

# CATFISH CREEK CONSERVATION AUTHORITY

## *Mission Statement*

*"To communicate and deliver resource management services and programs  
in order to achieve social and ecological harmony for the watershed"*

Special Meeting of the Full Authority is to be held by teleconference on  
Tuesday, April 7<sup>th</sup>, 2020, commencing at 1:30 p.m.

Dial in Number: 855-392-2520

Access Code: 7817846

## A G E N D A

- 1) Welcome / Call to Order ..... Rick Cerna
- 2) Adoption of Agenda
- 3) Disclosure of Pecuniary Interest
- 4) Disclosure of Intention to Audio / Video Record Meeting
- 5) Reports:
  - a) Report SM 01/2020 - CCCA Administrative By-Law Update ..... 2 - 67  
(Christopher Wilkinson)
- 6) Unfinished Business
- 7) Notice of Motions / New Business
- 8) Correspondence:
  - a) Copied:
    - None
  - b) Not Copied:
    - None
- 9) Next Meeting / Termination

## REPORT SM 01 / 2020: To The Full Authority

**FROM:** Christopher Wilkinson, General Manager / Secretary-Treasurer  
**SUBJECT:** CCCA Administrative By - Law Update  
**DATE:** April 1, 2020  
**FINANCIAL IMPLICATIONS:** None  
**STRATEGIC ACTION:** Operate a sustainable and adaptable organization

---

### PURPOSE:

To present the members with an updated Administrative By - Law for the Catfish Creek Conservation Authority (CCCA) to enable electronic meetings during any period where an emergency has been declared to exist.

### BACKGROUND:

#### Current By-Laws

The current CCCA Administrative By-Law was approved by Motion 71/2018 and came into force June 14<sup>th</sup>, 2018.

CCCA by-laws indicate members must meet in person to be counted as Present at the meeting:

#### **CCCA By-Laws: B.10 Electronic Participation**

*Members may participate in a meeting that is open to the public by telephonic or other electronic means that permits all participants to communicate adequately with each other during the meeting. A Member participating in a meeting electronically shall not be counted in determining quorum.*

*A Member shall not participate electronically in a meeting that is closed to the public.*

The by-laws also indicate that meetings must be open to the public:

#### **CCCA By-Laws: C.10.3. Meetings Open to Public**

*All meetings of the General Membership and Executive Committee, if applicable, shall be open to the public.*

*A meeting or part of a meeting may be closed to the public if the subject matter being considered is identified in the closed meeting section of the agenda and the subject matter meets the criteria for a closed meeting as defined in this by-law.*

Amendments to the CCCA by-laws enable electronic voting and electronic public participation requires a Board Motion.

Due to the current emergency, it is unworkable to hold a face to face meeting to update the by-laws.

#### Bill 187, Municipal Emergency Act, 2020

This emergency legislation came into force on the day it received Royal Assent (March 19, 2020) but is not applicable to CCCA.

Legal staff from the Ministry of Environment, Conservation and Parks (MECP) and the Ministry of Municipal Affairs and Housing (MMAH) confirmed that Bill 187 (An Act to amend the

Municipal Act, 2001 and the City of Toronto Act, 2006 which allows municipalities and local boards to hold electronic meetings with participants counting as quorum for both open and closed meetings) does not apply to Conservation Authorities (CAs); the key point they raise is that CAs are specifically excluded as a Local Board under the Municipal Act's definition of Local Boards.

## **Current Status**

### **Director's Order (Attachment 1)**

A Directors Order received on March 26, 2020 (Attachment 1) provides direction to update CCCA By-Laws to allow members to meet quorum, including the ability to meet in camera, hold a recorded vote, and ensure the public can participate based on our technology limitations.

Sections 6-8 of the Order indicate a special meeting is required to implement the updates. CCCA By-Laws C.2 requires 5 days notice for a Special Meeting called by the chair on April 1, 2020. The special meeting called for April 7 provides for the 5-day notice.

Conservation Ontario provided staff with the below text. Staff propose to amend Section C Meeting Procedure by adding a sub-section 20.

### **20. Declared State of Emergency**

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.1 of the Emergency Management and Civil Protection Act, that may prevent the General Membership from meeting in person, a 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 meetings closed to the public.

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.1 of the Emergency Management and Civil Protection Act, that may prevent the General Membership from meeting in person, any date or timeline requirement established under any Section in this By-law shall be postponed until such time as the General Membership can reasonably address the issue.

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.1 of the Emergency Management and Civil Protection Act, the Authority shall implement best practices to make meetings of the Authority open to the public in accordance with Subsection 15(3) of the Act. Where possible, the Authority will provide for alternative means for the public to participate in meetings electronically.

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.1 of the Emergency Management and Civil Protection Act, that may prevent the General Membership from meeting in person, any hearing or appeal dealt with in this By-law may be conducted electronically with provisions for applicants and their agents to participate if the Authority decides to hold any such hearing or appeal.

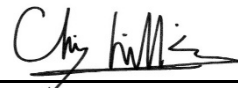
Updated By-Laws (Attachment 2)

The revised by-laws with the above amendment amended is attached to this report as Attachment 2.

**Recommendation**

THAT, the Catfish Creek Conservation Best Management Practices and Authority Administrative By-Law approved by the Full Authority in Motion #71 / 2018 are hereby revoked; and further,

THAT, the new Administrative By - Law for the Catfish Creek Conservation Authority attached to Report SM 01 / 2020, be adopted as presented.



---

Christopher Wilkinson  
General Manager / Secretary-Treasurer

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<sup>e</sup> 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:

Chloe Stuart  
Assistant Deputy Minister, Land and Water Division, MECP  
Robinson PI South Tower, 6<sup>th</sup> Floor  
300 Water Street  
Peterborough ON K9J 3C7  
(705) 755-5341  
[chloe.stuart@ontario.ca](mailto:chloe.stuart@ontario.ca)

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

## **SCHEDULE "A" CONSERVATION AUTHORITIES**

### **Ausable Bayfield CA**

R.R. #3  
71108 Morrison Line  
Exeter ON N0M 1S5  
Brian Horner  
bhorner@abca.on.ca

### **Cataraqui Region CA**

Box 160  
1641 Perth Road  
Glenburnie ON K0H 1S0  
Katrina Furlanetto  
kfurlanetto@crca.ca

### **Catfish Creek CA**

R.R. #5  
8079 Springwater Road  
Aylmer ON N5H 2R4  
Chris Wilkinson  
generalmanager@catfishcreek.ca

### **Central Lake Ontario CA**

100 Whiting Avenue  
Oshawa ON L1H 3T3  
Chris Darling  
cdarling@cloca.com

### **Credit Valley CA**

1255 Old Derry Rd  
Mississauga ON L5N 6R4  
Deborah Martin-Downs  
deb.martindowns@cvc.ca

### **Crowe Valley CA**

Box 416  
70 Hughes Lane  
Marmora ON K0K 2M0  
Tim Pidduck  
tim.pidduck@crowevalley.com

### **Essex Region CA**

Suite 311  
360 Fairview Ave West  
Essex ON N8M 1Y6  
Richard Wyma  
rwyma@erca.org



**Ganaraska Region CA**

Box 328  
2216 County Road 28  
Port Hope ON L1A 3V8  
Linda Laliberte  
llaliberte@grca.on.ca

**Grand River CA**

Box 729  
400 Clyde Road  
Cambridge ON N1R 5W6  
Samantha Lawson  
slawson@grandriver.ca

**Grey Sauble CA**

R.R. #4  
237897 Inglis Falls Road  
Owen Sound ON N4K 5N6  
Tim Lanthier  
t.lanthier@greysauble.on.ca

**Halton Region CA**

2596 Britannia Road West  
Burlington ON L7P 0G3  
Hassaan Basit  
hbasit@hrca.on.ca

**Hamilton Region CA**

P.O. Box 81067  
838 Mineral Springs Road  
Ancaster ON L9G 4X1  
Lisa Burnside  
lisa.burnside@conservationhamilton.ca

**Kawartha Region CA**

277 Kenrei (Park) Road  
Lindsay ON K9V 4R1  
Mark Majchrowski  
mmajchrowski@kawarthaconservation.com

**Kettle Creek CA**

R.R. #8  
44015 Ferguson Line  
St. Thomas ON N5P 3T3  
Elizabeth VanHooren  
elizabeth@kettlecreekconservation.on.ca

**Lake Simcoe Region CA**

Box 282  
120 Bayview Parkway  
Newmarket ON L3Y 3W3  
Mike Walters  
m.walters@lsrca.on.ca

**Lakehead Region CA**

Box 10427  
130 Conservation Road  
Thunder Bay ON P7B 6T8  
Tammy Cook  
tammy@lakeheadca.com

**Long Point Region CA**

4 Elm Street  
Tillsonburg ON N4G 0C4  
Judy Maxwell  
jmaxwell@lprca.on.ca

**Lower Thames Valley CA**

100 Thames Street  
Chatham ON N7L 2Y8  
Mark Peacock  
mark.peacock@ltvca.ca

**Lower Trent Region CA**

R.R. #1  
714 Murray Street  
Trenton ON K8V 5P4  
Rhonda Bateman  
rhonda.bateman@ltc.on.ca

**Maitland Valley CA**

Box 127  
1093 Marietta Street  
Wroxeter ON N0G 2X0  
Phil Beard  
pbeard@mvca.on.ca

**Mattagami Region CA**

100 Lakeshore Road  
Timmins ON P4N 8R5  
David Vallier  
david.vallier@timmins.ca

**Mississippi Valley CA**

10970 Highway 7  
Carleton Place ON K7C 3P1  
Sally McIntyre  
smcintyre@mvc.on.ca

**Niagara Peninsula CA**

250 Thorold Road West, 3rd Floor  
Welland ON L3C 3W2  
Chandra Sharma  
csharma@npca.ca

**Nickel District CA**

199 Larch St  
Suite 401  
Sudbury ON P3E 5P9  
Carl Jorgensen  
carl.jorgensen@conservationsudbury.ca

**North Bay-Mattawa CA**

15 Janey Avenue  
North Bay ON P1C 1N1  
Brian Tayler  
brian.tayler@nbmca.ca

**Nottawasaga Valley CA**

8195 Line 8  
Utopia ON L0M 1T0  
Doug Hevenor  
dhevenor@nvca.on.ca

**Otonabee Region CA**

250 Milroy Drive  
Peterborough ON K9H 7M9  
Dan Marinigh  
dmarinigh@otonabeeconservation.com

**Quinte CA**

R.R. #2  
2061 Old Highway #2  
Belleville ON K8N 4Z2  
Brad McNevin  
bmcnevin@quinteconservation.ca

