

**GOVERNANCE COMMITTEE MEETING
ON-LINE TELECONFERENCE**

**Wednesday, June 3, 2020
9:30 a.m.**

A G E N D A

-
- 1. APPROVAL OF AGENDA**
 - 2. DECLARATIONS OF CONFLICT OF INTEREST**
 - 3. APPROVAL OF THE MINUTES**
 - a) Minutes of the NPCA Governance Committee Meeting dated February 26, 2020
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 - 4. CORRESPONDENCE**
 - 5. PRESENTATIONS**
 - 6. DELEGATIONS**
 - 7. CONSENT ITEMS**
 - a) Report No. FA-11-20 RE: Freedom of Information Statistical Report 2019
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 - b) Report No. FA-12-20 RE: Public Sector Salary Disclosure
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 - 8. DISCUSSION ITEMS**
 - a) Report No. GC-02-20 RE: Governance Committee Terms of Reference and 2020 Work Plan
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 - b) Report No. GC-03-20 RE: Board Training
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 - c) Report No. GC-04-20 RE: Per Diem and Honourarium Update
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 - d) Board Member Evaluation – Verbal
 - 9. NEW BUSINESS**
 - 10. ADJOURNMENT**



**GOVERNANCE COMMITTEE
MEETING MINUTES
Wednesday, February 26, 2020
9:30 a.m.
Ball's Falls Centre for Conservation
Glen Elgin Room
3292 Sixth Avenue, Jordan, ON**

MEMBERS PRESENT: B. Clark (Chair)
R. Brady
R. Foster
J. Ingrao
B. Johnson (departed 11:33 a.m.)
K. Kawall
B. Mackenzie
E. Smith

STAFF PRESENT: C. Sharma, Chief Administrative Officer / Secretary - Treasurer
G. Bivol, Executive Co-ordinator to the C.A.O. / Board
M. Ferrusi, Manager, Human Resources

Chair Clark called the meeting to order at 9:30 a.m..

1. APPROVAL OF AGENDA

1.1 Motion to Adopt Agenda

Recommendation No. GC-01-2020

Moved by Member Foster

Seconded by Member Kawall

THAT the agenda for the February 26, 2020 Governance Committee meeting **BE ADOPTED** as presented.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF THE MINUTES

3.1 Minutes of the NPCA Governance Committee meeting dated December 13, 2019

Recommendation No. GC-02-2020

Moved by Member Woodhouse

Seconded by Member Smith

THAT the minutes of the meeting of the NPCA Governance Committee dated December 13, 2019 **BE ADOPTED**.

CARRIED

4. APPOINTMENT OF COMMITTEE CHAIR AND VICE CHAIR

- 4.1 C.A.O. assumes the Chair - C.A.O. Sharma assumed the Chair as Member Clark vacated the position to allow for elections. She called the following votes:

Recommendation No. GC-03-2020

Moved by Member Foster

Seconded by Member Woodhouse

THAT the Chair **BE DECLARED** vacant.

CARRIED

- 4.2 Appointment of Scrutineers

Recommendation No. GC-04-2020

Moved by Member Woodhouse

Seconded by Member Foster

THAT in the event of a vote by ballot, Misti Ferrusi and Grant Bivol **WILL ACT** as scrutineers;

AND FURTHER THAT all ballots **BE DESTROYED** after the election.

CARRIED

- 4.3 Election of Chair – Ms. Sharma called for nominations for the position of Chair.

Nomination:

Moved by Member Kawall

THAT Member Foster **BE NOMINATED** as Chair of the Niagara Peninsula Conservation Authority Governance Committee for 2020.

Ms. Sharma called a second and third time for nominations to the position of Chair. With no further nominations coming forward the Committee recommended the following:

Recommendation No. GC-05-2020

Moved by Board Member Kawall

Seconded by Board Member Woodhouse

THAT Member Robert Foster **BE APPOINTED** as Chair of the Niagara Peninsula Conservation Authority Governance Committee for 2020.

CARRIED

- 4.4 Election of Vice Chair

Nomination:

Moved by Member Brady

THAT Member Mal Woodhouse **BE NOMINATED** as Vice Chair of the Niagara Peninsula Conservation Authority Governance Committee for 2020.

Ms. Sharma called a second and third time for nominations to the position of Vice Chair. With no further nominations coming forward the Committee recommended the following:

Recommendation No. GC-06-2020

Moved by Board Member Brady

Seconded by Board Member Ingrao

THAT Member Mal Woodhouse **BE APPOINTED** as Vice Chair of the Niagara Peninsula Conservation Authority Governance Committee for 2020.

CARRIED

At conclusion of the above vote, Robert Foster assumed the Chair and presided over the remainder of the proceedings.

5. CORRESPONDENCE

None.

6. DELEGATIONS / PRESENTATIONS

None.

7. CONSENT ITEMS

None.

8. DISCUSSION ITEMS

- 8.1 Report No. GC-01-20 RE: Conservation Area Lifetime Passes – M. Ferrusi, Manager, Human Resources spoke to the issue. The Committee suggested that the issuance parameters for Lifetime Passes be encompassed in the forthcoming Volunteer Recognition Policy with the stipulation that Board Members no longer be considered eligible for passes exclusively on the basis of their directorship role.

Recommendation No. GC-07-2020

Moved by Member Woodhouse

Seconded by Member Smith

1. **THAT** Report No. GC-01-20 RE: Update on Lifetime Passes **BE RECEIVED**.
2. **AND THAT** no Lifetime Passes **BE AUTHORIZED** to outgoing Board Members and no Lifetime Passes otherwise **BE ISSUED** without the express consent of the NPCA Chief Administrative Officer / Secretary – Treasurer until such time as a formal policy has been approved by the Board.

CARRIED

8.2 NPCA Annual Meeting Schedule:

- i) Report No. FA-01-20 RE: Board of Directors' Meeting Schedule (as referred from the NPCA Board of Directors) – Discussion ensued. The Committee noted that a media release could be issued to apprise the public of any special meetings to be convened.

- ii) Report No. GC-02-20 RE: Factors in Considering Options for NPCA Board Meeting Schedule Changes – Discussion ensued. The Committee requested that staff investigate and implement options for reducing meal costs.

Recommendation No. GC-08-2020

Moved by Member Woodhouse

Seconded by Member Smith

THAT Report No. GC-02-20 RE: Factors in Considering Options for NPCA Board Meeting Schedule Changes **BE RECEIVED** for information.

CARRIED

Recommendation No. GC-09-2020

Moved by Member Woodhouse

Seconded by Member Smith

1. **THAT** Report No. FA-01-20 RE: 2020 Board of Directors' Meeting Schedule **BE RECEIVED**.
2. **THAT** Appendix 1 to Report No. FA-01-20 RE: 2020 Board of Directors' Meeting Schedule **BE IMPLEMENTED**.
3. **THAT** the meeting schedule **BE MADE** available on the NPCA website and **PROVIDED** to the participating and local area municipalities.

