



CTC Source Protection Committee Meeting

Agenda

Meeting #01-2020, Part 1

April 29, 2020

1:00 P.M.

The meeting will be conducted via a video conference.

Members

Andrew Farr
Chris Gerrits
David Kentner
Scott Lister
Mahesh Patel
John Presta
Frank Quarisa
Julie Abouchar
Nicola Crawhall
Robert Goodings
Rosemary Keenan
Peter Miasek
Deon Bridge
Dan Bunner
Louise Foster
Lee Gould
Geoff Maltby
Gary Mountain
Maria Topalovic

Pages

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| 1. | CALL TO ORDER | |
| 2. | ROLL CALL AND CERTIFICATION OF QUORUM | |
| 3. | REVIEW OF AGENDA | |
| 4. | ITEMS FOR COMMITTEE ACTION | |
| | 4.1 AMENDMENTS TO THE CTC SPC RULES OF PROCEDURE | 2 |
| 5. | ADJOURN | |

TO: **Chair and Members of the CTC Source Protection Committee Meeting #1/20, April 29, 2020**

FROM: Jennifer Stephens, Manager, Source Water Protection

RE: Amendments to CTC SPC Rules of Procedure

KEY ISSUE: Amendments to the Credit Valley – Toronto and Region – Central Lake Ontario (CTC) Source Protection Committee (SPC) Rules of Procedure

RECOMMENDATION

WHEREAS Ontario Regulation 287/07 clearly outlines the requirement for the preparation of Rules of Procedure to govern Committee business;

AND WHEREAS in response to the novel coronavirus (COVID-19) outbreak, the Government of Ontario has declared an emergency under section 7.0.1(1) of the *Emergency Management and Civil Protection Act* on March 17, 2020;

AND WHEREAS the Province and local municipalities have issued directions on social gathering limits in an effort to limit the spread of the disease;

AND WHEREAS the current Rules of Procedure does not address electronic participation in the meetings of the CTC SPC;

THEREFORE, IT IS RECOMMENDED THAT the proposed amendments to the Rules of Procedure be approved;

AND THAT the Toronto and Region Source Protection Authority (TRSPA) be requested to endorse the revised Rules of Procedure;

AND FURTHER THAT CTC SPR staff take the necessary actions to publish the amended document on the CTC SPR website and send a copy to the Ministry of the Environment, Conservation and Parks.

BACKGROUND

Ontario Regulation 288/07 (Section 14) under the *Clean Water Act (CWA)*, 2006, sets out requirements for the CTC Source Protection Committee to prepare written Rules of Procedure (henceforth “the Rules”) (Attachment 1) for conducting the business of the committee that is satisfactory to the TRSPA. If required, the Rules of Procedure can be amended by the SPC subject to the same approvals and requirement to post on the CTC Source Protection Region (SPR) website. The Rules were first finalized on January 29, 2008 and further amended on October 27, 2017.

As the outbreak of novel coronavirus (COVID-19) continues locally and globally and the Province and local municipalities have issued instructions on cancellations of any gatherings in excess of 5 people, on March 26, 2020 the Minister of Environment, Conservation and Parks has issued the Minister’s Direction (henceforth “Direction”) pursuant to subsection 19.1(7) of the *Conservation*

Authorities Act to ensure conservation authorities can continue to conduct meetings and hearings as necessary (see Attachment 2).

The primary purpose of the Direction is to enable conservation authorities to amend their administrative by-laws to make provisions for emergency situations, such as allowance of virtual meetings. This Direction also applies to conservation authorities when meeting as a source protection authority under the *Clean Water Act, 2006*. To ensure some consistency with changes made to the Toronto and Region Conservation Authority (TRCA) Administrative By-Laws, to ensure that the public are made aware of provisions in the Rules to allow their participation, and to address the need to carry out Committee meetings virtually, it is proposed that the Rules is amended as follows, with amendments provided in blue.