**Raisin Region CA**

PO Box 429  
18045 County Road 2  
Cornwall ON K6H 5T2  
Richard Pilon  
richard.pilon@rrca.on.ca

**Rideau Valley CA**

Box 599  
3889 Rideau Valley Dr.  
Manotick ON K4M 1A5  
Sommer Casgrain-Robertson  
sommer.casgrain-robertson@rvca.ca

**Saugeen Valley CA**

R.R. #1  
1078 Bruce Road #12, Box #150  
Formosa ON N0G 1W0  
Dick Hibma  
d.hibma@svca.on.ca

**Sault Ste. Marie Region CA**

1100 Fifth Line East  
Sault Ste. Marie ON P6A 6J8  
Corrina Barrett  
cbarrett@ssmrca.ca

**South Nation River CA**

38 Victoria Street  
P.O. Box 29  
Finch ON K0C 1K0  
Angela Coleman  
acoleman@nation.on.ca

**St. Clair Region CA**

205 Mill Pond Crescent  
Strathroy ON N7G 3P9  
Brian McDougall  
bmcdougall@scrca.on.ca

**Toronto and Region CA**

101 Exchange Avenue  
Vaughan ON L4K 5R6  
John MacKenzie  
john.mackenzie@trca.ca

**Upper Thames River CA**

1424 Clarke Road  
London ON N5V 5B9  
Ian Wilcox  
wilcoxi@thamesriver.on.ca



# **CATFISH CREEK CONSERVATION AUTHORITY**

## **BEST MANAGEMENT PRACTICES (BMP) AND ADMINISTRATIVE BY-LAW**

**Endorsed: April 7, 2020**

## **BACKGROUND**

### **Amendments to the Conservation Authorities Act**

The Conservation Authorities Act, as amended by the Building Better Communities and Conserving Watersheds Act, 2017, provides direction for Conservation Authorities to make such by-laws as are required for its proper administration. The new bylaws will replace administrative regulations created under the repealed Section 30 of the Act. Current administrative bylaws will cease to be in force upon the earlier of a) December 12, 2018 (one year after Section 19.1 came into force), or b) the day the regulation is revoked by the Authority.

## **INTRODUCTION**

The Catfish Creek Conservation Authority (CCCA) is a non-share corporation, established under Section 3 of the Conservation Authorities Act, with the objects to provide, in the area over which it has jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, coal and minerals.

Under the Act, municipalities within a common watershed are enabled to petition the province to establish a Conservation Authority. The purpose of the Act is to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario. The Authority is comprised of its Members, appointed as representatives by the Participating Municipalities of the City of St. Thomas, the Municipality of Central Elgin, the Townships of Malahide and South-West Oxford, and the Town of Aylmer.

### **Vision/Mission**

Vision: "The Catfish Creek Conservation Authority's Vision is one of harmony between the social and ecological needs of the watershed for present and future generations."

Mission: "To communicate and deliver resource management services and programs in order to achieve social and ecological harmony for the watershed".

The Members of the Conservation Authority form the General Membership of the Conservation Authority. The Members are bound by the Act and other applicable legislation. The Authority must always act within the scope of its powers. As a non-share corporation, the Authority has the capacity and, subject to the Act and other applicable legislation, the rights, powers and privileges of a natural person. The powers of a Conservation Authority to accomplish its objects are set out in the Act, including those identified under subsection 21(1).

### **Powers of Authorities**

21 (1) For the purposes of accomplishing its objects, an Authority has power,

(a) to study and investigate the watershed and to determine programs and services

- whereby the natural resources of the watershed may be conserved, restored, developed and managed;
- (b) for any purpose necessary to any project under consideration or undertaken by the Authority, to enter into and upon any land and survey and take levels of it and make such borings or sink such trial pits as the Authority considers necessary;
  - (c) to acquire by purchase, lease or otherwise and to expropriate any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired;
  - (d) despite subsection (2), to lease for a term of five years or less land acquired by the Authority;
  - (e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith;
  - (f) to enter into agreements for the purchase of materials, employment of labour and other purposes as may be necessary for the due carrying out of any project or to further the Authority's objects;
  - (g) to enter into agreements with owners of private lands to facilitate the due carrying out of any project;
  - (h) to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them;
  - (i) to erect works and structures and create reservoirs by the construction of dams or otherwise;
  - (j) to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof;
  - (k) to alter the course of any river, canal, brook, stream or watercourse , and divert or alter, as well temporarily as permanently, the course of any river, stream , road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the Authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer , drain or any telegraph, telephone or electric wire or pole;
  - (l) to use lands that are owned or controlled by the Authority for purposes, not inconsistent with its objects, as it considers proper;
  - (m) to use lands owned or controlled by the Authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof;
  - (m.1) to charge fees for services approved by the Minister;  
 Note: On a day to be named by proclamation of the Lieutenant Governor, clause 21 (m. 1) of the Act is repealed. (See: 2017, c. 23, Sched. 4, S. 19 (3))
  - (n) to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations and individuals;
  - (o) to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose;
  - (p) to cause research to be done;
  - (q) generally to do all such acts as are necessary for the due carrying out of any project or as may be desirable to further the objects of the Authority.

## **A. Definitions**

**"Authority"** means the Catfish Creek Conservation Authority.

**"Act"** means the Conservation Authorities Act, R.S.O. 1990, chapter C.27.

**"Chair"** means the Chairperson as referenced in the Act as elected by the Members of the Authority.

**"Chief Administrative Officer"** means the General Manager or Chief Administrative Officer of the Authority, and which may, by resolution of the Authority, include the responsibilities of the Secretary-Treasurer if so designated by resolution of the Authority.

**"Fiscal Year"** means the period from January 1 through December 31.

**"General Membership"** means all of the Members, collectively.

**"Levy"** means the amount of costs apportioned to participating municipalities in accordance with the Act and Regulations under the Act.

**"Majority"** means half of the votes plus one.

**"Members"** shall mean the Members appointed to the Authority by the participating municipalities in the Authority's area of jurisdiction.

**"Minister"** means the Minister responsible for administration of the Act.

**"Non-Matching Levy"** means that portion of an Authority's Levy that meets the definition of Non-Matching Levy as found in Ontario Regulation 139/96.

**"Officer"** means an Officer of the Authority empowered to sign contracts, agreements and other documents on behalf of the Authority in accordance with Section 19.1 of the Act, which shall include the Chair, Vice-Chair(s) the General Manager and the Secretary-Treasurer (or the General Manager/Secretary-Treasurer, if applicable).

**"Participating Municipality"** means a municipality that is designated by or under the Act as a Participating Municipality in a Conservation Authority.

**"Pecuniary Interest"** includes the financial or material interests of a Member and the financial or material interests of a member of the Member's immediate family.

**"Secretary-Treasurer"** means Secretary-Treasurer of the Authority with the roles specified in the Act.

**"Staff"** means employees of the Authority as provided for under Section 18(1) of the Act.

**"Vice-Chair"** means the Vice-Chairperson as elected by the Members of the Authority. If a first and second Vice-Chair are elected, they shall be called First Vice-Chair and Second Vice-



Chair.

**"Weighted Majority"** means the votes of 51 per cent of those represented after the votes are weighted by the percentage that applies under Ontario Regulation 139/96 for Municipal Levies.

## **B. Governance**

### **1. Members**

#### **a) Appointments**

Participating Municipalities within the jurisdiction of the Catfish Creek Conservation Authority may appoint Members in accordance with Section 14 of the Act.

Appointed Members must reside in a Participating Municipality within the Authority's area of jurisdiction and may include citizens as well as elected members of municipal councils.

Collectively, the appointed Members comprise the Authority, and for the purposes of this by-law are also referred to as the General Membership.

#### **b) Term of Member Appointments**

In accordance with Section 14 of the Act, a Member shall be appointed for a term of up to four (4) years at the discretion of the appointing municipal council; such term beginning at the first meeting of the Authority following his or her appointment and ending immediately before the first meeting of the Authority following the appointment of his or her replacement. The General Manager / Secretary-Treasurer shall notify the appropriate municipality in advance of the expiration date of any Member's term, unless notified by the municipality of the Member's reappointment or the appointment of his or her replacement. A Member is eligible for reappointment. A Member can be replaced by a Participating Municipality at the municipality's discretion prior to the end of their term.

#### **c) Powers of the General Membership**

Subject to the Act and other applicable legislation, the General Membership is empowered without restriction to exercise all of the powers prescribed to the Authority under the Act. In addition to the powers of an Authority under S.21 of the Act for the purposes of accomplishing its objects, as referenced in the introduction of this By-law model, the powers of the General Membership include but are not limited to:

- Approving by resolution, the creation of Committees and/or Advisory Boards, the members thereof and the terms of reference for these Committees and/or Advisory Boards;
- Appointing a General Manager / Secretary-Treasurer and approving the creation of any new permanent positions;
- Discipline, terminate, or dismiss any permanent staff;
- Approving establishing and implementing regulations, policies and programs;
- Awarding contracts or agreements where the approval of the Authority is required under the Authority's purchasing policy.;
- Conducting an annual performance review for the General Manager / Secretary-Treasurer;

- Conducting Hearings in accordance with Section 28(3) for regulations passed pursuant to Section 28(1) of the Conservation Authorities Act;
- Approving the Annual Budget and General Levies;
- Approving and authorizing payment of all accounts;
- Approving by resolution, any new capital project of the Authority;
- Approving by resolution, the method of financing any new capital projects;
- Approving details on budget allocations on any new or existing capital projects;
- Receiving and approving the Audited Financial Statements and the Annual Report for the preceding year;
- Authorizing the borrowing of funds on the promissory note of the Authority in accordance with subsection 3(5) of the Act;
- Approving by resolution, any proposed expropriation of land or disposition of land, subject to the requirements under the Act ;
- Approving permits or refusing permission as may be required under any regulations made under Section 28 of the Act, including the delegation of this responsibility to the General Manager / Secretary-Treasurer or the Resource Planning Coordinator consistent with Ontario Regulation 146/06;
- Holding hearings required for the purpose of reviewing permit applications , and advising every applicant of their right to appeal the decision to the Minister through the Mining and Lands Tribunal.

