



**2015 Niagara Peninsula
Conservation Authority Levy
(NPCA) Apportionment**

(FCS15018)

GIC Agenda Item 7.2

Update

February 27, 2015



Background - General

- On January 23/15 staff provided Council with a report and presentation highlighting a significant apportionment issue related to NPCA.
- The NPCA had advised that it was not recognizing the apportionment agreement approved by the NPCA Board in 2004 and in use up until 2014.
- In the absence of a new agreement between NPCA, Hamilton, Region of Niagara and Haldimand, the NPCA would use the provincial formula resulting in a significant shift to the City of Hamilton.
- Staff focused discussions with Region of Niagara staff to try and resolve the issue, however, little progress has been made to date. Key is Hamilton's assertion that the existing agreement s/b used for 2015.



2015 NPCA Apportionments Confirmation

- On February 19/15, the NPCA Board approved their levies for 2015.
- On February 25/15, the City received official notice of the 2015 levy. NPCA staff have confirmed that the apportionment is based on the provincial formula and increases Hamilton's apportionment share from about 4% to about 20%.
- The change in apportionment method increases the City of Hamilton's levy by about \$945,000.
- In total, accounting for other changes made by the NPCA, the City of Hamilton's levy is increasing from \$513,470 in 2014 to \$1,317,020 in 2015. An increase of \$803,550 (pending official notification from NPCA).



Next Steps

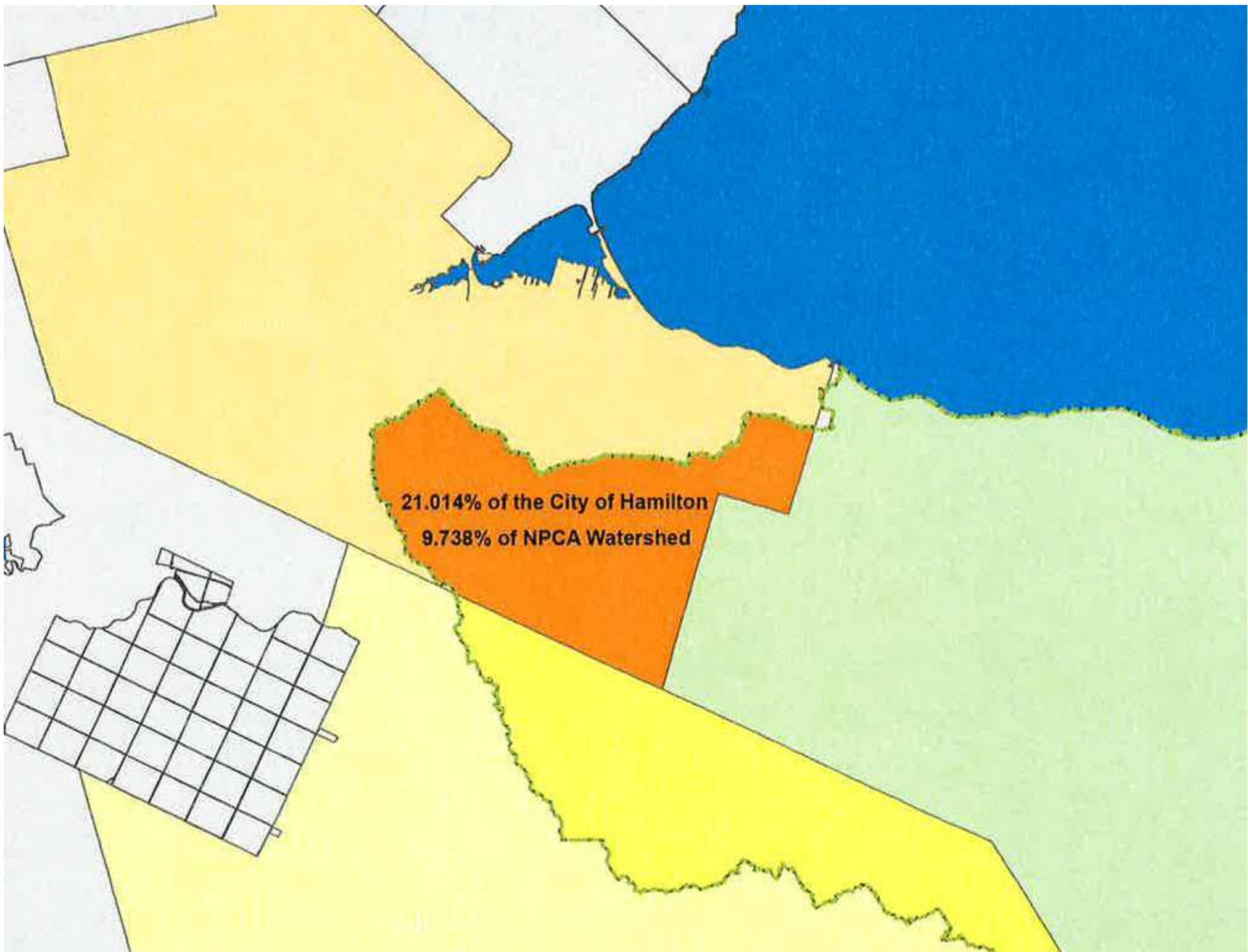
- City's position is that the 2004 agreement is valid and the City should appeal the apportionment.
- City staff recognize that the agreement is due for review and recommend that this occur for the 2016 apportionments.
- The review must include all four conservation authorities.
- The CA's and municipalities should lobby the Province for an update to Regulation 670/00 to ensure that the apportionment formula uses assessments that reflect properties within the watershed of a CA.



Appeal Process

- The City has 30 days from receiving notice of the levy to commence an appeal to the Commissioner of Mining and Lands.
- The NPCA and participating municipalities may engage in a mediation, led by the office of the Commissioner.
- Failing a resolution, a hearing will be held before the Commissioner.
- The decision of the Commissioner is final.
- The Conservation Authorities Act requires a municipality to comply with the levy pending the appeal.





21.014% of the City of Hamilton
9.738% of NPCA Watershed