Proposed Amendments

1.6 Public and In Camera Meetings

- 1.6.1 All meetings of the source protection committee are open to the public, except where the Committee chooses to close a meeting or part of a meeting to the public where the subject matter to be discussed is a personal or financial matter about an identifiable individual or other matter listed in subparagraph 1.6.3;
- 1.6.2 Where the Committee decides to close all or part of a meeting to the public, it must first pass a resolution that:
 - 1.6.2.1 States that the meeting or part of the meeting is closed to the public; and
 - 1.6.2.2 States the general nature of the subject matter to be discussed in camera.
- 1.6.3 During any period where an emergency has been declared to exist in all or part of the CTC Source Protection Region (SPR), under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, staff shall implement best practices to make meetings of the CTC SPC open to the public in accordance with section 18(1) of Ontario Regulation 288/07 under the *Clean Water Act, 2006*. Where possible, CTC SPR staff shall provide for alternative means to allow the public to participate in any meetings electronically.
- 1.6.4 Subject to subsection 1.6.3, in times of technological failure (e.g., Internet outage, system crash), failure to open a meeting to the public through means of electronic meeting participation does not call the meeting into question.
- 1.6.5 All matters arising out of committee meetings, and supporting technical reports shall form part of the public record and shall be posted on the CTC SPR website.
 - 1.6.5.1 Exceptions to the foregoing include the following private matters consistent with the Municipal Freedom of Information and Privacy Act;
 - 1.6.5.2 Personal matters about an identifiable individual, including source protection authority employees, source protection committee members or employees of municipalities within the CTC Source Protection Region;
 - 1.6.5.3 A proposed or pending acquisition or disposition of land by a source protection authority or municipality within the CTC Source Protection Region;
 - 1.6.5.4 Labour relations or employee negotiations;
 - 1.6.5.5 Litigation or potential litigation, including matters before administrative tribunals, affecting the source protection authority, the source protection committee or municipality within the CTC Source Protection Region;
 - 1.6.5.6 Advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and

- 1.6.5.7 A matter in respect of which a source protection authority, source protection committee, or municipality within the CTC Source Protection Region or other body may hold a closed meeting under another Act.

1.10 Virtual Meetings

1.10.1 All meetings of the source protection committee are to take place in-person unless an emergent matter requires immediate direction from the committee, or during a period where an emergency has been declared to exist in the CTC Source Protection Region under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* that would preclude Committee Members from meeting in person. In such circumstances:

- 1.10.1.1 Any Committee Member may participate in meetings electronically and shall have the ability to:
- (a) register a vote;
 - (b) be counted towards determining quorum; and
 - (c) participate in a meeting that is closed to the public;

1.10.1.2 Staff will post direction on the CTC SPR website ([www.ctcswp](http://www.ctcswp.ca)) one week in advance of the meeting advising external stakeholders and the public how to obtain the coordinates to participate in the virtual meeting.

NEXT STEPS

Pending the decision made by the CTC SPC to amend the Rules of Procedure, staff will make the necessary changes to the document, and take the necessary actions to have the amendments endorsed by the TRSPA, shared with the MECP, and published on the CTC SPR website (www.ctcswp.ca).

Report prepared by: Jennifer Stephens, 416-892-9634

Email: Jennifer.Stephens@trca.ca

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Date: April 17, 2020

Attachments: 2

Attachment 1: Proposed amendments to CTC SPC Rules of Procedure

Attachment 2: Minister's Direction for Conservation Authorities during the COVID-19 Outbreak (March 26, 2020)



CTC Source Protection Committee Rules of Procedure

Preamble

The functions and operation of the CTC Source Protection Committee (SPC) are governed by the *Clean Water Act, 2006* and Ontario Regulation 288/07. The following Rules of Procedure have been adopted by the CTC Source Protection Committee and authorized by the Toronto and Region Source Protection Authority in accordance with the requirements of Section 14 of Ontario Regulation 288/07. These Rules of Procedure are based on the minimum requirements set out in the *Act* and regulations, with additional requirements that are necessary for the good governance and clarity of committee operations.

If necessary, additional Rules of Procedures or amendments to these Rules of Procedure may be made from time to time with the approval of 2/3 of the membership of the Source Protection Committee and authorization of the Toronto and Region Source Protection Authority (TRSPA), pursuant to the requirements of the foregoing *Act* and regulation.