**d) Member Accountability**

Participating Municipalities appoint Members to the Authority as their representatives . Members have the responsibilities of Directors of the corporation that is the Authority. While the administration is responsible for the day-to-day operations, the General Membership is responsible for matters of governance, ensuring compliance with applicable legislation, and ensuring appropriate policies are in place and for financial soundness of the Authority .

All Members have the responsibility to be guided by and adhere to the Code of Conduct (Appendix 1) and Conflict of Interest Policy (Appendix 2), as adopted by the Authority.

Members are responsible for:

- Attending all meetings of the Authority;
- Understanding the purpose, function and responsibilities of the Authority;
- Being familiar with the Authority's statutory and other legal obligations;
- With the administration, setting strategic direction for the Authority .

**e) Applicable Legislation**

In addition to the Act, the Members are subject to other legislation including, but not limited to:

- Municipal Conflict of Interest Act
- Municipal Freedom of Information and Protection of Privacy Act

If any part of the by-law conflicts with any provision of the Municipal Conflict of Interest Act or the Municipal Freedom of Information and Protection of Privacy Act or a provision of a regulation made under one of those acts, the provision of that act or regulation prevails.

**f) Relationship Between Members and Staff**

The General Membership relies on the General Manager / Secretary-Treasurer to manage the operations of the organization, including all employees of the Authority . The General Manager / Secretary -Treasurer is accountable to the Authority, working cooperatively to achieve the goals established by the Authority .

The General Membership will ensure that a process exists for regular performance evaluations of the General Manager / Secretary-Treasurer.

**2. Officers**

The Officers of the Authority, and their respective responsibilities, shall be:

**Chair**

- Is a Member of the Authority;
- Presides at all meetings of the General Membership;
- Be “ex-officio”, a Member of all Advisory Committees;
- Calls special meetings if necessary;
- Acts as a public spokesperson on behalf of the General Membership;
- Serves as Signing Officer for the Authority;
- Ensures relevant information and policies are brought to the Authority's attention;
- Keeps the General Membership apprised of significant issues in a timely fashion;
- Performs other duties when directed to do so by resolution of the Authority.

**Vice-Chair(s)**

- Is/are a Member(s) of the Authority;
- Attends all meetings of the Authority;
- Carries out assignments as requested by the Chair;
- Understands the responsibilities of the Chair and acts as Chair immediately upon the death, incapacity to act, absence or resignation of the Chair until such time as a new Chair is appointed or until the Chair resumes his/her duties;
- Serves as a Signing Officer for the Authority.

**General Manager / Secretary-Treasurer**

Responsibilities of the General Manager / Secretary-Treasurer as assigned by the Authority include, but are not limited to the following:

- Is an employee of the Authority;
- Attends all meetings of the General Membership and Advisory Committees or designates an acting staff member if not available;
- Works in close collaboration with the Chair and Vice-Chair(s) and keeps them apprised of relevant information and significant issues in a timely fashion;
- Develops a strategic plan for approval by the General Membership and implements short and long-range goals and objectives;
- Is responsible for the management of the operations of the Authority, including all staff and programs of the Authority;
- Ensures resolutions of the Authority are implemented in a timely fashion;
- Develops and maintains effective relationships and ensures good communications with Participating Municipalities, federal and provincial government ministries / agencies, Indigenous communities, other Conservation Authorities, Conservation

- Ontario, stakeholders, community groups and associations;
- Serves as a Signing Officer for the Authority;
- Fulfills the requirements of the Secretary-Treasurer as defined in the Act;
- Is the custodian of the Corporate Seal;
- Acts as the Authority's Freedom of Information and Privacy Coordinator;
- Acts as the Authority's Flood Coordinator;
- Represents Management on the Authority's Health and Safety Committee.

**3. Absence of Chair and Vice-Chair(s)**

In the event of the absence of the Chair and Vice-Chair(s) from any meeting, the members shall appoint an Acting Chair who, for the purposes of that meeting has all the powers and shall perform all the duties of the Chair.

**4. Maximum Term for Chair and Vice-Chair(s)**

The Catfish Creek Conservation Authority does not have a maximum number of terms that a Chair and / or Vice-Chair are eligible to stand for re-election to the same office.

**5. Representatives to Conservation Ontario Council**

The Authority may appoint up to three (3) Representatives to Conservation Ontario Council ("Council"), designated as Voting Delegate and Alternate(s). Council will consist of the Voting Delegates appointed by each Member Conservation Authority. The Voting Delegate and Alternates shall be registered with Conservation Ontario annually.

**6. Election of Chair and Vice-Chairs**

The election of the Chair and Vice-Chair shall be held at the first meeting held each year (Annual General Meeting) in accordance with the Authority's Procedures for Election of Officers (Appendix 3).

**7. Appointment of Auditor**

The General Membership shall appoint an auditor by resolution for the coming year at the Annual General Meeting in accordance with Section 38 of the Act.

**8. Appointment of Financial Institution**

The General Membership shall appoint a financial institution to act as the Authority's banker by resolution at the Annual General Meeting for the coming year.

**9. Appointment of Solicitor**

The General Membership shall appoint a solicitor(s) to act as the Authority's legal counsel by resolution at the Annual General Meeting for the coming year.

**10. Financial Statements and Report of the Auditor**

The General Membership shall receive and approve the Audited Financial Statements and Report of the Auditor annually at the Annual General Meeting for the previous year.

The Authority shall forward copies of the Audited Financial Statements and Report of the Auditor to Participating Municipalities and the Minister in accordance with Section 38 of the Act and will make the Audited Financial Statements available to the public on the Authority's website or by contacting the CCCA Administration Centre.

**11. Borrowing Resolution**

If required, the Authority shall establish a borrowing resolution by March 31 of each year and such resolution shall be in force until it is superseded by another borrowing resolution.

**12. Levy Notice**

The Levy due to the Authority from Participating Municipalities shall be communicated to those municipalities in accordance with the Act and any applicable Regulations.

**13. Signing Officers**

- The Signing Officers of the Authority shall be the Chair, Vice-Chair, and General Manager / Secretary-Treasurer. Any two of the aforementioned Officers are designated and empowered to sign on behalf of the Authority.
- All deeds, transfers, assignments, contracts and obligations entered into by the Authority must be signed by the General Manager / Secretary-Treasurer and either the Chair or the Vice-Chair of the Authority. These Signing Officers are empowered to sign such documents as are necessary for works approved by the Authority.
- 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.
- All cheques must be signed by the General Manager / Secretary-Treasurer and either the Chair or the Vice-Chair of the Authority.
- The Financial Services Coordinator is designated and empowered with signing authority for payroll items and utility accounts by resolution, plus one of the above noted Officers.
- Notwithstanding any provision herein to the contrary, the General Manager / Secretary-Treasurer and/or Chair 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.

**14. Executive Committee**

The Authority may appoint an Executive Committee at the first meeting of the General Membership each year in accordance with the Section 19 of the Act and Section 1(c)(vi) of this by-law.

**15. Advisory Boards and Other Committees**

In accordance with Section 18(2) of the Act, the Authority shall establish such Advisory Boards as required by regulation and may establish such other Advisory Boards or Committees as it considers appropriate to study and report on specific matters.

The General Membership shall approve the terms of reference for all such Advisory Boards and Committees, which shall include the role, the frequency of meetings and the number of members required.

Resolutions and policies governing the operation of the Authority shall be observed in all Advisory Board and Committee meetings.

Each Advisory Board or Committee shall report to the General Membership, presenting any recommendations made by the Advisory Board or Committee.

The dates of all Advisory Board and Committee meetings shall be made available to all Members of the Authority.

Each Advisory Committee appointed by the Authority:

- Shall consider and recommend details and actions on programs, projects, etc. within the terms of reference of the Committee;
- All five (5) Members of the General Membership are appointed to each Committee;
- The Authority Chair and Vice-Chair will recommend the Chairs of the respective Committees;
- The Committees are advisory in nature and do not themselves have the power to act unless otherwise directed by the General Membership in the form of a resolution.

The current list of standing Advisory Committees includes Personnel / Finance, Land Management, and Health and Safety. This list may be amended from time to time.

**a) Personnel / Finance Committee**

*General Terms Of Reference*

To initiate, study, report on and recommend to the General Membership 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 Authority-related business if so directed by the General Membership through the appropriate resolution.
- 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 Chair of the Authority.

**b) 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 General Membership.
- 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 Chair of the Authority.

**c) 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 workplace.
- 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.

## **16. Remuneration of Members**

- a) All Members are paid a per diem and travel allowance (per kilometre) for attendance at meetings that deal with Authority business. The rates for per diems and mileage shall be consistent with Canada Revenue Agency guidelines. 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 as compensation for their additional responsibilities.
- c) Per diems and travel reimbursement for all General Membership, 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.

## **17. Records Retention**

The Authority shall keep full and accurate records including, but not limited to:

- Minutes of all meetings of the Authority, including registries of statements of interests in accordance with the *Municipal Conflict of Interest Act*;
- Assets, liabilities, receipts and disbursements of the Authority and Financial Statements and Reports of the Auditors;
- Human Resources Files for all employees and Members as applicable;
- Workplace Health and Safety documents including workplace inspections, workplace accidents, investigations, etc.;
- Electronic Communications including emails;
- Contracts and Agreements entered into by the Authority;
- Strategic Plans and other documents providing organizational direction;
- Projects of the Authority;
- Technical Studies and data gathered in support of Programs of the Authority;
- Legal Proceedings involving the Authority;
- Incidents of personal injury or property damage involving the Authority and members of the public.

Such records shall be retained and protected in accordance with all applicable laws and the Records Retention Policy of the Authority as approved by the General Membership from time-to-time.

## **18. Records Available to Public**

Records of the Authority shall be made available to the public, subject to requirements of the Municipal Freedom of Information and Protection of Personal Privacy Act (MFIPPA).

The Authority shall designate a Member or a Committee of Members to act as head of the Authority for the purposes of MFIPPA.



**19. By-law Review**

In accordance with the Act, these by-laws shall be reviewed by the Authority to ensure the by-laws are in compliance with the Act and any other relevant law. The General Membership shall review the by-laws every three (3) years to ensure best management practices in governance are being followed.