CARRIED

8.3 Discussion on Revisions to the Administrative By-Law:

- i) Excerpt of Approved Revisions to the Administrative By-Law (Sections 5, 7 and 8) – The Committee proposed a number of minor administrative / clerical revisions in addition to the proposed changes voted on below:

Recommendation No. GC-10-2020

Moved by Member Clark

Seconded by Member Brady

THAT the following change **BE INCORPORATED** into the revisions to the Administrative By-Law: Section 8.6 be amended to denote a maximum of five minutes per delegation.

CARRIED

Recommendation No. GC-11-2020

Moved by Member Clark

Seconded by Member Brady

THAT the following change **BE INCORPORATED** into the revisions to the Administrative By-Law: Section 8.7 be eliminated.

CARRIED

Recommendation No. GC-12-2020

Moved by Member Clark

Seconded by Member Brady

THAT the following change **BE INCORPORATED** into the revisions to the Administrative By-Law: Section 8.3 be amended to denote requirement for a simple majority in place of a two-thirds majority to permit delegations when requested from the floor.

CARRIED

- ii) Excerpt of an email from K. Jull, Gardiner Roberts, LLP dated February 19, 2020 RE: 6 Legal Principles for Board Consideration in Hearing Public Comment in Respect of Violations - Members requested that Mr. Jull be brought back and that workshops be conducted on bias and conflict of interest as a part of future Board training.

Recommendation No. GC-13-2020

Moved by Member Smith

Seconded by Member Foster

THAT the excerpt of an email from K. Jull, Gardiner Roberts, LLP dated February 19, 2020 RE: 6 Legal Principles for Board Consideration in Hearing Public Comment in Respect of Violations **BE RECEIVED**.

CARRIED

- 8.4 Request from Member K. Kawall RE: Discussion on Board Oversight and Responsibilities for Policies - Member Kawall spoke to the issue. Discussion ensued.

Recommendation No. GC-14-2020

Moved by Member Kawall

Seconded by Member Woodhouse

THAT the Chief Administrative Officer **BE DIRECTED** to review and bring a revised Terms of Reference for Governance Committee including regular legislative requirements reports.

CARRIED

- 8.5 Establishing a 2020 Governance Committee Meeting Calendar

Recommendation No. GC-15-2020

Moved by Member Clark

Seconded by Member Brady

THAT the 2020 Governance Committee Meeting dates **BE ESTABLISHED** as follows: June 3, September 30.

CARRIED

9. NEW BUSINESS

- 9.1 C.A.O. Sharma spoke on the co-ordination of the update report to the Auditor General noting that the information therein would also be sent to the Board.
- 9.2 Member Smith spoke on the issue of F.O.I. appeals, Board composition and development of a task list for the Governance Committee.

10. ADJOURNMENT

Recommendation No. GC-16-2020

Moved by Member Kawall

Seconded by Member Woodhouse

THAT the meeting of the NPCA Governance Committee hereby **ADJOURNS** at 12:10 p.m..

CARRIED

Robert Foster,
Committee Chair

Chandra Sharma
Chief Administrative Officer /
Secretary - Treasurer

Report To: Governance Committee

Subject: Freedom of Information Statistical Report 2019

Report No: FA-11-20

Date: June 3, 2020

Recommendation:

THAT Report No. FA-11-20 RE: Freedom of Information Statistical Report 2019 **BE RECEIVED** for information.

Purpose:

The purpose of this report is to provide statistical information to the Board of Directors in respect of applications made in 2019 to the Niagara Peninsula Conservation Authority (NPCA) under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) (the Act).

Background:

As a public institution, the NPCA is bound by the provisions of MFIPPA, provincial legislation enacted to provide the public with access to information and to protect the privacy of individuals and organizations. The legislation provides that the NPCA must submit annually by March 1st, a report summarizing the volume, response times, revenues, nature of requests and appeals of decisions made by the institution under the Act. This report, entitled "*Statistical Report of the Niagara Peninsula Conservation Authority for the Reporting Year 2019*" is attached hereto for reference.

Under the legislation, the Chair of the NPCA is the Head for purposes of the Act but the day-to-day administration is designated to an F.O.I. Co-ordinator. Due to staffing changes in 2019, a number of NPCA employees were responsible for addressing F.O.I. requests to the institution. On August 14, 2019, the Board designated the Executive Co-ordinator to the C.A.O./ Board as the F.O.I. Co-ordinator for MFIPPA.

Discussion:

In 2019, the NPCA received twelve requests under MFIPPA. In normal circumstances, an institution has 30 days to provide an access decision to the requester. Of those twelve requests received, six requests were satisfied in 2019 without issue and two received (in late December) were completed in early January 2020. The remaining four requests are currently under appeal to the Information and Privacy Commission. It is the preference of staff to satisfy requests for records without

proceeding to the appeal stage and foremost, where possible, to address initial requests without need to invoke the Act.

It is also important to note that the statistical report is generated through information provided by the NPCA to the Information and Privacy Commission via its online reporting mechanism. It is a narrow statistical summary based on calendar years and does not correlate well with requests carried over from year to year, ongoing appeals, reformulated requests, the timing of fees received, decisions rendered from the IPC, etc.

Financial Implications:

Requests made under MFIPPA are subject to a non-refundable \$5.00 application fee. Fees for the provision of information thereafter are prescribed in Regulations or through Orders and Practices issued by the Information and Privacy Commission.

The prescribed fees permissible under the Act do not adequately reflect the resources consumed to provide such records. Staff time expended on requests can be very extensive and in particular, appeals can be extremely onerous and costly. Given the time requirements, the nature and complexity of the issues along with the volume and intricacies of relevant IPC orders, the NPCA does not have the dedicated staffing resources and expertise required to thoroughly address all appeals in-house. As a result, when necessary, the NPCA has utilized the firm of Gowling WLG (Canada) LLP to assist in handling appeals. In 2019, legal fees billed for appeals were \$25,104.45 relating almost exclusively to three appeals. Given the turnover in staff at the NPCA, the cumulative staff time and resources dedicated annually to addressing FOI requests has not been determined.

The NPCA has also chosen to waive approximately \$180 in fees for 2019 relating primarily to requests under the Act for records that are, or ought normally be, made available to the public as a part of routine disclosure.

Links to Policy/Strategic Plan:

None.

