

Natural Resources Conservation Board Mandate and Roles Document

The Mandate and Roles Document (MRD) for the Natural Resources Conservation Board [NRCB] (“Agency”) has been developed collaboratively by the Ministers of Environment and Parks (AEP), Agriculture, Forestry and Rural Economic Development (AFRED) and the Agency to reflect a common understanding of their respective roles and responsibilities.

Nothing in this Mandate and Roles Document is intended to or shall interfere with the proper exercise of any statutory powers of decision. Although the Agency is part of AEP for administrative purposes, the Agency is an arms-length, independent decision-making body.

This Roles and Mandate document builds upon on the May 2006 Memorandum of Understanding (MOU) between the NRCB, the Minister of AEP, and the Minister of AFRED, and supersedes that MOU and the 2009 Mandate and Roles Document.

1. Agency Mandate

The Agency is an adjudicative body created by the *Natural Resources Conservation Board Act* (NRCBA).

- The Agency’s Board conducts hearings and issues public interest decisions on non-energy projects (as specified in the NRCBA) that require an environmental impact assessment, or other projects referred to the Agency by Order in Council.

The Government of Alberta (GOA) has also given the Agency the responsibility for delivery of the *Agricultural Operation Practices Act* (AOPA) Part 2.

- To accomplish the responsibilities under AOPA the Agency separates roles and responsibilities between two distinct functions:
 - The Agency’s Operations issues permits, and delivers compliance and enforcement functions under AOPA.
 - The Agency’s Board hears appeals relating to permitting and compliance action taken under AOPA.

Applicable Legislation and Regulations

The Agency has responsibilities under, and is subject to, a number of statutes and regulations including:

- *Administrative Procedures and Jurisdiction Act*
- *Agricultural Operation Practices Act*
- *Alberta Public Agencies Governance Act*
- *Conflict of Interest Act*
- *Financial Administration Act*
- *Freedom of Information and Protection of Privacy Act*

- *Government Organization Act*
- *Natural Resources Conservation Board Act*
- *Public Interest Disclosure (Whistleblower Protection) Act*
- *Public Sector Compensation Transparency Act*
- *Public Service Act*
- *Reform of Agencies, Boards and Commissions Compensation Act*

The NRCBA is the responsibility of AEP. AOPA is the responsibility of AFRED.

The purpose of AOPA is to ensure the province's livestock industry can grow to meet the opportunities presented by local and world markets in an environmentally sustainable manner.

2. Interaction between the Agency, AEP and AFRED

The NRCB is an arms-length public agency and makes independent decisions. It maintains regular contact with AEP on matters relating to the review of non-energy project proposals pursuant to NRCBA. In addition, the Chair and CEO provide briefings and updates to the Minister and Deputy Minister of AEP on specific projects, as required.

Since the Minister of AFRED is responsible for AOPA, the Agency provides recommendations for AOPA amendments and updates on AOPA issues to AFRED, on a regular basis. The Agency also communicates regularly with AFRED on the development of operational policy.

This MRD also implements the governance approach recommended in the report *Effective Delivery of the Agricultural Operation Practices Act (AOPA)* dated December 22, 2005, and more recent GOA direction for the governance structure of regulatory boards. The aim is to ensure the proper separation of the quasi-judicial review process from the other operations of the Agency by:

- Maintaining the distinction between the Board acting in its corporate governance role and the Board performing its quasi-judicial functions; and
- Maintaining the distinction between quasi-judicial matters under AOPA and the delivery processes for AOPA permitting and compliance, the latter under the general authority of the CEO.

AEP, AFRED and the NRCB recognize the need to express clearly the separation of responsibilities delegated to the CEO, including the development of policy governing, and the implementation of, permitting and compliance by the NRCB approval officers and inspectors and the responsibilities that remain with the Board, including the consideration of reviewable projects under the NRCBA and reviews under AOPA.

