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May 10, 2019

Mayor Fred Eisenberger and Council
 Hamilton City Hall
 71 Main Street West
 Hamilton, Ontario
 L8P 4Y5

SENT ELECTRONICALLY

Dear Mayor Eisenberger and Council,

Please be advised that at its meeting of May 3, 2019, the Board of Directors of the Niagara Peninsula Conservation Authority adopted Resolution No. FA-117-19 as follows:

1. **THAT** Report No. FA-50-19 respecting a Response to the Special Audit of the Niagara Peninsula Conservation Authority be received.
2. **THAT** a copy of Report No. FA-50-19 on the NPCA Response to the Auditor General's Report be circulated to the Office of the Auditor General, participating watershed municipalities, the Minister of Environment, Conservation and Parks, the Minister of Natural Resources and Forestry and Conservation Ontario.

Accordingly, Report No. FA-50-19 is attached hereto for your review. Please note that Appendix 1 as included is a revised and updated version of the appendix originally presented within the report at the meeting.

Any inquiries with respect to this matter may be directed to the undersigned at (905)788-3135 ext. 251 or at gwood@npca.ca.

Sincerely,

 DARREN MACKENZIE (ACTING INTERIM CAO)

For D. Gayle Wood
 Interim CAO / Secretary – Treasurer
 Niagara Peninsula Conservation Authority

Enc.

Report To: Board of Directors

Subject: Response to the Special Audit of the Niagara Peninsula Conservation Authority

Report No: FA-50-19

Date: May 3, 2019

RECOMMENDATION:

1. **THAT** Report No. FA-50-19 respecting a Response to the Special Audit of the Niagara Peninsula Conservation Authority be received.
2. **THAT** a copy of Report No. FA-50-19 on the NPCA Response to the Auditor General's Report be circulated to the Office of the Auditor General, participating watershed municipalities, Minister of Environment, Conservation and Parks, Minister of Natural Resources and Forestry and Conservation Ontario.

PURPOSE:

The purpose of this report is to update the Office of the Auditor General of Ontario and the Board of Directors regarding progress made by the NPCA in response to the recommendations made by the Auditor General in September 2018.

The Auditor General will be attending the Board of Directors' May 3, 2019 meeting to review her recommendations with the new Board.

BACKGROUND:

In September 2018, Ms. Bonnie Lysyk, Auditor General of Ontario, transmitted her report on the ***Special Audit of the Niagara Peninsula Conservation Authority*** to the Honourable Speaker of the Legislative Assembly of Ontario.

In response to the Auditor General's recommendations, much progress has been made by the NPCA. Appendix 1 to this Report outlines the Auditor General's 24 recommendations as well as the NPCA progress to date.

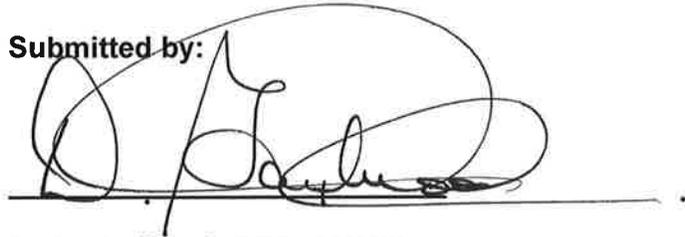
FINANCIAL IMPLICATIONS:

There are no financial implications associated with this recommendation.

RELATED REPORTS AND APPENDICES:

1. Appendix 1: NPCA Response to the Recommendations of the Auditor General
2. Appendix 2: Planned Procurement
3. Appendix 3: Corporate Credit Card Policy

Submitted by:

A handwritten signature in black ink, appearing to read "D. Gayle Wood", is written over a horizontal line. The signature is stylized and somewhat cursive.

**D. Gayle Wood, BES, CMMIII
Interim Chief Administrative Officer/
Secretary-Treasurer**

LEGEND:

Ministry (M) Ministry of Environment, Conservation and Parks (MOECP) and Ministry of Natural Resources and Forestry (MNR)

NPCA Board of Directors (BD)

Board/CAO (BC)

CAO/Municipalities (CM)

Ministry/Conservation Ontario (MCO)

Operations (OPS)

