, all Board Members must adhere to all applicable acts of incorporation. In the case of the Niagara Peninsula Conservation Authority, Board Members must adhere to the following:

- The *Municipal Conflict of Interest Act*;
- The *Municipal Freedom of Information and Protection of Privacy Act*;
- Ontario Regulation 139/06 Municipal Levies;
- Ontario Regulation 670/00 Conservation Authority Levies;
- Ontario Regulation 155/06 Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses;
- Ontario Regulation 123 Conservation Areas – Niagara Peninsula

2.3 Ensuring Fiscal Stability of Niagara Peninsula Conservation Authority

The Board Members must ensure the financial stability of the Niagara Peninsula Conservation Authority. While the CAO/Secretary-Treasurer provides day-to-day leadership in fiscal affairs, the Board bears the ultimate responsibility for financial soundness. This includes approving an annual budget, receiving and approving reports on financial performance of the Niagara Peninsula Conservation Authority, and ensuring policies are in place for financial soundness.

2.4 Relationship between Board Members and CAO/Secretary-Treasurer

The Board relies on the CAO/Secretary-Treasurer to inspire, lead and manage the Niagara Peninsula Conservation Authority. The Board will forge a strong partnership with the CAO/Secretary-Treasurer, working cooperatively to achieve the mandate, mission and vision of the Niagara Peninsula Conservation Authority. The Board regularly evaluates the CAO/Secretary-Treasurer, measuring his/her performance against the Niagara Peninsula Conservation Authority's strategic plan and financial and human resources goals of the organization.

2.5 Relationship between Board Members and NPCA Staff

The Board Members must act as a team and represent the interests of the entire watershed. A strong partnership must be forged between the Board and the CAO/Secretary-Treasurer. The Board allows the CAO/Secretary-Treasurer to manage the organization and its staff. The following parameters are to be followed throughout the organization and by the public at large:

- If a Board Member has questions on a project or report, such questions should be referred through the CAO/Secretary-Treasurer for him/her to invite the appropriate Department lead to explain the project and answer questions.
- If a Board Member would like to volunteer to assist in a project, such actions should be taken in consultation with the CAO/Secretary-Treasurer to organize the process.

- If a Board Member receives a complaint about a staff person or would like to acknowledge a staff person, such information should go through the CAO/Secretary-Treasurer.
- If a Board Member receives a complaint from a staff person, the Board Member must advise the staff person to follow the appropriate procedure as outlined in the personnel policy.

With respect to staffing issues, the following outlines the responsibilities of the Board Members and the CAO/Secretary-Treasurer:

The Board is solely responsible for the following:

- Recruiting the CAO/Secretary-Treasurer;
- Hiring the CAO/Secretary-Treasurer; and
- Dismissing the CAO/Secretary-Treasurer;

The Board's Chair and Vice-Chair are responsible for:

- Evaluating the CAO/Secretary-Treasurer; and
- Recommending the annual salary and pay for performance of the CAO/Secretary-Treasurer for consideration to the Board Members.

The Board and the CAO/Secretary-Treasurer share the following responsibilities in that the recommendation will come from the CAO/Secretary-Treasurer and the approval will come from the Board:

- Setting key commitments and deliverables for the CAO/Secretary-Treasurer;
- Setting human resource and personnel policies which will have a dollar impact upon the budget; and
- Setting staff salary schedules and plans as part of the annual budget review process.

The CAO/Secretary-Treasurer is solely responsible for the following:

- Assessing staffing requirements;
- Recruiting, hiring and dismissing staff;
- Providing staff direction;
- Approving staff evaluations;
- Implementing approved salary schedule and salary plan by setting individual staff salaries;
- Designing the organizational structure; and
- Setting human resource and personnel policies, which have no dollar impact on the budget.

3. Duties of Officers

3.1 Chair of the Board

- Oversees Board meetings and ensures Meeting Procedural By-Law is adhered to;
- Serves as ex-officio member of all committees;
- Works in partnership with the CAO/Secretary-Treasurer to ensure Board resolutions are carried out;
- Assists CAO/Secretary-Treasurer in preparing agenda for Board meetings where required;
- Calls special meetings if necessary;
- Periodically consults with Board Members on their roles;
- Acts as a public spokesperson for the Niagara Peninsula Conservation Authority to facilitate the mandate, mission and vision of the organization;
- Represents the Niagara Peninsula Conservation Authority at such functions as warrant the interest of the Authority except where this responsibility is specifically assigned to some other person;
- Inspires other Board Members with his or her own commitment of support, time and enthusiasm;
- Represents the Niagara Peninsula Conservation Authority at Conservation Ontario Council meetings;
- Serves as signing officer for the Niagara Peninsula Conservation Authority;
- Performs other duties when directed to do so by resolution of the Niagara Peninsula Conservation Authority;
- Keeps the Board Members apprised of significant issues in a timely fashion;

Member of Source Water Protection Committee and / or appoints a board member to represent him / her on their behalf.

3.2 Vice-Chair of the Board

- Attends all Board meetings;
- Carries out special assignments as requested by the Chair of the Board;
- Understands the responsibilities of the Board Chair and acts as Chair immediately upon the death, incapacity to act, absence or resignation of the Chair until such time as a new Chair is appointed or until the Chair resumes his/her duties;

- Serves as an alternate signing officer for the Niagara Peninsula Conservation Authority;
- Keeps the Board Members apprised of significant issues in a timely fashion;
- Alternate to Chair at Conservation Ontario Council Meetings.

3.3 CAO/Secretary-Treasurer

- Attends all Board meetings;
- Acts as Secretary-Treasurer of the Board in accordance with the Conservation Authorities Act;
- Serves as a signing officer for the Niagara Peninsula Conservation Authority;
- Keeps the Chair and Vice-Chair apprised of significant issues in a timely fashion;
- Develops and implements both short and long-term strategic plans in accordance with business goals and objectives;
- Tends to the day-to-day requirements, details and management of the Niagara Peninsula Conservation Authority;
- Manages staff and programs of the Niagara Peninsula Conservation Authority;
- Makes certain that appropriate actions are taken in a timely fashion;
- Works in close collaboration with the Chair and Vice-Chair;
- Implements all Board resolutions in a timely fashion;
- Ensures Board policies and strategic plan are adhered to;
- Manages the financial activities of the Niagara Peninsula Conservation Authority;
- Makes recommendations to the Board regarding suggested policy changes;
- Acts as public spokesperson for Niagara Peninsula Conservation Authority in the absence of the Chair and Vice-Chair of the Board, or, on behalf of the Chair and Vice-Chair;
- Represents the Niagara Peninsula Conservation Authority at Conservation Ontario, Board, Committee and Task Force meetings;
- Negotiates and enters into contracts with external agencies/partners to carry out the goals of the organization in accordance with approved Policy;

- Develops and maintains effective relationships and ensures good communications with watershed municipalities, federal and provincial government ministries/agencies, other Conservation Authorities, Conservation Ontario and community groups and associations;
- The CAO will develop an education /orientation program designed to inform Board Members of their roles and responsibilities with respect to the Code of Conduct. The CAO will ensure Board Members are made fully aware of the roles and responsibilities with respect to various applicable legislation and regulations as well as that contained in the Code of Conduct (Appendix 1) through an education/orientation program. Each Board Member is required to sign an Acknowledgement Form as part of their orientation program.

3.4 Role of the Clerk

It is the role of the Clerk to:

- a) carry out the responsibilities of the Clerk to the Authority;
- b) provide procedural advice to the Chair and to members on agenda business and on preparing motions;
- c) ensure notice of meetings is provided as set out in this by-law;
- d) make minor deletions, additions or other administrative changes to any by-law, motion, and/or minutes to ensure the correct and complete implementation of the actions of Board;
- e) authenticate by signature when necessary all resolutions, by-laws and minutes of meetings and certify copies of such documents when required;
- f) perform such other duties as prescribed by law, or by direction of Board.

The Clerk, or recording secretary designate, will be present at all meetings of Committee and Board.

4. Standing Committees

4.1 Current (2018)

- Audit Committee
- Budget Steering Committee
- Niagara Peninsula Conservation Authority Advisory Committee (NPCAAC) (formerly known as CLAC; amended September 20, 2017)
- Watershed Floodplain Committee
- Water Quality Improvement Grant Review Committee

4.2 The Authority may strike a standing committee to investigate and make recommendations on matters of interest to the Authority.

4.3 Any standing committee of the Authority will be recognized as a functioning committee until the Authority replaces or dissolves that committee or until December 31 of the year in which the committee is formed.

- 4.4 The Authority will strike standing committees at the first business meeting of the year or at other times as may be desired.
- 4.5 Notwithstanding the NPCAAC Terms of Reference, any standing committee of the Authority will be comprised at a minimum of one member, plus the Chair and the Vice-Chair of the Authority. All Members of the Board may attend Standing Committee meetings and comment and participate, however, only committee members may vote at committee.
- 4.6 Each standing committee will have terms of reference established by the Authority. The terms of reference will serve as a consistent guide to committee members and provide a continuity of understanding by the Authority as to the specific purpose for the standing committee. The terms of reference may be altered by the Authority where the scope of a standing committee's mandate is either altered or changed.
- 4.7 When a new standing committee is proposed, either the Authority Board Member proposing the new standing committee will present terms of reference for Authority approval, or the Authority will cause such terms of reference to be prepared. In either case, a new standing committee shall not be struck until the Authority approves terms of reference for the standing committee.
- 4.8 Authority standing committees will be comprised of Authority Board Members. Other than the Source Water Protection Authority, the Board Members may invite people to participate as a committee member and/or attend committee meetings as a resource.
- 4.9 Only committee members are entitled to vote on matters coming before the committee.
- 4.10 Standing Committees make recommendations only to the Board, where in turn, recommendations are considered for approval.

5. Honourariums, Per Diems, Expenses and Mileage

- 5.1 The Authority shall establish an honourarium rate from time to time and this rate will apply to the Chair and Vice-Chair.
- 5.2 The Authority shall establish a per diem rate from time to time and this rate will apply to the Chair, Vice-Chair and Board Members for service to the Authority in attendance at Authority Board meetings, Standing Committee meetings, and at such other business functions as may be from time to time requested by the Chair, through the Chief Administrative Officer.
- 5.3 A per diem will be paid for each separate meeting attended.
- 5.4 The Chair, Vice-Chair and Board Members will be responsible for advising the Executive Assistant to the Board of any per diems and mileage incurred for other than Full Authority Board Meetings or Source Protection Authority Meetings, within 30 days of the per diem or mileage being incurred.

- 5.5** The Authority will reimburse Board Members' travel expenses incurred for the purpose of attending meetings and/or functions on behalf of the Authority. Mileages are based on the Board Member's principle residential address in the municipality they represent.

NOTE: On March 7, 2013 the Ontario Municipal Board approved the per diem paid to Members "per meeting".

6. Records Retention

Such records shall be retained and protected in accordance with all applicable laws and the Records Retention Policy of the Authority as approved by the General Membership from time-to-time.

C. Meeting Procedures

1. Quorum

- 1.1 At an NPCA Board meeting, a quorum consists of one-half of the members appointed by the participating municipalities (i.e. 2018 membership was 15 appointed members from the participating municipalities, therefore quorum was eight or more appointed members).
- 1.2 If there is no quorum within one half hour after the time appointed for the meeting, the Chair for the meeting shall declare the meeting adjourned due to a lack of a quorum and the recording secretary shall record the names of the members present and absent.
- 1.3 Where the number of members, who by reason of the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, are disabled from participating in a meeting, is such that at the meeting the remaining members are not of sufficient number to constitute a quorum, then the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.
- 1.4 If during the course of an Authority or Committee meeting a quorum is lost, then the Chair shall declare that the meeting shall stand recessed or adjourned, until the date of the next regular meeting or other meeting called in accordance with the provisions of this Regulation. (See also Section 7.0 below).

2. Annual Meeting

- 2.1 The annual meeting of the NPCA Board will occur on the third Wednesday of January.
- 2.2 Appointed members will continue to serve on the NPCA Board until the Chief Administrative Officer receives written notice that the respective members have been re-appointed or the respective members have been replaced by another appointment.
- 2.3 At this meeting, the election of the Chair and Vice-Chair shall occur in accordance to Appendix 3 – Procedure for Election of Officers

3. Duties of the Chair for the NPCA Board

- 3.1 It shall be the duty of the Chair, with respect to any meetings over which he/she preside, to:
 - a) Preserve order and decide all questions of order, subject to appeal; and without argument or comment, state the rule applicable to any point of order if called upon to do so;

- b) Ensure that the public in attendance does not in any way interfere or disrupt the proceedings of the Board. The Board Chair may expel or exclude from any meeting any person who has been ruled as disruptive to the proceedings of the Board; during or prior to a Board meeting.
- c) Ask any individual that is disrupting the Board to leave;
- d) Adjourn the meeting without question, in the case of grave disorder arising in the meeting room;
- e) Receive and submit to a vote all motions presented by the Members or Committee, as the case may be, which do not contravene the rules and regulations of the Authority;
- f) Announce the results of the vote on any motions so presented;
- g) Decline to put to a vote motions which infringe upon the rules of procedure, or which are beyond the jurisdiction of the Authority;
- h) Enforce on all occasions the observance of order and decorum among the Members;
- i) Adjourn the meeting when business is concluded;
- j) Adjourn the sitting without a question being put or suspend or recess the sitting for a time to be named if considered necessary;
- k) Represent and support the Authority, declaring its will and implicitly obeying its decisions in all things; and
- l) Perform other duties when directed to do so by resolution of the Authority.

3.2 Upon request of the Chair, the Vice-Chair assumes the duties of the Chair as described above.

4. Conduct of Members of the Public, Community Agencies & the Media

4.1 Except under the parameters of Section #11 “Meetings with Closed Sessions”, all meetings of the NPCA shall be open to the public to ensure accountability and transparency.

4.2 During a meeting of the NPCA, no member of the public, community agency or media shall address the Board unless they have been approved to address the Authority as described in Section #10 “Delegations”.

4.3 Prior, during or post a meeting of the NPCA, no member of the public Community agency or media shall be abusive, insulting or threatening or make excessive noise or disturb other persons.

4.4 As determined by the Chair of the NPCA meeting or by the Chief Administrative Officer (or designate), if a member of the public, community agency or media is abusive, insulting or threatening or makes excessive noise or disturbs others, the individual(s) will be requested to leave the conservation area for the day.

- 4.5** In the event the individual(s) refuses to leave the conservation area for the day, the Chief Administrative Officer (or his/her delegate) will direct the Superintendent of the conservation area, or an appointed NPCA Officer, to have the individual(s) removed. Should the individual(s) refuse to leave the conservation area as requested by the Superintendent or appointed NPCA Officer, the municipal police service will be called to assist.
- 4.6** Should the same individual(s) repeat actions that are deemed abusive, insulting or threatening or make excessive noise or disturb other persons, the NPCA Chair may establish a period of time where the individual(s) will be denied access to the conservation area.
- 4.7** For individuals identifying themselves as media representatives, when requested by the NPCA Chair or Chief Administrative Officer, the media person(s) shall produce media credentials that demonstrate they are affiliated with a media association that has formally adopted a “Code of Conduct” (Appendix 1) or similar policy framework that adheres to the Canadian Association of Journalists’ *Ethics Guidelines* and the associated *Principles for Ethical Journalism*. Further, the media representative(s) should be associated with a media association that has a formal appeal mechanism that is accessible by the NPCA should any reporting be deemed unfair. If the media representative(s) do not produce credentials as described, they will be treated as a member of the public.

5. Freedom of Information

- 5.1** The Authority members shall be governed at all times by the provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- 5.2** In the instance where a member vacates their position on the Authority Board they will continue to be bound by MFIPPA requirements.

6. Notice of Meeting

- 6.1** The Chair shall call regular meetings of the Authority. Notice of regular meetings will be sent out from the Authority office at least five calendar days prior to the meeting date.
- 6.2** Notice of any meeting shall indicate the time and place of that meeting and the agenda for the meeting.
- 6.3** All material and correspondence to be dealt with by the Authority at a meeting will be submitted to the Chief Administrative Officer at least fourteen (14) days in advance of the meeting in question.

- 6.4** Written notice of motion may be given by any member of the Authority and shall be forthwith placed on the agenda of the next meeting.
- 6.5** When a quorum is first present after the hour fixed for a meeting, the Chair shall call the meeting to order.
- 6.6** If no quorum is present one-half hour after the time appointed for a meeting, the Chief Administrative Officer shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next meeting.
- 6.7** The business of the Authority shall be taken up in the order in which it stands on the agenda unless otherwise decided by the Authority.
- 6.8** No member shall present any matter to the Authority for its consideration unless the matter appears on the agenda for the meeting of the Authority or leave is granted to present the matter by the affirmative vote of a majority of the members present.
- 6.9** The following matters shall have precedence over the usual order of business:
- a. a point of order
 - b. a matter of privilege
 - c. a matter of clarification
 - d. a motion to suspend a rule of procedure or to request compliance with the rules of procedure
 - e. a motion that the question be put to a vote
 - f. a motion to adjourn
- 6.10** The Chair may, at his/her pleasure, call a special meeting of the Authority on three days' written notice. That notice shall state the business of the special meeting and only that business shall be considered unless permission is granted by two-thirds of the members present.
- 6.11** With the exception of any municipal planning or regulation matter that requires an immediate decision of the Board, or priority business of a matter before the courts, all matters will be dealt with "in person" at a Full Authority Board meeting. For those planning and regulation matters requiring immediate attention, and/or matters before the courts, the Chair may call a meeting of the Board via telephone conference or other conferencing technology. Such a telephone conference meeting must have quorum of the Board Members participating and voting will be as outlined in Appendix 3.
- 6.12** Any member of the Board, with 50% support of the other Board Members, may request the Chair to call a meeting of the Board and the Chair will not refuse.

- 6.13** Notwithstanding Section 6.6 of this Procedure, a meeting which has been interrupted through the loss of a quorum may be reconvened without notice provided that the meeting is reconvened on the same day.
- 6.14** The Chair or the CAO/Secretary-Treasurer may, by notice in writing or email, deliver to the members so as to be received by them at least 12 hours before the hour appointed for the meeting, postpone or cancel any meeting until the next scheduled date for the specific committee affected.
- 6.15** The Chair or the CAO/Secretary-Treasurer may, if it appears that a storm or like occurrence will prevent the Board Members from attending a meeting, postpone that meeting by advising as many members as can be reached. Postponement shall not be for any longer than the next regularly scheduled meeting date.

7. Agenda for Meeting

- 7.1** Authority staff, under the supervision of the CAO shall prepare for the use of members at all regular meetings of the Authority, an agenda which shall include, but not necessarily be limited to, the following headings:
- a. Approval of Agenda
 - b. Declaration of Pecuniary Interest
 - c. Presentations/Delegations
 - d. Administrative Business
 - i. Approval of Minutes of Previous Meeting
 - ii. Business Arising from Minutes
 - iii. Correspondence
 - iv. Chair's Comments
 - v. CAO's Comments
 - e. Business – For Information (including):
 - i. Project Status Reports
 - ii. Financial Statements
 - f. Business – For Consideration
 - g. Business – In Camera
 - h. Notice of Motion
 - i. New Business
 - j. Adjournment
- 7.2** The agenda for special meetings of the Authority shall be prepared as directed by the Chair.

- 7.3** Meeting management is a fundamental responsibility of the Chair. Part of this responsibility includes agenda management. As such, it shall be the duty of the Chair, with respect to any meetings over which he/she preside, to approve the agenda prior to circulation to the Board and public as outlined in section 8.1 and within all legislative reporting requirements.
- 7.4** The circulation of reports, letters, memos, etc. outside of the agenda shall be distributed by the Office of the CAO (Clerk, Office of CAO & Board and/or CAO) to all Board Members. Documents should be provided in an electronic format whenever possible.
- 7.5** The business of the Board will be taken up in the order on which it appears on the agenda unless otherwise directed by the Board Chair, CAO or Clerk.

8. Disclosure of Pecuniary Interest

- 8.1** Where a member, either on his own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Authority or Standing Committee at which the matter is the subject of consideration, the member shall:
- a) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - b) not take part in the discussion of, or vote on any question in respect of the matter; and
 - c) not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- 8.2** Where a meeting is not open to the public, in addition to complying with the requirements, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.
- 8.3** Where the interest of a Member has not been disclosed by reason of their absence from the particular meeting, the Member shall disclose their interest and otherwise comply at the first meeting of the Authority or Standing Committee, as the case may be, attended by them after the particular meeting.
- 8.4** The meeting secretary shall record in reasonable detail the particulars of any disclosure of pecuniary interest made by members of the Authority or Committees, as the case may be, and any such record shall appear in the minutes/notes of that particular meeting of the Authority or of the Committee, as the case may be.

9. Notice of Motion

- 9.1** Except as otherwise provided in this Regulation, a notice of motion to be made at an Authority or Committee meeting shall be given in writing and shall be delivered to the CAO/Secretary-Treasurer not less than seven (7) business days prior to the date and time of the meeting, to be included in the agenda for the Authority or Committee meeting at which the motion is to be introduced.
- 9.2** The CAO/Secretary-Treasurer shall include such notice of motion in full in the agenda for the meeting concerned.
- 9.3** Reports of Committees included in the Authority agenda shall constitute notice of motion with respect to any matter contained in such reports and recommended by any such Committee for adoption by the Authority.
- 9.4** Staff reports in the Authority agenda not having been considered by any Committee for adoption, shall constitute notice of motion for the purposes of any motion brought to the Authority with respect thereto.
- 9.5** Notwithstanding the foregoing, any motion or other business may be introduced for consideration of the Authority provided that it is made clear that to delay such motion or other business for the consideration of an appropriate Standing Committee would not be in the best interest of the Authority and that the introduction of the motion or other business shall be upon an affirmative vote of the majority of the members of the Authority present.
- 9.6** Any motion called from the Chair and for whatever reason deferred in three successive regular meetings of the Authority or Committee which is not proceeded with shall be deemed to be withdrawn.
- 9.7** Reconsideration of a motion previously adopted by the Authority requires a two-thirds majority of the Board (i.e. based on a membership of 15; 10 or more Members present equals two thirds majority) (See Page 66).

10. Delegations

- 10.1** Any person or organization desiring an opportunity to address the Authority may make a request in writing to the Clerk seven (7) days in advance of a scheduled meeting if such request is to be included in the agenda of that meeting. A detailed brief of their presentation, including any presentation materials to be used, outlining the request/direction the presenter is seeking from the Standing Committee or the Board and if applicable, the name, address and telephone number of any person(s) or organization which he or she represents. The brief will form part of the official record of the proceedings of Committee or the Board and therefore will be a public document.
- 10.2** The Chief Administrative Officer/Secretary-Treasurer is empowered to seek clarifications from the person or organization if the submitted statement is ambiguous and/or requires further explanation.
- 10.3** Any person or organization requesting an opportunity to address the Authority but not having made a written request to do so in accordance with Section 10.1 may appear before a meeting of the Authority but will be heard only if approved by a ruling of 2/3 of the Board Members of the meeting.
- 10.4** It will be at the discretion of the NPCA Board Chair, in consultation with the CAO and Clerk, to determine whether the delegation is an appropriate matter to be considered by the Board.

The Board Chair, in consultation with the CAO or Clerk, maintain the right to refuse any delegation request, regardless of having the notice requirements met, for reasons they identify, including, but not limited to, agenda /meeting management and issues outside of NPCA mandate.

It shall be the responsibility of the CAO to communicate this decision to the individual(s) applying for a delegation.

Board Members maintain the right to overturn such decision, by a proper motion moved by and seconded by and carried by a 2/3rds majority.

- 10.5** Notwithstanding Section 10.2, a representative of a participating municipality of the Authority, duly authorized by resolution of such council, shall be heard as of right, and further any member of the Authority shall be heard as of right.
- 10.6** Delegations/Presentations shall be limited to a time of not more than ten (10) minutes. Board Members may limit or extend the time allowed for a presentation by a majority vote.
- 10.7** Delegations/Presentations shall be limited to not more than two (2) per Board meeting.
- 11.7(a) Presentations (NPCA staff or otherwise) addressing matters relevant to the NPCA and seeking to provide information, or receive input from the Board, or Committee will be permitted.

- 10.8** Presentations shall adhere to the rules of order noted under Delegations.
- 10.9** Delegations must abide by the Regulations and public conduct at meetings. They will accept any decisions of the Board Chair and not enter into cross debate with members, other delegations, or staff. Any discourse between members and the delegation will be limited to members asking questions for clarification and obtaining additional, relevant information only.

11. Meetings with Closed Sessions

- 11.1** A Meeting or part of a Meeting may be closed to the public if the subject matter being considered is:
- (a) the security of the property of the NPCA;
 - (b) personal matters about an identifiable individual(s), including NPCA employees;
 - (c) a proposed or pending acquisition or disposition of land by the NPCA;
 - (d) labour relations, Human Resource, or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the NPCA;
 - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another act.
 - (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 - (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group or persons, or organization.
 - (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; or
 - (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.
- 11.2** A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act.
- 11.3** Before holding a meeting or part of a meeting that is to be closed to the public, the members shall state by resolution during the open session of the meeting that there will be a meeting closed to the public and the general nature of the matter to be considered at the closed meeting.

- 11.4** No vote shall be taken, and no written record shall be kept in a closed meeting unless it is for a procedural matter, or for giving directions or instructions to officers, employees or agents of the Authority or persons retained under contract with the Authority.
- 11.5** Any materials presented to the Board Members during a closed meeting will be returned to the CAO/Secretary-Treasurer prior to departing from the meeting.
- 11.6** A Meeting of the Board may be closed to the public if the following conditions are both satisfied:
- (a) The meeting is held for the purpose of educating or training the Members.
 - (b) At the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision making of the Board.
- 11.7** All deliberations while in Closed Session shall remain confidential unless otherwise agreed upon by a Majority vote of the Board. Only the final results of deliberations may be made public when such disclosure is authorized by the Board.

12. Vote

- 12.1** On a tie vote, the motion is lost;
- 13.1(a) The Chair of the Board shall only vote in a Full Authority Board meeting to break a tie or when a Recorded Vote is requested; however, as a member of any Standing Committee shall be entitled to one vote.
- 13.1(b) The presiding Standing Committee Chairs shall only vote in the event of a tie or when a recorded vote is requested.
- 12.2** A majority vote of the members present at any meeting is required upon all matters coming before the meeting.
- 12.3** Interrelated motions shall be voted on in the following order:
- a) motions to refer the matter, and
 - b) if no motion under clause (a) is carried, the order for voting on the remaining motions shall be:
 - i) amending motion
 - ii) the original motion
- 12.4** Unless a member requests a recorded vote, a vote shall be by a show of hands or such other means as the Chair may call.

- 12.5** Before a vote is taken, any member may require a recorded vote and it shall be taken by alphabetical surname with the Chair voting last. On a recorded vote, each member will answer “yes” or “no” to the question or will answer “abstain” if the said member does not wish to vote. If any Member abstains from voting, they shall be deemed to have voted in opposition to the question, and where the vote is a recorded vote, their vote shall be recorded accordingly by the secretary.
- 12.6** At the meeting of the Authority at which the non-matching levy is to be approved, the Chair shall at the appointed time during the meeting, call the roll of members present, and having been advised by the Secretary-Treasurer of those present and the respective, eligible weighted votes, conduct the roll call vote to approve of non-matching levy by a weighted majority of the members present and eligible to vote. (see O. Reg. 139/96)
- 12.7** Where a question under consideration contains more than one item, upon the request of any member, a vote upon each item shall be taken separately.
- 12.8** A vote on any planning or regulation matter dealt with through a telephone conference meeting, shall be a recorded vote.
- 12.9** If a vote is required, upon circumstances described in Section 6.11, the Chair may direct the CAO to conduct a “telephone or email survey” and record the vote.
- 12.10** Where any member of the Authority or Committee is acting in the place of the Chair or the Committee Chair, as the case may be, such member shall have and may exercise all the rights and powers of the Chair or the Committee Chair of the Standing Committee as the case may be, while so acting.

13. Minutes

- 13.1** The CAO/Secretary-Treasurer shall undertake to have a recording secretary in attendance at meetings of the Authority and each Standing Committee. The recording secretary will make a record in the form of Minutes of the meeting proceedings and in particular shall record all motions considered at the meeting.
- 13.2** Minutes of all meetings shall include the time and place of the meeting and a list of those present and shall state all motions presented together with the mover and seconder.
- 13.3** The Secretary-Treasurer shall send out the minutes of Board meetings to each member of the Authority.

- 13.4** The Clerk shall, following Full Authority Board meetings, ensure that local area municipalities are notified of any resolutions affecting areas within their jurisdiction.

14. Live Streamed / Recorded Full Authority Meetings

The NPCA may live stream and/or make video recordings of all or part of its Full Authority meeting(s) available to the public but is not obliged to do so. Where in the discretion of the NPCA a Full Authority meeting is live-streamed and/or recorded by video, the following principles shall apply:

- 14.1** At the start of the Full Authority meeting, the Chair shall advise all in attendance that the meeting is being recorded and/or live-streamed.
- 14.2** The Chair shall further advise those in attendance that delegates are solely responsible for all statements of fact, opinion, or of mixed fact and opinion, which they express at the Full Authority meeting. This applies whether the delegate's statements are made orally or included in written materials provided by the delegate. No endorsement by the NPCA of a delegate's statements may be implied or inferred from the communication of the statements during the course of the Full Authority meeting, or on account of the NPCA having granted permission to the delegate to make a presentation at the Full Authority meeting.
- 14.3** Wherever possible, the NPCA will advise all delegates in advance of the Full Authority meeting that their presentation may be live-streamed and the recording archived for public viewing.
- 14.4** Subject to the discretion of the Chair, the goal of the NPCA will be to post, within two business days of meeting, the archived live stream video.
- 14.5** A recorded video of a Full Authority meeting is not an 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.

15. General

- 15.1** All matters not specifically provided for in this By-law shall be regulated in accordance with the parliamentary procedures outlined in Bourinot's Rules of Order.

1.0 Approval of By-law and Revocation of Previous By-law(s)

Resolution number FA 172-17 is hereby repealed;

Resolution number FA 183-18 shall come into force on the 19 day of September, 2018

Signed:

Lisa McManus, Clerk

Sandy Annunziata, NPCA Board Chair

Mark Brickell, NPCA CAO/Secretary-Treasurer

2.0 Appendices to the Administrative By-law

Appendix 1 - Code of Conduct

1. Preamble

- 1.1** The Code of Conduct represents general standards. It augments the laws of Ontario and NPCA Policies which govern the behaviour of Board Members. This code is not intended to replace personal ethics.
- 1.2** Board Members are expected to read, understand the Code of Conduct and their obligations therein.

2. General

- 2.1** The Board governs lawfully with an emphasis on:
 - a) Outward Vision;
 - b) Encouragement of diversity in viewpoints;
 - c) Strategic leadership more than administrative detail;
 - d) Clear distinction between the Board and CAO/staff roles;
 - e) Collective rather than individual decisions, and
 - f) Proactive rather than reactive.
- 2.2** The Board commits itself to ethical, businesslike, and lawful conduct, including proper use of authority and appropriate decorum when acting as Board Members.
- 2.3** All Board Members shall serve in a conscientious and diligent manner.
- 2.4** It is expected that Board Members adhere to this code of conduct.

3. Gifts and Benefits

- 3.1** Board Members may only accept gifts and benefits according to prescribed rules outlined in this Code of Conduct. To ensure impartial and transparent decision-making, Board Members may only accept gifts and benefits under certain conditions.

3.2 Board Members shall not accept gifts that may be perceived to create any obligation or special consideration. Board Members shall not accept any gift, benefit, service, entertainment or hospitality which could be seen to compromise their decision on a matter or create any obligation or special consideration by an individual, group or organization.

3.3 Board Members may only accept gifts that are received as part of normal protocol or social obligation. Board Members may only receive a gift, hospitality or entertainment that is received as an incident of protocol or social obligation that normally accompanies the responsibilities of being a member of the NPCA Board.

For example, if a Board Member is asked to speak at a meeting or function as a representative of NPCA, the Board Member may accept a gift given as a gesture of thanks for their time and effort. In these cases, there would be no perceived obligation or special consideration being placed on the Board Member.

3.4 A Board Member who receives a gift while acting as a representative of the NPCA that does not meet the tests in 3.1 and 3.2 must submit the gift to the CAO for further consideration. When a Board Member receives a gift while acting as a representative of the NPCA that does not meet the test in 3.1 or 3.2, the Board Member will forward the gift to the CAO.

The CAO will:

- direct the gift to a local charity;
- log the gifts received;
- send a letter of appreciation to the donor, where appropriate, advising their gift will benefit a local charity.

4. Conflict of Interest Guidelines

As per the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50

5. Confidentiality

5.1 All information, documentation or deliberations received, during in-camera sessions of the Authority and its committees are confidential.

5.2 Board Members shall not disclose or release by any means to any member of the public either in verbal, written or electronic form any confidential information acquired by virtue of their office, except when required by law to do so.

5.3 Particular care should be exercised in releasing information such as the following:

- Human Resource matters
- Information about suppliers provided for evaluation which might be useful to other suppliers
- Matters relating to the legal affairs of the Authority
- Sources of complaints where the identity of the complainant is given in confidence
- Items under negotiation
- Schedules of prices in contract tenders
- Information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*

The list above is provided for example and is not inclusive.

5.4 Breaches of confidentiality will be addressed with appropriate sanctions as per Section 15.

6. Use of Authority Property

6.1 No Board Member shall use for personal purposes any Authority property, equipment, supplies, or services of consequence other than for purposes connected with the discharge of Authority duties or associated community activities of which the Authority has been advised.

7. Work of Political Nature

7.1 No Board Member shall use Authority facilities, services or property for his/her election or re-election campaign. No Board Member shall use the services of Authority employees for his/her election or re-election campaign during hours in which the employees are in the paid employment of the Authority.

8. Attendance at Authority Meetings

- 8.1** Board Members make board meeting attendance a priority. A Board Member is considered to have resigned if he/she is absent from three (3) consecutive board meetings without a formal leave of absence, or five (5) meetings in a year without an acceptable explanation as approved by the Chair. The Board Chair will notify the appointing municipality when this situation arises. The appointing municipality may appoint a substitute member during a long-term absence.

9. Conduct at Authority Meetings

- 9.1** During meetings, Board Members shall conduct themselves with decorum. Respect for delegations and for fellow Board Members requires that all Board Members show courtesy and not distract from the business of the Authority.
- 9.2** No Board Member at any meeting of the Authority shall:
- a) Criticize any decision of the Authority or the Committee, as the case may be, except for moving, in accordance with the provision of this by-law, that the questions be reconsidered;
 - b) Speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability;
 - c) Leave their seat or make any noise or disturbance while a vote is being taken or until the result is declared;
 - d) Interrupt a member while speaking, except to raise a point of order or a question of privilege;
 - e) Speak disrespectfully or use offensive words against the Authority, Board Members, staff, or any member of the public;
 - f) Speak beyond the question(s) under debate;
 - g) Resist the rules or disobey the decision of the Board Chair on the questions or order or practices or upon the interpretation of the rules of the Authority.
- 9.3** If any Board Member resists or disobeys, they may be ordered by the Chair to leave their seat for the remainder of the meeting. In the case of an apology being made by the offender, they may, by majority vote of the Authority, be permitted to retake their seat.

- 9.4** No person except Board Members and Staff shall be allowed to come to the Board's table during the meetings of the Board without permission of the Chair or the Board.
- 9.5** Censureship of an individual Board Member for conduct unbecoming a Board Member in the fulfillment of their duties, will be in accordance with a Motion to Censure described in Appendix A - Common Motions, Section C.

10. Influence on Staff

- 10.1** Board Members shall be respectful of the fact that staff work for the whole corporation and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual Board Member or faction.
- 10.2** Board Members do not exercise individual authority.
- 10.3** Except for participation in Board deliberation about whether the CAO has achieved reasonable interpretation of Board policy, Board Members will not express publicly, individual judgments of performance of the CAO or any NPCA staff.

11. Business Relations

- 11.1** No Board Member shall act as a paid agent before the Authority or a committee of the Authority.

12. Encouragement of Respect for Corporation and Its Regulations

- 12.1** Board Members shall represent the Authority in a respectful way and encourage public respect for the Authority and its Regulations.
- 12.2** Board Members shall show respect for the decision-making process of the Board Members. Information concerning the adoption of policies, procedures and decisions of the NPCA Board shall be conveyed openly and accurately.
- 12.3** Board Members shall accurately communicate the decisions of the Board even if they disagree with the decision. Board Members are expected to provide a fair and balanced account of the issues, the discussion surrounding them, and the reasons certain decisions were made.
- 12.4** Refrain from making statements the Board Member knows to be false or with the intent to mislead the Board or the public.

- 12.5** Refrain from making disrespectful comments about another Board Member or unfounded and speculative accusations about the motives of another Board Member.

13. Harassment

- 13.1** The NPCA has a legal responsibility to maintain a work environment free of violence and harassment, consistent with the Ontario *Occupation Health & Safety Act*, and consistent with NPCA's "*Workplace Violence & Harassment Prevention Policy*".
- 13.2** It is the policy of the NPCA that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment. Harassment of another Board Member, staff or any member of the public is misconduct.
- 13.3** Examples of harassment that will not be tolerated by the NPCA include but are not limited to: verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts related to an individual's race, religious beliefs, colour, gender, physical or mental disabilities, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation, whether in person, electronic or media. The NPCA will also not tolerate the display of pornographic, racist or offensive signs or images; practical jokes that result in awkwardness or embarrassment; unwelcome invitations or requests, whether indirect or explicit and any other prohibited grounds under the provisions of the *Ontario Human Rights Code*.

14. Operational Concerns or Complaints

- 14.1** If a Board Member has questions or issues surrounding reports, projects, operational concerns or complaints, such questions should be directed through the CAO and/or senior staff.
- 14.2** If a Board Member is approached by the public with inquiries/complaints regarding operational matters, the Board Member is encouraged to contact the CAO who, in turn, can contact the individual for review/resolution.

15. Breach of Conduct

- 15.1** Should a Board Member breach the Code of Conduct, they are responsible to advise the Chair and Vice-Chair, as soon as possible. The Chair will inform the Board of the breach and schedule an in-camera session.
- 15.2** Should a Board Member allege that another Board Member has breached the Code of Conduct, the said breach will be communicated to the Chair or in his/her absence, the Vice-Chair. The Chair will present the issue to the Board Members at an in-camera session.
- 15.3** The Board Member alleged to have breached the Code of Conduct will be given the opportunity to speak to the issue. The Board Member may be asked to leave the meeting so that the Board can deliberate the issue.
- 15.4** Should it be concluded, by a two-thirds majority vote, that a Board Member has breached the Code of Conduct, a letter will be forwarded to the representative's appointing municipal Council, by the NPCA Board Chair or in his/her absence, the Vice-Chair, advising of said breach. The decision for the Board Member to continue representing their municipality will be determined by the appointing municipal Council.
- 15.5** Failure to comply with this Code of Conduct may result in one or more of the following actions as directed by the Board Members by a two-thirds majority vote;
1. Repayment or reimbursement of moneys received, where applicable
 2. Return of property or reimbursement of its value, where applicable
 3. A request for an apology to the Board Members, the Complainant, or both
 4. A verbal reprimand by the Board Members
 5. A written reprimand by the Board Members
 6. A formal censure with copies sent from the Board Members to the Clerk of the Municipality for which the member is the representative
 7. Suspension of the remuneration paid to the Board Member for a period of up to 90 days
 8. A written request to the Council of the Board Member's Municipality to have the Member removed from the NPCA Board. A Board Member can appeal the decision of the Board to the appointing municipality.

16. Interpretation

- 16.1** Board Members of the Authority seeking clarification of any part of this should consult with the Board Chair, Vice Chair or the full Board.

17. Complaint Process

- 17.1** Any complaint regarding Board Member conduct will be vetted through the NPCA Board Chair; Any complaint regarding the conduct of Board Chair, will be vetted through the Vice-Chair.

Appendix 2 - Conflict of Interest

As per the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50

<https://www.ontario.ca/laws/statute/90m50>

Appendix 3 - Procedure for Election of Officers

1. Election of Chair and Vice-Chair

1.1 Chair for Election of Officers (Board Chair and Vice-Chair)

An individual other than a Board Member of Niagara Peninsula Conservation Authority will assume the position of Chair for the purpose of Election of Officers. The CAO/Secretary-Treasurer, or designate, assumes this position.

1.2 Appointment of Scrutineers

The appointment of scrutineers is required for the purpose of counting ballots should an election be required. All ballots will be destroyed by the scrutineers afterwards. The appointment of scrutineers requires a mover and seconder by Board Members of the Authority.

1.3 Election of Board Chair and Vice-Chair

The CAO or designate advises that the election will be conducted in accordance with Section 10 of the Conservation Authorities Act as follows:

- Only current Board Members of the Authority may vote;
- Nominations will be called three (3) times and will only require a mover;
- The closing of nominations will require both a mover and a seconder;
- Each Board Member nominated will be required to accept the nomination. The Board Member must be present to accept the nomination;
- In the event of an election, each nominee will be permitted not more than three (3) minutes to speak for the office, in the order of the alphabetical listing of his or her surnames;
- Upon the acceptance by nominees for the position of office, ballots will be distributed to the Board Members for the purpose of election. A Member's choice for a nominee will be written on the ballot and the appointed scrutineers for the counting of the ballots will collect the ballots;

A majority vote will be required for election. If there are more than two nominees, and upon the first vote no nominee receives the majority required for election, the name of the person with the least number of votes will be removed from further consideration for the office and new ballots will be distributed. In the case of a vote where no nominee receives the majority required for election and where two or more nominees are tied with the least number of votes, a special vote shall be taken to decide which one of such tied nominees' names shall be dropped from the list of names to be voted on in the next vote.

Should there be a tie vote between two remaining candidates, new ballots will be distributed, and a second vote held. Should there still be a tie after the second ballot a third vote shall be held. Should there be a tie after the third vote, the election of the office shall be decided by lot drawn by the CAO.

Appendix 4 – Hearing Procedures

1. Introduction

The purpose of the Hearing Procedures is to guide the Niagara Peninsula Conservation Authority (NPCA) Hearing Board in conducting hearings under Section 28 of the *Conservation Authorities Act*. These procedures reflect the changes to the 1998 Conservation Authorities Act. The Act requires that the applicant be party to a hearing by the local Conservation Authority Board, for an application to be refused or approved with contentious conditions. Further, a permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, pollution or conservation of land, and additional erosion and dynamic beaches. In addition, a Hearing may be convened at the request of a holder of a permission (“permit holder”) when it is the Authority’s intention to cancel a permission. Ontario Regulation 182/06, pursuant to the Conservation Authorities Act, provides for the cancellation of permissions (a permit or other form of written authorization), if the Authority is of the opinion that the conditions of the permit have not been met.

The Hearing Board, which is comprised of the members of the Niagara Peninsula Conservation Authority Board, is empowered by law to make a decision, governed by the Statutory Powers Procedures Act. It is the purpose of the Hearing Board to evaluate the information presented at the hearing by both the Conservation Authority staff and the applicant and to decide whether the application will be approved with or without conditions, or refused.

These procedures are intended to provide a step-by-step process to conducting hearings required under Section 28 (12), (13), (14) of the *Conservation Authorities Act*. The procedures are designed to ensure that hearings are conducted in a manner consistent with the legal requirements of the Statutory Powers Procedures Act without being unduly legalistic or intimidating to the participants.

2. Pre-Hearing Procedures

2.1 Apprehension of Bias

In considering the application, the Hearing Board is acting as a decision-making tribunal. The tribunal is to act fairly. Under general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but also to avoid the appearance or apprehension of bias. The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.

- (a) No member of the Authority taking part in the hearing should be involved, either through participation in committee or intervention on behalf of the applicant/permit holder or other interested parties with the matter, prior to the hearing. Otherwise, there is a danger of an apprehension of bias which could jeopardize the hearing.

- (b) If material relating to the merits of an application that is the subject of a hearing is distributed to Board Members before the hearing, the material shall be distributed to the applicant/permit holder at the same time. The applicant/permit holder may be afforded an opportunity to distribute similar pre-hearing material.
- (c) In instances where the Authority requires a hearing to help it reach a determination as to whether to give permission with or without conditions or refuse a permit application, a final decision shall not be made until such time as a hearing is held. The applicant/permit holder will be given an opportunity to attend the hearing before a decision is made; however, the applicant/permit holder does not have to be present for a decision to be made.

2.2 Application

The right to a hearing is required where staff is recommending the cancellation of a permission, refusal of an application or where there is some indication that the Authority may not follow staff's recommendation to approve a permit or the applicant objects to the conditions of approval. The applicant is entitled to reasonable notice of the hearing pursuant to the *Statutory Powers Procedures Act*.