**20. By-law Available to Public**

In accordance with the Act, the Authority shall make its by-laws available to the public on the Authority's website. By-laws shall also be available for review by any member of the public at the Authority's Administration Centre or provided in alternative formats, in accordance with the Accessibility for Ontarians with Disabilities Act , if requested by interested parties.

**21. Enforcement of By-laws and Policies**

The Members shall respect and adhere to all applicable by-laws and policies (for example, the Code of Conduct and Conflict of Interest). The Authority may take reasonable measures to enforce its by-laws and policies, including the enforcement mechanisms under the Municipal Conflict of Interest Act. As a minimum, the procedure for enforcement should include:

- an investigation will be conducted regarding the alleged breach;
- an opportunity will be provided to the affected member to respond to the allegation;
- the findings of the investigation and the affected member's response will be communicated to the General Membership in a closed meeting;
- the appointing municipality shall be notified of the outcome of the investigation.

**22. Indemnification of Members, Officers and Employees**

The Authority undertakes and agrees to indemnify and save harmless its Members, Officers and Employees and their heirs and legal representatives, respectively, from and against all costs, charges and expenses, including all amounts paid to settle an action or satisfy any judgement, reasonably incurred by any such Member, Officer or Employee in respect of any civil, criminal or administrative action or proceeding to which any such Member, Officer or Employee is made a party by reason of being a Member, Officer or Employee of the Authority (except in respect of an action by or on behalf of the Authority to procure a judgment in its favour) if;

- such Member, Officer or Employee acted honestly, in good faith with a view to the best interests of the Authority and within the scope of such Member's, Officer's or Employee's duties and responsibilities, and,
- in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty that such Member, Officer or Employee had reasonable grounds for believing that the conduct was lawful.

## **C. Meeting Procedures**

The Meeting Procedures below governing the procedures of the Authority shall be observed in Executive Committee and Advisory Board meetings, as far as they are applicable, and the words Executive Committee or Advisory Board may be substituted for the word Authority as applicable.

### **1. Rules of Procedure**

In all matters of procedure not specifically dealt with under the Act and this By-law, the current edition of Robert's Rules of Order, Bourinot's Rules of Order or other generally accepted rules of procedure shall be binding.

### **2. Notice of Meeting**

The General Membership shall approve a schedule for regular meetings in advance. The General Manager / Secretary-Treasurer shall send Notice of regular meetings to all Members at least five (5) calendar days in advance of a meeting. Notice of all regular or special meetings of the General Membership or its committees shall be made available to the public as soon as possible after its delivery to General Membership.

Notice of any meeting shall indicate the time and place of that meeting and the agenda for the meeting.

All material and correspondence to be dealt with by the Authority at a meeting will be submitted to the General Manager / Secretary-Treasurer in advance of the meeting where it is to be dealt with seven (7) calendar days if it is to be included in the published agenda, or four (4) calendar days if it is to be introduced at the meeting.

The Chair may, at his/her pleasure, call a special meeting of the Authority as necessary on three (3) calendar days notice in writing or email. That notice shall state the business of the special meeting and only that business shall be considered at that special meeting. Any Member, with 50% support of the other Members, may also request the Chair to call a meeting of the Authority and the Chair will not refuse.

The Chair or the General Manager / Secretary-Treasurer may, by notice in writing or email delivered to the Members so as to be received by them at least 24 hours before the hour appointed for the meeting, postpone or cancel any meeting of an Advisory Committee or other Committee until the next scheduled date for the specific Committee affected.

The Chair or the General Manager / Secretary-Treasurer may, if it appears that a storm or like occurrence will prevent the Members from attending a meeting, postpone that meeting by advising as many Members as can be reached. Postponement shall not be for any longer than the next regularly scheduled meeting date.

### **3. Meetings Open to Public**

All meetings of the General Membership and Executive Committee, if applicable, shall be open to the public.

A meeting or part of a meeting may be closed to the public if the subject matter being considered is identified in the closed meeting section of the agenda and the subject matter meets the criteria for a closed meeting as defined in this by-law.

#### **4. Agenda for Meetings**

Authority staff, under the supervision of the General Manager / Secretary-Treasurer, shall prepare an agenda for all regular meetings of the Authority that shall include, but not necessarily be limited to, the following headings:

- Call to Order
- Adoption of Agenda
- Disclosure of Conflict of Interest and/or Pecuniary Interest
- Disclosure of Intention to Audio / Video Record Meeting
- Adoption of Minutes
- Business Arising from Minutes
- Public / Special Delegations
- Reports
- General Manager / Secretary-Treasurer's Report
- Unfinished Business
- Chairperson's / Board Member's Report
- Notice of Motions / New Business
- Correspondence
- Committee of the Whole
- Next Meeting / Adjournment

The agenda for special meetings of the Authority shall be prepared as directed by the Chair.

Agendas for meetings shall be forwarded to all Members at least five (5) calendar days in advance of the meeting. Such agendas shall be made available to the public on the Authority's website at the same time, unless the meeting is closed to the public in accordance with this By-law. Such agendas shall also be available in alternative formats, in accordance with the Accessibility for Ontarians with Disabilities Act, if requested by interested parties.

#### **5. Quorum**

At any meeting of the General Membership, a quorum consists of a simple majority of the Members appointed by the Participating Municipalities. At any Advisory or Committee meeting, a quorum consists of a simple majority of the Members appointed to that Committee by the General Membership.

If there is no quorum within one half hour after the time appointed for the meeting, the Chair for the meeting shall declare the meeting adjourned due to a lack of a quorum, or shall recess until quorum arrives, and the recording secretary shall record the names of the Members present and absent.

If during an Authority or Advisory Committee meeting a quorum is lost, then the Chair shall declare that the meeting shall stand recessed or adjourned, until the date of the next

regular meeting or other meeting called in accordance with the provisions of this by- law. Agenda items including delegations present may be covered and presented and issues discussed, but no formal decisions may be taken by the remaining Members which do not constitute a quorum."

Where the number of Members who are disabled from participating in a meeting due to the declaration of a conflict of interest is such that at that meeting the remaining Members are not of sufficient number to constitute a quorum, the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two.

**6. Order of Business**

The business of the Authority shall be taken up in the order in which it stands on the agenda unless otherwise decided by a majority of those Members present.

No Member shall present any matter to the Authority for its consideration unless the matter appears on the agenda for the meeting of the Authority or leave is granted to present the matter by the affirmative vote of a majority of the Members present.

**7. Debate**

The Authority shall observe the following procedures for discussion / debate on any matter coming before it:

- a) A Member shall be recognized by the Chair prior to speaking;
- b) Where two or more Members rise to speak, the Chair shall designate the Member who has the floor, who shall be the Member who in the opinion of the Chair was first recognized;
- c) All questions and points of discussion shall be directed through the Chair;
- d) Where a motion is presented, it shall be moved and seconded before debate;
- e) No Member shall speak more than once to the same question without leave from the Chair, except in explanation of a material part of the speech;
- f) No Member shall speak more than five (5) minutes without leave of the Chair;
- g) Any Member may ask a question of the previous speaker through the Chair;
- h) The Member who has presented a motion, other than a motion to amend or dispose of a motion, may speak again to the motion immediately before the Chair puts the motion to a vote;
- i) 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;
- j) When a motion is under consideration, only one amendment is permitted at a time.

**8. Matters of Precedence**

Any matters of precedence over the usual order of business will be referred to Roberts or Bourinot's Rules of Order.

**9. Members' Attendance**

The Authority shall provide a listing of Members' attendance at scheduled meetings of the Authority to the Participating Municipalities at least annually.

Upon a Member's vacancy due to death, incapacity or resignation occurring in any office of the Authority, the Authority shall request the municipality that was represented by that Member appoint a Member replacement.

If a Member is unable to attend any meeting and wishes to bring any additional information or opinion pertaining to an agenda item to the General Membership, the Member shall address in writing or email to the Chair or General Manager / Secretary-Treasurer such correspondence prior to the start of the meeting. The correspondence shall be read aloud by the General Manager / Secretary- Treasurer without comment or explanations.

#### **10. Electronic Participation**

Members may participate in a meeting that is open to the public by telephonic or other electronic means that permits all participants to communicate adequately with each other during the meeting. A Member participating in a meeting electronically shall not be counted in determining quorum.

A Member shall not participate electronically in a meeting that is closed to the public.

#### **11. Delegations**

Any person or organization who wishes to address the Authority may make a request in writing or email to the General Manager / Secretary-Treasurer. The request should include a brief statement of the issue or matter involved and indicate the name of the proposed speaker(s). If such request is received 10 calendar days in advance of a scheduled meeting, the delegation shall be listed on the published agenda.

Any person or organization requesting an opportunity to address the Authority, but not having made a written request to do so in the timelines specified above, may appear before the meeting if approved by a majority of Members present, or shall be listed on the published agenda for the following meeting.

Except by leave of the Chair or appeal by the leave of the meeting, delegations shall be limited to one (1) speaker for not more than 10 minutes.

Speakers will be requested not to repeat what has been said by previous speakers at the meeting. A returning delegation will only be allowed to speak again if new, relevant information has become available since their previous presentation. The Chair may choose to end a returning delegation's presentation if, in the opinion of the Chair, the new information being presented is not relevant to a decision facing the General Membership.

#### **12. Annual Meeting**

The first General Membership meeting of each year will be the Annual General Meeting. The Agenda shall include:

- a) The introduction of the new Members
- b) The election of a Chair and Vice-Chair(s)
- c) The presentation of the Auditor's Report

- d) The appointment of an Auditor qualified under Section (39) of the Conservation Authorities Act
- e) The appointment of a Solicitor
- f) The naming of a bank with which the Authority will conduct its financial business during the current fiscal year
- g) The adoption of a Borrowing Resolution and designation of Signing Officers for the upcoming year
- h) Presentation and adoption of the Annual Report
- i) Presentation of the Conservation Award
- j) Presentation of the Student Scholarship Award

### **13. Meetings with Closed "In Camera" Sessions**

Every meeting of the General Membership, Executive Committee and Advisory Boards, if applicable, shall be open to the public as per Section 15(3) of the Act, subject to the exceptions set out below.

