

APPENDIX IV:



# **REGULATIONS, PROCEDURES & RULES OF ORDER**

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REGULATIONS, PROCEDURES AND RULES OF ORDER

Applicable to the Conduct of the Authority

INTRODUCTION

This regulation is passed under powers conferred on the Authority by the Conservation Authorities Act, R.S.O. 1980, C.85.

In this regulation, "Authority" refers to the Catfish Creek Conservation Authority.

Definitions in terms used throughout the regulation correspond to those definitions given in Section (1) of the Conservation Authorities Act, R.S.O. 1980, C.85.

ADMINISTRATION REGULATION

Administration Regulation  
February 5, 1985  
(Section 30, The Conservation Authorities Act, R.S.O. 1980)

Minister's Certificate

In the Matter of Approval of  
Regulation under Section 30  
of the Conservation Authorities Act,  
R.S.O. 1980

I, Alan W. Pope, Minister of Natural Resources, pursuant to Section 30 of the Conservation Authorities Act, hereby approve the regulation, dated February 5, 1985, for all Conservation Authorities now in existence and for all Conservation Authorities established after this date, and revoke all previous approvals and regulations made under Section 29 of the Conservation Authorities Act, R.S.O. 1970 and Section 30 of the Conservation Authorities Act, R.S.O. 1980.

DATED at Toronto  
this 7th day of February, 1985

CALLING OF MEETINGS

1. At least two general meetings of the Authority shall be held each year at such time and place as the Authority or the Executive Committee shall decide, including one meeting prior to March 1<sup>st</sup>, and one meeting after July 1<sup>st</sup>, the Annual meeting being a meeting prior to March 1<sup>st</sup>.
2. Notice of all Full Authority meetings and Executive Committee meetings shall be conveyed to Members, municipalities, Ministry of Natural Resources, and to the local media at least 5 days prior to the date of the meetings. The notice shall include the time and place of the meeting and all items to be discussed at the meeting.
3. Anyone wishing notice of other meetings shall leave their name and address with the Secretary-Treasurer. The Secretary-Treasurer or his or her designate shall inform that person, in writing or by telephone, in advance of other meetings.
4. When any matter pertaining to an application for an Authority permit is to be discussed at a meeting of an Authority, the applicant shall be notified 5 days prior to the date of the meeting and invited to attend.
5. The Executive Committee shall meet at such time and place as the Chairperson shall decide or at other such intervals as the Executive Committee shall decide.
6. Each regular Committee shall meet at such time and place as the respective Chairperson shall decide under the general direction of the Authority or the Executive Committee.
7. Notice of Committee meetings shall be conveyed to all Members at least 5 days prior to the date of the meeting.

ELECTIONS AND APPOINTMENTS

8. The election of officers shall be held yearly at the Annual meeting.
9. The order of procedure for the elections shall be:
  - a) The election of the Chairperson (appointed Chairperson excluded), who shall be an accredited Member of the Authority, with such elections being conducted by a person appointed by the Authority
  - b) The election of the Vice-Chairperson, who shall be an accredited Member of the Authority
  - c) Such other elections as the Authority may determine
10. Elections shall be held by secret ballot and no Member may vote by proxy.

MEETING PROCEDURES

11. If no quorum is present one-half hour after the time appointed for a meeting of the Authority, the Secretary-Treasurer shall call the roll and record the names of those present and the meeting shall stand adjourned until the next meeting.
12. Rules of procedure for Authority meetings shall adhere to the current edition of Robert's Rules of Order, Bourinot's Rules of Order or other generally accepted rules of procedure.
13. The regulations governing in the procedure of the Authority shall be observed in Executive Committee and all Committee meetings, as far as they are applicable, and the words the Executive Committee or Committee shall be substituted for the word Authority, where such is applicable.

FREEDOM OF INFORMATION

14. All matters arising out of Authority meetings, and supporting technical reports shall form part of the public record and shall be available for public review immediately upon request. Exceptions to the foregoing include the following matters;
  - a) Personnel records
  - b) On-going property negotiations
  - c) Court cases in which the Authority is involved
  - d) Discussions, which could adversely affect the interests of a third party

POWER AND FUNCTIONS OF THE EXECUTIVE COMMITTEE

15. The Authority may delegate all or any of its power to the Executive Committee (if applicable), except;
  - a) The termination of the services of the General Manager/Secretary-Treasurer
  - b) The power to raise money, and
  - c) The power to enter into contracts or agreements other than such contracts or agreements as are necessarily incidental to the works approved by the authority