1. General Items on Meetings

1.1. Chair

- 1.1.1 The Chair of the source protection committee shall preside at all meetings of the Committee;
- 1.1.2 If the Chair is absent or unable to act or the office of the chair is absent, the acting chair shall have the powers and shall perform all duties of the chair;
- 1.1.3 The Acting Chair will be selected by the members of the SPC (see subparagraph 5.1); and
- 1.1.4 The Chair of the source protection committee shall determine the time and location of the first meeting of the SPC.

1.2. Robert's Rule of Order

In all matters not regulated by these Rules of Procedure, that part of the latest edition of Robert's Rules of Order shall govern.

1.3. Agenda and Minutes

- 1.3.1 Full agenda with committee reports are to be sent to all members and CAOs of the three source protection authorities in the CTC Source Protection Region (SPR) via email a minimum of one week prior to the meeting; members without access to email will be sent a package via mail or fax or courier;
- 1.3.2 CTC Source Protection Region (CTC SPR) municipalities and other interested parties will be notified by email at the same time as Committee members that the agenda

- package is available at the CTC SPR website (www.ctcswp.ca);
- 1.3.3 Addenda (added items) to be sent out a minimum of two business days prior to the meeting; additional items may be dealt with at the meeting without prior circulation if they are considered to be a time sensitive matter;
 - 1.3.4 Draft minutes will be sent with the agenda for the next SPC meeting and will be posted on the CTC SPR website;
 - 1.3.5 Minutes once approved will be posted separately as Approved Minutes on the CTC SPR website;
 - 1.3.6 Minutes of in-camera sessions are also to be kept. These minutes are not available to the public, but form part of the official record of the CTC SPC; and
 - 1.3.7 At such time as a matter which was dealt with *in camera* is no longer confidential, then the minutes relating to that item shall become part of the public record and posted on the CTC SPR website.

1.4. Delegations and Presentations

- 1.4.1 Parties wishing to make delegations should notify the secretary of the CTC SPC preferably 2 weeks in advance, but no later than three days prior to a scheduled meeting if the request is to be included in the agenda of that meeting;
- 1.4.2 Delegations with written information for consideration of the Committee will provide same 2 weeks prior to the meeting in a digital form to facilitate electronic distribution and posting on the CTC SPR website;
- 1.4.3 The request should comprise a brief statement of the issue or matters involved and indicate the names of the proposed speakers;
- 1.4.4 Delegations are limited to 5 minutes;
- 1.4.5 The purpose of a delegation is to make a deputation, not a presentation;
- 1.4.6 Delegations are limited to one speaker per group sharing a common interest;
- 1.4.7 When the Chair of the SPC believes that a large number of delegations will request an opportunity to address the SPC with respect to a particular matter or matters, the Chair may summon a special meeting of the SPC to deal with the particular matter or matters;
- 1.4.8 Staff preparing any agenda shall:
 - 1.4.8.1 List all requests received before the closing of the agenda in a section titled "Delegations" and indicate the source of the request and a brief description of the issue or matter involved; and
 - 1.4.8.2 Provide an item at the end of the section of the agenda titled "Delegations" for the meeting to consider hearing any other delegation present.
- 1.4.9 The Chair of the SPC or designate shall advise any person or organization applying for an opportunity to address the SPC and not having made a written request in accordance with paragraph 1.4.1, that the applicant may appear before such meeting, but will be heard only if approved by a ruling of the meeting under subparagraph 1.4.15. The SPC Chair or designate shall inform the applicant of the date, time and place of meeting, and obtain a brief statement of the issue or matter involved;
- 1.4.10 No delegation, whether or not listed on the agenda pursuant to subparagraph 1.4.1, shall be heard without a ruling by the Chair of the meeting giving leave, but such ruling may be immediately appealed by proper motion and the ruling of the meeting shall govern. A representative of a Council of a member municipality of

the CTC Source Protection Region, duly authorized by resolution of such Council and any member of the SPC shall be heard by the SPC at the appropriate time as of right;