Lead and Rec. #	RECOMMENDATION	COMMENTS	INITIATED	TARGETTED COMPLETION	COMPLETE
(M) # 1	To ensure effective oversight of conservation authorities' activities through boards of directors, we recommend that the Ministry of the Environment, Conservation and Parks clarify board members' accountability to the conservation authority.	MOECP has launched two reviews under the Environmental Registry of Ontario on April 5, 2019 - Modernizing conservation authority operations and Focusing conservation authority's development permits on the protection of people and property. This provincial review will assist in addressing Recommendation 1. As part of this review the province is proposing to make amendments to the CAA that will "clarify that the duty of conservation authority board members is to act in the best interest of the conservation authority, similar to not-for-profit organizations."	X	2020	
(BD) # 2	To ensure that the Niagara Peninsula Conservation Authority (NPCA) Board of Directors has the necessary independence and objectivity to oversee the NPCA's activities effectively, we recommend that the NPCA Board:				
(BD) # 2.1	Adhere to its Code of Conduct, which states that Board members are to refrain from unduly influencing staff, being respectful of staff's responsibility to use their professional expertise and corporate perspective to perform their duties;	The NPCA Governance Committee has reviewed the Code of Conduct (contained within the Administrative By-law) and provided recommendations to the Full Authority in February and March 2019. Further reviews of the By-law will continue to the end of Q2.	X	Q2 2019	
(BD) # 2.2	Update its Code of Conduct to clearly define the circumstances and relationships that could lead to an actual or perceived conflict of interest beyond those defined in the Municipal Conflict of Interest Act.	As part of the Q2 review of the By-law, the Board will define circumstances that could lead to an actual or perceived conflict of interest.		Q2 2019	
(BC) # 3	To ensure that members of the Niagara Peninsula Conservation Authority (NPCA) Board of Directors collectively have the skills, experience and training necessary to oversee the NPCA's activities effectively, we recommend that the NPCA Board:				

Lead and Rec. #	RECOMMENDATION	COMMENTS	INITIATED	TARGETTED COMPLETION	COMPLETE
(CM) # 3.2	Work with the NPCA's funding municipalities to ensure that their Board appointment processes consider skills and experience requirements;	A letter was circulated to Niagara, Hamilton and Haldimand regarding a recommended list of competencies and a reference to the Alberta Public Agencies – Board Profile & Competency Matrix Tool , as approved by the Board of Directors on April 17, 2019.	X	Q2 2019	X
(BD) # 3.3	Assess the current role of its advisory committee to determine whether it is sufficient in fulfilling any gaps in Board skills and competencies, and revise as necessary;	The Board of Directors received a list of the Advisory Committees for 2019 at its March 20th meeting. A Report on the NPCA Public Advisory Committee, with recommendations for a revised Terms of Reference will be considered by the Board of Directors on May 3, 2019. With Board approval, the PAC will be requested to review the Terms of Reference, provide recommendations on Committee vacancies and develop "profiles" for each Committee member.	X	Q4 2019	
(BC) # 3.4	Identify initial and ongoing Board governance training needs.	The current Board of Directors were provided with an updated Member Handbook in January 2019. Initial Orientation training with the Board was launched on March 20, 2019. Further training needs to be identified through a Board survey and initiated throughout 2019 and annually.	X	Q2 2019	
(M) # 4	We recommend that the Ministry of the Environment, Conservation and Parks:				
(M) # 4.1	Make a recommendation to the Executive Council of Ontario to proclaim Section 40 of the Conservation Authorities Act;	Section 40 of the CAA states that the Lieutenant Governor in Council may make regulations dealing with CA composition, advisory boards, programs/services, apportionment of capital costs and governing reviews under Section 27 and 27.1 of the CAA. The province began this review by launching ERO reviews on April 5, 2019.	X	2020	
(M) # 4.2	Once Section 40 is proclaimed, make a regulation prescribing requirements for board composition that result in board members having the independence and objectivity they need to fulfill their oversight responsibilities;	Response to this recommendation is dependant upon the province's review noted above.		2020	
(MCO) # 4.3	Work with Conservation Ontario and conservation authorities to determine whether governance training should be developed and delivered province-wide for board members of conservation authorities.	Response to this recommendation is dependant upon the province's review noted above.		2020	