SIGNING OFFICERS

16.
  - a) Any two of the following Officers are designated and empowered to sign contracts, agreements and other documents on behalf of the Authority: Chairperson, Vice-Chairperson, Chief Administrative Officer, Secretary-Treasurer.
  - b) The Financial Services Coordinator is designated and empowered as signing authority for Payroll items and utility accounts plus one of the above noted Officers. (*Per Motion PF 25/2005*)

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SECRETARY-TREASURER

17. As a minimum, the Secretary-Treasurer or his or her designate shall:
- a) Give or cause to be given all notices required by this Regulation
  - b) Keep or cause to be kept accurate records of meetings and accounts of the Authority and shall be custodian of the corporate seal
  - c) Carry out or cause to be carried out required financial transactions on behalf of the Authority

REVOCATIONS

18. All previous regulations made under Section 29 of the Conservation Authorities Act, R.S.O. 1970 and Section 30 of the Conservation Authorities Act, R.S.O. 1980 are revoked.
- The CCCA adopted these Generic Regulations in Motion #56/85.

PROCEDURES AND RULES OF ORDER OF THE CATFISH CREEK CONSERVATION AUTHORITY

FISCAL YEAR

19. The fiscal year of the Authority shall be the calendar year.

MEETINGS

20. The Full Authority shall meet on a monthly basis and at such other times and place as the Chairperson shall decide.
- Meetings of the Full Authority will be held the second Thursday of each month at 10:00 a.m. unless otherwise approved.
21. The Chairperson may, at the written request of one-third of the Members, call a special meeting of the Authority on three days written notice. That notice shall state the business of the meeting.
22. The minutes of all meetings of the Full Authority and Advisory Committees shall be recorded by the General Manager/Secretary-Treasurer or his/her designate.
23. Written notice of each Full Authority meeting shall be conveyed to each Member of the Authority and the media.
24. Written notices of Advisory Committee meetings shall be conveyed to the Chairperson, and the Members of the respective Committees.

MEETINGS (continued)

25. Within 30 days after any Full Authority meeting, the General Manager/Secretary-Treasurer shall send a copy of the minutes of that meeting to each Member of the Authority. Following Full Authority approval of the minutes of any Full Authority meeting, the General Manager/Secretary-Treasurer shall within 15 days send a copy of the approved minutes to the member municipalities, MPP's, and MP's.
26. At any meeting, each accredited Member is entitled to one vote, including the Chairperson who shall, in the event of a tie vote, cast a deciding vote and/or vote at any time with the knowledge that he/she has only one vote.
27. At any meeting of the Full Authority, a quorum shall consist of a simple majority of the Members of the Authority.
28. At all Advisory Committee meetings, a quorum shall consist of a simple majority of the Members appointed to that particular Committee.
29. A majority vote of the Members present at any meeting is required upon all matters coming before the meeting.
30. In the event of the absence of the Chairperson and Vice-Chairperson from any meeting, the Members present shall appoint an acting Chairperson who, for the purposes of that meeting has all the powers and shall perform all the duties of the Chairperson.
31. Upon a vacancy in the positions Chairperson or Vice-Chairperson due to death, incapacity, resignation or continued absence from meetings, the Authority may appoint a Member to fill such vacancy at any subsequent meeting.
32. At least 90 days prior to the first Full Authority meeting of each year, the General Manager/Secretary-Treasurer shall notify the clerk of any municipality for which the term of office of its Member will expire at the time of that meeting. Written notice from the appointing municipality must be received by the General Manager/Secretary-Treasurer prior to the first Full Authority meeting of the year to permit voting privileges for any newly appointed Member.

MEETINGS (continued)

33. At the first Full Authority meeting (Annual meeting) each year, the Agenda shall include:
- a) The introduction of the new Members
  - b) The election of a Chairperson, except where one is appointed by the Lieutenant-Governor in Council
  - c) The election of a Vice-Chairperson
  - d) The presentation of the Auditor's Report
  - e) The appointment of an Auditor qualified under Section (39) of the Conservation Authorities Act
  - f) The appointment of a Solicitor
  - g) The naming of a bank with which the Authority will conduct its financial business during the current fiscal year
  - h) The adoption of a Borrowing Resolution and designation of Signing Officers for the upcoming year
  - i) Presentation and adoption of the Annual Report
  - j) Presentation of the Conservation Award
  - k) Presentation of the Student Scholarship Award
34. A representative from the Ministry of Natural Resources or such other person as the Chairperson may designate, shall conduct the election of officers at the Annual meeting for the ensuing year in the following order: Chairperson and Vice-Chairperson of the Authority. The person selected to conduct the elections will call for a motion to appoint two scrutineers in the event of an election and to destroy all ballots after the vote.
35. The person presiding for the election shall proclaim the newly-elected Chairperson in the Chair and hand over control of the meeting to him/her after all the elections as noted in #34 above.
36. The election procedure for the Chairperson and Vice-Chairperson shall be as follows:
- a) An open verbal nomination
  - b) Nominations will be called three (3) times
  - c) A motion to close nominations
  - d) Each nominee has three (3) minutes to speak to his/her nomination, or proxy stating their willingness to stand in the same order as they were nominated
  - e) A secret ballot to vote on those accepting the nomination
- Ballots will be distributed to appointed Members only and no Member may vote by proxy.
37. In the event of a tie vote in the election of the Chairperson or Vice-Chairperson, the procedure of breaking the vote shall be as follows:
- a) All ballots will be destroyed and all Members will vote a second time
  - b) If a tie vote still exists, all ballots will be destroyed and all Members will vote a third time
  - c) If a tie vote still exists, the names of the eligible candidates will be placed in a suitable receptacle and the Chairperson or Vice-Chairperson shall be the first name drawn



