



Governance Committee

Niagara Peninsula Conservation Authority

April 13, 2023 at 9:00 AM

250 Thorold Road, Welland

Agenda

1. APPROVAL OF AGENDA

2. DECLARATIONS OF CONFLICT OF INTEREST

3. APPOINTMENT OF CHAIR / VICE CHAIR

4. APPROVAL OF THE MINUTES

4.1. Minutes of the Governance Committee Meeting dated November 10, 2022

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5. CORRESPONDENCE

6. PRESENTATIONS

7. DELEGATIONS

8. CONSENT ITEMS

8.1. Report No. GC-01-23 RE: Freedom of Information Statistical Report 2022 (For Receipt)

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8.2. Report No. GC-03-23 RE: Appointment of NPCA to Conservation Ontario Council Board of Directors (For Receipt – to be provided under separate cover)

8.3. Verbal Update on Compensation Review by Misti Ferrusi, Manager, People and Performance

8.4. Verbal Update on Salary Disclosures by Misti Ferrusi, Manager, People and Performance

9. DISCUSSION ITEMS

9.1. Report No. GC-02-23 RE: Governance Committee – 2023 Work Plan (For Approval)

Page #15

9.2. Report No. GC-04-23 RE: Conservation Authority Act Section 28 and Section 29 Regulations Update (For Approval – to be provided under separate cover)

10. NEW BUSINESS

11. ADJOURNMENT

**GOVERNANCE COMMITTEE
ONLINE VIDEO CONFERENCE
MEETING MINUTES**

**Friday, November 10, 2022
9:30 a.m.**

MEMBERS PRESENT:	J. Ingrao, Chair R. Brady B. Clark R. Foster K. Kawall B. Mackenzie M. Woodhouse
MEMBERS ABSENT:	B. Johnson E. Smith
STAFF PRESENT:	C. Sharma, Chief Administrative Officer / Secretary - Treasurer G. Bivol, Clerk D. Deluce, Senior Manager, Planning and Development M. Ferrusi, Manager, People and Performance L. Lee-Yates, Director, Watershed S. Mastroianni, Manager, Planning and Permits A. Parks, Manager, Planning Ecology
ALSO PRESENT:	S. Beattie, NPCA Board Member J. Hellinga, NPCA Board Member S. Spitale, Principal, North-South Environmental Inc. K. Wiannecki, Director of Practice, Planning Solutions Inc.,

Chair Ingrao called the meeting to order at 9:35 a.m..

1. APPROVAL OF AGENDA

Recommendation No. GC-35-2022
Moved by Member Woodhouse
Seconded by Member Mackenzie

THAT the Governance Committee agenda dated Thursday, November 10, 2022 **BE APPROVED** as presented.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF THE MINUTES

- a) Minutes of the NPCA Governance Committee Meeting dated October 14, 2022

Recommendation No. GC-36-2022

Moved by Member Brady

Seconded by Member Clark

THAT the minutes of the meeting of the NPCA Governance Committee dated October 14, 2022 **BE ADOPTED**.

CARRIED

4. CORRESPONDENCE

None.

5. PRESENTATIONS

- a) PowerPoint Presentation by Leilani Lee-Yates, Director, Watershed Management, David Deluce, Senior Manager, Environmental Planning and Policy and Sal Spitale, Principal/Senior Ecologist, North-South Environmental Inc. RE: NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority - Wetland Buffer Policy Discussion - The presentation was in conjunction with Agenda Item 8. a) NPCA Board Resolution No. FA-103-2022 and Related Excerpt from the NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (Draft Update for Comment October 27, 2022). Ms. Lee Yates introduced the matter. Mr. Spitale presented. Members posed questions. The Committee requested going forward that an annual summary report be provided to the Board on requests for exceptions to the buffer requirements.

The Committee recessed from 12:00 p.m. to 12:30 pm at which time the following motion was presented:

Recommendation No. GC-37-2022

Moved by Member Brady

Seconded by Member Clark

THAT the Committee **RECOMMENDS** Section 8.2.3.1 Buffers to Wetlands be approved as follows within the NPCA Policy Document:

- 1) *Where development is proposed adjacent to a wetland, a minimum 30 metre buffer shall be provided.*
- 2) *Notwithstanding Section 8.2.3.1 1), a reduction to a non-PSW buffer shall only be considered where:*
 - a) *there is no other reasonable alternative; and*
 - b) *where supported by an EIS in accordance with NPCA Procedural Manual.*

CARRIED

Recommendation No. GC-38-2022

Moved by Member Mackenzie

Seconded by Member Woodhouse

THAT PowerPoint presentation by Leilani Lee-Yates, Director, Watershed Management, David Deluce, Senior Manager, Environmental Planning and Policy and Sal Spitale, Principal/Senior Ecologist, North-South Environmental Inc. RE: NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority - Wetland Buffer Policy Discussion **BE RECEIVED.**

CARRIED

Recommendation No. GC-39-2022

Moved by Member Mackenzie

Seconded by Member Woodhouse

THAT NPCA Board Resolution No. FA-103-2022 and Related Excerpt from the NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (Draft Update for Comment October 27, 2022) **BE RECEIVED.**

CARRIED

6. DELEGATIONS

None.