2.3 Notice of Hearing

Applicants shall be sent a Notice of Hearing within 30 to 90 days from the date that a requirement for a Hearing is identified as per Section 2.2. It is recommended the applicant be consulted to determine an agreeable date and time based on the Authority's regular meeting schedule. Along with The Notice of Hearing, applicants will be provided with the hearing procedures.

When a permission is being cancelled, there is a need to act quickly to inform the permit holder of the Authority's intention to cancel the permission as the permission would normally involve an aspect of the development or activity which in the opinion of the Authority is unauthorized. Should a permit holder request a hearing when advised of the Authority's intention, the Authority shall give the holder at least 5 days' notice of the date of the hearing. Notice of a Hearing date may be given verbally to provide as much lead time to the permit holder as is reasonably possible. Verbal notice shall be followed-up with a written notice.

The Notice of Hearing must contain the following:

- (a) Reference to the applicable legislation under which the hearing is to be held (i.e., the Conservation Authorities Act).
- (b) The time, place and the purpose of the hearing.
- (c) Particulars to identify the applicant/permit holder, property and the nature of the application/permission which are the subject of the hearing.

Note: If the applicant is not the landowner but the prospective owner, the applicant must have written authorization from the registered landowner.

- (d) The reasons for the intended permit cancellation, refusal of a permit or conditions of approval shall be specifically stated. This should contain sufficient detail to enable the permit holder to understand the issues so he or she can be adequately prepared for the hearing.

It is sufficient to reference in the Notice of Hearing that the recommendation for cancellation, refusal or conditions of approval is based on the reasons outlined in previous correspondence or a hearing report that will follow.

- (e) A statement notifying the applicant/permit holder that the hearing may proceed in the applicant/permit holder's absence and that the applicant/permit holder will not be entitled to any further notice of the proceedings.

Except in extreme circumstances, it is recommended that the hearing not proceed in the absence of the applicant/permit holder.

- (f) Reminder that the applicant/permit holder is entitled to be represented at the hearing by counsel, if desired.

The Notice of Hearing shall be directed to the applicant and/or permit holder by registered mail. Please refer to Appendix A for an example Notice of Hearing.

2.4 Pre-Submission of Reports

The Hearing process shall be guided by the principle of full disclosure by the parties (the applicant/permit holder and the Authority staff).

From the date the applicant/permit holder receives the Notice of Hearing outlining the reasons for Authority staff recommendations, the process shall provide sufficient time for the parties to prepare information including such materials as the application proposal; supporting technical documents (plans, drawings, studies etc.) and any summary reports or presentation material that the Hearing Board will consider in arriving at a decision. The parties shall ensure that a complete set of their respective information materials are exchanged a minimum of two weeks prior to the Hearing to provide time for review.

In scheduling the Hearing date with the applicant/permit holder, Authority staff must give consideration to the timelines required to provide for the preparation of Hearing information, exchange and review by the parties as set out above.

2.5 Hearing Information

Prior to the hearing, the applicant/permit holder shall be advised of the local Conservation Authority's hearing procedures upon request.

3. Hearing

The following outlines the process for a Hearing. It should be noted at the beginning of the Hearing if there are any Conflict of Interest concerns or issues. (Reference: Appendix 2 – Conflict of Interest)

3.1 Public Hearing

Pursuant to the *Statutory Powers Procedure Act*, hearings are required to be held in public. The exception is in very rare cases where public interest in public hearings is outweighed by the fact that intimate financial, personal or other matters would be disclosed at hearings.

3.2 Hearing Participants

The *Conservation Authorities Act* does not provide for third party status at the local hearing. While others may be advised of the local hearing, any information that they provide should be incorporated within the presentation of information by, or on behalf of, the applicant/permit holder or Authority staff.

While the hearings will be held in public and are also open to attendance by the media, the filming of the hearing or the taking of pictures will not be permitted during the hearing by any person or persons unless permitted by the Chair.

3.3 Attendance of Hearing Board Members

In accordance with case law relating to the conduct of hearings, those members of the Authority who will decide whether to grant the application, refuse the application or cancel the permission, must be present during the full course of the hearing. If it is necessary for a member to leave: 1) the hearing must be adjourned and resumed when the member returns, or 2) if the hearing proceeds, even in the event of an adjournment, only those members who were present after the member left can sit to the conclusion of the hearing.

3.4 Adjournments

The Board may adjourn a hearing on its own motion or that of the applicant/permit holder or Authority staff where it is satisfied that an adjournment is necessary for an adequate hearing to be held.

Any adjournments form part of the hearing record.

3.5 Orders and Directions

The Authority is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes. A hearing procedures example has been included as Appendix B.

3.6 Information Presented at Hearings

- (a) The *Statutory Powers Procedure Act*, requires that a witness be informed of his right to object pursuant to the *Canada Evidence Act*. The *Canada Evidence Act* indicates that a witness shall be excused from answering questions on the basis that the answer may be incriminating. Further, answers provided during the hearing are not admissible against the witness in any criminal trial or proceeding. This information should be provided to the applicant/permit holder as part of the Notice of Hearing.
- (b) The Hearing is a formal procedure. However, the evidence before the Board is not required to be given under oath or affirmation.
- (c) The Board may authorize receiving a copy rather than the original document. However, the Board can request certified copies of the document if required.
- (d) Privileged information, such as solicitor/client correspondence, cannot be heard. Information that is not directly within the knowledge of the speaker (hearsay), if relevant to the issues of the hearing, can be heard.
- (e) The Board may take into account matters of common knowledge such as geographic or historic facts, times measures, weights, etc. or generally recognized scientific or technical facts, information or opinions within its specialized knowledge without hearing specific information to establish their truth.

3.7 Conduct of Hearing

3.7.1 Record of Attending Hearing Board Members

A record shall be made of the members of the Hearing Board.

3.7.2 Opening Remarks

The Chair shall convene the hearing with opening remarks which generally; identify the applicant/permit holder, the nature of the application, and the property location; outline the hearing procedures; and advise on requirements of the Canada Evidence Act. Please reference Appendix C or Appendix D for the Opening Remarks model.

3.7.3 Presentation of Authority Staff Information

Staff of the Authority presents the reasons supporting the recommendation for the cancellation, refusal or conditions of approval of the application. Any reports, documents or plans that form part of the presentation shall be properly indexed and received.

Staff and/or legal counsel of the Authority should not submit new information at the hearing as the applicant/permit holder will not have had time to review and provide a professional opinion to the Hearing Board.

3.7.4 Presentation of Applicant/Permit Holder Information

The applicant/permit holder (and/or agent) has the opportunity to present information at the conclusion of the Authority staff presentation. Any reports, documents or plans which form part of the submission should be properly indexed and received. The presentation shall be made by one only of either the applicant/permit holder (and/or agent).

The applicant/permit holder (and/or agent) shall present information as it applies to the permit application or the cancellation of permission in question. For instance, does the requested activity affect the control of flooding, erosion, dynamic beach or conservation of land or pollution? The hearing does not address the merits of the activity or appropriateness of such a use in terms of planning.

- (a) The applicant/permit holder may be represented by an agent (e.g. legal counsel, consultant etc.), if desired.
- (b) The applicant/permit holder may have only one designated agent as a spokesperson to present information to the Board.
- (c) The applicant/permit holder presentation may include technical witnesses, such as an engineer, ecologist, hydrogeologist etc.

The applicant/permit holder (and/or agent) should not submit new information at the hearing as the Staff of the Authority will not have had time to review and provide a professional opinion to the Hearing Board.

3.7.5 Questions

Members of the Hearing Board may direct questions, through the Chair, to each speaker as the information is being heard. The applicant/permit holder (and/or agent) can make any comments or questions on the staff report.

Pursuant to the *Statutory Powers Procedure Act*, the Board can limit questioning where it is satisfied that there has been full and fair disclosure of the facts presented. Note that the courts have been particularly sensitive to the issue of limiting questions and there is a tendency to allow limiting of questions only where it has clearly gone beyond reasonable or proper bounds.

The hearing board must subjectively have reasonable and probable grounds on which to base a decision, information presented must be relevant in the context of the decision to be made. Those grounds must, in addition, be justifiable from an objective point of view, such that a person of ordinary and prudent judgment placed in the position of the hearing board must be able to conclude that there were reasonable and probable grounds for limiting facts or circumstances presented that would not be relevant for a decision to be made.

3.7.6 Deliberation

After all the information is presented, the Board will deliberate and make a decision on the application or the cancellation of a permission in camera.

4. Decision

Upon making its decision, the Board will rise from in camera and report its decision and particulars of the decision.

4.1 Adoption

A resolution advising of the Board's decision and particulars of the decision will be adopted. The Chair will call a vote by a show of hands.

4.2 Notice of Decision

The applicant/permit holder must receive written notice of the decision within 15 days of the decision. The applicant shall be informed of the right to appeal the decision within 30 days upon receipt of the written decision to the Minister of Natural Resources.

There is no provision in the Conservation Authorities Act that provides the permit holder for appeal in situations where a permit is cancelled.

The Board shall itemize and record information of particular significance which led to their decision.

The decision notice should include the following information:

- (a) The identification of the applicant/permit holder, property and the nature of the application that was the subject of the hearing.
- (b) The decision and reasons to cancel, refuse or approve the application. A copy of the Hearing Board resolution should be attached.

The written Notice of Decision will be forwarded to the applicant/permit holder by registered mail. A sample Notice of Decision and cover letter has been included as Appendix D.

5. Record

The Authority shall compile a record of the hearing. Recording devices may be used for this purpose. In the event of an appeal, a copy of the record should be forwarded to the Minister of Natural Resources/Mining and Lands Commissioner. The record must include the following:

- (a) The application for the permit or the permit in the case of a cancellation of permission.
- (b) The Notice of Hearing.
- (c) Any orders made by the Board (e.g., for adjournments).
- (d) All information received by the Board.
- (e) The minutes of the meeting made at the hearing.
- (f) The decision and reasons for decision of the Board.
- (g) The Notice of Decision sent to the applicant/permit holder.

ATTACHMENT A – NOTICE OF HEARING

IN THE MATTER OF
The Conservation Authorities Act,
R.S.O. 1990, Chapter 27

AND IN THE MATTER OF an application/cancellation (by)

FOR THE PERMISSION OF THE
CONSERVATION AUTHORITY
Pursuant to Regulations made under
Section 28, Subsection 12 of the said Act

TAKE NOTICE THAT a Hearing before the Board of the Niagara Peninsula Conservation Authority will be held under Section 28 (12) of the *Conservation Authorities Act* OR Subsection 8 (2) of O.Reg 182/06 at the offices of the said Authority, 250 Thorold Road, Welland, Ontario L3C 3W2, at the hour of _____, on the _____ day of _____, 201____, with respect to the application by (NAME) to permit OR with respect to the cancellation of Permit #_____, granted to (NAME), that allows the permission of development within an area regulated by the Authority in order to ensure no adverse effect on **(the control of flooding, erosion, dynamic beaches or pollution or conservation of land/alter or interfere with a watercourse, shoreline or wetland)** on Lot _____, Plan/Lot _____, Concession _____, (Street) in the City of _____, Regional Municipality of _____, _____ Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Board of The Niagara Peninsula Conservation Authority for the meeting of (meeting number). If you intend to appear, please contact (name). Written material will be required by (date), to enable the Committee members to review the material prior to the meeting.

TAKE NOTICE THAT this hearing is governed by the provisions of the *Statutory Powers Procedure Act*. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the *Ontario Evidence Act*. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the Canada Evidence Act that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the effect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the Board of the Niagara Peninsula Region Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the _____ day of _____, 201____

The Board Members of the
Niagara Peninsula Conservation Authority
Per: Chief Administrative Officer/Secretary-Treasurer

ATTACHMENT B – HEARING PROCEDURES

1. Motion to sit as Hearing Board.
2. Roll Call followed by the Chair's opening remarks.
3. Staff will introduce to the Hearing Board the applicant/permit holder (and/or agent).
4. Staff will indicate the nature and location of the subject application and the conclusions.
5. Staff and/or counsel will present the staff report included in the Authority agenda and the reasons for the recommendation.
6. The applicant/permit holder (and/or agent) will have the opportunity to ask questions of staff based on their presentation.
7. Following the applicant/permit holder (and/or agent), the members of the Board can ask the staff questions.
8. The applicant/permit holder (and/or agent) will make a presentation.
9. The staff and/or counsel will have the opportunity to ask questions of the applicant/permit holder (and/or agent) followed by questions from the Board.
10. The Hearing Board will move into camera
11. The Hearing Board will, once it has reached a decision, move out of camera, to reconvene in public forum.
12. Members of the Hearing Board will move and second a motion.
13. A motion will be carried which will culminate in the decision.
14. The Chair or Acting Chair will advise the applicant/permit holder of the Hearing Board decision.
15. If decision is "to refuse", the Chair or Acting Chair shall notify the applicant in writing of his/her right to appeal the decision to the Minister of Natural Resources within 30 days of receipt of the reasons for the decision.

Note: There is no provision in the *Conservation Authorities Act* that provides for appeal in situations where a permit is cancelled.
16. Motion to move out of Hearing Board.

ATTACHMENT C – CHAIR’S REMARKS

CHAIR'S REMARKS WHEN DEALING WITH HEARINGS WITH RESPECT TO ONTARIO REGULATION 182/06 – APPLICATION FOR A PERMIT

We are now going to conduct a hearing under Section 28 of the *Conservation Authorities Act* in respect of an application by _____: , for permission to:_____.

The Authority has adopted regulations under Section 28 of the *Conservation Authorities Act* which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse affect on the control of flooding, erosion, dynamic beaches or pollution or conservation of land or to permit alteration to a shoreline or watercourse or interference with a wetland.

The Staff has reviewed this proposed work and a copy of the staff report has been given to the applicant.

The *Conservation Authorities Act* (Section 28 [12]) provides that:

"Permission required under a regulation made under clause (1) (b) or (c) shall not be refused or granted subject to conditions unless the person requesting permission has been given the opportunity to require a hearing before the authority".

In holding this hearing, the Authority Board/Executive Committee is to determine whether or not a permit is to be issued. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant.

The proceedings will be conducted according to the *Statutory Powers Procedures Act*. Further to this, Section 5 of the *Canada Evidence Act* states:

1. No witness shall be excused from answering any questions on the ground that the answer to the question may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown or any person.
2. Where with respect to any question a witness objects to answer on the ground that his answer may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person and if but for this Act or the Act of any provincial legislature, the witness would therefore have been excused from answering the question, then although the witness is by reason of the Act or the provincial Act compelled to answer, the answer so given shall not be used or admissible in evidence against him in any criminal trial or other criminal proceeding against him thereafter taking place other than a prosecution for perjury in giving of that evidence or for the giving of contradictory evidence.

The procedure in general will be informal without the evidence before it being given under oath or affirmation.

The rules of evidence before this Board are informal.

If the applicant has any questions to ask of the Board, he/she is free to do so providing all questions are directed to the Chair of the Board.

The Hearing will proceed as follows:

1. Staff and/or counsel of the Niagara Peninsula Conservation Authority will present an overview of the application and the reasons why the application was recommended for denial, if applicable. The applicant will then have the opportunity to ask questions of staff based on their presentation. Following the applicant, the members of the board may ask the staff questions.
2. Next will be the presentation by the applicant (and/or agent) followed by questions by Niagara Peninsula Conservation Authority staff and/or counsel and then questions by members of the Board.
3. Lastly, the Board Members will deliberate and make a decision on the application. A resolution advising of the Board's decision and the particulars of the decision will then be adopted.

ATTACHMENT D – CHAIR’S REMARKS

CHAIR'S REMARKS WHEN DEALING WITH HEARINGS WITH RESPECT TO ONTARIO REGULATION 182/06 – CANCELLATION OF A PERMIT

We are now going to conduct a hearing under Section 8 of Ontario Regulation 182/06 pursuant to the *Conservation Authorities Act* in regards to the cancellation of Permit No. _____, issued to _____

The Authority has adopted a regulation under Section 28 of the *Conservation Authorities Act* which allows the Authority to cancel permissions if the conditions of the permit have not been met.

The Staff has reviewed this proposed work and a copy of the staff report has been given to the permit holder.

Ontario Regulation 182/06 pursuant to the *Conservation Authorities Act* indicates that:

“The authority may cancel a permission if it is of the opinion that the conditions of the permission have not been met”

In holding this hearing, the Authority Board/Executive Committee is to determine whether or not a permit is to be cancelled. In doing so, we can only consider the evidence as presented to us.

The proceedings will be conducted according to the *Statutory Powers Procedures Act*. Further to this, Section 5 of the *Canada Evidence Act* states:

1. No witness shall be excused from answering any questions on the ground that the answer to the question may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown or any person.
2. Where with respect to any question a witness objects to answer on the ground that his answer may tend to criminate him or may tend to establish his liability to a civil proceeding at the instance of the Crown or of any person and if but for this Act or the Act of any provincial legislature, the witness would therefore have been excused from answering the question, then although the witness is by reason of the Act or the provincial Act compelled to answer, the answer so given shall not be used or admissible in evidence against him in any criminal trial or other criminal proceeding against him thereafter taking place other than a prosecution for perjury in giving of that evidence or for the giving of contradictory evidence.

The procedure in general will be informal without the evidence before it being given under oath or affirmation.

The rules of evidence before this Board are informal.

If the permit holder (and/or agent) has any questions to ask of the Board Members, he/she is free to do so providing all questions are directed to the Chair of the Board.

The Hearing will proceed as follows:

1. Staff and/or counsel of the Niagara Peninsula Conservation Authority will present an overview of the cancellation and the reasons why the permission is being cancelled. The permit holder will then have the opportunity to ask questions of staff based on their presentation. Following the permit holder, the members of the board may ask the staff questions.
2. Next will be the presentation by the permit holder (and/or agent) followed by questions by Niagara Peninsula Conservation Authority staff and/or counsel and then questions by members of the Board.
3. Lastly, the Board Members will deliberate and make a decision on the cancellation. A resolution advising of the Board's decision and the particulars of the decision will then be adopted.

ATTACHMENT E – LETTER (Refusal)

(Date)

BY REGISTERED MAIL

(name)

(address)

Dear:

RE: NOTICE OF DECISION (Refusal of an Application)
Hearing Pursuant to Section 28(12) of the Conservation Authorities Act
Proposed Development
Lot , Plan ; XX Drive City of
(Application #)

In accordance with the requirements of the *Conservation Authorities Act*, the Niagara Peninsula Conservation Authority provides the following Notice of Decision:

On (***meeting date and number***), the Hearing Board for the Niagara Peninsula Conservation Authority refused/approved your application/approved your application with conditions. A copy the Board's resolution # has been attached for your records. Please note that this decision is based on the following reasons: (***the proposed development/alteration to a watercourse or shoreline adversely affects the control of flooding, erosion, dynamic beaches or pollution or interference with a wetland or conservation of land***).

In accordance with Section 28 (15) of the *Conservation Authorities Act*, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may refuse the permission; or grant permission, with or without conditions. For your information, should you wish to exercise your right to appeal the decision, a letter by you or your agent/counsel setting out your appeal must be sent within 30 days of receiving this decision addressed to:

The Honourable (**Minister's Name**)
Minister of Natural Resources
Queen's Park, Whitney Block
99 Wellesley Street West, 6th Floor, Room 6630
Toronto, Ontario M7A 1W3
TEL:(416) 314-2301 FAX: (416) 314-2216

Should you require any further information, please do not hesitate to contact (***staff contact***) or the undersigned.

Yours truly,

Chief Administrative Officer
Enclosure

ATTACHMENT F – LETTER (Cancellation)

(Date)

BY REGISTERED MAIL

(name)

(address)

Dear:

RE: NOTICE OF DECISION (Cancellation of Permission)

Hearing Pursuant to Section 8 (1) of O.Reg 182/06 pursuant to the *Conservation Authorities Act*
Permit No.

Lot , Plan ; XX Drive City of

In accordance with the requirements of the *Conservation Authorities Act*, the Niagara Peninsula Conservation Authority provides the following Notice of Decision:

On (***meeting date and number***), the Hearing Board for the Niagara Peninsula Conservation Authority refused/approved the cancellation of your permit. A copy the Board's resolution # has been attached for your records. Please note that this decision is based on the following reasons: (***the proposed development/alteration to a watercourse or shoreline adversely affects the control of flooding, erosion, dynamic beaches or pollution or interference with a wetland or conservation of land***).

Further, there is no statutory option for the appeal of a cancelled permission under *Conservation Authorities Act*.

Should you require any further information, please do not hesitate to contact (***staff contact***) or the undersigned.

Yours truly,

Chief Administrative Officer

Enclosure

Appendix 5 - Common Motions

1. Motion to Adjourn

1.1 A Motion to Adjourn:

- a) is always in order except as provided by this by-law;
- b) is not debatable;
- c) is not amendable;
- d) is not in order when a member is speaking or during the verification of the vote;
- e) is not in order immediately following the affirmative resolution of a motion to close debate; and
- f) when resulting in the negative, cannot be made again until after some intermediate proceedings have been completed by the Authority.

1.2 A motion to adjourn without qualification, if carried, brings a meeting or a session of the Authority to an end.

1.3 A motion to adjourn to a specific time, or to reconvene upon the happening of a specified event, suspends a meeting of the Authority to continue at such time.

2. Motion to Amend

2.1 A motion to amend:

- a) is debatable;
- b) is amendable;
- c) shall be relevant and not contrary to the principle of the report or motion under consideration; and
- d) may propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue which was the subject matter or the question.

2.2 Only one motion to amend an amendment to the question shall be allowed at one time and any further amendment must be to the main question.

2.3 Notwithstanding anything herein to the contrary, no motion to amend the motion to adopt any report shall be permitted.

3. Motion to Censure

The Niagara Peninsula Conservation Authority Board may call for a motion to censure an individual Member for conduct unbecoming a Board Member in the fulfillment of his/her Niagara Peninsula Conservation Authority duties. This will require a seconder and a 2/3 vote of members present at the Board Members meeting to pass. The motion to censure must be dealt with immediately and once the motion is approved, the appointing municipality will be advised, in writing, by the Chair of the Board.

4. Motion to Close Debate (Previous Question)

- 4.1** A motion to close debate:
- a) is not debatable;
 - b) is not amendable;
 - c) cannot be moved with respect to the main motion when there is an amendment under consideration;
 - d) should be moved by a member who has not already debated the question;
 - e) can only be moved in the following words: "I move to close debate";
 - f) requires a majority of members present for passage; and
 - g) when resolved in the affirmative, the question is to be put forward without debate or amendment.

5. Motion to Postpone Definitely

- 5.1** A motion to postpone definitely:
- a) is debatable, but only as to whether a matter should be postponed and to what time;
 - b) is amendable as to time;
 - c) requires a majority of members present to pass; and
 - d) shall have precedence over the motions to refer, to amend, and to postpone in definitely.

6. Motion to Postpone Indefinitely

- 6.1** A motion to postpone indefinitely:
- a) is not amendable;
 - b) is debatable, and debate may go into the merits of the main question, which effectively kills a motion and avoids a direct vote on the question;
 - c) requires a majority vote; and
 - d) shall have precedence over no other motion.

7. Motion to Reconsider

- 7.1** A motion to reconsider, under this Regulation:
- a) is debatable;
 - b) is not amendable; and
 - c) requires a two-thirds majority vote, regardless of the vote necessary to adopt the motion to be reconsidered.
- 7.2** After any question, except one of indefinite postponement has been decided by the Authority, any Member who was present may, at a subsequent meeting of the Authority, move for the reconsideration thereof, provided due notice of such intention is given as required by this Regulation, but no discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted.
- 7.3** After any question, except one of indefinite postponement has been decided by Committee, but before a decision thereon by the Authority, any member who was present at the Committee meeting concerned, may, at a subsequent meeting of the Committee, provided the Authority still has made no decision thereon, move for the reconsideration thereof, provided due notice of such intention is given as required by this Regulation, but no discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted.
- 7.4** No question upon which a notice of reconsideration has been accepted shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.
- 7.5** If a motion to reconsider is decided in the affirmative, reconsideration shall become the next order of business and debate on the question to be reconsidered shall proceed as though it had never previously been considered.

8. Motion to Refer (to Committee)

- 8.1** A motion to refer:
- a) is debatable;
 - b) is amendable; and
 - c) shall take precedence over all amendments of the main question and any motion to postpone indefinitely, to postpone definitely or to table the question.

9. Motion to Suspend the Rules (Waive the Rules)

- 9.1** A motion to suspend the rules:
- a) is not debatable;
 - b) is not amendable; and
 - c) requires a 2/3 majority to carry;
 - d) takes precedence over any motion if it is for a purpose connected with that motion and yields to a motion to table.

10. Motion to Table

- 10.1** A motion to table:
- a) is not debatable;
 - b) is not amendable.
- 10.2** A motion to table a matter with some condition, opinion or qualification added to the motion shall be deemed to be a motion to postpone.
- 10.3** The matter tabled shall not be considered again by the Authority until a motion has been made to take up the tabled matter at the same time or subsequent meeting of the Authority.
- 10.4** A motion to take up a tabled matter is not subject to debate or amendment.
- 10.5** A motion that has been tabled at a previous meeting of the Authority cannot be lifted off the table unless notice thereof is given in accordance with Section 12 of this Regulation.
- 10.6** A motion that has been tabled and not taken from the table for six (6) months shall be deemed to be withdrawn and cannot be taken from the table.

11. Point of Order

The Chair or Committee Chair, as the case may be, shall decide points of order. When a Member wishes to raise a point of order, the Member shall ask leave of the Chair/Committee Chair and after leave is granted, the Member shall state the point of order to the Chair/Committee Chair, after which the Chair/Committee chair shall decide on the point or order. Thereafter, the Member shall only address the Chair/Committee Chair for the purpose of appealing the decision to the Authority or the Committee, as the case may be. If the Member does not appeal, the decision of the Chair/Committee Chair shall be final. If the Member appeals to the Authority or the Committee as the case may be, the Authority/Committee shall decide the question without debate and the decision shall be final.

12. Point of Personal Privilege

When a Member considers that his integrity or the integrity of the Authority or Committee has been impugned, the Member may, as a matter of personal privilege and with the leave of the Chairman, draw the attention of the Authority or the Committee, as the case may be, to the matter by way of a point of personal privilege. When a point of personal privilege is raised, it shall be considered and decided by the Chair or Committee Chair, as the case may be, immediately. The decision of the Chair or Committee Chair, as the case may be, on a point of privilege may be appealed to the Authority.

Conservation Authorities Act

R.S.O. 1990, CHAPTER C.27

Consolidation Period: From December 6, 2018 to the [e-Laws currency date](#).

Last amendment: 2018, c. 16, s. 3.

Legislative History: 1993, c. 27, Sched.; 1994, c. 27, s. 127; 1996, c. 1, Sched. M, s. 40-47; 1996, c. 32, s. 66; 1997, c. 5, s. 64; 1997, c. 26, Sched.; 1997, c. 29, s. 54; 1997, c. 43, Sched. G, s. 19; 1998, c. 3, s. 33; 1998, c. 15, Sched. E, s. 3; 1998, c. 18, Sched. I, s. 1-14; 2000, c. 5, s. 8; 2001, c. 8, s. 203; 2001, c. 9, Sched. K, s. 1; 2002, c. 17, Sched. F, Table; 2004, c. 8, s. 46, Table; 2006, c. 3, Sched. D; 2006, c. 21, Sched. F, s. 105; 2006, c. 22, s. 113; 2006, c. 32, Sched. C, s. 8; 2008, c. 7, Sched. A, s. 19; 2009, c. 12, Sched. L, s. 2; 2010, c. 16, Sched. 10, s. 1; 2011, c. 9, Sched. 27, s. 22; 2017, c. 8, Sched. 17, s. 5; 2017, c. 23, Sched. 4; 2017, c. 23, Sched. 5, s. 20-23; 2018, c. 16, s. 3.

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PART I PURPOSE AND INTERPRETATION

Purpose

0.1 The purpose of this Act is to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario. 2017, c. 23, Sched. 4, s. 1.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 1 - 12/12/2017

Definitions

1 In this Act,

“administration costs” means salaries and travelling expenses of members and employees of an authority, office rent, maintenance and purchase of office equipment, expenses connected with exhibits, visual equipment and printed matter for educational purposes, and all expenditures necessary for carrying out the objects of an authority other than capital expenses and maintenance costs of projects; (“frais d’administration”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “administration costs” in section 1 of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 2 (1))

“advisory board” means an advisory board appointed by an authority; (“conseil consultatif”)

“authority” means a conservation authority established by or under this Act or a predecessor of this Act; (“office”)

“executive committee” means the executive committee appointed by an authority; (“comité de direction”)

“land” includes buildings and any estate, term, easement, right or interest in, to, over or affecting land; (“bien-fonds”)

“maintenance costs” means all expenditures required specifically in relation to the operation or maintenance of a project; (“frais d’entretien”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “maintenance costs” in section 1 of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 2 (1))

“Minister” means the Minister of Natural Resources; (“ministre”)

“municipality” means a local municipality, and includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue money under section 69 of that Act; (“municipalité”)

Note: On a day to be named by proclamation of the Lieutenant Governor, section 1 of the Act is amended by adding the following definition: (See: 2017, c. 23, Sched. 4, s. 2 (2))

“operating expenses” include,

- (a) salaries, per diems and travel expenses of employees and members of an authority,
- (b) rent and other office costs,
- (c) program expenses,
- (d) costs that are related to the operation or maintenance of a project, but not including the project’s capital costs, and
- (e) such other costs as may be prescribed by regulation; (“dépenses d’exploitation”)

“participating municipality” means a municipality that is designated by or under this Act as a participating municipality; (“municipalité participante”)

“project” means a work undertaken by an authority for the furtherance of its objects; (“projet”)

“watershed” means an area drained by a river and its tributaries. (“bassin hydrographique”) R.S.O. 1990, c. C.27, s. 1; 1996, c. 1, Sched. M, s. 40; 1998, c. 18, Sched. I, s. 1; 2002, c. 17, Sched. F, Table.

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 40 (1, 2) - 30/01/1996; 1998, c. 18, Sched. I, s. 1 - 18/12/1998

2002, c. 17, Sched. F, Table - 01/01/2003

2017, c. 23, Sched. 4, s. 2 (1, 2) - not in force

PART II ESTABLISHMENT OF CONSERVATION AUTHORITIES

Meeting to establish authority for watershed

2 (1) Where the councils of any two or more municipalities situate either wholly or partly within a watershed by resolution request the Minister to call a meeting for the establishment of an authority for the watershed or any defined part thereof, the Minister shall fix a time and place for such a meeting and shall forthwith notify the council of every municipality either wholly or partly within the watershed or part thereof. R.S.O. 1990, c. C.27, s. 2 (1).

Representatives at meeting

(2) The council of each municipality may appoint representatives to attend the meeting in the following numbers:

1. Where the population is 1,000,000 or more, seven representatives.
 - 1.1 Where the population is 500,000 or more but less than 1,000,000, six representatives.
 - 1.2 Where the population is 250,000 or more but less than 500,000, five representatives.
2. Where the population is 100,000 or more but less than 250,000, four representatives.

3. Where the population is 50,000 or more but less than 100,000, three representatives.
4. Where the population is 10,000 or more but less than 50,000, two representatives.
5. Where the population is less than 10,000, one representative. R.S.O. 1990, c. C.27, s. 2 (2); 2001, c. 9, Sched. K, s. 1 (1).

Authority of representatives

(3) The representatives so appointed have authority to vote and generally act on behalf of their respective municipalities at the meeting. R.S.O. 1990, c. C.27, s. 2 (3).

Quorum

(4) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities notified are entitled to appoint. R.S.O. 1990, c. C.27, s. 2 (4); 2017, c. 23, Sched. 4, s. 4.

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. K, s. 1 (1) - 29/06/2001

2017, c. 23, Sched. 4, s. 4 - 12/12/2017

Establishment, jurisdiction and initial financing

Establishment and jurisdiction of authority

3 (1) Upon receipt by the Minister of a resolution passed at a meeting held under section 2 and at which a quorum was present by not less than two-thirds of the representatives present thereat requesting the establishment of an authority, the Lieutenant Governor in Council may establish a conservation authority and designate the municipalities that are the participating municipalities and the area over which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 3 (1); 2017, c. 23, Sched. 4, s. 5 (1).

Where only part of municipality in watershed

(2) Where a municipality is only partly within the watershed, the Lieutenant Governor in Council may include the whole or that part of the municipality in the area over which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 3 (2).

Name of authority

(3) The name of each authority shall be determined by the Lieutenant Governor in Council and shall conclude with the words "conservation authority" in English and shall include the words "office de protection de la nature" in French. R.S.O. 1990, c. C.27, s. 3 (3).

Corporate body

(4) Every authority is a body corporate. R.S.O. 1990, c. C.27, s. 3 (4).

Borrowing power

(5) Every authority may, for its purposes, borrow on the promissory note of the authority such money as may be required until payment to the authority of any grants and of sums to be paid to the authority by the participating municipalities. R.S.O. 1990, c. C.27, s. 3 (5); 2017, c. 23, Sched. 4, s. 5 (2).

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 5 (1, 2) - 12/12/2017

Upper-tier municipalities

Regional municipalities to act in place of local municipalities

4 (1) An upper-tier municipality that was established as a regional municipality before the day subsection 6 (1) of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force,

- (a) shall act in the place of the local municipalities within the regional municipality for the purpose of appointing representatives to attend a meeting for the establishment or enlargement of a conservation authority or the amalgamation of conservation authorities and for the purpose may appoint representatives in the numbers to which the local municipalities would otherwise have been entitled; and
- (b) shall be a participating municipality in the place of such of the local municipalities within the regional municipality as are wholly or partly within the area under the jurisdiction of a conservation authority and shall appoint to each such

authority the number of members to which the local municipalities would otherwise have been entitled as participating municipalities. R.S.O. 1990, c. C.27, s. 4 (1); 2017, c. 23, Sched. 4, s. 6 (1).

(2) REPEALED: 2017, c. 23, Sched. 4, s. 6 (2).

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 6 (1, 2) - 12/12/2017

Toronto and Region Conservation Authority

5 (1) The Metropolitan Toronto and Region Conservation Authority is continued under the name Toronto and Region Conservation Authority in English and Office de protection de la nature de Toronto et de la région in French, and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on December 31, 1990, as it may be altered under this Act. 1997, c. 26, Sched.

(2) REPEALED: 2001, c. 9, Sched. K, s. 1 (2).

Designation of participating municipalities and area

(3) The Lieutenant Governor in Council may designate,

- (a) the municipalities that are the participating municipalities of the Toronto and Region Conservation Authority; and
- (b) the area over which the Toronto and Region Conservation Authority has jurisdiction. 1997, c. 26, Sched.

Members

(4) Despite subsections 14 (1), (2) and (5) but subject to subsection 14 (2.1), the number of members appointed to the Toronto and Region Conservation Authority by the City of Toronto shall, at all times, be equal to the total number of members appointed by the other participating municipalities. 1997, c. 26, Sched.; 2001, c. 9, Sched. K, s. 1 (3).

Section Amendments with date in force (d/m/y)

1997, c. 26, Sched. - 01/01/1998

2001, c. 9, Sched. K, s. 1 (2, 3) - 29/06/2001

Hamilton Region Conservation Authority

6 (1) The Hamilton Region Conservation Authority is continued under the name Hamilton Region Conservation Authority in English and Office de protection de la nature de la région de Hamilton in French, and has jurisdiction in all matters provided for in this Act over the area under its jurisdiction on the 31st day of December, 1990, as it may be altered under this Act. R.S.O. 1990, c. C.27, s. 6 (1).

(2) REPEALED: 2001, c. 9, Sched. K, s. 1 (4).

Designation of participating municipalities and area

(3) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Hamilton Region Conservation Authority and the area under its jurisdiction. R.S.O. 1990, c. C.27, s. 6 (3).

(4) REPEALED: 2000, c. 5, s. 8.

Section Amendments with date in force (d/m/y)

2000, c. 5, s. 8 - 01/01/2001

2001, c. 9, Sched. K, s. 1 (4) - 29/06/2001

Grand River Conservation Authority

7 (1) The Grand River Conservation Authority is continued under the name Grand River Conservation Authority in English and Office de protection de la nature de la rivière Grand in French as a conservation authority under this Act. R.S.O. 1990, c. C.27, s. 7 (1).

Designation of participating municipalities and area

(2) The Lieutenant Governor in Council may designate the municipalities that are the participating municipalities of the Grand River Conservation Authority and the area over which it has jurisdiction. 2001, c. 9, Sched. K, s. 1 (5).

(3) REPEALED: 2001, c. 9, Sched. K, s. 1 (5).

Section Amendments with date in force (d/m/y)

2001, c. 9, Sched. K, s. 1 (5) - 29/06/2001

Grouping of municipalities

8 The participating municipalities may designate any group of municipalities that shall be considered as one municipality for the purpose of appointing a member or members to a conservation authority and provide for the appointment of the member or members to be appointed by a group of municipalities. R.S.O. 1990, c. C.27, s. 8; 1998, c. 18, Sched. I, s. 2.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 2 - 18/12/1998

Establishment of authority for two or more watersheds

9 Where the councils of any three municipalities situate either wholly or partly within the area comprising two or more watersheds by resolution request the Minister to call a meeting for the establishment of an authority for such watersheds or any defined parts thereof, the provisions of sections 2 and 3 apply with necessary modifications. R.S.O. 1990, c. C.27, s. 9.

PART III

ENLARGING AREAS OF JURISDICTION, AMALGAMATIONS AND DISSOLUTIONS

Enlargement of authority's area

10 (1) If an authority has been established, the council of a municipality that is completely or partly outside the jurisdiction of the authority may call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include an area specified by the municipality. 1998, c. 18, Sched. I, s. 3 (1).

Notice of meeting

(1.1) Notice of the meeting shall be given to each participating municipality of the authority and to any municipality that is completely or partly within the area specified under subsection (1). 2017, c. 23, Sched. 4, s. 8.

Representatives

(2) Each municipality that receives notice of the meeting may appoint the number of representatives to attend the meeting that is determined in accordance with subsection 2 (2). 2017, c. 23, Sched. 4, s. 8.

Quorum

(3) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities are entitled to appoint under subsection (2). 2017, c. 23, Sched. 4, s. 8.

Resolution

(4) At a meeting held under this section at which a quorum is present, a resolution may be passed to do all of the following:

1. Agree to enlarge the area over which the authority has jurisdiction.
2. Designate participating municipalities for the enlarged area.
3. Designate the enlarged area over which the authority has jurisdiction. 2017, c. 23, Sched. 4, s. 8.

Two-thirds majority vote

(5) A resolution described in subsection (4) shall be passed by a majority of at least two-thirds of the representatives present at the meeting. 2017, c. 23, Sched. 4, s. 8.

Resolution in effect

(6) A resolution described in subsection (4) takes effect on such terms as it may specify despite anything to the contrary in the order in council establishing the authority. 2017, c. 23, Sched. 4, s. 8.

Minister's copy

(7) The municipality that called a meeting under subsection (1) shall provide the Minister with a copy of any resolution described in subsection (4) passed at the meeting promptly after the resolution is passed. 2017, c. 23, Sched. 4, s. 8.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 3 (1, 2) - 18/12/1998

2017, c. 23, Sched. 4, s. 8 - 12/12/2017

Amalgamation of authorities

11 (1) If two or more authorities have been established for adjoining watersheds or parts thereof, one or more of the authorities or the council of a participating municipality of one of the authorities may call a meeting to consider the establishment of one authority to have jurisdiction over the areas that are under separate jurisdictions. 1998, c. 18, Sched. I, s. 4 (1); 2017, c. 23, Sched. 4, s. 9 (1).

Notice of meeting

(1.1) Notice of the meeting shall be given to each participating municipality of the relevant authorities. 2017, c. 23, Sched. 4, s. 9 (2).

Public notice

(1.2) The body or bodies that call a meeting under subsection (1) shall ensure that, at least 14 days before the meeting, notice of the meeting is,

- (a) published in a newspaper having general circulation in each participating municipality, including in the electronic version of the newspaper where available; or
- (b) if there is no newspaper of general circulation in a participating municipality, posted on a website maintained by the municipality and in at least one prominent place in the municipality. 2017, c. 23, Sched. 4, s. 9 (2).

Public representations

(1.3) No vote shall be taken on a resolution requesting amalgamation of the authorities unless members of the public have been given an opportunity at the meeting to make representations on the issue. 2017, c. 23, Sched. 4, s. 9 (2).

Representatives

(2) Each municipality that receives notice of the meeting may appoint the number of representatives to attend the meeting that is determined in accordance with subsection 2 (2). 2017, c. 23, Sched. 4, s. 9 (3).

Quorum

(3) At any meeting called under this section, a quorum consists of two-thirds of the representatives that the municipalities are entitled to appoint under subsection (2). 2017, c. 23, Sched. 4, s. 9 (3).

Resolution

(4) At a meeting held under this section at which a quorum is present, a resolution may be passed to do all of the following:

1. Establish a new authority that has jurisdiction over areas that previously were under the separate jurisdiction of the two or more existing authorities of the adjoining watersheds.
2. Dissolve the existing authorities.
3. Designate the participating municipalities for the new authority.
4. Designate the area over which the new authority has jurisdiction. 2017, c. 23, Sched. 4, s. 9 (4).

Two-thirds majority vote

(4.1) A resolution described in subsection (4) shall be passed by a majority of at least two-thirds of the representatives present at the meeting. 2017, c. 23, Sched. 4, s. 9 (4).

Approval by Minister

(4.2) The authorities or the municipality who called a meeting under subsection (1) shall submit the resolution passed in accordance with subsection (4.1) to the Minister for approval and the Minister may approve the resolution with such changes and on such terms and conditions as he or she considers appropriate. 2017, c. 23, Sched. 4, s. 9 (4).

Resolution in effect

(4.3) The resolution takes effect in accordance with the terms of the resolution and the Minister's approval. 2017, c. 23, Sched. 4, s. 9 (4).

Assets and liabilities of former authorities

(5) When the establishment of a new authority and the dissolution of the existing authorities take effect under subsection (4.3), all the assets and liabilities of the dissolved authorities vest in and become assets and liabilities of the new authority. R.S.O. 1990, c. C.27, s. 11 (5); 2017, c. 23, Sched. 4, s. 9 (5).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 4 (1, 2) - 18/12/1998

2017, c. 23, Sched. 4, s. 9 (1-5) - 12/12/2017

12 REPEALED: 1998, c. 18, Sched. I, s. 5.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 5 - 18/12/1998

Participating municipalities following annexation, etc.

13 Where a new municipality is erected or two or more municipalities are amalgamated or any area is annexed to a municipality and any part of the resulting municipality is within the area over which an authority has jurisdiction, such resulting municipality shall be deemed to have been designated a participating municipality by the Lieutenant Governor in Council. R.S.O. 1990, c. C.27, s. 13.

Dissolution of authority

13.1 (1) An authority shall call a meeting of the members of the authority to consider the dissolution of the authority if, by resolution, the councils of two or more participating municipalities request the meeting. 1996, c. 1, Sched. M, s. 41.

Public notice

(1.1) The authority that calls a meeting under subsection (1) shall ensure that, at least 14 days before the meeting, notice of the meeting is,

- (a) published in a newspaper having general circulation in each participating municipality, including in the electronic version of the newspaper where available; or
- (b) if there is no newspaper of general circulation in a participating municipality, posted on a website maintained by the municipality and in at least one prominent place in the municipality. 2017, c. 23, Sched. 4, s. 10 (1).

Quorum

(2) Despite subsection 16 (2), a quorum at a meeting called under this section consists of two-thirds of the members of the authority. 1996, c. 1, Sched. M, s. 41; 2017, c. 23, Sched. 4, s. 10 (2).

(3), (4) **REPEALED:** 2017, c. 23, Sched. 4, s. 10 (3).

Public representations

(5) No vote shall be taken on a resolution requesting dissolution of the authority unless members of the public have been given an opportunity at the meeting to make representations on the issue. 1996, c. 1, Sched. M, s. 41.

Criteria for dissolution

(6) The Lieutenant Governor in Council may dissolve the authority, on such terms and conditions as the Lieutenant Governor in Council considers appropriate, if,

- (a) the Minister receives a resolution requesting the dissolution passed by at least two-thirds of the members of the authority present and entitled to vote at a meeting held under this section and at which a quorum was present;
- (b) the Minister is satisfied that acceptable provision has been made for future flood control and watershed interests and for the disposition of all assets and liabilities of the authority; and
- (c) the Minister of the Environment is satisfied that acceptable provision has been made for future protection of drinking water sources. 1996, c. 1, Sched. M, s. 41; 2006, c. 22, s. 113 (1).

