

Memorandum of Understanding
Between
Minister of Natural Resources and Forestry
and
Niagara Escarpment Commission

CONTENTS

1. Purpose.....	4
2. Definitions	4
3. Agency’s Legal Authority and Mandate	6
4. Agency Type and Public Body Status	7
5. Corporate Status and Crown Agency Status	7
6. Guiding Principles	7
7. Accountability Relationships	8
7.1 Minister	8
7.2 Chair	8
7.3 Deputy Minister	9
7.4 Director	9
8. Roles and Responsibilities	9
8.1 Minister	9
8.2 Chair	10
8.3 Deputy Minister	12
8.4 Agency Director	13
9. Ethical Framework	15
10. Reporting Requirements	15
10.1 Business Plan.....	15
10.2 Annual Reports.....	16
10.3 Other Reports.....	17
11. Public Posting Requirements	17
12. Communications and Issues Management.....	18
13. Administrative Arrangements	18
13.1 Applicable Government Directives	18
13.2 Administrative and Organizational Support Services	19
13.3 Niagara Escarpment Action Team.....	19
13.4 Agreements with Third-Parties	19
13.5 Legal Services	19
13.6 Creation, Collection, Maintenance and Disposition of Records	20
13.7 Intellectual Property.....	20
13.8 Freedom of Information and Protection of Privacy	20

13.9	Service Standards	20
14.	Financial Arrangements	21
14.1	General.....	21
14.2	Funding	21
14.3	Financial Reports	21
14.4	Taxation Status: Harmonized Sales Tax (HST)	21
15.	Audit and Review Arrangements	22
15.1	Audits	22
15.2	Other Reviews.....	22
16.	Staffing and Appointments.....	23
16.1	Delegation of Human Resources Management Authority	23
16.2	Staffing Requirements.....	23
16.3	Appointments	23
16.4	Remuneration.....	24
17.	Risk Management, Liability Protection and Insurance	24
17.1	Risk Management	24
17.2	Liability Protection and Insurance	24
18.	Effective Date, Duration and Periodic Review of the MOU	24
	Signatures.....	25
	SCHEDULE “A”	26
1.0	Purpose and Objectives of the Act, NEP and the NEC	26
2.0	Mandate and Functions of the NEC	27
	Appendix 1: Public Communications Protocol	29
	Appendix 2: Administrative or Organizational Support Services.....	31

The parties to this Memorandum of Understanding agree to the following:

1. Purpose

- a. The purpose of this Memorandum of Understanding (MOU) is to:
 - Establish the accountability relationships between the Minister of Natural Resources and Forestry and the Chair of the Niagara Escarpment Commission (NEC) on behalf of the agency
 - Clarify the roles and responsibilities of the Minister, the Chair of the NEC, the Deputy Minister, the Director of the NEC
 - Clarify the operational, administrative, financial, staffing, auditing and reporting arrangements between the Niagara Escarpment Commission and the Ministry of Natural Resources and Forestry that support the accountability requirements within a framework which recognizes that the Board makes independent regulatory decisions.
- b. This MOU should be read together with the *Niagara Escarpment Planning and Development Act*. This MOU does not affect, modify or limit the powers of its parties as set out under the *Niagara Escarpment Planning and Development Act*, or interfere with the responsibilities of those parties as established by law. In case of a conflict between this MOU and any act or regulation, the act or regulation prevails.
- c. Reporting requirements and direction may change as required to meet revised MBC Directives, Policies and Guidelines as approved from time to time. The MOU is considered to be amended to meet any new requirements without the requirement to approve a new MOU reflecting those changes.
- d. This MOU replaces the Memorandum of Understanding between the parties dated April 25, 2012.

2. Definitions

In this MOU:

- a. "AAD" means the Treasury Board/Management Board of Cabinet Agencies & Appointments Directive;
- b. "Act" means the Niagara Escarpment Planning and Development Act, *R.S.O. 1990, c. N.2, as amended*, that governs the agency;
- c. "Agency" or "provincial agency" means The Niagara Escarpment Commission (NEC);
- d. "Annual Business Plan" means the annual business plan described under article 10.1 of this MOU.
- e. "Annual Report" means the annual report referred to in article 10.2 of this MOU.

- f. "Applicable Government Directives" means the government directives, policies, standards and guidelines that apply to the agency, as may be amended or replaced from time to time.
- g. "Appointee" means a member appointed to the agency by the Lieutenant Governor in Council, but does not mean an individual employed or appointed by the agency as staff;
- h. "Director" means Director, or equivalent of the Niagara Escarpment Commission;
- i. "Chair" means the Chair of the Niagara Escarpment Commission;
- j. "Constituting instrument" means the Niagara Escarpment Planning and Development Act R.S.O. 1990, c. N.2 , as amended, that established the agency;
- k. "Deputy Minister" means the Deputy Minister of the Ministry of Natural Resources and Forestry;
- l. "Executive Council Act" means the Executive Council Act, R.S.O. 1990, c. E. 25, as amended;
- m. "FIPPA" means the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.F.31, as amended.
- n. "Fiscal Year" means the period from April 1 to March 31 of the following year;
- o. "Government" means the Government of Ontario;
- p. "MBC" means the Management Board of Cabinet;
- q. "Member" means a Member of the Niagara Escarpment Commission;
- r. "Minister" means the Minister of Natural Resources and Forestry or such other person who may be designated from time to time as the responsible Minister in relation to this MOU in accordance with the Executive Council Act, R.S.O. 1990, c.E.25, as amended;
- s. "Minister of Finance" means the Minister of Finance or such other person who may be designated from time to time under the Executive Council Act;
- t. "Ministry" means the Ministry of Natural Resources and Forestry or any successor to the Ministry;
- u. "MOU" means this Memorandum of Understanding signed by the Minister and the Chair;
- v. "NEC" means the Niagara Escarpment Commission
- w. "NEP" means the Niagara Escarpment Plan as amended from time to time
- x. "President of Treasury Board" means the President of Treasury Board or such person who may be designated from time to time under the Executive Council Act;
- y. "PSC" means the Public Service Commission;
- z. "PSOA" means the Public Service of Ontario Act, 2006, S.O. 2006, c. 35, Sched. A, as amended;
- aa. "TBS" means the Treasury Board Secretariat;
- bb. "TB/MBC" means the Treasury Board/Management Board of Cabinet;

3. Agency's Legal Authority and Mandate

- a. The legal authority of the Niagara Escarpment Commission is set out in *Niagara Escarpment Planning and Development Act* and the NEP. (See Schedule A to this MOU for more detail)
- b. The NEP has been approved by the Lieutenant Governor in Council under the authority of the Act.
- c. The Niagara Escarpment Commission under subsection 25 (1) of the Act has been delegated the authority to make decisions on applications for development permits and under subsection 6.1 (2) to initiate amendments to the NEP.
- d. In accordance with subsection 25(4) of the Act, on receiving an application for a development permit and, after giving consideration to the merits of the application, the NEC shall make decisions in accordance with the Niagara Escarpment Plan to issue the development permit or to refuse to issue the permit or to issue the permit subject to such terms and conditions as the delegate considers desirable.
- e. The NEC's mandate is set out in the Purpose of the Act and NEP and the Objectives of the NEP. Specifically the Purpose of the Act and NEP is to:
 - Provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.