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(BD) # 5	To ensure that the Niagara Peninsula Conservation Authority (NPCA) Board of Directors has all the information it needs to effectively oversee the NPCA and improve its oversight when needed, we recommend that the NPCA Board:				
(BD) # 5.1	Regularly evaluate the performance of the NPCA's Chief Administrative Officer, as required by its policies;	A Performance Evaluation system has been developed for all staff. The Interim CAO's performance will be evaluated in July 2019. The Board can determine a performance schedule with the new CAO when hired in Q2 of 2019.	X	Q2 2019	
(BC) # 5.2	Develop performance indicators to facilitate the Board's evaluation of its oversight processes and activities;	A Board evaluation, and self evaluation process has been developed, in draft, by the Interim CAO and will be forwarded to the NPCA Governance Committee for review and recommendations to the Board in June 2019.	X	Q2 2019	
(BD) # 5.3	Regularly evaluate both its collective performance and the performance of individual Board members.	Both collective Board performance and individual Board member performance tools have been developed, in draft, by the Interim CAO and will be forwarded to the Governance Committee by June 2019.	X	Q3 2019	
(BD) # 6	To ensure that per diem payments to Board members are reasonable and transparent, we recommend that the Niagara Peninsula Conservation Authority:				
(BD) # 6.1	Clarify its Board policies to specify the meetings and other functions for which Board members may receive per diem payments in the future;	The Governance Committee reviewed and clarified per diems in February 2019. Board members receive one per diem per day if attending NPCA meetings, despite the number of meetings attended. The per diem and honorarium policy is updated and outlined in the Administrative By-law. Further review of the By-law will occur in June 2019 to specify the meetings and functions for which a Board member may receive a per diem.	X	Q2 2019	
(BD) # 6.2	Continue to publish information on actual Board per diems and other expenses annually online.	Municipalities require board expenses to be reported annually. This information for 2018 was provided to participating municipalities. Member expenses for 2019 will be posted at year end on the NPCA website under the heading <i>Administration – Reports</i> and will continue to be published annually.	x	Q1 annually commencing 2020	
(OPS) # 7	To ensure that the Niagara Peninsula Conservation Authority (NPCA) has complete and up-to-date information about flood risks within its watershed, we recommend that the NPCA:				

Lead and Rec. #	RECOMMENDATION	COMMENTS	INITIATED	TARGETTED COMPLETION	COMPLETE
(OPS) # 7.1	Assess the risk to communities around the unmapped watercourses;	The NPCA has completed flood plain mapping for 42% of the watershed. Flood plain mapping is currently underway for the Welland River, 9 watercourses in Grimsby and Lincoln, and 2 watercourses in St. Catharines. The NPCA is presently reviewing the Welland River final draft. The first drafts of the other studies are scheduled to be reviewed in Q2 of 2019.	X	Q2 2019 draft review Q4 completion of mapping and adopted by Board	
(OPS) # 7.2	Determine the time and cost for completing and updating floodplain maps;	A five-year capital forecast for the remaining 58% of mapping to be completed will be placed in the 2020 budget and beyond. A minimum of \$200,000 over 5 to 7 years will be required to address the mapping deficiency. Once all mapping is completed, mapping updates are required on all watercourses.	X	2026 subject to funding being received	
(OPS) # 7.3	Schedule this work, based on its risk assessment and for the watercourses for which the Ministry of Natural Resources and Forestry recommends floodplain maps be prepared.	A risk-based assessment for the remaining mapping will be developed in 2019. NPCA believes that MNRF does not recommend flood plain mapping priorities.		Q2 2019	
(M) # 8	To ensure that conservation authorities have complete and up-to-date information about flood risks within their watershed, we recommend that the Ministry of Natural Resources and Forestry work with Conservation Ontario to:				
(M) # 8.1	Establish clear responsibility and criteria for developing and updating floodplain maps across the province;	NPCA is waiting for this information from MNRF.			
(M) # 8.2	Review current funding levels to conservation authorities to determine how floodplain mapping can be completed in a timely manner.	Transfer payments to CA's for natural hazards were reduced by 50% on April 13, 2019. The NPCA provincial transfer payment is now \$90,000 for the 2019/20 provincial fiscal year. Provincial funding to update flood plain mapping has not been available since 1996. Funding for updated mapping must be sought from participating municipalities, who may choose not to fund updates.	X		
(OPS) # 9	To ensure that development is directed away from areas of natural hazards where there is an unacceptable risk to public health and safety or of property damage, we recommend that the Niagara Peninsula Conservation Authority (NPCA):				

