

March 22, 2021

Michael Di Lullo, Chief Administrative Officer
Municipality of Middlesex Centre
10227 Ilderton Rd
Ilderton, ON N0M 2A0

Dear Mr. Di Lullo,

At its March 17, 2021 Full Authority meeting the Kettle Creek Conservation Authority (KCCA) Board of Directors reviewed and discussed newly proclaimed provisions to the *Conservation Authorities Act (CA Act)* that are in effect as of February 2, 2021. There are two implications of these recent proclamations that member municipalities should be aware of and require municipal action relative to member appointments to the KCCA Board.

Member Appointment Agreements

According to Section 14 of the *CA Act*, members of an Authority shall be appointed by the respective councils based on that municipality's population within the watershed as outlined in Section 2(2). The population within the watershed is calculated based upon the percent of municipal land area within the Kettle Creek watershed, times the municipality's current total population. Municipal Councils may appoint representatives in the following numbers:

CA Act Sec 2(2)

1. Where the population is 1,000,000 or more, seven representatives.
 - 1.1 Where the population is 500,000 or more but less than 1,000,000, six representatives.
 - 1.2 Where the population is 250,000 or more but less than 500,000, five representatives.
2. Where the population is 100,000 or more but less than 250,000, four representatives.
3. Where the population is 50,000 or more but less than 100,000, three representatives.
4. Where the population is 10,000 or more but less than 50,000, two representatives.
5. Where the population is less than 10,000, one representative

As of February 2, 2021 where representation on a CA Board differs from the population formula described in Section 14, an agreement – confirmed by a municipal resolution - with respect to the total number of municipally appointed members of the Authority, shall be filed with the Minister and made available to the public on the authority's website (*CA Act Sec 14 (2.1; 2.2)*).

KCCA has always based its member appointments on population as outlined in Section 14 of the *CA Act*. Membership is adjusted as required to ensure compliance with the Act. Members are currently assigned as outlined below. However, based on data for 2021 the City of London's current population within the watershed is below the 50,000 threshold to appoint three members (see below).

Municipality	Population in Watershed	Current Members Appointed
Central Elgin	6,601	1
Malahide	540	1
Southwold	2,916	1
St. Thomas	25,915	2
London	46,250*	3
Middlesex Centre	1,063	1
Thames Centre	934	1

*Calculated as 15% (London's land within KCCA's watershed) x 308,333
(London's municipal population as provided by Municipal Property Assessment Corporation (MPAC) and the Ministry of the Environment, Conservation and Parks (MECP))
= 46,250 (municipal population within KCCA watershed)

At this time, maintaining the City of London's membership at three (3) members provides consistency for the remainder of this term of council and term of appointments to KCCA's Board of Directors.

As KCCA's current membership varies slightly from the population formula, to bring KCCA into compliance with the *CA Act*, KCCA is requesting that each member municipality consider passing the following motion:

That the current membership of the Kettle Creek Conservation Authority allocating one (1) member each to the Municipality of Central Elgin, the Municipality of Middlesex Centre, the Municipality of Thames Centre, the Township of Malahide, and the Township of Southwold; and two (2) members to the City of St. Thomas and three (3) members to the City of London be maintained; and further

That the membership of the Kettle Creek Conservation Authority be re-evaluated based on population data available prior to member appointments following the municipal elections in 2022.

Once motions are passed by each member council, KCCA will forward the motions to the Minister. KCCA will notify municipal members of any necessary membership adjustments prior to the municipal election in 2022 to assist in membership appointments at that time.

Member Appointments

As of February 2, 2021 newly proclaimed provisions under the *CA Act* now require participating municipalities to ensure that at least 70 per cent of its appointees to the Authority are selected from among members of its council (Section. 14 (1.1)). Currently, KCCA has three citizen appointees: one (1) from the Municipality of Middlesex Centre and two (2) from the City of London. KCCA understands that these citizen appointments can continue until the end of their term in 2022. However, for the next term of appointments member municipalities wishing to select less than 70% of its appointees from members of council must request an exception from the Minister using the attached template. Municipalities wishing to proceed with a request for an exception are invited to contact KCCA directly for assistance if any is required.

