MINISTER'S EXPLANATORY NOTE TO ACCOMPANY DOCUMENTS FOR SIGNING

DATE: June 17, 2015

DIVISION: Policy

BRANCH: Natural Resources Conservation Branch

SECTION: Natural Heritage

RIDING: All ridings in the Niagara Escarpment Plan Area

SIGNIFICANT DATES: N/A

ISSUE: SUBMISSION OF THE NIAGARA ESCARPMENT COMMISSION 2015-2018 ANNUAL BUSINESS PLAN

BACKGROUND:

- The Management Board of Cabinet's Agencies and Appointments Directive (AAD) effective February 2015 requires that, as a regulatory agency, the Niagara Escarpment Commission (NEC):
  - Develop an annual business plan that meets the minimum requirements of the AAD and the Memorandum of Understanding (MOU) between NEC and the Minister of Natural Resources and Forestry; and
  - Submit the Business Plan for the Minister's approval.

- Section 1.9.3 (Business Plans for Tribunals, Regulatory Agencies without Governing Boards and Other Non-Board-Governed Provincial Agencies) of the AAD provides the mandatory requirements to be reported within NEC's Business Plan, which includes:
  - A detailed description of the mandate;
  - The proposed budget for a three year period;
  - The number of employees, expressed as full-time equivalents who are assigned as staff at the beginning of the three year period;
  - The performance measures to be used to evaluate effectiveness and efficiency;
  - The annual performance targets for the three year period; and
  - Any other legislatively required content.

- The MOU between NEC and the Minister of Natural Resources and Forestry requires that NEC's annual business plan meet the above outlined mandatory requirements of the AAD.
• The NEC’s Business Plan for 2015-18 and associated Risk Assessment was submitted to the Minister of Natural Resources and Forestry on June 17, 2015.

**SUMMARY OF NEC BUSINESS PLAN:**

• This Business Plan submitted by the Chair of the Niagara Escarpment Commission to the Minister of Natural Resources and Forestry provides for a three-year planning horizon of the Commission’s operations.

• As a regulatory agency, the NEC will conduct itself according to the management principles of the Government of Ontario, including the principles of ethical behaviour, excellence in management, honest and ethical administration of public funds, and professional public service with full accountability, consistency, fairness and courtesy. The NEC and its staff are also committed to leadership in environmental awareness and sustainable land use planning.

• The NEC’s Business Plan for 2015-2018 sets out how the Commission and staff implement the Commission’s responsibilities under the Niagara Escarpment Planning and Development Act (NEPDA) and the Niagara Escarpment Plan (NEP), including their responsibilities as a delegated authority for administering development control throughout the NEP Area.

• The Business Plan provides an overview of the mandate and role of the Commission, its strategic directions, guiding principles, vision and performance measures and targets, as well as providing an overview of the day to day operations, priorities and results, and risk identification, assessment and mitigation strategies.

**Summary of Key Performance Measures and Targets:**

• The Commission has established performance measures and corresponding targets to help provide important information on the time it takes to process applications, how access to information and services is provided to a variety of stakeholders and to what extent agency decisions are in conformity with NEP policies.

• The NEC will also work with MNRF to identify potential initiatives that the NEC can implement to support the Open Government initiative for Ontario.

• The NEC 2015-2018 Business Plan also reports on key performance measures from 2014-2015. Some of the key performance measures and targets that were met include:

  **Public Access:** Meetings are open to the public and clients, and NEC members are readily available and accessible.

  Written inquiries to the Commission are acknowledged within two business days and answered within 15 days.
Customer Service: Processing of Development Permit and Plan Amendment Applications are performed in a timely manner, factoring staff resources and application timelines that include commenting periods for external agencies. Applications generally take from 10 to 12 weeks. More complex applications will take longer.

Commission responds to compliance or enforcement issues within 48 hours of notification.

Decision Quality: Applications reviewed by the NEC were considered in conformity with policies of the Niagara Escarpment Plan.

Financial Summary – Three-year Budget:

- The NEC will be able to fulfill its legislated mandate at its current funding level which is provided in the following table, for the next three years from 2015 to 2018:

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<thead>
<tr>
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<th></th>
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</thead>
<tbody>
<tr>
<td>Salary and Wages</td>
<td>$1,730,000</td>
<td>$1,730,000</td>
<td>$1,730,000</td>
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<tr>
<td>Employee Benefits</td>
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<td>242,300</td>
<td>242,300</td>
</tr>
<tr>
<td>Total</td>
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<td>$1,972,300</td>
<td>$1,972,300</td>
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<tr>
<td>Transportation &amp; Communication</td>
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<tr>
<td>Services</td>
<td>277,800</td>
<td>277,800</td>
<td>277,800</td>
</tr>
<tr>
<td>Supplies and Equipment</td>
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<td>60,000</td>
<td>60,000</td>
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<tr>
<td>TOTAL ODOE</td>
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<td>$437,800</td>
</tr>
<tr>
<td>Grand Total</td>
<td>$2,410,100</td>
<td>$2,410,100</td>
<td>$2,410,100</td>
</tr>
</tbody>
</table>

- It is anticipated that the NEC budget will be identical for the three fiscal years shown. NEC will be able to meet its operational requirements, at current funding levels, based on the following assumptions:

  - There will be continued effort to find efficiencies;
  - Salaries, wages and benefits will comply with collective agreements and OPS directives;
  - Operating budget allocation will remain relatively constant and reflect already approved constraints;
  - NEC’s operations will be managed within approved allocations;
- Commissioners' per diems, which are tied to SMG 1 salaries will not increase as long as SMG 1 salaries are not increased;
- Temporary staffing resources to support the 2015 NEP review will be managed partially within existing resources;
- The cost of litigation involving major hearings before Boards and Tribunals (e.g., Environmental Review Tribunal, Ontario Municipal Board), while difficult to plan, will be regularly monitored with Legal Services Branch; and
- Leveraging of partnerships with academia and other funding sources will be pursued to support programs which require continued investments (e.g., environmental monitoring, Niagara Escarpment Biosphere Reserve logistics support).