- 1.4.11 If the number of delegations present pursuant to subparagraphs 1.4.4 and 1.4.10.2 wishing to address a particular matter or matters is such that the meeting will not be able to deal with its agenda properly, then, on proper motion, the particular matter or matters may be adjourned to a special meeting and, if the time, date and place of the special meeting is included in the motion, no further notice of such meeting will be required;
- 1.4.12 Delegations shall be heard only when the meeting is dealing with the item "Delegations" on the agenda except that the meeting may, at that time, by proper motion defer the hearing of any specific delegation until the meeting is considering a particular item or matter;
- 1.4.13 With respect to a delegation not listed on the agenda but desiring an opportunity to be heard pursuant to subparagraph 1.4.10.2 hereof, the procedure shall be:
 - 1.4.13.1 a motion shall be made by a member of the Committee that the delegation be added to the agenda;
 - 1.4.13.2 if such motion passes, the Chair may immediately rule that the hearing of the delegation would be unfair or prejudicial to members or other persons not present because of lack of advance notice and that the hearing of the delegation be deferred to the next meeting and listed on that agenda pursuant to subparagraph 1.4.10 hereof. The Chair's ruling may be immediately appealed by proper motion and the ruling of the meeting shall then govern;
 - 1.4.13.3 if the ruling in subparagraph 1.4.13.2 hereof is not made or sustained, the procedure in subparagraph 1.4.14 hereof shall be followed.
 - 1.4.13.4 Except by leave of the chair or on an appeal by the leave of the meeting:
 - 1.4.13.4.1 each speaker shall be limited to five (5) minutes; and
 - 1.4.13.4.2 each group of delegates having a common interest shall appoint one speaker to represent the group and such speaker shall be limited to five (5) minutes.
- 1.4.14 Presentations are limited to 15 minutes plus discussion time; and
- 1.4.15. Presentations are delivered by requested staff or invited guests.

1.5 Schedule of Meetings

- 1.5.1 The Committee shall, at its first meeting, and every meeting, thereafter, establish a meeting schedule for at least the following six months, which shall include at least one meeting each month until proposed terms of reference are submitted to the SPA; and
- 1.5.2 The Committee shall give notice of committee meetings to the public by publishing the current meeting schedule on the CTC SPR website and in such other manner as may be determined by the Committee.

1.6 Public and In Camera Meetings

- 1.6.1 All meetings of the source protection committee are open to the public, except where the Committee chooses to close a meeting or part of a meeting to the

public where the subject matter to be discussed is a personal or financial matter about an identifiable individual or other matters listed in subparagraph 1.6.3;

1.6.2 Where the Committee decides to close all or part of a meeting to the public, it must first pass a resolution that:

1.6.2.1 states that the meeting or part of the meeting is closed to the public; and

1.6.2.2 states the general nature of the subject matter to be discussed *in camera*.

1.6.3 During any period where an emergency has been declared to exist in all or part of the CTC Source Protection Region (SPR), under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, staff shall implement best practices to make meetings of the CTC SPC open to the public in accordance with section 18(1) of Ontario Regulation 288/07 under the *Clean Water Act, 2006*. Where possible, CTC SPR staff shall provide for alternative means to allow the public to participate in any meetings electronically.

1.6.4 Subject to subsection 1.6.3, in times of technological failure (e.g., Internet outage, system crash), failure to open a meeting to the public through means of electronic meeting participation does not call the meeting into question.

1.6.5 All matters arising out of committee meetings and supporting technical reports shall form part of the public record and shall be posted on the CTC SPR website.

1.6.5.1 Exceptions to the foregoing include the following private matters consistent with the *Municipal Freedom of Information and Privacy Act*;

1.6.5.2 Personal matters about an identifiable individual, including source protection authority employees, source protection committee members or employees of municipalities within the CTC Source Protection Region;

1.6.5.3 A proposed or pending acquisition or disposition of land by a source protection authority or municipality within the CTC Source Protection Region;

1.6.5.4 Labour relations or employee negotiations;

1.6.5.5 Litigation or potential litigation, including matters before administrative tribunals, affecting the source protection authority, the source protection committee or municipality within the CTC Source Protection Region;

1.6.5.6 Advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and

1.6.5.7 A matter in respect of which a source protection authority or source protection committee, municipality within the CTC Source Protection Region or other body may hold a closed meeting under another Act.