Sincerely,



Grant Jones
Chair/Kettle Creek Conservation Authority

Encl.
Relevant Excerpts from the *Conservation Authorities Act*
Template: Subsection 14(1.2) of the *CA Act* Application for Minister's Exception

PART IV

MEMBERSHIP AND GOVERNANCE

Members of authority

14 (1) Subject to subsection (3), members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers set out in subsection 2 (2) for the appointment of representatives. 2017, c. 23, Sched. 4, s. 12 (1); 2020, c. 36, Sched. 6, s. 2 (1).

Members of council appointed

(1.1) When appointing members of an authority, the council of a participating municipality shall ensure that at least 70 per cent of its appointees are selected from among the members of the municipal council, subject to subsection (1.2). 2020, c. 36, Sched. 6, s. 2 (2).

Exception

(1.2) 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).

Changes in number of members

(2) The total number of municipally appointed members of the authority and the number of municipal councillors that each participating municipality may appoint shall be adjusted as required to ensure compliance with subsection (1) if the municipalities that are participating municipalities change or the population of a participating municipality changes. 2001, c. 9, Sched. K, s. 1 (6); 2020, c. 36, Sched. 6, s. 2 (3).

Agreement on number of members

(2.1) Despite subsections (1), (2) and (5), 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 of the participating municipalities. 2001, c. 9, Sched. K, s. 1 (6).

Municipal agreement

(2.2) If the participating municipalities of an authority enter into an agreement with respect to the total number of municipally appointed members of the authority and the

Relevant Excerpts from the *Conservation Authorities Act*

CAA Feb 2, 2021 excerpts; yellow highlight are new Sections proclaimed

total number of members each municipality may appoint, the authority shall, within 60 days after the agreement is executed,

- (a) provide a copy of the agreement to the Minister; and
- (b) make the agreement available to the public by posting it on the authority's website and by any other means the authority considers appropriate. 2020, c. 36, Sched. 6, s. 2 (4).

Same, transition

(2.3) If an agreement referred to in subsection (2.2) is in force on the day subsection 2 (4) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures)*, 2020 comes into force, the relevant authority shall provide a copy of the agreement to the Minister within 60 days after that day. 2020, c. 36, Sched. 6, s. 2 (4).

Qualification

(3) Every member of an authority shall be resident in a participating municipality in which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 14 (3).

**Template: Subsection 14(1.2) of the *Conservation Authorities Act* (CAA)
Application for Minister's Exception
(less than 70% municipal council members appointed to an authority)**

Please complete the following table and submit to the Minister at minister.mecp@ontario.ca, along with:

- a covering letter, and
- clear statement of the request from the council of the participating municipality through a council resolution.
- meeting minutes and details of a recorded vote on that resolution.

Item	Details from Applicant
Name of participating municipality submitting application	
Composition of Authority:	
Total number of the authority membership	
Number of participating municipalities in the authority	
Proposal details:	
The number of members the participating municipality is proposing to appoint who are not members of municipal council, and the total number of members the participating municipality appoints to the authority.	
Change in the number of non-elected members the participating municipality is proposing to appoint as compared to previous appointees by the municipality.	
Proposed length of term for each proposed appointment of a non-elected member.	
Detailed rationale, including local circumstances, for Minister to consider as to why an exception is needed.	

Appendix: Relevant wording in the *Conservation Authorities Act*

Members of authority

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Members of council appointed

(1.1) When appointing members of an authority, the council of a participating municipality shall ensure that at least 70 per cent of its appointees are selected from among the members of the municipal council, subject to subsection (1.2). 2020, c. 36, Sched. 6, s. 2 (2).

Exception

(1.2) 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).