Lead and Rec. #	RECOMMENDATION	COMMENTS	INITIATED	TARGETTED COMPLETION	COMPLETE
(BD/OPS) # 9.1	Finalize, as soon as possible, its policies for reviewing development proposals and work permit applications;	The NPCA Policy document was updated and approved in September 2018 and it became effective November 2018. Staff have been directed to follow the new policy document as approved. Staff will review the policy on an ongoing basis to determine if there are any refinements to be made and will bring those proposed changes to the Board for approval.	X	Q4 2018	X
(BD/OPS) # 9.2	In finalizing such policies, ensure that the criteria for where development is allowed is consistent with Section 3.1 of the Provincial Policy Statement and the Conservation Authorities Act.	NPCA Policies are consistent with Section 3.1 of the Provincial Policy Statement.	X	Q4 2018	X
(OPS) # 10	To ensure that staffing decisions are focused on improving the operations of the Niagara Peninsula Conservation Authority (NPCA) to fulfill its legislative mandate and provide effective and efficient services, we recommend that the NPCA:				
(OPS) # 10.1	Develop a human resources (HR) plan that identifies current and future HR needs, as they relate to the strategic direction of the NPCA;	An organizational review was completed and approved by the Board on April 17, 2019. Staff alignments follow the NPCA's Strategic Plan 2018 - 2021. It is noted that this Strategic Plan was developed and approved by the previous Board of Directors and should be further reviewed by the current Board. Future staff needs were identified as part of the organizational review. Upon further review of the Strategic Plan by the new Board, a staffing/skills analysis will be completed as part of a Human Resources Plan.	X	2020	
(OPS) # 10.2	In developing such an HR plan, review its staffing mix to determine the appropriate level of administrative and corporate support staff;	The April 2019 organizational review has identified staffing gaps for the Board to review and consider in relation to 2020 funding requests. Discussions are ongoing regarding the appropriate level of administrative and corporate support required. Discussion is ongoing regarding whether an administrative "pool" is more effective than having an administrative support staff member assigned each Division.	X	Q4 2019	
(OPS) # 10.3	Base future HR decisions on its HR plan;	The HR Plan requires Board approval and will be reviewed annually as part of the budget development commencing with the preparation of the 2020 budget.	X	Q2 2019	

Lead and Rec. #	RECOMMENDATION	COMMENTS	INITIATED	TARGETTED COMPLETION	COMPLETE
(BD/CAO) # 10.4	Provide information about planned re-structuring decisions, including their financial implications, to the NPCA Board prior to implementing such decisions.	The 2019 organization review was discussed and approved by the Board on April 17, 2019. This review was accompanied by a financial assessment.	X	Q2 2019	X
(OPS) # 11	To ensure that reports of possible and known violations are appropriately addressed in a timely manner, we recommend that the Niagara Peninsula Conservation Authority:				
(CAO/OPS) # 11.1	Determine the number of enforcement staff necessary to address violations on a timely basis and staff accordingly;	A Supervisor of Permits and Compliance was hired in March 2019. This Supervisor has 3 staff members, addressing both regulatory and forestry violations. A year end review of compliance and staffing will be done for the Board's consideration.	X	Q4 2019	
(OPS) # 11.2	Ensure that enforcement staff obtain the necessary training to discharge their responsibilities;	Three of four compliance staff have received Level 1 Conservation Ontario Compliance training as of March 2019. The fourth position is currently vacant and anticipated to be filled shortly. NPCA will ensure all compliance staff receive at minimum Level 1 training.	X	Q3 2019	
(BD/OPS) # 11.3	Revise its enforcement policy to provide guidance on the progressive actions enforcement staff should take to address violations taking into consideration the significance of the violations;	Conservation Ontario is updating the manual on behalf of all conservation authorities. Progressive actions to address violations will be included as part of the manual review. NPCA is actively involved in the review and updating of the manual through the Conservation Ontario Regulatory Advisory Committee.	X	Q3 2019	
(BD/OPS) # 11.4	Revise its enforcement policy to require that enforcement activities be sufficiently documented and ensure that staff adhere to the policy;	Procedures regarding documentation of enforcement activities will be completed as part of the manual review. NPCA is actively involved in the review and updating of the manual through the Conservation Ontario Regulatory Advisory Committee.	X	Q3 2019	
(OPS) # 11.5	Use CityView to track reports of possible violations.	Compliance staff are now placing a flag on properties when there are violations, in order to advise other NPCA staff to refer to Compliance staff should they be working on a file related to one under violation. NPCA is considering options to update CityView to handle Compliance/Violation issues.	X	Q4 2018	X
(OPS) # 12	To ensure that the Niagara Peninsula Conservation Authority (NPCA) can proactively identify unlawful activities before they result in risk to people, property and the environment, we recommend that the NPCA:				