By clarifying the separation of functions of the Chair and the CEO, emphasizing use of written and published policies, regular accountability opportunities and including advisory groups with stakeholder participation, the MRD is intended to also promote and ensure:

- Building trust and confidence with stakeholders;
- Open, integrated and transparent delivery NRCB's mandates under AOPA and NRCBA;
- Clarity and consistency of policy;
- A framework to gather input on the effectiveness of AOPA's regulation;
- Standards based on science, level of environmental risk and cost effectiveness;
- Independence of Board review (appeals) processes;
- Efficient and effective issue resolution, including use of certified mediation;
- Fair and impartial processes and decisions;
- Timely decisions; and
- Communication and stakeholder participation.

3. Duties and Responsibilities

The GOA is responsible for the legislative, regulatory and policy framework in which the Agency operates.

The Minister of Alberta Environment and Parks

The Minister of AEP is accountable for the Agency, reports to the Legislature on the affairs of the Agency and answers questions about the Agency. The Minister of AEP is accountable for the delivery of AOPA through the NRCB.

The Minister is responsible for:

- Approving recruitment and appointments to the NRCB Chair and Board Member positions, and participating in interviews if appropriate.
- Recommending to Cabinet the appointment of the Chair and Board Members based on their assessment that the appointees have the appropriate knowledge, skills, experience and values to assist the Agency in achieving its objectives and performing its functions.
- Informing the Agency of government policies and direction affecting the work of the Agency.
- Conducting comprehensive reviews, at least every 7 years of the Agency's mandate and purpose to determine if the work of the Agency is still relevant to the needs of Albertans, if it is aligned with government priorities, and if the operations and functions are being carried out in a manner that can achieve government objectives. The Minister of AFRED will be consulted regarding the review of the Agency's AOPA activities.

- Recommending to the government the annual budget for the Agency.

The Deputy Minister of Alberta Environment and Parks

The Deputy Minister, who supports and acts under the general direction of the Minister of AEP, is the principal contact for the Chair and the CEO with respect to general government policies and information, including financial, legislative, and administrative matters, and Agency contributions to annual reports and business plans.

The Deputy Minister is responsible for the following activities:

- Communicating with the Chair and the CEO concerning government policy.
- Ensuring that accountability opportunities (along with the Deputy Minister of AFRED) occur routinely to ensure effective performance of the Agency.
- Participating in the recruitment of the NRCB Board Chair and Board Members.
- Consulting with the Chair and the Deputy Minister of AFRED with respect to hiring the CEO.
- Reviewing, in consultation with the DM of AFRED, the Agency's mandate and purpose regularly with the Chair and the CEO.
- Monitoring the operations and performance of the Agency to ensure that it is fulfilling its mandate in compliance with government policies while respecting the need of the Agency for independence in conducting its adjudicative function.
- Conducting an annual evaluation of the Chair's performance.

The Department of Alberta Environment and Parks

In order to meet the responsibilities delegated to the Agency, the GOA, through AEP, is responsible for supporting the Agency in the following areas:

- Providing financial resources in the form of an annual operating budget.
- Providing freedom of information and protection of privacy services, if a request for information is sought from the public.

The Minister of Alberta Agriculture, Forestry and Rural Economic Development

The Minister of AFRED is responsible and accountable for the broad AOPA policy, legislation and regulations.

The Minister is responsible for:

- Advising the Minister of AEP of AFRED's expectations for the delivery of AOPA.
- Working with the Minister of AEP to ensure accountability and review of the Agency's AOPA activities are conducted routinely, and work with the AEP Minister on any noteworthy accountability issues.

- Providing input to the Minister of AEP on appointments of Board members, including the Chair.

The Deputy Minister of Alberta Agriculture, Forestry and Rural Economic Development

The Deputy Minister of AFRED, who supports and acts under the general direction of the Minister of AFRED, is responsible for the following activities:

- Ensuring that accountability opportunities (in consultation with AEP DM) occur routinely to ensure effective performance of the agency.
- Assessing the progress in achieving the purpose and objectives of AOPA.
- Reviewing AOPA to ensure it is aligned with the objectives of the GOA and achieving its purpose, as required.
- Ensuring AFRED staff work with NRCB to align operational policies and practices with broad policy objectives.