1.7. Quorum

1.7.1 Quorum of the source protection committee is the Chair or the Acting Chair plus and at least two thirds of the number of members of the committee;

1.7.2 Members who have given proxy notice, by sending the signed proxy notice via email or fax to the Committee secretary count towards quorum. In the case of emailed forms, electronic signatures are acceptable; and

1.7.3 One or more vacancies in the membership of a source protection committee does not prevent the Committee from conducting business as long as the number of members remaining in office is sufficient to maintain quorum.

1.8. Decision Making

- 1.8.1 The Committee shall attempt to make decisions by consensus among the members;
- 1.8.2 If the Chair determines that reasonable efforts have been made to achieve consensus, but the Committee has been unable to make a decision by consensus, the decision may be made by a vote of the two-thirds of the members present, not counting the Chair; and
- 1.8.3 The Chair shall not vote.

1.9. Proxy to Meetings

- 1.9.1 A member of the source protection committee may participate in the meetings of the Committee by proxy;
- 1.9.2 Members participating by proxy must send by either fax or email or hand deliver a signed proxy form to the committee secretary or the other member who is to act on their behalf at a specific meeting. In the case of emailed forms, electronic signatures are acceptable;
- 1.9.3 A proxy form should be delivered at least three business days prior to the meeting so that the presence of quorum can be determined;
- 1.9.4 A separate proxy form is required for each meeting;
- 1.9.5 The member who has been sent the proxy form is authorized to speak on behalf of the absent member on any agenda item and vote on any items on behalf of the absent member at that meeting;
- 1.9.6 Members participating via proxy are not eligible to receive *per diem* payment for that meeting; and
- 1.9.7 A member who participates via proxy at more than three consecutive meetings is deemed to not be attending Committee meetings regularly.

1.10 Virtual Meetings

- 1.10.1 All meetings of the source protection committee are to take place in-person unless an emergent matter requires immediate direction from the committee, or during a period where an emergency has been declared to exist in the CTC Source Protection Region under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* that would preclude Committee Members from meeting in person. In such circumstances:
 - 1.10.1.1 Any Committee Member may participate in meetings electronically and shall have the ability to:
 - (a) register a vote;
 - (b) be counted towards determining quorum; and
 - (c) participate in a meeting that is closed to the public;
 - 1.10.1.2 Staff will post direction on the CTC SPR website (www.ctcswp) one week in advance of the meeting advising external stakeholders and the public how to obtain the coordinates to participate in the virtual meeting.

2 Function of Members, Duties and Working Groups

2.4 Duties of Chair (or Acting Chair in the absence of the chair)

- 2.4.8 Represent the Committee at such functions as warrant the interest of the committee, except where this responsibility is specifically assigned to some other person;
- 2.4.9 Liaise with designated staff in the day-to-day operation and administration of the Committee;
- 2.4.10 Be "ex-officio", a member of all Working Groups, sub-committees and ad hoc Working Groups appointed from time to time by the Source Protection Committee; and
- 2.4.11 Preside over the source protection committee meetings.

2.5 Duties of Members

- 2.5.8 Attend Committee meetings and training sessions;
- 2.5.9 Become aware and knowledgeable of programs, projects, and activities of the Committee;
- 2.5.10 Become members and/or Chair of working groups as designated by the SPC;
- 2.5.11 Attend public information sessions and participate in public consultation forums;
- 2.5.12 To keep the organizations/municipal group which they represent informed of committee programs, projects and activities;
- 2.5.13 Be prepared to discuss issues at all Committee meetings;
- 2.5.14 Where warranted, and at the discretion of the Chair, request to engage technical staff in the discussion of items pertaining to the implementation of the CTC Source Protection Plan;
- 2.5.15 Respect confidential information and abide by the process in place to safeguard confidential information; and
- 2.5.16 Advise the Toronto and Region Source Protection Authority as early as possible in advance of the member's pending change in eligibility to be a member of the Committee regarding subsections 7(1) to (3) of O. Reg. 288/07.