(7) **REPEALED:** 2017, c. 23, Sched. 4, s. 10 (4).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 41 - 30/01/1996

2006, c. 22, s. 113 (1) - 03/07/2007

2017, c. 23, Sched. 4, s. 10 (1-4) - 12/12/2017

PART IV MEMBERSHIP AND GOVERNANCE

Members of authority

14 (1) Members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers set out in subsection 2 (2) for the appointment of representatives. 2017, c. 23, Sched. 4, s. 12 (1).

Changes in number of members

(2) The total number of members of the authority and the number of members that each participating municipality may appoint shall be adjusted as required to ensure compliance with subsection (1) if the municipalities that are participating municipalities change or the population of a participating municipality changes. 2001, c. 9, Sched. K, s. 1 (6).

Agreement on number of members

(2.1) Despite subsections (1), (2) and (5), the total number of members of the authority and the number of members that each participating municipality may appoint may be determined by an agreement that is confirmed by resolutions passed by the councils of all of the participating municipalities. 2001, c. 9, Sched. K, s. 1 (6).

Qualification

(3) Every member of an authority shall be resident in a participating municipality in which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 14 (3).

Requirements regarding composition of authority

(4) The appointment of members to an authority shall be in accordance with such additional requirements regarding the composition of the authority and the qualification of members as may be prescribed by regulation. 2017, c. 23, Sched. 4, s. 12 (2).

Term

(4.1) A member shall be appointed for a term of up to four years, as may be determined by the council that appoints the member. 2017, c. 23, Sched. 4, s. 12 (2).

Same

(4.2) A member's term begins at the first meeting of the authority after his or her appointment and expires immediately before the first meeting of the authority after the appointment of his or her replacement. 2017, c. 23, Sched. 4, s. 12 (2).

Replacement of member

(4.3) Despite subsections (4.1) and (4.2), a member may be replaced by the council of the participating municipality that appointed the member. 2017, c. 23, Sched. 4, s. 12 (2).

Reappointment

(4.4) A member is eligible to be reappointed. 2017, c. 23, Sched. 4, s. 12 (2).

Where part of municipality in authority's area

(5) Where part only of a municipality is situated in an area over which an authority has jurisdiction, the number of members appointed for the municipality shall be based on the population of that part only of the municipality, and the population shall be deemed to be the same proportion of the total population of the whole municipality as the area of that part of the municipality is of the total area of the municipality. R.S.O. 1990, c. C.27, s. 14 (5).

(6) REPEALED: 1996, c. 1, Sched. M, s. 42.

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 42 - 30/01/1996; 1998, c. 18, Sched. I, s. 6 - 18/12/1998

2001, c. 9, Sched. K, s. 1 (6) - 29/06/2001

2017, c. 23, Sched. 4, s. 12 (1, 2) - 12/12/2017

Meetings of authority

15 (1) The first meeting of an authority shall be held at such time and place as may be determined by the Minister and, in each year thereafter, the authority shall hold at least one meeting before the 1st day of March and at least one meeting after the 1st day of July and such other meetings as it considers necessary to effectively conduct the affairs of the authority. R.S.O. 1990, c. C.27, s. 15 (1).

Copies of minutes to members

(2) Within 30 days after any meeting of an authority or of an executive committee, the secretary-treasurer of the authority shall send a copy of the minutes of the meeting to each member of the authority. R.S.O. 1990, c. C.27, s. 15 (2); 1998, c. 18, Sched. I, s. 7.

Note: On December 12, 2018, section 15 of the Act is amended by adding the following subsection: (See: 2017, c. 23, Sched. 4, s. 13)

Open meetings

(3) Every meeting held by the authority shall be open to the public, subject to such exceptions as may be specified in the by-laws of the authority. 2017, c. 23, Sched. 4, s. 13.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 7 - 18/12/1998

2017, c. 23, Sched. 4, s. 13 - 12/12/2018

Decision-making at meetings

16 (1) Each member of an authority is entitled to one vote. 1998, c. 18, Sched. I, s. 8.

Quorum

(2) At any meeting of an authority, a quorum consists of one-half of the members appointed by the participating municipalities, except where there are fewer than six such members, in which case three such members constitute a quorum. R.S.O. 1990, c. C.27, s. 16 (2); 2006, c. 22, s. 113 (2).

Majority vote

(3) A majority vote of the members present at any meeting is required upon all matters coming before the meeting. R.S.O. 1990, c. C.27, s. 16 (3).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 8 - 18/12/1998

2006, c. 22, s. 113 (2) - 03/07/2007

Chair, vice-chair

17 (1) At the first meeting held in each year or at such other meeting as may be specified by the authority's by-laws, the authority shall appoint a chair and one or more vice-chairs from among the members of the authority. 1996, c. 1, Sched. M, s. 43; 2017, c. 23, Sched. 4, s. 14.

Vacancy

(2) Subject to subsection (1), upon the death of the chair or a vice-chair, or upon the incapacity of the chair or a vice-chair to act, or upon the chair or a vice-chair ceasing to be a member of the authority, the remaining members may appoint a member to fill such vacancy. R.S.O. 1990, c. C.27, s. 17 (2).

Absence of chair and vice-chairs

(3) In the event of the absence of the chair and the vice-chairs from any meeting of an authority, the members present shall appoint an acting chair who, for the purposes of such meeting, has all the powers and shall perform all the duties of the chair. R.S.O. 1990, c. C.27, s. 17 (3).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 43 - 30/01/1996

2017, c. 23, Sched. 4, s. 14 - 12/12/2017

Employees and advisory boards

Employees

18 (1) An authority shall appoint a secretary-treasurer and may appoint such other employees as it considers necessary who shall hold office during the pleasure of the authority and shall receive such salary or other remuneration as the authority determines, payable out of the funds of the authority. R.S.O. 1990, c. C.27, s. 18 (1).

Advisory boards

(2) An authority shall establish such advisory boards as may be required by regulation and may establish such other advisory boards as it considers appropriate. 2017, c. 23, Sched. 4, s. 15.

Same

(3) An advisory board shall comply with any requirements that may be prescribed by regulation with respect to its composition, functions, powers, duties, activities and procedures. 2017, c. 23, Sched. 4, s. 15.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 15 - 12/12/2017

Executive committee

19 (1) The authority may appoint an executive committee from among the members of the authority. R.S.O. 1990, c. C.27, s. 19 (1).

Chair, vice-chair

(2) The chair and vice-chair of the authority shall be the chair and vice-chair of the executive committee. R.S.O. 1990, c. C.27, s. 19 (2).

(3) REPEALED: 1998, c. 18, Sched. I, s. 9.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 9 - 18/12/1998

By-laws

19.1 (1) An authority may make by-laws,

- (a) respecting the meetings to be held by the authority, including providing for the calling of the meetings and the procedures to be followed at meetings, specifying which meetings, if any, may be closed to the public;
- (b) prescribing the powers and duties of the secretary-treasurer;
- (c) designating and empowering officers to sign contracts, agreements and other documents on behalf of the authority;
- (d) delegating all or any of its powers to the executive committee except,
 - (i) the termination of the services of the secretary-treasurer,
 - (ii) the power to raise money, and
 - (iii) the power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the authority;
- (e) providing for the composition of its executive committee and for the establishment of other committees that it considers advisable and respecting any other matters relating to its governance;
- (f) respecting the roles and responsibilities of the members of the authority and of its officers and senior staff;
- (g) requiring accountability and transparency in the administration of the authority including,
 - (i) providing for the retention of records specified in the by-laws and for making the records available to the public,
 - (ii) establishing a code of conduct for the members of the authority, and
 - (iii) adopting conflict of interest guidelines for the members of the authority;
- (h) respecting the management of the authority's financial affairs, including auditing and reporting on the authority's finances;
- (i) respecting the by-law review required under subsection (3) and providing for the frequency of the reviews; and
- (j) respecting such other matters as may be prescribed by regulation. 2017, c. 23, Sched. 4, s. 16.

Conflict with other laws

(2) If a by-law made by an authority conflicts with any provision of the *Municipal Conflict of Interest Act* or the *Municipal Freedom of Information and Protection of Privacy Act* or a provision of a regulation made under one of those Acts, the provision of the Act or regulation prevails. 2017, c. 23, Sched. 4, s. 16.

Periodic review of by-laws

(3) At such regular intervals as may be determined by by-law, an authority shall undertake a review of all of its by-laws to ensure, amongst other things, that the by-laws are in compliance with any Act referred to in subsection (2) or any other relevant law. 2017, c. 23, Sched. 4, s. 16.

By-laws available to public

(4) An authority shall make its by-laws available to the public in the manner it considers appropriate. 2017, c. 23, Sched. 4, s. 16.

Transition

- (5) An authority shall make such by-laws under this section as are required for its proper administration,
- (a) in the case of an authority that was established on or before the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, within one year of that day; and
 - (b) in the case of an authority that is established after the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, within one year of the day the authority is established. 2017, c. 23, Sched. 4, s. 16.

Same

- (6) Despite the repeal of section 30 by section 28 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, a regulation that was made by an authority under that section continues in force after the repeal until the earlier of,
- (a) the day that is one year after the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force; and
 - (b) the day the regulation is revoked by the authority. 2017, c. 23, Sched. 4, s. 16.

Direction by Minister

(7) The Minister may give an authority a written direction to make or amend a by-law on any matter described in subsection (1), in accordance with the direction, within such period of time as may be specified in the direction. 2017, c. 23, Sched. 4, s. 16.

Compliance

(8) The authority that receives a direction under subsection (7) shall comply with the direction within the time specified in the direction. 2017, c. 23, Sched. 4, s. 16.

Regulation where failure to comply

(9) If an authority fails to adopt a by-law in accordance with the direction made under subsection (7), the Minister may make regulations in relation to the matters set out in the direction that are applicable in the area of jurisdiction of the authority. 2017, c. 23, Sched. 4, s. 16.

Same

(10) Any regulation made by the Minister under subsection (9) prevails over any conflicting by-law that the authority may have adopted. 2017, c. 23, Sched. 4, s. 16.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 16 - 12/12/2017

PART V OBJECTS, POWERS AND DUTIES

Objects

20 (1) The objects of an authority are to provide, in the area over which it has jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals. R.S.O. 1990, c. C.27, s. 20; 2017, c. 23, Sched. 4, s. 18.

Same

(2) Despite subsection (1) and subject to any other legislation pertaining to these resources, authorities may enter into agreements to allow exploration, storage and extraction by others in order to share in the revenue from use of gas or oil resources owned by them if,

- (a) the use is compatible with the conservation, restoration, development and management of other natural resources; and
- (b) extraction occurs on land adjacent to, but not on, conservation authority land. 1998, c. 18, Sched. I, s. 10.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 10 - 18/12/1998

2017, c. 23, Sched. 4, s. 18 - 12/12/2017

Powers of authorities

21 (1) For the purposes of accomplishing its objects, an authority has power,

- (a) to study and investigate the watershed and to determine programs and services whereby the natural resources of the watershed may be conserved, restored, developed and managed;
- (b) for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary;
- (c) to acquire by purchase, lease or otherwise and to expropriate any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired;
- (d) despite subsection (2), to lease for a term of five years or less land acquired by the authority;
- (e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith;
- (f) to enter into agreements for the purchase of materials, employment of labour and other purposes as may be necessary for the due carrying out of any project or to further the authority's objects;
- (g) to enter into agreements with owners of private lands to facilitate the due carrying out of any project;
- (h) to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them;
- (i) to erect works and structures and create reservoirs by the construction of dams or otherwise;
- (j) to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof;
- (k) to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole;
- (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;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 21 (1) (m.1) of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 19 (3))

- (n) to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations and individuals;
- (o) to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose;
- (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 or as may be desirable to further the objects of the authority. 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; 2017, c. 23, Sched. 4, s. 19 (1, 2, 4, 5).

Approval of Minister

(2) If the Minister has made a grant to an authority under section 39 in respect of land, the authority shall not sell, lease or otherwise dispose of the land under clause (1) (c) without the approval of the Minister except if,

- (a) the disposition is for provincial or municipal infrastructure and utility purposes;
- (b) the province, the provincial agency, board or commission affected by the disposition or the municipal government, agency, board or commission affected by the disposition has approved it; and
- (c) the authority informs the Minister of the disposition. 2010, c. 16, Sched. 10, s. 1 (1).

Terms and conditions

(3) The Minister may impose terms and conditions on an approval given under subsection (2), including a condition that the authority pay a specified share of the proceeds of the disposition to the Minister. 1996, c. 1, Sched. M, s. 44 (3).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 44 (1-3) - 30/01/1996; 1998, c. 18, Sched. I, s. 11 - 18/12/1998

2010, c. 16, Sched. 10, s. 1 (1) - 25/10/2010

2017, c. 23, Sched. 4, s. 19 (1, 2, 4, 5) - 12/12/2017; 2017, c. 23, Sched. 4, s. 19 (3) - not in force

Programs and services

21.1 (1) The following are the programs and services that an authority is required or permitted to provide within its area of jurisdiction:

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 referred to in subsection (3).
3. Such other programs and services as the authority may determine are advisable to further its objects. 2017, c. 23, Sched. 4, s. 20 (1).

Mandatory programs and services

(2) Programs and services referred to in paragraph 1 of subsection (1) shall be provided in accordance with such standards and requirements as may be set out in the regulations. 2017, c. 23, Sched. 4, s. 20 (1).

Memorandum of understanding with municipalities

(3) An authority may enter into a memorandum of understanding with a municipality situated in whole or in part within its area of jurisdiction in respect of programs and services that the authority will provide on behalf of the municipality. 2017, c. 23, Sched. 4, s. 20 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 21.1 of the Act is amended by adding the following subsection: (See: 2017, c. 23, Sched. 4, s. 20 (2))

Memorandum available to public

(3.1) An authority shall make a memorandum of understanding referred to in subsection (3) available to the public in such manner as may be determined in the memorandum. 2017, c. 23, Sched. 4, s. 20 (2).

Periodic review of memorandum

(4) An authority and a municipality who have entered into a memorandum of understanding described in subsection (3) shall review the memorandum at such regular intervals as may be determined by the memorandum. 2017, c. 23, Sched. 4, s. 20 (1).

Municipal programs and services

(5) Programs and services that an authority agrees to provide on behalf of a municipality shall be provided in accordance with the terms and conditions set out in the memorandum of understanding or in such other agreement as may be entered into by the authority and the municipality. 2017, c. 23, Sched. 4, s. 20 (1).

Consultation

(6) An authority shall carry out such consultations with respect to the programs and services it provides as may be required by regulation and shall do so in the manner specified by regulation. 2017, c. 23, Sched. 4, s. 20 (1).

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 20 (1) - 12/12/2017; 2017, c. 23, Sched. 4, s. 20 (2) - not in force

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 23, Sched. 4, s. 21)

Fees for programs and services

21.2 (1) The Minister may determine classes of programs and services in respect of which an authority may charge a fee. 2017, c. 23, Sched. 4, s. 21.

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. 2017, c. 23, Sched. 4, s. 21.

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. 2017, c. 23, Sched. 4, s. 21.

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). 2017, c. 23, Sched. 4, s. 21.

Amount of fee

- (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. 2017, c. 23, Sched. 4, s. 21.

Fee schedule

- (6) Every authority shall prepare and maintain a fee schedule that sets out,
- (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. 2017, c. 23, Sched. 4, s. 21.

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,
- (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. 2017, c. 23, Sched. 4, s. 21.

Fee policy to be made public

- (8) Every authority shall make the fee policy available to the public in a manner it considers appropriate. 2017, c. 23, Sched. 4, s. 21.

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. 2017, c. 23, Sched. 4, s. 21.

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. 2017, c. 23, Sched. 4, s. 21.

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. 2017, c. 23, Sched. 4, s. 21.

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,
- (a) order the person to pay the fee in the amount originally charged;
 - (b) vary the amount of the fee originally charged, as the authority considers appropriate; or
 - (c) order that no fee be charged for the program or service. 2017, c. 23, Sched. 4, s. 21.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 21 - not in force

Agreement re road

22 An authority and any municipality may enter into agreement for the construction or maintenance of a road or the reconstruction or maintenance of an existing road under the jurisdiction of the municipality for the purpose of providing access to lands of the authority used or to be used for park or recreational purposes. R.S.O. 1990, c. C.27, s. 22.

Minister's powers

23 (1) Despite any powers conferred on an authority by this Act, the Minister may, when and for such periods as he or she considers necessary in the public interest,

- (a) require an authority to carry out flood control operations in a manner specified by the Minister;
- (b) require an authority to follow instructions issued by the Minister for the operation of one or more of the authority's water control structures; or
- (c) take over the operation of one or more of an authority's water control structures and require the authority to reimburse the Minister for any costs incurred by the Minister as a result. 1996, c. 1, Sched. M, s. 45.

Areas not under jurisdiction of authority

(2) Despite any powers conferred on the council of a municipality under this or any other Act, in an area that is not under the jurisdiction of an authority, the Minister may, when and for such periods as he or she considers necessary in the public interest,

- (a) require the council of a municipality to carry out flood control operations in a manner specified by the Minister;
- (b) require the council of a municipality to follow instructions issued by the Minister for the operation of one or more of the water control structures operated by the council; or
- (c) take over the operation of one or more of the water control structures operated by the council of a municipality and require the council to reimburse the Minister for any costs incurred by the Minister as a result. 1996, c. 1, Sched. M, s. 45.

Definition

(3) In subsection (2),

"municipality" includes an upper-tier municipality. 2002, c. 17, Sched. F, Table.

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 45 - 30/01/1996

2002, c. 17, Sched. F, Table - 01/01/2003

Information required by Minister

23.1 (1) An authority shall provide the Minister with such information as the Minister may require in relation to its operations, including the programs and services it provides. 2017, c. 23, Sched. 4, s. 22.

Same

(2) The information shall be provided at the time and in the manner as the Minister may specify. 2017, c. 23, Sched. 4, s. 22.

Publication

(3) If directed by the Minister to do so, an authority shall publish all or such portion of the information provided to the Minister under subsection (1) and shall do so at the time and in the manner specified by the Minister. 2017, c. 23, Sched. 4, s. 22.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 22 - 12/12/2017

Projects of authority

24 (1) Before proceeding with a project, the authority shall file plans and a description with the Minister and obtain his or her approval in writing. 1996, c. 32, s. 66 (1).

(2) REPEALED: 1996, c. 32, s. 66 (1).

Notice re raising of portion of cost

(3) When the statement of apportionment of the cost of any project requires a municipality to raise any portion of the cost in a subsequent year or years, the council shall, within thirty days after it receives the notice of apportionment, notify the authority in writing whether the portion of the cost will be provided by the issue of debentures or raised by taxation in the subsequent year or years. R.S.O. 1990, c. C.27, s. 24 (3).

Time for notice where apportionment under review

(4) When a municipal council has, in accordance with subsection 25 (2), notified the Local Planning Appeal Tribunal that it is dissatisfied with any apportionment, the time allowed for notifying the authority under subsection (3) shall be reckoned from the date of the order confirming or varying the apportionment. R.S.O. 1990, c. C.27, s. 24 (4); 2017, c. 23, Sched. 5, s. 20.

(5) REPEALED: 1996, c. 32, s. 66 (2).

Approval of works on lakes or rivers

(6) Despite the *Lakes and Rivers Improvement Act*, a project for the construction of dams or other works on a lake or river that has been approved under this section does not require approval under that Act. R.S.O. 1990, c. C.27, s. 24 (6).

Application

(7) This section does not apply to a project unless the project involves money granted by the Minister under section 39. 1996, c. 1, Sched. M, s. 46.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 24 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 23)

Projects requiring approval

24 Before proceeding with a project that involves money granted by the Minister under section 39, the authority shall file plans and a description with the Minister and obtain his or her approval in writing. 2017, c. 23, Sched. 4, s. 23.

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. M, s. 46 - 30/01/1996; 1996, c. 32, s. 66 (1, 2) - 01/01/1993

2017, c. 23, Sched. 4, s. 23 - not in force; 2017, c. 23, Sched. 5, s. 20 - 03/04/2018

Apportionment of benefit

25 (1) When an authority has determined the proportion of the total benefit of any project afforded to all the participating municipalities that is afforded to each of them, it shall cause a notice containing a statement of the apportionment to be sent to the council of each participating municipality by registered mail. R.S.O. 1990, c. C.27, s. 25 (1).

Review of apportionment by L.P.A.T.

(2) Any municipal council that is dissatisfied with any apportionment may, within thirty days after it receives notice of the apportionment, notify the Local Planning Appeal Tribunal and the authority in writing by registered mail that it applies for a review of the apportionment by the Local Planning Appeal Tribunal. R.S.O. 1990, c. C.27, s. 25 (2); 2017, c. 23, Sched. 5, s. 21 (1).

Hearing

(3) Upon application, the Local Planning Appeal Tribunal shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing. R.S.O. 1990, c. C.27, s. 25 (3); 2017, c. 23, Sched. 5, s. 21 (2).

Powers of L.P.A.T. on hearing

(4) The Local Planning Appeal Tribunal has authority to take evidence, to confirm or vary the apportionment of the authority and to fix and award costs, and its decision is final and conclusive and is not open to appeal. R.S.O. 1990, c. C.27, s. 25 (4); 2017, c. 23, Sched. 5, s. 21 (2).

Variation of apportionment

(5) In the event of the authority varying any apportionment made by it, this section applies with necessary modifications. R.S.O. 1990, c. C.27, s. 25 (5).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 25 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 23)

Recovery of project capital costs

25 (1) An authority may, from time to time, determine the amount of capital costs to be incurred in connection with a project and apportion the capital costs to the participating municipalities in accordance with the regulations. 2017, c. 23, Sched. 4, s. 23.

Notice of apportionment

(2) An authority shall send a notice of apportionment in writing to each participating municipality setting out the amount of the capital costs for a project that has been apportioned to the participating municipality. 2017, c. 23, Sched. 4, s. 23.

Payment of apportioned amount

(3) Each participating municipality shall pay to the authority the portion of the capital costs for a project that is specified in the notice of apportionment in accordance with the requirements set out in the notice and with this section. 2017, c. 23, Sched. 4, s. 23.

How money to be raised

(4) Each participating municipality may issue debentures to provide financing for the capital costs for a project of an authority. 2017, c. 23, Sched. 4, s. 23.

Where money raised over several years

(5) If the notice of apportionment requires a municipality to raise its portion of the capital costs for a project over a period of two or more years, the municipality shall, within 30 days of receiving the notice of apportionment, give the authority written notice of how it will pay its portion of the capital costs. 2017, c. 23, Sched. 4, s. 23.

Debt due

(6) The amount of the portion of the capital costs for a project that is specified in a notice of apportionment sent to a participating municipality is a debt due by the participating municipality to the authority and may be enforced by the authority as such. 2017, c. 23, Sched. 4, s. 23.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 23 - not in force; 2017, c. 23, Sched. 5, s. 21 (1, 2) - 03/04/2018

Determination of capital expenditure

26 (1) An authority may, from time to time, determine what money will be required for capital expenditure in connection with any project. R.S.O. 1990, c. C.27, s. 26 (1).

Portion to be raised by participating municipalities

(2) The portion of the money so required that each participating municipality shall raise shall be in the same proportion as the benefit derived by each such municipality bears to the total benefit derived by all participating municipalities. R.S.O. 1990, c. C.27, s. 26 (2).

How money to be raised

(3) Upon notice in writing of the amount required to be raised, signed by the secretary-treasurer of the authority, each participating municipality shall raise by the issue of debentures or otherwise such money as may be required by the authority for capital expenditure. R.S.O. 1990, c. C.27, s. 26 (3); 1996, c. 32, s. 66 (3).

Enforcement of payment

(4) Subject to subsection (3), an authority may enforce payment against any participating municipality of the portion of the capital cost required to be raised by the municipality as a debt due by the municipality to the authority. R.S.O. 1990, c. C.27, s. 26 (4).

Where only part of municipality in area

(5) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the portion of the money required to be raised by that municipality for capital expenditure may be charged only against the rateable property in that part of the municipality. R.S.O. 1990, c. C.27, s. 26 (5).

(6) REPEALED: 1994, c. 27, s. 127.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 26 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 23)

Review of apportionment of capital costs

26 (1) Any participating municipality that receives a notice of apportionment under section 25 may, within 30 days after receiving the notice of apportionment, apply to the Local Planning Appeal Tribunal, or to such other body as may be prescribed by regulation, for a review of the apportionment among the participating municipalities of the capital costs for the relevant project. 2017, c. 23, Sched. 4, s. 23; 2017, c. 23, Sched. 5, s. 22.

Same

(2) The participating municipality that makes an application under subsection (1) shall send a copy of the notice of application to the authority and to every other participating municipality of the authority. 2017, c. 23, Sched. 4, s. 23.

Hearing

(3) The Local Planning Appeal Tribunal, or such other body as may be prescribed by regulation, shall hold a hearing to reconsider the apportionment of capital costs among the participating municipalities, including considering whether the apportionment complies with section 25 and the regulations and whether the portion apportioned to the municipality is otherwise appropriate. 2017, c. 23, Sched. 4, s. 23; 2017, c. 23, Sched. 5, s. 22.

Parties

(4) The parties to the hearing are the applicant municipality, the authority, any other participating municipality of the authority that requests to be a party, and such other persons as the Local Planning Appeal Tribunal, or such other body as may be prescribed by regulation, may determine. 2017, c. 23, Sched. 4, s. 23; 2017, c. 23, Sched. 5, s. 22.

Requirement to pay costs stayed

(5) A participating municipality that makes an application under this section is not required to pay the portion of the capital costs that was apportioned to the municipality under the notice of apportionment until the determination of the application. 2017, c. 23, Sched. 4, s. 23.

Delay of notice

(6) A participating municipality that makes an application under this section is not required to give notice under subsection 25 (5) until 30 days after the final determination of the application. 2017, c. 23, Sched. 4, s. 23.

Powers on hearing

(7) Upon hearing an application under this section, the Local Planning Appeal Tribunal, or such other body as may be prescribed by regulation, may confirm or vary the apportionment of the capital costs by the authority among the participating municipalities. 2017, c. 23, Sched. 4, s. 23; 2017, c. 23, Sched. 5, s. 22.

Decision final

(8) A decision under subsection (7) is final. 2017, c. 23, Sched. 4, s. 23.

Section Amendments with date in force (d/m/y)

1994, c. 27, s. 127 - 09/12/1994; 1996, c. 32, s. 66 (3) - 01/01/1993

2017, c. 23, Sched. 4, s. 23 - not in force; 2017, c. 23, Sched. 5, s. 22 - 03/04/2018

Maintenance and administration costs

27 (1) REPEALED: 1997, c. 29, s. 54 (1).

Apportionment of maintenance costs

(2) Subject to the regulations made under subsection (16), after determining the approximate maintenance costs for the succeeding year, the authority shall apportion the costs to the participating municipalities according to the benefit derived or to be derived by each municipality, and the amount apportioned to each such municipality shall be levied against the municipality. R.S.O. 1990, c. C.27, s. 27 (2); 1996, c. 1, Sched. M, s. 47 (1).

Apportionment of administration costs

(3) Subject to the regulations made under subsection (16), after determining the approximate administration costs for the succeeding year, the authority shall apportion the costs to the participating municipalities and the amount apportioned to each such municipality shall be levied against the municipality. 1997, c. 29, s. 54 (2).

Minimum levy for administration costs

(4) Subject to the regulations made under subsection (16), an authority may establish a minimum sum that may be levied for administration costs by the authority against a participating municipality, and, where the amount apportioned to any municipality under subsection (3) is less than the minimum sum, the authority may levy the minimum sum against the municipality. R.S.O. 1990, c. C.27, s. 27 (4); 1996, c. 1, Sched. M, s. 47 (3).

Notice of apportionment

(5) The secretary-treasurer of the authority, forthwith after the amounts have been apportioned under subsections (2), (3) and (4), shall certify to the clerk of each participating municipality the total amount that has been levied under those subsections, and the amount shall be collected by the municipality in the same manner as municipal taxes for general purposes. R.S.O. 1990, c. C.27, s. 27 (5).

Levy where only part of municipality in area

(6) Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the amount apportioned to that municipality may be charged only against the rateable property in that part of the municipality and shall be collected in the same manner as municipal taxes for general purposes. R.S.O. 1990, c. C.27, s. 27 (6).

Enforcement of payment

(7) An authority may enforce payment against any participating municipality of any portion of the maintenance costs or administration costs levied against the municipality as a debt due by the municipality to the authority. R.S.O. 1990, c. C.27, s. 27 (7).

Appeal

(8) A municipality against which a levy is made under this section may appeal the levy to the Mining and Lands Tribunal continued under the *Ministry of Natural Resources Act*. 1996, c. 1, Sched. M, s. 47 (4); 2017, c. 8, Sched. 17, s. 5 (1).

Time for appeal

(9) The appeal must be commenced within 30 days after the municipality receives notice of the levy from the authority. 1996, c. 1, Sched. M, s. 47 (4).

Parties

(10) The parties to the appeal are the municipality, the authority and any other person added as a party by the Tribunal. 1996, c. 1, Sched. M, s. 47 (4); 2017, c. 8, Sched. 17, s. 5 (2).

Compliance pending determination

(11) The municipality shall comply with the levy pending the determination of the appeal. 1996, c. 1, Sched. M, s. 47 (4).

Matters to be considered at hearing

(12) The Tribunal shall hold a hearing on the appeal and shall consider,

- (a) whether the levy complies with this section and the regulations made under subsection (16); and
- (b) whether the levy is otherwise appropriate. 1996, c. 1, Sched. M, s. 47 (4); 2017, c. 8, Sched. 17, s. 5 (2).

Powers of Tribunal

(13) The Tribunal may, by order, confirm, rescind or vary the amount of the levy and may order the authority or the municipality to pay any amount owing as a result. 1996, c. 1, Sched. M, s. 47 (4); 2017, c. 8, Sched. 17, s. 5 (2).

No appeal

(14) No appeal lies from the decision of the Tribunal. 1996, c. 1, Sched. M, s. 47 (4); 2017, c. 8, Sched. 17, s. 5 (2).

When subss. (8-14) begin to apply

(15) Subsections (8) to (14) do not apply until the first regulation made under subsection (16) comes into force. 1996, c. 1, Sched. M, s. 47 (4).

Regulations re levies

(16) The Lieutenant Governor in Council may make regulations governing the nature and amount of the levies made by authorities under this section, including regulations that restrict or prohibit the making of levies described in the regulations. 1996, c. 1, Sched. M, s. 47 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 27 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 24 (1))

Recovery of operating expenses

27 (1) Every year an authority shall determine its operating expenses for the subsequent year and apportion those expenses to the participating municipalities in accordance with the regulations. 2017, c. 23, Sched. 4, s. 24 (1).

Fixed portion for some municipalities

(2) Despite subsection (1) and subject to the regulations, an authority may establish a fixed minimal amount as the portion of the authority's operating expenses that a participating municipality is required to pay each year, and may apportion that amount to the municipality instead of the portion determined under subsection (1) in any year in which the fixed minimal amount exceeds the portion determined under subsection (1). 2017, c. 23, Sched. 4, s. 24 (1).

Notice of apportionment

(3) An authority shall send a notice of apportionment in writing to each participating municipality setting out the amount of the operating expenses that has been apportioned to the participating municipality. 2017, c. 23, Sched. 4, s. 24 (1).

Payment of apportioned amount

(4) Each participating municipality shall pay to the authority the portion of the operating expenses that is specified in the notice of apportionment in accordance with the requirements set out in the notice and with this section. 2017, c. 23, Sched. 4, s. 24 (1).

Debt due

(5) The amount of the portion of the operating expenses specified in a notice of apportionment sent to a participating municipality is a debt due by the participating municipality to the authority and may be enforced by the authority as such. 2017, c. 23, Sched. 4, s. 24 (1).

Section Amendments with date in force (d/m/y)

1993, c. 27, Sched. - 31/12/1991; 1996, c. 1, Sched. M, s. 47 (1-4) - 30/01/1996; 1997, c. 29, s. 54 (1, 2) - 01/01/1998

2017, c. 8, Sched. 17, s. 5 (1, 2) - 01/04/2018; 2017, c. 23, Sched. 4, s. 24 (1) - not in force

Review of apportionment of operating expenses

27.1 (1) Any participating municipality that receives a notice of apportionment under section 27 may, within 30 days of receiving the notice, apply to the Mining and Lands Commissioner, or to such other body as may be prescribed by regulation, for a review of the apportionment of the operating expenses. 2017, c. 23, Sched. 4, s. 24 (1).

Same

(2) The participating municipality that makes an application under subsection (1) shall send a copy of the notice of application to the authority and to every other participating municipality of the authority. 2017, c. 23, Sched. 4, s. 24 (1).

Hearing

(3) The Mining and Lands Commissioner, or such other body as may be prescribed by regulation, shall hold a hearing to reconsider the apportionment of the operating expenses, including considering whether the apportionment complies with section 27 and the regulations and whether the portion apportioned to the municipality is otherwise appropriate. 2017, c. 23, Sched. 4, s. 24 (1).

Parties

(4) The parties to the hearing are the applicant municipality, the authority, any other participating municipality of the authority that requests to be a party and such other persons as the Mining and Lands Commissioner, or such other body as may be prescribed by regulation, may determine. 2017, c. 23, Sched. 4, s. 24 (1).

No stay

(5) The appellant municipality shall comply with the notice of apportionment pending the determination of the application. 2017, c. 23, Sched. 4, s. 24 (1).

Powers on hearing

(6) Upon hearing an application under this section, the Mining and Lands Commissioner, or such other body as may be prescribed by regulation, may confirm or vary the apportionment of the operating expenses by the authority among the participating municipalities and may order participating municipalities to pay such portion of the operating expenses as it determines. 2017, c. 23, Sched. 4, s. 24 (1).

Decision final

(7) A decision under subsection (6) is final. 2017, c. 23, Sched. 4, s. 24 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 27.1 of the Act is amended by striking out “Mining and Lands Commissioner” wherever it appears and substituting in each case “Mining and Lands Tribunal”. (See: 2017, c. 23, Sched. 4, s. 24 (2))

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 24 (1, 2) - not in force

Regulations by authority re area under its jurisdiction

- 28** (1) Subject to the approval of the Minister, an authority may make regulations applicable in the area under its jurisdiction,
- (a) restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, wetlands and natural or artificially constructed depressions in rivers or streams;
 - (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;
 - (d) providing for the appointment of officers to enforce any regulation made under this section or section 29;
 - (e) providing for the appointment of persons to act as officers with all of the powers and duties of officers to enforce any regulation made under this section. 1998, c. 18, Sched. I, s. 12.

Delegation of powers

(2) A regulation made under subsection (1) may delegate any of the authority’s powers or duties under the regulation to the authority’s executive committee or to any other person or body, subject to any limitations and requirements that may be set out in the regulation. 1998, c. 18, Sched. I, s. 12.

Conditional permission

(3) A regulation made under clause (1) (b) or (c) may provide for permission to be granted subject to conditions and for the cancellation of the permission if conditions are not met. 1998, c. 18, Sched. I, s. 12.

References to maps

(4) A regulation made under subsection (1) may refer to any area affected by the regulation by reference to one or more maps that are filed at the head office of the authority and are available for public review during normal office business hours. 1998, c. 18, Sched. I, s. 12.

Minister’s approval of development regulations

- (5) The Minister shall not approve a regulation made under clause (1) (c) unless the regulation applies only to areas that are,
- (a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beach hazards;
 - (b) river or stream valleys;
 - (c) hazardous lands;
 - (d) wetlands; or
 - (e) other areas where, in the opinion of the Minister, development should be prohibited or regulated or should require the permission of the authority. 1998, c. 18, Sched. I, s. 12.

Regulations by L.G. in C. governing content of authority's regulations

(6) The Lieutenant Governor in Council may make regulations governing the content of regulations made by authorities under subsection (1), including flood event standards and other standards that may be used, and setting out what must be included or excluded from regulations made by authorities under subsection (1). 1998, c. 18, Sched. I, s. 12.

Invalid regulation

(7) A regulation made by an authority under subsection (1) that does not conform with the requirements of a regulation made by the Lieutenant Governor in Council under subsection (6) is not valid. 1998, c. 18, Sched. I, s. 12.

Transition

(8) Subject to subsection (9), if a regulation is made by the Lieutenant Governor in Council under subsection (6), subsection (7) does not apply to a regulation that was previously made by an authority under subsection (1) until two years after the regulation made by the Lieutenant Governor in Council comes into force. 1998, c. 18, Sched. I, s. 12.

Same

(9) If a regulation made by the Lieutenant Governor in Council under subsection (6) is amended by an amending regulation, subsection (7) does not apply, in respect of the amendment, to a regulation that was made by an authority under subsection (1) before the amending regulation, until such time as may be specified in the amending regulation. 1998, c. 18, Sched. I, s. 12.

Exceptions

(10) No regulation made under subsection (1),

- (a) shall limit the use of water for domestic or livestock purposes;
- (b) shall interfere with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes;
- (c) shall interfere with any rights or powers of any board or commission that is performing its functions for or on behalf of the Government of Ontario; or
- (d) shall interfere with any rights or powers under the *Electricity Act, 1998* or the *Public Utilities Act*. 1998, c. 15, Sched. E, s. 3 (8); 1998, c. 18, Sched. I, s. 12.

Activities under the *Aggregate Resources Act*

(11) A requirement for permission of an authority in a regulation made under clause (1) (b) or (c) does not apply to an activity approved under the *Aggregate Resources Act* after the *Red Tape Reduction Act, 1998* received Royal Assent. 1998, c. 18, Sched. I, s. 12.

Right to hearing

(12) Permission required under a regulation made under clause (1) (b) or (c) shall not be refused or granted subject to conditions unless the person requesting the permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee. 1998, c. 18, Sched. I, s. 12.

Powers of authority

(13) After holding a hearing under subsection (12), the authority or executive committee, as the case may be, shall,

- (a) refuse the permission; or
- (b) grant the permission, with or without conditions. 1998, c. 18, Sched. I, s. 12.

Grounds for refusing permission

(13.1) If the permission that the person requests is for development related to a renewable energy project, as defined in section 1 of the *Green Energy Act, 2009*, the authority or executive committee, as the case may be,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 28 (13.1) of the Act is amended by striking out "section 1 of the *Green Energy Act, 2009*" in the portion before clause (a) and substituting "subsection 2 (1) of the *Electricity Act, 1998*". (See: 2018, c. 16, s. 3 (1))

- (a) shall not refuse the permission unless it is necessary to do so to control pollution, flooding, erosion or dynamic beaches; and
- (b) shall not impose conditions unless they relate to controlling pollution, flooding, erosion or dynamic beaches. 2009, c. 12, Sched. L, s. 2.

Reasons for decision

(14) If the authority or its executive committee, after holding a hearing, refuses permission or grants permission subject to conditions, the authority or executive committee, as the case may be, shall give the person who requested permission written reasons for the decision. 1998, c. 18, Sched. I, s. 12.

Appeal

(15) A person who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may,

- (a) refuse the permission; or
- (b) grant the permission, with or without conditions. 1998, c. 18, Sched. I, s. 12.

Offence: contravening regulation

(16) Every person who contravenes a regulation made under subsection (1) or the terms and conditions of a permission of an authority in a regulation made under clause (1) (b) or (c) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to a term of imprisonment of not more than three months. 1998, c. 18, Sched. I, s. 12; 2010, c. 16, Sched. 10, s. 1 (2).

Limitation for proceeding

(16.1) A proceeding with respect to an offence under subsection (16) shall not be commenced more than two years from the earliest of the day on which evidence of the offence is discovered or first comes to the attention of officers appointed under clause (1) (d) or persons appointed under clause (1) (e). 2010, c. 16, Sched. 10, s. 1 (3).

Orders

(17) In addition to any other remedy or penalty provided by law, the court, upon making a conviction under subsection (16), may order the person convicted to,

- (a) remove, at that person's expense, any development within such reasonable time as the court orders; and
- (b) rehabilitate any watercourse or wetland in the manner and within the time the court orders. 1998, c. 18, Sched. I, s. 12.

Non-compliance with order

(18) If a person does not comply with an order made under subsection (17), the authority having jurisdiction may, in the case of a development, have it removed and, in the case of a watercourse or wetland, have it rehabilitated. 1998, c. 18, Sched. I, s. 12.

Liability for certain costs

(19) The person convicted is liable for the cost of a removal or rehabilitation under subsection (18) and the amount is recoverable by the authority by action in a court of competent jurisdiction. 1998, c. 18, Sched. I, s. 12.

Powers of entry

(20) An authority or an officer appointed under a regulation made under clause (1) (d) or (e) may enter private property, other than a dwelling or building, without the consent of the owner or occupier and without a warrant, if,

- (a) the entry is for the purpose of considering a request related to the property for permission that is required by a regulation made under clause (1) (b) or (c); or
- (b) the entry is for the purpose of enforcing a regulation made under clause (1) (a), (b) or (c) and the authority or officer has reasonable grounds to believe that a contravention of the regulation is causing or is likely to cause significant environmental damage and that the entry is required to prevent or reduce the damage. 1998, c. 18, Sched. I, s. 12.

Time of entry

(21) Subject to subsection (22), the power to enter property under subsection (20) may be exercised at any reasonable time. 1998, c. 18, Sched. I, s. 12.

Notice of entry

(22) The power to enter property under subsection (20) shall not be exercised unless,

- (a) the authority or officer has given reasonable notice of the entry to the owner of the property and, if the occupier of the property is not the owner, to the occupier of the property; or

- (b) the authority or officer has reasonable grounds to believe that significant environmental damage is likely to be caused during the time that would be required to give notice under clause (a). 1998, c. 18, Sched. I, s. 12.

No use of force

(23) Subsection (20) does not authorize the use of force. 1998, c. 18, Sched. I, s. 12.

Offence: obstruction

(24) Any person who prevents or obstructs an authority or officer from entering property under subsection (20) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 1998, c. 18, Sched. I, s. 12.

Definitions

(25) In this section,

“development” means,

- (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, or
- (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere; (“aménagement”)

“hazardous land” means land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock; (“terrain dangereux”)

“pollution” means any deleterious physical substance or other contaminant that has the potential to be generated by development in an area to which a regulation made under clause (1) (c) applies; (“pollution”)

“watercourse” means an identifiable depression in the ground in which a flow of water regularly or continuously occurs; (“cours d’eau”)

“wetland” means land that,

- (a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,
- (b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,
- (c) has hydric soils, the formation of which has been caused by the presence of abundant water, and
- (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water,

but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d). (“terre marécageuse”) 1998, c. 18, Sched. I, s. 12.

Transition

(26) A regulation that was in force immediately before the day the *Red Tape Reduction Act, 1998* received Royal Assent and that was lawfully made under clause (1) (e) or (f) of this section as it read immediately before that day shall be deemed to have been lawfully made under clause (1) (c). 1998, c. 18, Sched. I, s. 12.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 28 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 25)

**PART VI
REGULATION OF AREAS OVER WHICH AUTHORITIES HAVE JURISDICTION**

Prohibited activities re watercourses, wetlands, etc.

28 (1) Subject to subsections (2), (3) and (4) and section 28.1, no person shall carry on the following activities, or permit another person to carry on the following activities, in the area of jurisdiction of an authority:

1. Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or to change or interfere in any way with a wetland.
2. Development activities in areas that are within the authority’s area of jurisdiction and are,

- i. hazardous lands,
- ii. wetlands,
- iii. river or stream valleys the limits of which shall be determined in accordance with the regulations,
- iv. areas that are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to an inland lake and that may be affected by flooding, erosion or dynamic beach hazards, such areas to be further determined or specified in accordance with the regulations, or
- v. other areas in which development should be prohibited or regulated, as may be determined by the regulations. 2017, c. 23, Sched. 4, s. 25.

Exception, aggregates

(2) The prohibitions in subsection (1) do not apply to an activity approved under the *Aggregate Resources Act* after December 18, 1998, the date the *Red Tape Reduction Act, 1998* received Royal Assent. 2017, c. 23, Sched. 4, s. 25.

Same, prescribed activities

(3) The prohibitions in subsection (1) do not apply to an activity or a type of activity that is prescribed by regulation and is carried out in accordance with the regulations. 2017, c. 23, Sched. 4, s. 25.

Same, prescribed areas

- (4) The prohibitions in subsection (1) do not apply to any activity described in that subsection if it is carried out,
- (a) in an area that is within an authority's area of jurisdiction and specified in the regulations; and
 - (b) in accordance with any conditions specified in the regulations. 2017, c. 23, Sched. 4, s. 25.

Definitions

(5) In this section,

“development activity” means a development activity as defined by regulation; (“activité d’aménagement”)

“hazardous land” means hazardous land as defined by regulation; (“terrain dangereux”)

“watercourse” means a watercourse as defined by regulation; (“cours d’eau”)

“wetland” means a wetland as defined by regulation. (“terre marécageuse”) 2017, c. 23, Sched. 4, s. 25.