The Department of Alberta Agriculture, Forestry and Rural Economic Development

In order to meet the responsibilities delegated to the Agency, the GOA, through AFRED, is responsible for supporting the Agency in the following areas:

- The AFRED ADM responsible for the administration of AOPA will co-chair the Policy Advisory Group with the CEO of the Agency.
- The ADM responsible for the administration of AOPA is the ex-officio chair of the Technical Advisory Group (TAG). Department staff co-lead the TAG along with a delegated Agency member. TAG provides technical guidance to support AOPA.
- Ensuring the NRCB receives advice on technical aspects of delivering AOPA policies and practices.
- The ADM holds the TAG responsible for timely delivery of technical guidelines and standards.
- Providing extension and technical expertise in support of AOPA to NRCB and stakeholders.
- Receiving direction from the Minister of AFRED for legislative and regulatory changes to increase the efficiency and effectiveness of the delivery of AOPA.

The Board

The Board is responsible for overseeing the management of the Agency's business and affairs. The Board guides the Agency's strategic direction, approves and monitors the Agency's business plan and financial results and is ultimately accountable to the Minister of AEP. Board members must act honestly and in good faith, leaving aside personal interests to advance the public interest and the mandate of the Agency. The Board is comprised of the Chair, Board Members, Board counsel, staff responsible for board reviews, and the Board Secretary.

The Board is responsible for directing the affairs of the corporation; and conducting the NRCB's quasi-judicial functions, namely hearing reviews of AOPA matters; and considering reviewable projects and preparing recommendations to the Lieutenant Governor in Council pursuant to the NRCB Act.

With regards to directing the affairs of the corporation the board is responsible for:

- Monitoring the financial performance of the Agency, ensuring that, with the advice of the Office of the Auditor General (OAG), the financial results are reported on a timely and regular basis and in accordance with Generally Accepted Accounting Principles (GAAP).
- Approving all relevant corporate policies (e.g., human resources, financial, communications), procedures and standards by which the Agency operates, and ensuring that the Agency operates at all times in compliance with all applicable laws and regulations and to the highest ethical standards.
- Approving all matters which require the Board's approval as prescribed by applicable legislation and regulations. The Board ensures that such matters are brought to the attention of the AEP Minister if necessary.
- Ensuring that the Board, through a process led by the Chair (or delegated committee), conducts an annual evaluation and review of the performance of the Board. The Board reviews the results of the evaluations and discusses opportunities to improve the Board's effectiveness.
- Preparing and providing to the Ministers of AEP and AFRED, an annual Business Plan and Annual Report at a time acceptable to the Minister.
- Addressing how the Agency interacts with the public and establishing policies that clearly identify roles and responsibilities between the Board and operations in the area of public communications.
- Developing mechanisms to communicate with the Deputy Ministers of AEP and AFRED and the Departments on items of mutual concern.
- Engaging in a strategic planning process that includes the consideration of the principal risks associated with the Agency's business. The management of these risks is assigned to the CEO who periodically reviews them with the Board.

The Board Chair

The Chair represents the Board and its interests, as well as the interests of the Agency, in dealing with the Ministers of AEP and AFRED, the Departments, the CEO, stakeholders and the community. The Chair is responsible for providing leadership to and facilitating the work of the Board, for governance of the Agency.

The Chair is responsible for:

- Leading the overall performance of the Agency in delivering its mandate and purpose.
- In conjunction with the Board and management, providing strategic direction for the development of the NRCB business plan, to accomplish the objectives of the NRCBA and the delivery of AOPA.
- In consultation with the Board, the Chair delegates certain authorities to the CEO. This delegation is attached in Appendix A.
- The Chair provides leadership to the Board in the organization and operation of the AOPA review (appeals) process and reviewable projects under the NRCB Act.
- In collaboration with the CEO, providing AEPs' and AFRED's Deputy Ministers and Ministers with regular updates on the Agency's operations and informing the Ministers of AEP and AFRED regarding emergent issues.
- Monitoring the financial performance of the Agency, ensuring that, with the advice of the OAG, the financial results are reported on a timely and regular basis in accordance with any legislated requirements and GAAP.
- Planning and managing Board meetings.
- Conducting an annual evaluation of Board Members and CEO's performance. Board Member evaluations are used to identify opportunities to improve the board member's competency and to inform the re-appointment process.
- Develop competencies for Board member and Chair recruitment for approval by the Minister of AEP.
- Hiring the CEO in consultation with the Deputy Ministers of AEP and AFRED.
- Ensuring that adequate plans are in place for CEO development and succession, and conducting an annual review of such plans.
- Providing all new Board members with an orientation to Agency governance practices and policies, and provide, as appropriate, ongoing training.
- Providing corporate direction to achieve effective collaboration with AFRED and the Agency with respect to policies in relation to the delivery of AOPA.
- Holding the CEO accountable for delivery on the business plan consistent with the directions of the GOA.
- Supporting the CEO in the CEO's delivery of the permitting and compliance processes, to promote the overall effectiveness and efficiency of the NRCB in achieving the purpose of AOPA.
- Delivering the following documents with the CEO to the Ministers of AEP and AFRED: business plans, budgets, quarterly forecasts, year-end financial statements, and an annual report.