Meetings may be closed to the public if the subject matter being considered relates to:

- a) The security of the property of the Authority;
- b) Personal matters about an identifiable individual, including employees of the Authority;
- c) A proposed or pending acquisition or disposition of land by the Authority;
- d) Labour relations or employee negotiations;
- e) Litigation or potential litigation, including matters before administrative tribunals (e.g. Local Planning Appeal Tribunal), affecting the Authority;
- f) Advice that is subject to solicitor-client privilege;
- g) A matter in respect of which the General Membership, Executive Committee, Advisory Committee or other body may hold a closed meeting under another act;
- h) information explicitly supplied in confidence to the Authority by Canada, a province or territory or a Crown agency of any of them;
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Authority, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) a trade secret or scientific, technical, commercial or financial information that belongs to the Authority and has monetary value or potential monetary value; or
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Authority.

The Authority shall close a meeting if the subject matter relates to the consideration of a request under MFIPPA, and the Authority is the head of an institution for the purposes of MFIPPA.

Before holding a meeting or part of a meeting that is to be closed to the public, the Members shall state by resolution during the open session of the meeting that there will be a meeting closed to the public and the general nature of the matter to be considered at the closed meeting. Once matters have been dealt with in a closed meeting, the General Membership shall reconvene in an open session.

The General Membership shall not vote during a meeting that is closed to the public, unless:

- a) the meeting meets the criteria outlined in this by-law to be closed to the public; and
- b) the vote is for a procedural matter or for giving directions or instructions to Officers, Employees or Agents of Authority.

Any materials presented to the General Membership during a closed meeting shall be returned to the General Manager / Secretary-Treasurer prior to departing from the meeting and shall be treated in accordance with the Authority's procedures for handling confidential material.

A meeting of the Authority, Executive Committee, Advisory Board or other Committee may also be closed to the public if:

- a) the meeting is held for the purpose of educating or training the Members, and
- b) at the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Authority, the Executive Committee, Advisory Board or other Committee.

#### **14. Voting**

In accordance with Section 16 of the Act:

- a) each Member is entitled to one vote, and
- b) a majority vote of the Members present at any meeting is required upon all matters coming before the meeting.
- c) the Chair is entitled to vote.

If any Member who is qualified to vote abstains from voting, they shall be deemed to have voted neither in favour nor opposed to the question, which will not alter the number of votes required for a majority.

In a tie vote, the motion is lost.

Interrelated motions shall be voted on in the order specified in Robert's Rules of Order, Bourinot's Rules of Order or other generally accepted rules of procedure.

Unless a Member requests a recorded vote, a vote shall be by a show of hands or such other means as the Chair may call. No question shall be voted upon more than once at any meeting, unless a recorded vote is requested.

If a Member present at a meeting at the time of the vote requests immediately before or after the taking of the vote that the vote be recorded, each Member present taken, except a Member who is disqualified from voting by any Act, shall announce his or her vote openly answering "yes" or "no" to the question, and the General Manager / Secretary-Treasurer shall record each vote.

At the meeting of the Authority at which the Non-Matching Levy is to be approved, the General Manager / Secretary-Treasurer shall conduct the vote to approve of Non-Matching Levy by a Weighted Majority of the Members present and eligible to vote, in accordance with Ontario Regulation 139/96.

Where a question under consideration contains more than one item, upon the request of any Member, a vote upon each item shall be taken separately.

Except as provided in Section B, Paragraph 6 of this By-law (Election of Chair and Vice-Chair), no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

**15. Notice of Motion**

Written notice of motion to be made at an Authority, Executive Committee, or Advisory Committee meeting may be given to the General Manager / Secretary-Treasurer by any Member of the Authority not less than seven (7) business days prior to the date and time of the meeting and shall be forthwith placed on the agenda of the next meeting. The General Manager / Secretary-Treasurer shall include such notice of motion in full in the agenda for the meeting concerned.

Recommendations included in reports of Advisory Committees or Committees that have been included in an agenda for a meeting of the General Membership or Executive Committee (if applicable), shall constitute notice of motion for that meeting.

Recommendations included in staff reports that have been included in an agenda for a meeting of the General Membership or Executive Committee (if applicable), shall constitute notice of motion for that meeting.

Notwithstanding the foregoing, any motion or other business may be introduced for consideration of the Authority provided that it is made clear that to delay such motion or other business for the consideration of an appropriate Advisory Committee would not be in the best interest of the Authority and that the introduction of the motion or other business shall be upon an affirmative vote of either a majority or two-thirds of the members of the Authority present.

**16. Motion to Reconsider**

If a motion is made to reconsider a previous motion, a two-thirds majority vote shall be required in order for reconsideration to take place. If a motion to reconsider is passed, the original motion shall then be placed on the agenda at a future meeting to be debated and voted upon, and the result of that vote, based on a simple majority, shall supersede.

**17. Duties of the Meeting Chair**

It shall be the duty of the Chair, with respect to any meetings over which he/she presides, to:

- a) Preserve order and decide all questions of order, subject to appeal; and without argument or comment, state the rule applicable to any point of order if called upon to do so;



- b) Ensure that the public in attendance does not in any way interfere or disrupt the proceedings of the Members;
- c) Receive and submit to a vote all motions presented by the Members, which do not contravene the rules of order or regulations of the Authority;
- d) Announce the results of the vote on any motions so presented;
- e) Adjourn the meeting when business is concluded.

## **18. Conduct of Members**

Members shall maintain a high standard for conduct and at all times comply with applicable laws and the Authority's Code of Conduct (Appendix 1).

No Member at any meeting of the Authority shall:

- a) Speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability;
- b) Leave their seat or make any noise or disturbance while a vote is being taken or until the result is declared;
- c) Interrupt a Member while speaking, except to raise a point of order or a question of privilege;
- d) Speak disrespectfully or use offensive words against the Authority, the Members, staff, or any member of the public;
- e) Speak beyond the question(s) under debate;
- f) Resist the rules of order or disobey the decision of the Chair on the questions or order or practices or upon the interpretation of the By-laws.

## **19. Minutes of Meetings**

The General Manager / Secretary-Treasurer shall undertake to have a recording secretary in attendance at meetings of the Authority, the Executive Committee and each Advisory Committee. The recording secretary shall make a record in the form of minutes of the meeting proceedings and in particular shall record all motions considered at the meeting.

If a recording secretary is not present in a closed session, the General Manager / Secretary-Treasurer shall take notes of any direction provided, for endorsement by the Chair and Vice-Chair.

Minutes of all meetings shall include the time and place of the meeting and a list of those present and shall state all motions presented together with the mover and seconder and voting results.

The General Manager / Secretary-Treasurer or designate shall include draft minutes of the previous meeting available to each Member of the Authority at the same time as agendas for the next meeting are distributed.

After the minutes have been approved by resolution, original copies shall be signed by the Chair and General Manager / Secretary-Treasurer and copies of all non-confidential minutes shall be posted on the Authority's website. Such minutes shall also be available for review by any member of the public at the Authority's Administration Centre or

provided in alternative formats, in accordance with the Accessibility for Ontarians with Disabilities Act, if requested by interested parties.

**20. Declared State of Emergency**

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.1 of the Emergency Management and Civil Protection Act, that may prevent the General Membership from meeting in person, a 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 meetings closed to the public.

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.1 of the Emergency Management and Civil Protection Act, that may prevent the General Membership from meeting in person, any date or timeline requirement established under any Section in this By-law shall be postponed until such time as the General Membership can reasonably address the issue.

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.1 of the Emergency Management and Civil Protection Act, the Authority shall implement best practices to make meetings of the Authority open to the public in accordance with Subsection 15(3) of the Act. Where possible, the Authority will provide for alternative means for the public to participate in meetings electronically.

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.1 of the Emergency Management and Civil Protection Act, that may prevent the General Membership from meeting in person, any hearing or appeal dealt with in this By-law may be conducted electronically with provisions for applicants and their agents to participate if the Authority decides to hold any such hearing or appeal.

**D. Approval of By-Law and Revocation of Previous By-Law(s)**

Motion number 71/2018 is hereby repealed;

Motion number SM 01 / 2020 shall come into force on the 7th day of April, 2020



Signed: \_\_\_\_\_

Chair



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

## **E. Appendices to the Administrative By-law**

### **Appendix 1- Code of Conduct**

The Board supports the General Manager / Secretary-Treasurer in the conduct of his/her duties.

The Board supports continuous professional development of the General Manager / Secretary-Treasurer.

The Board commits itself and its Directors to ethical, businesslike, and lawful conduct, including proper use of authority and appropriate decorum when acting as Board Directors.

- a) Directors must have loyalty to the ownership, un-conflicted by loyalties to other organizations or any personal interest.
- b) Directors must avoid conflict of interest with respect to their fiduciary responsibility.
  - i. There must be no self-dealing or business by a Director with another organization. Directors must disclose their involvements with other organizations, vendors, or any associations that might be, or might reasonably be seen as, being a conflict.
  - ii. When the Board is to decide upon an issue about which a Director has an unavoidable conflict of interest that Director will withdraw without comment not only from the vote, but also from the deliberation.
  - iii. Directors considering application for staff' positions will remove themselves from Board functions at the time their interest is declared and then resign from the Board at the time the offer of employment is accepted.
- c) Directors do not exercise individual authority. Directors' interactions with the General Manager / Secretary-Treasurer or with staff must recognize the lack of authority vested in individuals except when explicitly Board-authorized. Directors' interactions with public, press, or other entities also must recognize the same limitation and the inability of any Director to speak for the Board except regarding explicitly-stated Board decisions.
- d) Except for participation in Board deliberation about whether the General Manager / Secretary-Treasurer has achieved any reasonable interpretation of Board policy, Directors will not express individual judgments of performance of employees or the General Manager / Secretary-Treasurer.
- e) Directors respect all matters of confidentiality. Directors will not reveal any confidential information they learn during the performance of their duties to anyone not present at Board meetings. Breaches of confidentiality will be addressed with appropriate sanctions, including potential dismissal from the Board.

- f) Directors are properly prepared for Board deliberation.
- g) Directors support approved decisions of the Board on any matter, irrespective of the Directors' personal positions on the issue. All Directors support all Board decisions when outside of the Boardroom. The Board speaks with one voice. Board Directors report only results of Board decisions to the media. Breaches of this policy will be addressed with appropriate sanctions, including potential dismissal from the Board.
- h) Directors make attendance a priority. A Board Director is considered to have resigned if he/she is absent from three (3) consecutive meetings or five (5) meetings in a year. The Board Chair will notify the appointing municipality when this situation arises.
- i) The dress code for all Board meetings is 'business casual.'
- j) Directors must review, agree to, and sign a 'Code of Conduct Agreement' as part of their Board Orientation. (A copy of the Code of Conduct Agreement is provided in Appendix A.)

