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Office of the Clerk
to the NPCA Authority

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December 5, 2018

Attention: Regional Municipality of Niagara Chief Administrative Officer / Regional Clerk
City of Hamilton – City Manager / City Clerk
Haldimand County – Chief Administrative Officer / Clerk

Good Afternoon:

The Niagara Peninsula Conservation Authority (NPCA), is in receipt of correspondence, dated December 5, 2018, from the Bruce Bateman, Assistant Deputy Minister, Land and Water, Ministry of the Environment, Conservation and Parks (MOECP). The correspondence addresses the Board of Directors composition for the Niagara Peninsula Conservation Authority (NPCA) and further clarifies the appointment process.

Upon review of the attached correspondence the following appointments should be forthcoming, as per the Ministry direction that appointments be made based on the Act:

Niagara Region	5 NPCA Board appointments
City of Hamilton	4 NPCA Board appointments
Haldimand County	2 NPCA Board appointments

Please feel free to request confirmation, respecting the above, from the Assistant Deputy Minister, Land and Water, MOECP.

We look forward to welcoming new Board Members to the Niagara Peninsula Conservation Authority. If possible, when forwarding the above appointments, please also provide the preferred means of contact for each of the person(s) appointed so we can generate calendars and distribution lists.

Please feel free to share with your appointments that our Annual General Meeting has been set for Wednesday, January 16, 2019 at 9:30 a.m. at the Ball's Falls Centre for Conservation.

Respectfully,

A handwritten signature in blue ink that reads "Lisa McManus".

Lisa McManus
Clerk to the Authority

Cc: B. Bateman, MOECP
Attachment: MOECP, letter dated December 5, 2018

**Ministry of the Environment,
Conservation and Parks**
135 St. Clair Avenue West
Toronto ON M4V 1P5

**Ministère de l'Environnement, de la
Protection de la Nature et des Parcs**
135, avenue St. Clair ouest
Toronto ON M4V 1P5



Mr. Carmen D'Angelo
Chief Administrative Officer
Region of Niagara
(Carmen.Dangelo@niagararegion.ca)

Dear Mr. D'Angelo,

Thank you for your telephone call regarding the board of directors composition for the Niagara Peninsula Conservation Authority (NPCA). As we discussed I am writing you with further clarification on the appointment process.

Under the *Conservation Authorities Act* participating municipalities are responsible for the appointment of members to a conservation authority. Recent amendments to the act in 2017 include provisions that give participating municipalities clear authority to appoint and replace the members of an authority.

Order in Council 2706/94 set out board appointment numbers for groupings of local municipalities and a process for appointing members to the NPCA. The provision of the act under which this was made has since been revoked and replaced with new provisions, enabling participating municipalities to make such decisions in accordance with the act.

As a result, the Order in Council does not need to be revoked in order for NPCA's participating municipalities to use the powers now provided to them by the act to determine conservation authority membership and to appoint and replace members of an authority. I have included an attachment which highlights parts of the act that provide participating municipalities with the relevant powers for appointments to conservation authorities.

I hope this additional information helps clarify the application of the Order in Council and confirms the authority of the participating municipalities to make decisions regarding the appointment of members to the NPCA.

Bruce Bateman
Assistant Deputy Minister
Land and Water Division
Ministry of Environment, Conservation and Parks
705-755-1702
bruce.bateman@ontario.ca

cc:

Rod Phillips, Minister, Ministry of the Environment, Conservation and Parks

(Rod.Phillips@ontario.ca)

Mark Brickell, CAO, NPCA (mbrickell@npca.ca)

Lisa McManus, Executive Coordinator to CAO and Board (lmcmamus@npca.ca)

Office of the Regional Clerk, Niagara Region (clerk@niagararegion.ca)

City Clerk's Office, City of Hamilton (clerk@hamilton.ca)

Clerk, Haldimand County (eeichenbaum@haldimandcounty.on.ca)

Krystle Caputo, Communications Specialist, Niagara Peninsula Conservation Authority

(kcaputo@npca.ca)

J. Burch, MPP Niagara Centre (JBurch-QP@ndp.on.ca)

Attachment: Relevant *Conservation Authorities Act* provisions

At the time Order in Council 2706/94 was signed, section 8 of the Conservation Authorities Act read as follows:

8. The Lieutenant Governor in Council 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.

Section 8 of the act was amended in 1998 to transfer this authority to participating municipalities. Section 8 of the Conservation Authorities Act now reads:

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.

Additional Relevant Sections:

- Subsection 4(1) confirms that an upper-tier municipality that was established as a regional municipality before December 12, 2017, is the participating municipality in place of the local municipalities and is responsible for appointing the number of members to which the local municipalities would otherwise have been entitled as participating municipalities.
- Subsection 14(1) of the act requires members of an authority to be appointed by the councils of the participating municipalities in accordance with the numbers set out in subsection 2(2) of the act. This is based on the population of each participating municipality.
- Subsection 14(2.1) states that 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 the participating municipalities.
- Subsection 14(4.3) states that regardless of any term of appointment granted to a member that “a member may be replaced by the council of the participating municipality that appointed the member”