- Hiring staff which reports directly to the chair.

The Chief Executive Officer

The CEO has three primary functions:

- (a) Leading and directing corporate operations;
- (b) Delivering AOPA regulatory functions; and
- (c) Providing support to the Chair and Board for NRCB Act matters.

The CEO is responsible for leading management staff, developing recommendations for and implementing the organization's strategy and reporting to the Board.

The CEO is an employee of the NRCB and is accountable to the Chair. However, with respect to AOPA, there are matters that require the Chair to respect the independence of action of the CEO. Both the Chair and CEO recognize the need to ensure that issues are identified and addressed in a timely manner, while at the same time recognizing that the relationship must at all times respect the independence of each as a decision maker.

In establishing a clear separation between the Chair and CEO, it becomes necessary to delegate certain powers and authority. The delegated powers and authority are set forth in a Delegation and Confirmation of Authority executed by the Chair and the CEO, a copy of which is attached hereto as Appendix "A".

The CEO is responsible for:

- Leading and directing corporate operations, including hiring of operations staff.
- Operating within the mandate, policies, standards and budget approved by the Board and the GOA.
- Establishing and operating an overall framework for financial, administrative and operational controls according to the *Financial Accountability Act* and directions of the GOA through AEP.
- Preparing strategic business plans and budgets consistent with the GOA's strategic plan and business planning directions. This also involves presentation of business plans and budgets to the Board for approval.
- Representing the Agency and its interests in dealing with the Ministers of AEP and AFRED, the Departments, stakeholders and the community in accordance with the strategic direction set by the Board.
- Ensuring clear operational policies are in place to guide approvals and compliance staff so they can deliver their responsibilities in a clear, consistent, efficient and fair manner.
- Ensuring the proper management of the Agency's risk by providing services and care of the organization's assets.
- Maintaining effective communications with the Chair, the Deputy Ministers of AEP and AFRED, senior staff in AEP and AFRED, other Ministries, stakeholders and other business partners, as required.

- Ensuring the Board is well-supported by the Agency's corporate services and science capacity, to carry out its authorities under AOPA and NRCBA.
- Co-chairing the Policy Advisory Group with the Assistant Deputy Minister of AFRED responsible for the administration of AOPA, to consult with stakeholders in the development and delivery of operational policies.
- Receiving advice on AOPA's intent and technical aspects of delivering AOPA policies and practices.
- Achieving appropriate regulatory alignment with the broad AOPA policy set by the Minister of AFRED.
- Ensuring NRCB staff work with AFRED to align operational policies and practices with broad AOPA policy objectives.
- Provide recommendations to the AFRED Department for legislative and regulatory changes to increase the efficiency and effectiveness of the delivery of AOPA.

The Public Service Commission

While not signatory to this document, the Public Service Commission (PSC) plays an integral role in the recruitment process for Board member and chair positions across GOA's agencies. These responsibilities are outlined below.

The Public Service Commission (PSC) is responsible for:

- Developing GOA agency recruitment practices and policies,
- Delivering a competency based recruitment process, and
- In the case of open, public recruitment, managing the recruitment process.

4. Recruitment of Chair, Board Members, and Acting Board Members

The Chair and Board Members are appointed by Order in Council and constitute part of the Board. The Board will identify a competency matrix for the Board as a whole and the values and competencies required for individual Board members. Values will include respect, integrity, excellence and accountability.