MEETINGS (continued)

38. The minutes of the previous meeting shall not be read by the General Manager/Secretary-Treasurer unless the reading thereof is requested by motion.
39. The Agenda of the meeting shall be taken up in the order in which it stands, unless otherwise decided by the Full Authority.
40. No Members shall present any motion to the Authority for its consideration unless the motion appears on the Agenda for the meeting of the Authority, or a majority vote of the Authority decides to consider it.
41. Written notice of motion may be given by any Member of the Authority and must be conveyed to the General Manager/Secretary-Treasurer at least 10 days prior to the next meeting. This motion shall be placed on the Agenda of the next meeting.
42. When a motion is under debate, no motion shall be received other than a motion to amend, to defer action, to refer the question, to take a vote, to adjourn or to extend the hour of closing the proceedings.
43. The Chairperson shall preserve order and decide on questions of order. When the Chairperson rule is challenged, the meeting shall forthwith vote to sustain the Chairperson's ruling or to make a new ruling.
44. After a question has been decided, any Member who voted thereon may with the majority consent at any regular meeting of the Authority thereafter move for reconsideration of the question.
45. No discussion of the main question shall be allowed until the motion for reconsideration is carried, and no question shall be reconsidered more than once at any one meeting.
46. The Chairperson and Vice-Chairperson will meet prior to the first Full Authority meeting following the Annual meeting to discuss and recommend the Members and a Chairperson for the various Committees to the Full Authority for adoption. The Chairperson will consult with each Member prior to making any final recommendations.

The Chairperson is a Member ex-officio of each Advisory Committee.

47. On an annual basis, the Authority will send to the Clerk of every participating municipality a report regarding Member attendance at meetings. The report will contain the Member's name, number of meetings invited to and the number of meetings attended.

48. A delegation may only appear in front of the Authority if they have given the General Manager/Secretary-Treasurer notice of their intentions at least five working days prior to the meeting they wish to appear at. If sufficient notice has not been given, a delegation may appear only if a majority vote of the Members present agrees to let them do so. A delegation shall be limited in speaking to not more than fifteen minutes followed by a ten-minute discussion and/or question period if required.
49. No business shall be discussed four hours after the meeting has commenced unless agreed to by a majority vote of the Members present. Business under discussion at the four-hour mark will be adjourned until the next Full Authority meeting.

PER DIEM AND EXPENSES

50. a) Members are paid a per diem and travel allowance (mileage) for attendance at meetings that deal with Authority business. The rates for per diems and mileage are approved by the Ontario Municipal Board and are based on the prevailing rates of the Province of Ontario. If a Member attends more than one meeting per day they are entitled to an additional \$10.00 per meeting.
- b) The Authority Chairperson will be paid an Annual Honorarium.

MOTION # PF 17/2007 S. Martyn

G. Richer

CARRIED

THAT, the Personnel/Finance Committee recommend to the Full Authority that the Member Per Diems and Chairperson's Honorarium be increased by the approved Cost of Living adjustment annually beginning January 1, 2008.

- c) Per diems and mileage reimbursement for all Full Authority, Advisory, Committee and Special meetings are paid annually in December. An attendance sheet is circulated at each meeting and Members MUST sign in and record their mileage to ensure payment is received.
- d) If no quorum is present, the per diem rate shall be paid to those in attendance.