Related Reports and Appendices:

Appendix 1: Statistical Report of the Niagara Peninsula Conservation Authority for the Reporting Year 2019

Authored by:

Original signed by:

Grant Bivol
Executive Co-ordinator to the CAO/Board

Submitted by:

Original signed by:

C. Sharma, MCIP, RPP
Chief Administrative Officer/Secretary-Treasurer



The Year-End Statistical Report
for the
Information and Privacy Commissioner of Ontario

**Statistical Report of
Niagara Peninsula Conservation Authority
for the Reporting Year 2019**

for

Municipal Freedom of Information and Protection of Privacy Act

Section 1: Identification

| | | |
|------------|------------------------------------|---|
| 1.1 | Organization Name | Niagara Peninsula Conservation Authority |
| | Head of Institution Name & Title | Brenda Johnson, Chair of the NPCA Board of Directors |
| | Head of Institution E-mail Address | bjohnson@npca.ca |
| | Management Contact Name & Title | Grant Bivol/Executive Co-ordinator to the CAO and Board |
| | Management Contact E-mail Address | gbivol@npca.ca |
| | Primary Contact Name & Title | Grant Bivol/Executive Co-ordinator to the CAO and Board |
| | Primary Contact Email Address | gbivol@npca.ca |
| | Primary Contact Phone Number | 9057883135 ext. 250 |
| | Primary Contact Fax Number | 9057881121 |
| | Primary Contact Mailing Address 1 | 250 Thorold Road W |
| | Primary Contact Mailing Address 2 | 3rd Floor |
| | Primary Contact Mailing Address 3 | |
| | Primary Contact City | Welland |
| | Primary Contact Postal Code | L3C 3W2 |
| 1.2 | Your institution is: | Conservation Authority |

Section 2: Inconsistent Use of Personal Information

| | | |
|------------|--|---|
| 2.1 | Whenever your institution uses or discloses personal information in a way that differs from the way the information is normally used or disclosed (an inconsistent use), you must attach a record or notice of the inconsistent use to the affected information. | 0 |
|------------|--|---|

Your institution received:

- ☐ No formal written requests for access or correction
- ☒ Formal written requests for access to records

Section 2: Inconsistent Use of Personal Information

- ☐ Requests for correction of records of personal information only

Section 3: Number of Requests Received and Completed

Enter the number of requests that fall into each category.

- 3.1** New Requests received during the reporting year
- 3.2** Total number of requests completed during the reporting year

| Personal Information | General Records |
|----------------------|-----------------|
| 0 | 12 |
| 0 | 6 |

Section 4: Source of Requests

Enter the number of requests you completed from each source.

- 4.1** Individual/Public
- 4.2** Individual by Agent
- 4.3** Business
- 4.4** Academic/Researcher
- 4.5** Association/Group
- 4.6** Media
- 4.7** Government (all levels)
- 4.8** Other
- 4.9** Total requests (Add Boxes 4.1 to 4.8 = 4.9)

| Personal Information | General Records |
|----------------------|-----------------|
| 0 | 6 |
| 0 | 0 |
| 0 | 0 |
| 0 | 0 |
| 0 | 0 |
| 0 | 0 |
| 0 | 0 |
| 0 | 0 |
| 0 | 6 |

BOX 4.9 must equal BOX 3.2

Section 5: Time to Completion

How long did your institution take to complete all requests for information? Enter the number of requests into the appropriate category. How many requests were completed in:

- 5.1** 30 days or less
- 5.2** 31 - 60 days
- 5.3** 61 - 90 days
- 5.4** 91 days or longer
- 5.5** Total requests (Add Boxes 5.1 to 5.4 = 5.5)

| Personal Information | General Records |
|----------------------|-----------------|
| 0 | 3 |
| 0 | 3 |
| 0 | 0 |
| 0 | 0 |
| 0 | 6 |

BOX 5.5 must equal BOX 3.2

In the following charts, please indicate the number of requests completed, within the statutory time limit and in excess of the statutory time limit, under each of the four different situations:

NO notices issued;

BOTH a Notice of Extension (s.27(1)) and a Notice to Affected Person (s.28(1)) issued;

ONLY a Notice of Extension (s.27(1)) issued;

ONLY a Notice to Affected Person (s.28(1)) issued.

Please note that the four different situations are mutually exclusive and the number of requests completed in each situation should add up to the total number of requests completed in Section 3.2. (Add Boxes 6.3 + 6.6 + 6.9 + 6.12 = BOX 6.13 and BOX 6.13 must equal BOX 3.2)

A. No Notices Issued

| | | Personal Information | General Records |
|------------|---|----------------------|-----------------|
| 6.1 | Number of requests completed within the statutory time limit (30 days) where neither a Notice of Extension (s.27(1)) nor a Notice to Affected Person (s.28(1)) were issued. | 0 | 3 |
| 6.2 | Number of requests completed in excess of the statutory time limit (30 days) where neither a Notice of Extension (s.27(1)) nor a Notice to Affected Person (s.28(1)) were issued. | 0 | 0 |
| 6.3 | Total requests (Add Boxes 6.1 + 6.2 = 6.3) | 0 | 3 |

B. Both a Notice of Extension (s.27(1)) and a Notice to Affected Person (s.28(1)) Issued

| | | Personal Information | General Records |
|------------|--|----------------------|-----------------|
| 6.4 | Number of requests completed within the time limits permitted under both the Notice of Extension (s.27(1)) and a Notice to Affected Person (s.28(1)). | 0 | 0 |
| 6.5 | Number of requests completed in excess of the time limit permitted by the Notice of Extension (s.27(1)) and the time limit permitted by the Notice to Affected Person (s.28(1)). | 0 | 0 |
| 6.6 | Total requests (Add Boxes 6.4 + 6.5 = 6.6) | 0 | 0 |

C. Only a Notice of Extension (s.27(1)) Issued

| | | Personal Information | General Records |
|------------|---|----------------------|-----------------|
| 6.7 | Number of requests completed within the time limits permitted under both the Notice of Extension (s.27(1)). | 0 | 3 |
| 6.8 | Number of requests completed in excess of the time limit permitted by the Notice of Extension (s.27(1)). | 0 | 0 |
| 6.9 | Total requests (Add Boxes 6.7 + 6.8 = 6.9) | 0 | 3 |

D. Only a Notice to Affected Person (s.28(1)) Issued

| | | Personal Information | General Records |
|-------------|---|----------------------|-----------------|
| 6.10 | Number of requests completed within the time limits permitted under both the Notice to Affected Person (s.28(1)). | 0 | 0 |
| 6.11 | Number of requests completed in excess of the time limit permitted by the Notice to Affected Person (s.28(1)). | 0 | 0 |
| 6.12 | Total requests (Add Boxes 6.10 + 6.11 = 6.12) | 0 | 0 |

E. Total Completed Requests (sections A to D)

| Personal Information | General Records |
|----------------------|-----------------|
|----------------------|-----------------|

Section 6: Compliance with the Act

6.13 Total requests (Add Boxes 6.3 + 6.6 + 6.9 + 6.12 = 6.13)

0

6

BOX 6.13 must equal BOX 3.2

Section 6a: Contributing Factors

Please outline any factors which may have contributed to your institution not meeting the statutory time limit. If you anticipate circumstances that will improve your ability to comply with the Act in the future, please provide details in the space below.

2019 saw numerous staffing changes in our organization including a prolonged vacancy in the FOI Co-ordinator position. These issues appear to be resolved for 2020 which will improve the ability of the institution to comply with legislated timelines.