Competencies will include strong adjudicative skills, knowledge of administrative law, knowledge of environmental regulatory frameworks, strong listening and communication skills, skills in developing consensus and an understanding of wise stewardship of resources.

Recruitment will be based on the competencies approved by either the Deputy Minister or Minister of AEP.

The Public Service Commission, in consultation with the Deputy Ministers of AEP and AFRED and the Chair, will lead the recruitment process. At the AEP Minister's discretion, the recruitment of a new Chair may or may not involve the current Chair or another representative from the Agency.

When a vacancy occurs, the Board will identify the competencies that need to be replaced and will provide that profile to the team within AEP responsible for supporting the recruitment process.

The recruitment posting and position profile will be posted on the GOA's current public agency board opportunities website, where applicants are encouraged to apply online.

The Public Service Commission, the Deputy Minister of AEP or designate, and the Chair or another representative from the Agency, when appropriate, will review applications.

The interview panel may consist of representatives from the Agency, AEP, and AFRED.

Candidates will be assessed based on the applicable competencies and values identified by the Agency and approved by AEP.

Conflict of interest and other screening shall be completed before a list of suitable candidates is prepared for submission to the Minister of AEP.

A list of suitable candidates for the vacancy will be provided to the Minister of AEP. The Minister may recommend to Cabinet an individual from the list provided, or may identify an individual for direct appointment.

The Department of AEP will coordinate the appointment process by Order in Council.

The list of appointees will be posted publicly on the GOA website.

Appointment is for a fixed term of up to five years, with the potential for re-appointment, based on satisfactory performance, to a maximum of twelve years of continuous service.

The appointment of a new Chair or Board Member may involve a recruitment process. The following details who is involved and their responsibilities:

Agency

- Identifies the vacancy and notifies the Department of AEP which position must be filled including rationale for filling this vacancy.
- Identifies the competency matrix for the Board as a whole and the values and competencies required for individual Board members. Values will include respect, integrity, excellence and accountability. Competencies will include strong listening and communication skills, skills in developing consensus and an understanding of wise stewardship of resources.
- Submits the competencies to the team within AEP supporting the recruitment for consideration.
- For recruitments to the Chair position, the current Chair or another representative from the Agency may review applications and/or may be on the interview panel, at the discretion of the Minister of AEP. Candidates will be assessed based on the applicable competencies and values identified by the Agency and approved by either the Deputy Minister or Minister of AEP.

- For recruitments to a Board Member position, the current Chair or another representative from the Agency may review applications and/or may be on the interview panel. Candidates will be assessed based on the applicable competencies and values identified by the Agency and approved by either the Deputy Minister or Minister of AEP.

Public Service Commission

- Leads the recruitment process in consultation with the Deputy Ministers of AEP and AFRED and the Chair.
- Posts the recruitment posting and position profile on the GOA's current public agency board opportunities website, where applicants are encouraged to apply online.
- Reviews applications and conducts interviews. Candidates will be assessed based on the applicable competencies and values identified by the Agency and approved by either the Deputy Minister or Minister of AEP.
- Completes conflict of interest and other screening before a list of suitable candidates is prepared for submission to the Minister of AEP.
- Provides a list of suitable candidates for each vacancy to the Minister of AEP.
- Posts the list of appointees publicly on the GOA website.

Minister of AEP

- Provides the Public Service Commission with approval to recruit to a vacancy.
- Minister or Deputy Minister approves the competencies and values identified by the Agency.
- Determines whether the recruitment of a new Chair involves the current Chair, another Agency representative, or no Agency representation.
- Reviews applications and may participate on the interview panel personally or through a designate. Candidates will be assessed based on the applicable competencies and values identified by the Agency and approved by either the Deputy Minister or Minister of AEP.
- Selects an individual from the candidate list provided by the Public Service Commission, or identifies an individual for direct appointment.
- Notifies the Department of the individual that should be recommended to Cabinet for appointment.
- Consults with Minister of AFRED to ensure appropriate AFRED participation in recruitment.