POWERS AND FUNCTIONS OF MEMBERS, AUTHORITY AND ADVISORY COMMITTEES

51. Members

A duly appointed Member of a participating municipality, is responsible to:

- a) Attend all Full Authority meetings
- b) Become aware and knowledgeable of programs, projects and activities of the Authority
- c) Attend all meetings of the Advisory Committees to which he/she has been appointed
- d) Keep the member municipality informed of Authority programs, projects and activities
- e) Be prepared to discuss issues at Full Authority and Advisory Committee meetings

52. Authority

Subject to the Conservation Authorities Act, the Authority is empowered without restricting the general powers designated by the Conservation Authorities Act to:

- a) Approve the total budget for the ensuing year and approve the levies to be paid by the participating municipalities
- b) Approve and authorize payment of all accounts
- c) Receive and approve the Auditor's statement for the preceding year
- d) Receive and approve the Annual Report for the preceding year
- e) Authorize the borrowing of funds on the promissory note of the Authority
- f) Approve by motion, any proposed expropriation of land
- g) Approve by motion any land purchases or disposals incidental to any approved project except as specified under 52(f)
- h) Appoint by motion, Ad Hoc Committees, Advisory Committees and the Members thereon and approve the Terms of Reference for these Committees
- i) Approve all policies, programs, projects, regulations and activities of the Authority
- j) Award contracts or agreements, which are necessarily incidental to the erection of works approved by the Authority
- k) Receive delegations on behalf of the Authority and make recommendations thereon
- l) Approve the creation of any new permanent positions within the Authority
- m) Conduct Hearings in accordance with Section 28(3) for regulations passed pursuant to Section 28(1) of the Conservation Authorities Act
- n) Discipline, terminate or dismiss any permanent staff
- o) Conduct an annual performance review for the General Manager/Secretary-Treasurer

53. Advisory Committees

Each Advisory Committee appointed by the Authority:

- a) Shall consider and recommend details and actions on programs, projects, etc. within the Terms of Reference of the Committee
- b) All five members of the Full Authority are appointed to each Committee;
- c) The Authority Chairperson and Vice-Chairperson will recommend the Chairs of the respective Committees
- d) The Committees have the ability to make decisions instead of recommendations. All actions and decisions will be ratified by the Full Authority when the Minutes of the respective Committees are approved.

SIGNING OFFICERS

54. The Signing Officers of the Authority shall be the Chairperson, Vice-Chairperson, and General Manager/Secretary-Treasurer whose signatures shall be required as laid down in the following paragraphs.
55. All deeds, transfers, assignments, contracts and obligations entered into by the Authority must be signed by the General Manager/Secretary-Treasurer and either the Chairperson or the Vice-Chairperson of the Authority. These Signing Officers are empowered to sign such documents as are necessary for works approved by the Authority.
56. For the above purposes, the Signing Officers are empowered to arrange for the borrowing by way of promissory note of the funds necessary for the approved projects and programs of the Authority, at such rate of interest as the Minister approves.
57. All cheques must be signed by the General Manager/Secretary-Treasurer and either the Chairperson or the Vice-Chairperson of the Authority.
58. Notwithstanding any provision herein to the contrary, the General Manager/Secretary-Treasurer and/or Chairperson being appointed as Officers by the Authority under clause 28(1)(d) of the Conservation Authorities Act, are hereby designated and empowered to approve and sign, on behalf of the Authority any written permission required by any regulation made under clause 28(1)(b) or (f) of the said Act.

DUTIES OF OFFICERS

59. Chairperson

The Chairperson shall fulfill a leadership, communication, monitoring, and representational role with the Authority and see that all business of the Authority is conducted in a fair and just manner. In particular, the Chairperson shall:

- a) Chair all Full Authority meetings;
- b) Seek consensus on behalf of all Members;
- c) Be “ex-officio”, a Member of all Advisory Committees;
- d) Act as the key spokesperson to the community on controversial issues and decisions of the Board;
- e) Brief the Members on all key meetings held by the Chairperson;
- f) Be the Authority’s representative on the Conservation Ontario Council unless assigned to some other person;
- g) Maintain primary liaison with the General Manager/Secretary-Treasurer;
- h) Represent the Authority at such functions as warrant the interest of the Authority, except where this responsibility is specifically assigned to some other person;
- i) Maintain an overseeing role with regard to the general conduct of Authority Officers;
- j) Act as a key linkage and spokesperson to other levels of government; and
- k) Perform a ceremonial role on special occasions

60. Vice-Chairperson

The Vice-Chairperson of the Authority shall assist the Chairperson in all ways possible and in particular shall:

- a) Act as Chairperson immediately upon the death, incapacity to act, absence, or resignation of the Chairperson until such time as a new Chairperson is appointed or until the Chairperson resumes their duties
- b) Act on behalf of the Chairperson at any function upon the request of the Chairperson

61. General Manager/Secretary-Treasurer

The General Manager/Secretary-Treasurer shall be the Chief Administrative Officer of the Authority and reports to the Full Authority as required.

