
HALDIMAND COUNTY

Report CDS-02-2022 NPCA Board Composition

For Consideration by Council in Committee on August 23, 2022



OBJECTIVE:

To present Council with recommendations pertaining to representation on the Board of the Niagara Peninsula Conservation Authority (NPCA).

RECOMMENDATIONS:

1. THAT Report CDS-02-2022 NPCA Board Composition be received;
2. AND THAT Haldimand County representation on the Board of the Niagara Peninsula Conservation Authority (NPCA) shall be established at two (2), with both being appointed members of Council.

Prepared by: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

The Niagara Peninsula Conservation Authority is seeking confirmation from its watershed municipalities, including Haldimand County, on preferred Board representation and composition. It is also seeking cooperation with the new rotating chair/vice chair regulation. Staff is recommending that the County remain at two members (representation) with both being appointed members of Council (composition). The County has already affirmed cooperation with the rotating chair/vice chair requirement with Councillor Metcalfe being appointed vice chair for 2022.

BACKGROUND:

The Niagara Peninsula Conservation Authority is seeking confirmation from its watershed municipalities (Niagara Region, Hamilton, and Haldimand County) on a number of matters as follows:

1. Number of Board representatives;
2. Composition of Board representation; and
3. Participation as chair/vice chair based on a rotating requirement regulation.

The subject report provides the current and recommended County approach to each of the above matters.

ANALYSIS:

Number of Board Representatives

The Conservation Authorities Act (Act) sets out the number of members that may be appointed for a watershed municipality. The following Act sections apply in the context of Haldimand County:

- Where part only of a municipality is situated in an area over which an authority has jurisdiction, the number of members appointed for the municipality shall be based on the population of that part only of the municipality, and the population shall be deemed to be the same proportion of the total population of the whole municipality as the area of that part of the municipality is of the total area of the municipality.

Implication: the proportion of the County's population that rests within the NPCA watershed is 10,009.

- The Council of each municipality may appoint representatives to attend the meeting in the following numbers (**bolded emphasis added**):
 - Where the population is 1,000,000 or more, seven representatives.
 - Where the population is 500,000 or more but less than 1,000,000, six representatives.
 - Where the population is 250,000 or more but less than 500,000, five representatives.
 - Where the population is 100,000 or more but less than 250,000, four representatives.
 - Where the population is 50,000 or more but less than 100,000, three representatives.
 - **Where the population is 10,000 or more but less than 50,000, two representatives.**
 - Where the population is less than 10,000, one representative.

Implication: based on the proportion of the County's population that rests within the NPCA watershed being 10,009 (per previous bullet), the County may appoint up to two representatives. For clarity, the County may appoint only one representative if it so chooses and is not obligated to appoint two.

The County has historically appointed two representatives to the Board. This has worked well, in particular in those situations where one County representative is unable to attend (i.e. there is still a County voice at the table with the other). Staff is recommending that Council continue to support and appoint two of its members to the Board. It is noted that presently Councillors Metcalfe and Shirton represent the County on the Board which has a total of 19 members.

It is worth noting that the Act does permit for alternative representation levels based upon agreement amongst the watershed municipalities. Any alternative arrangements would require a need to work the NPCA, Niagara Region and Hamilton to develop a formal agreement that outlines the alternative membership level. Staff do not recommend this for Haldimand given that two appointed members has proven (historically) to be adequate, in particular given the small amount of area, development opportunity and population growth potential that rests in the portion of the County that is within the NPCA watershed. Council should be aware that Niagara Region has requested an additional member (6 versus the 5 under the legislation), however it is staff opinion, that since this request does not adversely impact Haldimand representation that Council take no position on this request.

Composition of Board Representation

The Act sets out that at least 70% of representatives from a watershed municipality must be elected officials. The balance are permitted to be citizen appointments. As noted above, the County currently has two representatives on the Board (the maximum permitted under the Act) with both being members of Council. As such, the County is currently compliant. Looking forward, unless the County were granted more representatives, the County would not be eligible to appoint a citizen in addition to or in place of

a Council member given it could not achieve compliance with the 70% rule. As such, there is no change recommended.

Rotating Chair

The rotation of chair and vice chair amongst the member municipalities is a new requirement that was proclaimed within the recent amendments to *The Conservation Authorities Act* in 2021. With three member municipalities and a four year term of office, a Board Member from Haldimand will invariably be required to sit as chair/vice during their term. Council does not need to pass a resolution on this matter given it is part of the regulation and the County has an obligation to 'take its turn'. What is requested by the NPCA, is that the County willingly participate and ensure it equips its representatives with what they require to serve as chair/vice. Of particular note, Councillor John Metcalfe was appointed as the NPCA Vice Chair for 2022, and so, the County is already in the rotation.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Not applicable.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

REFERENCES:

None.

ATTACHMENTS:

None.