Section Amendments with date in force (d/m/y)

1998, c. 15, Sched. E, s. 3 (1, 2, 7, 8) - 01/04/1999; 1998, c. 18, Sched. I, s. 12 - 18/12/1998

2009, c. 12, Sched. L, s. 2 - 14/05/2009

2010, c. 16, Sched. 10, s. 1 (2, 3) - 25/10/2010

2017, c. 23, Sched. 4, s. 25 - not in force

2018, c. 16, s. 3 (1) - not in force

Permits

28.1 (1) An authority may issue a permit to a person to engage in an activity specified in the permit that would otherwise be prohibited by section 28, if, in the opinion of the authority,

- (a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or pollution or the conservation of land;
- (b) the activity is not 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; and
- (c) any other requirements that may be prescribed by the regulations are met. 2017, c. 23, Sched. 4, s. 25.

Application for permit

(2) A person who wishes to engage in an activity that is prohibited under section 28 in an area situated in the jurisdiction of an authority may apply to the authority for a permit under this section. 2017, c. 23, Sched. 4, s. 25.

Same

(3) An application for a permit shall be made in accordance with the regulations and include such information as is required by regulation. 2017, c. 23, Sched. 4, s. 25.

Conditions

(4) Subject to subsection (5), an authority may issue a permit with or without conditions. 2017, c. 23, Sched. 4, s. 25.

Hearing

(5) An authority shall not refuse an application for a permit or attach conditions to a permit unless the applicant for the permit has been given an opportunity to be heard by the authority. 2017, c. 23, Sched. 4, s. 25.

Renewable energy projects

(6) In the case of an application for a permit to engage in development related to a renewable energy project as defined in subsection 1 (1) of the *Green Energy Act, 2009*,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 28.1 (6) of the Act is amended by striking out “subsection 1 (1) of the *Green Energy Act, 2009*” in the portion before clause (a) and substituting “subsection 2 (1) of the *Electricity Act, 1998*”. (See: 2018, c. 16, s. 3 (2))

- (a) the authority shall not refuse the permit unless it is of the opinion that it is necessary to do so to control pollution, flooding, erosion or dynamic beaches; and
- (b) despite subsection (4), the authority shall not impose conditions on the permit unless the conditions relate to controlling pollution, flooding, erosion or dynamic beaches. 2017, c. 23, Sched. 4, s. 25.

Reasons for decision

(7) If the authority, after holding a hearing, refuses a permit or issues the permit subject to conditions, the authority shall give the applicant written reasons for the decision. 2017, c. 23, Sched. 4, s. 25.

Appeal

(8) An applicant who has been refused a permit or who objects to conditions imposed on a permit may, within 30 days of receiving the reasons under subsection (7), appeal to the Minister who may,

- (a) refuse the permit; or
- (b) order the authority to issue the permit, with or without conditions. 2017, c. 23, Sched. 4, s. 25.

Definition

(9) In this section,

“pollution” means pollution as defined by regulation. 2017, c. 23, Sched. 4, s. 25.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 25 - not in force

2018, c. 16, s. 3 (2) - not in force

Period of validity

28.2 A permit shall be valid for a period to be determined in accordance with the regulations. 2017, c. 23, Sched. 4, s. 25.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 25 - not in force

Cancellation of permits

28.3 (1) An authority may cancel a permit issued under section 28.1 if it is of the opinion that the conditions of the permit have not been met or that the circumstances that are prescribed by regulation exist. 2017, c. 23, Sched. 4, s. 25.

Notice

(2) Before cancelling a permit, an authority shall give a notice of intent to cancel to the permit holder indicating that the permit will be cancelled on a date specified in the notice unless the holder requests a hearing under subsection (3). 2017, c. 23, Sched. 4, s. 25.

Request for hearing

(3) Within 15 days of receiving a notice of intent to cancel a permit from the authority, the permit holder may submit a written request for a hearing to the authority. 2017, c. 23, Sched. 4, s. 25.

Hearing

(4) The authority shall set a date for the hearing and hold the hearing within a reasonable time after receiving a request for a hearing. 2017, c. 23, Sched. 4, s. 25.

Power

(5) After a hearing, the authority may confirm, rescind or vary the decision to cancel a permit. 2017, c. 23, Sched. 4, s. 25.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 25 - not in force

Delegation of power

28.4 An authority may delegate any of its powers relating to the issuance or cancellation of permits under this Act or the regulations, or to the holding of hearings in relation to the permits, to the authority's executive committee or to any other person or body, subject to any limitations or requirements that may be prescribed by regulation. 2017, c. 23, Sched. 4, s. 25.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 25 - not in force

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 23, Sched. 4, s. 26)

Regulations: activities affecting natural resources

28.5 (1) The Lieutenant Governor in Council may make regulations with respect to activities that may impact the conservation, restoration, development or management of natural resources and that may be carried out in the areas of jurisdiction of authorities, including regulations,

- (a) identifying activities that have or may have an impact on the conservation, restoration, development or management of natural resources for the purposes of the regulation;
- (b) regulating those activities;
- (c) prohibiting those activities or requiring that a person obtain a permit from the relevant authority to engage in the activities in the authority's area of jurisdiction. 2017, c. 23, Sched. 4, s. 26.

Same

(2) A regulation under clause (1) (c) that requires that a person obtain a permit from the relevant authority to engage in an activity described in subsection (1) may,

- (a) provide for applications to be made to an authority for the permit and specify the manner, content and form of the application;
- (b) provide for the issuance, expiration, renewal and cancellation of a permit;
- (c) require hearings in relation to any matter referred to in clauses (a) and (b) and specify the person before whom, or the body before which, the matter shall be heard, provide for notices and other procedural matters relating to the hearing and provide for an appeal from any decision. 2017, c. 23, Sched. 4, s. 26.

Same

(3) A regulation made under this section may be limited in its application to one or more authorities or activities. 2017, c. 23, Sched. 4, s. 26.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 26 - not in force

Regulations by authority re lands owned by it

29 (1) An authority may make regulations applicable to lands owned by the authority,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 29 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following: (See: 2017, c. 23, Sched. 4, s. 27 (1))

Regulations: public use of authority's property

- (1) The Minister may make regulations with respect to land and other property owned by authorities including regulations,
- (a) regulating and governing the use by the public of the lands and the works, vehicles, boats, services and things of the authority;
 - (b) providing for the protection and preservation from damage of the property of the authority;
 - (c) prescribing fees for the occupation and use of lands and works, vehicles, boats, recreational facilities and services;
 - (d) prescribing permits designating privileges in connection with use of the lands or any part thereof and prescribing fees for permits;
 - (e) regulating and governing vehicular and pedestrian traffic and prohibiting the use of any class of vehicle or classes of vehicles;
 - (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices;
 - (g) prescribing terms and conditions under which horses, dogs and other animals may be allowed on the lands or any part thereof;
 - (h) subject to the *Forest Fires Prevention Act* and the regulations made thereunder, prohibiting or regulating and governing the use, setting and extinguishment of fires. R.S.O. 1990, c. C.27, s. 29 (1); 1998, c. 18, Sched. I, s. 13 (1).

Regulations by L.G. in C. governing content of authority's regulations

- (1.1) The Lieutenant Governor in Council may make regulations governing the content of regulations made under subsection (1), including the standards that may be used, and setting out what must be included or excluded from regulations made under subsection (1). 1998, c. 18, Sched. I, s. 13 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 29 (1.1) of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 27 (2))

Invalid regulation

- (1.2) A regulation made under subsection (1) that does not conform with the requirements of a regulation made under subsection (1.1) is not valid unless it has been approved by the Minister. 1998, c. 18, Sched. I, s. 13 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 29 (1.2) of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 27 (2))

Offence: contravening regulation

- (2) Every person who contravenes any regulation made under this section is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. R.S.O. 1990, c. C.27, s. 29 (2); 1998, c. 18, Sched. I, s. 13 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 29 (2) of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 27 (2))

Same

- (2) A regulation made under this section may be limited in its application to one or more authorities. 2017, c. 23, Sched. 4, s. 27 (2).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 13 (1-3) - 18/12/1998

2017, c. 23, Sched. 4, s. 27 (1, 2) - not in force

30 REPEALED: 2017, c. 23, Sched. 4, s. 28.

Section Amendments with date in force (d/m/y)

2006, c. 21, Sched. F, s. 105 - 25/07/2007

2017, c. 23, Sched. 4, s. 28 - 12/12/2017

Restriction on entry

- 30.1** (1) An authority or an officer appointed under a regulation made under clause 28 (1) (d) or (e) shall not enter land without,

- (a) the consent of the owner of the land and, if the occupier of the land is not the owner, the consent of the occupier of the land; or
- (b) the authority of a warrant under the *Provincial Offences Act*. 1998, c. 18, Sched. I, s. 14.

Exceptions

- (2) Subsection (1) does not apply to entry under clause 21 (1) (b) or subsection 28 (20). 1998, c. 18, Sched. I, s. 14.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 30.1 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 29)

PART VII ENFORCEMENT AND OFFENCES

Appointment of officers

30.1 An authority may appoint officers for the purposes of ensuring compliance with this Act and the regulations. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 14 - 18/12/1998

2017, c. 23, Sched. 4, s. 29 - not in force

Entry without warrant

30.2 (1) An officer appointed by an authority under section 30.1 may, subject to subsections (2) and (3), enter any land situated in the authority's area of jurisdiction for the purposes of determining compliance with subsection 28 (1), a regulation made under subsection 28 (3) or section 28.5 or with the conditions of a permit issued under section 28.1 or under a regulation made under clause 28.5 (1) (c). 2017, c. 23, Sched. 4, s. 29.

No entry to buildings

(2) The power to enter land under subsection (1) does not authorize the entry into a dwelling or other building situated on the land. 2017, c. 23, Sched. 4, s. 29.

Time of entry

(3) The power to enter land under subsection (1) may be exercised at any reasonable time. 2017, c. 23, Sched. 4, s. 29.

Power upon entry

(4) An officer who enters land under subsection (1) may do any of the following things:

1. Inspect any thing that is relevant to the inspection.
2. Conduct any tests, take any measurements, take any specimens or samples, set up any equipment and make any photographic or other records that may be relevant to the inspection.
3. Ask any questions that are relevant to the inspection to the occupant of the land. 2017, c. 23, Sched. 4, s. 29.

No use of force

(5) Subsection (1) does not authorize the use of force. 2017, c. 23, Sched. 4, s. 29.

Experts, etc.

(6) An officer who enters land under this section may be accompanied and assisted by any person with such knowledge, skills or expertise as may be required for the purposes of the inspection. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 - not in force

Searches

Search with warrant

30.3 (1) An officer may obtain a search warrant under Part VIII of the *Provincial Offences Act* in respect of an offence under this Act. 2017, c. 23, Sched. 4, s. 29.

Assistance

(2) The search warrant may authorize any person specified in the warrant to accompany and assist the officer in the execution of the warrant. 2017, c. 23, Sched. 4, s. 29.

Search without warrant

(3) If an officer has reasonable grounds to believe that there is something on land that will afford evidence of an offence under this Act but that the time required to obtain a warrant would lead to the loss, removal or destruction of the evidence, the officer may, without warrant, enter and search the land. 2017, c. 23, Sched. 4, s. 29.

No entry to buildings

(4) The power to enter land under subsection (3) does not authorize the entry into a dwelling or other building situated on the land. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 - not in force

Stop order

30.4 (1) An officer appointed under section 30.1 may make an order requiring a person to stop engaging in or not to engage in an activity if the officer has reasonable grounds to believe that the person is engaging in the activity, has engaged in the activity or is about to engage in the activity and, as a result, is contravening,

- (a) subsection 28 (1) or a regulation made under subsection 28 (3) or under section 28.5; or
- (b) the conditions of a permit that was issued under section 28.1 or under a regulation made under clause 28.5 (1) (c). 2017, c. 23, Sched. 4, s. 29.

Information to be included in order

- (2) The order shall,
- (a) specify the provision that the officer believes is being, has been or is about to be contravened;
 - (b) briefly describe the nature of the contravention and its location; and
 - (c) state that a hearing on the order may be requested in accordance with this section. 2017, c. 23, Sched. 4, s. 29.

Service of order

(3) An order under this section shall be served personally or by registered mail addressed to the person against whom the order is made at the person's last known address. 2017, c. 23, Sched. 4, s. 29.

Registered mail

(4) An order served by registered mail shall be deemed to have been served on the fifth day after the day of mailing, unless the person served establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the order until a later date. 2017, c. 23, Sched. 4, s. 29.

Effective date

(5) An order under this section takes effect when it is served, or at such later time as is specified in the order. 2017, c. 23, Sched. 4, s. 29.

Right to hearing

(6) A person who is served with an order under this section may request a hearing before the authority or, if the authority so directs, before the authority's executive committee by mailing or delivering to the authority, within 30 days after service of the order, a written request for a hearing that includes a statement of the reasons for requesting the hearing. 2017, c. 23, Sched. 4, s. 29.

Powers of authority

- (7) After holding a hearing, the authority or executive committee, as the case may be, shall,
- (a) confirm the order;
 - (b) amend the order; or
 - (c) remove the order, with or without conditions. 2017, c. 23, Sched. 4, s. 29.

Reasons for decision

(8) The authority or executive committee, as the case may be, shall give the person who requested the hearing written reasons for the decision. 2017, c. 23, Sched. 4, s. 29.

Appeal

(9) Within 30 days after receiving the reasons mentioned in subsection (8), the person who requested the hearing may appeal to the Minister and, after reviewing the submissions, the Minister may,

- (a) confirm the order;
- (b) amend the order; or
- (c) remove the order, with or without conditions. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 - not in force

Offences

30.5 (1) Every person is guilty of an offence if he or she contravenes,

- (a) subsection 28 (1) or a regulation made under subsection 28 (3) or under section 28.5;
- (b) the conditions of a permit that was issued under section 28.1 or under a regulation made under clause 28.5 (1) (c); or
- (c) a stop order issued under section 30.4. 2017, c. 23, Sched. 4, s. 29.

Penalty

(2) A person who commits an offence under subsection (1) is liable on conviction,

- (a) in the case of an individual,
 - (i) to a fine of not more than \$50,000 or to a term of imprisonment of not more than three months, or to both, and
 - (ii) to an additional fine of not more than \$10,000 for each day or part of a day on which the offence occurs or continues; and
- (b) in the case of a corporation,
 - (i) to a fine of not more than \$1,000,000, and
 - (ii) to an additional fine of not more than \$200,000 for each day or part of a day on which the offence occurs or continues. 2017, c. 23, Sched. 4, s. 29.

Monetary benefit

(3) Despite the maximum fines set out in clauses (2) (a) and (b), a court that convicts a person of an offence under clause (1) (a) or (b) may increase the fine it imposes on the person by an amount equal to the amount of the monetary benefit that was acquired by the person, or that accrued to the person, as a result of the commission of the offence. 2017, c. 23, Sched. 4, s. 29.

Contravening s. 29 regulations

(4) Every person who contravenes a regulation made under section 29 is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. 2017, c. 23, Sched. 4, s. 29.

Obstruction of officer

(5) Every person who prevents or obstructs an officer from entering land under section 30.2 or 30.3 is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 - not in force

Limitation period

30.6 A proceeding shall not be commenced with respect to an offence under subsection 30.5 (1), (4) or (5) more than two years after the day on which the offence first comes to the attention of an officer appointed under section 30.1. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 - not in force

Rehabilitation orders

30.7 (1) In addition to any other remedy or penalty provided by law, the court, upon convicting a person of an offence under clause 30.5 (1) (a) or (b), may order the convicted person to,

- (a) remove, at the convicted person's expense, any development within such reasonable time as the court orders; and
- (b) take such actions as the court directs, within the time the court may specify, to repair or rehabilitate the damage that results from or is in any way connected to the commission of the offence. 2017, c. 23, Sched. 4, s. 29.

Non-compliance with order

(2) If a person does not comply with an order made under subsection (1), the authority having jurisdiction may arrange for any removal, repair or rehabilitation that was required of a person under subsection (1) to be carried out. 2017, c. 23, Sched. 4, s. 29.

Liability for certain costs

(3) The person to whom an order is made under subsection (1) is liable for the cost of any removal, repair or rehabilitation arranged by an authority under subsection (2), and the amount is recoverable by the authority by action in a court of competent jurisdiction. 2017, c. 23, Sched. 4, s. 29.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 29 - not in force

PART VIII MATTERS RELATING TO LAND AND WATER USE

Expropriation

31 The *Expropriations Act* applies where land is expropriated by an authority or where land is injuriously affected by an authority in the exercise of its statutory powers. R.S.O. 1990, c. C.27, s. 31.

Restrictions on projects

Crown land affected

32 (1) Where any land required for the carrying out of a project or a part thereof is Crown land, a plan and description of the land prepared and signed by an Ontario land surveyor and signed by the chair or vice-chair of the authority shall be deposited with the Minister, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister. R.S.O. 1990, c. C.27, s. 32 (1).

Interference with public work

(2) Where a project or a part thereof may interfere with a public work of Ontario, the authority shall file with the Minister of Infrastructure a plan and description of the project or a part thereof together with a statement of the interference with the public work that may occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Infrastructure. R.S.O. 1990, c. C.27, s. 32 (2); 1998, c. 15, Sched. E, s. 3 (3); 2011, c. 9, Sched. 27, s. 22.

Interference with highway

(3) Where a project or a part thereof will interfere with a public road or highway, the authority shall file with the Minister of Transportation a plan and description of the project or a part thereof together with a statement of the interference with the public road or highway that will occur and a statement of the manner in which the authority proposes to remedy the interference, and the project or the part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Transportation. R.S.O. 1990, c. C.27, s. 32 (3).

Costs, how to be borne

(4) The cost of rebuilding any road, highway, bridge, public work or any part thereof and the cost of any other work that any of the Ministers of the Crown may require to be done under this section shall be borne by the authority, except where an agreement providing for payment thereof in some other manner has been entered into with the Crown in right of Ontario. R.S.O. 1990, c. C.27, s. 32 (4); 1998, c. 15, Sched. E, s. 3 (4).

Section Amendments with date in force (d/m/y)

1998, c. 15, Sched. E, s. 3 (3, 4) - 01/04/1999

2011, c. 9, Sched. 27, s. 22 - 06/06/2011

Assessment of lands of authority

33 (1) Land vested in an authority, except works erected by an authority for the purposes of a project, is taxable for municipal purposes by levy under section 312 of the *Municipal Act, 2001* or section 277 of the *City of Toronto Act, 2006*, as the case may be, upon the assessment and classification of such land determined in each year by the Municipal Property Assessment Corporation and the land shall be assessed under the *Assessment Act* as if the works erected by the authority on the land had not been erected. 1997, c. 5, s. 64 (1); 1997, c. 43, Sched. G, s. 19; 2001, c. 8, s. 203; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 8.

Assessment of rented property

(2) Despite subsection (1), section 18 of the *Assessment Act* applies with necessary modifications in respect of lands vested in an authority. R.S.O. 1990, c. C.27, s. 33 (2).

Notice

(3) The Municipal Property Assessment Corporation shall deliver or mail to each authority concerned and to the clerk of each municipality in which any of the land is situated a notice setting out the assessment and the classification of the land in the municipality. 1997, c. 5, s. 64 (2); 1997, c. 43, Sched. G, s. 19; 2001, c. 8, s. 203.

Reconsideration under Assessment Act

(4) The authority may request a reconsideration under section 39.1 of the *Assessment Act*. 1997, c. 5, s. 64 (3).

Appeal to the Assessment Review Board

(5) The authority or the municipality may appeal to the Assessment Review Board under section 40 of the *Assessment Act* and the last day for appealing is the day that is 90 days after the authority or the clerk of the municipality, as applicable, is notified. 2008, c. 7, Sched. A, s. 19.

Assessment Act to apply

(6) The *Assessment Act* applies, with necessary modifications, with respect to a request for a reconsideration or an appeal. 2008, c. 7, Sched. A, s. 19.

(7) REPEALED: 1997, c. 5, s. 64 (3).

Assessment for next year's taxation

(8) The assessment of land under subsection (1) shall be determined by the Municipal Property Assessment Corporation in each year for the purpose of taxation in the following year. R.S.O. 1990, c. C.27, s. 33 (8); 1997, c. 5, s. 64 (4); 1997, c. 43, Sched. G, s. 19; 2001, c. 8, s. 203.

Section Amendments with date in force (d/m/y)

1997, c. 5, s. 64 (1-4) - 01/01/1998; 1997, c. 43, Sched. G, s. 19 - 31/12/1998; 1998, c. 3, s. 33 - 11/06/1998

2001, c. 8, s. 203 - 29/06/2001

2002, c. 17, Sched. F, Table - 01/01/2003

2006, c. 32, Sched. C, s. 8 - 01/01/2007

2008, c. 7, Sched. A, s. 19 - 14/05/2008

Cemetery lands

34 (1) Where the carrying out of a project will require the use of a cemetery or other place of interment of human remains, the authority shall acquire other suitable lands for the interment of the bodies contained in the cemetery or other place of interment. R.S.O. 1990, c. C.27, s. 34 (1).

Notice to plot owners

(2) The authority shall forward a notice to the owner of each lot in the cemetery or other place of interment, but, if the owner or the owner's whereabouts is unknown, the notice shall, wherever possible, be forwarded to some other person having an interest in the plot through relationship or otherwise to a deceased person buried therein. R.S.O. 1990, c. C.27, s. 34 (2).

Publication of notice

(3) The authority shall also cause a notice to be published once a week for at least three weeks in a newspaper having general circulation in the locality where the cemetery or other place of interment is located, which notice shall state,

- (a) that the cemetery or other place of interment has been acquired for the purposes of the authority;
- (b) that other land, describing it, has been acquired by the authority for the purpose of reintering the bodies;
- (c) that the authority will at its own expense proceed to remove the bodies from the cemetery or other place of interment to the lands acquired for reinterment at a time not less than one month after the forwarding or third publication of the notice, whichever is the later date; and
- (d) that the owner of any plot in the cemetery or other place of interment, or any other person with the approval of the authority, may cause any body interred in the cemetery or other place of interment to be removed to any other place of interment at the expense of the owner or person if the owner or person obtains permission from the authority and effects the removal within one month from the forwarding or insertion of the notice, whichever is the later date, or before such later date as the authority determines. R.S.O. 1990, c. C.27, s. 34 (3).

Removal of bodies

(4) The authority has full power to cause the removal of any body from the cemetery or place of interment to any lands acquired under subsection (1) despite any other Act and to authorize the removal by any other person of the body for reinterment in any other cemetery or place of interment. R.S.O. 1990, c. C.27, s. 34 (4).

Removal of headstones

(5) Where a body is removed and reinterred, any headstone or other stone shall be removed and re-erected at the place of reinterment. R.S.O. 1990, c. C.27, s. 34 (5).

Conveyance of lands for reinterment

(6) The authority shall render land, including fences and buildings, acquired for the reinterment of bodies, in a fit and proper condition and shall convey the land to the owner of the cemetery or other place of interment from which the bodies were removed. R.S.O. 1990, c. C.27, s. 34 (6).

Right to use water power

35 (1) The authority has the right to use any water power created upon lands vested in it for its own uses. 1998, c. 15, Sched. E, s. 3 (5).

(2) REPEALED: 2006, c. 3, Sched. D, s. 1.

Obligation to pay

(3) Any person using water power created upon authority lands shall pay to the authority an annual reasonable compensation for the use of the water power. 1998, c. 15, Sched. E, s. 3 (5).

Arbitration

(3.1) Where the authority and a person described in subsection (3) are unable to agree on the amount of the annual compensation, the matter shall be arbitrated under the *Arbitration Act, 1991*. 1998, c. 15, Sched. E, s. 3 (5).

Charge for power

(4) Subject to review by the Minister of Natural Resources, an authority shall charge persons who at the time of the establishment of the authority are, or thereafter become, users of power derived by them from the use of the waters of the watershed for any additional power generated from increased head or flow due to the works undertaken by the authority. R.S.O. 1990, c. C.27, s. 35 (4); 1998, c. 15, Sched. E, s. 3 (6).

When section not to apply

(5) This section does not apply to water power reserved to the Crown under the *Public Lands Act*. R.S.O. 1990, c. C.27, s. 35 (5).

Section Amendments with date in force (d/m/y)

1998, c. 15, Sched. E, s. 3 (5, 6) - 01/04/1999

2006, c. 3, Sched. D, s. 1 - 19/10/2006

PART IX MISCELLANEOUS

Assent of electors not necessary

36 Where by this Act any power is conferred or duty imposed upon a municipality, or the council of a municipality, including a power or duty to raise money, the power may be exercised and the duty shall be performed by the council of the municipality without the assent of the electors. R.S.O. 1990, c. C.27, s. 36.

Spending by authority

37 All money that is paid to an authority for specified purposes under this Act may be spent by the authority as it considers proper. 2017, c. 23, Sched. 4, s. 32.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 32 - 12/12/2017

Annual audit

38 (1) Every authority shall cause its accounts and transactions to be audited annually by a person licensed under the *Public Accounting Act, 2004*. R.S.O. 1990, c. C.27, s. 38 (1); 2004, c. 8, s. 46.

Auditor

(2) No person shall be appointed as auditor of an authority who is or during the preceding year was a member of the authority or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the authority other than for services within his or her professional capacity. R.S.O. 1990, c. C.27, s. 38 (2).

Auditor's report

(3) An authority shall, upon receipt of the auditor's report of the examination of its accounts and transactions, forthwith forward a copy of the report to each participating municipality and to the Minister. R.S.O. 1990, c. C.27, s. 38 (3).

Section Amendments with date in force (d/m/y)

2004, c. 8, s. 46, Table - 01/11/2005

Grants

39 Grants may be made by the Minister to any authority out of the money appropriated therefor by the Legislature in accordance with such conditions and procedures as may be prescribed by the Lieutenant Governor in Council. R.S.O. 1990, c. C.27, s. 39.

Regulations

40 The Lieutenant Governor in Council may make regulations defining any term that is used in this Act and that is not defined in this Act. 2010, c. 16, Sched. 10, s. 1 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 40 of the Act is repealed and the following substituted: (See: 2017, c. 23, Sched. 4, s. 33 (1))

Regulations, Lieutenant Governor in Council

40 (1) The Lieutenant Governor in Council may make regulations,

- (a) governing the composition of conservation authorities and prescribing additional requirements regarding the appointment and qualifications of members of conservation authorities;
- (b) governing advisory boards established under subsection 18 (2), including requiring authorities to establish one or more advisory boards and prescribing requirements with respect to the composition, functions, powers, duties, activities and procedures of any advisory board that is established;
- (c) governing programs and services provided by authorities under paragraph 1 of subsection 21.1 (1), requiring authorities to provide those programs and services and respecting standards and requirements applicable to those programs and services;
- (d) governing the apportionment of an authority's capital costs in connection with a project for the purposes of section 25;
- (e) governing reviews under sections 26 and 27.1, including prescribing a body that may conduct such reviews instead of the Local Planning Appeal Tribunal or the Mining and Lands Commissioner, as the case may be;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 40 (1) (e) of the Act is amended by striking out "Mining and Lands Commissioner" and substituting "Mining and Lands Tribunal". (See: 2017, c. 23, Sched. 4, s. 33 (2))

- (f) governing the apportionment of an authority's operating expenses for the purposes of section 27, prescribing expenses as operating expenses for the purposes of section 27, governing the amount that participating municipalities are required to pay under section 27, including the fixed amount that a participating municipality may be required to pay under subsection 27 (2), and restricting and prohibiting the apportionment of certain types of operating expenses;
- (g) defining any term that is used in this Act and that is not defined in this Act;
- (h) respecting anything that is necessary or advisable for the proper administration of this Act. 2017, c. 23, Sched. 4, s. 33 (1); 2017, c. 23, Sched. 5, s. 23.

Same

(2) The standards and requirements established for programs and services in a regulation made under clause (1) (c) may include standards and requirements to mitigate the impacts of climate change and provide for adaptation to a changing climate, including through increasing resiliency. 2017, c. 23, Sched. 4, s. 33 (1).

Regulations, Minister

- (3) The Minister may make regulations,
 - (a) prescribing matters that may be the subject of by-laws made under clause 19.1 (1) (j);
 - (b) respecting the amount of any fee that may be charged by an authority in relation to a program or service, including determining the manner in which the fee is calculated;
 - (c) governing consultations that an authority must carry out for the purposes of subsection 21.1 (6);
 - (d) governing the information that authorities must provide to the Minister under section 23.1, including the publication of that information;
 - (e) governing the prohibitions set out in section 28, including,
 - (i) prescribing the limits on river and stream valleys for the purposes of subparagraph 2 iii of subsection 28 (1),
 - (ii) determining or specifying areas for the purposes of subparagraph 2 iv of subsection 28 (1),
 - (iii) determining areas in which development should be prohibited or regulated for the purposes of subparagraph 2 v of subsection 28 (1),
 - (iv) prescribing activities or types of activities to which the prohibitions set out in subsection 28 (1) do not apply and respecting the manner or circumstances in which the activities or types of activities may be carried out and any conditions or restrictions that apply to the activity or type of activity,
 - (v) prescribing areas in which the prohibitions set out in subsection 28 (1) do not apply and respecting the manner or circumstances in which the activities may be carried out in such areas and any conditions or restrictions that apply to carrying out activities in such areas,
 - (vi) defining "development activity", "hazardous land", "watercourse" and "wetland" for the purposes of section 28;
 - (f) governing applications for permits under section 28.1, the issuance of the permits and the power of authorities to refuse permits, including prescribing requirements that must be met for the issuance of permits under clause 28.1 (1) (c), conditions that may be attached to a permit or circumstances in which a permit may be cancelled under section 28.3 and respecting the period for which a permit is valid;
 - (g) defining "pollution" for the purposes of the Act;
 - (h) governing the delegation of powers by an authority under section 28.4 and prescribing any limitations or requirements related to the delegation. 2017, c. 23, Sched. 4, s. 33 (1).

Section Amendments with date in force (d/m/y)

2010, c. 16, Sched. 10, s. 1 (4) - 25/10/2010

2017, c. 23, Sched. 4, s. 33 (1, 2) - not in force; 2017, c. 23, Sched. 5, s. 23 - 03/04/2018

Rolling incorporations

41 A regulation made under this Act that adopts a document by reference may adopt the document as it may be amended from time to time after the regulation is made. 2017, c. 23, Sched. 4, s. 34.

Section Amendments with date in force (d/m/y)

2017, c. 23, Sched. 4, s. 34 - 12/12/2017

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General Principles			1 - 1
Developed by:	Office of the CAO		
Policy Applies To:	All employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

The general purpose of these policies is to establish and maintain conditions which are conducive to productive and mutually satisfying results for both employee and employer.

It is the opinion of the Authority that total understanding on the part of staff respecting rights, requirements, and working conditions should encourage confidence, respect and security for the employees.

The Authority shall review policies at such times as may be deemed necessary. Any amendments to the policies require CAO approval.

General Conditions of Employment			1-2
Developed by:	Office of the CAO		
Policy Applies To:	All Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

1-2.1- Definition

A permanent employee for the purpose of the Personnel Regulations shall be defined as a person employed on a full-time basis and remunerated on a salary or hourly basis in accordance with the respective definitions contained within this policy manual.

1-2.2 - Attendance

- Employees shall work the days and hours as set out in the Hours of Work policy
- All employees shall maintain daily attendance and work records showing the employee's name and location, days and hours worked, type of work and any periods of absence. All work records shall be submitted through the electronic timesheet system at the designated times for approval by the employee's immediate supervisor.
- A register for each regular employee showing their accumulative balance of sick leave, vacation, holiday and for union employees, extra work credit will be kept and made available to the employee upon request.

1-3.1 - Resignation

- A permanent employee may resign from the Authority's service by giving one week written notice of their intention to resign to the Chief Administrative Officer if their period of employment is less than two years.
- A permanent employee with more than two years of service may resign by giving two weeks written notice to the Chief Administrative Officer.

1-4.1 - Termination

The Authority may terminate the employment of any employee providing a written notice is given. The period of notice shall vary in accordance with the length of employment, as follows:

(i)	Less than one year	One (1) week notice
(ii)	One year or more but less than three years	Two (2) weeks notice
(iii)	Three years or more but less than four years	Three (3) weeks notice

(iv)	Four years or more but less than five years	Four (4) weeks notice
(v)	Five years or more but less than six years	Five (5) weeks notice
(vi)	Six years or more but less than seven years	Six (6) weeks notice
(vii)	Seven years or more but less than eight years	Seven (7) weeks notice
(viii)	Eight years or more	Eight (8) weeks notice

- Payment in lieu of notice may be authorized by the Authority.
- The notice of termination referred to above does not apply to a person:
 - Employed for a definite term or task;
 - Temporarily laid off;
 - Guilty of wilful misconduct or disobedience or wilful neglect of duty that is not condoned by the Authority;
 - Terminated for drunkenness or drinking intoxicating beverages or consuming illegal substances while on duty;
 - Committing an act of insubordination;
 - Endangering their own life or that of another person;
 - Absent without permission or reasonable justification;
 - Committing unauthorized destruction, removal or theft of any Authority property;
 - Any other act or omission that singularly, or in conjunction with other acts or omissions, constitutes just cause for dismissal.

1-2.5 - Termination by Death

When any permanent employee who has served more than one year service, dies, the Authority shall pay to their beneficiary (the person named as beneficiary for the purpose of OMERS) the sum of:

- Their salary equivalent for unused vacation credits and overtime credits.
- Their cumulative sick day credits in accordance with the sick leave benefits policy (9)

1-2.6 - Absence from Work

Each employee shall notify their supervisor of being unable to report for work within sixty (60) minutes of the normal starting time on the first day of absence of work.

Failure to comply with the requirement above may result in forfeiture of pay or suspension from employment.

An employee who is absent from work for a period of seven days without official leave, may, by registered letter, be declared by the Chief Administrative Officer to have abandoned their job and cease to be an employee of the Authority.

Hiring Practices			1-3
Developed by:	Office of the CAO		
Policy Applies To:	All Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

The appointment or termination of the Chief Administrative Officer shall be subject to the approval of the Board of Directors.

The appointment or termination of all other employees shall be subject to the approval of the Chief Administrative Officer or his designate.

As a condition of permanent employment, the Authority may require the applicant to submit to a medical examination by a physician designated by the Authority with the costs of the medical examination borne by the Authority.

Recruitment			1-4
Developed by:	Human Resources		
Policy Applies To:	All Employees		
Date Created:	Apr 13, 2016	Approved By:	CAO
Version #:	2016-1	Last Review Date:	April 2016

PURPOSE:

Ensuring a consistent, diverse and objective hiring process that is non-discriminatory in nature, and compliant with the Employment Standards Act, Human Rights Code, Occupational Health & Safety, Accessibility for Ontarians with Disability Act as well as any other related legislation ensuring equal employment opportunities.

1-4.1: General Recruitment & Selection Practices:

The NPCA is committed to recruiting and selecting individuals who are the most qualified to perform the requirements of each position available. Candidates may be from existing staff or from outside sources. Any recruitment for bargaining unit positions will be as described the Collective Agreement between the NPCA and OPSEU – Local 217.

The NPCA does not condone or tolerate discrimination on the basis of citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex, gender identity, gender expression, family status, marital status, sexual orientation, or record of offence.

The appointment or termination of the Chief Administrative Officer shall be subject to the approval of the Board of Directors.

The appointment or termination of all other employees shall be subject to the approval of the Chief Administrative Officer or his/her designate.

1-4.2: Candidate Selection:

The hiring manager is responsible for the hiring decision in consultation with Human Resources and the Department Head in all cases other than the Director and Chief Administrative Officer.

All offers of employment must be approved by the CAO or his/her designate.

Human Resources will provide written confirmation of the terms of employment to the selected candidate.

1-4.3: Position Vacancies

Union: Vacancies for positions within the bargaining unit shall be posted and filled as described in the Collective Agreement between the NPCA and OPSEU – Local 217.

Non-Union: Vacancies for non-union positions may be open for competition at the discretion of the CAO. The position may be posted internally and external advertising may run concurrently.

1-4.4: Employment of Relatives

The NPCA will not favour nor prohibit the hiring of relatives. All candidates will be given equal opportunity for employment based on qualifications, skills and work experience regardless of relationship to either an employee or appointed official.

It is the responsibility of the employees and/or candidates to declare any current employee relationships.

Relatives of current employees may be employed, provided that no immediate family members* are employed within the same department. An employee that is related to a candidate for employment shall not be involved in any aspect of the recruitment process.

Exceptions: Summer Students

Summer students may be employed within the same department as their immediate family members, provided they are employed in different locations and there is no direct reporting relationship.

1-4.5: Accommodation Requests

The NPCA will provide accommodation for a disability in all employment activities. If an applicant requires an accommodation, they may contact Human Resources.

**Immediate family members are defined as spouse, mother, father, child, sister, brother, legal guardian, mother-in-law or father-in-law;*

Employment Status			1-5
Developed by:	Office of the CAO		
Policy Applies To:	All Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

1-5.1: Salaried Employees

Employees employed on a full-time basis by the Authority and remunerated on a salary basis shall be deemed to be salaried employees. Any employee hired to a salaried position shall serve a six (6) month probationary period.

All salaried employees shall be entitled to annual vacations and statutory holidays with pay and to other employee benefits in accordance with the policies of the Authority.

1-5.2: Part Time Employees

Part-time employees shall be defined as those employees hired by the Authority on a continuous part-time basis. Part-time employees shall:

- Be paid for the actual hours worked.
- Be paid for the Designated and Public Holidays outlined in Statutory Holiday policies, where such Designated or Public Holiday occurs on a regular scheduled work day and where the employee has worked the scheduled regular day of work preceding the holiday and the scheduled regular day of work following the holiday.
- Be entitled to vacation pay in accordance the relevant legislation and/or Collective Agreement
- Be required to contribute to Income Tax, Employment Insurance and Canada Pension in accordance with the contribution schedules established for these plans.

1-5.3: Hourly Rated Employees

Persons employed on a full-time basis by the Authority and remunerated on an hourly basis shall be deemed to be hourly-rated employees.

Any employees hired to a full-time hourly-rated position shall serve a six (6) month probationary period.

All hourly-rated employees shall be entitled to annual vacations and statutory holidays and to other employees' benefits in accordance with the policies of the Authority.

Student Employees			1-6
Developed by:	Office of CAO		
Policy Applies To:	All Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-2	Last Review Date:	April 2018

Student employees shall be defined as those employees who attend an accredited educational institution on a full-time basis or is part of an educational program and is employed during a school vacation or non-teaching periods.

- Be paid for actual hours worked.
- NOT qualify for a paid holiday on a designated or statutory holiday as outlined in Statutory Holiday policy:
 - Is employed for less than 5 days; or
 - Does not work their scheduled regular day of work preceding and following the designated or statutory holiday; or
 - Having agreed to work on a designated or statutory holiday, does not report for and perform the work without reasonable cause
- Where the employee does not qualify for the paid holiday, they shall be paid one and one- half the employee's regular rate of pay for each hour worked on a Designated or Statutory holiday as outlined in Statutory Holiday policy.
- Where the employee does qualify for a paid holiday, they shall be paid one and one-half the employee's regular rate of pay for each hour worked on a Designated or Statutory holiday as outlined in Statutory Holiday policy in addition to the employee's regular day's pay for the holiday.
- Be required to contribute to Income Tax, Employment Insurance and Canada Pension in accordance with the contribution schedules established for these plans.
- Be required to have a Social Insurance Number.
- Be entitled to all benefits to the extent provided by the Worker's Compensation Act.
- Subject to the approval of the Chief Administrative Officer, receive the following clothing
 - 2 shirts
 - 2 pairs of shorts or slacks, to be reimbursed up to a value of \$100
 - Ball cap
- Unless otherwise designated by the Chief Administrative Officer, be required to wear approved safety boots (green tagged)
- Abide by the policies as approved by the Authority and dictated in the Personnel Regulations - Students

Hours of Work			1-7
Developed by:	Office of the CAO		
Policy Applies To:	All employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

The minimum hours of work shall be as follows:

1-7.1 - Administrative and Technical Office Staff

a) Regular Schedule

- The minimum number of hours to be worked each week is 35.
- Regular office hours shall be from 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive with a 60-minute lunch break.

b) Flex Hours

- Flex hours may be considered subject to the approval of the immediate supervisor. *(See Flex Time Practice for more details & approval guidelines)*

1-7.2 - Salaried and Hourly Rated Field Staff

a) Regular Schedule

- The minimum number of hours to be worked each week is 37.5.
- Regular hours shall consist of five (5), seven and one half (7.5) paid hour days from Sunday to Saturday as scheduled, excluding one 60-minute unpaid lunch hour daily

b) Flex Hours

- Flex hours may be considered subject to the approval of the immediate supervisor. *(See Flex Time Practice for more details & approval guidelines)*

All field staff may be required to work week-ends, Statutory and Designated holidays, and evenings when necessary or to have competent staff in charge at such times.

1-7.3 - Overtime/Time Off in Lieu

(a) Full Time Personnel

All full-time union personnel shall be granted time off for extra time worked on an hour for hour basis subject to the following conditions:

- All overtime must be authorized in advance; unauthorized overtime will not be recorded;
- For authorized overtime on a Designated or Statutory Holiday, salaried personnel shall receive one and one-half credit for the hours worked;
- *(Remove)* No more than two (2) days off using banked time may be granted at any one time;
- All full-time union personnel will be entitled to receive pay for their unused overtime credits upon termination;
- All full-time non-union personnel shall not receive time off for extra time worked but will be credited with 2 additional weeks of vacation annually.

(b) Hourly-Rated Staff

- Hourly-rated staff will be eligible for overtime payment at the rate of one and one-half times their regular rate for hours worked in excess of 44 hours per week.
- Hourly-rated staff who are required to work on a Designated or Statutory holiday shall be paid one and one-half the employee's regular rate of pay for each hour worked in addition to the employee's regular pay.

(c) Inclement Weather

- If it is considered by the Chief Administrative Officer or his designate that weather conditions necessitate early closing of the office and/or field operations, staff shall be paid for the full day. If an employee considered the weather conditions are such that he or she should leave before the regular closing time, such employee shall not be paid for the time absent but may apply vacation credits or overtime to compensate for time off.
 - If it is considered by the Chief Administrative Officer or his designate that weather conditions will not permit the opening of the office and/or field operations, staff shall be paid for the full day or the period of closure.
 - If an employee considers that weather conditions will not permit them to attend their place of employment but the place of employment is not officially closed as per the above, then the employee shall not be paid for the day but may apply vacation credits or overtime to compensate for time off.
-

Benefits

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Workers' Compensation			2-1
Developed by:	Office of the CAO		
Policy Applies To:	All Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-2	Last Review Date:	August 2018

Each employee will co-operate to the fullest extent in the prevention of accidents and diligently observe such safety procedures in the workplace for the promotion of safety and health.

All accidents of any nature must be reported to the immediate supervisor, the appropriate Department Director and the Chief Administrative Officer immediately. All accidents require completion of an accident/incident report as included in the NPCA safety manual.

Permanent employees off duty as a result of an accident or occupational illness incurred in the performance of their duties shall be entitled to all benefits to the extent provided by the Workers' Compensation Act.

Where a permanent employee is absent from work and is receiving compensation from the Workers' Compensation Board of Ontario, the Authority shall pay 100% of the Group Insurance premiums of the employee during the period of absence not to exceed one year.

Part-time and casual employees off duty as a result of an accident or occupational illness in the performance of their duties shall be entitled to all benefits to the extent provided by the Workers' Compensation Act.

Sick Leave Benefits			2-2
Developed by:	Office of CAO		
Policy Applies To:	All Permanent Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-2	Last Review Date:	June 2016

2-2.1: Definition

Sick leave is defined as the period of time a permanent employee is permitted to be absent from work with full pay or a percentage thereof, dependent upon length of service, by reason of non-occupational sickness, disability or an accident not covered under The Workers' Compensation Act of Ontario.

- The sick benefit policy does not provide coverage for temporary, part-time, casual or contract employees of the Authority.
- The sick leave benefit policy excludes coverage under the circumstances as specified below:
 - Intentionally self-inflicted injuries;
 - Injuries resulting from committing a criminal offence;
 - Cosmetic Surgery
 - Maternity Related Illness - coverage is excluded for that period commencing 10 weeks before the employee's expected delivery date and terminated 6 weeks after the employee's delivery date;
 - Maternity Related Illness - coverage is excluded while the employee is on maternity leave taken under Provincial or Federal law or by mutual agreement with the Authority;
 - Illness or injuries commencing during a period of leave of absence or lay-off period; Illnesses resulting from the abuse of drugs or alcohol and where the employee is
 - not under the continuous treatment of a licensed physician; Compensable accidents.

One week shall mean 5 working days.