Section 7: Disposition of Requests

What course of action was taken with each of the completed requests? Enter the number of requests into the appropriate category.

| | Personal Information | General Records |
|---|----------------------|-----------------|
| 7.1 All information disclosed | 0 | 0 |
| 7.2 Information disclosed in part | 0 | 4 |
| 7.3 No information disclosed | 0 | 0 |
| 7.4 No responsive records exists | 0 | 1 |
| 7.5 Request withdrawn, abandoned or non-jurisdictional | 0 | 1 |
| 7.6 Total requests (Add Boxes 7.1 to 7.5 = 7.6) | 0 | 6 |

BOX 7.6 must be greater than or equal to BOX 3.2

Section 8: Exemptions & Exclusions Applied

For the Total Requests with Exemptions/Exclusions/Frivolous or Vexatious Requests, how many times did your institution apply each of the following? (More than one exemption may be applied to each request)

| | Personal Information | General Records |
|---|----------------------|-----------------|
| 8.1 Section 6 — Draft Bylaws, etc. | 0 | 1 |
| 8.2 Section 7 — Advice or Recommendations | 0 | 1 |
| 8.3 Section 8 — Law Enforcement ¹ | 0 | 0 |
| 8.4 Section 8(3) — Refusal to Confirm or Deny | 0 | 0 |
| 8.5 Section 8.1 — Civil Remedies Act, 2001 | 0 | 0 |
| 8.6 Section 8.2 — Prohibiting Profiting from Recounting Crimes Act, 2002 | 0 | 0 |
| 8.7 Section 9 — Relations with Governments | 0 | 0 |
| 8.8 Section 10 — Third Party Information | 0 | 0 |
| 8.9 Section 11 — Economic/Other Interests | 0 | 0 |
| 8.10 Section 12 — Solicitor-Client Privilege | 0 | 3 |
| 8.11 Section 13 — Danger to Safety or Health | 0 | 0 |

Section 8: Exemptions & Exclusions Applied

- 8.12** Section 14 — Personal Privacy (Third Party)²
- 8.13** Section 14(5) — Refusal to Confirm or Deny
- 8.14** Section 15 — Information soon to be published
- 8.15** Section 20.1 Frivolous or Vexatious
- 8.16** Section 38 — Personal Information (Requester)
- 8.17** Section 52(2) — Act Does Not Apply³
- 8.18** Section 52(3) — Labour Relations & Employment Related Records
- 8.19** Section 53 — Other Acts
- 8.20** PHIPA Section 8(1) Applies
- 8.21** Total Exemptions & Exclusions
Add Boxes 8.1 to 8.20 = 8.21
- ¹ not including Section 8(3)
² not including Section 14(5)
³ not including Section 52(3)

| | |
|---|----|
| 0 | 6 |
| 0 | 0 |
| 0 | 0 |
| 0 | 0 |
| 0 | 0 |
| 0 | 0 |
| 0 | 2 |
| 0 | 0 |
| 0 | 0 |
| 0 | 13 |

Section 9: Fees

Did your institution collect fees related to request for access to records?

- 9.1** Number of REQUESTS where fees other than application fees were collected
- 9.2.1** Total dollar amount of application fees collected
- 9.2.2** Total dollar amount of additional fees collected
- 9.2.3** Total dollar amount of fees collected (Add Boxes 9.2.1 + 9.2.2 = 9.2.3)
- 9.3** Total dollar amount of fees waived

| Personal Information | General Records | Total |
|----------------------|-----------------|----------|
| 0 | 0 | 0 |
| \$0.00 | \$60.00 | \$60.00 |
| \$0.00 | \$0.00 | \$0.00 |
| \$0.00 | \$60.00 | \$60.00 |
| \$0.00 | \$180.00 | \$180.00 |

Section 10: Reasons for Additional Fee Collection

Enter the number of REQUESTS for which your institution collected fees other than application fees that apply to each category.

- 10.1** Search time
- 10.2** Reproduction
- 10.3** Preparation
- 10.4** Shipping
- 10.5** Computer costs
- 10.6** Invoice costs(and other as permitted by regulation)
- 10.7** Total (Add Boxes 10.1 to 10.6 = 10.7)

| Personal Information | General Records | Total |
|----------------------|-----------------|-------|
| 0 | 0 | 0 |
| 0 | 0 | 0 |
| 0 | 0 | 0 |
| 0 | 0 | 0 |
| 0 | 0 | 0 |
| 0 | 0 | 0 |
| 0 | 0 | 0 |

Section 11: Correction and Statements of Disagreement

Section 11: Correction and Statements of Disagreement

Did your institution receive any requests to correct personal information?

- 11.1** Number of correction requests received
- 11.2** Correction requests carried forward from the previous year
- 11.3** Correction requests carried over to next year
- 11.4** Total Corrections Completed $[(11.1 + 11.2) - 11.3 = 11.4]$

Personal Information

| |
|---|
| 0 |
| 0 |
| 0 |
| 0 |

BOX 11.4 must
equal BOX 11.9

What course of action did your institution take regarding the requests that were received to correct personal information?

- 11.5** Correction(s) made in whole
- 11.6** Correction(s) made in part
- 11.7** Correction refused
- 11.8** Correction requests withdrawn by requester
- 11.9** Total requests (Add Boxes 11.5 to 11.8 = 11.9)

Personal Information

| |
|---|
| 0 |
| 0 |
| 0 |
| 0 |
| 0 |

BOX 11.9 must
equal BOX 11.4

In cases where correction requests were denied, in part or in full, were any statements of disagreement attached to the affected personal information?

- 11.10** Number of statements of disagreement attached:

Personal Information

| |
|---|
| 0 |
|---|

If your institution received any requests to correct personal information, the Act requires that you send any person(s) or body who had access to the information in the previous year notification of either the correction or the statement of disagreement. Enter the number of notifications sent, if applicable.

- 11.11** Number of notifications sent:

Personal Information

| |
|---|
| 0 |
|---|

Note:

This report is for your records only and should not be faxed or mailed to the Information and Privacy Commissioner of Ontario in lieu of online submission. Faxed or mailed copies of this report will NOT be accepted. Please submit your report online at: <https://statistics.ipc.on.ca>.

Thank You for your cooperation!

Declaration:

I, Grant Bivol/Executive Co-ordinator to the CAO and Board, confirm that all the information provided in this report, furnished by me to the Information and Privacy Commissioner of Ontario, is true, accurate and complete in all respects.

Signature

Date

Report To: Governance Committee

Subject: Public Sector Salary Disclosure

Report No: FA-12-20

Date: June 3, 2020

Recommendation:

THAT Report No. FA-12-20 RE: Public Sector Salary Disclosure **BE RECEIVED** for information.

Purpose:

The purpose of this report is to inform the Board of Directors regarding the reporting requirements under the Ontario Public Sector Salary Disclosure Act, 1996. The report also updates the Board on actions taken from the October 19, 2019 Governance Committee recommendations below:

- a) the title and salary ranges for staff earning in excess of \$100,000 annually be published by the NPCA; and
- b) a letter **BE DRAFTED** to the Ministers of Finance, Natural Resources and Forestry and the Minister of the Environment, Conservation and Parks asking for amendment in legislation regarding salary disclosure for organizations encompassed under Section 2(2) of the Public Sector Salary Disclosure Act, 1996.