The General Manager/Secretary-Treasurer is responsible for directing, coordinating and evaluating the development and execution of programs, policies and decisions approved by the Board of Directors.

The General Manager/Secretary-Treasurer shall:

- a) Plan, direct and control the operation and administration of the Authority according to the policies and directives of the Full Authority
- b) Develop and recommend policies to the Board and direct the implementation of approved policies

61. General Manager/Secretary-Treasurer (continued)

- c) Advise and counsel the Advisory Committees on program policy and priorities of the Authority reflect and reconcile the interests and directives of local, provincial and federal governments
- d) Direct and coordinate the preparation of the budget, review and rationalize each section of the budget and assess and evaluate project priorities in accordance with the strategic direction outlined in the Authority's Strategy Document
- e) Review comparative statements and redeploys monies within overall budget
- f) Oversee the banking business of the Authority including the investment of funds, which are surplus to current requirements
- g) Review, modify if necessary, reports from subordinates, prepare reports containing descriptive analytical and evaluative data. Presents and counsels subordinates on presentation skills and content
- h) Develop and recommend improved management methods, staff appointments, promotions and salaries and other related personnel actions and counsels as to their implementation
- i) Monitor the management of Authority assets to ensure the maintenance and/or enhancement of these assets over the long term i.e. capital and human resources
- j) Evaluate and develop recommendations on major land purchases, negotiate final agreements
- k) Represent the Authority's position before member municipalities, the media and senior governments on sensitive issues requiring tact and judgement to ensure a positive high profile stance for the Authority
- l) Be responsible for all documentary requirements necessary to obtain approvals under the Conservation Authorities Act
- m) Provide direction and instructions for the consultants, contractors and other professional firms and individuals engaged from time to time by the Authority
- n) Evaluate the performance of supervisors and review their recommendations for salary adjustments and related changes
- o) Monitor and review incoming correspondence, distributing routine matters to appropriate staff and responding as necessary to represent the Authority's position
- p) Act as the Authority Freedom of Information and Privacy Coordinator
- q) Represent Management on the Authority's Health & Safety Committee
- r) Maintain the Authority property register
- s) Act as the Authority's alternate voting representative on the Conservation Ontario Council
- t) Carry out all statutory duties as prescribed in the Conservation Authorities Act
- u) Act as the Authority's Flood Coordinator

62. Advisory Committee Chairperson

The Chairperson of each Advisory Committee shall be responsible for ensuring that the various projects assigned to the respective Committees by the Full Authority are pursued expeditiously and for:

- a) The calling of meetings, at his/her discretion, or at the request of the Full Authority to address various matters associated with the responsibilities of each Committee as described in the Terms of Reference and for the preparation of the Agenda for such meetings
- b) Such investigations and inspections as are necessary to be properly aware of the progress of projects and programs under the jurisdiction of the Committee
- c) The presentation of the minutes on behalf of the Committee, to the Full Authority

63. The Terms of Reference for the Committees, which the Authority may deem necessary to appoint in any one year, shall be as follows, except as specified by the Authority.

These Committees are advisory in nature and do not themselves have the power to act unless otherwise directed by the Full Authority in the form of a motion.

64. The following are the suggested Committees. These Committees may be added to or deleted in accordance with the program of the Authority:

- a) Personnel/Finance Committee
- b) Land Management Committee
- c) Health and Safety Committee

65. Advisory Committees shall be responsible to the Full Authority and shall undertake a range of projects more specifically described as follows for each Committee. Also, each shall be responsible for advising the General Manager/Secretary-Treasurer of their subsequent year's monetary requirements sufficiently in advance of budget review dates, so as to ensure the inclusion of adequate appropriations.

66. Personnel/Finance Committee

*General Terms Of Reference*

To initiate, study, report on and recommend to the Full Authority matters of a Financial and Personnel nature.

*Specific Terms Of Reference*

a) Financial

- Review the Authority Purchasing Policy and Procedures at least once a year
- Introduce new financial policies and procedures for inclusion in the appropriate Authority documents
- Review the Authority preliminary and final budgets
- Review and recommendation of the Auditor's Report and Financial Statement
- Review any Provincial Auditor's Statements and Reports
- Dealing with any financial-related matters of the Authority

b) Personnel

- Review the Authority Personnel Policy and Regulations at least once a year prior to the preliminary budget being submitted
- Discuss salaries, benefits and job appraisals with Authority staff in accordance with the Personnel Policy
- Conduct Full Authority-related business if so directed by the Board through the appropriate motion
- Implement the necessary procedures to fill vacated permanent staff positions
- Deal with any personnel-related issues and concerns that may arise
- Formalize new policies and procedures for inclusion in the Authority Personnel Policy
- Review the per diem, Chairperson's Honorarium and mileage rates

*Composition*

Consists of five Members, including the Chairperson of the Authority.