Deputy Minister of AEP

- Minister or Deputy Minister approves the competencies and values identified by the Agency.
- Deputy Minister or their designate may review applications and may participate on the interview panel. Candidates will be assessed based on the applicable competencies and values identified by the Agency and approved by either the Deputy Minister or Minister of AEP.

Minister of AFRED

- The Minister, or their designate, may review applications and may participate on the interview panel, when appropriate, as determined in consultation with Minister of AEP.
- The Minister of AFRED may provide input to the Minister of AEP when candidates are being selected for appointment.

Department of AEP

AEP coordinates the:

- Minister of AEPs' approval of the Agency's request to fill a vacancy.
- Minister or Deputy Minister of AEPs' approval of the competencies provided by the Agency.
- Appointment of the individual identified by the Minister or AEP, by creating a Cabinet package that includes a Recommendation for Order in Council.

Cabinet

- Approves the Minister of AEPs' recommendation by appointing to the Chair or Board Member position as either a full- or part-time equivalent. Appointment is by Order in Council for a fixed term of up to five years, with the potential for re-appointment, based on satisfactory performance, to a maximum of twelve years of continuous service.

5. Code of Conduct

The Code Administrator as defined in that Code shall administer the Natural Resources Conservation Board Code of Conduct.

The Code Administrator receives all complaints involving a breach of the Code of Conduct. Upon receipt of a complaint, the Code Administrator will initiate an investigation and determine whether a review by the NRCB Ethics Committee is required.

The Ethics Committee hears evidence, makes findings, and issues decisions on whether there have been any breaches of the Code of Conduct. Appeals are heard by the appropriate adjudicator for that complaint in accordance with the policies and timelines set out in the Natural Resources Conservation Board Code of Conduct.

The Code Administrator and Ethics Committee reviews the Code of Conduct when needed, and if amendments are needed, submits the request to the Office of the Ethics Commissioner for review and, if appropriate, approval. The amendments are made by the Ethics Committee, submitted back to the Office of the Ethics Commissioner, and if approved, signed off by the Chair and submitted to the Minister of AEP. The Code of Conduct is posted on the GOA website.

6. Administration

Review of the Mandate and Roles Document

The 2006 Memorandum of Understanding between AFRED, AEP and NRCB and the 2009 Mandate and Roles Document have been superseded by this Mandate and Roles Document.

The Mandate and Roles Document shall be in effect for not more than three years. It must be renewed or revised by the Chair and the responsible Minister within three years of the date of signing of this Mandate and Roles Document or upon the appointment of a new Chair or new Minister, whichever comes first.

The Mandate and Roles Document may be amended at any time; any amendment must be signed by the Chair and by the Minister of AEP and AFRED.

The Mandate and Roles Document should also be reviewed and confirmed when there is a change in either the Chair or the Ministers of AEP or AFRED, even if this is prior to the three year limit.

The Delegation and Confirmation of Authority, attached to the Mandate and Roles Document as Appendix A for reference only, may be reviewed and updated as required by the Chair and the CEO, separate from the MRD amendment process.

Transparency

Copies of the Mandate and Roles Document will be filed with the Ministers of AEP and AFRED and the Agency and the Public Service Commission. In support of the principle of transparency, this document will also be easily available to the public on the Agency's website – www.NRCB.ca

Agency Review

The responsible Minister must, at least every seven years, review the mandate and operations of every public agency subject to the *Alberta Public Agencies Governance Act*. The last was completed in 2016, so the next review for the Agency is scheduled for 2023.

7. Accountability

The Chair and CEO will deliver to the Minister of Environment and Parks the following documents according to the dates and in the format specified or agreed to by the Minister:

- Business plans, budgets and quarterly forecasts; and
- Year-end financial statements and the NRCB's portion of the AEP annual report; and other information, specific documents or reports as requested.
- The Minister of AEP shall assess the overall performance of the NRCB annually, in consultation with the Minister of AFRED.