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(OPS) # 12.1	Institute a mandatory reporting mechanism for landowners to notify the NPCA that approved work has been completed in compliance with the conditions of the permit, and follow up with landowners who fail to report;	As of April 2019, a dedicated e-mail has been placed on the landowners permit form for applicants to send notifications to the NPCA email address, including photos. This email is directed to the Supervisor, Permits and Compliance and his staff to ensure all staff are aware and checking the email regularly. There is also a Factoid which has been developed, to be included with the permits outlining to the applicant what their obligations are once the permit is issued. The permit issuance is now accompanied by this Factoid.	X	Q2 2019	X
(OPS) # 12.2	Develop a risk-based plan to conduct site visits to ensure that landowners have completed the approved work in compliance with the conditions of the permit;	The risk-based plan is currently in draft form and should be finalized in May 2019. In the interim, staff have been instructed that shorelines, wetlands and slope features are high level risks that will need follow up until a formal plan is created.	X	Q2 2019	
(OPS) # 12.3	Update its website to provide information to the public about activities that are prohibited under the Conservation Authorities Act and how the public can report suspected violations to the NPCA	A Fact Page has been created and is ready to be posted on the website. Included on the webpage is a dedicated link that will create a form to be filled out and submitted to the Supervisor, Permits and Compliance to review and assign. This will be tracked to ensure all complaints are documented. There is also a dedicated phone number to allow for complaints to be called in. This number is monitored by the Supervisor or designated staff.	X	Q2 2019	
(BD/OPS) # 13	To ensure that restoration funding is directed toward projects that best achieve the goals of the restoration program, we recommend that the Niagara Peninsula Conservation Authority, regardless of its chosen program delivery model, develop and implement a strategy to better target areas of the watershed based on water quality monitoring and other information on the health of the watershed.	A re-vitalized Restoration Program was approved by the Board of Directors on April 17, 2019. The new program includes a vision, principles, goals and is based on the CAA mandate, the NPCA Strategic Plan and our Watershed Report Cards. The new program will follow recommendations from the Dillon Report and Auditor General's recommendations. Ultimately, sub watershed plans and implementation strategies should be developed/updated in order to ensure that restoration projects are targeted to priority areas.	X	Q2 2019	
(BD/OPS) # 14	To ensure that funding from Ontario Power Generation (OPG) helps improve the health of the Welland River as agreed to, we recommend that the Niagara Peninsula Conservation Authority (NPCA):				
(OPS) # 14.1	Seek clarification with OPG regarding its expectations for how the remaining funds are to be spent;	NPCA senior staff with met with senior OPG staff on three occasions - May 25, 2018, August 29, 2018 and October 31, 2018. NPCA discussed past spending with OPG staff on August 29, 2018 and a Draft MOU and protocols for future spending was established on October 31, 2018.	X	Q2 2019	

Lead and Rec. #	RECOMMENDATION	COMMENTS	INITIATED	TARGETTED COMPLETION	COMPLETE
(BD/OPS) # 14.2	Revise, as necessary, the formal agreement between the NPCA and OPG to outline such expectations;	The NPCA's 2018 Financial Audited Statements were approved by the Board of Directors on April 17, 2019 setting the stage for a subsequent meeting with OPG. This meeting is scheduled for May 6, 2019 to finalize the Draft MOU, discuss expenditure of funds and establish reporting requirements. Current funding will serve as a starting point for a Final MOU detailing goals and objectives for the funding allocations.	X	Q2 2019	
(OPS) # 14.3	Develop and implement a plan that identifies the projects and their locations for which the remaining funds will be spent, ensuring that such projects focus efforts on areas of concern based on the watershed plans that have been developed for the Welland River.	After the approval of the Final MOU, anticipated around June 2019, NPCA staff will develop a plan that identifies projects and their locations, ensuring that these projects focus on priority areas of concern.		Q2 2019	
(OPS) # 15	To ensure that lands are acquired to help the Niagara Peninsula Conservation Authority (NPCA) fulfill its mandate, we recommend that the NPCA:				
(BD/OPS) # 15.1	Review and revise its land acquisition goals—both in its latest 2015 plan and in its 100-year plan—for reasonableness and to reflect the NPCA's responsibilities under the natural hazard policies of the Provincial Policy Statement;	Staff have commenced a review of NPCA Conservation Area Master Plans, the Land Acquisition Plans and goals with a view to refining land acquisition targets.	X	Q4 2019	
(BD/OPS) # 15.2	Improve its current land acquisition criteria to provide clear direction on which lands should be acquired;	An initial land acquisition criteria list has been developed. When reviewing a land acquisition opportunity, the following will be considered: <ul style="list-style-type: none"> • Protection of areas of ecological significance including wetlands, woodlands, ANSI's and species of concern or at risk; • Enhancing biodiversity; • Creating connectivity to CA lands, within CA lands or with other public lands; • Protection of, and access to shorelines; • Financial considerations, such as market value, donation of land, land taxes, maintenance costs, NPCA funding available; • Size of the property; • Continued ability to address water quality issues. 	X	Q4 2019	
(BD/OPS) # 15.3	Prioritize its current land acquisition criteria to reflect the revised goals;	Once the land acquisition criteria have been drafted, staff will recommend a ranking of the criteria to be considered and approved by the Board.		Q4 2019	