- Any forecasted in-year savings or pressures in operating or salary allocations are discussed with MNRF on a quarterly basis. Commissioner travel expenses are posted on the NEC website quarterly.

STAFFING ALLOCATION:

- The NEC currently has 23 full-time equivalent employees, 19 in the Georgetown office and 4 in the Thornbury office.
- Additional temporary staffing has been required for the preparation for the coordinated review.

ALIGNMENT WITH GOVERNMENT PRIORITIES:

- NEC’s front-line role as a key provincial environmental land use planning agency aligns to the Ministry of Natural Resources and Forestry priority to:
  - Promote, market and enhance the protection of natural heritage in southern Ontario.
- The Commission is a statutory body that operates at “arms length” from the Provincial Government in accordance with the NEPDA, the NEP and the MOU between the Minister of Natural Resources and Forestry and the Niagara Escarpment Commission. Its decisions are made openly, independently and impartially.

RISK ASSESSMENT:

- Along with the Business Plan, agencies are required to complete a Risk Assessment to identify any high risks for provincial agencies and establish plans to manage those risks.
- The NEC’s risk assessment is attached to the Business Plan. No risks are identified as high.
• The top risk, classified as a 'medium' risk that may impact business planning is the 2015 Coordinated Plan Review. The NEC is mitigating this risk by engaging staff, working with MNRF, conducting independent analysis and providing input into the review to ensure the purpose and objectives of the plan are adequately considered in the review process.

ISSUES:

• Key issues/work priorities for the 2015-2016 fiscal year that are identified in the NEC Annual Business Plan, and which align with several objectives of the Ministry of Natural Resources and Forestry, include:
  ▪ Preparation for the Coordinated Review, including the circulation and consideration of comments on proposed amendments to the Niagara Escarpment Plan as part of the co-ordinated plan review;
  ▪ Enhancements to the Enforcement Protocol, including continuing the implementation of a risk-based approach to compliance and adjustments to compliance operations as deemed appropriate;
  ▪ Continuous improvement projects focused on improving customer service, reducing administrative functions and improving program delivery; and
  ▪ Succession planning to ensure an effective transition and transfer of knowledge in consideration of approximately 20% of the current NEC staff being eligible to retire within the next three years.

• No significant contentious issues were raised in the NEC Annual Business Plan.

RECOMMENDATION: Approve the NEC Business Plan for 2015-2018

• The attached 2015-2018 NEC Business Plan has been reviewed by program staff and has been found to meet the mandatory business plan content requirements set out in the AAD as well as the MOU (e.g. description of NEC mandate, environmental scan, potential new activities or programs, etc.).

• The NEC 2015-2018 Business Plan:
  (1) Provides sufficient information to assess and evaluate NEC’s role in implementing development control and the Niagara Escarpment Plan.
  (2) Provides a current and three year forecast of issues, planned activities, performance measures and resource requirements to allow long term performance and fiscal planning.
  (3) Provides continuity for NEC performance and fiscal planning and measurement to enable the adjustment of priorities and allows NEC to deal with emerging planning and resourcing issues.
  (4) Provides opportunity for MNRF to review and assess how NEC proposes to do business over the term of the Business Plan and provides the opportunity for
MNRF to discuss necessary changes in NEC activities to align with MNRF or government priorities.

(5) Meets the Minister’s responsibility to be fully accountable to the Legislature for performance and fiscal management of NEC by approval of an annual NEC business plan.
MINISTER'S EXPLANATORY NOTE TO ACCOMPANY DOCUMENTS FOR SIGNING

ISSUE: SUBMISSION OF THE NIAGARA ESCARPMENT COMMISSION 2015-2018 ANNUAL BUSINESS PLAN

BRANCH CONTACT: Robert Pino
Niagara Escarpment Program Team Leader
Natural Heritage Section
Natural Resources Conservation Branch
705-755-1820

ATTACHMENTS: Niagara Escarpment Commission Business Plan 2015-2018
and Risk Identification, Assessment and Mitigation Strategy
Charts

APPROVED BY: July 13, 2015
Ala Boyd
Manager
Natural Heritage Section

APPROVED: July 13, 2015
Jason Travers
Director
Natural Resources Conservation Branch

APPROVED: July 15, 2015
Rosalyn Lawrence
Assistant Deputy Minister
Policy Division

APPROVED: Bill Thornton
Deputy Minister
MINISTER'S APPROVAL PAGE

ISSUE: SUBMISSION OF THE NIAGARA ESCARPMENT COMMISSION 2015-2018 ANNUAL BUSINESS PLAN

RECOMMENDATION:


MINISTER'S DECISION:

I approve the recommended course of action.

Date

The Honourable Bill Mauro
Minister of Natural Resources

Oct. 5 2015