67. Land Management Committee

*General Terms Of Reference*

To develop and ensure the effective and efficient implementation of a program designed to achieve the Conservation Authority's objectives under the program areas of Recreation, Forestry, Fish and Wildlife and Cultural and Historical Resources.

*Specific Terms Of Reference*

- Review the operations of the various Conservation Areas as required
- Formalize new rules, regulations and policies for the Conservation Areas for recommendation to the Full Authority
- Discuss possible Outdoor Recreation capital development projects for consideration in the Authority's budget deliberations
- Review the Springwater C.A. campground and day-use fee schedules each year for implementation in the upcoming season
- Discuss any outstanding issues, concerns, complaints, appeals, etc. that cannot be resolved between staff and the patrons of the Springwater C.A.
- Oversee the preparation of Master, Site, and Management Plans for Conservation Authority properties and ensure the management of these properties is consistent with the Authority's objectives
- Promote outdoor recreation on Authority properties and generally within the Authority's area of jurisdiction
- Participate in joint planning with concerned agencies and member municipalities aimed at managing recreation, forest, wildlife and cultural and historical resources within the Authority's area of jurisdiction
- Review long-term strategies for the development and related marketing of specific recreational oriented facilities in Conservation Areas
- Review and recommend program plans for fisheries, wildlife, and forestry management projects on Authority-owned lands

*Composition*

Consists of five Members, including the Chairperson of the Authority

68. Health and Safety Committee

*General Terms Of Reference*

To implement the Authority Health and Safety Policy

*Specific Terms Of Reference*

- Create and promote an interest in safety among the work forces
- Provide an opportunity for group discussions on accident prevention
- Make health and safety recommendations to the employer
- Inspect the work place
- Investigate serious accidents or injury
- Act on behalf of the employees during refusal to work situations under the Occupational Health and Safety Act

*Composition*

Consists of one staff member from Management, one staff member from Field Operations, and a Safety Officer.

PERSONNEL AND CONFIDENTIAL MATTERS

69. The Full Authority or an Advisory Committee of the Catfish Creek Conservation Authority may, for the purposes of dealing with personnel and/or confidential matters, by motion go into The Committee Of The Whole. After reverting back to the regular meeting, any report of The Committee Of The Whole shall form part of the minutes of the regular meeting.

HEARINGS

70. Hearings under the Fill, Construction and Alteration to Waterways Regulation or any other Regulations of the Authority shall be conducted by the Full Authority or the Personnel/Finance Committee if directed by a motion from the Full Authority.

Hearing proceedings will be in accordance with the Hearing Guidelines outlined in Appendix B.

Minutes and/or reports from a Hearing will form part of the regular meeting.

MUNICIPAL LEVY REGULATION

71. The Full Authority will adhere to the Policies and Procedures for the Administration of the Municipal Regulation for Non-Matching Levy in accordance with the protocol contained in Appendix A.

MUNICIPAL LEVY APPORTIONMENT

72. Ontario Regulation 670/2000 adopted modified Current Value Assessment in accordance with the "Fair Municipal Finance Act 1998" as the basis for municipal levy assessment for the 2001 and subsequent financial years.

Levy apportionment appeals are now directed to the Mining and Lands Commissioner.

A copy of Ontario Regulation 670/2000 together with the most recent apportionment data for the municipalities lying within the Catfish Creek Conservation Authority watershed are contained in Appendix C.

NOTICE OF APPORTIONMENT

73. The General Manager/Secretary-Treasurer will notify all participating municipalities of their levy apportionment by registered mail within 15 days following approval of the budget by the Full Authority. Payments will be in two equal instalments on May 15<sup>th</sup> and September 15<sup>th</sup>.

INDEMNITY

74. Every Member of the Authority and his/her heirs, executors, administrators and estate and effects respectively shall from time to time and at all times be indemnified and saved harmless out of the funds of the Authority from and against all costs, charges, and expenses whatsoever which such Member of the Authority sustains or incurs in or about any action, suit or proceeding which is brought, commenced, or prosecuted against him/her 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: all other costs, charges and expenses he/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 wilful neglect or default.

REVOCACTION

75. The revised Administration Regulations, Procedures and Rules of Order incorporating all amendments to date are hereby approved and the Administration Regulations, Procedures and Rules of Order of the Catfish Creek Conservation Authority dated October 18, 2001, Motion #121/01 described in Report FA 87/01, are hereby revoked.