### **Confidentiality**

The Members shall be governed at all times by the provisions of the Municipal Freedom and Information and Protection of Privacy Act .

All information, documentation or deliberations received, reviewed, or taken in a closed meeting are confidential.

Members shall not disclose or release by any means to any member of the public, either in verbal or written form, any confidential information acquired by virtue of their office, except when required by law to do so.

Members shall not permit any persons, other than those who are entitled thereto, to have access to information which is confidential.

In the instance where a member vacates their position on the General Membership they will continue to be bound by MFIPPA requirements .

Particular care should be exercised in protecting information such as the following :

- Human Resources matters;
- Information about suppliers provided for evaluation that might be useful to other suppliers;
- Matters relating to the legal affairs of the Authority;
- Information provided in confidence from an Aboriginal community, or a record that if released could reasonably be expected to prejudice the conduct of relations between an Aboriginal community and the Authority;

- Sources of complaints where the identity of the complainant is given in confidence;
- Items under negotiation;
- Schedules of prices in tenders or requests for proposals;
- Appraised or estimated values with respect to the Authority's proposed property acquisitions or dispositions;
- Information deemed to be "personal information" under MFIPPA. The list above is provided for example and is not exhaustive.

### **Use of Authority Property**

No Member shall use for personal purposes any Authority property, equipment, supplies, or services of consequence other than for purposes connected with the discharge of Authority duties or associated community activities of which the Authority has been advised.

### **Work of a Political Nature**

No Member shall use Authority facilities, services or property for his/her election or re-election campaign to any position or office within the Authority or otherwise .

### **Conduct at Authority Meetings**

During meetings of the Authority, Members shall conduct themselves with decorum. Respect for delegations and for fellow Members requires that all Members show courtesy and not distract from the business of the Authority during presentations and when others have the floor.

### **Influence on Staff**

Members shall be respectful of the fact that staff work for the Authority as a whole and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence.

### **Business Relations**

No Member shall borrow money from any person who regularly does business with the Authority unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No Member shall act as a paid agent before the Authority, the Executive Committee or an advisory board or committee of the Authority, except in compliance with the terms of the *Municipal Conflict of Interest Act*.

### **Encouragement of Respect for the Authority and its Regulations**

Members shall represent the Authority in a respectful way and encourage public respect for the Authority and its Regulations.

## **Harassment**

It is the policy of the Authority that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment. Harassment of another Member, staff or any member of the public is misconduct. Members shall follow the Authority's Harassment Policy as approved from time-to-time.

Examples of harassment that will not be tolerated include: verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts related to an individual's race, religious beliefs, colour, gender, physical or mental disabilities, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation. The Authority will also not tolerate the display of pornographic, racist or offensive signs or images; practical jokes that result in awkwardness or embarrassment; unwelcome invitations or requests, whether indirect or explicit and any other prohibited grounds under the provisions of the *Ontario Human Rights Code*.

## **Breach of Code of Conduct**

Should a Member breach the Code of Conduct, they shall advise the Chair and Vice-Chair, with a copy to the Secretary Treasurer, as soon as possible after the breach.

Should a Member allege that another Member has breached the Code of Conduct, the said breach shall be communicated to the Chair, with a copy to the Secretary-Treasurer, in writing.

In the absence of the Chair, or if a Member alleges that the Chair has breached the Code of Conduct, the said breach shall be communicated the Vice-Chair, with a copy to the General Manager / Secretary-Treasurer , in writing.

Should a member of the public or a municipality allege that a Member has breached the Code of Conduct, the party making the allegation will be directed to follow the notification procedure outlined above.

Any breach, or alleged breach, of the Code of Conduct shall be investigated in accordance with the Enforcement of By-laws and Policies procedure outlined or referred to in the Authority's Administrative By-law.

## **Appendix 2 - Conflict of Interest**

### **1. Municipal Conflict of Interest Act**

The Authority Members commit themselves and the Authority to ethical, businesslike, and lawful conduct when acting as the General Membership. The Authority is bound by the *Municipal Conflict of Interest Act*. This appendix to the by-law is intended to assist Members in understanding their obligations. Members are required to review the *Municipal Conflict of Interest Act* on a regular basis.

### **2. Disclosure of Pecuniary Interest**

Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Authority, Executive Committee, Advisory Board or committee at which the matter is the subject of consideration, the Member:

- a) shall, prior to any consideration of the matter at the meeting, disclose the pecuniary interest and the general nature thereof;
- b) shall not take part in the discussion of, or vote on any question in respect of the matter; and,
- c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

### **3. Chair's Conflict of Interest or Pecuniary Interest**

Where the Chair of a meeting discloses a conflict of interest with respect to a matter under consideration at a meeting, another Member shall be appointed to chair that portion of the meeting by resolution.

### **4. Closed Meetings**

Where a meeting is not open to the public, a Member who has declared a conflict of interest shall leave the meeting for the part of the meeting during which the matter is under consideration .

### **5. Member Absent**

Where the interest of a Member has not been disclosed by reason of their absence from the particular meeting, the Member shall disclose their interest and otherwise comply at the first meeting of the Authority, Executive Committee, or Advisory Committee, as the case may be, attended by them after the particular meeting.

### **6. Disclosure Recorded in Minutes**

The recording secretary shall record in reasonable detail the particulars of any disclosure of conflict of interest or pecuniary interest made by Members and whether the Member withdrew from the discussion of the matter. Such record shall appear in the minutes/notes of that particular meeting of the General Membership, Executive Committee, or Advisory Committee, as the case may be.



## **7. Breach of Conflict of Interest Policy**

Should a Member breach the Conflict of Interest Policy, they shall advise the Chair and Vice-Chair, with a copy to the Secretary Treasurer, as soon as possible after the breach.

Should a Member allege that another Member has breached the Conflict of Interest Policy, the said breach shall be communicated to the Chair, with a copy to the Secretary Treasurer, in writing. In the absence of the Chair, or if a Member alleges that the Chair has breached the Conflict of Interest Policy, the said breach shall be communicated the Vice- Chair, with a copy to the Secretary-Treasurer, in writing.

Should a member of the public or a municipality allege that a Member has breached the Conflict of Interest Policy, the party making the allegation will be directed to follow the notification procedure outlined above.

Any breach, or alleged breach, of the Conflict of Interest Policy shall be investigated in accordance with the Enforcement of By-laws and Policies procedure outlined or referred to in the Authority's Administrative By-law.

### Appendix 3 - Procedure for Election of Officers

- 1) I WILL BE CONDUCTING THE ELECTIONS FOR THE POSITIONS OF Chairperson AND VICE-Chairperson
- 2) ONLY CURRENT MEMBERS MAY VOTE.
- 3) NOMINATIONS WILL BE CALLED THREE (3) TIMES AND WILL ONLY REQUIRE A "MOVER".
- 4) THE CLOSING OF NOMINATIONS WILL REQUIRE BOTH A "MOVER" AND A "SECONDER".
- 5) IN THE EVENT OF AN ELECTION, EACH NOMINEE WILL BE PERMITTED THREE (3) MINUTES TO SPEAK FOR THE OFFICE, IN THE SAME ORDER AS THEY WERE NOMINATED.
- 6) ARE THERE ANY QUESTIONS?
- 7) AT THIS POINT I DECLARE ALL OFFICES VACANT.

I CALL FOR A MOTION THAT \_\_\_\_\_ AND  
\_\_\_\_\_ BE APPOINTED AS SCRUTINEERS IN THE EVENT  
OF AN ELECTION, AND THAT ALL BALLOTS BE DESTROYED BY THE  
SCRUTINEERS AFTERWARDS.  
MOVED: \_\_\_\_\_ SECONDED: \_\_\_\_\_  
ALL IN FAVOUR: \_\_\_\_\_ OPPOSED: \_\_\_\_\_  
I DECLARE THE MOTION CARRIED.

AT THIS TIME I CALL FOR NOMINATIONS FOR THE POSITION OF Chairperson FOR THE  
CATFISH CREEK CONSERVATION AUTHORITY FOR \_\_\_\_\_ (current year) .

MOVED: \_\_\_\_\_ Name (1) \_\_\_\_\_

FOR A SECOND TIME, ARE THERE ANY NOMINATIONS?

MOVED: \_\_\_\_\_ Name (2) \_\_\_\_\_

FOR A THIRD AND FINAL TIME, ARE THERE ANY NOMINATIONS?

MOVED: \_\_\_\_\_ Name (3) \_\_\_\_\_

I CALL FOR A MOTION TO CLOSE NOMINATIONS.

MOVED: \_\_\_\_\_ SECONDED: \_\_\_\_\_

ALL IN FAVOUR: \_\_\_\_\_

OPPOSED: \_\_\_\_\_

I DECLARE THE MOTION CARRIED.

MR./MRS. \_\_\_\_\_ Name (1) \_\_\_\_\_ WILL YOU ALLOW YOUR NAME TO STAND  
FOR THE POSITION OF Chairperson OF THE CATFISH CREEK CONSERVATION  
AUTHORITY?

MR./MRS. \_\_\_\_\_ Name (2) \_\_\_\_\_ WILL YOU ALLOW YOUR NAME TO STAND  
FOR THE POSITION OF Chairperson OF THE CATFISH CREEK CONSERVATION  
AUTHORITY?

(IF A 3RD NOMINEE - REPEAT STEP 3A)

MR./MRS. \_\_\_\_\_ Name (1) \_\_\_\_\_ WOULD YOU LIKE TO MAKE ANY REMARKS  
PRIOR TO THE ELECTION?

MR./MRS. \_\_\_\_\_ Name (2) \_\_\_\_\_ WOULD YOU LIKE TO MAKE ANY REMARKS  
PRIOR TO THE ELECTION?

WOULD THE SCRUTINEERS PLEASE PASS OUT THE BALLOTS.

- 4) I DECLARE \_\_\_\_\_ ELECTED (BY ACCLAMATION) AS  
Chairperson OF THE CATFISH CREEK CONSERVATION AUTHORITY FOR \_\_\_\_\_  
(current year) .  
CONGRATULATIONS ( \_\_\_\_\_ ) WOULD YOU LIKE TO SAY A FEW  
WORDS?