The Objectives of the NEP and the objectives to be sought in the consideration of amendments to the NEP in the Niagara Escarpment Planning Area are:

- (a) to protect unique ecologic and historic areas;
- (b) to maintain and enhance the quality and character of natural streams and water supplies;
- (c) to provide adequate opportunities for outdoor recreation;
- (d) to maintain and enhance the open landscape character of the Niagara Escarpment in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;
- (e) to ensure that all new development is compatible with the purpose of the Act as expressed in section 2 of the Act;
- (f) to provide for adequate public access to the Niagara Escarpment; and
- (g) to support municipalities within the Niagara Escarpment Planning Area in their exercise of the planning functions conferred upon them by the Planning Act.

4. Agency Type and Public Body Status

- a. The agency is designated as a non-board governed regulatory provincial agency under the Agencies and Appointments Directive.
- b. The agency is prescribed as a public body and a Commission public body in accordance with Ontario Regulation 146/10 under the *Public Service of Ontario Act, 2006*. It is not organizationally part of the ministry, but it is considered to be within government.

5. Corporate Status and Crown Agency Status

- a. The NEC is a body corporate without share capital.
- b. As of the date that the *Not-for-Profit Corporations Act, 2010* comes into force, it will not apply to the NEC.

6. Guiding Principles

The parties agree to the following principles:

- a. The Minister recognizes that the agency exercises powers and performs duties in accordance with its legal mandate under the *Niagara Escarpment Planning and Development Act*. The Minister recognizes the independence of the agency in the rendering of its regulatory decisions and further recognizes the need for the agency's regulatory decisions to be made, and be seen by the public to be made, independently and impartially.
- b. The Minister recognizes that the agency plays a meaningful role in the implementation of NEP policies and in providing advice on provincial policies and programs of the Government of Ontario.
- c. The Chair acknowledges that he/she is accountable, through the Minister, to the Legislative Assembly in exercising the NEC's mandate. Accountability is a fundamental principle to be observed in the management, administration and operations of the agency.
- d. As an agency of the Government of Ontario, the agency conducts itself according to the management principles of the Government of Ontario. These principles include ethical behaviour; prudent, effective and lawful use of public resources; fairness; high quality service to the public; and openness and transparency to the extent allowed under the law.
- e. The Minister and Chair are committed to a strong agency that is empowered to fulfill its statutory mandate efficiently and effectively. They share the goal of establishing and maintaining a co-operative relationship that facilitates the efficient administration of the agency and fulfillment of its statutory responsibilities.
- f. The agency and the ministry agree to avoid duplication of services wherever possible.
- g. The agency and the ministry will work together in a mutually respectful manner.

7. Accountability Relationships

7.1 MINISTER

The Minister is accountable:

- a. To Cabinet and the Legislative Assembly for the agency's fulfilment of its mandate and its compliance with government policies, and for reporting to the Legislative Assembly on the agency's affairs.
- b. For reporting and responding to Treasury Board/Management Board of Cabinet (TB/MBC) on the agency's performance and compliance with government's applicable directives and operational policies.
- c. To the Cabinet for the performance of the agency and its compliance with the government's operational policies and broad policy directions.
- d. For receiving and ensuring that the agency's annual report is made available to the public within 30 days of approval by the Minister.
- e. For approving the annual report within 60 days of receipt of the annual report from the agency.
- f. For reviewing and approving the agency's annual business plan.

7.2 CHAIR

The Chair is accountable:

- a. To the Minister for the agency's performance in fulfilling its mandate, and for carrying out the roles and responsibilities assigned to the Chair by the Niagara Escarpment Planning and Development Act, this MOU, and applicable TB/MBC, The Public Service Commission (PSC) and government directives.
- b. For reporting to the Minister, as requested, on the agency's activities.
- c. For ensuring timely communications with the Minister regarding any issue that affects, or can reasonably be expected to affect, the Minister's responsibilities for the agency.
- d. For approving and submitting the annual report to the Minister within 90 days of the end of the fiscal year.
- e. For ensuring that the agency's annual report is made available to the public within 30 days of approval by the Minister.
- f. For reviewing and approving the agency's business plan and submitting it to the Minister for final approval.

7.3 DEPUTY MINISTER

The Deputy Minister is accountable to the Secretary of the Cabinet and the Minister for the performance of the Ministry in providing administrative and organizational support to the agency and for carrying out the roles and responsibilities assigned by the Minister, this MOU, and applicable TB/MBC, PSC and government directives.

The Deputy Minister is also accountable for attesting to TB/MBC on the agency's compliance with applicable TB/MBC directives.

7.4 DIRECTOR

Note that the Director and staff supporting the Director are ministry staff who are under Part III of the PSOA. Non-board governed agencies are provided with their administrative support by the ministry.

- a. The agency's staff report to and are accountable to the Director for their performance.
- b. The Director is accountable to the Deputy Minister for the day-to-day operation and management of the NEC staff.
- c. The Director is accountable to the Chair and the Deputy Minister for carrying out the roles and responsibilities assigned to the Director by the Minister, the Deputy Minister, the Chair, the Act, this MOU and applicable government directives.
- d. The Director is accountable for reviewing the agency's business plan and submitting it to the ministry's Chief Administrative Officer no later than three months before the start of the agency's fiscal year.

8. Roles and Responsibilities

8.1 MINISTER

The Minister is responsible for:

- a. Reporting and responding to the Legislative Assembly on the affairs of the agency.
- b. Reporting and responding to TB/MBC on the agency's performance and compliance with applicable TB/MBC directives, the government's operational policies and policy directions.
- c. Recommending to TB/MBC, where required, the merger, any change to the mandate, or dissolution of the agency.
- d. Recommending to TB/MBC the powers to be given to, or revoked from, the agency when a change to the agency's mandate is being proposed.
- e. Meeting with the Chair to discuss issues relating to the fulfilment of the agency's mandate.