REGULATIONS, PROCEDURES AND RULES OF ORDER

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These Regulations will be reviewed annually and updated as required.

\_\_\_\_\_  
General Manager/Secretary-Treasurer

\_\_\_\_\_  
CCCA Chairperson

\_\_\_\_\_  
January 12, 2015

\_\_\_\_\_  
Report FA 26/2004, Motion #39/2004  
Report FA 111/2005, Motion #142/2005  
Approval

Date

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## APPENDIX A - MUNICIPAL LEVY REGULATION

Policies and procedures for the administration of the Municipal Regulation for Non-Matching Levy - Conservation Authorities Act.

### 1.0 Background

Amendments to the Conservation Authorities Act as contained in Bill 26 empower authorities and their member municipalities to determine local priorities. In addition, Section 27 of the revised Conservation Authorities Act provides for the creation of a Municipal Levy Regulation, which prescribes the voting mechanism on “non-matching” levy, where no provincial grants are involved. Where provincial grants are provided, the legislation clearly defines how municipal levies are to be addressed.

The Regulation utilizes the concept of “weighted support”. Weighting is to be based on a municipality’s relative Discounted Equalized Assessment. This is a parameter commonly used by Conservation Authorities and municipalities for a number of years and both parties are familiar with the use of this factor in the apportioning of municipal levies.

### 2.0 Legislation

2.1 Section 27.-16 of the Conservation Authorities Act states that “The Lieutenant Governor in Council may make regulations governing the nature and amount of the levies made by Conservation Authorities under this section, including regulations that restrict or prohibit the making of levies described in the regulation”

2.2 Section 16.-2 of the Conservation Authorities Act states that a meeting of the Conservation Authority is duly constituted by a quorum (one-third of the members) as defined under the Conservation Authorities Act.

2.3 Under the Municipal Levy Regulation, an individual municipality can not have a weighted vote exceeding 50% of the weighting unless that municipality has more than 50% of the members on the Authority’s board. (Refer to MTRCA Scenario appended)

Under the Municipal Levy Regulation, a vote is carried by a Weighted Majority. Weighted Majority means the vote of 51% of those present after the votes are weighted by the percentage of discounted equalized assessment for each municipality

3.0 Policies and Procedures

The regulation for non-matching levies comes into effect when the voting taking place is to clearly establish the levy. The budget that is being presented to the Board must specifically articulate the levy requirements of the participating municipalities. If the budget represents a preliminary budget or if a subsequent vote will be required to establish the Authority's budget then the conditions of the levy regulation are not applicable. If the substance of the budget is essentially a document indicating the strategic direction of the Authority, again the levy regulation does not apply.

Participating municipalities have 30 days to arrive at a position on Conservation Authority budgets and advise their representative(s) on the board of the Conservation Authority.

Members vote as per the direction of the municipality/ies each represents.  
(CAO/AMO Protocol)

Where a regional municipality exists and appoints the members and pays the levy to the Conservation Authority, each member present votes their proportion of the regional weighting. Weightings do not apply to the lower tier municipalities within the regional municipality. (Refer to HRCA Scenario appended)

Where there is a multi-member municipality, each member carries to the meeting the proportion of that municipality's weighted vote divided by the number of members appointed by that municipality. In the event that not all of a municipality's member(s) are present, the member(s) in attendance represent(s) only their proportion of the municipal weighting in the voting.

Members representing more than one municipality will endeavour to obtain a consensus of those municipalities. These members will vote individually for each municipality they represent and each weighted vote will be based on the respective DEA weighting.

A vote by proxy is not permitted.

A tie vote is a lost vote, in accordance with changes to the Conservation Authorities Act that have been introduced.

The vote will be a recorded vote.

MTRCA Scenario

Municipality	# of Members	DEA (%)	Vote
R.M. of Metro	14	71	50
R.M of Durham	3	2.5	(2.5 /29 x .5) 4
R.M of Peel	5	10	17
R.M of York	5	16	28
Mono	1	.25	.5
Adjala		.25	.5
	28	100	100

Metro is limited to a weighted vote of 50%, even with a DEA of 71% because Metro does not have a majority of the members.

HRCA Scenario

Municipality	# of Members	DEA (%)	Vote
R.M. of Halton	12	90	90
Milton	2	10	--
Burlington	4	37	--
Oakville	4	39	--
Halton Hills	2	4	--
Dundas	1	1.0	1
Flamborough	1	2.0	2
R.M. of Peel	2	7.5	7.5
Puslinch	1	.5	.5
	17	100	100

Each member present at a levy-voting meeting from the Regional Municipality of Halton carries a weighting of 7.5% (90/12)

REGULATION MADE UNDER THE CONSERVATION AUTHORITIES ACT

Municipal Levies

1. (1) In this regulation,

“Non-Matching Levy” means a levy approved by a weighted majority of the members at a meeting for which 30 days notice was provided to the affected municipalities and at which a recorded vote was taken.