2-2.2: Payment Schedule

When an employee is absent due to non-occupational illness or injury, remuneration benefits for an employee shall be paid in accordance with the following schedule:

LENGTH OF SERVICE	FULL SALARY	75% OF SALARY
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Less than 6 months	nil	nil
More than 6 months but less than 1 year	1 week	14 weeks
More than 1 year but less than 2 years	2 weeks	13 weeks
More than 2 years but less than 3 years	3 weeks	12 weeks
More than 3 years but less than 4 years	4 weeks	11 weeks
More than 4 years but less than 5 years	5 weeks	10 weeks
More than 5 years but less than 6 years	6 weeks	9 weeks
More than 6 years but less than 7 years	7 weeks	8 weeks
More than 7 years but less than 8 years	8 weeks	7 weeks
More than 8 years but less than 9 years	9 weeks	6 weeks
More than 9 years but less than 10 years	10 weeks	5 weeks
More than 10 years but less than 11 years	11 weeks	4 weeks
More than 11 years but less than 12 years	12 weeks	3 weeks
More than 12 years but less than 13 years	13 weeks	2 weeks
More than 13 years but less than 14 years	14 weeks	1 week
More than 14 years	15 weeks	

Remuneration of the benefits provided for in section 2-2.2 will commence on the first working day of the person's non-occupational illness or injury occurs

2-2.3: Payment Conditions

The remuneration benefits provided for in section 2-2.2 are subject to the following conditions:

- For illness periods greater than 5 consecutive days, a medical certificate from a licensed physician must be submitted by the employee to the Chief Administrative Officer within 10 days of the sick leave commencing describing the nature and extent of the non-occupational illness or injury and certifying the employee is unable to carry out their duties because of a non-occupational illness or injury.

- When an employee is on sick leave, the employee shall, within 10 days of being requested by the Chief Administrative Officer, provide updated medical certificates describing the nature and extent of the non-occupational illness or injury and certifying the employee is unable to carry out their regular duties or modified duties because of a non-occupational illness or injury.
 - The Authority, through the Chief Administrative Officer, reserves the right to have a licensed physician of their choice examine the employee whenever and as often as may be deemed appropriate by the Chief Administrative Officer.
 - An employee who has returned to work after receiving remuneration benefits under the Sick Leave Benefit policy will be entitled to full benefits in the case of a new disability.
 - If within 6 months of returning to work after receiving remuneration benefits under the Sick Leave Benefit policy the employee becomes disabled from the same or a related non-occupational illness or injury, the length of remuneration benefits to be provided to the employee will be the remainder of time from the original 15 week period.
 - The remuneration benefits payable to the employee by the Authority will cease after 15 weeks for each individual non-occupational illness or injury and the employee may apply for coverage under the Authority's Long Term Disability Plan or disability coverage through Employment Canada.
 - The remuneration benefits payable will cease when an employee refuses or is unable to present an acceptable medical certificate within the timelines as noted in this policy
 - The remuneration benefits payable will cease on the date when an employee refuses to engage in, continue or return to work when such action is considered appropriate by the Authority's medical advisor.
 - The remuneration benefits will cease on the day of layoff or termination of employment if the disability started within two months of the date of layoff or separation and notice of layoff or separation was given prior to the occurrence of the disability. Otherwise, the benefits will continue after layoff or termination until the earliest of a total of at least 15 weeks or the end of the incapacity due to illness
 - Regular days off, statutory and designated holidays shall not form part of the nonoccupational illness or injury period.
 - When an employee is given a leave of absence without pay for any reason, or is laid off on account of lack of work and returns to the service of the Authority, upon expiration of such leave of absence, the employee shall not receive service credit for the period of such absence but shall return to their service credits existing at the time of such leave.
 - Maternity leave as provided under Provincial and Federal Legislation shall be deemed to be leave of absence without pay.
 - Any unused portion of the Sick Leave Credits accumulated under the previous "Cumulative Sick Leave Credits" policy as of March 1, 1990, will remain on the records of the Authority to the employee's credit.
 - Upon termination of employment an employee shall receive a cash pay-out equal to 50% of the "Cumulative Sick Leave Credits" to a maximum of 6 months' salary based on the employee's rate of pay at the time of termination.
-

Pension Plans & Retirement			2-3
Developed by:	Office of the CAO		
Policy Applies To:	All Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

- All permanent employees shall be required, as a condition of service to become a member of the Ontario Municipal Employees Retirement System (OMERS) or if such person was already a member of OMERS at his time of employment with the Authority, to continue his contributions without interruption.
- Each employee shall contribute an amount of his earnings, to be deducted from each pay, as long as he remains in the service of the Authority, as laid down in the Regulations of the OMERS Act.
- All employees over 18 years of age will be required to contribute to the Canada Pension Plan as required by Federal Regulations.
- Pension benefits shall be an amount payable at periodic intervals in accordance with the Regulations of the OMERS Act.
- Refund of contributions or transfer of pension benefits of members on leaving the employ of the Authority shall be in accordance with the Regulations of the OMERS Act.

Medical and Insurance Benefits			2-4
Developed by:	Office of the CAO		
Policy Applies To:	All Permanent Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

Insurance Plan

- All permanent employees up to the age of 65 are covered by a program of Group Insurance which includes, Life Insurance, Extended Health Care, Long-Term Disability and Supplementary Dental Plan.
- All permanent employees at the age of 65 and older are covered by a program of Group Insurance which includes Life Insurance, Extended Health Care and Supplementary Dental Plan. The Authority will pay 100% of the cost of the Group Insurance coverages for permanent employees.
- Retired employees with more than 10 years full-time service with the Conservation Authority at the time of retirement are eligible up to the age of 65 for coverage by a program of Group Insurance which includes Life Insurance, Extended Health Care and Supplementary Dental Plan.
- If the retired employee dies before reaching age 65, benefit coverage will continue for the surviving spouse until the employee would have been 65 or the surviving spouse remarries whichever occurs first.

Annual Vacation			2-5
Developed by:	Office of the CAO		
Policy Applies To:	All Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

2-5.1: Definitions

Annual vacation periods for the purposes of calculation of vacation pay and credits shall be based on the period from January 1st to December 31st.

One week shall mean five (5) working days.

2-5.2: Vacation Credits

- An employee shall be credited with their vacation credits for each year on January 1st in the year.
- Any employee not having completed a year of service prior to the commencement of their vacation, may take vacation with pay, accrued from the commencement of service to December 31st of the first year of employment.
- An employee is entitled to vacation credits for each month or part thereof in which they are at work or on leave with pay.
- Where in the anniversary month of employment, an employee qualifies for a higher rate of accumulation of vacation credits, the higher rate of accumulation shall begin in the anniversary service month.

2-5.3: Vacation Accumulation

All permanent employees shall earn vacation credits as follows:

- For the first 2 years of employment 2 weeks (10 days)
- After 2 years of employment 3 weeks (15 days)
- After 7 years of employment 4 weeks (20 days)
- After 15 years of employment 5 weeks (25 days)
- After 25 years of employment 6 weeks (30 days)
- Plus 1 day each year after 30 years of services

An employee is not entitled to the accumulation of vacation credits for:

- Any whole month or months during which they are on leave-of-absence without pay;

- Any whole month or months in which they received benefits under the Long Term Income Protection Plan of the Authority

Employees terminating their services who have not taken their annual vacations, shall be paid for the annual vacation at the applicable rate for the period of time worked in the portion of the vacation year.

Maternity & Parental Leave			2-6
Developed by:	Office of CAO		
Policy Applies To:	All Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

2-6.1: Required Notice

Maternity leave shall be granted in accordance with the Employment Standards Act upon at least two weeks' written notice from the employee.

Employees who subsequently decide not to return to work shall advise the Chief Administrative Officer, in writing, at least one month prior to the termination of the approved leave.

Parental leave will be granted in accordance with the Employment Standards Act.

2-6.2: Supplemental Unemployment Benefits (SUB)

A full-time employee who is on maternity or parental leave who is in receipt of Employment Insurance maternity or parental benefits pursuant to the Employment Insurance Act and its regulations shall be paid a supplemental unemployment benefit. That benefit will be equivalent to the difference between seventy-five percent (75%) of his/her normal weekly earnings and the sum of his/her weekly employment insurance benefits and any other earnings.

Such payment shall commence following receipt by the NPCA of the employee's Employment Insurance cheque stub as proof that s/he is in receipt of Employment Insurance maternity/parental benefits, and shall continue while the employee is in receipt of such benefits for a maximum period of fifteen (15) weeks for maternity leave and ten (10) weeks for parental leave.

Protected Leaves			2-7
Developed by:	Office of CAO		
Policy Applies To:	All Employees		
Date Created:	May 2018	Approved By:	
Version #:	2018-1	Last Review Date:	December 2018

Purpose

Niagara Peninsula Conservation Authority has adopted this policy to ensure that its employees are provided with authorized time off as per applicable legislation. Niagara Peninsula Conservation Authority is committed to providing a work-life balance and support for its employees and will ensure compliance with the eligibility, requirements and entitlements for all 'Protected Leaves', as outlined in the Employment Standards Act, 2000, as amended.

Any greater benefits the NPCA provides as contained within this policy manual shall be applied and deemed to be in compliance with the minimum standards as dictated in the Employment Standards Act, 2000, as amended.

Protected Leaves include:

Sick Leave	The employee is unable to work due to personal illness, injury or medical emergency
Family Responsibility Leave	The employee has a family member with an illness, injury or medical emergency and/or has an urgent matter that concerns a family member
Bereavement Leave	Employee's immediate family member dies
Pregnancy Leave	Employee is pregnant and requests time off of work
Parental Leave	The employee is a parent to a child who has recently been born or is coming into the employee's custody for the first time
Family Medical Leave	A family member of the employee has a serious medical condition with a significant risk of dying within a 26-week

	period
Organ Donor Leave	The employee is undergoing surgery for the purposes of an organ donation
Emergency Leave, Declared Emergencies	Declared emergency (by provincial authorities, the employee is unable to perform his/her normal duties due to this emergency)
Reservist Leave	Employee is a reservist and is being deployed
Jury Duty Leave	The employee requires to serve as a juror
Employees Serving in Election	The employee is a returning officer or has been appointed by a returning officer
Family Caregiver Leave	An employee's family member has a serious medical condition that requires care or support
Critical Illness Leave	The employee's child is critically ill and requires the care or support of one or more parent
Crime-Related Child Disappearance Leave	The employee is the parent or guardian to a child who has died or disappeared as the probable result of a crime
Child Death Leave	The employee's child dies (who is under 18 years of age)
Time for Voting	The employee is eligible to, and requires time during working hours to vote
Domestic or Sexual Violence Leave	The employee has experience or has a child that has experience domestic or sexual violence, or has received or has a child that has received the threats of domestic or sexual violence

Employee Relations

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Working Alone			3-1
Developed by:	Office of the CAO		
Policy Applies To:	All Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

Policy Statement

The Niagara Peninsula Conservation Authority is vitally interested in and committed to the health and safety of its employees. A significant number of job functions within the Conservation Authority have been and will continue to be performed by employees working alone. It is the objective of the Conservation Authority to apply all reasonable measures for the protection of all workers in these situations. It is important to note that some job functions are NOT to be undertaken alone and must be carried out only when at least one other qualified staff member is present.

3-1.1: Authority Supplied Equipment

All employees who are required to work alone and may potentially be exposed to a job-related injury, health impairment of any kind, victimization through criminal violence or other adverse conditions will be provided with a two-way communications link.

3-1.2: Notification Procedures

a) Office Personnel

Office staff who are to be out of the office are required to provide information on their work locations and the expected time of return. If there is a significant change in the expected time of return or work location, the employee is required to advise the Administration Office of this change. The employee will, at all times, have on their person a mobile two-way communications link, accessible to the Administration Office.

b) Field Personnel

For Field Personnel, each Conservation Area with staff assigned to it and the Central Workshop will ensure a process is in place which will identify where each employee assigned to that conservation area/workshop is expected to be over the course the work day. In addition, each employee, or the supervisory employee where more than one employee is involved, will at all times have on their person a mobile two-way communications link, accessible to the Administration Office.

3-1.3: Exceptions

- a) No employee is permitted to work alone in the following situations:
- Confined space entry

- Working with toxic gases, liquids or solids
 - Working at heights where a safety harness is required
- b) Where the handling of cash occurs, the Conservation Authority will install appropriate warning alarms for the safety of the personnel at these sites.

4-1.4: Training

All Conservation Authority employees, both regular and seasonal, will receive annual training on the Working Alone policy.

4-1.5: Employee Responsibility

It is important to note that employees and their supervisors shall be held accountable for violations of health and safety rules, regulations and procedures. Where an employee has concerns about the adequacy of the Working Alone Regulation, they are to advise their supervisor of their concerns. Where a supervisor is made aware of an employee's concerns about the Working Alone Regulation, they are required to refer this to the Joint Health and Safety Committee and bring the matter to the attention of their Department Director and the Chief Administrative Officer.

Travel on Duty			3-2
Developed by:	Office of the CAO		
Policy Applies To:	All Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

3-2.1: Eligible Expenses

An employee, when authorized to travel on informal duty to attend conferences, meetings, courses of instruction and trips of a similar nature, by the Chief Administrative Officer shall be entitled to reimbursement for expenses as follows:

- a) Mileage rate in accordance with the Mileage policy.
- b) Reasonable out-of-pocket expenses for overnight accommodation and meals and gratuities incurred.
- c) Taxi fare when private vehicle is not used, and telephone expenses that may be incurred on Authority business.
- d) Registration of other applicable fees.
- e) Parking charges.
- f) Incidental expenses not covered above.

Expense claims must be supported by receipts for registration fees, accommodation and other expenses when applicable.

Employees attending evening Authority meetings shall be paid for regular mileage rate to and from their residence (up to a \$15.00 limit) or be reimbursed up to \$15.00 for dinner.

Legal Indemnification			3-3
Developed by:	Office of CAO		
Policy Applies To:	All Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

1. Subject to other provisions of these terms, an employee charged and finally acquitted of a criminal or statutory offence because of acts done while on duty in the attempted performance in good faith of his/her duties as an employee, shall be indemnified for the necessary and reasonable legal costs incurred in the defence of such charges.
2. Notwithstanding section 1, the Conservation Authority may authorize payment of necessary and reasonable legal costs of an employee pleading or being found guilty of an offence described in section 1, where the court instead of convicting the accused, grants a discharge under Section 662.1, Subsection 1, Criminal Code, provided that the Conservation Authority accepts the recommendation of its solicitor that the individual's actions as a Conservation Authority employee in the course of performing his/her duties were motivated by an intent to do his/her lawful duty, that such actions do not constitute any of the actions described in section 1.
3. Notwithstanding section 1, the Conservation Authority may refuse payment otherwise authorized under section 1 where the actions of the employee from which the charges arose mounted to a dereliction of duty or abuse of his/her powers as a Conservation Authority employee.
4. Where a member is a defendant in a civil action for damages because of acts done in the attempted performance in good faith of his/her duties as a Conservation Authority employee, and the action is not defended by the insurance carrier of the Conservation Authority or otherwise, he/she shall be indemnified for the necessary and reasonable legal costs incurred in the defence of such an action in the following circumstances only:
 - a) Where the Conservation Authority is not joined in the action as a party or the Conservation Authority does not defend the action on behalf of itself and of the member as joint tort-feasors* at the Conservation Authority's sole expense;
 - b) Where the Conservation Authority is joined as a party and the Conservation Authority elects to defend the action, but the Conservation Authority's solicitor or solicitor retained on behalf of the Authority is of the view that it would be improper for him/her to act for both the Authority and the employee in that action. The Conservation Authority shall decide if additional counsel shall be retained with respect to the indemnification provisions of these regulations.

- c) Where an employee intends to apply to the Conservation Authority for indemnification hereunder, the employee shall, within ten (10) days of being charged or receiving notice of other legal proceedings covered herein, apply in writing to the Conservation Authority for approval to retain counsel and approval of the counsel to be retained, the matter shall be resolved by the Chief Administrative Officer. For counsel selected and approved, indemnification shall not exceed 1.5 times the Legal Aid Tariff.

* **tort**n. Fr. for wrong, a civil wrong, or wrongful act, whether intentional or accidental, from which injury occurs to another. Torts include all negligence cases as well as intentional wrongs which result in harm. ... crimes such as assault, battery, wrongful death, fraud, conversion (a euphemism for theft), and trespass on property ... Defamation, including intentionally telling harmful untruths about another, either by print or broadcast (libel) or orally (slander). Copyright © 1981-2005 by Gerald N. Hill and Kathleen T. Hill. All Rights Reserved. **tort-feasor** A wrongdoer; an individual who commits a wrongful act that injures another and for which the law provides a legal right to seek relief; West's Encyclopedia of American Law, edition 2. Copyright 2008 The Gale Group, Inc. All Rights Reserved.

Issuance of Uniforms			3-4
Developed by:	Office of CAO		
Policy Applies To:	All Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

3-4.1: Uniform Items

The following items of uniform clothing will be issued to the Conservation Area Superintendents and designated union staff:

Free	4 Shirts annually 3 trousers annually 1 jacket (windbreaker) biennially 1 parka biennially 1 summer hat annually 1 winter hat annually
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Conservation Area Superintendents, designated union staff (as per the Collective Agreement) and any other staff at the approval of the Department Director, shall be eligible for:

Safety Boot Allowance	\$140.00 annually for the purchase of approved Safety boots (green tag)
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3-4.2: Other Items

The Authority will supply, free of charge, coveralls, safety helmets, goggles, rainwear, rubber boots, hip and chest waders and first aid supplies whenever deemed necessary by the appropriate supervisor.

3-4.3: Uniform Dress Code

All clothing items provided shall be considered as personal and nonreturnable, but upon leaving the Authority the employee must remove and return the Authority insignias from the clothing.

Employees shall be responsible for keeping uniform clothing in a clean condition and in good repair at their own expense.

Employees that have been issued uniforms, when on duty, shall wear Authority uniform clothing unless otherwise directed by the appropriate supervisor.

Employees shall not wear Authority uniforms except when on duty or proceeding to and from work.

Employer Supported Volunteering			3-5
Developed by:	Human Resources		
Policy Applies To:	All Full-Time Employees		
Date Created:	Jan 25, 2016	Approved By:	CAO
Version #:	2016-1	Last Review Date:	Jan 25, 2016

PURPOSE:

To allow our employees to support and serve the community we live and work in by volunteering their time in support of NPCA approved charitable causes.

3-5.1: Eligibility

All full-time employees (including permanent and contract) will be eligible for the employer supported volunteer program.

3-5.2: Time Off

Staff will be allowed up to one and a half (1.5) hours per month paid leave to participate in voluntary activities during working hours. Time-off will be granted by management and approvals for time will be considered taking into account business needs.

3-5.3: Charitable Organizations

Employees will need to submit a request for the type of volunteer work and the organization with which they are requesting volunteer time for approval to the CAO. Consideration will be given to any charitable organizations that do not hold a conflict of interest with the NPCA or contravene with organization values as determined by the CAO.

3-5.4: Access to Facilities

Staff involved in approved voluntary activities may be permitted access, within reason, to use of telephones, fax machines, photocopying, e-mail etc.

3-5.5: Insurance

While the NPCA may endorse the chosen volunteering activities of staff, it cannot accept responsibility for insuring them when engaged in activities outside of its premises. Individuals must therefore ensure that they are adequately covered by their chosen voluntary organization.

3-5.6: Attire

While employees are partaking in employer supported volunteer time, they are required to wear NPCA branded clothing that is clean and in good repair.

Workplace Harassment			3-6
Developed by:	Human Resources		
Policy Applies To:	All Employees		
Date Created:	Sept 16, 2016	Approved By:	CAO
Version #:	2016-1	Last Review Date:	Sept 16, 2016

PURPOSE:

It is the policy of the Niagara Peninsula Conservation Authority to prevent and resolve any employment-related incidents of harassment. Every reasonable effort shall be made to ensure that no employee is subjected to any form of harassment. The Conservation Authority also endorses that all employees have the right to be treated fairly in the workplace in an environment totally free of harassment. This includes harassment from other NPCA employees, customers, clients, board and committee members as well as members of the public.

This policy applies to all employees, students and volunteers working with the NPCA.

For the purposes of this policy, harassment can occur:

- At the workplace, which includes any location where the business of the Conservation Authority is being conducted including vehicles, project sites etc.
- At employment-related social functions
- During work-related travel
- Over the telephone, if the conversation is work-related
- Elsewhere, if the person is there as a result of work-related responsibilities or a work-related relationship

3-6.1: Definitions

Discrimination means unfair or differential treatment of an individual or group, whether intentional or unintentional, on the basis of one or more of the prohibited grounds contained in the Ontario Human Rights Code.

Workplace Sexual Harassment is defined by the OHSA as:

- Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome;
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome

Workplace Harassment is defined by the OHSa as:

- Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome

Workplace harassment behaviour does not include:

- Expressing differences of opinion in a civil and respectful manner
- Offering constructive feedback, guidance, or advice about work-related behaviour
- Action taken by an employer or supervisor relating to the management and direction of workers, or the place of employment (e.g. managing a worker's performance, taking disciplinary action, assigning work)

This policy has been developed to address harassment in the Niagara Peninsula Conservation Authority workplace. This policy does not affect an individual's right to access other avenues available under the Ontario Human Rights Code or any other law. Questions regarding the Ontario Human Rights Code should be directed to the Ontario Human Rights Commission.

Where staff are unsure about how to address a particular situation, they are reminded that they can contact their supervisor, the Conservation Authority's Joint Health and Safety Committee, a Union Representative, if applicable and/or the Employee Assistance Program provider. The Employee Assistance Program provides an opportunity to discuss, in a fully confidential forum, concerns and issues, and make suggestions for consideration.

3-6.2: Procedure Guidelines

Role of Supervisor

- Ensure that the right of freedom from harassment for all employees is respected;
- Ensure employees are fully aware of the policy;
- Make every effort to prevent any form of behaviour which may be construed as harassment;
- Investigate promptly and take the appropriate corrective action should they become aware of such behaviour;
- Recommend the imposition of preventive and corrective measures upon the offenders in accordance with the seriousness of the misconduct and the applicable disciplinary policy;
- Co-operate in the investigation and in the implementation of any remedial action undertaken by the employer.

Role of Complainant

- Notify offender the behaviour is considered an affront and will not be tolerated.
- Keep a written record of:
 - Dates
 - Times
 - Places
 - Nature of behavior
 - Witnesses, if any
- *If the offensive behaviour continues, notify your supervisor or if your supervisor is the offender, notify the individual's supervisor or Human Resources*

3-8.3: Reporting Harassment

Managers, supervisors and workers are expected to adhere to this policy and will be held responsible by the employer for not following it. Workers are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace harassment.

Upon becoming aware of any incident which may fall under the definition of harassment or discrimination, nothing precludes the NPCA from determining whether it is necessary to take appropriate action even if the complainant does not wish the matter to proceed.

Complaints that are deemed frivolous, vexatious or not made in good faith will not be investigated. This includes complaints that are:

- Lacking in reasonable purpose
- Made with the intent to harass or annoy
- Made with the intent to deceive or mislead
- Made with an improper use or ulterior motive

3-8.4: Investigation Process

Steps in the investigation of a complaint shall include the following procedure and be conducted in a fair and timely manner.

- Interview the complainant;
- Interview the alleged offender;
- Interview any witnesses;
- Document the situation accurately and completely;
- Decide if the complainant has grounds;
- Following the most appropriate process to resolve the complaint which may include one or more of the following measures;
 - Counseling one or both parties to attempt to conciliate and arrive at a solution to the problem; Review the complaint with next level of supervisor;
- Follow up to ensure corrective action is taken;
- Prepare a summary report upon completion of the investigation.

The investigator shall be appointed by Human Resources and/or the CAO. The investigator may be an internal employee or an external third party.

3-8.5: Corrective Action

If an investigation determines that harassment or discrimination has occurred, disciplinary action may be taken. Consideration will be given to the nature and impact of the violations and may include, but not limited to:

- Requiring educational programs or counseling for the respondent
 - Verbal or Written reprimand
 - Suspension (with or without pay)
 - Dismissal (with or without notice)
-

Where a complaint of harassment or discrimination is substantiated, there will be a formal record of the action taken in the respondent's personnel file.

Upon completion of the investigation, Niagara Peninsula Conservation Authority will inform both the complainant and respondent in writing a summary of the findings of the investigation and any corrective action that has been or will be taken as a result of the investigation.

3-8.6: Confidentiality

Complaints shall be conscientiously investigated and will be processed in a confidential manner. The name of a complainant and the circumstances related to the complaint will not be disclosed except to the alleged offender and where disclosure is necessary for the purposes of investigating the complaint, taking disciplinary measures, or is otherwise required by law.

The employer will keep records of the investigation for five (5) years following the conclusion of the investigation including;

- A copy of the complaint or details about the incident
- A record of the investigation
- A copy of the investigation report
- A summary of the results of the investigation that was provided to the complainant and respondent

A copy of any corrective action taken to address the complaint or incident

Workplace Violence Prevention Program			3-7
Developed by:	Office of CAO		
Policy Applies To:	All Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

Scope

The Workplace Violence Prevention Program is applicable in any work-related circumstance where there is an attempt of violent behaviour by any person including a visitor, a client, volunteer, co-worker or their domestic or intimate partner. This program applies to all Niagara Peninsula Conservation Authority employees in all work locations which include the Administration Office, Conservation Areas, NPCA vehicles, client properties and the general community where any Conservation Area employee is performing work for the NPCA.

(REMOVE) Workplace harassment is addressed under a separate policy within the NPCA Terms of Employment and Personnel Regulations.

Purpose

Consistent with the Occupational Health and Safety Act and the Niagara Peninsula Conservation Authority Health and Safety Policy, the NPCA will maintain a Workplace Violence Prevention program to ensure that appropriate measures and procedures are in place to protect employees from violent behaviour.

Legislative Reference

- Occupational Health and Safety Act (OSHA) and Regulations
- Ontario Human Rights Code, R.S.O. 1990
- Canadian Human Rights Act

Definitions (Reference: Occupational Health and Safety Act)

“workplace” is defined as:

Any land, premises, location or thing, at, upon, in, or near which a worker works.

“workplace violence” is defined as:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or,

- A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

(REMOVE) "workplace harassment" is defined as:

- Engaging in a course of vexatious comment or conduct against a worker in a workplace – a comment or conduct that is known or ought reasonably to be known to be unwelcome.

3-7.1: Roles and Responsibilities

Employer Responsibilities

The NPCA will ensure that measures and procedures are in place to protect employees from incidents of workplace violence. To achieve this, the NPCA will ensure and maintain measures and procedures to:

- Conduct violence risk assessments and control identified risks;
- Summon immediate assistance when an employee is at risk of violence;
- Report, investigate, track and follow-up on incidents of violence;
- Address domestic violence in the workplace;
- Report and deal with harassment; and
- Train employees on such measures and procedures.

Supervisor Responsibilities

The supervisor will ensure the requirements of this program identified in this policy under "Violence Prevention Program Requirements" are carried out to protect the employees under their authority or control.

Employees' Responsibilities

- Not participate in any bullying or harassing activity;
- Maintain their own safety and the safety of others;
- Immediately report all incidents of workplace violence in accordance with the NPCA Safety Manual – "Incidents – Employee Reporting", and participate in the investigation process; Protect themselves from workplace violence by following the established measures and procedures relevant to their specific job tasks;
- Inform their supervisor of any person who may threaten their safety or the safety of others in the workplace through violence, including an incident of domestic violence;
- Maintain employee confidentiality; and,
- Participate in any training provided or required and apply the knowledge gained to the workplace and specific job tasks.

3-7.2: Violence Prevention Program Requirements

a) Violence Risk Assessments

- A violence risk assessment(s) will be conducted at least once every five (5) years or whenever there are significant changes in job duties, work locations or the physical work environment.
- A violence risk assessment(s) will be conducted in consultation with the Joint Occupational Health and Safety Committee or Health and Safety Representative.

b) Controlling Identified Risks

- Written measures, procedures and training will be provided to eliminate identified risks of violence.
-

- Where it is not reasonable to eliminate the risk of violence, action will be taken to mitigate the risk by considering:
 - Changes to the physical design, layout and condition of the workplace;
 - Work organization, work practices and procedures;
 - Security systems communication devices, panic buttons, personal protective equipment, as appropriate and reasonable; and, Training in the appropriate responses and actions
- Written measures, procedures and training programs will be reviewed at least annually in consultation with the Joint Health and Safety Committee.

c) Methods to Summon Assistance

Written measures and procedures will be established to summon immediate assistance when workplace violence occurs or is likely to occur, including when a threat of violence is made. Such measures may consider the use of cellular phones radios and panic buttons. Additional information is available in the NPCA Working Alone Policy

d) Reporting, Investigation and Follow-up

- The NPCA Safety Manual – “Incidents – Employee Reporting” will be utilized to report, investigate, follow-up and track incidents, threats or complaints of workplace violence.
- The Employee Assistance Program shall be offered in a timely manner in any case where an individual or work group may require support.
- The confidentiality of the victim will be maintained as reasonably possible.

e) Domestic Violence

Where a supervisor becomes aware of (or ought to reasonably be aware of) a domestic violence situation that would likely expose an employee to physical harm in the workplace, all reasonable precautions will be taken to protect the employee. Such precautions include the development of a “personal safety plan” that will consider, but will not be limited to:

- Moving the employee to a safer work location
- Issuing a restraining order / trespass notice;
- Alerting key employees (e.g. reception, management and supervisors) of the potentially violent person and actions to take if the person is identified in the workplace.

The supervisor should consult with the Chief Administrative Officer when developing a personal safety plan for an employee.

f) (REMOVE) Workplace Harassment

Workplace harassment is addressed under the following NPCA Workplace Harassment Policy

g) Disclosing Persons with a History of Violence

Disclosure of a person with a history of violence, to an NPCA employee shall occur if:

- The worker can be expected to encounter that person in the course of his or her work (i.e. a customer, stranger, client, resident, co-worker or their intimate/domestic partner); *and*
 - The risk of workplace violence is likely to expose the worker to physical injury.
-

Legislation limits the disclosure only to inform where it is reasonably necessary to protect worker(s) from physical injury.

h) Training

Appropriate training will be provided for employees who may be exposed to the risk of workplace violence. The training should include:

- Responsibilities under the Workplace Violence Prevention policy and program;
- Methods to recognize potential violent situations;
- Methods and procedures to eliminate/control the risk of workplace violence;
- Appropriate response to incidents or potential incidents of violence including how to summon assistance; and,
- The procedures for reporting, investigating and documenting incidents of workplace violence.

i) (REMOVE) Complementary Policies and Programs

The following NPCA policies, programs and procedures are complementary to this Workplace Violence Prevention Program:

- NPCA Health and Safety Policy
 - NPCA Workplace Violence Prevention Policy
 - NPCA Terms of Employment and Personnel Regulations, Workplace Harassment
 - NPCA Safety Manual – “Incidents – Employee Reporting”
 - NPCA Safety Manual – “Work Refusals and Work Stoppages”
-

Workplace Violence & Harassment Prevention Policy			3-8
Developed by:	Office of CAO		
Policy Applies To:	All Employees/Volunteers		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	February 2018

The management of the Niagara Peninsula Conservation Authority is committed to the prevention of workplace violence and harassment and is ultimately responsible for worker health and safety. We will take whatever steps are reasonable to protect our workers from workplace violence from all sources.

Violent behavior and/or harassment in the workplace is unacceptable from anyone. This policy applies to workers, visitors, clients, volunteers, co-workers or their domestic or intimate partners. Everyone is expected to uphold this policy and to work together to prevent workplace violence.

Consistent with the Occupational Health and Safety Act and the NPCA Health and Safety Policy, the NPCA will maintain a Workplace Violence Prevention Program and a Workplace Harassment program to implement this policy. It includes measures and procedures to protect workers from workplace violence and/or harassment, a means of summoning immediate assistance and a process for workers to report incidents or raise concerns.

The NPCA as the employer, will ensure that this policy and the supporting program are implemented and maintained and that all workers and supervisors have the appropriate information and instruction to protect them from violence and/or harassment in the workplace.

Supervisors will adhere to this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by workers and that workers have the information they need to protect themselves.

Every worker must work in compliance with this policy and the supporting program. All workers are encouraged to raise any concerns about workplace violence and/or harassment and to report any violent or harassing incidents or threats.

Management pledges to investigate and deal with all incidents and complaints of workplace violence and/or harassment in a timely and fair manner, respecting the privacy of all concerned to the extent possible.

Grievances			3-9
Developed by:	Office of CAO		
Policy Applies To:	All Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

An employee may discuss their terms of employment with their immediate supervisor during normal working hours and at the convenience of both parties concerned.

If an employee is not satisfied with the outcome of such discussion, they may ask that the matter be taken to the Department Director.

If an employee is not satisfied with the outcome of such discussion, they may ask that the matter be taken to the Chief Administrative Officer of the Authority.

Subject to dissatisfaction with the foregoing discussions, the employee may request that the matter be taken to the Authority Board of Directors.

Under no circumstances may an employee by-pass the Department Director and Chief Administrative Officer and take the problem directly to an Authority member or the Board of Directors.

Email and Internet Use			3-10
Developed by:	Office of CAO		
Policy Applies To:	All Employees		
Date Created:	Historic	Approved By:	CAO
Version #:	2016-1	Last Review Date:	June 2016

Employees are provided with access to E-mail and to the Internet solely for purposes of Conservation Authority business. E-mail includes messages of all forms, including text, data, images or voice. Internet access includes all forms of Internet interaction including browsing, e-mail, file transfers, newsgroups, “chat” areas, websites, etc.

Accessing and using the Authority’s system should be conducted in a responsible and professional manner reflecting the Conservation Authority’s commitment to honest, ethical and non-discriminatory business practices. Access to the system is restricted to authorized persons only. Employees are restricted to using the computer specifically assigned to them or computers intended for general office use and shall not use another employee’s computer without obtaining prior permission.

PURPOSE

- To ensure that user behaviour is consistent with the Conservation Authority’s expectations and with the requirements of any applicable legislation and regulations
- To ensure the appropriate use of the Conservation Authority’s system so that the Conservation Authority’s activities are performed in a manner consistent with its mission and to maintain, enhance and promote its image and reputation

This policy applies to all Conservation Authority staff and any person who uses the Conservation Authority’s system in the course of a contract, a training period, or a co-operative placement.

Contravention of this policy will result in disciplinary actions deemed appropriate by the Chief Administrative Officer.

3-10.1: Ownership, Confidentiality, Privacy:

The Conservation Authority’s system is deemed to be the exclusive property of the Conservation Authority and the user is not granted any right of ownership, confidentiality or privacy while using the system.

All information, messages, data and files in the Conservation Authority’s system or emanating therefrom, in any form whatsoever (electronic, digital, printed, audio, video or other) are deemed to be the exclusive property of the

Conservation Authority and the user is not granted any right of property, confidentiality or privacy as regards such information, messages, data and files.

All electronic files and documents that are created by or with the Conservation Authority's system are records for purposes of the Municipal Freedom of Information and Protection of Privacy Act. As such, users should understand that they may be public records for the purpose of this Act. Users of the system are subject to the requirements of MFIPPA legislation, and its provisions respecting offences, enforcement and penalties.

3-10.2: User's Obligations:

The user shall:

- Respect the provisions of this policy; promote the spirit and the letter of this policy;
- Use the Conservation Authority's system in a prudent and conscientious manner and not waste computer or network resources;
- Respect the rights, obligations, needs, priorities, reputation and privacy of other users;
- Respect the access and use conventions of the system;
- Assess the completeness, integrity, truthfulness, quality, accuracy, up-to-date nature and confidential character of the information gathered by means of the system before using the information to make strategic business decisions for the Conservation Authority;
- Respect the terms and conditions of the license of any relevant software;
- Respect and protect the confidential nature of any information transmitted or obtained over the system. The user may not send, publish or provide access to any confidential information or document belonging to or concerning the Conservation Authority;
- Respect and protect intellectual property rights held by the Conservation Authority or by a third party, including copyrights, trademarks, industrial designs, patents, commercial secrets, moral rights, contractual rights and licenses;
- Maintain the confidentiality of his or her access code and password and change his or her password without delay if he or she has reason to believe such password has become known to others;
- Report immediately to the System contact person any weak point in the security measures protecting the system which the user discovers or learns of;
- Facilitate the identification and correction of any flaw or problem affecting access to the system;
- Fully collaborate and provide any evidence required in the course of any investigation made by the police, by the Conservation Authority's insurers or by the Conservation Authority itself, as regards access to E-mail or the Internet or its use by the user or by any other person, subject to the user's constitutional rights;
- If an e-mail is received that violates any provision of this policy, the user shall delete the e-mail message as soon as possible and shall notify the sender that it is not appropriate and to cease sending any further such types of e-mail.

3-10.3: Prohibited Use:

The user may not, for any reason whatsoever, do any act which constitutes illegal behaviour or behaviour that is detrimental to the interests of the Conservation Authority. More specifically, but without limitation, the user may not knowingly use the Conservation Authority's system to:

- Solicit or promote commercial ventures, religious or political causes or other non-job-related organizations;
 - Seek financial gain;
 - Solicit or promote a person or organization other than the Conservation Authority;
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- View, publish, transmit, download, send, print, copy, exchange or store digital information, opinions or documents (e.g.: text, images, audio, video, etc.) which are discriminatory, abusive, malicious, threatening, hateful, violent, slanderous, defamatory, fraudulent, racist, sexist, sexual, obscene, immoral, illegal, offensive or pornographic;
- Usurp or attempt to usurp, directly or indirectly, in whole or in part, such intellectual property rights whether by copying, reproducing or otherwise;
- Harass a person or group of persons;
- Conceal or disguise his or her real identity, including but not limited to the posting of anonymous messages and forging e-mail messages;
- Make unsolicited mailings or newsgroup postings;
- Use someone else's access code or password; obtain or attempt to obtain unauthorized access;
- Compromise or circumvent the security measures protecting the Conservation Authority's system and the broader Internet system, or exploit the weaknesses of such security measures;
- Create, install, transfer or download viruses, files or software containing viruses, or files or software dangerous for the integrity of the Internet or the Conservation Authority's system (e.g.: "Trojan horses", "worms", "cancelbots", etc.);
- Waste computer or network resources upon accessing or using the Conservation Authority's system;
- Participate in on-line gambling or on-line games;
- Commit or attempt to commit any act prohibited by the Criminal Code of Canada.

3-10.4: Personal Use:

Use of the Authority's system for personal purposes is strictly limited and is only authorized provided that:

- The duration of the access and its use is limited;
- Such use does not in any manner hinder the Conservation Authority's operations, nor the efficiency or availability of E-mail or the Internet access system;
- Such use does not in any manner hinder the work or services the user must perform;
- Such access and use occur outside the user's hours of work or service;
- The user pays the costs involved, if any.

All other provisions of this policy still apply in the case of personal use.

Anonymous Correspondence			3-11
Developed by:	Human Resources		
Policy Applies To:	All Employees		
Date Created:	May 30, 2014	Approved By:	CAO
Version #:	2014-01	Last Review Date:	May 2014

The Board is genuinely interested in receiving reliable information from a wide variety of sources in order to enhance its decision-making ability. However, information that is received anonymously lacks a ready basis for verification and honouring such correspondence may only tend to encourage irresponsible claims, accusations, and other unsubstantiated gossip to the detriment of both the Conservation Authority and/or members of the organization.

Accordingly, anonymous correspondence will not be entered into any record, will not be circulated within the Conservation Authority, and will in fact be destroyed upon receipt under this administrative policy, with the single exception as follows:

In the event that the communication is of such a nature as to raise a question of the immediate safety of, or threat of employees, children or other persons visiting our facilities, the security of the property or the prevention or identification of any illegal and/or criminal act; such information should be shared directly with the Chief Administrative Officer, or designate who will, in consultation reasonable in the circumstances, make a determination whether to relay the information to law enforcement for investigation. As an illustration, the foregoing includes such matters as bomb or fire threats, threats of bodily harm against a person or persons, information regarding child endangerment, etc. In the event that investigation is undertaken, any persons directly related thereto shall be advised of the nature of the anonymous information, when permitted by law.

Impairment in the Workplace			3-12
Developed by:	Human Resources		
Policy Applies To:	All employees		
Date Created:	November, 2018	Approved By:	
Version #:	2018-1	Last Review Date:	

1.0 PURPOSE STATEMENT

Niagara Peninsula Conservation Authority is committed to the health and safety of its employees. This policy has been established to ensure the safety of all parties through encouragement of proactive disclosure of substance abuse concerns and consistent application of processes should there be suspected impairment in the workplace. Impaired employees can pose serious health and safety risks to both themselves and their fellow employees.

To help ensure a safe and healthy workplace, Niagara Peninsula Conservation Authority reserves the right to prohibit certain items and substances from being brought on to or present on company premises.

2.0 DEFINITIONS

Impairment – incapacity or dysfunction resulting from alcohol or other drug use or misuse which negatively affects an employee's ability to carry out his/her job functions in a safe, efficient or competent manner. This also includes incapacity as a result of a medical and/or psychological condition, including fatigue.

Medical and/or psychological condition - a clinically diagnosable behavioral or mental pattern that causes significant distress or impairment of personal functioning, usually defined by a combination of how a person behaves, feels, perceives, or thinks.

Workplace – Any land, premises, location, or thing at, upon, in or near which a worker works. This includes use of a motor vehicle operated by an employee in the course of his or her duties.

Substance Abuse and/or Dependency – where the misuse of illicit drugs, prescriptions, alcohol, and other such substances becomes a habit of an individual.

Alcohol – Any beverage or non-beverage containing ethyl alcohol, including but not limited to, beer, wine, liqueurs, and spirits. Includes low alcohol products.

Illicit Drugs – Any controlled substance which cannot be legally possessed under Canadian law.

Recreational Drug - any substance with pharmacological effects that is taken voluntarily for personal pleasure or satisfaction rather than for medicinal purposes. This includes the use of marijuana not prescribed by a physician.

Prescription Drugs – Drugs legally obtained with an appropriate health care provider's prescription. This includes use of medical marijuana **as well as any related paraphernalia**.

Competent Supervisor – As defined by the *Occupational Health and Safety Act*, a supervisor is a person who has charge of a workplace or authority over a worker. This includes management and employees commonly referred to as charge or team leads.

Drug Diversion – any act or deviation while at work that removes a prescription drug from its intended path. Examples of drug diversion include but are not limited to the following:

- drug theft;
- Using or taking possession of a drug without a valid order or prescription;
- Forging or inappropriately modifying a prescription or documentation;

APPLICATION

This policy applies to all Employees (full-time, part-time, contract, students) as well as Volunteers and Contractors while conducting work on behalf of Niagara Peninsula Conservation Authority, on or off company premises, or driving company-owned, leased or rented vehicles, or personal vehicles driven for business purposes as well as when wearing NPCA issued uniform items.

3.0 POLICY

The Niagara Peninsula Conservation Authority recognizes that suspected impairment may be due to the use of alcohol or other substances/drugs (legal or illegal) or due to medical and/or psychological conditions. NPCA encourages employees to seek appropriate help and/or self-disclose any dependency issues or concerns in order to proactively seek appropriate treatment in the effort to avert or resolve potential problems before they occur. Assistance may be sought by use of the Employee Assistance Program (EAP), Human Resources, their personal physician or appropriate community service, and shall be sought before job performance is affected or violations occur.

Safety and prevention are the primary objectives of this policy and all parties have a shared responsibility for workplace safety. This policy and procedure provides the parties with the needed guidance to appropriately address these sensitive situations as well as outlines the organization's commitment to prevention of incidents of workplace impairment through the encouragement of early dependency disclosure and support.

Possession of unsealed alcohol, illicit and/or recreational drugs, and drug paraphernalia (**excluding prescription related paraphernalia**) on company property is prohibited. Company property encompasses all company owned or leased property used by employees, including without limitation parking lots, vehicles, lockers, desks, and closets.

Possession of sealed alcohol may be permitted on company property under certain circumstances. If an employee requires to bring alcohol onto company property, he/she must first obtain permission from their supervisor. Permission will be granted on a case-by-case basis and will be at the discretion of the supervisor.

Any employee who is suspected to be impaired or involved in drug diversion will be removed from their workplace because of the increased risk for accidents and/or dangerous or inappropriate behavior/actions. They may be required to remain on leave in order to allow time for evaluation of the circumstances. Investigation may result in disciplinary action up to and including termination of employment or loss of affiliation with the organization and criminal charges.