Background:

The Public Sector Salary Disclosure Act, 1996 ("the Act"), makes Ontario's public sector more open and accountable to taxpayers. The act requires organizations that receive public funding from the Province of Ontario to disclose annually the names, positions, salaries and total taxable benefits of employees paid \$100,000 or more in a calendar year.

Public sector is defined under section 2(1) "public sector" (c)

2(1) In this Act, "public sector" means,

(c) subject to the Government funding condition in subsection (2), every local board as defined by the Municipal Affairs Act and every authority, board, commission, corporation, office or organization of persons some or all of whose members, directors or officers are appointed or chosen by or under the authority of the council of the corporation of a municipality in Ontario,

Under the Act, the funding condition in subsection (2) states;

Funding received from Government:

(2) A body referred to in clause (c), (g), (h) or (k) of the definition of “public sector” in subsection (1) is included in the definition of “public sector” in a year only if the body receiving funding from the Government of Ontario in that year of an amount that is at least equal to,

(a) \$1,000,000; or

(b) 10 per cent of the body’s gross revenues for the year if that percentage is \$120,000 or more.

NPCA’s total funding from the Government of Ontario in 2019 was \$286,824.80. As this number is over \$120,000, NPCA’s funding would need to be 10% of our gross revenues to require reporting. With 2019 un-audited gross revenues of approximately \$9,463,225, NPCA’s percentage of Ontario Provincial funding equals 3.0%.

Based on the above requirements the NPCA does not qualify under this legislation and is unable to submit salaries through the Public Sector Salary Disclosure tool.

NPCA Governance Committee Actions in Facilitating Transparency

In 2019, NPCA Governance Committee deliberated on release of salary information in a responsible way keeping in mind that the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), 14(3)(f), considers a disclosure of an individual’s salary to be a presumed invasion of privacy. Specific sections that were considered include:

(14) A head shall refuse to disclose personal information to any person other than the individual to whom the information relates except,

(a) upon the prior written request or consent of the individual, if the record is one to which the individual is entitled to have access;

(3) A disclosure of personal information is presumed to constitute an unjustified invasion of personal privacy if the personal information,

(f) describes an individual’s finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness;

At the October 22, 2019 Governance Committee meeting, the committee suggested that going forward the title and salary ranges for staff earning in excess of \$100,000 annually be published by the NPCA.

Additionally, a resolution was passed THAT a letter BE DRAFTED to the Ministers of Finance, Natural Resources and Forestry and the Minister of the Environment, Conservation and Parks asking for amendment in legislation regarding salary disclosure for organizations encompassed under Section 2.(2) of the Public Sector Salary Disclosure Act, 1996.

In December 2019, staff with presumed 2019 earnings in excess of \$100,00 were asked if they voluntarily wished to publicly disclose their salary information. The name, title, salary and taxable benefit information of individuals that consented to disclosure were posted on the NPCA website and the title and salary ranges for those that did not consent to disclosure were posted on the NPCA website.

A letter has been forwarded to both the Minister of Natural Resources and Forestry and the Minister of Environment, Conservation and Parks requesting review of the Public Sector Salary Disclosure Act, 1996.

Financial Implications:

There are no financial implications to this report.

Links to Policy/Strategic Plan:

Aligned with NPCA's Mission of remaining responsive, innovative, accountable and financially sustainable organization.

Related Reports and Appendices:

Appendix 1: Letter to Ministry re: Public Sector Salary Disclosure

Authored by:

Original signed by:

Misti Ferrusi, BA, CHRL
Manager, Human Resources

Submitted by:

Original signed by:

Chandra Sharma, MCIP, RPP
Chief Administrative Officer/Secretary-Treasurer



March 11, 2020

Treasury Board Secretariat
Rm 4320, 99 Wellesley St. W
Toronto, ON M7A 1W3

President Bethlenfalvy,

At the October 22, 2019 Niagara Peninsula Conservation Authority Board Governance Committee meeting, a motion was passed that a letter be sent to the Province by the Board of Directors, indicating its stance on the Public Sector Salary Disclosure Act, 1996 (the "Act").

As you are aware, currently organizations that receive public funding from the Province are required to report through the Act annually, the names, positions, salaries and total taxable benefits of employees paid \$100,000 or more in the given calendar year as an aid to promoting openness and accountability to the taxpayers.

Under the Act, "public sector" is defined in several ways and in the case of Conservation Authorities specifically as;


2(1)(c) subject to the Government funding condition in subsection (2), every local board as defined by the Municipal Affairs Act and every authority, board, commission, corporation, office or organization of persons some or all of whose members, directors or officers are appointed or chosen by or under the authority of the council of the corporation of a municipality of Ontario

With the funding condition as;

*(2) A body referred to in clause (c), (g), (h) or (k) of the definition of "public sector" in subsection (1) is included in the definition of "public sector" in a year only if the body received funding from the Government of Ontario in that year of an amount that is at least equal to,
(a) \$100,000; or
(b) 10 per cent of the body's gross revenues for the year if that percentage is \$120,000 or more. 1996, c. 1, Sched. A, s. 2(2)*

The Board of the NPCA fully supports the purpose of the Act in displaying openness and transparency. The funding conditions, and other thresholds have been in effect since the Act was passed in 1996 and the public sector definition has been in effect since an amendment to the Act in 2004. As nearly 25 years have passed since the Act was first introduced and taxpayer priorities of openness and transparency have evolved, the NPCA Board respectfully requests that the Province consider updates to the Act.

Sincerely,


Brenda Johnson
Chair
Niagara Peninsula Conservation Authority

Cc Minister of Environment, Conservation and Parks
Minister of Natural Resources and Forestry

Report To: Governance Committee

Subject: Governance Committee Terms of Reference and 2020 Work Plan

Report No: GC-02-20

Date: June 3, 2020

Recommendation:

1. **THAT** Report No. GC-02-20 RE: Governance Committee Terms of Reference and 2020 Work Plan **BE RECEIVED**.
2. **THAT** the proposed changes to the Governance Committee Terms of Reference attached as Appendix 1 to Report No. GC-02-20 **BE APPROVED**.
3. **THAT** the 2020 Governance Committee Annual Work Plan - 2020 attached as Appendix 2 to Report No. GC-02-20 **BE APPROVED**.
4. **THAT** the final Governance Committee Terms of Reference **BE APPENDED** to the updated NPCA Administrative By-Law to be presented for Board approval in 2020;
5. **AND FURTHER THAT** until the approval of the updated Administrative By-Law and associated Terms of Reference, the Governance Committee **CONTINUE** to conduct its business per existing Terms of Reference dated April 17, 2019.

Purpose:

The purpose of this report is two-fold, firstly to present the revised draft of the Terms of Reference to the Governance Committee for approval and inclusion within the revised Administrative By-law to be presented to Board for approval in Fall of 2020. The second purpose of this report is to present the draft 2020 Work Plan to the Governance Committee for adoption by the Committee.

Background:

Terms of Reference

The existing Terms of Reference were approved with updates on April 17, 2019. The business of the Committee has evolved requiring further clarity of its purpose and responsibilities.