7. CONSENT ITEMS

- a) Report No. GC-13-22 RE: Talent Management Strategy - Misti Ferrusi, Manager, People and Performance spoke on the report.

Recommendation No. GC-40-2022

Moved by Member Brady

Seconded by Member Woodhouse

THAT Report No. GC-13-22 RE: Talent Management Strategy **BE RECEIVED.**

CARRIED

8. DISCUSSION ITEMS

- a) NPCA Board Resolution No. FA-103-2022 and Related Excerpt from the NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority (Draft Update for Comment October 27, 2022) – This matter was addressed under Agenda Item 5. Presentations.

9. NEW BUSINESS

None.

10. ADJOURNMENT

Recommendation No. GC-41-2022

Moved by Member Brady

Seconded by Member Woodhouse

THAT the Governance Committee meeting **BE** hereby **ADJOURNED** at 1:05 p.m..

CARRIED

John Ingrao,
Committee Chair

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

Report To: Governance Committee

Subject: Freedom of Information Statistical Report 2022

Report No: GC-01-23

Date: April 13, 2023

Recommendation:

THAT Report No. GC-01-23 RE: Freedom of Information Statistical Report 2022 **BE RECEIVED.**

Purpose:

The purpose of this report is to provide background and statistical information to the Governance Committee in respect of applications made to the Niagara Peninsula Conservation Authority (NPCA) in 2022 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 to the Information and Privacy Commission (IPC), annually by March 31st, a report summarizing the volume, response times, revenues, nature of requests and appeals of decisions made by the institution under the Act. The resultant report, entitled "*Statistical Report of the Niagara Peninsula Conservation Authority for the Reporting Year 2022*" is attached hereto as Appendix 1.

The Chair of the NPCA is the Head for purposes of the Act but day-to-day administration falls to the NPCA Clerk / Board Secretariat who is formally designated as F.O.I. Co-ordinator under the legislation.

For reference purposes, in 2021, the NPCA responded to 15 requests made under MFIPPA and had several ongoing appeals before the Information and Privacy Commission (IPC).

Discussion:

In 2022, the NPCA received two applications for records under MFIPPA. The NPCA received no new appeals and also resolved the last of the outstanding appeals before the IPC (several of which dated back to early 2019).

The downward trend in 2022 is likely attributable to a number of factors including the easing of pandemic restrictions, but none the least of which include strides taken by the NPCA in recent years to earn public trust and to improve the organization's image. The NPCA's collaborative, customer-service oriented focus has resulted in a higher degree of positive interaction with the public and inversely less perceived need to invoke or pursue the legislative means to obtain records.

Appeals to the Information and Privacy Commission of Ontario on NPCA decisions under the Act have also fallen off. For the first time since 2016, no new appeals were launched within the calendar year. It is not uncommon for the appeals process to span multiple years, however, the longstanding backlog of NPCA appeals has also now been resolved with no current matters pending before the IPC.

Financial Implications:

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

The legislated fee structure does not reflect the resources typically consumed to provide records. Because staff time expended on MFIPPA requests can be very extensive and in particular, appeals can be onerous, the administration of MFIPPA has been costly to the NPCA. In 2021 and prior, it was necessary for the NPCA to retain legal expertise in preparing submissions and making representations to the IPC.

Total revenues levied by the NPCA under MFIPPA declined to \$10 in 2022 (representing exclusively, the mandatory application fees for the two requests received). This reduction in revenue from prior years is more than offset by the savings in time and resources consumed fulfilling requests and representing appeals before the IPC. (In 2022, there were no legal fees incurred by the NPCA relating to IPC appeals.)

Links to Policy/Strategic Plan:

In administering the MFIPPA legislation, or put more aptly, in resolving inquiries before legislative mechanisms are invoked, the NPCA achieves Goal 5.3 of the Strategic Plan by "providing a high standard of customer service" and in "providing equitable access to information".

Related Reports and Appendices:

Appendix 1: Statistical Report of the Niagara Peninsula Conservation Authority for the Reporting Year 2022

Authored by:

Original Signed by:

Grant Bivol
NPCA Clerk / Board Secretariat

Submitted by:

Original Signed by:

Chandra 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 2022
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

Robert Foster, Chair of the NPCA Board of Directors

Head of Institution E-mail Address

rfoster@npca.ca

Management Contact Name & Title

Grant Bivol/Clerk

Management Contact E-mail Address

gbivol@npca.ca

Primary Contact Name & Title

Grant Bivol/Clerk

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.

