

ALBERTA CONSERVATION ASSOCIATION

MANDATE AND ROLES AS A DELEGATED ADMINISTRATIVE ORGANIZATION

PURPOSE

This Mandate and Roles Document for Alberta Conservation Association (ACA) has been developed collaboratively between the Minister of Environment and Sustainable Resource Development (ESRD) and ACA to reflect a common understanding of their respective roles and responsibilities with respect to ACA acting in its capacity as a Delegated Administrative Organization (DAO) on behalf of ESRD.

While this document does not alter the Memorandum of Understanding (MOU) between the Minister of ESRD and ACA, it is meant to provide further clarification around the interaction between ACA and ESRD, and therefore a more consistent interpretation of the MOU.

BACKGROUND

DAOs are responsible for delivery of services delegated by the Minister. A DAO operates at an arms-length from government through independent directors, some of whom may be appointed by the Minister, and are required to report annually to the Minister on progress and financial status. Day-to-day operations are performed by DAOs, limiting financial and legal liability of government. DAOs raise revenue through fees, levies and services charges, as allowed by legislation, regulation or policy.

Government provides the mandate for a DAO, establishes performance and outcomes expectations in consultation with the DAO, and reviews and discusses the results with the DAO, taking action where necessary to refocus activities.

In essence the government has no role in the day-to-day operations of a DAO, but does provide performance measures, or required outcomes, related to the activities that have been delegated. An exception to this would occur if the DAO and the Department had agreed to conduct a joint project or program. How the DAO meets these performance measures is up to the DAO (following government legislation, regulations, policy and where appropriate, protocols) and the government's role is to hold the DAO accountable for the outcomes.

In 1997 ACA was established with legal status and capacity as both a Society, incorporated under the *Alberta Societies Act*, and as a DAO, established pursuant to section 104(1)(b) of the *Wildlife Act* and Schedule 2 of the *Wildlife Regulation*.

ACA AS A SOCIETY

When acting in its capacity as a Society, ACA has the legal capacity to conduct its affairs to promote the objects of the Society, as set out in its Application to form a Society dated January 31, 1997. This legal capacity can include entering into agreements or partnerships with, and receiving monies from, third parties. As a Society, ACA can set its own corporate budget and priorities, in accordance with its bylaws, to promote the objects of its Society. ESRD is not involved in the operations of ACA acting as a Society, except as outlined in the Shared Services Agreement or data sharing agreements. ESRD cannot request an accounting of the Society's non-DAO budgets and cannot direct how the Society should carry out its non-DAO business. It is acknowledged that ACA is involved in conservation and education initiatives with third parties that are independent of, and not related to, its obligations as a DAO as further discussed below.

ACA AS A DAO

ACA derives its status and powers as a DAO from statute. The Lieutenant Governor in Council of Alberta declared ACA to be a delegated authority in Schedule 2 of the *Wildlife Regulation AR 143/97* and further delegated certain powers, duties and functions to ACA to carry out on behalf of the Minister of ESRD (see section 2 of Schedule 2). ACA was further allowed to establish an enhancement levy on various hunting and fishing licences and permits issued by ESRD and use those levy funds only for carrying out its delegated powers, duties and functions, and its administrative costs (see sections 4 and 5 of Schedule 2). Section 2(2) Schedule 2 of the *Wildlife Regulation* provides that ACA must carry out the delegated powers, duties and functions in accordance with the *Wildlife Act*, the *Wildlife Regulation* and the objects of ACA.

It is important to note that the powers, duties and functions delegated to ACA are powers, duties and functions that would otherwise be carried out by ESRD. It is also important to note that collection and use of the levy funds is enabled through provincial legislation.

The role of ESRD in the DAO is outlined in the Regulation, MOU and Program and Operating agreements. ESRD has no role in the operations (delivery of work) of ACA programs unless specified in the Program or Operating agreement or through the Joint Programs Committee (JPC). ESRD does not issue instructions to or direct employees of ACA who are delivering work activities of the DAO.