- f. Working with the Chair to develop appropriate measures and mechanisms related to the performance of the agency.
- g. Making recommendations to Cabinet and the Lieutenant Governor in Council for appointments and reappointments to the agency, pursuant to the process for agency appointments established by legislation and/or by MBC through the AAD.
- h. Determining at any time the need for a review or audit of the agency, directing the Chair to undertake reviews of the agency on a periodic basis, and recommending to TB/MBC any change(s) to the governance or administration of the agency resulting from any such review or audit.
- i. When appropriate or necessary, taking action or directing that the agency take corrective action with respect to the agency's administration or operations.
- j. Approving the annual report of the agency within 60 days of receiving the annual report from the agency.
- k. Tabling the agency's annual report in the Legislative Assembly within 30 days of minister's approval (when the Legislative Assembly is not sitting, the ministry will file the report with the Clerk's Office).
- l. Informing the Chair of the government's priorities and broad policy directions for the agency.
- m. Consulting, as appropriate, with the Chair (and others) on significant new directions or when the government is considering regulatory or legislative changes for the agency.
- n. Developing the agency's MOU with the Chair, as well as any amendments to it, and signing the MOU into effect after it has been signed by the Chair.
- o. Reviewing and approving the agency's annual business plan.
- p. Recommending to TB/MBC any provincial funding to be allocated to the agency.
- q. As a member of Cabinet, for setting provincial policies and priorities and communicating those policies and priorities to the Director.
- r. Reviewing, approving of, or providing recommendations to the NEC or to TB/MBC on any other reports, plans, policies or strategies prepared by or requested from the NEC or resulting from audits or periodic reviews. This includes the NEC's strategic or operational plans or directions and the NECs Risk Management Plan to be included in the NECs annual Business Plan.
- s. Advising the Chair if and in what manner the Commissioner's business is at variance with government and/or Ministry policy and/or priorities, and directing the Commission to revise its business accordingly.

8.2 CHAIR

The Chair, with the support of the Director, is responsible for:

- a. Ensuring the implementation of actions that support the goals, objectives, and strategic direction of the agency, implementing the NEP, and otherwise directing the affairs of the agency so as to fulfill its mandate.
- b. Seeking strategic policy direction for the agency from the Minister.
- c. Ensuring timely communications with the Minister regarding any issues or events that may concern, or can reasonably be expected to concern the Minister in the exercise of his or her responsibilities relating to the agency.
- d. Consulting with the Minister in advance regarding any activity which may have an impact on the government and ministry's policies, directives or procedures, or on the agency's mandate, powers or responsibilities as set out in the *Niagara Escarpment Planning and Development Act*.
- e. Monitoring and evaluating the performance of the agency.
- f. Working with the Ministry to oversee the recruitment of NEC members, and providing recommendations to the Minister on appointments and reappointments, as applicable, that respect and promote the principles of equity, diversity, quality, merit, and regional representation.
- g. Reporting to the Minister as requested on the agency's activities within agreed upon timelines.
- h. Ensuring consistency of NEC decision making regarding the implementation of NEP policies by directing NEC staff to work in consultation with Ministry of Natural Resources and Forestry staff to develop the requisite guidance material and technical criteria.
- i. Developing the agency's MOU with the Minister and signing it on behalf of the agency.
- j. Reviewing and approving the agency's business plan, budget, annual report and financial reports, and submitting them to the Minister in accordance with the timelines specified in the applicable TB/MBC and government directives, and AAD.
- k. Providing both the Minister and the Minister of Finance and the President of Treasury Board with a copy of every audit report, a copy of the agency's response to each report, and any recommendation in the report.
- l. Advising the Minister annually on any outstanding audit recommendations.
- m. Ensuring that members are informed of their responsibilities under the PSOA with regard to the rules of ethical conduct, including the political activity rules.
- n. Making sure that an appropriate framework is in place for agency staff and appointees to receive adequate orientation and training with respect to the business and operations of the agency and their particular responsibilities.
- o. Making sure that agency staff and appointees are aware of and comply with applicable TB/MBC and government directives, and all applicable legislation.
- p. Making sure a process for responding to and resolving complaints from the public and the agency's clients is in place.

- q. Carrying out effective public communications and relations for the agency as its chief spokesperson.
- r. Cooperating with any review or audit of the agency directed by the Minister, Auditor General or TB/MBC.
- s. Fulfilling the role of ethics executive for public servants who are government appointees to the Niagara Escarpment Commission promoting ethical conduct and ensuring that all members of the agency are familiar with the ethical requirements of the PSOA, and the regulations and the directives made under that Act, including in respect of conflict of interest, political activity and the protected disclosure of wrongdoing.
- t. Consulting with the Deputy Minister in the evaluation of the performance of the Director and pursuant to the performance criteria established by the Deputy Minister and the Chair.

8.3 DEPUTY MINISTER

The Deputy Minister is responsible for:

- a. Advising and assisting the Minister regarding the Minister's responsibilities for the Niagara Escarpment Commission, including informing the Minister of policy direction, policies and priorities of relevance to the agency's mandate.
- b. Advising the Minister on the requirements of the AAD, and other directives that apply to the Niagara Escarpment Commission.
- c. Recommending to the Minister, as may be necessary, the evaluation or review, including a risk-based review, of the Niagara Escarpment Commission or any of its programs, or changes to the management framework or operations of the Niagara Escarpment Commission.
- d. Facilitating regular briefings and consultations between the Chair and the Minister, and between the Ministry staff and the agency staff as needed.
- e. Ensuring that the ministry and the agency have the capacity and systems in place for on-going risk-based management, including appropriate oversight of the agency.
- f. Ensuring that the agency has an appropriate risk management framework and a risk management plan in place for managing risks that the agency may encounter in meeting its program or service delivery objectives.
- g. Undertaking timely risk-based reviews of the Niagara Escarpment Commission, its management or operations, as may be directed by the Minister or TB/MBC.
- h. Establishing a framework for reviewing and assessing the agency's business plans and other reports.
- i. Supporting the Minister in reviewing the performance targets, measures and results of the agency.

- j. Advising the Minister on documents submitted by the agency to the Minister for review or approval, or both.
- k. Submitting to the Minister, as part of the annual planning process, a risk assessment and management plan for each risk category.
- l. Undertaking reviews of the agency as may be directed by the Minister.
- m. Cooperating with any review of the agency as directed by the Minister or TB/MBC.
- n. Monitoring the agency on behalf of the Minister while respecting the agency's authority, identifying needs for corrective action where warranted, and recommending to the Minister ways of resolving any issues that might arise from time to time.
- o. Negotiating a draft MOU with the Chair of the agency, as well as any amendments to the MOU, as directed by the Minister.
- p. Consulting with the agency's Director or Chair, as needed, on matters of mutual importance including services provided by the ministry and compliance with TB/MBC directives and ministry policies.
- q. Meeting with the Chair as needed or as directed by the Minister, or on the request of the Chair.
- r. Arranging for administrative, financial and other support to the agency, as specified in this MOU.
- s. Informing the Chair, in writing, of new government directives and any exceptions to, or exemptions in whole or in part from TB/MBC directives, government policies, or Ministry administrative policies.
- t. When required, submitting a report to the Secretary of TB/MB on the wind-down of the agency, following the disposition of any assets, completion of any outstanding responsibilities by the agency, and the termination of any appointments.
- u. Consult with the Chair on the performance evaluation of the Director.

