



Mr. Carmen D'Angelo
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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 The provision of the act under which this was made has since been revoked and replaced with new provisions, enabling participating municipalities to make such decisions in accordance with the act.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.

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cc:

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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”