



Meeting Date: September 7, 2022

Submitted by: James Hutson, Municipal Clerk

Report No: CLK-09-2022

Subject: Conservation Authority Board Appointment Process

Recommendation:

THAT Report CLK-09-2022 re: Conservation Authority Board Appointment Process be received;

AND THAT the composition of board membership for area conservation authorities be confirmed as Council representatives;

AND FURTHER THAT no exemption for board membership to select less than 70 per cent of its appointees to an authority from among the members of Council be submitted to the Minister of Environment Conservation and Parks (MECP) at this time.

Purpose:

The purpose of this report is to provide Council with an overview of the appointment process in place for the Conservation Authority board representatives and to recommend that the municipality proceed to appoint municipal councillors to the five area conservation authority boards following the municipal election

Background:

There are five conservation authorities (CA) which have mandates/oversight over lands within various parts of Middlesex Centre. These five conservation authorities are: the Upper Thames River CA, the Ausable Bayfield CA, the St. Clair River CA, the Kettle Creek CA and the Lower Thames Valley CA. As part of the governance structure, a board of directors provides leadership to each conservation authority. Historically, these boards have been comprised of conservation authority representatives and members of the public. Municipalities appoint representatives whom serve for the duration of the term of Council.

In May of 2019, the Ontario Government introduced Bill 108, entitled the *More Homes, More Choice Act*. Bill 108 was an ‘omnibus’ bill meaning that it proposed to amend or alter several separate acts or pieces of legislation, including amendments to the *Conservation Authorities Act* (the ‘Act’). Since this time, the province has adopted a series of changes to this Act, which has been done in two phases, the first being October 2021 and the second in April of 2022.

One of the core changes brought about by the introduction of revised regulations is how the board of directors for conservation authorities is to be comprised. Specifically, the amended wording requires that at least 70 percent of municipal appointees to a conservation authority be Members of Council, unless an exemption is sought through the Minister of Environment, Conservation and Parks.

Accordingly, this report will outline the options available to Middlesex Centre Council with respect to appointing members to the five area conservation authorities ahead of the expiry of the current term of Council.

Analysis:

Based upon the above noted background, and in line with the new term of Council, a decision is required as to how to proceed with the appointing membership to the area conservation authority boards. Council may undertake this process in (2) ways as noted below:

Option 1 – Appoint Board Members in Accordance with Legislative Mandates

The introduction of amendments to the Act effecting how boards are comprised signalled that the default municipal representatives will be municipal councillors rather than citizen appointees. This change allows for connectivity between the activities of the board and local councils through direct representation on the board. As part of the larger amendments to the Act, each area conservation authority continues to transition their existing funding mechanisms and budget processes to the new legislative funding framework. Having municipal council representatives at that table while this transition is occurring is important to ensure interest of the community are protected. Further by complying with the provisions of the Act, the municipality ensures it is fulfilling its legislative responsibility and complying with the new mandates.

Option 2 – Seek an Exemption from the Minister of Environment Conservation and Parks (MECP) to select citizen members

Section 14 (1.2) under the Act notes that “upon application by a participating municipality, the Minister may grant permission to the municipality to select less than 70 per cent of its appointees to an authority from among the members of the municipal council, subject to such conditions or restrictions as the Minister considers appropriate. 2020, c. 36, Sched. 6, s. 2 (2).”

Based on the above, it is possible for a municipality to seek an exception to select a citizen member as opposed to a member of Council. The request must be submitted by the Municipality, containing a resolution of Council, and it is the decision of the Minister whether to grant such an exception. The municipality has not been advised of a defined process for this application by the Minister and it is anticipated such an exemption would take some time to review. The municipality cannot predict or anticipate whether such a request would be granted after review. The timing of this is of relevance during a municipal election year, in that board appointments expiry at the end of the current term, and accordingly new term appointments are planned to occur at the first regular meeting of the new council scheduled for December 7 2022. If an exemption is sought, it may be challenging to proceed with board appointments for the conservation authorities until such time as a response is received from the Minister.

As there are five area conservation authorities, and five ward councillors, it is anticipated that should council not seek an exemption, appointees would be as follows:

Ward 1 Councillor – St. Clair Region Conservation Authority

Ward 2 Councillor – Ausable Bayfield Conservation Authority

Ward 3 Councillor – Lower Thames Valley Conservation Authority

Ward 4 Councillor – Upper Thames River Conservation Authority

Ward 5 Councillor – Kettle Creek Conservation Authority

Currently, the incumbent Council members for Ward 1 and Ward 3 are serving on the St. Clair Region Conservation Authority Board of Directors and the Lower Thames Valley Conservation Authority respectively.

In summary, staff are of the opinion that the appointments for the Municipality should align with these legislative changes and thus are recommending that the Municipality proceed to appoint municipal Councillors to the various Conservation Authority boards at the appropriate time following the 2022 Municipal elections. It is not recommended that an exemption be sought at this time.

A report will be forthcoming in December 2022 to recommend appoints for the above noted conservation authority boards, as well as the remaining local boards and committees comprised of citizen and council appointments.

Financial Implications:

There are no direct financial implications at this time. The cost of mileage related to any travel for board meetings or responsibilities is borne by the municipality.

Strategic Plan:

This matter aligns with following strategic priorities:

- Responsive Municipal Government

Appointing representatives to the area conservation authority boards ensures compliance with the legislative requirements as well as ensures communication from these boards to municipal councils.

Attachments:

N/A