ACCOUNTABILITY

The Minister of ESRD is ultimately accountable to the Legislature to show that the Minister's powers, duties and functions delegated to ACA as a DAO are being properly carried out, and that levy monies collected to fund this are being used wisely. To ensure this, the Minister can specify the level of services required and the expected outcomes and performance metrics. It is up to the Minister to specify what should be done, and up to ACA as a DAO to decide how it will do it subject to the Program Agreements and JPC discussions. The ACA as a DAO is expected to use its levy funds for providing the delegated services and administrative costs. ACA cannot use those funds for non-DAO activities that it carries out in its capacity as a Society. The Minister must have a reporting of services provided, and an accounting of the levy monies used by ACA, in its role as a DAO, to ensure accountability.

Accountability of ACA as a DAO is preserved through the establishment of a MOU between ESRD and ACA. The MOU clarifies roles of the parties, the powers, duties and functions given to ACA, the business practices used and the ongoing process for communication between the parties. ESRD also maintains accountability of DAOs, using the DAO Monitoring and Evaluation Workbook (Dec 2006) as a guide.

1. ACA MANDATE AS A DAO

The Government of Alberta, through Schedule 2 of the *Wildlife Regulation* (AR 143/97 as amended), has delegated the following services to ACA:

- implementation and support of projects and improvements that retain, enhance or create wildlife, fish or endangered species habitat;
- implementation and support of restoration and re-introduction projects to enhance populations of wildlife, fish and endangered species;
- implementation and support of the inventorization of populations and habitats of wildlife, fish and endangered species;
- implementation and support of projects for the stocking of selected water bodies, including transportation of stocked fish;
- implementation and support of a program that provides for payment of rewards to persons who assist the Minister with the enforcement of the *Wildlife Act* and *Wildlife Regulation*, including maintaining the uninterrupted capacity to receive information from citizens at no cost to them;
- the provision of compensation for damage and loss caused by wildlife and measures taken to prevent such damage and loss;
- the provision of compensation for damage and loss occasioned to livestock as a result of the use of a weapon during an open season.

A subsequent MOU and suite of program and operational agreements further clarify this mandate, the roles and responsibilities of the parties, the business practices and processes, and the Minister's expected outcomes and evaluation metrics. ACA is accountable to the Minister for achieving these desired outcomes in an effective, efficient manner

2. ACA MISSION AS A SOCIETY

ACA conserves, protects and enhances fish and wildlife populations and their habitats for Albertans to enjoy, value and use.

3. DUTIES AND RESPONSIBILITIES

The Government of Alberta is responsible for the legislative, regulatory and policy frameworks in which ACA operates in its role as a DAO.

MINISTRY

The Minister is accountable to the Legislature for the effective, efficient and relevant undertaking of the Minister's powers, duties and functions delegated to ACA. As noted below,

the Minister generally relies on the Deputy Minister and Minister's representatives to ensure ACA accountability. The Ministry sets expected DAO outcomes through: changes in legislation, regulation and policy, the MOU and Program Agreements, the Ministers representative on the ACA Board of Directors, and the JPC. The Ministry also specifies the level of services and performance metrics (i.e. what has to be done) and adapts delegated programs accordingly.

The Minister:

- appoints the Minister's representative to the Board;
- reviews proposed levy changes;
- provides direction on unresolved disputes; and
- conducts periodic reviews of ACA's delegated responsibilities (at least every 5 years) to determine if the work of ACA is still relevant to the needs of Albertans, if it is aligned with Government priorities and, if the operations and function are being carried out in manner that can achieve Government objectives.

The Deputy Minister:

- ensures that the DAO's plans and performance link with department and government goals and performance expectations;
- ensures the ACA is meeting its mandate as a DAO through the monitoring of performance measures related to activities that have been delegated to ACA;
- meets with the ACA Board representatives a minimum of once annually to ensure open and clear communication between ACA and the Ministry;
- meets as necessary with the Chair of the Board to resolve particular issues that may arise;
- ensures ESRD staff are aware of ACA's role and the relationship between ACA and ESRD;
- ensures that responsibilities of ESRD with respect to the MOU and Program Agreements are met; and
- provides the Minister with regular updates on ACA's operations and informs the Minister regarding emerging issues related to activities that have been delegated by the Minister.