8.4 AGENCY DIRECTOR

The Director is responsible for:

- a. Managing the day-to-day financial, analytical, and administrative affairs of the agency in accordance with the mandate of the agency, TB/MBC and government directives, accepted business and financial practices, and this MOU.
- b. Advising the Chair on the requirements of and the agency's compliance with the AAD, as well as other TB/MBC and government directives and policies, and agency by-laws and policies, including annually attesting to the Chair on the agency's compliance with mandatory requirements.
- c. Applying policies and procedures so that public funds are used with integrity and honesty.

- d. Providing leadership and management to the agency staff, including human and financial resources management, in accordance with the approved business plan, accepted business and financial practices and standards, the agency's constituting instrument, and government directives.
- e. Preparing the provincial agency's annual business plan to be approved by the Chair prior to submission to the Minister.
- f. Assisting in the preparation of the provincial agency's annual report as directed by the Chair.
- g. Preparing financial reports.
- h. Ensuring that at least annual financial statements are prepared for public release and posting on the provincial agency's website after submission to the Minister, as part of the agency's annual report.
- i. Establishing and applying a financial management framework for the agency in accordance with applicable Minister of Finance/Treasury Board controllership directives, policies and guidelines.
- j. Monitoring agency operations within its approved budget allocation in fulfilling its mandate, including that public funds are used for the purpose intended with integrity and honesty and identifying any budget pressures early through quarterly financial reporting to the Ministry.
- k. Making sure that appropriate management systems are in place (financial, information technology, human resources) for the effective administration of the agency.
- l. Translating the goals, objectives and strategic directions of the Chair into operational plans and activities in accordance with the agency's approved business plan.
- m. Ensuring that the agency has the oversight capacity and an effective oversight framework in place for monitoring its management and operations.
- n. Keeping the Chair informed with respect to implementation of policy and the operations of the agency.
- o. Establishing systems to ensure that the agency operates within its approved business plan.
- p. Ensuring that the agency has an appropriate risk management framework and risk management plan in place, as directed by the Chair.
- q. Supporting the Chair in meeting his or her responsibilities, including compliance with all applicable legislation, directives, policies, procedures and guidelines.
- r. Carrying out in-year monitoring of the agency's performance and reporting on results to the Chair.
- s. Keeping the Ministry and the Chair advised on issues or events that may concern the Minister, the Deputy Minister and the Chair in the exercise of their responsibilities.
- t. Seeking support and advice from the Ministry, as appropriate, on agency management issues.

- u. Establishing a system for the retention of agency documents and for making such documents publicly available when appropriate, for complying with the *Freedom of Information and Protection of Privacy Act* and the *Archives and Recordkeeping Act* where applicable.
- v. Undertaking timely risk-based reviews of the agency's management and operations.
- w. Ensuring consultation requirements are met including engagement with Indigenous peoples and communities where there may be impacts from NEC decisions.
- x. Consulting with the Deputy Minister as needed, on matters of mutual importance, including services providing by the Ministry, and on TB/MBC and government directives and Ministry policies.
- y. Keeping the Deputy Minister informed about operational matters.
- z. Cooperating with a periodic review directed by the Minister or TB/MBC.
- aa. Fulfilling the role of ethics executive for public servants, other than government appointees, who work in the agency. Promoting ethical conduct and ensuring that staff are familiar with the ethical requirements of the PSOA and the regulations and directives made under that Act, including in respect of conflict of interest, political activity, and the protected disclosure of wrongdoing.
- bb. Keeping the Chair informed on operational matters.
- cc. Preparing the agency's annual business plan to be approved by the Chair prior to submission to the Minister.
- dd. Ensuring compliance with the Minister's Delegation of Authority.

9. Ethical Framework

The Chair, as the Ethics Executive for the provincial agency, is responsible for ensuring that appointees of the agency are informed of the ethical rules to which they are subject, including the rules on conflict of interest, political activity and protected disclosure of wrongdoing that apply to the agency.

10. Reporting Requirements

10.1 BUSINESS PLAN

- a. The Chair will ensure that the Minister is provided annually with the agency's business plan covering a minimum of three (3) years from the current fiscal year that includes a financial budget and a risk assessment and management plan, for approval by the Minister. The annual business plan shall be in accordance with the requirements set out in the AAD.
- b. The annual business plan is to be submitted to the Ministry's Chief Administrative Officer or designated equivalent within three months prior to the agency's fiscal year-end.

- c. The Chair is responsible for ensuring that the agency's business plan includes a system of performance measures and reporting on the achievement of the objectives set out in the business plan. The system must include performance goals, how they will be achieved, and targeted results and timeframes.
- d. The Chair will ensure that the business plan includes a risk assessment and risk management plan to assist the Ministry in developing its risk assessment and risk management plan information in accordance with the requirements of the AAD to assess risks, develop and maintain necessary records, and report to TB/MBC.
- e. The Chair will ensure that any business plan to be publicly posted does not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the provincial agency in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the provincial agency.
- f. The Minister will review the agency's annual business plan and will promptly advise the Chair whether or not he or she concurs with the directions proposed by the agency. The Minister may advise the Chair where and in what manner the agency's plan varies from government or Ministry policy or priorities as may be required, and the Chair will revise the agency's plan accordingly.
- g. In addition, TB/MBC may require the Minister to submit the agency's business plan to TB/MBC for review at any time.
- h. The Chair, through the Director, will ensure that the agency's business plan is made available to the public in an accessible format, in both official languages, on the Niagara Escarpment Commission's website within 30 days of Minister's approval of the plan.

10.2 ANNUAL REPORTS

- a. The Chair, with the support of the Director, is responsible for ensuring that the agency's annual report is prepared and submitted to the Minister for approval within 90 calendar days of the agency's fiscal year end. The annual report shall be in accordance with the requirements set out in the AAD.
- b. The Chair, with the support of the Director, will ensure that any annual report to be publicly posted does not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the provincial agency in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the provincial agency.
- c. The Minister will receive, review and approve the agency's annual report within 60 calendar days of the ministry's receipt of the report.