3 Duties of Source Protection Committee

- 3.1 Oversee the preparation of Rules of Procedure including a Code of Conduct and Conflict of Interest policy within the required timeframe;
- 3.2 Oversee the preparation and submission of a Terms of Reference in the prescribed manner and in keeping with Regulation 287/07 within the required timeframe;
- 3.3 Oversee the preparation and submission of the Assessment Report in keeping with the Regulations, and technical guidance modules within the prescribed timeframe;
- 3.4 Oversee the preparation and submission of a Source Protection Plan in keeping with the Regulations within the prescribed timeframe;
- 3.5 Undertake public consultation as required by regulation;
- 3.6 Co-ordinate with the lead source protection authority the authorization of payment of accounts, awarding and entering into contracts where necessary;
- 3.7 Determine how and when working groups may be established;
- 3.8 Review and provide input on any new technical work for new drinking water systems;
- 3.9 Review annual reports and submit comments to the Source Protection Authority before submission to the Minister of the Environment and Climate Change; and
- 3.10 Oversee the preparation and submission of all workplans required to amend the CTC Source Protection Plan.

4 Liaison Members

The following persons may attend and participate in discussions at meetings of a source protection committee including any meetings or part of a meeting that is closed to the public:

- 4.1 A person designated by the lead source protection authority in writing as a representative(s) of the authority;
- 4.2 A person designated by the Minister as a representative of the Ministry of the Environment and Climate Change; and
- 4.3 A person designated by the Minister as a representative of the medical officers of health for the health units in which any part of the source protection area/source protection region is located.

5 Elections and Appointments

- 5.1 An Acting Chair will be elected by the members to act as the Chair in his or her absence; and
- 5.2 A member of the source protection committee will be selected by the Committee to Chair each working group that the Committee establishes. If an election for this position as working group Chair is requested by any member, then it shall be conducted by secret ballot.

6 Terms of Appointment/Filling Vacancies

The term of appointment, rules for filling vacancies is governed by Section 7 of the *Clean Water Act, 2006* and Sections 8 and 9 of Ontario Regulation 288/07.

7 Removal of Members from Office

- 7.1 The rules governing the removal of a member from office is set out in Section 22 of Ontario Regulation 288/07 under the *Clean Water Act, 2006*;
- 7.2 The Toronto and Region Source Protection Authority may on its own, or by request of the Chair of the CTC Source Protection Committee remove a member following due process as set out in the regulation who:
 - 7.2.1 has failed to comply with a condition of appointment set out in Section 7 of the Regulation which pertains to residing, owning or renting land or being employed within the source protection region;
 - 7.2.2 has failed to comply with the Committee's Rules of Procedures, Code of Conduct or Conflict of Interest policy;
 - 7.2.3 who does not regularly attend meetings, i.e. misses more than three meetings in a row; or
 - 7.2.4 for other reasons which in the opinion of the Chair or the source protection authority warrant the member's removal from office.
- 7.3 If a member is removed from office, the Toronto and Region Source Protection Authority shall as soon as reasonably possible, appoint a replacement member in accordance with the Rules set out in the *Act* and regulation.

8 Freedom of Information and Privacy

- 8.1 The source protection committee members shall be governed at all times by the provisions of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*; and
- 8.2 In the instance where a Committee member vacates their position on the source

protection committee they will continue to be bound by *MFIPPA* requirements.