“Weighted Majority” means the votes of 51 percent of those represented after the votes are weighted by the percentage that applied under this definition in 1997 for each municipality.

- (2) For the purpose of the definition of “Weighted Majority”, the weighting for a municipality may not exceed 50 percent of the total weighting, except where the majority of the members of a conservation authority are appointed by one municipality.

1.1 A notice provided under subsection (1) for a meeting must include the amount of the non-matching levy to be voted on and must be accompanied by the financial information relied on in support of that levy.

2. A non-matching levy may be levied by conservation authorities against participating municipalities.
3. The total of non-matching levies for any project or activity may not exceed the total cost of the project or activity.



APPENDIX B – HEARING PROCEDURES

1. Chairperson's Remarks (Chairperson to read as written):

This is a Hearing held under Section 28(3) of the Conservation Authorities Act, R.S.O. 1990, as amended, concerning Application \_\_\_\_\_, made pursuant to Ontario Regulation 144/90.

The proceedings will be conducted according to the Statutory Powers Procedure Act.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation.

The rules of evidence before this Board are informal.

Under Section 5 of the Canada Evidence Board, a witness may refuse to answer any question.

If the applicant has any question to ask of the Tribunal or the Authority representative, he/she is free to do so providing all questions are directed to the Chair of the Hearing.

Date: \_\_\_\_\_

Applicant: \_\_\_\_\_

Municipality: \_\_\_\_\_

Property Description: \_\_\_\_\_

2. Hearing Format (Chairperson to read this section so Board Members and Applicant know what to expect):

- Chairperson to appoint a Recording Secretary for the Hearing (General Manager/Secretary-Treasurer)
- Presentation of the Application by CCCA staff
- Questions from Board to CCCA staff
- Presentation by the Applicant
- Questions from the Board to the Applicant
- Summation of cases by both parties
- Discussion
- Adjournment of Hearing for recess (staff, applicant to leave room, Board to discuss evidence)
- Reconvene hearing
- Verbal decision on the application via a Motion (written notice to Applicant will be provided within 30 days)
- Adjournment of the Hearing

APPENDIX C - ONTARIO REGULATION 670/2000

Ontario Regulation 670/2000 made under the Conservation Authorities Act.

Filed by the Registrar of Regulations on December 19, 2000.

Conservation Authority Levies

1. In this Regulation,

“Current Value Assessment” means the current value assessment of land, determined under the provisions of the Assessment Act, for a given year.

“Property Class” means a class of real property prescribed under the Assessment Act.

2. (1) In determining the levy payable by a participating municipality to an authority for maintenance costs pursuant to subsection 27 (2) of the Act, the authority shall apportion such costs to the participating municipalities on the basis of the benefit derived or to be derived by each participating municipality determined,
- a) By agreement, among the authority and the participating municipalities; or
  - b) By calculating the ratio that each participating municipality’s modified assessment bears to the total authority’s modified assessment
- (2) In determining the levy payable by a participating municipality to an authority for administration costs pursuant to subsection 27 (3) of the Act, the authority shall apportion such costs to the participating municipality of the basis of the ratio that each participating municipality’s modified assessment bears to the total authority’s modified assessment.

Conservation Authority Levies (continued)

3. The following rules apply for the purposes of Section (2):

(1) The modified current value assessment is calculated by adding the current value assessments of all lands within a municipality, all or part of which, are within an authority's jurisdiction and by applying the following factors to the current value assessment of the land in the following property classes:

<u>Property Class</u>	<u>Factor</u>
Residential / Farm	1
Multi-Residential	2.1
Commercial	2.1
Industrial	2.1
Farmlands	0.25
Pipe Lines	1.7
Managed Forests	0.25
New Multi-Residential	2.1
Office Building	2.1
Shopping Centre	2.1
Parking Lots and Vacant Land	2.1
Large Industrial	2.1

(2) A participating municipality's modified assessment is the assessment calculated by dividing the area of the participating municipality within the authority's jurisdiction by its total area and multiplying that ratio by the modified current value assessment for that participating municipality.

(3) The total authority's modified assessment is calculated by adding the sum of all of the participating municipalities' modified assessments for that authority.

(4) An authority may establish a minimum sum that may be levied against a participating municipality with the authority's jurisdiction.

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