- d. The ministry must table an agency's annual report in the Legislative Assembly within 30 days of minister's approval (when the Legislative Assembly is not sitting, the ministry will file the report with the Clerk's Office).
- e. The Chair, through the Director, will ensure that annual report is publicly posted in an accessible format, in both official languages, on the Niagara Escarpment Commission's website within 30 days of approval by the Minister.

10.3 OTHER REPORTS

The Chair, with the support of the Director, is responsible for:

- a. Ensuring that the reports and documents set out in in the AAD are submitted for review and approval by the Minister in accordance with the prescribed timelines.
- b. Supplying specific data and other information, at the request of the Minister or the Deputy Minister, that may be required from time-to-time for the purpose of the ministry's administration.

11. Public Posting Requirements

- a. The provincial agency, through the Chair, will ensure that the following approved governance documents are posted in an accessible format, in both official languages, on the Niagara Escarpment Commission's website within the specified timelines:
 - Memorandum of Understanding and any Letter of Affirmation – within 30 days of signing by both parties
 - Annual Business Plan – within 30 days of Minister's approval
 - Annual Report – within 30 days of Minister's approval
- b. Posted governance documents should not disclose: personal information, sensitive employment and labour relations information, solicitor-client privileged information, Cabinet confidential information, trade secrets, information that would prejudice the financial or commercial interests of the provincial agency in the marketplace, and information that would otherwise pose a risk to the security of the facilities and/or operations of the provincial agency.
- c. The provincial agency, through the Chair, will ensure that the expense information for appointees and senior management staff are posted on the agency or ministry website, in accordance with the requirements of the MBC Travel, Meal and Hospitality Expenses Directive.
- d. The provincial agency, through the Chair, will ensure that any other applicable public posting requirements are met.

12. Communications and Issues Management

The parties to this MOU recognize that the timely exchange of information on the operations and administration of the agency is essential for the Minister to meet his or her responsibilities for reporting and responding to the Legislative Assembly on the affairs of the agency. The parties also recognize that it is essential for the Chair to be kept informed of the government initiatives and broad policy directions that may affect the agency's mandate and functions.

The Minister and the Chair, therefore, agree that:

- a. Inquiries received by the Minister's Office regarding an application before the Commission will be re-directed to the Commission without comment. Any response made by the Minister's Office to the inquiring party will indicate that the inquiry has been forwarded to the Commission and that the Minister cannot comment on regulatory proceedings.
- b. The Chair will keep the Minister advised, in a timely manner, of all planned events or issues, including contentious matters that concern or can be reasonably expected to concern the Minister in the exercise of his or her responsibilities.
- c. The Minister will consult with the Chair in a timely manner, as appropriate, on broad government policy initiatives or legislation being considered by the government that may impact on the agency's mandate or functions, or which otherwise will have a significant impact on the agency.
- d. The Minister and the Chair will consult with each other on public communication strategies and publications. They will keep each other informed of the results of stakeholder and other public consultations and discussions.
- e. The Minister and the Chair will make best efforts to meet at least annually, or as requested by either party, to discuss issues relating to the fulfillment of the agency's mandate, management and operations.
- f. The Deputy Minister and the Director will make best efforts to meet at least quarterly, or as requested by either party, to discuss issues relating to the delivery of the NEC's mandate, the efficient operation of the agency and the provision of services by the ministry to the agency. The DM and the Director shall provide timely information and advice to each other concerning significant matters affecting the agency's management or operations.
- g. The agency and Ministry will adhere to the Public Communications Protocol set out in Appendix 1 to this MOU for ongoing issues management.

13. Administrative Arrangements

13.1 APPLICABLE GOVERNMENT DIRECTIVES

- a. The Chair, with the support of the Director, is responsible for ensuring that the agency operates in accordance with all applicable TB/MBC, PSC and government directives, as well as applicable ministry financial and administrative policies and procedures.

- b. The ministry will inform the agency of amendments or additions to directives, policies and guidelines that apply to the agency; however, the agency is responsible for complying with all directives, policies and guidelines to which it is subject.

13.2 ADMINISTRATIVE AND ORGANIZATIONAL SUPPORT SERVICES

- a. The Deputy Minister is responsible for providing the agency with the administrative and organizational support services listed in Appendix 2 to this MOU, and for negotiating with Ontario Shared Services concerning these services, as appropriate.
- b. Appendix 2 may be reviewed at any time at the request of either party.
- c. The Deputy Minister will ensure that the support or services provided to the agency are of the same quality as those provided to the Ministry's own divisions and branches.

13.3 NIAGARA ESCARPMENT ACTION TEAM

- a. The Niagara Escarpment Action Team (NEAT) shall be maintained and shall be chaired jointly by the Director and the responsible MNRF Director or Manager to ensure coordination of program delivery. NEAT shall also facilitate the resolution of issues or make recommendations on any other matters referred to it by the Minister, Deputy Minister or Chair.
- b. Meetings of the Niagara Escarpment Action Team shall be scheduled at the request of either the Director or the responsible MNRF Director or Manager.

13.4 AGREEMENTS WITH THIRD-PARTIES

- a. The accountability relating to any agreements between the NEC and third parties shall be subject of a service agreement between the NEC and the Third Party in accordance with the Broader Public Sector Procurement Directive.
- b. The Chair is responsible for ensuring that the legal, financial and other interests of the government in intellectual property are protected in any contract that the agency may enter into with a third party that involves the creation of intellectual property.

13.5 LEGAL SERVICES

- a. Legal services to the NEC will be provided by the Ministry of the Attorney General, Civil Law Division, through the Ministry of Natural Resources and Forestry Branch (MNRF Legal Branch).
- b. In the event that the NEC and MNRF determine there is a reason to retain outside legal services, the parties shall consult with MNRF Legal Branch and proceed in accordance with the Ministry of the Attorney General's Corporate Operating Policy on Acquiring and Using Legal Services.

13.6 CREATION, COLLECTION, MAINTENANCE AND DISPOSITION OF RECORDS

- a. The Chair is responsible for ensuring that a system is in place for the creation, collection, maintenance and disposal of records.
- b. The Chair is responsible for ensuring that the provincial agency complies with all government legislation, directives and policies related to information and records management.
- c. The Director and the Chair shall protect the legal, fiscal and other interests of the agency by implementing reasonable measures to ensure the ongoing viability, integrity, preservation and security of all official records created, commissioned or acquired by the agency. This includes, but is not limited to, all electronic records, such as emails, information posted on the agency's website(s), database data sets, and all records stored on personal computers and shared drives.
- d. The Chair is responsible for ensuring measures are implemented requiring the agency's employees to create full, accurate and reliable records that document and support significant business transactions, decisions, events, policies and programs.
- e. The Chair is responsible for ensuring that the agency complies with the Archives and Recordkeeping Act, 2006, S.O. 2006, Chapter 34, Schedule A.
- f. The Chair is responsible for ensuring that the agency complies with the TB/MBC Management and Use of Information and Information Technology (I&IT) Directive, in conjunction with the Corporate Policy on Recordkeeping, as applicable.