Further to this, the Terms of Reference for all NPCA Committees need to be integrated with the Administrative By law scheduled to be updated in the Fall of 2020. This offers an opportunity to revisit and update all Standing Committees to ensure consistency.

The suggested updates to the Governance Committee Terms of Reference are provided as a redline version in Appendix 1, the highlights of which are noted as follows:

- More clarity and details have been provided around scope and responsibilities of the committee, reporting to the Board and meetings; and
- More structure around number of meetings aligned with a robust work plan.

Discussion:

The Governance Committee Annual Work Plan - 2020 forms a key component of the governance reporting, planning and control structures of the organization, and identifies key priority initiatives required in the year ahead. Additionally, the Work Plan outlines how implementation of this work will be monitored against major deliverables and the Key Performance Indicator (KPI) framework.

Financial Implications:

None.

Links to Policy/Strategic Plan:

Adoption of the Governance Committee Terms of Reference and 2020 Work Plan ties in with the NPCA Mission Statement's objective to:

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

Related Reports and Appendices:

Appendix 1: Governance Committee Terms of Reference (Draft)

Appendix 2: Governance Committee Annual Work Plan – 2020 (Draft)

Authored by:

Original Signed by:

Grant Bivol,
Executive Co-ordinator to the C.A.O. / Board

Submitted by:

Original Signed by:

Chandra Sharma, MCIP, RPP
Chief Administrative Officer/Secretary-
Treasurer

Niagara Peninsula Conservation Authority

TERMS OF REFERENCE

GOVERNANCE COMMITTEE

Date of Committee Review – March 27, 2019

Date of Board Approval – April 17, 2019

Revised and Approved August 14, 2019

Revised and Approved June 3, 2020

Committee Type: Standing Committee ([NPCA By-Law Section xxxx](#))

Committee Purpose and Scope:

The purpose of the Committee is to assist the Board of Directors in the provision of effective oversight of matters related to Board Governance including NPCA Administrative By-Law, code of conduct, conflict of interest, Board roles and responsibilities, board meetings and associated procedural matters. The Committee also provides oversight to NPCA policy conformity with applicable legislation.

The Board of Directors delegates the following powers to the Standing Committee and reserves the right to delegate any other powers as the Board of Directors determines appropriate, such that in keeping with the Board of Directors Administrative By-law and the Conservation Authority Act.

Should the timing be such that staff is unable to report to the Governance Committee on the matters listed below. Staff may report to the Board of Directors instead.

Key roles and responsibilities include:

1.0 Board Governance

- 1.1. Regular review and update of NPCA Administrative By-Law to ensure it is relevant and consistent with Conservation Authority Act;
- 1.2. Ensure Board is fully oriented with Board roles and responsibilities, code conduct, and conflict of interest as established by the NPCA Administrative By-Law;
- 1.3. Make recommendation regarding Board Training and orientation;
- 1.4. Review and recommendation Board member compensation;
- 1.5. Set framework and process of Board performance review as required;
- 1.6. Review and recommend practices and procedures for Board meetings, such as board agenda content, consent agenda order of consideration.

2.0 Policy Conformity

Updated: [6/3/202008/14/2019](#)

-Report No. CA-105-19
Governance Committee Revised Terms of Reference
Page 3 of 4

- 2.1 Review and make recommendation to the Board of Directors on all matters relating to NPCA governance policies and procedures;
- 2.2 Review and provide input on Municipal Memorandum of Understanding related to planning or budget matters;
- 2.3 Review and provide input to planning policy conformity with CA Act and associated provincial legislation;

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Committee Purpose and Scope:

The Governance Committee's scope is to review NPCA Procedural By-laws, code of conduct, conflict of interest, the NPCA policy manual and board roles and responsibilities.

Specifically, key responsibilities include:

| | Key Responsibilities |
|---|---|
| 1 | <ul style="list-style-type: none"> Reviewing and recommending changes and approval of the NPCA Administrative By-law. |
| 2 | <ul style="list-style-type: none"> Reviewing and recommending changes to the NPCA's Code of Conduct policies, including the Conflict of Interest Policy. |
| 3 | <ul style="list-style-type: none"> Reviewing legislative changes to governance issues to ensure NPCA compliance. |
| 4 | <ul style="list-style-type: none"> Clarifying NPCA policy on members per diems and honorariums. |

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**NIAGARA PENINSULA
CONSERVATION
AUTHORITY**

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Governance Committee Revised Terms of Reference
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- ~~Reviewing the NPCA's Policy Manual and recommending any changes or new policies to the Board.~~

6

- ~~Reviewing and recommending practices and procedures for Board meetings, such as board agenda content, consent agenda order of consideration.~~

Committee Authority and Decision Making

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~~On January 7, 2019, the NPCA Board of Directors passed the following resolution: "direct staff to draft the terms of reference to be approved by the Board regarding the formations of a governance committee comprised of 4-5 members to review NPCA policies, roles and responsibilities."~~

~~Decisions and recommendations, including amendments to the Terms of Reference, will be made by the Committee members and then sent to the Full Authority Board for approval~~

~~Committee will be govern by NPCA Administrative By-Law and Code of Conduct. The Terms of Reference sets the Roles and responsibilities of the Committee;~~

~~Recommendations made by the committee will be sent to the Board of Directors for approval.~~

Membership:

The Committee will have five [\(5\)](#) members, appointed by the Board of Directors at each Annual Meeting, and will include the Chair and Vice Chair in ex-officio, non-voting capacity. Members can be added to the Committee upon approval of the Board of Directors throughout the year.

Meetings: Requirements:

~~The meeting schedule for the Governance Committee shall be approved annually by the Board of Directors for the upcoming year. The committee shall meeting a minimum of four times per year. Additional Mmeetings can will be held at the call of the Committee Chair. Agendas will be prepared by staff with the approval of the Committee Chair and circulated five days in advance of a meeting and posted on the NPCA website. Minutes will be prepared by staff and distributed to the Committee members and Senior staff prior to the next meeting. Minutes will be forwarded to the Board of Directors for approval.~~

Meeting Location:

Meetings will be at the NPCA Head Office (250 Thorold Road West, Welland), Ball's Falls Conservation Area, or at a location determined by the Committee Chair.~~on-line~~ Meeting will be held in person or on-line.

Resources/Budget:



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

Report No. CA-105-19

Governance Committee Revised Terms of Reference
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~~The work will be done by the Committee, NPCA staff and any duly procured and authorized consultant.
Costs will be discussed by the Committee and if required, taken to the Board of approval.~~

Decision-making:

~~The committee will operate openly. All decisions will be made by committee votes. Results of the deliberations and subsequent votes will be reflected in the minutes.~~



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CONSERVATION
AUTHORITY

Report No. CA-105-19

Governance Committee Revised Terms of Reference
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Niagara Peninsula Conservation Authority

TERMS OF REFERENCE

GOVERNANCE COMMITTEE

Date of Committee Review – March 27, 2019

Date of Board Approval – April 17, 2019

Revised and Approved August 14, 2019

Revised and Approved June 3, 2020

Committee Type: Standing Committee (NPCA By-Law Section xxxx)

Committee Purpose and Scope:

The purpose of the Committee is to assist the Board of Directors in the provision of effective oversight of matters related to Board Governance including the NPCA Administrative By-Law, code of conduct, conflict of interest, Board roles and responsibilities, board meetings and associated procedural matters. The Committee also provides oversight to NPCA policy conformity with applicable legislation.