- 5) I NOW CALL FOR THE NOMINATIONS FOR THE POSITION OF VICE-Chairperson OF  
THE CATFISH CREEK CONSERVATION AUTHORITY FOR \_\_\_\_\_ (current year)  
MOVED: \_\_\_\_\_ Name (1) \_\_\_\_\_  
FOR A SECOND TIME ARE THERE ANY NOMINATIONS?  
MOVED: \_\_\_\_\_ Name (2) \_\_\_\_\_  
FOR A THIRD AND FINAL TIME, ARE THERE ANY NOMINATIONS?  
MOVED: \_\_\_\_\_ Name (3) \_\_\_\_\_  
I CALL A MOTION TO CLOSE NOMINATIONS.  
MOVED: \_\_\_\_\_ SECONDED: \_\_\_\_\_  
ALL IN FAVOUR:  
OPPOSED:  
I DECLARE THE MOTION CARRIED.

- 6) MR./MRS. \_\_\_\_\_ Name (1) \_\_\_\_\_ WILL YOU ALLOW YOUR NAME TO STAND  
FOR THE POSITION OF VICE-Chairperson OF THE CATFISH CREEK  
CONSERVATION AUTHORITY?  
MR./MRS. \_\_\_\_\_ Name (2) \_\_\_\_\_ WILL YOU ALLOW YOUR NAME TO STAND  
FOR THE POSITION OF VICE-Chairperson OF THE CATFISH CREEK  
CONSERVATION AUTHORITY?  
(IF A 3RD NOMINEE - REPEAT STEP 3A)

MR./MRS. \_\_\_\_\_ Name (1) \_\_\_\_\_ WOULD YOU LIKE TO MAKE ANY REMARKS  
PRIOR TO THE ELECTION?

MR./MRS. \_\_\_\_\_ Name (2) \_\_\_\_\_ WOULD YOU LIKE TO MAKE ANY REMARKS  
PRIOR TO THE ELECTION?

WOULD THE SCRUTINEERS PLEASE PASS OUT THE BALLOTS.

- 7) I DECLARE \_\_\_\_\_ ELECTED (BY ACCLAMATION) AS VICE-  
Chairperson OF THE CATFISH CREEK CONSERVATION AUTHORITY FOR \_\_\_\_\_  
(current year)  
CONGRATULATIONS ( \_\_\_\_\_ ) WOULD YOU LIKE TO SAY A FEW  
WORDS.

I WILL NOW VACATE THE CHAIR.

## APPENDIX 4 – MUNICIPAL LEVY REGULATION

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 on the basis of the ratio that each participating municipality's modified assessment bears to the total authority's modified assessment.
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.

## **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.  
(ACAO/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

### 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 5 - 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

**Attorney General**  
McMurtry-Scott Building  
720 Bay Street  
11th Floor  
Toronto ON M7A 2S9  
Tel: 416-326-4000  
Fax: 416-326-4016

**Procureur général**  
Édifice McMurtry-Scott  
720, rue Bay  
11<sup>e</sup> étage  
Toronto ON M7A 2S9  
Tél.: 416-326-4000  
Téléc.: 416-326-4016



May 1, 2018

MAG Reference #: MC-2018-2050  
MNRF Reference #: MC-2018-714

Ms. Kim Gavine  
General Manager  
Conservation Ontario  
120 Bayview Parkway  
Newmarket ON L3Y 3W3  
Email: kgavine@conservationontario.ca

Dear Ms. Gavine:

Further to the previous communication from December 2017, we are pleased to inform you that the Office of the Mining and Lands Commissioner (OMLC) has officially transferred from the Ministry of Ministry of Natural Resources and Forestry to the Environment and Land Tribunals Ontario (ELTO) cluster of tribunals at the Ministry of the Attorney General. As part of the transfer, the OMLC has been renamed the Mining and Lands Tribunal (MLT).

The transfer of the MLT to ELTO supports the government's priority to modernize the province's administrative justice system and aligns the MLT with similar tribunals in Ontario. The transfer is also in response to stakeholder feedback indicating that the tribunal serves a valuable function, but needs to move towards better transparency and accountability. We believe the transfer to ELTO will help to achieve these goals.

It is important to note that no changes to the powers of the former OMLC or function of the office have taken place as part of the transfer. Any matters that would normally be directed to the OMLC will continue to be directed to the MLT.

In order to ensure that the required knowledge and expertise has been retained in the MLT, two of the former OMLC Deputy Commissioners will continue to hear cases as part-time members in the MLT. In addition, the former staff of the OMLC will also be continuing with the MLT to help smooth the transition and to retain institutional knowledge.

For more information on the MLT or ELTO, please visit <http://elto.gov.on.ca/>. If you have any additional questions, please contact ELTO by telephone at 416-212-6349 or toll free at 1-866- 448-2248.

Sincerely,

Handwritten signature of Yasir Naqvi.

Yasir Naqvi  
Attorney General

Handwritten signature of Nathalie Des Rosiers.

Nathalie Des Rosiers  
Minister of Natural Resources and Forestry

c: Jerry DeMarco, Executive Chair, ELTO



Ontario

**Executive Council of Ontario  
Order in Council**

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

**Conseil exécutif de l'Ontario  
Décret**

Sur la recommandation de la personne soussignée, la lieutenant-gouverneure de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit :

PURSUANT TO subsections 2(2), 5(1) and 8(1) of the *Executive Council Act*, R.S.O. 1990, c. E.25, and despite any provision of a statute or Order in Council, the responsibility for the administration of the *Ministry of Natural Resources Act*, R.S.O. 1990, c. M.31, in respect of section 6, is hereby assigned and transferred from the Minister of Natural Resources and Forestry to the Attorney General, effective April 1, 2018;

FURTHER, Order in Council O.C. 1175/2014 dated September 17, 2014 and published in the *Ontario Gazette* on September 27, 2014, is hereby amended and shall be interpreted accordingly, effective April 1, 2018.

FURTHER, Order in Council O.C. 1705/2003 dated November 24, 2003 and published in the *Ontario Gazette* on January 10, 2004, is hereby amended and shall be interpreted accordingly, effective April 1, 2018.

-----

EN VERTU des paragraphes 2 (2), 5 (1) et 8 (1) de la *Loi sur le Conseil exécutif*, L.R.O. 1990, chap. E.25, et malgré toute disposition d'une loi ou d'un décret, la responsabilité de l'application de la *Loi sur le ministère des Richesses naturelles*, L.R.O. 1990, chap. M.31, au regard de l'article 6, qui incombait au ministre des Richesses naturelles et des Forêts, est par les présentes confiée et transférée au procureur général, le transfert de responsabilité prenant effet le 1<sup>er</sup> avril 2018;

EN OUTRE, le décret numéro 1175/2014, daté du 17 septembre 2014 et publié dans la *Gazette de l'Ontario* le 27 septembre 2014, est par les présentes modifié, et sera interprété en conséquence, la modification prenant effet le 1<sup>er</sup> avril 2018.

EN OUTRE, le décret numéro 1705/2003, daté du 24 novembre 2003 et publié dans la *Gazette de l'Ontario* le 10 janvier 2004, est par les présentes modifié, et sera interprété en conséquence, la modification prenant effet le 1<sup>er</sup> avril 2018.



**Recommended:** Premier and President of the Council

**Recommandé par :** La première ministre et présidente du Conseil



**Concurred:** Chair of Cabinet

**Appuyé par :** Le président/la présidente du Conseil des ministres

**Approved and Ordered:**

**Approuvé et décrété le :** FEB 21 2018



**Lieutenant Governor**  
**La lieutenante-gouverneure**

**SECTION 28 (3)**  
**CONSERVATION AUTHORITIES ACT**  
**HEARING GUIDELINES**  
**October 2005, Amended 2018**



**Ministry of Natural Resources**  
**Ministère des Richesses naturelles**

## **Section 28 (12), Conservation Authorities Act - Hearing Guidelines**

### **Table of Contents**

<b>1.0.</b>	<b>Introduction and Purpose</b>	<b>1</b>
<b>2.0</b>	<b>Prehearing Procedures</b>	<b>1</b>
2.1	Fair Hearing	1
2.2	Application	2
2.3	Notice of Hearing	2
2.4	Presubmission of Reports	3
2.5	Hearing Information	3
<b>3.0</b>	<b>Hearing</b>	<b>3</b>
3.1	Public Hearing	3
3.2	Hearing Participants	3
3.3	Attendance of Hearing Board Members	3
3.4	Adjournments	3
3.5	Orders and Directions	4
3.6	Information Presented at Hearings	4
3.7	Conduct of Hearing	4
<b>4.0</b>	<b>Decision</b>	<b>6</b>
4.1	Notice of Hearing	6
4.2	Adoption	6
<b>5.0</b>	<b>Record</b>	<b>6</b>

### **Appendices**

- A. Notice of Hearing - model
- B. Hearing Procedures - model
- C. Opening Chair Remarks - model
- D. Notice of Decision - model

## **1.0 PURPOSE OF HEARING GUIDELINES:**

The purpose of the Hearing Guidelines is to reflect the changes to the 1998 Conservation Authorities Act. The Act requires that the applicant be party to a hearing by the local Conservation Authority Board, or Executive Committee (sitting as a Hearing Board) as the case may be, for an application to be refused or approved with contentious conditions. Further, a permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, pollution or conservation of land, and additional erosion and dynamic beaches. The Hearing Board is empowered by law to make a decision, governed by the Statutory Powers Procedures Act. It is the purpose of the Hearing Board to evaluate the information presented at the hearing by both the Conservation Authority staff and the applicant and to decide whether the application will be approved with or without conditions or refused.

These guidelines have been prepared as an update to the October 1992 hearing guidelines and are intended to provide a step-by-step process to conducting hearings required under Section 28 (12), (13), (14) of the Conservation Authorities Act. Similar to the 1992 guidelines, it is hoped that the guidelines will promote the necessary consistency across the Province and ensure that hearings meet the legal requirements of the Statutory Powers Procedures Act without being unduly legalistic or intimidating to the participants.

