

December 13 2018

Presentation to Regional Council Re. Sancton Report on Conservation Authority

By Liz Benneian on behalf of A Better Niagara

Chair Bradley, members of Council thank you for allowing me to address the concerns of A Better Niagara with some of the recommendation of Professor Sancton's report specifically regarding the Niagara Peninsula Conservation Authority.

We have concerns about his following three recommendations about the NPCA:

1. In Professor Sancton's report to you he recommended that between one-third and one-half of Niagara appointees should be citizens, the remainder being regional councillors.

In our view, this recommendation disregards the findings of the Auditor General's report where she noted when Regional Councillors are NPCA Board members, due to their accountability to taxpayers they: "may face situations where they have difficulties balancing their competing municipal and NPCA interests and responsibilities, compromising their ability to make objective decisions in the NPCA's best interest. As a result, these multiple competing interests may place Board members in actual or perceived conflict-of-interest situations even though they will not directly benefit from the decision financially". Pg 22

She goes on to give examples of inappropriate board involvement in development proposals and work permit applications between 2016 and 2018. She noted: "No degree of involvement by the Board is appropriate, and the cases we found had the potential to affect people, property and the environment on a large scale." In reviewing Board members' correspondence with staff between January 2012 and March 2018, her team also found that Board members contacted staff about 14 additional development projects.

We ask why would board members feel they needed to impose themselves in staff's review of development projects unless they believed they needed to shepherd them as part of their conflicted responsibilities as representatives of their municipality.

The only way to avoid these conflicts is to either appoint no Regional Council members to the board or keep Regional Council members to a minority of the board. We are in favour of either option.

2. Our second issue is with this recommendation by Professor Sancton: "In making appointments of ordinary citizens to the NPCA, Regional Council should attempt to appoint a mix of people with varying backgrounds and interests who are broadly representative of the population of Niagara Region etc."

Our issue with this recommendation is that it is vague and doesn't address the skills set required to serve on a board such as the NPCA. The Auditor General recognized this and recommended that the NPCA board should determine the types of skill and experience required on the Board based on the NPCA's mandate and develop and implement a strategy to address any gaps and work with the NPCA's funding municipalities to ensure their board appointment processes consider skills and experience requirements. She also recommended that the role of the advisory committee be reassessed to determine if it should be adjusted to fill any gaps in needed skills and competencies at the board level.

Our thinking is in line with the AG's recommendation. A Better Niagara has advocated for the development of a skills matrix to select board members. The skills matrix should be looked at as an evolving document that can change as the needs of the organization change. For instance, given the current need to rebuild and refocus the NPCA, board members with change management, human resources and senior administrative skills may be needed. At some future point, climate change mitigation and adaptation knowledge may be helpful. It should be an ongoing responsibility of the board to review and revise the skills matrix as needed.

We note that Professor Sancton disregarded the need to include board members with environmental knowledge. He was quoted as saying: "There have been a number of people talking about how you need to have people on conservation authorities who are experts on conservation. When we're looking at governing bodies of organizations like the conservation authority, what you really want are people who understand the Region and the main interests of people in general. You don't necessarily need people with technical knowledge."

These comments fly in the face of the Auditor General's recommendation and best practices. The role of any board is to ensure the execution of the responsibilities of the organization. What you need, in this case, is board members who understand the Conservation Act, and ensure that the NPCA carries out its mandate under the Act. This means the board should include members who have experience with conservation, restoration, development and management of natural resources. This could include people with backgrounds in many areas of science from fluvial geology to botany.

As well the Board's role, as the AG notes, is to decide on the NPCA's strategic direction, including its programs, services, policies and budget. We ask how can a board set a strategic direction for conservation programs, services and policies if, as a group, they lack knowledge, skills, experience or education in those areas?

We believe the best possible board for the Niagara Peninsula Conservation Authority would include a collection of board members who individually have the most currently required skills as determined by the skills matrix.

3. Third, we see no need for Professor Sancton's recommendation that municipalities recommend both a citizen and a municipal politician to the Regional Council. Rather we suggest, municipalities recommend the best person for the job based on the skills matrix. If the Region reviews the candidates and determines a needed set of skills are lacking, then it will need to work with the municipalities to find a qualified candidate.

4. Fourth, we have concerns about Prof. Sancton's quoted comments that: "Everybody has to be careful that we don't make a whole bunch of institutional changes in order to fix problems from the last council, when it's quite conceivable that the election fixed those problems. We have to try to look at the institutions without looking at the particular problems that emerged last term."

The problems of the last term may have involved problematic people but they also highlighted areas of insufficient regulation, policy, procedure or legislation. The AG's 103-page report and her recommendation made clear that there are institutional problems with the NPCA. Subsequently, as we have all discovered, there are institutional problems with how the NPCA's

board is selected. We believe that this Council is sincerely trying to address those institutional issues to prevent what happened last term from ever happening again.

We urge you to act as quickly as possible to resolve these issues.

So to summarize:

A Better Niagara would like to see:

1. Qualified citizens form all, or the majority, of the NPCA board.
2. All board members including any Regional Council candidates, selected according to a skills matrix developed and regularly updated by the NPCA Board.
3. For municipalities to recommend only their best qualified NPCA board candidate to the Regional Council.
4. For this Council to continue the work it has begun to make the necessary institutional changes to improve the functioning of the NPCA Board.

Thank you,

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