4.0 **PROCEDURE**

Suspected Impairment

- 4.1 If there is a reasonable suspicion that an employee is suspected of being impaired while at work, the employee's behavior, appearance, conduct, speech and any odor should be observed. If possible, the employee's competent supervisor will first seek another competent supervisor's opinion to confirm the employee's status.
 - 4.2 As required under the Occupational Health and Safety Act, Section 28(1)(d), Duties of Workers, an employee shall "report to his or her employer or supervisor [...] the existence of any hazard of which he or she knows". Employees are required to report any case of suspected impairment in the workplace to their competent supervisor immediately. If you suspect that it is your competent supervisor that is impaired, report the suspected impairment to the next person in the chain of command, or Human Resources.
 - 4.3 Whenever possible, there shall be two individuals present when the suspected impaired employee is approached unless there is an immediate safety concern to the employee, or others.
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- a) If the competent supervisor determines that there is a suspected case of workplace impairment, that employee will be removed from his or her work and escorted to the nearest safe location.
- 4.4 If it is determined that the employee is impaired, ensure the employee is kept in a safe place where they can be monitored.
- 4.5 If the employee is having a medical emergency – call 911.
- 4.6 If there are no medical concerns, the employee is to be sent home using safe transportation such as being driven home by a family member or put in a taxi. The employee may be accompanied by a manager or supervisor or another employee if necessary.
- 4.7 Under no circumstances should the employee be driven home by an NPCA employee.
- 4.8 If the employee attempts to drive their vehicle while in a suspected impaired state, call 911 to report a suspected impaired driver.
- 4.9 As soon as possible, Human Resources will contact the employee to advise them that they are on leave pending an investigation and will be contacted at a later date and a follow-up meeting will be held. In cases involving bargaining unit employee(s), the Union will be notified of the incident and investigation and updated as appropriate.
- 4.10 Any corrective action issued will be consistent with the circumstances of the incident and done in consultation with Human Resources.

Return to Work

- 4.11 The employee may be allowed to return to work once NPCA confirms that the employee is safe to do so and pending the investigation status, if applicable.
- 4.12 If the impairment was due to a substance abuse, medical or psychological issue, an employee may be allowed to return to work only after providing medical clearance in the form of a treatment memorandum form, confirming the employee is able to return and safely perform the duties of their job.
- 4.13 Any medical information or treatment received must be satisfactory to the NPCA prior to determination of a return to work.
- 4.14 Any potential workplace accommodation arrangements will be assessed through Human Resources and in accordance with applicable legislation and NPCA policies. A person who requires accommodation in order to perform the essential duties of his/her job has a responsibility to communicate this need to the employer and to co-operate with the accommodation efforts. The organization will assist and accommodate employees who seek supportive rehabilitation for substance abuse up to the point of undue hardship.

Proactive Self-Disclosure

- 4.15 Employees are strongly encouraged to proactively self-disclose any substance abuse concerns to Employee Assistance Program (EAP), Human Resources, their personal physician or appropriate community service in an effort to ensure the employee gets the support and appropriate treatment needed to overcome their dependency and prevent any occurrences of impairment in the
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workplace. NPCA, will support employees while they receive/obtain assistance for their health concern, as appropriate.

5.0 RESPONSIBILITIES

5.1 Employees

- a. Not be impaired by or adversely under the influence of alcohol, illicit drugs, recreational drugs, the misuse of drugs or other substances such as prescription drugs while on NPCA time and rest periods, or while on NPCA property.
- b. Report prescribed use of medical marijuana to their manager or supervisor and/or Human Resources and provide required medical documentation as requested.
- c. Report suspected impairments and/or drug diversions immediately to their manager or designate.
- d. Use medications as prescribed by a registered healthcare professional. Actively monitor for signs of impairment.
- e. Use over the counter medications only as directed and actively monitor for signs of impairment.
- f. Should the employee have concerns that they are at work impaired; the employee shall self-report these concerns to their manager or supervisor.
- g. Proactively disclose substance dependency to their manager or supervisor and/or their healthcare practitioner.
- h. Exercise care and control of use and storage of any such medications in the workplace. Staff are responsible to ensure their medications are securely stored while on NPCA property.
- i. Consult with the individual's registered healthcare provider and/or pharmacist regarding any prescription or over-the-counter medication that could adversely affect performance or safety at work. If, following such consultation, the employee has a concern that their performance may be adversely affected, the employee has an obligation to report that concern to the employer and the parties may discuss temporary job modifications or reassignments within reason, as a safety precaution.
- j. If applicable, the employee is to fully co-operate with the NPCA in, resolving and treating any substance abuse, dependency and/or addiction issues.
- k. Do not let persons suspected of being impaired drive home and do not drive home the person suspected of impairment, as per sections 4.6, 4.7, and 4.8.

5.2 Competent Supervisors

- a. Identify any situations that may cause concern regarding an employee's ability to safely perform their job functions and report this to their manager and/or Human Resources immediately.
 - b. Immediately notify the CAO and/or Human Resources, of any suspected incidents of impairment in the workplace.
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- c. Should there be a suspected case of impairment in the workplace and escort the employee to the nearest safe location.
- d. Immediately notify the CAO and/or Human Resources of any suspected incidents of drug diversions in the workplace.
- e. Address all incidents of suspected impairment in the workplace and/or drug diversions appropriately. All suspected incidents will be thoroughly investigated.
- f. Secure any evidence and document all relevant details and information.
- g. Work in conjunction with Human Resources facilitate the employee's return to work, if and when appropriate.
- h. Ensure that any employee who asks for help due to a drug or alcohol dependency is referred to Human Resources to be provided with the appropriate support.
- i. Maintain confidentiality and employee privacy.

5.3 Human Resources

- a. Provide support through an investigation and recommend a course of action should there be a suspected case of impairment in the workplace, or drug diversion.
- b. Notification of the Union if there is an employee suspected to be impaired at the workplace or there is a suspected drug diversion. Continue to keep union updated on the progress as applicable.
- c. Develop and facilitate a plan for return to work and/or modified duties, as required.

APPLICABLE LEGISLATION

- Ontario Human Rights Code
 - Ontario Occupational Health & Safety Act, 2017 – Section 28(1)(d)
 - Cannabis Act
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Financial

[Unsolicited Proposals](#)

[Consultant Selection](#)

[Cash Handling](#)

[Moveable Assets](#)

[Purchasing & Procurement](#)

[Corporate Credit Card Policy](#)

Unsolicited Proposals			4-1
Developed by:	Operations		
Policy Applies To:	All Unsolicited Proposals to the NPCA and the NPCA Board of Directors		
Date Created:	July 16, 2014	Approved By:	Board of Directors
Version #:	2014-1	Last Review Date:	

POLICY STATEMENT

On occasion, the Niagara Peninsula Conservation Authority (“NPCA”) receives unsolicited proposals from parties. When the proposal is in the best interests of the NPCA, as identified by the responsible parties identified in this policy (section 5.0) and complies with all other criteria provided in this policy, the NPCA may consider the opportunity.

POLICY PURPOSE

The NPCA receives unsolicited proposals from parties, which may offer improved services, reduced cost, cost avoidance, or provide other benefits. The primary objective of this policy is to permit the NPCA to receive and consider unsolicited proposals from parties in a manner that eliminates the perception of bias, and ensures transparency, fairness, and best value for the NPCA. The policy also provides a party with a prescribed process to approach the NPCA with unsolicited proposals that protects their proprietary trade information.

SCOPE

This policy applies to:

- All unsolicited proposals received by the NPCA from parties, and
- All employees of the NPCA and Board Members.

GUIDELINES

This policy recognizes, complies and acts in accordance with the NPCA’s Purchasing Policy and Procedures (Res. No. FA-25-06), as amended Feb. 15, 2006. All managers shall monitor compliance to this policy. Failure to comply with this policy may result in employee disciplinary action.

4-1.1: PROCEDURE

Eligibility

1. The unsolicited proposal must be submitted to the Chief Administrative Officer and/or a departmental Director/Senior Manager.
2. The information initially provided to the NPCA, should be at the conceptual level and shall include the following:

- A profile, highlighting the technical, commercial, managerial and financial capacity and capabilities of the participant, identifying key team members, including members of a consortium, if relevant;
 - An overview of the project to be undertaken, the deliverable to be achieved, or the improvement to be made to an existing undertaking. Must clearly define the proposed benefit to be realized by the NPCA;
 - High level business principles for undertaking the project, including the proposed financial relationship and responsibilities of both the NPCA and the participant, as well as the respective risk sharing allocations; and
 - Expectations by the party of the NPCA, including both financial expectations and any staff assistance in preparing or finalizing the unsolicited proposal.
3. Unsolicited proposals shall not circumvent the NPCA's Purchasing Policy, and shall not qualify under this policy, if in the opinion of the CAO, the proposal is similar in scope to a current or upcoming competitive procurement that has been issued or is planned to be issued.
4. If the proposal suggests a different scope, style or approach, that may improve the NPCA's position in any way, the procurement process may be suspended in order to allow the proposal to be considered. In this case, only one of the following outcomes shall result:
- The scope of work with the bid will be amended to recognize some or all of the suggestions contained within the unsolicited proposal, and the amended scope of work; or
 - Objective will be publicly competed, to allow all interested "bidders" to consider the implications; or
 - The NPCA will revert back to the original procurement, either planned or in progress.
5. The CAO and/or Department head will determine the eligibility of the unsolicited proposal under this policy taking into account such factors as:
- The goods or services are readily available from other sources in a competitive marketplace, and no unique added benefit is being proposed;
 - The proposed project is not of sufficient value to be pursued at this time, within overall the NPCA's priorities;
 - The NPCA is unable or unwilling to fund its share of the implementation or the costs associated with the competitive process;
 - The cost and resources required to consider the proposal is too excessive.
6. If the unsolicited proposal is, in the opinion of the CAO and/or Department head, not in the best interests of the NPCA, the party will be so advised, and no further action will be taken in relation to the proposal concept.
7. If the unsolicited proposal is, in the opinion of the CAO and/or Department head, in the best interests of the NPCA, the party will be notified and:
- Provided with any available information describing the NPCA's requirements for the goods or services proposed;
 - Provided with the evaluation criteria to be considered by the evaluation team, and if necessary;
 - Requested to prepare and submit a detailed proposal, at its sole expense, within a prescribed format and an agreed upon timeframe; and
 - Required to confirm in writing their agreement to continue in accordance with the provisions of this policy.
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8. All unsolicited proposals received under this policy will be open for consideration by the NPCA for a minimum period of six months.

Evaluation

An evaluation team will be assembled by the CAO and/or Director head to include sufficient expertise to evaluate the detailed unsolicited proposal.

The evaluation team will:

- Evaluate the participant's technical, commercial, managerial and financial capacity to determine whether the capabilities are adequate for undertaking the project;
- Evaluate the unsolicited proposal in relation to the evaluation criteria provided to the participant;
- Weigh the various aspects and merits of the unsolicited proposal and the business and contract principles to determine if the scale and scope of the project is in line with the requirements, the funding ability, and/or the interests of the NPCA;
- Determine whether the sharing of risk as proposed in the unsolicited proposal is acceptable to the Region;
- Consider both the level of effort required of the NPCA's staff in relation to any proposed benefit, and the degree to which the project conforms with the long term objectives of the NPCA.

Based upon the outcome of this detailed evaluation, the NPCA will:

- Reject the unsolicited proposal thereby ending any further obligation on the NPCA's part; or
- Accept the proposal as being in the best interests of the NPCA and seek approval as follows:

The CAO and/or Department head shall seek approval in accordance with the delegated authority to consider the proposal under this policy.

Delegated Authority

- Department heads will have delegated authority to approve the application of this policy for proposals where the value of the revenue, cost or benefit is less than \$25,000.
- The CAO will have delegated authority to approve the application of this policy for undertakings where the value of the revenue, cost or benefit is less than \$50,000.
- The Board will be required to approve the application of this policy for all undertakings where the value of the revenue, cost, or benefit is expected to equal or exceed \$50,000.

These authorities match the execution authority as identified in the NPCA's Purchasing Policy.

Where funding for the purpose envisioned in the unsolicited proposal is required which the Board did not previously approve, a report must be presented to the Board for approval of the required funds.

Procurement Process

- 1) Following the approval to proceed with the unsolicited proposal, staff in the operational unit, will invite competing counter proposals, in a transparent, fair and equitable manner in accordance with the principles contained in the Purchasing Policy by:

- Communicating the opportunity using the NPCA's Request for Proposal (RFP) format, through an internet-based bid distribution network, defining the NPCA's procurement process, and allowing sufficient time for any interested party to submit a counter proposal;
 - Providing interested proponents with the main concepts of the detailed unsolicited proposal, including the contract principles and risk sharing framework, while keeping proprietary information contained in the original proposal confidential to the extent possible; and
 - Ensuring that the original evaluation team evaluates all counter proposals received, with any necessary changes to the team membership requiring approval by the CAO/Department head.
- 2) If the RFP results in no counter proposal being received, or if the counter proposal(s) are evaluated and found to be equal to or inferior to the original unsolicited proposal, in the sole opinion of the NPCA, a recommendation will proceed to award the contract under delegated authority to the original party.
- 3) If the RFP results in one or more counter proposals being received, and if, in the sole opinion of the NPCA, the counter proposal(s) are evaluated and found to be superior to the original unsolicited proposal, the NPCA will proceed to determine the successful participant through a final procurement phase known as "Best and Final Offer" (BAFO).
- BAFO as applied to this policy is the process whereby the NPCA will invite the original party and the proponent submitting the superior counter proposal to engage in a BAFO phase. The invitation to participate in the BAFO phase will provide to both participating proponents:
 - The general concepts that were considered superior to the original proposal, while keeping proprietary information contained in the proposals confidential to the extent possible; and
 - The pre-established evaluation criteria or the "basis of award" to be used to determine the successful proponent.
 - Offers received in response to the BAFO invitation will be reviewed by the evaluation team and scored in accordance with a pre-established criteria, or alternatively, in accordance with the "basis of award" provision identified through the BAFO process. The successful proponent will be the proponent offering "best value" to the NPCA.

In all cases, the basis of award will be "best value" to the NPCA, as defined in this policy, in the sole opinion of the NPCA.

Responsibilities

- The CAO and/or Department head will be responsible for determining whether the unsolicited proposal qualifies under this policy from a business perspective, and if the NPCA should continue to entertain the proposal.
 - The CAO will be responsible for determining if the undertaking is similar in scope to a current or planned procurement activity.
 - The Department head will be responsible for this policy process that invites and evaluates competing proposals.
 - The CAO and/or Department head must approve any decision to reject an unsolicited proposal, based on supporting rationale provided by the evaluation team.
 - The NPCA Board will be responsible for approving the application of this policy for all undertakings where the value of the revenue, cost, or benefit is expected to equal or exceed \$50,000.
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- Senior management is responsible for ensuring that their employees are fully aware of the requirements and for enforcing this policy.

DEFINITIONS

Best and Final Offer (BAFO) means the procurement process intended to allow the original party and the proponent submitting the superior counter proposal the opportunity to amend, refine and improve upon their proposal submission so that they more closely align with the NPCA's objectives, and allow the NPCA to select the proposal that offers the best overall value to the NPCA.

Best Value means the optimal balance of performance and cost determined in accordance with a pre-defined evaluation plan.

Competitive procurement means a publicly competed opportunity for bidders using one of the several bid solicitation documents, generally distributed electronically.

Conceptual Level Proposal means the initial "high level" unsolicited proposal submitted by the party, to be considered by staff under this policy.

Counter Proposal means a responsive proposal received as a result of the NPCA's RFP, from a proponent other than the original proponent.

Detailed Proposal means a proposal prepared in sufficient detail to allow evaluation against the criteria established by the NPCA.

Evaluation Team means the team to review and analyze the proposals, and may be comprised of staff, and/or external consultants.

Inferior Proposal means a competing counter proposal received in response to an RFP, evaluated in accordance with pre-determined criteria by an Evaluation Team, and deemed to be of less value to the NPCA, than the original unsolicited proposal.

Superior Proposal means a competing counter proposal received in response to an RFP, evaluated in accordance with pre-determined criteria by an Evaluation Team, and deemed to be of greater value to the NPCA, than the original unsolicited proposal.

Unsolicited Proposal means a proposal received by NPCA staff from a vendor, consortium, or any other proponent, which was not provided in response to a formal request from the NPCA, but which was submitted through the initiative of the proponent.

Consultant Selection			4-2
Developed by:			
Policy Applies To:	All NPCA work requiring Consultants to NPCA staff		
Date Created:	May 22, 1986	Approved By:	NPCA Board
Version #:	4	Last Review Date:	Sept 17, 2014

INTRODUCTION

As a result of continual expansion of water management programs administered by this Authority, as well as an increased exploration of land acquisition, an increasing number of consulting engineering firms and appraisers are being called upon to provide technical and administrative expertise for various studies and capital work projects. The selection of a qualified consultant, including appraisers, is the critical initial step towards a successful completion of a project or study.

An Authority adopted policy is, therefore, necessary to ensure a consistent approach to the selection of a consultant. The following topics outline and describe a systematic procedure and ranking system which is both objective and flexible to accommodate unusual circumstances. The policies indicated will provide information to the consultant on the selection procedures and other key factors for the preparation of letters of interest/proposals.

BASIS OF CONSULTANT SELECTION

The assessment of a consultant's qualifications to complete a project shall be based on the following:

- understanding of the project and anticipated end product
- overall experience and specific experience on similar projects
- personnel available to undertake the work within the proposed schedule
- ability to undertake all work required
- knowledge of local conditions
- estimated costs to complete the work

Conflict of Interest - Due consideration should be given to ensure that the consultant covenants and agrees not to consult or provide services to a proponent that is actively pursuing legal proceedings against the Authority throughout the duration of this Agreement unless express written authorization to do so is given by the Authority's CAO.

Where the assessment of several consultants indicates equivalent qualifications, preference will be given to:

- local firms (within the Authority jurisdiction)
-
-

firms not currently involved in other projects undertaken by the Authority firms which have not recently been involved in an Authority project

An engineering consultant will be selected by either a direct appointment procedure or by a formal selection procedures. descriptions of these procedures follow.

DIRECT APPOINTMENT

Normally, the Authority will not directly appoint a consultant to undertake a project. Exceptions to this, however, may occur where:

- the overall project cost is relatively small (under \$10,000.00)
- the project is a subsequent phase of a previous project and it is in the best interest of the project to continue or complete the subsequent phases utilizing the same consultant
- the project encompasses extremely unusual tasks requiring specific specialized personnel

FORMAL SELECTION PROCEDURE

For most projects undertaken by the Authority, a formal selection procedure will be followed. The steps outlined in this procedure attempt to streamline the entire process and minimize costs to consultants in the preparation of letters of interest/proposals and attending interviews. Once the project has been defined and the corresponding terms of reference outlining the scope of engineering services have been approved by the Authority, the following steps will normally be followed. These steps are further explained later in the document.

1. Authority consultant files will be reviewed.
2. A short list of consultants will be prepared.
3. Proposals will be requested from the short-listed consultants.
4. A preferred consultant will be recommended to the Authority.
5. A consultant meeting will be held to review and finalize the proposal.
6. An engineering agreement will be executed.
7. Unsuccessful consultants will be notified.
8. A "Start-Up" meeting will be held with the successful consultant.

1. Consultant List

When preparing a short list of consultants for a particular project, the following sources will be reviewed by Authority staff.

- personal knowledge of specific firms through involvement with previous projects
- recommendations from other agencies (governmental and private) specific requests from consultants for involvement in a particular project
- publications and engineering consultant directories Authority consultant file

New consultants or consultants wishing to establish business within the Authority's jurisdiction are encouraged to submit general company literature/brochures or other services information, for the Authority consultant file.

2. Short List

The short list process will reduce the number of candidate consulting firms to those with the experience, staff resources and reputation to produce a quality product. The final short list will be such, that any firm listed would be able to produce a satisfactory product.

The following criteria will be utilized to determine whether or not a particular consultant will be selected for the short list.

- ability and experience on similar projects
- reputation and performance on previous Authority projects
- references from other agencies
- current workload

Where all factors are equivalent for several firms, the Authority will base the short list selections on a roster/rotation method where consultants not recently involved in Authority projects will be favoured for the short list, provided that they have the required expertise to complete the project.

As a general guideline, the short list process will reduce the long list of candidates as per the table below:

NUMBER OF CANDIDATES ON FINAL SHORT LIST	PROJECT COST
1	under \$25,000
2	\$25,000 - \$50,000
3	\$50,000 - \$150,000
4	over \$150,000

All consultants on the short list will be invited to submit proposals.

9. Proposals and Interviews

In the interest of minimizing the level of costs borne by a consultant to prepare a proposal, yet having sufficient information for review, the Authority's policies relating to consultant proposals are as follows:

- unless specifically requested, as in the case of a major undertaking, proposals shall be brief.
- the main emphasis of the proposal will be on the subject areas forming part of the proposal review procedure, being; methodology, staff of study team, corporate experience, scheduling and cost estimates
- although every effort will be made to outline all required work in the study terms of reference, the Authority encourages the consultant to identify additional work required outside the terms of reference. The Additional work shall be clearly identified and indicated as a separate item in the cost estimates provided

Unless dictated by project size and complexity, formal interviews will not formally be held for routine projects. It will be the responsibility of the consultant to ensure that their proposal clearly illustrates their understanding of the project, the work involved and the anticipated end product desired by the Authority.

10. Review of Proposals

A detailed description of the proposal evaluation procedure used by Authority staff is described later in this document. The proposals will be ranked based on the systematic point rating system described. The review of the proposals through this system, will identify the firm's understanding of the study objects, work activities and anticipated end product and the firm's ability to produce the required product with an adequate time schedule and at a reasonable cost. Staff recommendations regarding consultant selection requires approval of the Authority.

11. Meeting

A meeting will be arranged with the successful consultant to make any necessary minor revisions/additions to the proposal for use in the engineering agreement.

12. Engineering Agreement

The consultant will be requested to prepare an engineering agreement (standard form) for all projects undertaken by the Authority. The Authority, being the Niagara Peninsula Conservation Authority, will be the client for the project.

13. Notification to Unsuccessful Consultants

Following successful negotiations with the preferred consultant, the Authority will notify the unsuccessful consultants in writing.

The notification will indicate:

- that the selection process has been completed
- the ranking level as compared to the other candidates
- the name of the selected consultant
- the upset limit negotiated

14. Start Up Meeting

A start up meeting will be held with the successful consultant prior to the commencement of any work. Topics of discussion in the meeting will include:

- project details
 - document presentation
 - terms of references and proposal update
 - engineering compensation and budget
engineering agreement
 - other business
-

PROPOSAL EVALUATION PROCEDURE

Proposals will be ranked on the following point ranking system:

Methodology	35%
Corporate Experience	10%
Staff Allocations	30%
Scheduling	5%
Costs	<u>20%</u>
	100%

Although the categories of ranking will not alter for most proposals, there may be instances where the corresponding score percentages will require revision. For example, projects which have time constraints or require an extremely high level of expertise would have more emphasis placed on scheduling and staff respectively. The candidate consultants will be notified in advance of any revision to the ranking system for a particular project.

Following is a brief description of the ranking categories.

1. Methodology

Specific technical guidelines and other criteria established by the various level of governmental agencies restrict, to some degree, the level of originality in all but unusual projects. As such, the corresponding score under methodology will reflect the Authority's interpretation of the consultant's understanding and acknowledgement of the study objective, the work involved in producing the results and the anticipated final product. Under this category, the Authority will encourage the consultant to suggest revisions, additional work or any other items that may be required in addition to those specified in the terms of reference.

2. Corporate Experience

Although the short list process will ensure that all consultants submitting proposals have sufficient related experience, this category of ranking will allow for comparing the experience of each firm.

3. Staff Allocations

Staffing allocations to a particular project are considered an extremely important factor towards satisfactory completion. Firms having specific expertise in related areas and corresponding support staff resources will be recognized under this category of the ranking system. Specific names of key personnel who will be involved in the project should be indicated.

Cash Handling			4-3
Developed by:	Corporate Services		
Policy Applies To:	All employees		
Date Created:	January 20, 2016	Approved By:	CAO
Version #:	1	Last Review Date:	January 20, 2016

Cash Deposits Principles, Goals and Objectives

The Cash Deposits principles of Niagara Peninsula Conservation Authority (NPCA) shall be as follows:

1. To ensure that, using best practices for cash deposits, all cash receipts are maintained under secure conditions, recorded properly, and deposited promptly into NPCA bank accounts.
2. To ensure the completeness of the cash receipts recording system as it pertains to financial system recording and financial statement presentation and disclosure.
3. To ensure that users and stakeholders are properly trained in cash handling procedures and have a complete understanding of responsibilities and full knowledge of policy and procedure content.
4. To facilitate the effective and timely production of bank reconciliations.

Policies & Procedures

Purpose

The Cash Deposit Policy provides procedures and guidelines in cash deposits. Procedures have been established to encourage an effective administration and internal control of cash handling throughout the Park operations.

Training

Cash Handling Training is mandatory of all employees whose job duties include the supervision and/or the acceptance, record keeping and deposit of NPCA revenue. Employees are required to do follow-up training annually. The Corporate Service department will annually review the cash handling procedures with the Park Superintendents and Assistant Superintendents. The park Superintendents and Assistant Superintendents will be responsible for reviewing policies and training of park staff.

Deposits

1. Deposits will be made daily unless the amount of cash on hand excluding the cash float is less than \$5,000.
2. The cash float will be \$1,200.00. The cash float may be reduced during non- peak periods.

3. Deposits will be made by the Superintendent or a designated alternate at the bank designated by the Sr. Director of Corporate Resources.
 4. The maximum amount of money in the area cash register will not exceed \$500.00 at any time. The gatekeeper is required to deposit monies in excess of \$500.00 in the drop safe located in the workshop building. Envelopes will be provided for these deposits in the drop safe and the gatekeepers will be required to note the date and time of the cash drop and the breakdown of the bill denomination.
-

Moveable Assets			4-4
Developed by:			
Policy Applies To:	All NPCA employees and NPCA assets		
Date Created:	July 15, 2015	Approved By:	
Version #:		Last Review Date:	

Policy

Moveable assets shall be managed in an efficient, effective and economic manner ensuring that proper control and security measures are in place to protect and account for the NPCA's assets.

Purpose

To provide the minimum requirements for acquisitions, recording, movement, control/security, disposal, inventory reconciliation and management reporting of moveable assets.

Definitions

Moveable assets are defined as items of tangible moveable property either in use or held for later use or disposal. Moveable assets comprise durable, NPCA owned, items of machinery, business equipment and related apparatus, vehicles and other modes of transport, furniture and furnishings that are capable of being moved, whether the assets are in use or being held for later use, transfer, trade-in or disposal.

Fixed assets are those accessories to a building or structure that form part of the structure such as furnaces, water pumps, air conditioners, etc.

Consumables are other moveable NPCA property or materials, not defined as moveable assets above such as construction materials, sanitation supplies and office supplies.

Principles

Moveable assets are to be managed in an efficient, effective and economical manner for the achievement of NPCA programs.

The amount of management effort put into control and security over various categories of items should be directly related to risk of loss and value of those assets.

Mandatory Requirements

1. Acquisition

All moveable assets must be acquired in accordance with NPCA Purchasing Policy and Guidelines.

Management and control of moveable assets shall be identified at the time of purchase (i.e. purchase orders should be flagged as equipment items so that the proper documentation may be initiated).

NPCA assets must not be assigned to non-NPCA staff unless authorized by the Director of Operations or designate in writing.

2. Custody

Generally, assets are not to be utilized for personal use. Exceptions may be made where there is no additional cost associated with an asset that is assigned to an individual, such as a computer, a cell phone, or other personal device. Any personal use of an asset requires prior authorization from the Manager of the Department responsible for custody of the assets.

Moveable assets will be assigned to specific locations within NPCA and individual Employees at those locations will be responsible for the care and control of those assets.

A record must be maintained for any and all movement/transfer of assets between locations or assignments to individual Employees for a duration of more than six (6) months and the proper form filed with Accounting.

Security measures must be in place to ensure the safekeeping of assets.

Storage of personal items on NPCA property or in NPCA facilities is not allowed, unless the items being stored are required in the performance of one's job (e.g. mechanic's tools).

3. Disposal

Moveable assets that are of value, but are surplus to NPCA's needs, must be disposed of, as per NPCA policy, by transfer or public sale (auction or other means). The Finance Division of Corporate Services must be notified of all disposals.

In cases of theft, loss or destruction an "Incident Report" must be completed and the asset removed from any pertinent records.

4. Inventories

A physical inventory of all moveable assets must be carried out at least every two (2) years.

All moveable assets assigned to an Employee must be accounted for and returned to NPCA upon the departure of the Employee.

Records must be maintained for two (2) inventories

Capital asset management software and all records to be kept current.

The individual responsible for taking the inventory must not have duties related to the record keeping and custody function in the program area inventoried.

Reconciliation must be completed on an annual basis for each operating unit encompassing the previous fiscal year including purchases up to December 31st.

An explanation must be provided for any variance of five percent (5%) or greater in the value of the closing inventory of each category due to stolen inventory and lost inventory which has been written off. Remedial action taken to overcome the problem must be clearly identified by the Manager of Strategic Initiatives and reported to the Senior Director of Corporate Resources.

Purchasing & Procurement			4-5
Developed by:	Corporate Services Department		
Policy Applies To:	All employees		
Date Created:	January 6, 2015	Approved By:	Board of Directors
Version #:	2016-1	Last Review Date:	December 6, 2015

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SECTION 1

Purchasing Principles, Goals and Objectives

The Purchasing principles of Niagara Peninsula Conservation Authority (NPCA) shall be as follows:

- (a) to encourage competitive bidding;
- (b) to ensure objectivity and integrity in the Purchasing process;
- (c) to ensure fairness between bidders;
- (e) to offer a variety of Purchasing methods, and to use the most appropriate method depending on the particular circumstances of the acquisition;
- (f) to the extent possible, to ensure openness, accountability and transparency while protecting the best interests of the Corporation;
- (g) to obtain the best value for the Corporation when procuring Goods and/or Services;

- (h) to encourage the Purchase of Goods and/or Services with due regard to the preservation of the natural environment;
- (i) to maintain timely and relevant policies and procedures.

SECTION 2:

Policies & Procedures

2.1 Purpose

The purpose of this document is to provide the necessary policies and procedures to procure the required quantity and quality of goods and services at the most favourable costs to NPCA in the most effective and efficient manner.

2.2 Purchasing Limits and Authorization

The following purchasing limits, with specified authorization and procedural requirements, will apply within all divisions the in NPCA. Authorized buyers include senior staff and their designates. Designates are listed in Appendix 1. Items where these policies and procedures do not apply are identified in Appendix 2.

The dollar amounts shown in the Purchasing & Procurement Policy setting the parameters for the purchasing process, except as otherwise stated, shall be the total cost of all individual items purchased, including taxes and freight. For leased goods the purchasing limits will apply to the total amount being financed.

Purchasing limits are defined as the aggregate cost to purchase the goods or services. Purchases of goods and services where delivery is expected over a long period of time, or at irregular intervals (under contract, blanket or open orders), the purchase amount shall be deemed to be the total estimated cost for the contract period.

Facsimile Transmission (FAX), or other electronic transmissions from which written copy can be obtained are acceptable for informal bids. Formal bids must be received by NPCA at the designated location, date and time as original documents properly signed and sealed. FAX, or other electronic transmissions shall not be accepted as formal bids.

Once a decision has been made, all formal bids received, and evaluation forms used in the bid award, are to be submitted with the purchase information to the Senior Manager, Corporate Services for central storage and audit purposes.

(a) Low Value Purchases (up to \$5,000 excluding Taxes)

Department representatives are authorized to procure Goods and/or Services up to a total of \$5,000, excluding taxes. Only purchases that can be demonstrated to have been made at Fair Market Value shall be made. Department Representatives may procure goods and/or services through the following means;

- ❖ Credit Card used in strict accordance with the Corporates Credit Card Policy as outlined in Appendix 7.
- ❖ Purchase Order to the Supplier; or
- ❖ Direct invoice from the Supplier approved and signed by the Department Representative or Designate with authority to approve the purchase.

(b) Informal Quotations (purchases greater than \$5,000 and not exceeding \$35,000)

- ❖ Three **written or verbal** quotes obtained and documented;
- ❖ If three quotes are not obtained, the reasons must be documented by the buyer;
- ❖ Reasons for accepting other than lowest quotation must be documented and retained on file;
- ❖ Purchase orders are to be completed by an authorized buyer with documentation attached to the purchase order requisition.
- ❖ Capital Asset purchases must be approved by the Department Head.

(c) Formal Quotations (purchases greater than \$35,000 and not exceeding \$75,000)

- ❖ Minimum of three **written** quotations are required to be obtained from suppliers;
- ❖ If three written quotes are not obtained, the reasons must be documented and retained on file for post-audit purposes;
- ❖ Reasons for accepting other than the lowest quotation must be documented and retained on file for post audit purposes;
- ❖ Purchase orders are to be completed by an authorized buyer with documentation attached to the purchase order requisition;
- ❖ Approval of the Department Head is required.

(d) Request for Proposals (purchases greater than \$75,000.00)

- ❖ Goods and services greater than \$75,000.00 are to be obtained by a sealed formal bid process (eg. Tender, Request for Proposal, Prequalification). The formal bid is to be advertised in the appropriate media being the NPCA website and the Ontario Public Buyers Association (OPBA) website www.opba.ca. The advertisement shall include at a minimum a project title, brief description of the goods or services being acquired, required timing of submission and contact person;
 - ❖ Senior staff designated in Appendix 1 are responsible for preparing the formal bid package, including detailed specifications in accordance with Sections 2.2 and 2.3;
 - ❖ Purchasing Specialist, Legal or Consultant review of the formal bid document is required prior to issuing the bid document;
 - ❖ Instructions are to be provided to reception staff for the receipt and distribution of formal bid packages received from bidders;
 - ❖ Approval of NPCA is required for selection of the successful bidder;
 - ❖ Reasons for accepting other than the lowest bid must be documented;
 - ❖ The summary of formal bids and the reasons for accepting other than the lowest bid must be attached to the purchase order requisition for post-audit purposes;
-

- ❖ Signing Officers shall affix signatures to appropriate documents as required.

f) Revenue Generating Contracts

The same conditions and limits outlined above for goods and services will be applied to revenue generating **contracts**.

2.4 Procurement of Professional and Technical Consulting Services

The purchasing limits in Section 2.2 apply to the purchase of Professional and Technical Consulting Services.

2.5 Bid Requests Containing Irregularities

Each sealed bid received in response to a bid request will be reviewed to determine whether a bid irregularity exists. Appendix 3 establishes the response, which will be taken if an irregularity exists.

2.6 Approval of the Minister of Natural Resources

The approval of the Minister of Natural Resources through Section 24 of the *Conservation Authorities Act* must be obtained where money for the project is granted by the Minister under Section 39 of the *Conservation Authorities Act*.

2.7 Emergency Purchases

Goods and services required to address an emergency where the purchase is essential to prevent loss of life, potential loss in business, damage to property, or for the continuation of a program or service that is essential to the well being of the Authority shall be acquired by the most open market procedure and the lowest overall cost possible. Goods and services of \$55,000.00 and over shall be approved by the Chair, or in his/her absence the Vice-Chair, subject to telephone and / or email notification of the members of NPCA.

For emergency goods and services with a purchase cost of \$10,000 to \$54,999.99 approval is required by the CAO/Secretary-Treasurer and the respective Department Lead. The Senior Manager, Corporate Services will report these emergency purchases in the quarterly Budget Variance Report to the NPCA Board of Directors.

2.8 Cooperative Purchasing

NPCA shall encourage and participate in cooperative purchasing with other levels of government or other public agencies whenever the best interests of all participants would be served. Contracts shall be awarded on the basis of both lowest overall bid and quality of product or service.

2.9 Negotiation

Notwithstanding section 2.3, purchase by negotiation may be adopted when any of the following conditions apply:

- a) when in the judgment of the Authorized Buyer goods are judged to be in short supply due to market conditions;
- b) there is only one known source of the goods or service;
- c) two or more identical low bids have been received;
- d) the lowest bid substantially exceeds the estimated costs of the goods;
- e) all bids received fail to comply with the specifications, tender terms and conditions and it is impractical to recall tenders;
- f) the extension of the existing contract would prove more cost effective or beneficial;
- g) a single source is recommended because it is more cost effective or beneficial to the Authority to ensure compatibility with an existing product, facility or service;
- h) when no bids are received;
- i) when only one bid is received in a bid call;
- j) after the request for proposal process, it may be necessary for discussion and revision of the proposal.

2.10 Reporting Procedures

Regardless of Sections 2.3, 2.4, 2.7, 2.9 and 2.11 prior to the award of any contract for goods and services, a specific report to NPCA Board of Directors shall be submitted in any of the following instances:

- a) when the acquisition of goods and services for the NPCA exceeds \$55,000.00;
- b) when the lowest overall bid is not being recommended and that bid amount exceeds \$35,000.00;
- c) when the goods or service has been procured in an emergency situation and the value of the goods and service exceeds \$55,000.00;
- d) when the negotiation process has been applied and the negotiated amount exceeds \$35,000.00;
- e) when the cost of the proposed acquisition is greater than \$35,000.00 and exceeds the amount provided in the budget for that acquisition;
- f) where the value of goods to be disposed exceeds \$35,000.00.

2.11 Disposal of Surplus Goods

The C.A.O./Secretary-Treasurer or designate shall have the authority to sell, exchange or otherwise

dispose of goods declared as surplus to the needs of NPCA, *with the exception of real property*, and where it is cost effective and in the interest of NPCA to do so. The items or groups of items may:

- a) be offered to other public agencies;
- b) be sold by external advertisement, formal request, auction or public sale;
- c) be advertised internally to employees for sale and sealed bids will be received with award to the highest bidder;

Obsolete or surplus goods may be sold or traded to the original supplier or others in that line of business where it is determined that a higher net return will be obtained.

A reserve price may be established where it is deemed appropriate.

In the event that all efforts to dispose of goods by sale are unsuccessful, the Senior Manager, Corporate Services shall be directed to dispose of such items in an appropriate manner and document the disposition.

2.12 Prohibitions

- a) No contract for goods or services including professional and consulting services shall be divided to avoid the requirements of this purchasing policy;
- b) No personal purchases shall be made by NPCA for members or employees of NPCA or their families;
- c) An employee or member who has the responsibility of declaring goods surplus shall not bid or personally obtain any goods he/she has declared surplus;
- d) No employee or member of NPCA working at a NPCA auction or having responsibility for sending items to a public auction may bid on any NPCA items at that auction;
- e) No employee or member of NPCA shall purchase or offer to purchase, on behalf of NPCA, any goods or services, except in accordance with this purchasing policy;
- f) Any member, employee or member of an employee's family of NPCA is expressly prohibited from accepting, directly or indirectly from any person, company, firm or corporation to which any purchase order or contract is, or might be awarded, any rebate, gift or money, except:
 - gifts of a very small intrinsic value;
 - gifts given for the use and benefit of NPCA;
 - moderate hospitality during the normal course of business that would not significantly exceed what NPCA, through the employee's expense account, would likely provide in return and would not be perceived by others as influencing the making of a business decision.
- g) No employee shall sell directly to NPCA or use NPCA to purchase goods and services at a reduced price for personal use except as provided by NPCA's Corporate policies.

2.13 Health and Safety

NPCA is committed to promoting health and safety in the workplace by preventing accidents, injuries and occupational illness.

NPCA staff will follow the Safe Purchasing Policy and Checklist in the Health and Safety Manual as a component of the existing purchasing process.

In keeping with this policy, NPCA staff directly responsible for engaging service providers (Contractors) must:

- ☐ Identify potential health and safety hazards.
- ☐ Specify health and safety requirements in the contract.
- ☐ Obtain agreement from the Contractor to follow these requirements prior to awarding the contract.
- ☐ Actively monitor compliance with health and safety requirements.
- ☐ Ensure appropriate staff receive the direction and training to fulfill their responsibilities.

Contractors shall be required at all times to comply with the *Occupational Health and Safety Act* (Act), Regulations, all Industry Standards, and Guidelines, and shall be responsible for and take every precaution reasonable in the circumstances for the protection of all workers associated with the services being performed, whether employed by the Contractor, NPCA or a third party.

Contractors shall acknowledge that they have read, understood and provided training in relation to the Act, Regulations, all Industry Standards and Guidelines to its supervisors and employees. Upon request, the Contractor shall provide its health and safety policies and procedures and other related materials to NPCA for review prior to the commencement of the services. In the event the Contractor determines that any of its material and/or equipment is unsafe, the Contractor shall take appropriate action to protect the employees and third parties from all hazards and immediately notify NPCA.

The Contractor shall report all serious accidents, critical injuries, fatalities, and accidents involving third parties to NPCA immediately.

In the case of construction projects, NPCA staff shall also comply with the *Occupational Health and Safety Act* and Regulations for Construction Projects.

2.14 The Municipal Freedom of Information and Protection of Privacy Act

The information collected in response to NPCA's Purchasing Policy is collected under the authority of the Conservation Act. The information collected will be used solely for the purpose stated. Documents submitted by bidders shall become the property of NPCA..

2.15 References

Contractors not used previously by NPCA must provide three satisfactory references prior to the award of a contract for services in excess of \$35,000.

2.16 Local Preference

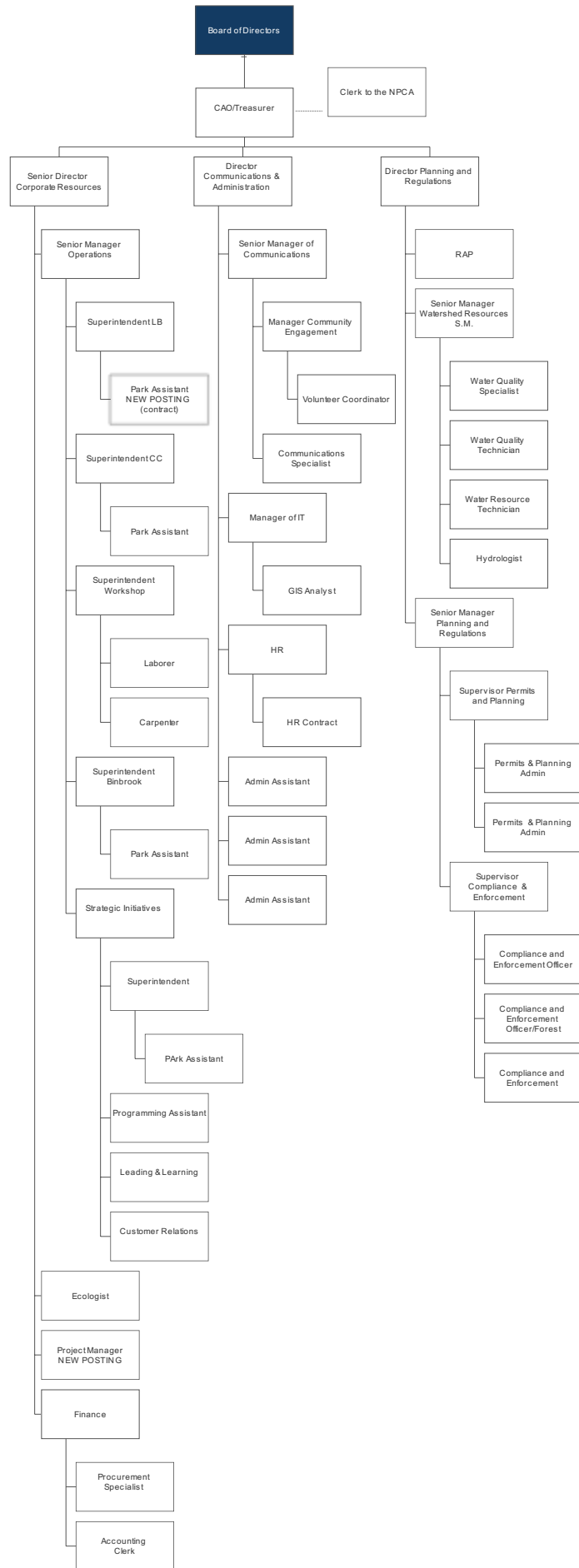
NPCA will endeavor to achieve the best value in its purchasing transactions. As a result NPCA will not practice local preference in awarding purchases. This will allow NPCA to comply with the *Discriminatory Business Practices Act, R.S.O. 1990, chapter D12*.

2.17 Disclosure of Bid Information if Requested

NPCA may disclose the results of the quotation process to other suppliers and members of the public as follows:

For Quotations and Tenders – Bidder's names and amount bid;

For Request for Proposals – Bidder's names only as decision to award to bidder is based on specific evaluation criteria.



NPCA Chief Administrative Officer (CAO) Selection Committee
Draft Terms of Reference

Mandate / Scope

The mandate of the Chief Administrative Officer (CAO) Selection Committee is to facilitate the recruitment process for the CAO and recommend to the NPCA Board a preferred candidate for the role of CAO.

Goals/Purpose

The goals/purpose of the CAO Selection Committee is as follows:

CAO Selection Process

- a. CAO Selection Committee members actively participate in a transparent, competitive, and comprehensive recruitment process, while holding in strict confidence all confidential information concerning matters dealt with by the Committee.
- b. Upon completion of the recruitment process, CAO Selection Committee to present three (3) candidates to the NPCA Board for approval of a preferred candidate.
- c. Upon the Board's approval of a preferred candidate, the Board delegates to the Committee authority to extend the approved terms of employment to the successful candidate, in a form satisfactory to the Director of Communications and Administration in consultation with the Human Resources Generalist (to ensure legal requirements are met).