13.7 INTELLECTUAL PROPERTY

- a. The Chair is responsible for ensuring that the legal, financial and other interests of the government in intellectual property are protected in any contract that the agency may enter into with a third party that involves the creation of intellectual property.

13.8 FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

- a. The Chair and the Minister acknowledge that the agency is bound to follow the requirements set out in the *Freedom of Information and Protection of Privacy Act* (FIPPA) in relation to the collection, retention, security, use, distribution and disposal of records.
- b. The Minister is the institution head for the purposes of the FIPPA.

13.9 SERVICE STANDARDS

- a. The Chair will ensure that the agency delivers its services at a quality standard that reflects the principles and requirements of the OPS Service Directive.
- b. The agency's process for responding to complaints about the quality of services is separate from any statute provisions about re-consideration, appeals, etc. of the agency's regulatory decisions.

- c. The Niagara Escarpment Commission will maintain a formal process for responding to complaints about the quality of services received by clients of the agency consistent with the government's service quality standards.
- d. The agency's annual business plan will include performance measures and targets for client service and the agency's response to complaints.
- e. The provincial agency shall comply with the *Accessibility for Ontarians with Disabilities Act, 2005*.

14. Financial Arrangements

14.1 GENERAL

- a. The agency is administered by the Ministry. All financial procedures for the provincial agency shall be in accordance TB/MBC and Ministry of Finance directives and guidelines, Ministry corporate financial and administrative policies and procedures, and other applicable Government of Ontario guidelines, directives and policies.

14.2 FUNDING

- a. Financial procedures of the agency must be in accordance with TB/MBC and Ministry of Finance directives and guidelines and other applicable government direction.

14.3 FINANCIAL REPORTS

- a. The Chair, with the support of the Director, will provide to the Minister annual financial statements, and will include them as part of the agency's annual report. The statements will be provided in a format that is in accordance with the province's stated accounting policies issued by the Office of the Provincial Controller Division.
- b. The agency will submit its salary information to the Minister of Finance and/or the President of the Treasury Board, through the Ministry, in accordance with the *Public Sector Salary Disclosure Act, 1996*.

14.4 TAXATION STATUS: HARMONIZED SALES TAX (HST)

- a. The provincial agency is responsible for paying HST where applicable, in accordance with the federal *Excise Tax Act*. HST paid to suppliers is recovered through a centrally administered account maintained by the Office of the Provincial Controller Division.

15. Audit and Review Arrangements

15.1 AUDITS

- a. The agency is subject to periodic review and value-for-money audit by the Auditor General of Ontario under the *Auditor General Act* or by the Ontario Internal Audit Division of Treasury Board Secretariat.
- b. The Ontario Internal Audit Division may also carry out an internal audit, if approved to do so by the Ministry's Audit Committee or by the Corporate Audit Committee.
- c. Regardless of any previous or annual external audit, the Minister may direct that the agency be audited at any time.
- d. The agency will promptly provide a copy of every report from an audit to the Minister and the Minister of Finance/President of Treasury Board. The agency will also provide a copy of its response to the audit report and any recommendations therein. The agency will advise the Minister annually on any outstanding audit recommendations.
- e. The Chair may request an external audit of the financial transactions or management controls of the agency, at the agency's expense.
- f. An audit may include the audit of funds held in accounts by or for the NEC (e.g., such as the funds administered by the Ontario Heritage Trust for the NEC).

15.2 OTHER REVIEWS

- a. The Niagara Escarpment Commission is subject to periodic review initiated at the discretion and direction of TB/MBC or the Minister. The review may cover such matters relating to the agency that are determined by TB/MBC or the Minister, and may include the mandate, powers, governance structure and/or operations of the agency.
- b. In requiring a periodic review, the Minister or TB/MBC shall determine the timing and responsibility for conducting the review, the roles of the Chair and the Minister, and how any other parties are involved.
- c. A mandate review of the provincial agency will be conducted at least once every 6 years. The date of the next review will be 2024.
- d. The Minister shall consult the Chair as appropriate during any such review.
- e. The Chair shall cooperate in any review.
- f. In the event of a review initiated at the direction of the Minister, the Minister shall submit any recommendations for change that are developed from the results of the review regarding the agency to TB/MBC for consideration.

16. Staffing and Appointments

16.1 DELEGATION OF HUMAN RESOURCES MANAGEMENT AUTHORITY

- a. Where the PSC has delegated its powers, duties and functions in relation to human resources management to the Deputy Minister, Chair or prescribed individual under Ontario Regulation 148/10, that person is accountable for exercising that authority in compliance with any relevant legislation, directives or policies in accordance with the mandate of the Niagara Escarpment Commission, and within the parameters of the delegated authority.

16.2 STAFFING REQUIREMENTS

- a. The NEC is staffed by persons appointed to employment by the Crown under Part III of the PSOA and as such, NEC staff is eligible for all the rights and benefits accorded under the PSOA and relative collective agreements.
- b. The NEC, in its dealings with staff employed pursuant to PSOA, is subject to MBC, Ministry and government human resources, corporate, financial and administrative policies, procedures, plans, guidelines and directives and Public Service Commission directives under the PSOA, as well as any applicable collective agreement provisions and any other applicable legislation as designated by the Minister.
- c. The Ministry will provide the agency with administrative services and program analysis as required through the Corporate Management and Information Division sufficient to ensure the efficient and effective administration of the agency.
- d. The specific administrative support services to be provided by the Ministry to the agency are identified in Appendix 2 to this MOU.

16.3 APPOINTMENTS

- a. The Chair is appointed by the Lieutenant Governor in Council on the recommendation of the Minister pursuant to subsections 5 (2) and (6) of the *Niagara Escarpment Planning and Development Act*. In accordance with the Act the Chair shall hold office for such period of time as the Lieutenant Governor in Council determines.
- b. The members of the agency are appointed by the Lieutenant Governor in Council on the recommendation of the Minister pursuant to subsection 5 (2) of the *Niagara Escarpment Planning and Development Act* for such period of time as the Lieutenant Governor in Council determines.
- c. In accordance with the AAD, appointments to a given position within an agency, and subject to the Act, are for a maximum of ten years, in total. Re-appointments to a further additional term beyond the maximum ten years may only be made in exceptional circumstances in the public interest.
- d. The maximum number of members, including the Chair, is 17, as set out in the *Niagara Escarpment Planning and Development Act*.