Lead and Rec. #	RECOMMENDATION	COMMENTS	INITIATED	TARGETTED COMPLETION	COMPLETE
(OPS) # 15.4	Determine the total cost of its land acquisition plan and how it will fund the acquisitions;	As part of the updated Land Acquisition Plan, costs for securement and funding strategies will be developed.		Q4 2019	
(BD/OPS) # 15.5	Develop and implement a plan to achieve its land acquisition goals;	The updated Land Acquisition Strategy will include an implementation plan.		2020 and beyond	
(BD/OPS) # 15.6	Monitor and report to the NPCA Board of Directors on land acquisition progress.	Currently staff provide Quarterly Progress Reports to the Board from all Divisional Program areas. Land Acquisition progress and monitoring will be part of this process. Currently NPCA is considering one acquisition for 2019, of which the Board is fully appraised.	X	2019 ongoing	
(BD/OPS) # 16	To enable the Niagara Peninsula Conservation Authority (NPCA) to assess its performance in fulfilling its mandate, we recommend that the NPCA:				
(BD/OPS) # 16.1	Develop performance indicators that are tied to its mandate and overall program goals;	<p>NPCA has completed Watershed Report Cards since 2012 which include four key performance indicators.</p> <p>Further, NPCA is part of Conservation Ontario's Watershed Report Card system. Our most recent Report Card was completed in 2018 and focused on performance indicators associated with:</p> <ul style="list-style-type: none"> Groundwater Quality Surface Water Quality Forest Conditions Wetland Cover <p>The Watershed Report Card will be continually updated every 5 years.</p>	X	2017 ongoing	
(OPS) # 16.2	Establish targets against which each indicator will be assessed;	<p>Current indicator grades have been established and some targets have been considered:</p> <ul style="list-style-type: none"> Groundwater – current grade = B. The target is to maintain grade. Surface Waters – current grade = D. No target is established. Forest Cover – current grade = D. No target is established. Wetland Cover – current grade = B. The target is to maintain grade. <p>It is important to note that targets for both surface water quality and forest cover should be established through updated sub watershed plans.</p>	X	2017 ongoing	

Lead and Rec. #	RECOMMENDATION	COMMENTS	INITIATED	TARGETTED COMPLETION	COMPLETE
(OPS) # 16.3	Regularly collect and analyze information about the impact of its programs and services on the Niagara Peninsula watershed to help adjust programs on an ongoing basis;	NPCA has established a regular program for collecting and analysing information. In particular, surface water quality is monitored at 80 sites throughout the watershed and groundwater is monitored at 50 watershed sites.	X	ongoing	
(OPS) # 16.4	Review, and revise as necessary, its annual and quarterly reports to better reflect how the NPCA's initiatives and projects are helping the NPCA fulfill its mandate and overall program goals.	Quarterly and annual reports will be refined to outline how NPCA initiatives and projects are fulfilling our mandate and goals.	X	Q2 2019	
(BD/OPS) # 17	To ensure that the Niagara Peninsula Conservation Authority (NPCA) follows fair and transparent recruitment and promotion processes, and that the best-qualified individuals are hired and promoted, we recommend that the NPCA:				
(BD/OPS) # 17.1	Update its recruitment policies to include the steps and documentation required to support hiring decisions and eliminate situations of real or perceived conflict of interest in recruitment and hiring;	The HR Policy and Recruitment Procedures are scheduled for refinement including outlining the steps and documentation process to support hiring decisions and outlining what constitutes a conflict of interest, perceived conflict of interest and how to proceed if identified.	X	Q2 2019	
(BD/OPS) # 17.2	Update its promotion policies to include the decision-making process required to be followed and documented for promotions and appointments;	Promotion Policies will be considered as part of the Recruitment Policy Update.	X	Q2 2019	
(OPS) # 17.3	Assess staff's performance annually, as required by its policies;	A Performance Review System was implemented in the summer of 2018 for permanent and summer staff. Training and review of the system was completed in October 2018. Effective dates for each employee are currently being compiled, including a "reminder system" to ensure that Performance Reviews are completed on a timely basis. Further training with Supervisors, Managers and Directors will occur in 2019.	X	Q2 2018 and ongoing	
(BD/OPS) # 17.4	Provide quarterly updates to the NPCA Board of Directors on staffing changes and performance.	Quarterly updates on all NPCA program areas are provided to the Board of Directors, including human resources updates. Included in quarterly reviews are recruitment updates and changes to staff, including promotions, departures, retirements, etc.	X	ongoing	