2

Your institution received:

- ☐ No formal written requests for access or correction
- ☒ Formal written requests for access to records
- ☐ Requests for correction of records of personal information only

Section 2: Inconsistent Use of Personal Information

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	2
0	2

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	2
0	0
0	0
0	0
0	0
0	0
0	0
0	0
0	2

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	2
0	0
0	0
0	0
0	2

BOX 5.5 must equal BOX 3.2

Section 6: Compliance with the Act

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:

Section 6: Compliance with the Act

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.20(1)) nor a Notice to Affected Person (s.21(1)) were issued.	0	2
6.2	Number of requests completed in excess of the statutory time limit (30 days) where neither a Notice of Extension (s.20(1)) nor a Notice to Affected Person (s.21(1)) were issued.	0	0
6.3	Total requests (Add Boxes 6.1 + 6.2 = 6.3)	0	2

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	0
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	0

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
6.13	Total requests (Add Boxes 6.3 + 6.6 + 6.9 + 6.12 = 6.13)	0	2

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.

N/A

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	0
7.3 No information disclosed	0	0
7.4 No responsive records exists	0	2
7.5 Request withdrawn, abandoned or non-jurisdictional	0	0
7.6 Total requests (Add Boxes 7.1 to 7.5 = 7.6)	0	2

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	0
8.2 Section 7 — Advice or Recommendations	0	0
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	0
8.11 Section 13 — Danger to Safety or Health	0	0
8.12 Section 14 — Personal Privacy (Third Party) ²	0	0
8.13 Section 14(5) — Refusal to Confirm or Deny	0	0
8.14 Section 15 — Information soon to be published	0	0
8.15 Section 20.1 Frivolous or Vexatious	0	0

Section 8: Exemptions & Exclusions Applied

- 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	0
0	0
0	0
0	0
0	0
0	0

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	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00

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

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

Personal Information
0
0

Section 11: Correction and Statements of Disagreement

11.3 Correction requests carried over to next year

0

11.4 Total Corrections Completed $[(11.1 + 11.2) - 11.3 = 11.4]$

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?

Personal Information

11.5 Correction(s) made in whole

0

11.6 Correction(s) made in part

0

11.7 Correction refused

0

11.8 Correction requests withdrawn by requester

0

11.9 Total requests (Add Boxes 11.5 to 11.8 = 11.9)

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?

Personal Information

11.10 Number of statements of disagreement attached:

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.

Personal Information

11.11 Number of notifications sent:

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/Clerk, 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: Governance Committee – 2023 Work Plan

Report No: GC-02-23

Date: April 13, 2023

Recommendation:

1. **THAT** Report No. GC-02-23 RE: Governance Committee – 2023 Work Plan **BE RECEIVED**.
2. **AND THAT** the Governance Committee - 2023 Work Plan attached as Appendix 1 **BE APPROVED**.

Purpose:

The purpose of this report is to identify governance objectives and timelines for approval through the establishment of the 2023 Governance Committee Work Plan.

Discussion:

The 2023 Governance Committee Work Plan identifies key initiatives and establishes timelines for the year ahead. It enables staff to efficiently integrate Board objectives into the daily operations and administration of the NPCA. Implementation of the work plan will also ensure proper governance oversight and direction, in particular with respect to the changes necessitated by amendments to the Conservation Authorities Act and planning policies.

Financial Implications:

The costs affiliated with Governance Committee meetings are typically limited to the mileage and per diem expenses of Committee Members.

Links to Strategic Plan:

Approving a Governance Committee Work Plan with predetermined dates supports the Strategic Plan's Core Value of conducting business with transparency to achieve high quality Customer Service.

Related Reports and Appendices:

Report No. FA-01-23 RE: Board of Directors' 2023 Meeting Schedule

Appendix 1: Governance Committee – 2023 Work Plan (Draft)

Authored by:

Original Signed by:

Grant Bivol
Clerk/Board Secretariat

Submitted by:

Original Signed by:

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

Appendix 1 to Report No. GC-02-23 RE: Governance Committee – 2023 Work Plan

Governance Committee Annual Work Plan - 2023

<div style="border: 1px solid black; padding: 5px; display: inline-block;">DRAFT</div>	Quarter 2			Quarter 3			Quarter 4		
	APR-2023	MAY-2023	JUN-2023	JUL-2023	AUG-2023	SEP-2023	OCT-2023	Nov-2023	DEC-2023
Governance Committee	13-Apr		08-Jun			07-Sep			
Full Authority Board	21-Apr	19-May	16-Jun	21-Jul		15-Sep	20-Oct	17-Nov	
1. Work Plan									
Workplan Approval	X								
2. Legislative Updates									
Conservation Authorities Act Amendments - Municipal Memorandums of Understanding			X			X			
Administrative By-Law Review (if required)						X			
3. Board Training									
Training Schedule (as required)									
5. Corporate Policies and Procedures									
NPCA Policies for the Administration of Ontario Reg 155/06 and the Planning Act			X			X			
Code of Conduct Integrity Commission item			X						
6. Strategic Plan									
Marketing Strategy						X			
Indeginous Engagement Guidelines						X			
Digital Transformation Plan						X			
Asset Management Plan						X			
7. Other									
Salary Disclosure	X								
FOI Statistical Reporting	X								
Insurance Update			X						
Compensation Review	X		X						