16.4 REMUNERATION

- a. Remuneration for appointees is set by the Lieutenant Governor in Council.
- b. The Chair and members are remunerated at a per diem rate as set out in the AAD.
- c. Travel expenses of appointees must comply with the MBC Travel, Meal and Hospitality Expenses Directives. Reasonable expenses shall be reimbursed.

17. Risk Management, Liability Protection and Insurance

17.1 RISK MANAGEMENT

- a. The Chair, with the Support of the Director, is responsible for ensuring that a risk management strategy is developed for the provincial agency, in accordance with the OPS Risk Management process.
- b. The agency shall ensure that the risks it faces are dealt with in an appropriate manner.

17.2 LIABILITY PROTECTION AND INSURANCE

- a. The NEC and MNRF will ensure that the necessary liability and protection insurance is in place.
- b. The NEC shall be insured under the General and Road Liability Protection Program in relation to third party liability claims relating to bodily injury or property.

18. Effective Date, Duration and Periodic Review of the MOU

- a. This MOU becomes effective on the date it is signed by the Minister as the last party to execute it ("Original Effective Date") and continues in effect until it is revoked or replaced by a subsequent MOU signed by the parties.
- b. A copy of the signed MOU and any successor MOU must be provided to the Secretary, Treasury Board/Management Board of Cabinet.
- c. Upon a change in the Minister or Chair, both parties must affirm by letter that this MOU will continue in force without a review (and attach the signed letter to the MOU); or alternatively, they may agree to revise it and sign a new MOU within six (6) months of the change.
- d. A copy of the letter of affirmation, or a new MOU between the Minister and Chair must be provided to the Secretary, Treasury Board/Management Board of Cabinet within six months of the new party or parties' commencement.
- e. Either the Minister or the Chair may initiate a review of this MOU by written request to the other. A best practice is for ministries and agencies to review the MOU at least once every five years.
- f. If either of the parties deems it expedient to amend this MOU, they may do so only in writing. Any amendment shall only be effective after approval by the parties.

Signatures

The following signatures confirm agreement with this Memorandum of Understanding, including the attached Schedule and Appendices, between the Chair of the Niagara Escarpment Commission and the Minister of Natural Resources and Forestry, effective on the date of the Minister's signature.

Robert Nicholson, Chair
Niagara Escarpment Commission

Date

John Yakabuski, Minister
Natural Resources and Forestry

Date

SCHEDULE “A”

TO THE MEMORANDUM OF UNDERSTANDING

BETWEEN

THE MINISTER OF NATURAL RESOURCES AND FORESTRY AND THE NIAGARA ESCARPMENT COMMISSION

1.0 Purpose and Objectives of the Act, NEP and the NEC

The NEC is a body corporate without share capital constituted under the provisions of the Act. In exercising its powers and performing its duties, the NEC must comply with the Act and its decisions must not conflict with the NEP.

The NEC is responsible for its functions as set out in the Act, including administering and implementing the NEP, and for matters delegated to it by the Minister. The NEC also plays a role with respect to other government policies and municipal planning. In exercising its authority under the Act or the NEP, the NEC shall ensure that its decisions are consistent with the applicable provincial policy statements under the *Planning Act*. The Niagara Escarpment Plan shall take precedence over the Provincial Policy Statement to the extent of any conflict.

The NEC and the Ministry recognize the significant role of the NEC in implementing overall government policies for land use planning and development on the Niagara Escarpment. The NEC’s mandate and functions are derived from the Act and the NEP. In this role, the NEC also contributes to the Ministry’s long term Strategic Directions to maintain healthy and diverse natural resources and ecosystems that are resilient to change.

The purpose of the Act and NEP is to “provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.” The objectives to be sought by the NEC and the Ministry through the NEP are:

1. To protect unique ecologic and historic areas;
2. To maintain and enhance the quality and character of natural streams and water supplies;
3. To provide adequate opportunities for outdoor recreation;
4. To maintain and enhance the open landscape character of the Niagara Escarpment, in so far as possible, by such means as compatible farming or forestry and by preserving the natural scenery;

5. To ensure that all new development is compatible with the purpose of the Act;
6. To provide for adequate public access to the Niagara Escarpment; and
7. To support municipalities within the NEP Area in their exercise of planning functions conferred upon them by the *Planning Act* (as amended).

2.0 Mandate and Functions of the NEC

Under the leadership of the Minister, the NEC is responsible for administration of the Act and the review and implementation of the NEP except for those functions retained by the Minister or Executive Council and/or assigned to the Ministry or others.

The current mandate and core functions of the NEC as determined by legislation, the NEP, corporate direction, Business Planning, direction from the Minister, and approvals of Executive Council are summarized as follows:

1. Promoting the objectives of the NEP and the Act through a variety of communications, e.g. public relations, publications, marketing and stakeholder consultation.
2. Acting as the lead implementing agency for the Act and the NEP for designated portions of Niagara Escarpment Program implementation and for such tasks as have been approved or may be subsequently directed by Cabinet, the Minister or the Deputy Minister.
3. Processing and making decisions on applications for Development Permits as governed by the provisions of section 25 of the Act and delegation from the Minister.
4. Processing and making recommendations on applications for NEP Amendments as governed by the provisions of the Act, including those applications initiated by the NEC itself.
5. Ensuring consistency of NEC decision making regarding the implementation of NEP policies by directing NEC staff to work in consultation with Ministry of Natural Resources and Forestry staff to develop the requisite guidance material and technical criteria.
6. Providing comments to other ministries and agencies on land use undertakings, development proposals and interpretation of matters relating to policies of the NEP and programs of the NEC.
7. Participating at hearings on development or planning proposals or similar undertakings as considered necessary by the NEC, for example, to ensure compliance with the Act or to protect NEP interests.
8. Serving as a commenting agency under the *Planning Act* and the *Environmental Assessment Act* and for the Parkway Belt West Plan, the Greenbelt Plan and A Place To Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) and providing comments on proposals outside of the NEP which may impact on lands and land use within the NEP Area, where appropriate.