Lead and Rec. #	RECOMMENDATION	COMMENTS	INITIATED	TARGETTED COMPLETION	COMPLETE
(OPS) # 18	To ensure compliance with the Occupational Health and Safety Act, the Ontario Human Rights Code and the Ministry of Labour's Code of Practice, we recommend that the Niagara Peninsula Conservation Authority (NPCA):				
(OPS) # 18.1	For every harassment or discrimination complaint or grievance filed, fully assess and document whether an investigation is required and, if it is, conduct it in an appropriate and timely manner;	The NPCA's Harassment Policy was updated in 2016. Revisions to the Policy are to be updated in 2019. As part of the procedures, a "checklist" will be developed to document actions taken up to and including whether an investigation is required for complaints of any nature.	X	2016 Q2 2019 update	
(BD/OPS) # 18.2	Use its ability, under its workplace harassment policy, to appoint an external investigator or develop mechanisms to ensure that complaints against the CAO are investigated by a party who does not report directly to the CAO;	As part of the Policy Update, a process for handling complaints against the CAO will be developed, using an external investigator rather than in house staff.	X	Q2 2019	
(BD/OPS) # 18.3	Provide additional information on grievances, staff complaints and investigations, including their subject and financial implications, as part of confidential updates to the NPCA Board of Directors.	General information on grievances, staff complaints and investigations have been reported to the Board effective Q2, 2018. This information is now contained in each quarterly report to the Board of Directors, in closed session. Board requests for further details on grievances, including financial implications will be dealt with in closed session meetings of the board.	X	2018 and ongoing	
(BD/OPS) # 19	To ensure the Niagara Peninsula Conservation Authority (NPCA) operates as effectively and productively as possible, without workplace issues hindering its operations unnecessarily, we recommend that the NPCA:				
(OPS) # 19.1	Develop and implement an action plan to address workplace concerns;	Initial documentation of workplace concerns commenced in 2017 with a staff survey. A second survey was completed in November 2018 and year over year results will be tracked and reviewed to create an Action Plan to address workplace comments, concerns and activities to address this input. The Interim CAO also launched an organizational review in April 2019 and invited all staff to provide comments (anonymously if desired) or to meet with her directly to discuss concerns.	X	2017 to Q1 2019	X

Lead and Rec. #	RECOMMENDATION	COMMENTS	INITIATED	TARGETTED COMPLETION	COMPLETE
(BD/OPS) # 19.2	Present this action plan and related timeline to the NPCA Board of Directors for review and approval;	Overall concerns will be reported to the Board in June 2019. An updated Workplace Comments and Concerns Process and Action Plan will be developed for approval in 2019.	X	Q3 2019	
(BD/OPS) # 19.3	Report on its progress in implementing the actions within the approved timeline.	Progress on workplace concerns will continue to be reported through Quarterly Reports to the Board of Directors.	X	Quarterly and ongoing	
BD/(OPS) # 20	To ensure that the Niagara Peninsula Conservation Authority (NPCA) receives value for money spent on goods and services, we recommend that the NPCA:				
(OPS) # 20.1	Follow its procurement policies for the acquisition of goods and services;	Since March 2018 the NPCA has been conducting competitive procurements as per its existing policy as evidenced by the attached document "Planned Procurement <u>Appendix 1</u> ". Revisions to existing Purchasing & Procurement Policy are in progress. Revision regarding the use of Corporate Credit Cards has been completed which includes a specific policy regarding card use and a letter of understanding signed by each card holder. See <u>Appendix 2</u> .	X	Q4 2019	
(BD/OPS) # 20.2	Revise its procurement policies to require that any needed services associated with unsolicited proposals be obtained in a transparent and competitive manner;	The Unsolicited Proposal Policy originally approved in July 2014 will be reviewed and amended as per the direction of the Board.	X	Q4 2019	
(OPS) # 20.3	Assess the benefits of establishing continuity and achieving cost savings from contracting with a preferred law firm for each field of law it requires services;	The NPCA inquired through its Purchasing Group (Niagara Public Purchasing Committee) how other public entities are handling legal services and it was discovered that the majority of these Public entities have exemptions for Legal Services excluding them from competitive procurement. Following discussion with the Office of the Auditor General, it was suggested that NPCA contact TRCA for details on their procurement strategies regarding legal services. In October 2018, dialogue occurred between NPCA and TRCA and it was discovered that the TRCA established a Vendor of Record listing in January 2017 to handle its legal services.	X	2018	X

