



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF THE CAO

*MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

Author's Name: Kevin Fox	Report Date: January 20, 2022
Author's Phone: 519 736-0012 ext. 2272	Date to Council: January 24, 2022
Author's E-mail: <a href="mailto:kfox@amherstburg.ca">kfox@amherstburg.ca</a>	Resolution #:

To: Mayor and Members of Town Council

Subject: Changes to the Conservation Authorities Act and Municipal Representation

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#### 1. RECOMMENDATION:

It is recommended that:

1. The resignation of the ERCA Board lay member appointee **BE ACCEPTED**; and,
2. \_\_\_\_\_ **BE APPOINTED** to the Essex Region Conservation Authority Board of Directors.

#### 2. BACKGROUND:

On December 10, 2018, Council resolution #20181210-402 appointed Councillor Peter Courtney to the Essex Region Conservation Authority (ERCA) Board. On January 28, 2019, Council resolution #20190128-027 appointed Marolyn Morrison as a lay member to the ERCA Board.

Amendments to the *Conservation Authorities Act* include the following change:

#### **Members of council appointed**

14 (1.1) When appointing members of an authority, the council of a participating municipality shall ensure that at least 70 percent of its appointees are selected from among the members of municipal council, subject to subsection (1.2).

Following these changes, ERCA updated its Administrative By-laws, endorsed by resolution 95/21, to reflect these requirements in ERCA Board composition and municipal appointments.

### 3. **DISCUSSION:**

The Town of Amherstburg was notified on January 4, 2022 that action was required to be taken with regards to these changes. Copied on this correspondence, the lay member has offered to resign from her position, if required.

In order that the Town comply with the Act and ERCA's Administrative By-law, the Town has two options of how to proceed.

**Option 1** – The acceptance of the offer of resignation of the lay member and the appointment of a member of Council to serve on the ERCA Board of Directors.

**Option 2** – Under the *Conservation Authorities Act*, there is a provision for an exemption under section 14(1.2) which states:

Upon application by a participating municipality, the Minister may grant permission to the municipality to seek 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 that the Minister considers appropriate.

Should Council wish to pursue option 2, it should instead move the following recommendation:

That:

1. Application **BE MADE** to the Honourable David Piccini, Minister of Environment, Conservation and Parks, to grant permission to the municipality to seek less than 70 per cent of its appointees to the Essex Region Conservation Authority Board of Directors from among the members of the municipal council; and,
2. Correspondence **BE SENT** to the Essex Region Conservation Authority Board of Directors noting that the Town wishes to avail itself of section 14(1.2) of the *Conservation Authorities Act* and seek an exemption in accordance with legislation.

It has been noted that Ms. Morrison has served the Conservation Authority as an active and engaged board member who conveys a depth of experience in Conservation Authority matters and broad understanding of the work of Conservation Authorities.

### 4. **RISK ANALYSIS:**

There is a risk that failing to take action on this matter would leave the municipality non-compliant with the requirements of the *Conservation Authorities Act*.

### 5. **FINANCIAL MATTERS:**

There are no direct financial impacts associated with this report.

**6. CONSULTATIONS:**

Valerie Critchley, Interim Director of Legislative Services and Clerk  
Tim Byrne, CAO/Secretary-Treasurer, Essex Region Conservation Authority

**7. CONCLUSION:**

It is recommended that Council take action on the correspondence received from the Essex Region Conservation Authority by enacting one of the two options provided under legislation.

  
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Kevin Fox  
**Policy and Committee Coordinator**