



June 20, 2014

Kate Harries
Vice Chair, AWARE Simcoe
Via email aware.simcoe@gmail.com

Dear Ms. Harries,

Thank-you for your letter dated June 20, 2014, regarding the concerns of AWARE with respect to in-camera meetings held by the NVCA Board of Directors and the process of selecting stakeholders to interview as part of the efficiency audit currently being conducted by the NVCA Board of Directors. This audit is exploring Conservation Authority best management practices in order to enhance program service levels and ensure the delivery of efficient programs.

We appreciate your concerns noted in your letter and offer the following response.

Closed (In-Camera) Sessions

Conservation Authorities have an administrative process for in camera sessions. Under the *Conservation Authorities Act*, Section 30 (1): subject to the approval of the Minister, an authority shall make regulations (a) providing for the calling of meetings of the authority and prescribing the procedures at those meetings.

The NVCA Administrative Regulations of February 2014 outline our board meeting procedures, including those for in-camera meetings:

Sec 6.4 In-Camera – Closed Meetings

At any time during a meeting, members can request that the meeting move into 'In-Camera' closed session to address matters pertaining to:

- security of the property of the Authority
- personal matters about an identifiable individual, including Authority staff
- a proposed or pending acquisition/disposition/leasing of land for Authority purposes
- labour relations or employee negotiations
- litigation or potential litigation, including matters before administrative tribunals, affecting the Authority
- the receiving of advice that is subject to solicitor/client privilege, including communications necessary for that purpose

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Amaranth
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Clearview
Collingwood
Essa
Grey Highlands
Innisfil
Melancthon
Mono
Mulmur
New Tecumseth
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Shelburne
Springwater
Wasaga Beach

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- a matter in respect of which a council, board, committee or other body has authorized a meeting to be closed under another Act
- the subject matter relates to the consideration of a request under *the Municipal Freedom of Information and Protection of Privacy Act*.

The Chair and/or CAO/Secretary-Treasurer will announce who is permitted to stay in the room and who is asked to leave the room. There will be at least one appropriate staff person asked to stay during an in-camera meeting, and minutes will be recorded. A motion must be passed to have the meeting move into 'In Camera' closed session.

After the discussion, a motion must be passed to have the meeting moved from 'In Camera' to an open session.

Minutes of the meeting will be sealed, with members present at the meeting noted on the sealed envelope. Only under the authorization of the CAO/Secretary-Treasurer through a request from a member present, or the 'Head' of the Authority, through a Freedom of Information Request, will the envelope be opened by an individual present at the meeting.

With respect to the concerns outlined in your letter of June 20, you will note that the proper procedure for going in-camera was followed at our May 2014 board meeting. As to the rationale for this in camera session, personal matters about an identifiable individual were being discussed and as such it was appropriate that the meeting be closed to the public.

Efficiency Audit – Stakeholder selected for Interviews

With regard to your concern that the stakeholders consulted as part of the efficiency audit would result in a one-sided report, I can only say that this is not the case.

The NVCA Board of Directors hired a well-regarded consultant to undertake the efficiency audit, Mr. Tom Gazda. Mr. Gazda has previously conducted a number of efficiency audits, and has brought this wealth of experience to our process.

You will note in the efficiency audit's terms of reference that the selected consultant was to conduct confidential interviews with "key stakeholders." Although the voluntary sector and NGOs were not listed in the examples of who may be interviewed in the terms of reference, they were not specifically excluded. While I cannot comment on the list of who was interviewed at this time, I can say that Mr. Gazda spoke confidentially with a wide range of stakeholders.

When conducting an efficiency audit it is common practice to hold confidential interviews with partners and staff in order to ensure a true assessment. This protects the identity of partners and staff in order to have a completely confidential discussion.

Freedom of Information (FOI) Request

With respect to the FOI request submitted to NVCA requesting copies of the report by Mr. Gazda discussed during an in-camera session on May 23, 2014, please be advised the Conservation Authority is legislated by the *Municipal Freedom of Information and Protection of Privacy Act* (MFIP Act). The information contained in a report of the consultant discussed in closed session falls under Section 6 of the Act, which states:

6. (1) A head may refuse to disclose a record,
 - (b) that reveals the substance of deliberations of a meeting of council, board, commission or other body or a committee of one of them if a statute authorizes holding that meeting in the absence of the public.

The NVCA Board of Directors will be directing the Efficiency Audit Committee to work with the consultant and staff to create a public communications document outlining the efficiency audit recommendations and future steps, to be presented no later than the August 22, 2014, Board of Directors meeting in open session.

Given we are planning to release the information from the Efficiency Audit within 90 days of your FOI request, Section 15 of the MFIP Act, also applies, (see below) which states:

15. A head may refuse to disclose a record if,
 - (b) the head believes on reasonable grounds that the record or the information contained in the record will be published by an institution within ninety days after the request is made or within such further period of time as may be necessary for printing or translating the material for the purpose of printing it.

NVCA staff have spoken to the Office of the Ontario Privacy Commissioner to ensure that our response to your FOI request is appropriate. You will receive a formal response regarding your FOI request by post.

Please note that your letter dated June 20, 2014, regarding this matter and our response has been placed on the June 27 board meeting agenda as requested.

In close, one of the guiding principles in our new strategic plan states our commitment to being an open and transparent organization. While we must undertake some portions of our efficiency audit in confidence in order to protect the individuals and firms we work with, I believe that the final result will demonstrate that a fair and transparent process was followed as we work to make NVCA a more efficient and effective organization.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Bifulchi". The signature is written in a cursive style with a large initial "N" and a long, sweeping underline.

Nina Bifulchi,
Chair, NVCA