Lead and Rec. #	RECOMMENDATION	COMMENTS	INITIATED	TARGETTED COMPLETION	COMPLETE
(BD/OPS) # 20.4	Revise its procurement policies for legal services to implement the results of the above assessment.	Using the above as a model, as suggested by the Office of the Auditor General, the NPCA will issue a Request for Proposal to establish vendors of record to handle its legal services.	X	Q3 2019	
(BD/OPS) # 21	To ensure that funds are available and that critical capital projects are completed in a timely manner, we recommend that the Niagara Peninsula Conservation Authority (NPCA):				
(OPS) # 21.1	Update the information in its asset management system to reflect the actual replacement cost of assets (when this information is available) and the estimated useful life of assets based on their condition;	<p>The NPCA included in its 2019 Operating Budget a position identified as Capital Project Specialist which will address each of the points outlined in Recommendation 21. The position will work in conjunction the Procurement Specialist to achieve the above goals.</p> <p>KPMG (the NPCA's third party auditor) has expertise in this specific area and has established contact with NPCA staff to assist in carrying out these objectives.</p> <p>This staff member will be responsible for developing the NPCA's Asset Management Plan and System, including all areas identified as Recommendations 21.1 to 21.5.</p>	X	Q2 2019	
(OPS) # 21.2	Obtain reliable information to support replacement cost estimates and cost estimates for planned capital projects;	The new Capital Project Specialist will work with the Procurement Specialist to obtain reliable information on replacement cost for planned capital projects.	X	Q2 2019 ongoing	
(OPS) # 21.3	Prioritize capital projects using an objective assessment of needs;	The new Capital Project Specialist will work with Park Superintendents along with other front-line staff and Department Heads to prioritize capital projects using an objective assessment of needs.		Q2 2019 ongoing	
(BD/OPS) # 21.4	Identify how the NPCA will obtain funding to undertake these projects;	The new Capital Project Specialist will work with Senior Management to identify funding sources for projects.		Q2 2019 ongoing	
(BD/OPS) # 21.5	Refine the capital plan, based on the above action items, and present it to the NPCA Board for approval.	The new Capital Project Specialist will work with all staff as required to constantly refine the Capital Plan for eventual Board approval.		Q2 2019 ongoing	

Lead and Rec. #	RECOMMENDATION	COMMENTS	INITIATED	TARGETTED COMPLETION	COMPLETE
(M) # 22	To ensure that conservation authorities have the necessary information to interpret and fulfill their legislative mandate, we recommend that the Ministry of the Environment, Conservation and Parks, upon proclamation of Section 40 of the Conservation Authorities Act:				
(M) # 22.1	Clearly describe for conservation authorities what the development of natural resources entails, and how it differs from “development” in general;	MOECP has launched two reviews under the Environmental Registry of Ontario on April 5, 2019 - Modernizing conservation authorities’ operations - CAA and Focusing conservation authority’s development permits on the protection of people and property. This provincial review will assist in addressing Recommendations 22.1 to 24.3.	X	2020	
(M) # 22.2	Provide guidance to help conservation authorities prioritize the objectives of their programs and services (conservation, restoration, development and management of natural resources);	NPCA is actively involved in providing comments to Conservation Ontario regarding the provincial government review.	X	2020	
(M) # 22.3	Use its regulatory powers to establish minimum requirements and standards for conservation authorities’ delivery of programs and services;	NPCA will ensure that minimum requirements and standards will be developed for programs and services. NPCA currently complies with response standards for commenting under The Planning Act.	X	2020	
(M) # 22.4	Establish the governance practices that it determines conservation authorities should be uniformly following province-wide:	NPCA will comply with governance practices recommended by the province.	X	2020	
(M) # 23	To ensure that conservation authority boards of directors are held to account appropriately, we recommend that the Ministry of the Environment, Conservation and Parks work with municipalities to develop and implement a formal, cost-effective and purposeful reporting process that includes a discussion of the outcomes of conservation authorities’ activities.	NPCA will work through Conservation Ontario to request that CO/conservation authorities are part of the discussion with MOECP and municipalities regarding reporting processes.	X	2020	
(M) # 24	To ensure that issues that are beyond conservation authorities’ ability to manage themselves are dealt with appropriately and in a timely manner, we recommend that the Ministry of the Environment, Conservation and Parks (Ministry) work with municipalities to:				

Lead and Rec. #	RECOMMENDATION	COMMENTS	INITIATED	TARGETTED COMPLETION	COMPLETE
(M) # 24.1	Determine the circumstances when Ministry and/or municipality intervention is warranted;	NPCA will work through Conservation Ontario to request that CO/conservation authorities are part of the discussion with MOECP and municipalities regarding intervention definitions and requirements.	X	2020	
(M) # 24.2	Establish mechanisms for the Ministry and/or municipalities to intervene when necessary in conservation authorities' operations;	NPCA will work through Conservation Ontario to request that CO/conservation authorities are part of the discussion with MOECP and municipalities regarding intervention definitions and requirements.	X	2020	
(M) # 24.3	Formalize such mechanisms through a memorandum of understanding between the Ministry, municipalities and conservation authorities that clearly establishes the roles and responsibilities of each party and when intervention is necessary.	NPCA will work with the Ministry, Conservation Ontario and participating municipalities to formalize an appropriate Memorandum of Understanding.	X	2020	