Membership

The membership structure of the CAO Selection Committee will be comprised of six (6) members of the NPCA Board, including the Board Chair and Vice-Chair. On January 16, 2019, the NPCA Board approved the following membership for the CAO Selection Committee:

- NPCA Board Chair:
- NPCA Board Vice-Chair:
- Board Member:
- Board Member:
- Board Member:
- Board Member:

Privacy Considerations

Information provided to the CAO Selection Committee, specifically pertaining to applicants for the position of the CAO, will be protected under the Municipal Freedom of Information and Protection of Personal Privacy Act (MFIPPA).

The CAO Selection Committee shall hold in strict confidence all confidential information concerning matters dealt with by the Committee.

Attendance

A recruitment best practice is that all candidates are interviewed by a consistent interview panel, in support of a fair, transparent, and comprehensive recruitment process. It is incumbent on members of the CAO Selection Committee to actively participate in all stages of the CAO recruitment and selection process, with specific attention paid to attending all CAO interviews.

A member of the CAO Selection Committee who has had unauthorized absence for two (2) consecutive meetings shall be deemed to have resigned from the committee. A notification will be provided to the NPCA Board advising a re-appointment is necessary.

The aforementioned does not preclude the Board from re-appointing the Board member in question.

Staff Support to Committee

The Human Resources Consultant, Director of Communications & Administration and Clerk to the Authority/Executive Coordinator to the CAO/Board will function in an advisory capacity to the CAO Selection Committee.

Financial Resources

The CAO Selection Committee will consult with the Director of Communications & Administration to secure the required financial resources to fulfill the direction of the committee to facilitate the CAO recruitment.

Frequency of Reporting

Regular updates to the NPCA Board will be provided on process, through the Board Chair, as significant progression of the CAO Selection Committee is realized.

Termination of CAO Recruitment Committee

The CAO Selection Committee shall cease at the conclusion of a successful recruitment of a new CAO (i.e. Offer of Employment is signed).

Meetings

Meetings shall be governed by the NPCA Administrative Bylaws as may be amended from time to time.

Amendments to the Terms of Reference

Proposals to amend the Terms of Reference shall require approval of the majority of the CAO Selection Committee. Proposed amendments to the Terms of Reference shall be submitted to the NPCA Board for approval and only take effect upon Board approval.

Terms of Reference:
NPCA Strategic Planning Committee

<i>Committee Name:</i>	Strategic Planning Committee
<i>Committee Type:</i>	Ad hoc, set up and approved by the NPCA Board of Directors in May 2017
<i>Purpose:</i>	The Committee will review the current NPCA Strategic Plan (2014-2017) and provide recommendations into the formulation of an updated Strategic Plan.
<i>Scope:</i>	Since it is a review of the current plan, the scope will be different than a full-fledged development of a new Strategic Plan. Discussions will involve what's still relevant, what's currently working and what needs to be improved or changed. Opportunities for input will occur with a variety of partners to ensure effective communication. These include, but are not limited to, community partners, stakeholders, NPCA Board and staff.
<i>Authority:</i>	Decisions and recommendations will be made by the Committee members and then sent to the Full Authority Board for approval.
<i>Membership:</i>	The Committee will have a minimum of Five (5) Members and will include the NPCA Chair, Vice-Chair appointed by the Full Authority Board.
<i>Meeting Requirements:</i>	Meetings will be held at the call of the Committee Chair. Agendas will be prepared by the Committee Chair in consultation with staff. Minutes will be prepared by staff and distributed to all Committee members and Senior Management prior to the next meeting.
<i>Meeting Location:</i>	Meetings will be at NPCA Head Office (250 Thorold Rd. West, Welland), Ball's Falls Conservation Area or at a location determined by the Committee Chair.
<i>Resources/Budget:</i>	The work will be done by the Committee, any consultants, senior staff, Administrative Assistants and the Communication Specialist. Any costs will be discussed by the Committee, and if required, taken to the Board for approval.
<i>Responsibilities/duties:</i>	All Committee members will make every effort to attend all meetings, participate in the discussions, support the process and make decisions to carry out the Strategic Planning process and develop a draft Strategic Plan.
<i>Decision Making:</i>	The Committee will operate openly with the aim of arriving at decisions through consensus. However, votes may be called by the Committee Chair to advance the agenda. Results of the discussions will be reflected in the minutes.
<i>Timelines:</i>	To be developed by the Committee. There will be some flexibility but the Committee should have a Draft Strategic plan to the Board of Directors at a regular Board meeting within the first quarter of 2018. Upon Board approval of an updated Strategic Plan this ad hoc committee will have concluded its work and dissolve.

Appendix 5 of Report No. 57-17
BOARD APPROVED: May 17, 2017
Resolution #FA-119-17

Amended as per January 17th AGM and January 24th F.A.

Terms of Reference:
NPCA Audit Committee

<i>Committee Name:</i>	Audit Committee
<i>Committee Type:</i>	Standing Committee
<i>Purpose/Scope:</i>	The Audit Committee assists the Board in the provision of effective governance by overseeing the administrative systems regarding financial accounting, reporting, internal controls, safeguarding of corporate assets, risk assessment and risk mitigation compliance with legal, ethical, and regulatory requirements and the efficient and effective use of resources.
<i>Authority:</i>	Decisions and recommendations will be made by the Committee members and then sent to the Full Authority Board for approval.
<i>Membership:</i>	The Committee will have a minimum of Five (5) Members and will include the NPCA Chair, Vice-Chair and at least three (3) Board Members appointed by the Full Authority Board.
<i>Meeting Requirements:</i>	Meetings will be held at the call of the Committee Chair. Agendas will be prepared by the Committee Chair in consultation with staff. Minutes will be prepared by staff and distributed to all Committee members and Senior Management prior to the next meeting.
<i>Meeting Location:</i>	Meetings will be at NPCA Head Office (250 Thorold Rd. West, Welland), Ball's Falls Conservation Area or at a location determined by the Committee Chair.
<i>Resources/Budget:</i>	The work will be done by the Committee, any consultants, senior staff, Administrative Assistants and Communications. Any costs will be discussed by the Committee, and if required, taken to the Board for approval.
<i>Responsibilities/duties:</i>	<p>The responsibilities of the audit committee are to satisfy itself, on behalf of the Board, that:</p> <ul style="list-style-type: none">- NPCA's annual externally audited consolidated financial statements are fairly presented in accordance with generally accepted accounting principles (Public Sector Accounting Board (PSAB) and to recommend to the Board whether the annual financial statements should be approved;- The external audit function has been effectively carried out and that any matter which the independent auditors wish to bring to the attention of Audit Committee and/or the Board has been addressed;- The Audit Committee will recommend approval of the replacement, reappointment and/or appointment of the external auditors to the Board;

- Internal auditing includes a review of the adequacy of internal control systems for safeguarding assets, risk assessment and risk mitigation, the effectiveness of corporate reporting systems regarding administrative, program performance and the level of compliance with legislation, regulations, corporate objectives, policies and ethics.
- All Committee members will make every effort to attend all meetings, participate in the discussions.

Decision Making:

The Committee will operate openly with the aim of arriving at recommendations through consensus. However, votes may be called by the Committee Chair to advance the agenda. Results of the discussions will be reflected in the minutes.

Terms of Reference:
NPCA Budget Committee

<i>Committee Name:</i>	Budget Committee
<i>Committee Type:</i>	Standing Committee
<i>Purpose:</i>	Ensure that the NPCA's resources are utilized for the purposes intended by recommending Board approval of the Annual Operating and Capital Budgets.
<i>Scope:</i>	To ensure the prudent fiscal management of NPCA's financial resources, the committee will review draft operating and capital budgets of the departments and divisions of the corporation and ensure compliance with NPCA guidance/guidelines, budget timetable and format.
<i>Authority:</i>	Decisions and recommendations will be made by the Committee members and then sent to the Full Authority Board for approval.
<i>Membership:</i>	The Committee will have a minimum of Five (5) Members and will include the NPCA Chair, Vice-Chair and at least three (3) Board Members appointed by the Full Authority Board.
<i>Meeting Requirements:</i>	Meetings will be held at the call of the Committee Chair. Agendas will be prepared by the Committee Chair in consultation with staff. Minutes will be prepared by staff and distributed to all Committee members and Senior Management prior to the next meeting.
<i>Meeting Location:</i>	Meetings will be at NPCA Head Office (250 Thorold Rd. West, Welland), Ball's Falls Conservation Area or at a location determined by the Committee Chair.
<i>Resources/Budget:</i>	The work will be done by the Committee, any consultants, senior staff, Administrative Assistants and Communications. Any costs will be discussed by the Committee, and if required, taken to the Board for approval.
<i>Responsibilities/duties:</i>	The committee shall approve a budget timetable outlining events and timing of budget approval process; recommend general guidance/guidelines to be used in preparing the annual estimates; receive and review draft budgets as submitted by NPCA staff and recommend revisions as necessary. All Committee members will make every effort to attend all meetings, participate in the discussions and support the budget process.
<i>Decision Making:</i>	The Committee will operate openly with the aim of arriving at recommendations through consensus. However, votes may be called by the Committee Chair to advance the agenda. Results of the discussions will be reflected in the minutes.

Terms of Reference:
Watershed Floodplain Committee

<i>Committee Name:</i>	Watershed Floodplain Committee
<i>Committee Type:</i>	Standing Committee
<i>Purpose/Scope:</i>	The Watershed Floodplain Committee will make appropriate recommendations to the Full Authority Board with respect to floodplain mapping exercises and projects, both internal and those driven through an outside/third party company, under the NPCA Procurement Policy and Request For Proposal process, for updates to existing floodplain mapping and/ or new floodplain mapping across the NPCA watershed.
<i>Authority:</i>	Decisions and recommendations will be made by the Committee members and then sent to the Full Authority Board for approval.
<i>Membership:</i>	The Committee will have a minimum of Five (5) NPCA Board Members and will include the NPCA Chair, Vice-Chair and at least three (3) Board Members appointed by the Full Authority Board. It will also include one (1) voting member from the Welland River Floodplain Association and two (2) non-voting members of the Welland River Floodplain Association. The NPCA CAO will appoint applicable NPCA staff as required to participate. Additional Citizen Members can be included at the discretion of the full committee.
<i>Meeting Requirements:</i>	Meetings will be held at the call of the Committee Chair. Agendas will be prepared by the Committee Chair in consultation with staff. Minutes will be prepared by staff and distributed to all Committee members and Senior Management prior to the next meeting.
<i>Meeting Location:</i>	Meetings will be at NPCA Head Office (250 Thorold Rd. West, Welland), Ball's Falls Conservation Area (Center for Conservation), or at a location determined by the Committee Chair.
<i>Resources/Budget:</i>	The work will be done by the Committee, consultants, senior staff, Administrative Assistants, and Communications personnel. Any costs will be discussed by the Committee, and if required, taken to the Board for approval.
<i>Responsibilities/duties:</i>	The responsibilities of the Watershed Floodplain Committee are to make appropriate recommendations to the Full Authority Board with respect to the implementation, study, or review of existing or new floodplain mapping exercises or projects throughout the Niagara Peninsula Conservation Authority Watershed through:

- Attending strategy meetings as required;
- Setting out a process to allow for transparent public input;
- Review of peer opinions, technical and other information as appropriate to validate the accuracy and applicability of the new mapping in accordance with provincially approved Technical Guidelines;
- The review of policies with respect to implementation of watershed floodplain mapping;
- Development of a process to disseminate the floodplain mapping lines and information.

Decision Making:

The Committee will operate openly with the aim of arriving at recommendations through consensus. However, votes may be called by the Committee Chair to advance the agenda. Results of the discussions will be reflected in the minutes.

NPCA

NPCA Advisory Committee Terms of Reference

Committee Name:	NPCA Advisory Committee
Type:	Advisory
Date of Formation:	February 19, 2014
Staff Support:	Community Outreach & Volunteer Coordinator
Enabling Legislation:	Feb. 19, 2014 – Report # 06-2014 - To: NPCA Board
Amended Version:	September 20, 2017
Total No. of Members:	11 (Includes NPCA Chair)
Meeting Frequency:	Quarterly – as required
No. of Meetings Annually:	4 (+)
Budget:	\$2,500
Reporting Method:	Presented by staff to NPCA Board (written and oral)

1. TITLE:

The name of the Advisory Committee shall be “**The NPCA 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.

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. When members have completed their TWO (2) year term, a letter will be sent to relevant stakeholder groups, where applicable, to call for a list of appointees for consideration by the NPCA Board. Positions vacated may also 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 providing general oversight.

5. REPORTING

Meeting Agendas will be prepared by the Community Outreach & Volunteer Coordinator in consultation with the Committee Co-Chairs. Minutes shall be recorded and circulated to members. DRAFT unapproved minutes may 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 opportunity
- 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 ADVISORY COMMITTEE shall consist of up to ELEVEN (11) members comprising multi-stakeholder representation including landowners, planners, business sector, agriculture, conservation, Métis representative, development sector and the general public. 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 (e.g. Niagara Landowner's Association)
- ONE (1) member representing a Chamber of Commerce and/or Tourism Industry
- ONE (1) member representing agricultural/value-added agricultural sector
- ONE (1) member representing the development sector
- ONE (1) member representing watershed conservation
- 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.

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 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

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.
- Final recommendation of candidates will be presented to the NPCA Board for appointment.

14. AMENDMENTS

The Terms of Reference shall be reviewed annually from the date of approval and may be amended to meet the ongoing needs of the NPCA, by agreement of the majority of Board members.

Terms of Reference:
NPCA 2019 Conservation Ontario Biennial Tour Planning Committee

<i>Committee Name:</i>	2019 Biennial Tour Committee
<i>Committee Type:</i>	Ad hoc, set up and approved by the NPCA Board of Directors in September 2017
<i>Purpose:</i>	The Committee will prepare the NPCA to host the 2019 Conservation Ontario Biennial Tour.
<i>Scope:</i>	Review of previous Biennial Tours, logistics, outreach, partnerships, site tours and related programming, accommodations, food service, transportation, etc. all related to ensuring a successful 2019 Biennial Tour which also recognizes the NPCAs 60 th anniversary.
<i>Authority:</i>	Decisions and recommendations will be made by the Committee members and then sent to the Full Authority Board for approval.
<i>Membership:</i>	The Committee will have Five (5) Members and will include the NPCA Chair, Vice-Chair and three (3) Board Members appointed by the Full Authority Board.
<i>Meeting Requirements:</i>	Meetings will be held at the call of the Committee Chair. Agendas will be prepared by the Committee Chair in consultation with staff. Minutes will be prepared by staff and distributed to all Committee members and Senior Management prior to the next meeting.
<i>Meeting Location:</i>	Meetings will be at NPCA Head Office (250 Thorold Rd. West, Welland), Ball's Falls Conservation Area or at a location determined by the Committee Chair.
<i>Resources/Budget:</i>	The work will be done by the Committee, any consultants, senior staff, Administrative Assistants and the Communications/Community Engagement team. Any costs will be discussed by the Committee, and if required, taken to the Board for approval.
<i>Responsibilities/duties:</i>	All Committee members will make every effort to attend all meetings, participate in the discussions, support the process and make decisions to carry out the Biennial Tour planning process.
<i>Decision Making:</i>	The Committee will operate openly with the aim of arriving at decisions through consensus. However, votes may be called by the Committee Chair to advance the agenda. Results of the discussions will be reflected in the minutes.
<i>Timelines:</i>	To be developed by the Committee. When the 2019 Biennial Tour is completed, this ad hoc committee will have concluded its work and dissolve.

Terms of Reference:
Water Quality Improvement Grant Review Committee

- Committee Name:* Water Quality Improvement Grant Review Committee
- Committee Type:* Standing Committee
- Purpose/Scope:* The Water Quality Grant Review Committee reviews evaluated applications for Water Quality Improvement projects and recommends to the Full Authority for approval Water Quality Improvement Grants to recipients who meet program criteria.
- Authority:* Decisions will be made by the Committee members.
- Membership:* The Committee will have a minimum of Five (5) Voting members consisting of the NPCA Board Chairman, the NPCA Board Vice Chairman, a minimum of three (3) NPCA Board Members; and
- The Committee will have Three (3) Non-Voting Members: The Manager of Restoration, one (1) Water Quality Specialist, one (1) Ecology/Biology Staff, and one (1) Restoration Grants Program Coordinator
- Meeting Requirements:* Meetings will be held –biannually, once after the application deadline, and the second at the end of the grant cycle to review the program success in improving water quality. Meetings will be at the call of the Committee Chair. Agendas will be prepared by the Committee Chair in consultation with staff. Minutes will be prepared by staff and distributed to all Committee members and Senior Management prior to the next meeting.
- Meeting Location:* Meetings will be at NPCA Head Office (250 Thorold Rd. West, Welland), Ball’s Falls Conservation Area or at a location determined by the Committee Chair.
- Responsibilities/duties:* The responsibilities of the Water Quality Improvement Grant Review committee are to satisfy itself, on behalf of the Board, that:
- Projects are considered fairly and without personal bias following the four program pillars of accountability, transparency, equitability and responsiveness.
 - Projects that demonstrate the greatest potential improvement to Water Quality will be prioritized.
 - Ensure applicants have sufficient experience and knowledge to complete high-quality projects.
 - Ensure that applicants have sufficient cash reserves and/or additional partner funding to complete projects.
 - Ensure applicants project timelines and objectives are suitable for the one (1) year project window.
 - All Committee members will make every effort to attend all meetings, participate in the discussions.

Decision Making: The Committee will operate openly with the aim of arriving at recommendations through consensus. However, votes may be called by the Committee Chair to advance the agenda. Results of the discussions will be reflected in the minutes.

DRAFT Terms of Reference: Governance Committee

Committee Name:	Governance Committee
Committee Type:	Ad hoc, set up and approved by the Board of Directors in January 2019.
Purpose/Scope:	The Governance Committee scope is to review NPCA Administrative By-Law, Code of Conduct, Conflict of Interest, NPCA Policy Manual, roles and responsibilities.
Authority:	<p>On January 7, 2019, the NPCA Board of Directors passed the following resolution:</p> <p><i>“Direct staff to draft the terms of reference to be approved by the Board regarding the formation of a governance committee comprised of 4-5 members to review NPCA policies, roles, and responsibilities.”</i></p> <p>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.</p>
Membership:	The Committee will have Five (5) Members and will include the NPCA Chair, Vice-Chair and three (3) Board Members appointed by the Full Authority Board.
Meeting Requirements:	Meetings will be held at the call of the Committee Chair. Agendas will be prepared by the Committee Chair in consultation with staff, and distributed five (5) days prior to the meeting. Minutes will be prepared by staff and distributed to all Committee members and Senior Management prior to the next meeting. Meetings shall be governed by the NPCA Administrative By-Laws.
Meeting Location:	Meetings will be at NPCA Head Office (250 Thorold Rd. West, Welland), Ball's Falls Conservation Area or at a location determined by the Committee Chair in consultation with the committee.
Resources/Budget:	The work will be done by the Committee and NPCA staff. Any costs will be discussed by the Committee, and if required, taken to the Board for approval.
Responsibilities/ Duties:	All Committee members will make every effort to attend all meetings, participate in the discussions, support the process and make recommendations to the Board.
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.
Timelines:	To be developed by the Committee.

Report To: Board of Directors

Subject: RFP IT Services

Report No: 13-19

Date: February 20, 2019

RECOMMENDATION:

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.

PURPOSE:

Staff wish to issue an RFP to procure Information Technology services AND to enter an agreement with the winning service provider based on the NPCA Procurement Policy, pending Board approval.

DISCUSSION:

This Request for Proposals (the “RFP”) is an invitation by Niagara Peninsula Conservation Authority to prospective proponents to submit proposals for ***Consulting and Professional Service in Information Technology to Business Enterprises.***

In 2015, the NPCA entered into an agreement with SkyComp Solutions in order to ensure continued Information Technology services for the NPCA. Previous to 2015, the NPCA had a Shared Services Agreement with the Regional Municipality of Niagara. Due to customer service issues, the NPCA decided to procure a third-party provider. The current agreement expires in June of 2019.

The initial contract with Skycomp Solutions was non-competitive. It is recommended that the NPCA enter into a competitive bid process for IT services to ensure cost-efficiency and delivery of services and to satisfy 7.2.1 and Recommendation 20 of the Ontario Auditor General’s Report (September 2018).

The selected proponent will be requested to enter into direct contract negotiations to finalize an agreement with Niagara Peninsula Conservation Authority for the provision of the Deliverables.

FINANCIAL IMPLICATIONS:

IT services are included in the 2019 budget. A potential cost savings could occur as a result of undergoing the RFP process.

RELATED REPORTS AND APPENDICES:

1. Draft RFP & Appendices

Prepared by:



Krystle Caputo
Director, Administration & Communications

Submitted by:



David Barrick
Interim CAO/Secretary-Treasurer

This report was prepared with the consultative input from Eric Gervais, Procurement Specialist, and Geoff Verkade, Manager, Information Management and Technology Services.



Request for Proposals
For Consulting and Professional Service in Information Technology to
Business Enterprises

Request for Proposals No.: NPCA-2019-009

Issued: **PENDING APPROVAL**

Submission Deadline:

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Attached

Appendix F - NPCA Main Site Welland Office

Appendix G - NPCA Balls Falls Site

Appendix H - NPCA Skycomp Date Centre

Part 1 – Invitation and Submission Instructions

1.1 Invitation to Proponents

This Request for Proposals (the “RFP”) is an invitation by Niagara Peninsula Conservation Authority to prospective proponents to submit proposals for ***Consulting and Professional Service in Information Technology to Business Enterprises*** as further described in (Appendix D) (the “Deliverables”).

1.2 RFP Contact

For the purposes of this procurement process, the “RFP Contact” will be:

Eric Gervais

Procurement Specialist

Niagara Peninsula Conservation Authority

250 Thorold Rd., W.

3rd Floor

Welland, ON L3C 3W2

Telephone: 905-788-3135

Fax: 905-788-1121

egervais@npca.ca

Proponents and their representatives are not permitted to contact any employees, officers, agents, elected or appointed officials or other representatives of Niagara Peninsula Conservation Authority, other than the RFP Contact, concerning matters regarding this RFP. Failure to adhere to this rule may result in the disqualification of the proponent and the rejection of the proponent’s proposal.

1.3 Type of Contract for Deliverables

The selected proponent will be requested to enter into direct contract negotiations to finalize an agreement with Niagara Peninsula Conservation Authority’s for the provision of the Deliverables. The terms and conditions found in the Form of Agreement (Appendix A) are to form the basis for commencing negotiations between Niagara Peninsula Conservation Authority and the selected proponent. It is the intention of Niagara Peninsula Conservation Authority to enter into an agreement with only one (1) legal entity. The Agreement will be for a Three (3) Year Period with the option to extend the agreement for Two (2) One (1) Year period upon mutual agreement.

1.4 No Guarantee of Volume of Work or Exclusivity of Contract

The Niagara Peninsula Conservation Authority makes no guarantee of the value or volume of work to be assigned to the successful proponent. The Agreement to be negotiated with the selected proponent will not be an exclusive contract for the provision of the described Deliverables. The Niagara Peninsula Conservation Authority may

contract with others for the same or similar Deliverables to those described in the RFP or may obtain the same or similar Deliverables internally.

1.5 Canadian Free Trade Agreement

Proponents should note that procurements falling within the scope of Chapter 5 of the Canadian Free Trade Agreement are subject to that chapter but that the rights and obligations of the parties shall be governed by the specific terms of each tender call. For further reference, please see the Internal Trade Secretariat website at <https://www.cfta-alec.ca/canadian-free-trade-agreement/>.

1.6 Comprehensive Economic and Trade Agreement

Proponents should note that procurements falling within the scope of Chapter 19 of the Comprehensive Economic and Trade Agreement are subject to that chapter but that the rights and obligations of the parties shall be governed by the specific terms of each tender call.

1.7 RFP Timetable

Issue Date of RFP	Pending Approval
Deadline for Questions	
Deadline for Issuing Addenda	
Submission Deadline	
Rectification Period	
Anticipated Ranking of Proponents	
Anticipated Execution of Work	

The RFP timetable is tentative only, and may be changed by Niagara Peninsula Conservation Authority at any time. For greater clarity, business days means all days that Niagara Peninsula Conservation Authority is open for business.

1.8 Submission of Proposals

1.8.1 Proposals to be Submitted at Prescribed Location

Should be submitted at the office of:

Eric Gervais,
Procurement Specialist,
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
L3C 3W2

FINAL DRAFT

Proponents should submit **Four (4)** hard copies and one (1) electronic copy in a PDF format in a sealed envelope which contains evaluation criteria only. NO Pricing should be included in this package.

Proponents should provide **One (1)** hard copy pricing detail (Appendix C) in a separate sealed envelope

Proposals are to be prominently marked with the RFP title and number (see RFP cover), with the full legal name and return address of the proponent, and with the Submission Date. In the event of a conflict or inconsistency between the hard copy and the electronic copy of the proposal, the hard copy of the proposal shall prevail.

Submissions by other methods will not be accepted.

1.8.2 Proposals to be Submitted on Time

Proposals must be submitted on or before the Submission Deadline set out in the RFP Timetable. Proposals submitted after the Submission Deadline will not be accepted.

1.8.3 Proposals to be Submitted in Prescribed Format

Proposals should be submitted at the location set out above on or before the Submission Date. Proposals submitted after the Submission Date will be rejected.

1.8.4 Withdrawal of Proposals

At any time throughout the RFP process until the execution of a written agreement for provision of the Deliverables, a proponent may withdraw a submitted proposal. To withdraw a proposal prior to the Submission Deadline, a proponent should un-submit the proposal through Merx's portal. Following the Submission Deadline, a notice of withdrawal must be sent to the RFP Contact and must be signed by an authorized representative of the proponent. Niagara Peninsula Conservation Authority is under no obligation to return withdrawn proposals.

[End of Part 1]

Part 2 – Evaluation, Negotiation and Award

2.1 Stages of Evaluation and Negotiation

Niagara Peninsula Conservation Authority will conduct the evaluation of proposals and negotiations in the following stages:

2.2 Stage I – Mandatory Submission Requirements

Stage I will consist of a review to determine which proposals comply with all the mandatory submission requirements. If a proposal fails to satisfy all the mandatory submission requirements, Niagara Peninsula Conservation Authority will issue the proponent a rectification notice identifying the deficiencies and providing the proponent an opportunity to rectify the deficiencies. If the proponent fails to satisfy the mandatory submission requirements within the Rectification Period, its proposal will be rejected. The Rectification Period will begin to run from the date and time that Niagara Peninsula Conservation Authority issues a rectification notice to the proponent. The mandatory submission requirements are set out in Section C of the RFP Particulars (Appendix D).

2.3 Stage II – Evaluation

Stage II will consist of the following two sub-stages:

2.3.1 Mandatory Technical Requirements

Niagara Peninsula Conservation Authority will review the proposals to determine whether the mandatory technical requirements as set out in Section D of the RFP Particulars (Appendix D) have been met. Questions or queries on the part of Niagara Peninsula Conservation Authority as to whether a proposal has met the mandatory technical requirements will be subject to the verification and clarification process set out in Part 3.

2.3.2 Rated Criteria

Niagara Peninsula Conservation Authority will evaluate each qualified proposal based on the non-price rated criteria as set out in Section F of the RFP Particulars (Appendix D).

2.4 Stage III – Pricing

Stage III will consist of a scoring of the submitted pricing of each qualified proposal in accordance with the price evaluation method set out in Pricing (Appendix C). The evaluation of price will be undertaken after the evaluation of mandatory requirements and rated criteria has been completed.

2.5 Stage IV – Ranking and Contract Negotiations

2.5.1 Ranking of Proponents

After the completion of Stage III, all scores from Stage II and Stage III will be added together and the proponents will be ranked based on their total scores. The top-ranked proponent will receive a written invitation to enter into direct contract negotiations to finalize the agreement with Niagara Peninsula Conservation Authority. In the event of a tie to two (2) decimal places, the names of the tied proponents will be placed in a container and a name will be drawn. The selected proponent will be the proponent whose name is drawn from the container. Affected proponents will be invited to witness the draw.

2.5.2 Contract Negotiation Process

Any negotiations will be subject to the process rules contained in the Terms and Conditions of the RFP Process (Part 3) and will not constitute a legally binding offer to enter into a contract on the part of Niagara Peninsula Conservation Authority or the proponent and there will be no legally binding relationship created with any proponent prior to the execution of a written agreement. The terms and conditions found in the Form of Agreement (Appendix A) are to form the basis for commencing negotiations between Niagara Peninsula Conservation Authority and the selected proponent. Negotiations may include requests by Niagara Peninsula Conservation Authority for supplementary information from the proponent to verify, clarify or supplement the information provided in its proposal or to confirm the conclusions reached in the evaluation, and may include requests by Niagara Peninsula Conservation Authority for improved pricing or performance terms from the proponent.

2.5.3 Time for Negotiations

Niagara Peninsula Conservation Authority intends to conclude negotiations and finalize the agreement with the top-ranked proponent during the Contract Negotiation Period, commencing from the date Niagara Peninsula Conservation Authority invites the top-ranked proponent to enter negotiations. A proponent invited to enter into direct contract negotiations should therefore be prepared to satisfy the pre-conditions of award listed in Section E of the RFP Particulars (Appendix D), provide requested information in a timely fashion and conduct its negotiations expeditiously.

2.5.4 Failure to Enter into Agreement

If the pre-conditions of award listed in Section E of the RFP Particulars (Appendix D) are not satisfied or if the parties cannot conclude negotiations and finalize the agreement for the Deliverables within the Contract Negotiation Period, Niagara Peninsula Conservation Authority may discontinue negotiations with the top-ranked proponent and may invite the next-best-ranked proponent to enter into negotiations. This process will continue until an agreement is finalized, until there are no more proponents remaining that are eligible for

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negotiations or until Niagara Peninsula Conservation Authority elects to cancel the RFP process.

2.5.5 Notification of Negotiation Status

Other proponents that may become eligible for contract negotiations may be notified at the commencement of the negotiation process with the top-ranked proponent.

[End of Part 2]

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Part 3 – Terms and Conditions of the RFP Process

3.1 General Information and Instructions

3.1.1 Proponents to Follow Instructions

Proponents should structure their proposals in accordance with the instructions in this RFP. Where information is requested in this RFP, any response made in a proposal should reference the applicable section numbers of this RFP.

3.1.2 Proposals in English

Unless otherwise noted, all proposals are to be in English.

3.1.3 No Incorporation by Reference

The entire content of the proponent's proposal should be submitted in a fixed form, and the content of websites or other external documents referred to in the proponent's proposal but not attached will not be considered to form part of its proposal.

3.1.4 References and Past Performance

In the evaluation process, Niagara Peninsula Conservation Authority may include information provided by the proponent's references and may also consider the proponent's past performance or conduct on previous contracts with Niagara Peninsula Conservation Authority's participating Conservation Authorities or other institutions.

3.1.5 Information in RFP Only an Estimate

Niagara Peninsula Conservation Authority and its advisers make no representation, warranty or guarantee as to the accuracy of the information contained in this RFP or issued by way of addenda. Any quantities shown or data contained in this RFP or provided by way of addenda are estimates only, and are for the sole purpose of indicating to proponents the general scale and scope of the Deliverables. It is the proponent's responsibility to obtain all the information necessary to prepare a proposal in response to this RFP.

3.1.6 Proponents to Bear Their Own Costs

The proponent will bear all costs associated with or incurred in the preparation and presentation of its proposal, including, if applicable, costs incurred for interviews or demonstrations.

3.1.7 Proposal to be Retained by NIAGARA PENINSULA CONSERVATION AUTHORITY

Niagara Peninsula Conservation Authority will not return the proposal or any accompanying documentation submitted by a proponent.

3.1.8 No Guarantee of Volume of Work or Exclusivity of Contract

Niagara Peninsula Conservation Authority makes no guarantee of the value or volume of work to be assigned to the successful proponent. The agreement to be negotiated with the selected proponent will not be an exclusive contract for the provision of the described Deliverables. Niagara Peninsula Conservation Authority may contract with others for goods and services the same as or similar to the Deliverables or may obtain such goods and services internally.

3.2 Communication after Issuance of RFP

3.2.1 Proponents to Review RFP

Proponents should promptly examine all of the documents comprising this RFP, and may direct questions or seek additional information in writing by email to the RFP Contact on or before the Deadline for Questions. No such communications are to be directed to anyone other than the RFP Contact. Niagara Peninsula Conservation Authority is under no obligation to provide additional information, and Niagara Peninsula Conservation Authority is not responsible for any information provided by or obtained from any source other than the RFP Contact. It is the responsibility of the proponent to seek clarification from the RFP Contact on any matter it considers to be unclear. Niagara Peninsula Conservation Authority is not responsible for any misunderstanding on the part of the proponent concerning this RFP or its process.

3.2.2 All New Information to Proponents by Way of Addenda

This RFP may be amended only by addendum in accordance with this section. If Niagara Peninsula Conservation Authority, for any reason, determines that it is necessary to provide additional information relating to this RFP, such information will be communicated by posting each addendum to Merx. Each addendum forms an integral part of this RFP and may contain important information, including significant changes to this RFP. Proponents are responsible for obtaining all addenda issued by Niagara Peninsula Conservation Authority from Merx. In the Submission Form (Appendix B), proponents should confirm their receipt of all addenda by setting out the number of each addendum in the space provided.

3.2.3 Post-Deadline Addenda and Extension of Submission Deadline

If Niagara Peninsula Conservation Authority determines that it is necessary to issue an addendum after the Deadline for Issuing Addenda, Niagara Peninsula Conservation Authority may extend the Submission Deadline for a reasonable period of time.

3.2.4 Verify, Clarify and Supplement

When evaluating proposals, Niagara Peninsula Conservation Authority may request further information from the proponent or third parties in order to verify, clarify or supplement the information provided in the proponent's proposal, including but not limited to clarification with respect to whether a proposal meets the mandatory technical requirements set out in Section D of the RFP Particulars (Appendix D). Niagara Peninsula Conservation Authority may revisit, re-evaluate and rescore the proponent's response or ranking on the basis of any such information.

3.3 Notification and Debriefing

3.3.1 Notification to Other Proponents

Once an agreement is executed by Niagara Peninsula Conservation Authority and a proponent, the other proponents will be notified by public posting, in the same manner that this RFP was originally posted, of the outcome of the procurement process.

3.3.2 Debriefing

Proponents may request a debriefing after publication of the outcome of the procurement process. All requests must be in writing to the RFP Contact and must be made within sixty (60) days of such notification.

3.3.3 Dispute Resolution Process

If a proponent wishes to challenge the RFP process, it should provide written notice to the RFP Contact in accordance with Niagara Peninsula Conservation Authority's dispute resolution process and any applicable trade agreement or other applicable bid protest procedures. The notice must provide a detailed explanation of the proponent's concerns with the procurement process or its outcome.

3.4 Conflict of Interest and Prohibited Conduct

3.4.1 Conflict of Interest

For the purposes of this RFP, the term "Conflict of Interest" includes, but is not limited to, any situation or circumstance where:

- (a) in relation to the RFP process, the proponent has an unfair advantage or engages in conduct, directly or indirectly, that may give it an unfair advantage, including but not limited to (i) having, or having access to, confidential information of Niagara Peninsula Conservation Authority in the preparation of its proposal that is not available to other proponents, (ii) communicating with any person with a view to influencing preferred treatment in the RFP process (including but not limited to the lobbying of decision makers involved in the RFP process), or (iii) engaging in conduct that compromises, or could be seen to compromise, the integrity of the open and competitive RFP process or render that process non-competitive or unfair; or
- (b) in relation to the performance of its contractual obligations under a contract for the Deliverables, the proponent's other commitments, relationships or financial interests (i) could, or could be seen to, exercise an improper influence over the objective, unbiased and impartial exercise of its independent judgement, or (ii) could, or could be seen to, compromise, impair or be incompatible with the effective performance of its contractual obligations.

3.4.2 Disqualification for Conflict of Interest

Niagara Peninsula Conservation Authority may disqualify a proponent for any conduct, situation or circumstances, determined by the Niagara Peninsula Conservation Authority, in its sole and absolute discretion, to constitute a Conflict of Interest as defined above.

3.4.3 Disqualification for Prohibited Conduct

Niagara Peninsula Conservation Authority may disqualify a proponent, rescind an invitation to negotiate or terminate a contract subsequently entered into, if Niagara Peninsula Conservation Authority determines that the proponent has engaged in any conduct prohibited by this RFP.

3.4.4 Prohibited Proponent Communications

Proponents must not engage in any communications that could constitute a Conflict of Interest and should take note of the Conflict of Interest declaration set out in the Submission Form (Appendix B).

3.4.5 Proponent Not to Communicate with Media

Proponents must not at any time directly or indirectly communicate with the media in relation to this RFP or any agreement entered into pursuant to this RFP without first obtaining the written permission of the RFP Contact.

3.4.6 No Lobbying

Proponents must not, in relation to this RFP or the evaluation and selection process, engage directly or indirectly in any form of political or other lobbying whatsoever to influence the selection of the successful proponent(s).

3.4.7 Illegal or Unethical Conduct

Proponents must not engage in any illegal business practices, including activities such as bid-rigging, price-fixing, bribery, fraud, coercion or collusion. Proponents must not engage in any unethical conduct, including lobbying, as described above, or other inappropriate communications; offering gifts to any employees, officers, agents, elected or appointed officials or other representatives of the Niagara Peninsula Conservation Authority; deceitfulness; submitting proposals containing misrepresentations or other misleading or inaccurate information; or any other conduct that compromises or may be seen to compromise the competitive process provided for in this RFP.

3.4.8 Past Performance or Past Conduct

The Niagara Peninsula Conservation Authority may prohibit a supplier from participating in a procurement process based on past performance or based on inappropriate conduct in a prior procurement process, including but not limited to the following:

- (a) illegal or unethical conduct as described above;
- (b) the refusal of the supplier to honour its submitted pricing or other commitments; or
- (c) any conduct, situation or circumstance determined by the Niagara Peninsula Conservation Authority, in its sole and absolute discretion, to have constituted an undisclosed Conflict of Interest.

3.5 Confidential Information

3.5.1 Confidential Information of The Niagara Peninsula Conservation Authority

All information provided by or obtained from the Niagara Peninsula Conservation Authority in any form in connection with this RFP either before or after the issuance of this RFP

- (a) is the sole property of the Niagara Peninsula Conservation Authority and must be treated as confidential;
- (b) is not to be used for any purpose other than replying to this RFP and the performance of any subsequent contract for the Deliverables;

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- (c) must not be disclosed without prior written authorization from the Niagara Peninsula Conservation Authority; and
- (d) must be returned or otherwise destroyed by the proponent to The Niagara Peninsula Conservation Authority immediately upon the request of Niagara Peninsula Conservation Authority.

3.5.2 Confidential Information of Proponent

Proponents acknowledge the Niagara Peninsula Conservation Authority is subject to the Ontario Freedom of Information and Protection of Privacy Act. Proponents shall clearly mark “Confidential” all information regarding trade secrets, commercial, financial, labour relations, technical or other aspects of the Proponent’s proposal, which in the Proponent’s opinion are of a proprietary or confidential nature and are significant enough to be injurious to the Proponent should this information be provided under a request of information.

The Niagara Peninsula Conservation Authority shall use all reasonable efforts to hold all information marked “Confidential” by the Proponent in strict confidence where required or permitted by law and shall not be liable for any disclosure or non-disclosure made in respect of a request under the Act.

If the Niagara Peninsula Conservation Authority’s response to a request under the Act is appealed to the Information and Privacy Commissioner of Ontario and the Proponent elects to participate in the appeal, it shall be responsible for its own costs of participation.

Proponents are advised that their proposals will, as necessary, be disclosed on a confidential basis, to the Niagara Peninsula Conservation Authority’s advisers retained for the purpose of evaluating or participating in the evaluation of their proposals. If a proponent has any questions about the collection and use of personal information pursuant to the RFP, questions are to be submitted to the Niagara Peninsula Conservation Authority Contact.

3.6 Procurement Process Non-binding

3.6.1 No Contract A and No Claims

This procurement process is not intended to create and will not create a formal, legally binding bidding process and will instead be governed by the law applicable to direct commercial negotiations. For greater certainty and without limitation:

- (a) this RFP will not give rise to any Contract A–based tendering law duties or any other legal obligations arising out of any process contract or collateral contract; and

- (b) neither the proponent nor the Niagara Peninsula Conservation Authority will have the right to make any claims (in contract, tort, or otherwise) against the other with respect to the award of a contract, failure to award a contract or failure to honour a proposal submitted in response to this RFP.

3.6.2 No Contract until Execution of Written Agreement

This RFP process is intended to identify prospective suppliers for the purposes of negotiating potential agreements. No legal relationship or obligation regarding the procurement of any good or service will be created between the proponent and the Niagara Peninsula Conservation Authority by this RFP process until the successful negotiation and execution of a written agreement for the acquisition of such goods and/or services.

3.6.3 Non-Binding Price Estimates

While the pricing information provided in proposals will be non-binding prior to the execution of a written agreement, such information will be assessed during the evaluation of the proposals and the ranking of the proponents. Any inaccurate, misleading or incomplete information, including withdrawn or altered pricing, could adversely impact any such evaluation or ranking or the decision of The Niagara Peninsula Conservation Authority to enter into an agreement for the Deliverables.

3.6.4 Cancellation

The Niagara Peninsula Conservation Authority may cancel or amend the RFP process without liability at any time.

3.7 Governing Law and Interpretation

These Terms and Conditions of the RFP Process (Part 3):

- (a) are intended to be interpreted broadly and independently (with no particular provision intended to limit the scope of any other provision);
- (b) are non-exhaustive and will not be construed as intending to limit the pre-existing rights of the parties to engage in pre-contractual discussions in accordance with the common law governing direct commercial negotiations; and
- (c) are to be governed by and construed in accordance with the laws of the province of Ontario and the federal laws of Canada applicable therein.

[End of Part 3]

Appendix A – Form of Agreement

1. The award contract to the Supplier shall include the terms of this Request for Proposal together with those terms of the bidder's proposal which are not inconsistent with Niagara Peninsula Conservation Authority's documents and which have been specifically accepted by NPCA.
2. The Supplier may not assign or subcontract any of the contract without the prior written consent of Niagara Peninsula Conservation Authority.
3. The Supplier shall indemnify Niagara Peninsula Conservation Authority, its Board, employees, servants and/or agents from all damage, damages, losses, costs, claims, demands, actions, suits, or proceedings which may arise directly or indirectly as a result of the negligent or wrongful acts or omissions of the successful bidder (if any), its employees, agents and/or servants in the performance or purported performance of any of its obligations under the contract, whether or not such claims are initiated by third parties or arise between the parties.
4. The Supplier shall carry at all times during the performance of the work commercial general liability insurance of \$5,000,000. Such insurance shall at a minimum include coverage of broad form property damage, contractual liability, completed operations and product liability, and automobile liability (owned and non-owned), and such other types of insurance as would be carried by a prudent person performing such contract work and as Brock University may from time to time require.
5. All such policies of insurance shall provide that the Insurers shall give at least thirty (30) days written notice to Niagara Peninsula Conservation Authority prior to any cancellation, material changes, or amendments restricting coverage of any policy or policies.
6. The Supplier shall warrant its work and/or products for a period of not less than one (1) year from completion, installation or supply against all defects and deficiencies in manufacture, workmanship and installation. The Supplier shall also promptly remedy or replace any defect or deficiency, in the goods or services as solely determined by the NPCA, upon notice from the NPCA to do so, and at no cost to the NPCA.

Should the Supplier fail to remedy any defect or deficiency promptly with a reasonable time after notice to do so, the NPCA may remedy the defect or deficiency, at the Supplier's cost.

7. Any products supplied and installed by the successful bidder (if any) shall be installed in such a manner as to preserve any and all manufacturer's warranties, for the benefit of Niagara Peninsula Conservation Authority.

8. The NPCA and the Supplier acknowledge and agree that they are independent contractors in a contract for goods and/or service and no employer – employee partnership nor agency relationship is intended or created by their agreement.

The Supplier shall be solely responsible for all matters relating to statutory deduction of all taxes, employment insurance, Canada Pension, carry Workplace Safety and Insurance Board of Ontario insurance premiums, leave, remuneration, discipline and all licenses and permits which may be or may become required to perform the work.