Signatures

The NRCB Mandate and Roles Document is accepted and agreed to by:

Environment and Parks

X 

Honourable Whitney Issik
Minister

Natural Resources Conservation Board

X 

Peter Woloshyn
Chair

Agriculture, Forestry and Rural
Economic Development

X 

Honourable Nate Horner
Minister

cc: *Bev Yee*
Deputy Minister
Environment and Parks

Shannon Marchand
Deputy Minister
Agriculture, Forestry and Economic
Development

Appendix A

DELEGATION AND CONFIRMATION OF AUTHORITY

WHEREAS the *Natural Resources Conservation Board Act* and the *Agricultural Operation Practices Act* impose duties and responsibilities, and authorize powers and responsibilities, upon the Natural Resources Conservation Board (“NRCB”);

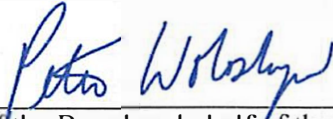
AND WHEREAS it is necessary and convenient for the Board of the NRCB to delegate some of those duties, powers and responsibilities to the Chief Executive Officer whose position does not appear in either the *Natural Resources Conservation Board Act* (“NRCB Act”) or the *Agricultural Operation Practices Act* (“AOPA”);

AND WHEREAS the Interim Chair of the NRCB delegated and confirmed authority to the Chief Operating Officer of the NRCB in a document dated October 27, 2005 (“Previous Delegation”), which would benefit from some updating;

On behalf of the Board members of the Natural Resources Conservation Board, the Chair of the Board delegates the following responsibilities and powers to the Chief Executive Officer of the NRCB (“CEO”), and confirms the authority of the CEO, as follows:

1. In this document, “Operations Functions” includes (but is not limited to)
 - a. functions related to supporting the NRCB in its corporate functions (e.g. finances and accounting, risk management, IT, human resources);
 - b. functions related to the NRCB as a regulator and first-level decision maker (approval officers, inspectors) under AOPA; and
 - c. functions related to supporting the Board in discharging its duties, responsibilities and powers under the NRCB Act.
2. In this document, “Board Functions” includes (but is not limited to)
 - a. functions as the corporate board of directors of the NRCB;
 - b. functions related to the NRCB as a decision maker under AOPA, including requests for review and second-level review proceedings, and including referrals of matters to the Minister of Agriculture, Forestry, and Rural Economic Development for a practice review committee; and
 - c. functions related to the NRCB as a public interest reviewing body under the NRCB Act.
3. The Board delegates to the CEO the administration of the regulatory system authorized to the NRCB by the *Agricultural Operation Practices Act*, but not including functions that are Board Functions.
4. The Board delegates to the CEO the authority to engage and manage employees the CEO considers necessary for the proper and convenient transaction of the business of Operations Functions, and the authority to prescribe the duties, conditions of employment and remuneration of persons employed by the NRCB for Operations Functions.

5. For clarity, the CEO will oversee the hiring of approval officers and inspectors. Upon advice from the CEO, the Board may appoint individuals to those positions under AOPA. Sections 10 and 11 of AOPA establish such appointments as a Board function.
6. Managers of the Applications Division, Compliance and Enforcement Division, the Science and Technology Division, and the Corporate Services Division report to the CEO. The Chief Legal Officer – Operations and the Senior Communication Specialist also report to the CEO. During NRCBA reviews, the CEO and Chair assume a joint management function for the manager of Science and Technology and the Senior Communication Specialist.
7. The CEO is responsible for the daily management and direction of the affairs and operations of the portion of the NRCB mandate that relates to the *Agricultural Operation Practices Act*.
8. The CEO is responsible for the management of the NRCB budget relating to Operations Functions under AOPA.
9. The CEO is responsible for providing necessary staff resources and budget to the Board to support the Board Functions under the NRCB Act.
10. The CEO is responsible for establishing operating and performance policies and standards for Operations Functions under AOPA.
11. The CEO has authority, after consulting with the Board, to identify and advance proposed amendments to AOPA or its regulations, to the Lieutenant Governor in Council, and the Minister of AFRED.
12. For clarity, the CEO does not have authority to make regulations under AOPA, to hold a review under AOPA, or to hold a project review under the NRCB Act.
13. This document supersedes the Previous Delegation.



Chair of the Board on behalf of the NRCB Board



Acknowledged by the CEO of the NRCB

July 13, 2022

Date