The Minister's representative:

- reviews the Annual Operating Plan, Annual Report and Strategic Business Plan of ACA;
- ensures ACA is meeting its mandate as a DAO, through meeting performance measures related to activities that have been delegated to ACA;
- informs ACA of Government policies and direction affecting the work of ACA;
- meets with the President and CEO of ACA on a regular basis to ensure alignment of ACA programs with Ministry priorities;
- provides the Ministry's Annual Business Plan and Annual Report to the President and CEO of ACA and the Board of Directors of ACA;
- attends and participates in ACA Board of Director meetings;
- ensures that responsibilities of ESRD with respect the MOU and Program Agreements are met; and

- provides the Deputy Minister with regular updates on ACA's operations and informs the Deputy Minister regarding emerging issues related to activities that have been delegated by the Minister.

ACA BOARD

The ACA Board is responsible for the governance of ACA and overseeing the management of ACA's business and affairs.

The Board:

- guides ACA's strategic direction;
- ensures ACA's business plan objectives are consistent with its obligations to the Minister as a DAO;
- appoints ACA's President and CEO;
- evaluates the performance of ACA's President and CEO;
- approves and monitors ACA's Annual Operating Plan, Annual Report, Strategic Business Plan and financial results;
- is ultimately accountable to the Minister for meeting the performance targets related to the ACA's role as a DAO;
- is responsible for meeting the expectation of ACA stakeholders, including member groups, WIN card holders and the general public; and
- meets with the Deputy Minister at least once annually to ensure open and clear communication between ACA and the Ministry.

ACA BOARD CHAIR

The ACA Board Chair is elected by the members of the Board. With direction from the Board, the Chair represents the Board and its interests, as well as the interest of ACA, in dealing with the Minister, the Deputy Minister, the ACA President and CEO, and stakeholders.

The Chair is responsible for:

- ensuring the ACA Board understands ACA's role as a DAO and the relationship between ACA and ESRD;
- providing leadership for the Board and for effectively facilitating Board work;
- planning and managing Board meetings;
- ensuring the Board and its committees have opportunities to meet independent of management;
- ensuring the Board conducts an annual evaluation of ACA's performance as a DAO, relative to the measures provided by the Minister;
- ensuring the Board conducts an annual evaluation of Board activities;
- ensuring the Board conducts an annual evaluation of the performance of ACA's President and CEO; and
- ensuring ACA bylaws and policies, including code of conduct and conflict of interest policies, are understood by Board members and adhered to.

ACA PRESIDENT AND CEO

ACA's President and CEO is responsible for leading the day-to-day management of ACA and is the only ACA employee who reports directly to the ACA Board.

The President and CEO is responsible for:

- ensuring ACA staff understand ACA's role as a DAO and its relationship with ESRD;
- implementing the strategic direction of the ACA Board;
- ensuring that daily activities are being undertaken within the standards and policies of ACA;
- ensuring ACA is meeting the performance measures provided by the Minister related to its DAO activities, and reports these results to the Board;
- establishing appropriate systems for general administration and financial management and controls;
- providing support to the Board to allow it to carry out its governance responsibilities;
- providing support to the Board Chair, including undertaking any responsibilities delegated by the Board Chair;
- working with the management team to develop an Annual Operating Plan, Annual Report and Strategic Business Plan for Board approval;
- operating within the policies, standards and budget approved by the Board;
- maintaining effective communication with the ACA Board, ACA staff, the Minister's representative and ACA stakeholders; and
- ensuring that responsibilities of ACA, as a DAO as set out in the MOU and Program Agreements, are met.

4. RECRUITMENT AND APPOINTMENT OF DIRECTORS

ACA's Board is composed of member group directors, public-at-large directors, one academic representative director, one business representative director, one Minister's representative and the ACA/University of Alberta (U of A) Chair in Fisheries and Wildlife. The member group directors are appointed to the Board by the individual member groups. The public-at-large, academic and business representative directors are selected by the Board when the positions become vacant. The ACA/U of A Chair in Fisheries and Wildlife is selected by the Board and U of A. The Minister's representative is appointed by the Minister.

The process for appointing Board members and the term associated with the Board member varies depending upon the particular Board position (member group versus public-at-large) and is determined by ACA bylaws.