9. Notwithstanding the above, while at the NPCA, personnel of the Supplier must observe all regulations and policies of Niagara Peninsula Conservation Authority.
10. In addition to any rights of termination at law or in equity, Niagara Peninsula Conservation Authority shall have the right to terminate any contract formed with the Supplier upon written notice to the successful Bidder.
11. The Supplier is required to sign a Confidentiality and Privacy Agreement if personal information is collected, used or disclosed to the successful bidder in order to meet the terms of the contract. Niagara Peninsula Conservation Authority Confidentiality and Privacy Agreement meets the legal requirements of the Freedom of Information and Protection of Privacy Act (FIPPA).
12. Payment terms shall be indicated on the pricing detail sheet. If the terms are absent, the NPCA standard of NET 30 days from the date of receipt off the invoice shall apply.

Appendix B – Submission Form

1. Proponent Information

Please fill out the following form, naming one person to be the proponent's contact for the RFP process and for any clarifications or communication that might be necessary.	
Full Legal Name of Proponent:	
Any Other Relevant Name under which Proponent Carries on Business:	
Street Address:	
City, Province/State:	
Postal Code:	
Phone Number:	
Fax Number:	
Company Website (if any):	
Proponent Contact Name and Title:	
Proponent Contact Phone:	
Proponent Contact Fax:	
Proponent Contact Email:	

2. Acknowledgment of Non-Binding Procurement Process

The proponent acknowledges that the RFP process will be governed by the terms and conditions of the RFP, and that, among other things, such terms and conditions confirm that this procurement process does not constitute a formal, legally binding bidding process (and for greater certainty, does not give rise to a Contract A bidding process contract), and that no legal relationship or obligation regarding the procurement of any good or service will be created between Niagara Peninsula Conservation Authority and the proponent unless until Niagara Peninsula Conservation Authority and the proponent execute a written agreement for the Deliverables.

3. Ability to Provide Deliverables

The proponent has carefully examined the RFP documents and has a clear and comprehensive knowledge of the Deliverables required. The proponent represents and warrants its ability to provide the Deliverables in accordance with the requirements of the RFP for the rates set out in its proposal.

4. Non-Binding Pricing

The proponent has submitted its pricing in accordance with the instructions in the RFP and in Pricing (Appendix C) in particular. The proponent confirms that the pricing information provided is accurate. The proponent acknowledges that any inaccurate, misleading or incomplete information, including withdrawn or altered pricing, could adversely impact the acceptance of its proposal or its eligibility for future work.

5. Addenda

The proponent is deemed to have read and taken into account all addenda issued by the Niagara Peninsula Conservation Authority prior to the Deadline for Issuing Addenda. The proponent is requested to confirm that it has received all addenda by listing the addenda numbers, or if no addenda were issued by writing the word "None", on the following line: _____ . Proponents who fail to complete this section will be deemed to have received all posted addenda.

6. No Prohibited Conduct

The proponent declares that it has not engaged in any conduct prohibited by this RFP.

7. Conflict of Interest

Proponents must declare all potential Conflicts of Interest, as defined in section 3.4.1 of the RFP. This includes disclosing the names and all pertinent details of all individuals (employees, advisers, or individuals acting in any other capacity) who (a) participated in the preparation of the proposal; **AND** (b) were employees of the Niagara Peninsula Conservation Authority within twelve (12) months prior to the Submission Deadline.

If the box below is left blank, the proponent will be deemed to declare that (a) there was no Conflict of Interest in preparing its proposal; and (b) there is no foreseeable Conflict of Interest in performing the contractual obligations contemplated in the RFP.

Otherwise, if the statement below applies, check the box.

- ☐ The proponent declares that there is an actual or potential Conflict of Interest relating to the preparation of its proposal, and/or the proponent foresees an

actual or potential Conflict of Interest in performing the contractual obligations contemplated in the RFP.

If the proponent declares an actual or potential Conflict of Interest by marking the box above, the proponent must set out below details of the actual or potential Conflict of Interest:

8. Disclosure of Information

The proponent hereby agrees that any information provided in this proposal, even if it is identified as being supplied in confidence, may be disclosed where required by law or by order of a court or tribunal. The proponent hereby consents to the disclosure, on a confidential basis, of this proposal by the Niagara Peninsula Conservation Authority to the advisers retained by the Niagara Peninsula Conservation Authority to advise or assist with the RFP process, including with respect to the evaluation this proposal.

Signature of Witness

Signature of Proponent
Representative

Name of Witness

Name of Proponent Representative

Title of Proponent Representative

Date

I have the authority to bind the
proponent.

Appendix C – Pricing

RFP No: NPCA-2019-005

RFP Name: Consulting and Professional Service in Information Technology to Business Enterprises

Company: _____

Address: _____

Having examined the Deliverables & Specifications as listed in Appendix "D" to this bid, and Addenda No. ____ to No. ____ inclusive, all as issued by Niagara Peninsula Conservation Authority.

Monthly Fees to be applied for (Unlimited Support) per workstation

Dollars* (\$ _____) in CAD

**Workstation to be added or removed at ANY Time during Agreement with "NO Penalty"

Hourly Fee to be applied should the minimum standards listed are not be realized.

Description	Hourly cost
Workstation	
Server	
Virtual Private Server	
High Speed Internet Access	
Travel Fee	
Additional managed Work station	/per month per unit
Mileage fee	/per km

*Rates must be provided in Canadian funds, inclusive of all applicable duties and taxes except for HST.

Signature of Dealer/Company Representative

Date

Appendix D – RFP Particulars

A. The Deliverables

Monitoring Services

The selected service provider will become a managed service provider partners with the NPCA, by delivering professional consulting and technical operational services as to the design, implementation and maintenance of the NPCA 's information technology environment, including but not limited to provide ongoing monitoring and security service of all critical devices, they will also document and report all critical alerts and event resolution to the Niagara Peninsula Conservation Authority.

Consulting Services

The selected service provider shall provide consultation services on any all information technology project(s) for the Niagara Peninsula Conservation Authority during the length of the agreement.

The following services below are covered but not limited to:

- Unlimited Remote Control Support
- Microsoft Application Support Maintenance
- Online Asset Management
- Online Trouble Ticket Management
- Online License Management
- Desktop Optimization & Management
- Spyware and Adware Removal
- VPN Client Management Security
- Windows Patch Management
- Antivirus Software Management & Updates

Excluded Services

1. Parts, equipment or software not covered by vendor/manufacture warranty or support.
2. The cost of any parts, equipment, or shipping charge of any kind.
3. The cost of any software, licensing, or software renewal or upgrade fees of any kind.
4. The cost of any 3rd party vendor or manufacturer support or incident feeds any kind.
5. The cost to bring NPCA's environment up to minimum standards required for services.
6. Failure due to acts of God, building modification, power failures or other adverse environmental condition or factors.
7. Service and repair made necessary by the alteration or modification of equipment other than that authorized by service provider, including alteration, software installations or modification of equipment made by the NPCA's employees or anyone other than the service provider.
8. Maintenance of application software packages, whether acquired from the service provider or any other sources, unless as specified in Appendix D.

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9. Programing (modification of software code) and program (software) maintenance unless as specified in Appendix D.
10. Training services of any kind.

2. Scope of work

Managed Services

1. Network Design and Security (Antivirus, VPN, Spyware and Adware removal)
2. Specification and configuration of internal and co-located data centers and associated monitoring services to support various information systems
3. Wifi Networks at main office and conservation areas
4. Disaster Recovery and Data Retention strategies
5. Email exchange service administration through Microsoft Office 365
6. Helpdesk Services and remote-control support
7. Workstation Specification, Configuration, Optimization and Monitoring Services (Windows Patching)
8. Microsoft Application Support Maintenance
9. Online Asset Management
10. Online Windows License Management (Office 365, Desktop and Server OS's)

The managed services provider partner would be required for consultation on any of the NPCA's IT related projects.

Please note that the Niagara Peninsula Conservation Authority owns everything but the sinology network storage drives the current service provider owns those to provide the backup) :

- 69 Workstations currently inventoried.
- 62 Users/employees
- 16TB total network drives.
- 5 Physical servers: 2 at NPCA hosting 14 virtual machines, 2 at colocation environment hosting 7 virtual machines, 1 at Balls Falls hosting 2 virtual machines
- 6 sites: NPCA Office, Balls Falls CA, Workshop, Chippawa Creek CA, Long Beech CA, Binbrook CA
- Microsoft Office Licensing through Office365 Enterprise E2 (Nonprofit Staff Pricing)

B. Material Disclosures

- NPCA – Main Site Welland Office Appendix F
- NPCA – Balls Falls Site Appendix G
- NPCA – Third Party Date Centre Appendix H

C. Mandatory Submission Requirements

1. Submission Form (Appendix B)

Each proposal must include a Submission Form (Appendix B) completed and signed by an authorized representative of the proponent.

2. Pricing (Appendix C)

Each proposal must include pricing information that complies with the instructions contained in Pricing (Appendix C).

3. Submission Content

Each proposal package to the Niagara Peninsula Conservation Authority should include the following information:

- a) Completed proposal submission form and prices included in this RFP Document
- b) Complete work plan schedule

D. Mandatory Technical Requirements

E. Pre-Conditions of Award

10 Days after award the successful Proponent will provide the following:

- Copy of Commercial Liability Insurance (COU)

F. Rated Criteria

The following sets out the categories, weightings and descriptions of the rated criteria of the RFP. Proponents who do not meet a minimum threshold score for a category will not proceed to the next stage of the evaluation process.

Tab(s)	Rated Criteria Category	Weighting (Points)
1	Proponent's Overview & Experience	20
2	Service Offering	20
3	Ticketing Management and Performance	5
4	Proponent's Analysts Experience	10
5	System Reporting	5
6	Customer Service and Account Management	15
7	Reference(s) Appendix E	5
8	Pricing (Total Monthly Cost)	20
Total Points		100 Points

Evaluation Category: Price
(Points Available:)

Formula below will be used for scoring pricing.

Proponents should review and complete the Rate Bid Form in Appendix C.

Pricing will be scored based on a relative pricing formula using the Rates set out in the Rate Bid Form.

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Each proponent will receive a percentage of the total possible points allocated to price for the particular category it has bid on by dividing that proponent's price for that category into the lowest bid price in that category. For example, if a proponent bids \$120.00 for a particular category and that is the lowest bid price in that category, that proponent receives 100% of the possible points for that category ($120/120 = 100\%$). A proponent who bids \$150.00 receives 80% of the possible points for that category ($120/150 = 80\%$), and a proponent who bids \$240.00 receives 50% of the possible points for that category ($120/240 = 50\%$).

Lowest rate ----- rate	x	Total available points = Score for proposal with second-lowest Second-lowest rate
------------------------------	---	--

Lowest rate -----	x	Total available points = Score for proposal with third-lowest rate Third-lowest rate
----------------------	---	---

And so on, for each proposal

APPENDIX E – REFERENCE FORM

Each proponent is requested to provide three (3) references and project samples from clients who have obtained similar goods or services to those requested in the RFP from the proponent in the last **five (5) years**.

Reference #1

Company Name:	
Company Address:	
Contact Name:	
Contact Telephone Number:	
Date Work Undertaken:	
Nature of Assignment:	

Reference #2

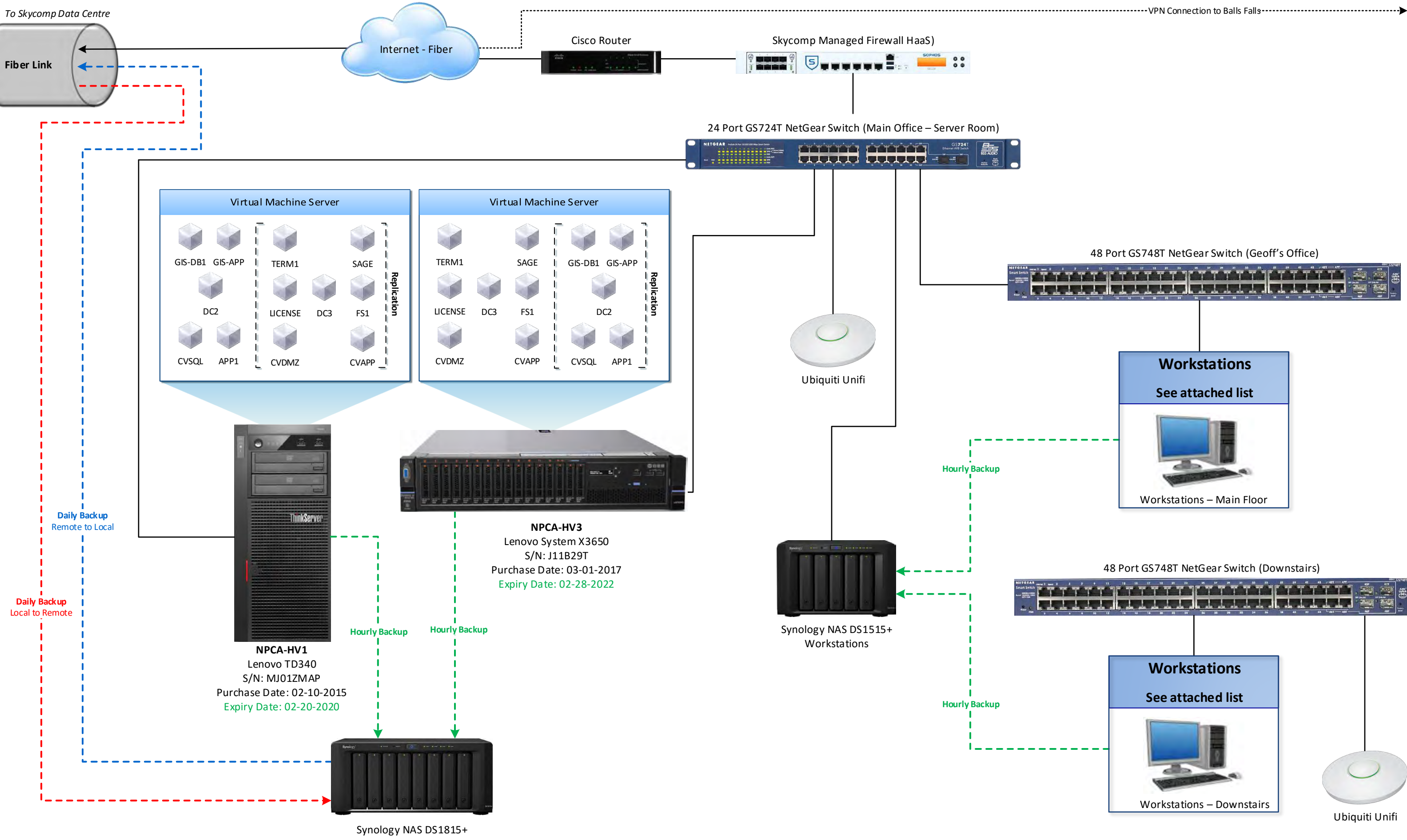
Company Name:	
Company Address:	
Contact Name:	
Contact Telephone Number:	
Date Work Undertaken:	
Nature of Assignment:	

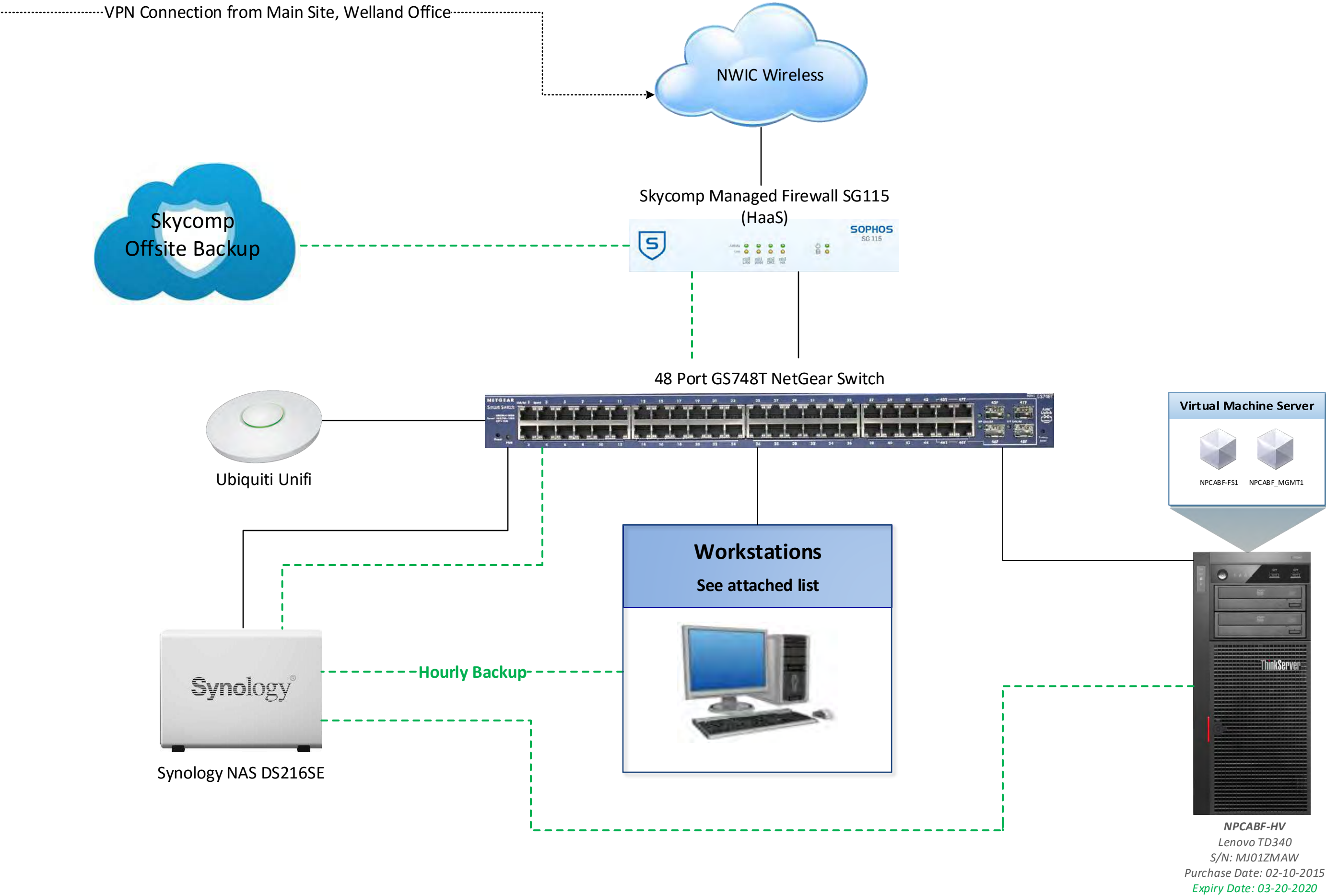
Reference #3

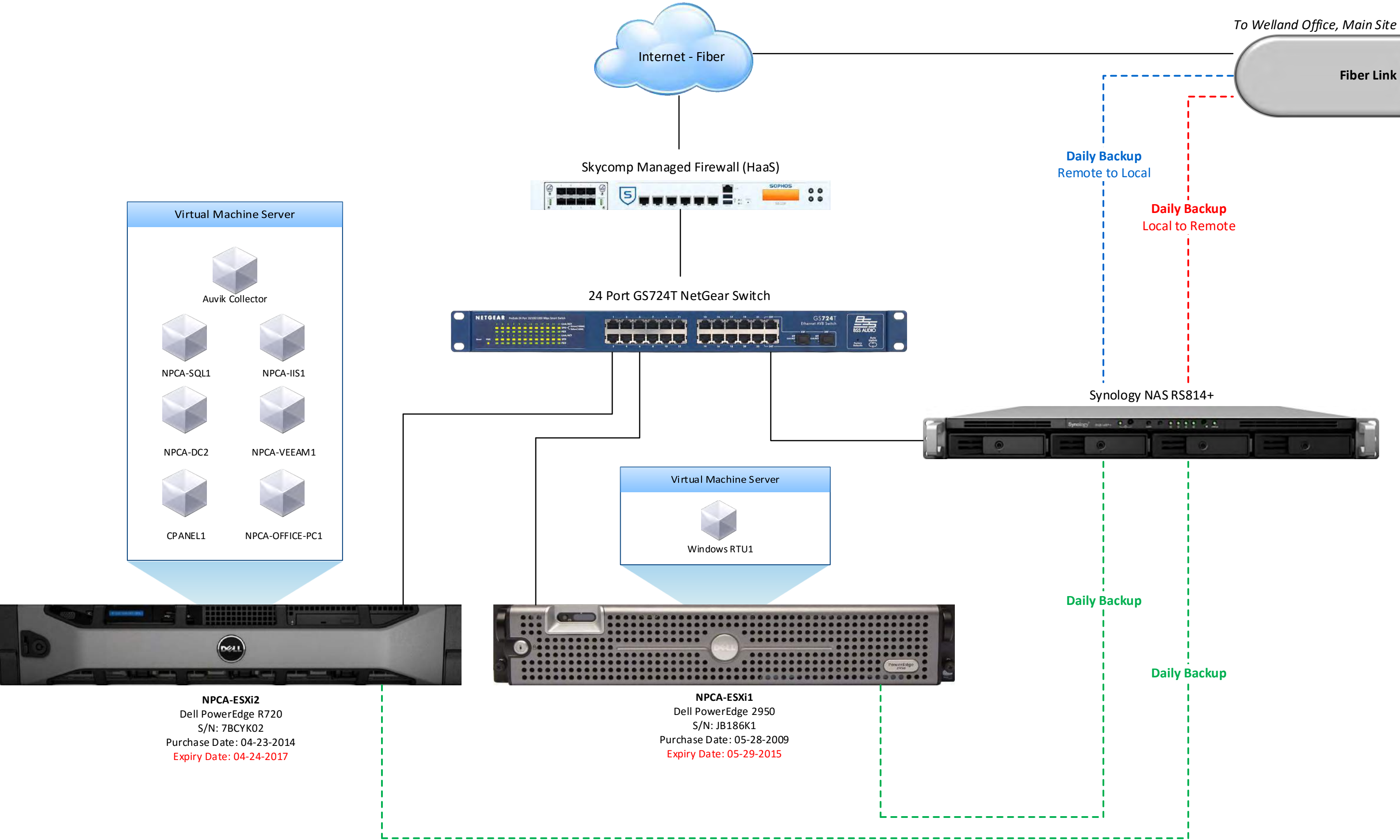
Company Name:	
Company Address:	
Contact Name:	
Contact Telephone Number:	
Date Work Undertaken:	
Nature of Assignment:	

***Please attach sample work for each reference**

Niagara Peninsula Conservation Authority – Main Site, Welland Office







Report To: Board of Directors

Subject: Facility Use Agreement Renewal – Binbrook CA

Report No: 14-19

Date: February 20, 2019

RECOMMENDATION:

1. That Report 14-19 respecting the Staycation Beach and Boat Rentals Inc. Facility Use Agreement Renewal **BE RECEIVED**; and
2. The NPCA Board of Directors **AUTHORIZE** the Interim CAO to enter into a one (1) year Facility Use Agreement (Appendix 1), with Staycation Beach and Boat Rentals Inc. to operate at Binbrook Conservation Area.

PURPOSE:

For the Board to consider renewing the Staycation Beach and Boat Rentals Inc. (SBBR) agreement for continued expansion of water related activities at Binbrook Conservation Area.

BACKGROUND:

In June 2017, the Board received an unsolicited proposal from Burlington Beach Rentals (now named Staycation Beach and Boat Rentals Inc.) At its June 28, 2017 meeting, the Board passed the following resolution, *“THAT the NPCA Board of Directors, DIRECT the CAO to enter into a one (1) year Facility Use Agreement with Burlington Beach Rentals, to operate at Binbrook Conservation Area,”* thereby allowing them to operate at Binbrook CA from June 29th to September 30th, 2017.

In January 2018, the Board received a report asking for a one (1) year extension. The resolution was that the *NPCA Board of Directors authorize the CAO to enter into a one-year (1) facility use agreement with Burlington Beach Rentals* (now named Staycation Beach and Boat Rentals Inc.)

With only a small sample size of a year and a half, the owner of SBBR is interested in establishing another one-year (1) agreement, commencing May 15, 2019 and terminating on September 15, 2019.

DISCUSSION:

SBBR is a beach equipment rental company that focuses on providing services, classes, products, and events to beach and park patrons. The company strives to create a “staycation” atmosphere that would allow all Binbrook Conservation Area patrons the opportunity to enjoy additional amenities allowing for greater outdoor experiences.

Staycation Beach and Boat Rentals Inc. was first established in 2011. The company started operating at Beachway Park in Burlington in 2013 after they were the successful bidders of a City of Burlington Request for Proposal. The company has since built and operated a successful business at Beachway Park that has brought fun to the beach, engaged city residents, while growing tourism in the area. They have built relationships within the community including municipal, regional, and private organizations.

To create the “staycation” atmosphere Staycation Beach and Boat Rentals Inc. will offer rental equipment to Binbrook Conservation Area patrons which will include paddle boats, stand up paddle boards, kayaks, and turbo tube inflatable boats. In addition, they will offer certified in water classes such as stand up paddle board yoga, as well as on land classes such as outdoor yoga. To further the “staycation” feel, SBBR will also rent beach equipment such as resin Muskoka chairs, SportBrella’s and personal lockers.

SBBR also plans to offer corporate and private group services which include guided paddles, hikes and special “Full Moon” events.

Lastly, SBBR will also transform and expand our existing beach store into a full-service store that will include items to enhance the visitors experience such as sunscreen, towels, beach toys, as well as other beach needs.

SBBR offers a concept with rental equipment and outdoor classes that NPCA staff has been looking to provide its customers at Binbrook Conservation Area. This business concept will fit with the existing operating business at Binbrook Conservation Area and will certainly mesh with future plans and the Master Plan improvements proposed at the park.

FINANCIAL IMPLICATIONS:

The proposed monthly rent is \$1,100 per month, for 4 months, plus 56% commission on NPCA owned Boats with the addition of potentially new or existing patrons using the park more frequently and paying our NPCA admission rates.

All waivers that the company has their customers sign have been reviewed and approved by their legal team and will be updated to include and cover Binbrook Conservation Area and the Niagara Peninsula Conservation Authority. The company currently has \$3 Million insurance coverage with Lloyds of London. Their current insurance policy will be extended to cover the activities and business at Binbrook Conservation Area and cover the NPCA.

RELATED REPORTS AND APPENDICES:

Appendix 1 - 2019 Staycation Beach and Boat Rentals DRAFT lease agreement

Prepared by:



**Gregg Furtney, Interim Senior Director of
Corporate Resources**

Submitted by:



**David Barrick, Interim CAO/ Secretary
Treasurer**

Prepared in consultation with the Manager of Strategic Initiatives, Adam Christie

[Type here]

THIS FACILITY USE AGREEMENT made in triplicate this Day of 2019.

BETWEEN:

THE NIAGARA PENINSULA CONSERVATION AUTHORITY

Hereinafter called the *AUTHORITY*
OF THE FIRST PART

-and-

STAYCATION BEACH & BOAT RENTALS INC.

OF THE SECOND PART

WHEREAS Staycation Beach & Boat Rentals are desirous of entering into a Facility Use Agreement with the AUTHORITY to use and maintain dedicated space at Binbrook Conservation Area for the purpose of operating a seasonal business providing services, classes, products, and events to enhance the visitor experience at the park from Monday May 14th, 2019 to September 14th, 2019. This is a 1 year agreement for 2019.

NOW THEREFORE herein contained and subject to the terms and conditions hereinafter set out, the parties agree as follows:

(1) Transfer of Agreement

Staycation Beach & Boat Rentals Inc. shall not assign or transfer this Agreement without consent from the AUTHORITY.

(2) Site Requirements

Staycation Beach & Boat Rentals Inc. shall have use of the existing store, storage area, gravel patio, and boat launch at Pavilion #3, half of the kayak condos, as well as any additional shoreline frontage and/or beach frontage available and agreed upon by the Manager, Strategic Initiatives, Park Superintendent, or their designate.

With the site Superintendent's permission Staycation Beach & Boat Rentals Inc. may leave some heavy items in the workshop.

(3) Electrical/ Water Connections

The Niagara Peninsula Conservation Authority at Binbrook Conservation

Area will supply existing electrical connections and water to the existing retail and boat rental facility space at Pavilion #3. Any additional work needed by Staycation Beach & Boat Rentals Inc. will need to be discussed with the Park Superintendent or his/her designate prior to taking place.

(4) Capital Investment

The Niagara Peninsula Conservation Authority will not be adding any capital investment to aid Staycation Beach & Boat Rentals Inc. in their operation.

Any proposed capital investment, relating to or on behalf of the facilities and infrastructure at Binbrook Conservation Area by Staycation Beach & Boat Rentals Inc., must be discussed, prior to work or purchase, with the Park Superintendent or his/her designate.

(5) Amenities

Staycation Beach & Boat Rentals Inc. and its patrons will have use of the Binbrook Conservation Area washrooms and parking lots. A portable washroom will be placed close to pavilion 3 for Staycation Beach & Boat Rentals Inc. use. Use of the pavilion will be considered when available and with permission from the Park Superintendent or his/ her designate.

(6) Services

Staycation Beach & Boat Rentals Inc. will be notified before the beginning of the season scheduled events that will impact their business.

The Authority will allow Staycation Beach & Boat Rentals Inc. to promote their services to all Binbrook Conservation Area's pavilion rentals.

Staycation Beach & Boat Rentals Inc. will be granted exclusive right to rent stand up paddleboards, kayaks, paddle boats, canoes, and beach umbrellas.

Staycation Beach & Boat Rentals Inc. will have exclusive right to offer services for land and water yoga, guided paddles, SUP/Kayak instruction, one day retreats

(7) Loss or Injury

A. The AUTHORITY will not accept any responsibility for any injury or loss sustained by any person that is a Staycation Beach & Boat Rentals Inc. client or customer that are in the use of the said facilities, or for the loss of

any personal property or effects stored or left on premises. Staycation Beach & Boat Rentals Inc. shall and hereby does indemnify the AUTHORITY against any and all claims in respect of any such loss or injury.

Staycation Beach & Boat Rentals Inc. shall amend its Releases attached as Schedule B or add an additional release so that the AUTHORITY is named as a Release and so that the Release is signed personally by all persons over the age of 18 years of age.

The Authority makes no representation about the depth of water, nor the state of the bottom, in the area. It shall be Staycation Beach & Boat Rentals Inc. sole responsibility to ensure that their operation can be safely conducted at the site.

B. Staycation Beach and Boat Rentals Inc. will not accept any responsibility for any injury, death or loss sustained by any person or camper that is registered under the Authority Camp programs using aquatic or any other borrowed equipment that are in the use of the said facilities or equipment. The Authority is responsible for the loss of any campers personal property stored or left on the premises.

The Authority shall and hereby does indemnify Staycation Beach & Boat Rentals Inc against any and all claims in respect of any such loss or injury associated from the running of camp programs and agrees that each camper must also have a signed waiver addressing the risks for parents and indemnifying Staycation Beach & Boat Rentals Inc. of any risks associated with using Staycation equipment. Copies of said waiver must be received by Staycation Rentals before any camper or staff may use the equipment.

Staycation Beach & Boat Rentals Inc. requires programs fit appropriate ratio of supervision and the right to immediately discontinue boat or equipment rental activities for weather conditions, safety concerns or willful damage to the equipment. Weather closures will be rescheduled.

The Authority will ensure that aquatic programs have adequate and trained aquatic supervision for each age group and that campers and staff follow Staycation Rental posted safety rules and regulations. The Authority shall ensure any damages beyond normal wear and tear are immediately reported to management on duty. Any damages or broken parts that are incurred from use of Authority staff or campers will be replaced by Staycation Beach & Boat Rentals Inc. and be invoiced to the Authority for replacement cost and/or any service visits needed to make the equipment operational.

(8) Access to site

Any AUTHORITY personnel may at any time enter on the described premises for whatever purpose as deemed necessary by them.

(9) Maintenance

At the commencement of the signing of this Agreement, Staycation Beach & Boat Rentals Inc. shall be responsible, entirely, for the maintenance of their equipment including garbage and recycling removal from the site. All other site maintenance will be discussed with and coordinated through the Park Superintendent or his/ her designate.

The Authority will be responsible for the maintenance of the boats they own.

(10) Utilities

The AUTHORITY shall be solely responsible for the payment of all utility bills (electricity only) related to the operations.

(11) Fees

Staycation Beach & Boat Rentals Inc. in consultation with the AUTHORITY shall set the rental rates and shall retain all rental fees collected. Staycation Beach & Boat Rentals Inc. will submit a payment of \$1,100.00/month plus HST of their operating season to the Binbrook Conservation Area Park Superintendent on the 30th day of each operating month starting on May 30th of 2019. Payment dates will be May 30th, June 30th, July 30th and August 30th 2019 by cheque, supplied directly to the Binbrook Conservation Area Park Superintendent. Failure to provide payment on the scheduled dates will result in the immediate termination of this Agreement.

Staycation Beach & Boat Rentals Inc. agrees to pay 56% of all the Authority's owned boat rental fees.

The Authority agrees to allow Staycation Beach to purchase a limited amount of season passes at a 50% discounted rate to promote Staycation Beach & Boat Rentals Inc. by selling packages that include an

all parks seasons pass.

Staycation Beach & Boat Rentals Inc. understands that its clientele are subject to approved day use fees at Binbrook Conservation Area's front gate prior to entering the park.

(12) Insurance

Staycation Beach & Boat Rentals Inc. shall at all times throughout the term of this Agreement provide at its own expense and keep in force Comprehensive General Liability Insurance which will include as an additional insured Niagara Peninsula Conservation Authority in an amount not less than three million dollars (\$3,000,000.00) inclusive and to furnish a copy of such insurance or certified letter from Staycation Beach & Boat Rentals Inc. insurance Company by May 14th, 2019.

(13) Restoration of site

Upon cancellation or termination of this Agreement, Staycation Beach & Boat Rentals Inc. shall forthwith remove, at their own expense, its property from the land and premises of Binbrook Conservation Area, leaving and restoring said land and premises in a neat and clean condition to the entire satisfaction of the Binbrook Conservation Area Park Superintendent or his/her designate within 21 days of the cancellation or termination. In case of default of Staycation Beach & Boat Rentals Inc. to remove their property within a reasonable period as determined by the AUTHORITY, said property shall be removed and the site restored by the AUTHORITY at the expense of Staycation Beach & Boat Rentals Inc. or, at the option of the AUTHORITY said property shall become the property of and shall vest in the AUTHORITY without any right of compensation of Staycation Beach & Boat Rentals Inc.

(14) Headings

The parties hereto agree that the headings herein form no part of this Agreement and shall be deemed to have been inserted for convenience only.

(15) Notice

And it is further agreed that any notice required to be given to Staycation Beach & Boat Rentals Inc. shall be sufficiently served by email or mail and that any notice required to be given to The AUTHORITY shall be sufficiently served if given to the Binbrook Conservation Area Park Superintendent personally, or sent by prepared registered mail to the

office of the Manager, Strategic Initiatives at the Niagara Peninsula Conservation Authority Head Office. (250 Thorold Road West, 3rd Floor, Welland, ON, L3C 3W2)

(16) Amendments

If at any time during the continuance of this Agreement the parties hereto shall deem it necessary or expedient to make any alteration or addition to this Agreement they may do so by means of a written Agreement between them which shall be supplemental hereto and form part thereof.

(17) Agreement in Entirety

It is agreed that this written instrument embodies the entire Agreement of the parties hereto with regard to the matters dealt with herein, and that no understandings or agreements, verbal or otherwise, exist between the parties except as herein expressly set out.

(18) Termination Of Agreement

Staycation Beach & Boat Rentals Inc. may at its sole option and discretion, terminate this Agreement by advising The Niagara Peninsula Conservation Authority in writing by November 1st, 2019 of this Agreement of its intention to terminate this Agreement and vacate the premises known as Binbrook Conservation Area. Staycation Beach & Boat Rentals Inc. shall forthwith remove, at their own expense, its property from the land and premises of Binbrook Conservation Area, leaving said land and premises in a neat and clean condition to the reasonable satisfaction of the Binbrook Conservation Area Park Superintendent or his/ her designate. In case of default of Staycation Beach & Boat Rentals Inc. to remove their property within a reasonable period as determined by the Binbrook Conservation Area Park Superintendent or his/ her designate, said property shall become the property of the Niagara Peninsula Conservation Authority without any right of compensation of Staycation Beach & Boat Rentals Inc. therefore in any case.

The Niagara Peninsula Conservation Authority and Staycation Beach & Boat Rentals Inc. may at its sole option and discretion, terminate this Agreement by Advising Staycation Beach & Boat Rentals Inc. in writing giving them a minimum of 30 days' notice. Staycation Beach & Boat Rentals Inc. shall, within the 30 days or within an agreed upon time frame agreed to in writing by the Director of Corporate Resources, remove all equipment in a timely manner and return the site to its original state to the satisfaction of the Binbrook Conservation Area Park Superintendent.

(19) Renewal

Staycation Beach & Boat Rentals Inc. shall inform the management at the Niagara Peninsula Conservation Authority by December 1st, 2019 in writing if they are desirous to renew this Agreement, for an additional 3 years subject to approval by the Niagara Peninsula Conservation Authority Board of Directors, the CAO, Members of the Senior Management Team, and the Binbrook Conservation Area Park Superintendent of the day.

This Management Agreement shall insure to the benefit of and be binding on the respective administrators, successors and assigns of each of the parties hereto.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals and the Corporation has affixed its corporate seal under the hands of its proper officers duly authorized on that behalf.

SIGNED, SEALED AND DELIVERED)

In the presence of

STAYCATION BEACH & BOAT RENTALS INC.

Owner

Date

THE NIAGARA PENINSULA CONSERVATION AUTHORITY
CHIEF ADMINISTRATIVE OFFICER/ SECRETARY/ TREASURER

CAO

Date

Report To: Board of Directors

Subject: Annual Policy Resolutions 2019

Report No: 15-19

Date: February 20, 2019

RECOMMENDATION:

1. That Report No. 15-19 respecting the Annual Policy Resolutions 2019 **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.

Corporate Health and Safety Policy Statement

Under Section 25(2) (j) of the Occupational Health and Safety Act, the NPCA is required to conduct an annual review of the Corporate Health and Safety Policy Statement. The intent of the policy statement is to reflect the employer's commitment, support and attitude to the health and safety program for the protection of its workers. The current NPCA Policy Statement was adopted in September 19, 2012.

The Policy Statement must be reviewed and adopted on an annual basis. Attached is the 2019 Health and Safety Policy Statement which meets the requirements of the Act, and no change is recommended. The Statement will be communicated to all NPCA employees.

Workplace Violence & Harassment Prevention Policy

Attached is the 2018 Workplace Violence & Harassment Prevention Policy currently included in the NPCA's Terms of Reference and Personnel Regulations. No change is recommended at this time.

Related Reports and Appendices:

Appendix 1: Health and Safety Policy Statement

Appendix 2: Workplace Violence & Harassment Prevention Policy

Prepared by:



Krystle Caputo
Director, Communications & Administration

Submitted by:



David Barrick
Interim CAO/Secretary Treasurer



HEALTH AND SAFETY POLICY STATEMENT

The Niagara Peninsula Conservation Authority is vitally interested in and committed to the health and safety of its employees and the prevention of injury and illness to its employees through the provision and maintenance of healthy and safe workplaces. The Conservation Authority will make every effort to meet its responsibilities for the health and safety of all employees by adhering to the relevant health and safety standards and legislative requirements.

It is a primary duty of all supervisory staff to ensure that all persons under their direction are made aware of and comply with all applicable health and safety policies and procedures. The supervisory staff is responsible for ensuring that all aspects of the workplace including machinery and equipment are safe and any risks, hazards and safety violations brought to their attention are investigated and corrected promptly.

The Conservation Authority will take all reasonable steps to acquaint its employees with their rights and duties in the workplace and the applicable regulations and procedures for protecting their health and safety.

All employees shall protect their own health and safety by complying with prevailing regulations and standards and with the safe practices and procedures established by the Conservation Authority. Employees must report any health hazards and unsafe conditions or practices to supervisory staff for corrective action. Where appropriate, the Conservation Authority will support training programs to assist in maintaining safe conditions and work practices and will support employee participation in health and safety activities including health & safety committees.

It is in the best interest of all parties to consider health and safety in every activity and the commitment to health and safety shall be an integral part of the Conservation Authority's activities.

David Barrick
Interim CAO/Secretary-Treasurer

Dated: _____

NPCA Corporate Policy

Developed by: Human Resources

Approved by:

Date:

Effective Date: Jan 1, 2019

Latest Revision: Jan 9, 2017

WORKPLACE VIOLENCE & HARASSMENT PREVENTION POLICY

The management of the Niagara Peninsula Conservation Authority is committed to the prevention of workplace violence and harassment and is ultimately responsible for worker health and safety. We will take whatever steps are reasonable to protect our workers from workplace violence & harassment from all sources.

Violent and/or harassing behaviour in the workplace is unacceptable from anyone. This policy applies to workers, visitors, clients, volunteers, co-workers or their domestic or intimate partners. Everyone is expected to uphold this policy and to work together to prevent workplace violence & harassment.

Consistent with the Occupational Health and Safety Act and the NPCA Health and Safety Policy, the NPCA will maintain a Workplace Violence Prevention Program to implement this policy. It includes measures and procedures to protect workers from workplace violence & harassment, a means of summoning immediate assistance and a process for workers to report incidents, or raise concerns.

The NPCA as the employer, will ensure that this policy and the supporting program are implemented and maintained and that all workers and supervisors have the appropriate information and instruction to protect them from violence & harassment in the workplace.

Supervisors will adhere to this policy and the supporting program. Supervisors are responsible for ensuring that measures and procedures are followed by workers and that workers have the information they need to protect themselves.

Every worker must work in compliance with this policy and the supporting program. All workers are encouraged to raise any concerns about workplace violence & harassment and to report any violent and/or harassing incidents or threats.

Management pledges to investigate and deal with all incidents and complaints of workplace violence & harassment in a timely and fair manner, respecting the privacy of all concerned to the extent possible.

Dated: _____

David Barrick
Interim CAO/Secretary-Treasurer

Report To: Board of Directors

Subject: Freedom of Information (FOI) Annual Statistics Report & Designation

Report No: 16-19

Date: February 20, 2019

RECOMMENDATION:

1. That Report No. 16-19 respecting the Freedom of Information Annual Statistics Reporting and Designation **BE RECEIVED** for information;
2. As per the NPCA Governance Committee recommendation, that a Freedom of Information and Protection of Privacy Committee of three Board members **BE FORMED**. Further, that Members _____, _____ & _____ **BE APPOINTED** to said committee.
3. That the Freedom of Information and Protection of Privacy Committee, **BE DESIGNATED** as 'head' of the NPCA for the purposes of decision-making under the terms of the Municipal Freedom of Information and Protection of Privacy Act; and
4. That the Freedom of Information and Protection of Privacy Committee **DESIGNATE** in writing an individual to act as 'head' for the administrative purposes of the Municipal Freedom of Information and Protection of Privacy Act.

PURPOSE:

To meet the provincially legislated requirements of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

BACKGROUND:

The following is a summary of the requests made in 2018 under the Freedom of Information and Privacy Act to the NPCA, to be submitted to the Province:

	2018
Number of Requests	8
Dollar Amount Collected for Application Fees	\$35
Dollar Amount Collected for Fees	\$0
Number of Appeals	1
Number of Appeals where the Service Decision was upheld	0
Number of Appeals Still Outstanding	1
Number of Appeals moved to Adjudication	1
Number of Current Inquiries in Adjudication	1
Number of Inquiries where the Service Decision was Upheld	0

The MFIPPA legislation states:

Designation of head

3. (2) The members elected or appointed to the board, commission or other body that is an institution other than a municipality may designate in writing from among themselves an individual or a committee of the body to act as head of the institution for the purposes of this Act. R.S.O. 1990, c. M.56, s. 3 (2); 2002, c. 17, Sched. F, Table.

If no designation

(3) If no person is designated as head under this section, the head shall be,

(b) the members elected or appointed to the board, commission or other body in the case of an institution other than a municipality. R.S.O. 1990, c. M.56, s. 3 (3); 2002, c. 17, Sched. F, Table.

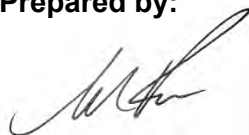
Therefore, in lieu of no formal designation of a 'head,' the NPCA Board holds the responsibilities required under the Act. The 'head' is responsible for, amongst others, the handling and decision making for each FOI request.

It is the desire of the NPCA Governance Committee to strike a subcommittee of the Board to act as the head of the organization for the purposes of fulfilling requests for information under MFIPPA. It is recommended by the NPCA Governance Committee further designate a staff member as 'head' of the organization for administrative purposes.

FINANCIAL IMPLICATIONS:

While there are no financial implications with receiving this report for information or designating the 'head' for FOI purposes, it should be noted that appeals take significant staff time and resources, which may cause undue delay in service delivery. Future financial implications may occur if FOI requests are not handled as prescribed by MFIPPA or are subject to appeals.

Prepared by:



Michael Reles
Senior Manager, Communications

Submitted by:



David Barrick
Interim CAO/Secretary-Treasurer