The Board of Directors delegates the following powers to the Standing Committee and reserves the right to delegate any other powers as the Board of Directors determines appropriate, such that in keeping with the Board of Directors Administrative By-law and the Conservation Authority Act.

Should the timing be such that staff is unable to report to the Governance Committee on the matters listed below, staff may report to the Board of Directors instead.

Key roles and responsibilities include:

1.0 Board Governance

- 1.1. Regular review and update of the NPCA Administrative By-Law to ensure it is relevant and consistent with Conservation Authority Act;
- 1.2. Ensure the Board is fully oriented with Board roles and responsibilities, code of conduct, and conflict of interest as established by the NPCA Administrative By-Law;
- 1.3. Make recommendations regarding Board training and orientation;
- 1.4. Review and recommend Board member compensation;
- 1.5. Set framework and process of Board performance review as required;
- 1.6. Review and recommend practices and procedures for Board meetings, such as board agenda content, consent agenda order of consideration.

2.0 Policy Conformity

- 2.1 Review and make recommendations to the Board of Directors on all matters relating to NPCA governance policies and procedures;
- 2.2 Review and provide input on Municipal Memorandums of Understanding related to planning or budget matters;
- 2.3 Review and provide input to planning policy conformity with the CA Act and associated provincial legislation;

Committee Authority and Decision Making

The Committee will be governed by the NPCA Administrative By-Law and Code of Conduct. The Terms of Reference sets the roles and responsibilities of the Committee;

Recommendations made by the Committee will be sent to the Board of Directors for approval.

Membership:

The Committee will have five (5) members, appointed by the Board of Directors at each Annual Meeting, and will include the Chair and Vice Chair in ex-officio, non-voting capacity. Members can be added to the Committee upon approval of the Board of Directors throughout the year.

Meetings:

The meeting schedule for the Governance Committee shall be approved annually by the Board of Directors for the upcoming year. The Committee shall meet a minimum of four times per year. Additional meetings can be held at the call of the Committee Chair. Agendas will be prepared by staff with the approval of the Committee Chair and circulated five days in advance of a meeting and posted on the NPCA website. Minutes will be prepared by staff and distributed to the Committee members and prior to the next meeting.

Meeting Location:

Meetings will be at the NPCA Head Office (250 Thorold Road West, Welland), Ball's Falls Conservation Area, or at a location determined by the Committee Chair. Meeting will be held in person or on-line.

Niagara Peninsula Conservation Authority

Governance Committee Annual Work Plan - 2020

| DRAFT | Quarter 1 | | | Quarter 2 | | | Quarter 3 | | | Quarter 4 | | |
|---|--|----------|----------|-----------|----------|----------|-----------|----------|----------|-----------|----------|----------|
| | JAN-2020 | FEB-2020 | MAR-2020 | APR-2020 | MAY-2020 | JUN-2020 | JUL-2020 | AUG-2020 | SEP-2020 | OCT-2020 | NOV-2020 | DEC-2020 |
| Governance Committee | | | | | | 03-Jun | | | 30-Sep | | | |
| Full Authority Board | | 19-Feb | | 16-Apr | 21-May | 18-Jun | TBD | | TBD | 21-Oct | 18-Nov | 16-Dec |
| 1. Terms of Reference and Work Plan | | | | | | | | | | | | |
| a) Annual review of terms of reference and work plan | | | | | | X | | | | | | |
| b) Terms of Reference and Workplan to the Board for approval | | | | | | X | | | | | | |
| 2. Administrative By-Law Updates | | | | | | | | | | | | |
| a) Per Diem Clarification | | | | | | X | | | | | | |
| b) Code of Conduct Updates | | | | | | | | | X | | | |
| c) Conflict of Interest Clarification | | | | | | | | | X | | | |
| d) Administrative -By Law Draft Review | | | | | | | | | | x | | |
| 3. Board Training | | | | | | | | | | | | |
| a) Identification of training topics | | | | | | X | | | | | | |
| b) Generation of Training Schedule | | | | | | X | | | | | | |
| c) Implementaion | | | | | | | | | x | x | x | |
| 4. Board Self-Evaluation | | | | | | | | | | | | |
| a) Selection of evaluation model | | | | | | X | | | | | | |
| b) Board evaluation | | | | | | | | | | | x | |
| 5. Corporate Policies and Procedures | | | | | | | | | | | | |
| a) Planning Policies and Procedural Manual and Future Bill 108 conformity (to be initiated in Q4 and completed in 2021) | | | | | | | | | | x | | |
| b) Lifetime Pass Policy | | | | | | | | | X | | | |
| c) MOU and SLA | | | | | | | | | X | | | |
| d) Policy and Program conformity with new Legislation (all Policies) | | | | | | | | | x | | | |
| e) Legal Services procurement | | | | | | | | | X | | | |
| 6. Committee Performance | | | | | | | | | | | | |
| a) Evaluation and review of Committee performance | February 2021 - capture 12 months of activity (2020) | | | | | | | | | | | |
| 7. Mid and Long Term Objectives | | | | | | | | | | | | |
| | 2021 | 2022 | 2023 | | | | | | | | | |
| Bill 108 Conformity | | | | | | | | | | | | |
| Planning Policies and Procedural Manual | | | | | | | | | | | | |
| Municipal MOU's Post Bill 108 | | | | | | | | | | | | |
| Board Per-diem | | | | | | | | | | | | |
| Other Policies | | | | | | | | | | | | |

DRAFT

Niagara Peninsula Conservation Authority
Governance Committee Annual Work Plan - 2020

| <div>DRAFT</div> | Quarter 1 | | | Quarter 2 | | | Quarter 3 | | | Quarter 4 | | |
|----------------------|-----------|----------|----------|-----------|----------|----------|-----------|----------|----------|-----------|----------|----------|
| | JAN-2020 | FEB-2020 | MAR-2020 | APR-2020 | MAY-2020 | JUN-2020 | JUL-2020 | AUG-2020 | SEP-2020 | OCT-2020 | NOV-2020 | DEC-2020 |
| Governance Committee | | | | | | 03-Jun | | | 30-Sep | | | |
| Full Authority Board | | 19-Feb | | 16-Apr | 21-May | 18-Jun | TBD | | TBD | 21-Oct | 18-Nov | 16-Dec |
| | | | | | | | | | | | | |

Report To: Governance Committee

Subject: Board Training

Report No: GC-03-2020

Date: June 3, 2020

Recommendation:

1. **THAT** Report No. GC-03-2020 RE: Board Training **BE RECEIVED**.
2. **AND THAT** the Chief Administrative Officer / Secretary-Treasurer **BE DIRECTED** to prioritize educational sessions for the Board of Directors in the following areas for 2020 and into 2021 as required:
 - Conflict of Interest,
 - Code of Conduct,
 - Floodplain Mapping,
 - Administrative By-Law, and
 - The NPC Foundation.