9 Per Diems and Expenses

- 9.1 The per diem for CTC SPC members is set at \$200 by the Toronto and Region Source Protection Authority;
- 9.2 CTC Source Protection Committee members will receive a per diem for:
 - 9.2.1 each CTC Source Protection Committee meeting attended, including when the member arrives at a meeting that is subsequently cancelled due to lack of quorum or other reasons;
 - 9.2.2 training sessions as identified by the Ministry of the Environment and Climate Change; and
 - 9.2.3 other meetings where members have been assigned to represent the CTC Source Protection Committee (such as public consultation meetings, meetings with other source protection committees).
- 9.3 There is no separate reimbursement beyond the per diem for preparation and travel time for meetings;
- 9.4 Travel expenses, in the form of mileage, to and from meetings, will be reimbursed for members at the rate set out by the Toronto and Region Conservation Authority, as adjusted from time to time;
- 9.5 Members are required to record their mileage on a form provided by the TRSPA and reimbursement will be paid out twice yearly (March and September);
- 9.6 Payment will be automatically deposited into members' bank accounts; and
- 9.7 Payment for attendance at meetings other than the SPC and MOECC training sessions will require the prior approval of the Chair.

10 Indemnity

- 10.1 The Toronto and Region Source Protection Authority is responsible for acquiring and maintaining insurance coverage for Committee members in keeping with Section 99 of the *Clean Water Act, 2006*, that:
- 10.2 keeps every member of the Committee and his/her heirs, executors, administrators and estate and effects respectively shall from time to time and at all times indemnified and saved harmless out of the funds of the Committee from and against all costs charges, and expenses whatsoever which member of the committee sustains or incurs in or about any action, suit or proceeding which is brought, commenced, or prosecuted against him for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him/her in or about the execution of the duties of his/her office; and
- 10.3 covers all other costs, charges and expenses he or she sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his/her own willful neglect or default.

11 Media Contact

- 11.1 Members shall consult with the Chair in advance and provide written information as soon as possible afterwards on any media interviews, including the name of media outlet, person doing interview, date of expected publication/broadcast, the questions asked and answers given;
- 11.2 The Chair is the designated spokesperson on behalf of the Committee unless another member is assigned the responsibility by the Chair;

- 11.3 If a member is the designated spokesperson on any matter, they must speak on behalf of the Committee as a whole; and
- 11.4 If a member is not the designated spokesperson, then they must clarify for the media that they are speaking only for themselves.

12 Source Protection Authority

- 12.1 Through funding from the Province of Ontario specifically for these purposes, the **lead source protection authority** is responsible for:
 - 12.1.1 providing administrative support and funding for the operations of the CTC SPC, including paying *per diems* and mileage costs per paragraph 9;
 - 12.1.2 obtaining and maintaining insurance coverage per paragraph 10;
 - 12.1.3 paying for technical work on behalf of the Committee according to the provincially approved Terms of Reference, including transfers to municipalities, conservation authority staff and consultants;
 - 12.1.4 maintaining the CTC SPR website, including posting all mandatory information, information as directed by the Committee or on behalf of the CTC Source Protection Region;
 - 12.1.5 maintaining Committee's files and records;
 - 12.1.6 responding to any requests under the *Municipal Freedom of Information and Privacy Act* for information related to the Committee's operations; and
 - 12.1.7. any other duties required under the *Clean Water Act, 2006* and associated regulations, e.g. appointing members of the SPC, approving Rules of Procedure, etc.
- 12.2 In accordance with the Memorandum of Agreement amongst the source protection authorities in the CTC Source Protection Region, **each source protection authority** is responsible for:
 - 12.2.1 providing technical support to the Committee to undertake technical work under the current provincially-approved work plans as well as work assigned by the Committee under the provincially approved Terms of Reference reviewing;
 - 12.2.2 commenting on Terms of Reference, Assessment Report and Source Protection Plans;
 - 12.2.3 sending these products to the Province for approval, along with other comments received from public consultations and municipal council resolutions; and
 - 12.2.4 any other duties required under the *Clean Water Act, 2006* and associated regulations.

ATTACHMENT 2

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement,
de la Protection de la nature et des
Parcs

Office of the Minister

Bureau du ministre

777 Bay Street, 5th Floor
Toronto ON M7A 2J3
Tel.: 416-314-6790

777, rue Bay, 5^e étage
Toronto (Ontario) M7A 2J3
Tél. : 416.314.6790



March 26, 2020

TO: Conservation Authorities as listed in the attached **Schedule "A"**

SUBJECT: Minister's Direction for Conservation Authorities during the COVID-19
Outbreak

As the COVID-19 outbreak continues to evolve locally and globally, I am writing to provide direction on how conservation authorities can continue operations while maintaining a safe physical distance. To ensure conservation authorities can continue to conduct meetings and hearings as necessary, we are giving conservation authorities the ability to amend their administrative by-laws to allow for virtual meetings, including by teleconference.