9. Engagement in coordinated land use planning including with respect to the Greenbelt Plan, the Growth Plan and the Oak Ridges Moraine Conservation Plan, as well as engagement in other land use planning initiatives, where applicable.
10. Assisting the Minister with NEP implementation through the comprehensive review of provincial plans or policies (i.e. the Provincial Policy Statement) and municipal official plans and bylaws for conformity with the NEP.
11. Co-operating with the Ministry, parks agencies and others in Niagara Escarpment Parks and Open Space System (NEPOSS) implementation, land stewardship, research and communication activities related to promoting and achieving NEP objectives.
12. Engagement, consultation and cooperation with Indigenous peoples and groups across the Niagara Escarpment Planning Area including recognizing and affirming existing Aboriginal and Treaty rights under Section 35 of the Constitution Act, 1982.
13. Leading the Ontario Niagara Escarpment environmental monitoring program in co-operation with the Ministry and other partners.
14. Providing advice, input and recommendations for the periodic NEP reviews as directed by the Minister and required by the Act.
15. Supporting the recognition of the Niagara Escarpment as a World Biosphere Reserve as a nationally and internationally significant landform, including complementary NEC activities to support and maintain this designation.
16. Undertaking compliance, investigations and enforcement pursuant to the Provincial Offences Act (POA) Part 1 offence notices in accordance with the NEC's Compliance Specialist POA appointment and undertaking compliance and inspections related to other possible major infractions pursuant to the provisions of the Act and its associated regulations in accordance with any formal agreements, protocols, or understandings entered into with MNRF outlining respective NEC and MNRF roles, as applicable and amended from time to time.
17. Performing other duties and services, e.g. support for Niagara Escarpment parks acquisition, planning studies, public relations, communications initiatives, stewardship, research, etc., as may be requested by the Minister.

Appendix 1: Public Communications Protocol

1. Purpose

The purpose of this communications protocol is to set out a framework for the Ministry and NEC to collaborate on public communications opportunities. Clear and direct lines of communication between the Ministry and its agencies are essential.

This communications protocol will support both the agency's implementation of its legislated mandate and the promotion of the work it does. It will also support the Minister's accountability to the Legislative Assembly and to Cabinet for the same.

2. Definitions

a. "Public communications" means any material that is communicated to the public, either directly or through the media in:

- Oral form, such as a speech or public presentation
- Printed form, such as a hard copy report
- Electronic form, such as a posting to a website.

b. A "contentious issue" is a matter that is, or may reasonably be expected to be, of concern to the Legislative Assembly or the public, or is likely to result in inquiries being directed to the Minister or government. Contentious issues may be raised by:

- Members of the Legislative Assembly
- The public
- Media
- Stakeholders
- Service delivery partners.

3. The NEC will comply with the TB/MBC Visual Identity Directive and identify itself in all media responses and news releases and on its website as an agency of the Government of Ontario.

4. The ministry and the NEC will appoint persons to serve as public communications "leads".

- The ministry lead is the Director of Communications or designate
- The agency lead is the Chair or designate

5. For the purpose of this protocol, public communications are divided into three categories:

a. Media responses or new releases related to the day-to-day business of the NEC and its programs that do not have direct implications for either the ministry or the government.

- The NEC should communicate their media responses or news releases to the ministry lead who will circulate as appropriate to other individuals within the ministry.
 - This category does not include contentious issues, media responses, or news releases that directly or indirectly announce grants or other funding to organizations.
- b. Media responses, news releases or communications plans where provincial or ministerial messaging on government priorities would enhance the NEC's or the government's profile, or would provide opportunities for local MPP announcements
- The NEC lead will notify the ministry lead of upcoming media responses, news releases, and communications plans fifteen (15) days in advance for all non-contentious items that might generate media interest.
 - For non-contentious items which provide government messaging opportunities or which involve funding announcements, the NEC must also request approval of news releases or communications plans seven (7) days prior to the date required.
 - Final approval is required from the minister's office and will be sought via the ministry lead. If the NEC were not to receive comments or approval from the minister's office or ministry lead within forty-eight (48) hours of the date on which the item is to be issued, the NEC can proceed accordingly.
- c. Contentious issues, media responses, and news releases that may have direct implications for either the ministry or the government, or are likely to result in inquiries being directed to the Minister or government (including all funding or grant announcements and contentious issues).
- For all contentious issues, the NEC lead will notify the ministry lead immediately upon becoming aware of the issue and will notify the minister's office simultaneously. The ministry lead may also advise the NEC of contentious issues that require attention. The NEC will provide all required background information on the issue to the ministry lead, who will arrange to have a contentious issues note prepared.
 - The NEC must obtain ministry approval prior to issuing media responses or news releases in this category. The NEC lead will provide the media response or news releases to the ministry lead who will initiate the approval process within the ministry.
 - Final approval on media responses and news releases in this category is required from the minister's office.

Appendix 2: Administrative or Organizational Support Services

1.0 Administrative and Organizational Services

The Deputy Minister ensures that the Ministry provides the following administrative support services to the NEC in accordance with section 13.2 of the MOU at Ministry expense and as specified by the approved Business Plan.

For services provided centrally by the Ministry, for which there is an internal charge (e.g. French language translation), the NEC will be responsible for the cost of those services. This does not apply to Legal Services or Information Technology and Telecommunications services that are provided by the Ministry.

- (a) Financial Administration: pay and benefits administration, accounts payable and technical advice, purchasing, records and form advisory services and related financial services and administrative support.
- (b) Human Resources Services: classification services; advice and consultation regarding recruitment procedures, staff relations and preparation of job descriptions; counseling regarding career planning and staff development; and advice and consultation regarding corporate initiatives such as Occupational Health and Safety, and Workplace Discrimination and Harassment Policy. Corporate educational opportunities and career planning services are available to NEC staff from the Ministry and the Director will ensure these are communicated effectively to NEC staff.
- (c) Information Technology and Telecommunications Services: program support, services, advice and consultation at a level reflected in the annual Business Plan; this includes the leasing and maintenance of the desktop technology and GIS systems and access to Ministry databases and systems that are relevant to the NEC's mandate (subject to the *Freedom of Information Act*). The Ministry and the NEC will share, to the fullest extent possible, all information and data pertaining to the status and use of natural resources within the NEP Area.

The NEC will, at its expense, ensure its electronic publishing, including website, meets government standards and continue to develop information systems to meet customer service and information management standards.

- (d) Internal Audit: audit services related to financial compliance, management, human resources and information systems including operational reviews and special investigations as required.
- (e) Accommodation Planning: costs of NEC accommodation (leased) will be paid by the Ontario Ministry of Natural Resources and Forestry.
- (f) Freedom of Information program services: policy advice and consultation.

- (g) French Language Services: translation and interpretation services.
- (h) Communications and Marketing: advice, consultation, assistance and support in communications including advice on the development of communications plans and programs as well as website design and hosting.
- (i) Resource Management, Environmental Monitoring and Policy Development, Analysis and Review: program advice and information will be made available to the NEC to support its functions.
- (j) Inspections, Investigations and Enforcement: advice, training, consultation and program support, including entering into or establishing formal agreements, protocols or understandings outlining respective NEC and MNRF roles regarding inspections, investigations and enforcement pursuant to the provisions of the Act and its associated regulations.