Purpose:

In light of the ongoing pandemic, the purpose of this report is to prioritize to the extent possible for 2020 and into 2021, specific training initiatives as approved on August 14, 2019 in Report No. FA-107-19 RE: Board of Directors Training and Development. It is also an opportunity for the Governance Committee to identify additional areas where further training may be sought.

Background:

The Auditor General's Special Report on the Niagara Peninsula Conservation Authority identified the need for Board training in order for Members to fully understand and fulfill their roles and obligations as Directors. The majority of Members were newly appointed in 2019 and a number of Members joined the organization without prior public sector board experience or after the adoption of the staff report on training and development. With the appointments staggered throughout 2019, Members also received varying levels of initial orientation and onboarding. To date, for the current term, in addition to items covered through initial orientation sessions, information and training has been provided on: the History of the NPCA, Audited Financial Statements, the Budget Process, Water Quality Monitoring, the Niagara River Remedial Action Plan, Board Governance, Floodplain Mapping (Welland River), Conservation Authorities Act – Permits and Hearings as well as Public Comment and Legal Implications.

Discussion:

In 2019 and into 2020, areas for additional Board training were identified, including requests for sessions on: Conflict of Interest, Code of Conduct, Floodplain Mapping, Administrative By-laws and the Foundation.

With the pandemic restrictions in place, a number of training opportunities planned for the year have been delayed. In light of the current situation, staff are seeking approval to prioritize the educational opportunities identified in Report No. FA-107-19 to those areas of specific training noted in the above staff recommendation. Any approved training will be further vetted by staff to ensure that the format for program delivery is the most beneficial and cost-effective solution for the Board under prevailing restrictions on meetings and gatherings. Given the Board workload and meeting schedule, if deemed unfeasible due to cost or otherwise, the training recommended above will be pushed to 2021 and evaluated in conjunction with the remaining training identified in Report No. FA-107-19.

Financial Implications:

The approved budget for Member training was established at \$10,000 for 2020.

Links to Policy/Strategic Plan:

Training and education for Members will better equip the Board to fulfill its legislated mandate and advance the goals identified in its strategic plan.

Related Reports and Appendices:

Report No. FA-107-19 RE: Board of Directors Training and Development (not included)

Authored by:

Original signed by:

Grant Bivol,
Executive Co-ordinator to the C.A.O / Board

Submitted by:

Original signed by:

Chandra Sharma, MCIP RPP
Chief Administrative Officer/Secretary-Treasurer

Report To: Chair and Members of the Governance Committee

Subject: Per Diem and Honourarium Update

Report No: GC-04-20

Date: June 3, 2020

Recommendation:

1. **THAT** Report No. GC-04-20 RE: Per Diem and Honourarium Update **BE RECEIVED**;
2. **THAT** the proposed changes to the Per Diem and Honourarium section of the NPCA Administrative By-Law attached as Appendix 1 to Report No. GC-04-20 **BE APPROVED**;
3. **THAT** the information contained within Appendix 1 of Report No. GC-04-20 **BE INCLUDED** to the updated Administrative By-Law to be presented for Board approval in 2020;
4. **AND FURTHER THAT** the approved amendments to the Per Diem and Honourarium Update **BE FORWARDED** to the Full Authority Board for immediate adoption.

Purpose:

The purpose of this report is to provide clarification on what qualifies as a Board Member per diems and what qualifies under Honourarium.

In response to the Auditor General 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.*

Discussion:

On October 22nd, 2019, the Governance committee approved clarifications to the Administrative By-Law in relation to Per Diems, Honorariums, Expenses and Mileage.

As several Board Members have continued to have questions on what qualifies as a per diem, further clarification was made to the Per Diem and Honourarium section of the NPCA Administrative By-Law to ensure consistent and accurate application.

Financial Implications:

There are no financial implications.

Related Reports and Appendices:

Appendix 1: Honourariums, Per Diems, Expenses and Mileage

Authored by:

Original signed by:

Misti Ferrusi, B.A., CHRL
Human Resources Manager

Submitted by:

Original signed by:

Chandra Sharma, MCIP, RPP
Chief Administrative Officer/Secretary-Treasurer

APPENDIX 1

5. Per Diems, Honourariums, Expenses and Mileage

5.1 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 or Chair. A per diem rate shall be applied no more than once per day.

5.2 The honourarium is the annual rate established by the board that applies to the Chair and Vice-Chair for additional duties performed as they relate to the business of the Authority.

5.3 The Authority shall review the per diem rates and honourariums for Members and Chair/Vice-Chair as part of the administrative by-law updates.

5.3.1 A per diem allowance shall be applicable for:

- a) Attendance as a member at Full Authority Board meetings, Source Protection Authority meetings, Standing Committee meetings and Ad Hoc Committee meetings as established by the Full Authority Board
- b) Attendance at other such business functions as may be from time to time requested at the direction of the Chair and/or CAO.

Examples may include:

- i. Attendance at meetings of municipal councils to present the Authority's Annual Budget and General Levy requirement, if the Member does not sit on that council and when such council presentations are scheduled through the Chair's office or at the request of the Full Authority Board;
- ii. Attendance at meetings of working groups or committees when appointed by the Full Authority Board to such group or committee as an "official representative" of the Authority;
- iii. Attendance at workshops, conferences or tours hosted by the Authority or Conservation Ontario, if

participation is open to all Members and registration is made through the Chair's office;

- iv. Any other business approved as eligible for a per diem allowance by the [Chair and CAO](#).

5.3.2 An honourarium shall be applicable for:

- a) [Administrative tasks as they relate to business of the Authority such as signing documents, reviewing agenda's, preparing correspondence etc.](#)
- b) [Acting in the capacity of the Authority spokesperson for board-related matters](#)

- 5.4 The Authority will reimburse Board Members' travel expenses incurred for the purpose of attending meetings and/or functions for which a per diem applies on behalf of the Authority. Mileages are based on the Board Member's principle residential address in the municipality they represent, and the rate shall be in accordance with the established rate for the Authority.
- 5.5 The Authority will reimburse members for actual costs of meals, lodging, transportation and conference fees when costs are necessarily incurred in the conduct of Authority business as applicable under s. 5.3 in accordance with established rates.
- 5.6 The Chair, Vice-Chair and Board Members will be responsible for filing claims with the Executive Coordinator to the Board of any expenses, per diems and mileage incurred for other than Full Authority Board Meetings Source Protection Authority Meetings, or Committee meetings on a quarterly basis or at the request of the Authority.
- 5.7 [All Board Member per diem and expense claims will be reviewed for compliance with the Administrative by-law by the CAO and Chair and any per diem denials will be brought to the Governance Committee for review.](#)
- 5.8 Board of Directors per diems, expenses and mileage shall be reported quarterly and posted on the NPCA website.