As such, I am issuing this Minister's Direction ("**Direction**") pursuant to subsection 19.1 (7) of the *Conservation Authorities Act*. This Direction applies to all conservation authorities in Ontario, listed in **Schedule "A"** as attached. For greater certainty, this Direction also applies to conservation authorities when meeting as a source protection authority under the *Clean Water Act, 2006*.

The *Conservation Authorities Act* requires that, "[e]very meeting held by the authority shall be open to the public, subject to such exceptions as may be specified in the by-laws of the authority." Further, at any meeting that is held, "a quorum consists of one-half of the members appointed by the participating municipalities, except where there are fewer than six such members, in which case three such members constitute a quorum". It has been brought to my attention that the administrative by-laws that conservation authorities have adopted pursuant to subsection 19.1 (1) of the Act may create barriers in meeting these provisions of the Act during this time of emergency, where in-person attendance may not be feasible.

The primary purpose of this Direction is to enable conservation authorities to convene a meeting electronically in order to make the necessary amendments to their by-laws to deal with emergencies. This Direction identifies the minimum areas where the by-laws should be amended, in the manner deemed appropriate by the authority, to make provision for emergency situations. However, each conservation authority, depending on their individual by-laws, may identify the need to make other necessary amendments to respond to emergencies.

Accordingly, I am directing that the conservation authority review and amend their by-laws, as applicable, to ensure they comply with the following Direction and take the other necessary steps as set out in this Direction.

Electronic participation, emergencies

1. During any period where an emergency has been declared to exist, in all or part of an area over which a conservation authority has jurisdiction, under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, that may prevent members of the authority from meeting in person, the by-laws provide:
 - a. That members of the authority be permitted to participate in meetings electronically, which shall include the ability of those members participating electronically to register votes.
 - b. That any member of the authority who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time during the meeting in accordance with the requirement in subsection 16 (2) of the *Conservation Authorities Act*.
 - c. That any member of the authority can participate electronically in a meeting that is closed to the public.
 - d. That any hearing or appeal that is dealt with in the by-laws can be conducted electronically with provisions for applicants and their agents to participate, if the conservation authority holds any such hearing or appeal during any period where an emergency has been declared to exist.

Meetings open to the public

2. Conservation authorities must continue to implement best practices to make board meetings open to the public in accordance with subsection 15 (3) of the *Conservation Authorities Act*. Where possible, conservation authorities must provide for alternative means to allow the public to participate in any meetings electronically.

General, emergency measures

3. If there is anything that is required to be done under the by-laws during the emergency, including the holding of an annual general meeting, that the by-laws permit postponement to a later date.

Publication of information

4. The conservation authorities listed in Schedule "A" shall make this Direction publicly available on a website or other electronic means.

5. In accordance with subsection 19.1 (4) of the *Conservation Authorities Act*, an authority shall make any by-laws that are amended in accordance with this Direction available to the public in the manner it considers appropriate.

Implementation procedure

6. A conservation authority may hold a special meeting to amend a by-law for the purposes of implementing this Direction.
7. Despite any provision in a by-law made under subsection 19.1 (1) of the *Conservation Authorities Act*, members of the authority can participate electronically in any special meeting that is required to implement this Direction.
8. A member of the authority that is participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

Effective date

9. This Direction is effective immediately. If it is in the public interest to do so, I will provide further direction or clarification, at a later date, related to the matters set out in this Direction.

If you have any questions related to this Direction, please contact:

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To learn more about how the province continues to protect Ontarians from COVID-19, please visit www.ontario.ca/coronavirus.

Sincerely,



Jeff Yurek
Minister of the Environment, Conservation and Parks

- c: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable John Yakabuski, Minister of Natural Resources and Forestry
Ms. Kim Gavine, General Manager, Conservation Ontario