
Subject: Niagara Peninsula Conservation Authority (NPCA) Board – Options for Future Board Appointments

Report to: Planning and Economic Development Committee

Report date: Wednesday, July 10, 2019

Recommendations

1. That the selection process for appointments to the Niagara Peninsula Conservation Authority Board of Directors set out in Report CLK 10-2019, **BE APPROVED**, namely:
 - a) That six (6) Regional Councillors be appointed to the NPCA Board, that may or may not represent six local area municipalities;
 - b) That six (6) citizen members be selected using the criteria outlined in the skills matrix attached as Appendix 1;
 - c) That a selection panel be established that includes three (3) of the members of Regional Council appointed to the NPCA Board of Directors and two (2) Regional Councillors not appointed to the NPCA Board of Directors;
 - d) That Niagara Region undertake the advertisement and selection process for the citizen members;
2. That this appointment and selection process **BE USED** for the appointment of members to the Niagara Peninsula Conservation Authority Board of Directors effective for the 2022-2026 term of Regional Council.

Key Facts

- The purpose of this report to seek Council's approval for a process for selecting citizen members to the NPCA Board of Directors.
- At its meeting held on February 28, 2019, Regional Council passed a resolution directing staff to develop a process for the lower tier municipalities to use to determine a local representative to the NPCA Board of Directors.
- Council subsequently appointed representatives to the NPCA Board of Directors for the current term of Council that included citizen members.
- NPCA recommended that a list of competencies be modelled from the Alberta Public agencies matrix.
- Council has expressed a desire to formalize a process to be used to select members for appointment to the NPCA Board of Directors.

Financial Considerations

Remuneration for the NPCA Board of Directors is funded through the Niagara Peninsula Conservation Authority annual budget. Staff resources will be required to assist with the advertisement and selection panel.

Analysis

At the Regional Council meeting held on June 20, 2019, staff were requested to consider having NPCA related matters brought forward to the Planning and Economic Development Committee for consideration.

Pursuant to the *Conservation Authorities Act*, Regional Council is the body responsible for the appointment of members representing Niagara Region on the NPCA Board.

The composition of the Board as well as qualifications to be a board member has been an area that Regional Council has expressed an interest in formalizing.

At its meeting held on February 28, 2019, Regional Council passed the following resolution:

1. *That Correspondence Item CL-C 18-2019, being a memorandum from A.-M. Norio, Regional Clerk, dated February 28, 2019, respecting Niagara Peninsula Conservation Authority Board Appointments, **BE RECEIVED**;*
2. *That Regional Council **EXTEND** the appointments of Councillors Bylsma, Chiocchio, Foster, Gibson, Greenwood, Heit, Huson, Insinna, Jordan, Steele, Whalen and Zalepa, on the Niagara Peninsula Conservation Authority Board for an additional period of three months;*
3. *That the Niagara Peninsula Conservation Authority Board **BE REQUESTED** to provide recommendations respecting Board composition and the recommended qualifications and process for appointments to the Board to Regional Council for consideration;*
4. *That the Board of Directors of the NPCA **DETERMINE** the types of skills and/or experience required on this Board of Directors based on the mandate of the NPCA and subsequently providing a skills matrix for purposes of selecting those members to Regional Council before the end of April 2019;*
5. *That staff **BE DIRECTED** to develop a process that all lower tier municipalities can follow to determine who they will recommend as their representatives to the NPCA Board of Directors before the end of May 2019; and*

6. That staff **BE DIRECTED** to develop a process that will determine a fair and acceptable mix of politicians to be responsible to Niagara taxpayers to serve on the NPCA Board of Directors along side those chosen via the skills matrix before the end of May 2019.

The process that Niagara Region has followed for the appointment of members to the NPCA Board was to first to ask the Regional Councillors who represent the municipality requiring representation whether or not they are willing to sit as a member of the Board. In the event that none of the Regional Councillors representing the municipality wish to serve on the Board, then the local municipality's council is notified. Generally speaking, the local council then determines if one of their respective council members has an interest in serving. If neither one of these steps achieves a representative, then the local municipality recommends a local citizen based on their selection process. As noted above, the representative is recommended to Niagara Regional Council for appointment.

At its meeting held on December 6, 2018, Regional Council appointed 12 representatives on an interim basis for the Niagara Peninsula Conservation Authority Board. On May 16, 2016, Regional Council appointed four citizen members with an additional two citizen members being appointed on June 20, 2019. Currently seven of the 12 local area municipalities have recommended citizens as the representative for their local municipality. Two municipalities have recommended Councillors, those being Wainfleet (municipal Councillor) and Pelham (Regional Councillor). Seven municipalities have that their representative appointed by Regional Council. The local area municipalities are to submit their recommendations for representatives by July 31, 2019.

As confirmed by the Courts, Niagara Region is entitled to appoint 27 members in accordance with the *Conservation Authorities Act*. Negotiations are ongoing with respect to the number of representatives for Niagara Region in accordance with Council's resolution from its Special meeting on May 16, 2019, which directed the Regional Chair and Acting Chief Administrative Officer to begin negotiations with Hamilton and Haldimand respecting board composition.

Staff are recommending that the citizen appointments follow a similar process that is used to select the Niagara Regional Police Services Board citizen member. This process appoints two Regional Councillors to a selection panel that also includes those Regional Councillors appointed to the Police Services Board. Citizens interested in serving on the Police Services Board complete an application, which is then scored against a matrix. From the results of the matrix, the Selection Panel determines which candidates will move forward to the interview stage. The interview is held in coordination with Niagara Region Human Resources staff to determine the most

suitable candidate. Candidates are scored based on their responses to questions. The recommended appointee is then considered by Regional Council for appointment.

This process could be utilized for the NPCA Board members as it ensures consistency in both the selection process and of the selection committee; however, does not include the local area municipalities in the process. Niagara Region would conduct the process, including advertisements for interested citizens.

Appendix 1 includes a draft criteria scoring matrix and competency description that is recommended to score interested citizen applicants. The use of a skills matrix was a recommendation of the Auditor General and supported by NPCA as noted in the Auditor General's report. The matrix, modelled from the Alberta Public Agencies, matrix, demonstrates competencies with the intention of balancing professional experience and knowledge of the NPCA as well as personal attributes and skills. Using the scoring matrix, the selection panel would be able to determine which candidates would move forward to an interview.

Alternatives Reviewed

The local area municipalities could undertake the appointment process for citizen members utilizing a local municipal selection committee that would be required to score candidates based on a skills matrix and questions provided by Niagara Region. This would ensure consistency for the selection of members. Once the suitable candidate is determined, the local area municipality would make a recommendation for appointment to the Board.

Should an agreement to have 15 members on the Board representing Niagara Region be approved, staff recommend that eight of the 15 be elected officials with the remaining seven being citizen representatives.

Relationship to Council Strategic Priorities

This initiative falls in line with Council's draft strategic priority of Sustainable and Engaging Government, specifically it reinforces Niagara Region's commitment to high quality, efficient, fiscally sustainable and coordinated core services through enhanced communication, partnerships and collaborations with the community.

Other Pertinent Reports

CL-C 39-2019 Niagara Peninsula Conservation Authority Board Appointments

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This report was prepared in consultation with Donna Gibbs, Director, Legal and Court Services.

Appendices

Appendix 1 NPCA Board of Directors Applicant Criteria Scoring Matrix page 5