## **2.0 PREHEARING PROCEDURES**

### **2.1 Apprehension of Bias**

In considering the application, the Hearing Board is acting as a decision-making tribunal. The tribunal is to act fairly. Under general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but also to avoid the appearance or apprehension of bias. The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.

- (a) No member of the Authority taking part in the hearing should be involved, either through participation in committee or intervention on behalf of the applicant or other interested parties with the matter, prior to the hearing. Otherwise, there is a danger of an apprehension of bias which could jeopardize the hearing.
- (b) If material relating to the merits of an application that is the subject of a hearing is distributed to Board members before the hearing, the material shall be distributed to the applicant at the same time. The applicant may be afforded an opportunity to distribute similar pre-hearing material.
- (c) In instances where the Authority (or Executive Committee) requires a hearing to help it reach a determination as to whether to give permission with or without conditions or refuse a permit application, a final decision shall not be made until such time as a hearing is held. The applicant will be given an opportunity to attend the hearing before a decision is made; however, the applicant does not have to be present for a decision to be made.

Individual Conservation Authorities shall develop a document outlining their own practices and procedures relating to the review and reporting of Section 28 applications, including the role of staff,



the applicant and the Authority or Executive Committee as well as, the procedures for the hearing itself. Such policy and procedures manual shall be available to the members of the public upon request. These procedures shall have regard for the above information and should be approved by the Conservation Authority Board of Directors.

## **2.2 Application**

The right to a hearing is required where staff is recommending refusal of an application or where there is some indication that the Authority or Executive Committee may not follow staff's recommendation to approve a permit or the applicant objects to the conditions of approval. The applicant is entitled to reasonable notice of the hearing pursuant to the Statutory Powers Procedures Act.

## **2.3 Notice of Hearing**

The Notice of Hearing shall be sent to the applicant within sufficient time to allow the applicant to prepare for the hearing. To ensure that reasonable notice is given, it is recommended that prior to sending the Notice of Hearing, the applicant be consulted to determine an agreeable date and time based on the local Conservation Authority's regular meeting schedule.

The Notice of Hearing must contain the following:

- (a) Reference to the applicable legislation under which the hearing is to be held (i.e., the Conservation Authorities Act).
- (b) The time, place and the purpose of the hearing.
- (c) Particulars to identify the applicant, property and the nature of the application which are the subject of the hearing.

Note: If the applicant is not the landowner but the prospective owner, the applicant must have written authorization from the registered landowner.

- (d) The reasons for the proposed refusal or conditions of approval shall be specifically stated. This should contain sufficient detail to enable the applicant to understand the issues so he or she can be adequately prepared for the hearing.

It is sufficient to reference in the Notice of Hearing that the recommendation for refusal or conditions of approval is based on the reasons outlined in previous correspondence or a hearing report that will follow.

- (e) A statement notifying the applicant that the hearing may proceed in the applicant's absence and that the applicant will not be entitled to any further notice of the proceedings.

Except in extreme circumstances, it is recommended that the hearing not proceed in the absence of the applicant.

- (f) Reminder that the applicant is entitled to be represented at the hearing by counsel, if desired.

It is recommended that the Notice of Hearing be directed to the applicant and/or landowner by registered mail. Please refer to **Appendix A** for an example Notice of Hearing.

## **2.4 Presubmission of Reports**

If it is the practice of the local Conservation Authority to submit reports to the Board members in advance of the hearing (i.e., inclusion on an Authority/Executive Committee agenda), the applicant shall be provided with the same opportunity. The applicant shall be given two weeks to prepare a report once the reasons for the staff recommendations have been received. Subsequently, this may affect the timing and scheduling of the staff hearing reports.

## **2.5 Hearing Information**

Prior to the hearing, the applicant shall be advised of the local Conservation Authority's hearing procedures upon request.

## **3.0 HEARING**

### **3.1 Public Hearing**

Pursuant to the Statutory Powers Procedure Act, hearings are required to be held in public. The exception is in very rare cases where public interest in public hearings is outweighed by the fact that intimate financial, personal or other matters would be disclosed at hearings.

### **3.2 Hearing Participants**

The Conservation Authorities Act does not provide for third party status at the local hearing. While others may be advised of the local hearing, any information that they provide should be incorporated within the presentation of information by, or on behalf of, the applicant or Authority staff.

### **3.3 Attendance of Hearing Board Members**

In accordance with case law relating to the conduct of hearings, those members of the Authority who will decide whether to grant or refuse the application must be present during the full course of the hearing. If it is necessary for a member to leave, the hearing must be adjourned and resumed when either the member returns or if the hearing proceeds, even in the event of an adjournment, only those members who were present after the member left can sit to the conclusion of the hearing.

### **3.4 Adjournments**

The Board may adjourn a hearing on its own motion or that of the applicant or Authority staff where it is satisfied that an adjournment is necessary for an adequate hearing to be held.

Any adjournments form part of the hearing record.

### **3.5 Orders and Directions**

The Authority is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes. A hearing procedures example has been included as **Appendix B**.

### **3.6 Information Presented at Hearings**

- (a) The Statutory Powers Procedure Act, requires that a witness be informed of his right to object pursuant to the Canada Evidence Act. The Canada Evidence Act indicates that a witness shall be excused from answering questions on the basis that the answer may be incriminating. Further, answers provided during the hearing are not admissible against the witness in any criminal trial or proceeding. This information should be provided to the applicant as part of the Notice of Hearing.
- (b) It is the decision of the hearing members as to whether information is presented under oath or affirmation. It is not a legal requirement. The applicant must be informed of the above, prior to or at the start of the hearing.
- (c) The Board may authorize receiving a copy rather than the original document. However, the Board can request certified copies of the document if required.
- (d) Privileged information, such as solicitor/client correspondence, cannot be heard. Information that is not directly within the knowledge of the speaker (hearsay), if relevant to the issues of the hearing, can be heard.
- (e) The Board may take into account matters of common knowledge such as geographic or historic facts, times measures, weights, etc or generally recognized scientific or technical facts, information or opinions within its specialized knowledge without hearing specific information to establish their truth.

### **3.7 Conduct of Hearing**

#### **3.7.1 Record of Attending Hearing Board Members**

A record shall be made of the members of the Hearing Board.

#### **3.7.2 Opening Remarks**

The Chairman shall convene the hearing with opening remarks which generally; identify the applicant, the nature of the application, and the property location; outline the hearing procedures; and advise on requirements of the Canada Evidence Act. Please reference **Appendix C** for the Opening Remarks model.

### **3.7.3 Presentation of Authority Staff Information**

Staff of the Authority presents the reasons supporting the recommendation for the refusal or conditions of approval of the application. Any reports, documents or plans that form part of the presentation shall be properly indexed and received.

Staff of the Authority should not submit new information at the hearing as the applicant will not have had time to review and provide a professional opinion to the Hearing Board.

Consideration should be given to the designation of one staff member or legal counsel who coordinates the presentation of information on behalf of Authority staff and who asks questions on behalf of Authority staff.

### **3.7.4 Presentation of Applicant Information**

The applicant has the opportunity to present information at the conclusion of the Authority staff presentation. Any reports, documents or plans which form part of the submission should be properly indexed and received.

The applicant shall present information as it applies to the permit application in question. For instance, does the requested activity affect the control of flooding, erosion, dynamic beach or conservation of land or pollution? The hearing does not address the merits of the activity or appropriateness of such a use in terms of planning.

- The applicant may be represented by legal counsel or agent, if desired
- The applicant may present information to the Board and/or have invited advisors to present information to the Board
- The applicant(s) presentation may include technical witnesses, such as an engineer, ecologist, hydrogeologist etc.

The applicant should not submit new information at the hearing as the Staff of the Authority will not have had time to review and provide a professional opinion to the Hearing Board.

### **3.7.5 Questions**

Members of the Hearing Board may direct questions to each speaker as the information is being heard. The applicant and /or agent can make any comments or questions on the staff report.

Pursuant to the Statutory Powers Procedure Act, the Board can limit questioning where it is satisfied that there has been full and fair disclosure of the facts presented. Please note that the courts have been particularly sensitive to the issue of limiting questions and there is a tendency to allow limiting of questions only where it has clearly gone beyond reasonable or proper bounds.

### **3.7.6 Deliberation**

After all the information is presented, the Board may adjourn the hearing and retire in private to confer. The Board may reconvene on the same date or at some later date to advise of the Board's decision. The Board members shall not discuss the hearing with others prior to the decision of the

Board being finalized.

#### **4.0. DECISION**

The applicant must receive written notice of the decision. The applicant shall be informed of the right to appeal the decision within 30 days upon receipt of the written decision to the Minister of Natural Resources.

It is important that the hearing participants have a clear understanding of why the application was refused or approved. The Board shall itemize and record information of particular significance which led to their decision.

##### **4.1 Notice of Decision**

The decision notice should include the following information:

- (a) The identification of the applicant, property and the nature of the application that was the subject of the hearing.
- (b) The decision to refuse or approve the application. A copy of the Hearing Board resolution should be attached.

It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail. A sample Notice of Decision and cover letter has been included as **Appendix D**.

##### **4.2 Adoption**

A resolution advising of the Board's decision and particulars of the decision should be adopted.

#### **5.0 RECORD**

The Authority shall compile a record of the hearing. In the event of an appeal, a copy of the record should be forwarded to the Minister of Natural Resources/Mining and Lands Commissioner. The record must include the following:

- (a) The application for the permit.
- (b) The Notice of Hearing.
- (c) Any orders made by the Board (e.g., for adjournments).
- (d) All information received by the Board.
- (e) The minutes of the meeting made at the hearing.
- (f) The decision and reasons for decision of the Board.
- (g) The Notice of Decision sent to the applicant

**Appendix A**

**NOTICE OF HEARING**

**IN THE MATTER OF**

The Conservation Authorities Act,  
R.S.O. 1990, Chapter 27

**AND IN THE MATTER OF** an application by

**FOR THE PERMISSION OF THE  
CONSERVATION AUTHORITY**

Pursuant to Regulations made under  
Section 28, Subsection 12 of the said Act

**TAKE NOTICE THAT** a Hearing before the Executive Committee of the Conservation Authority will be held under Section 28, Subsection 12 of the Conservation Authorities Act at the offices of the said Authority (ADDRESS), at the hour of , **on the day of , 2001**, with respect to the application by (**NAME**) to permit development within an area regulated by the Authority in order to ensure no adverse affect on (***the control of flooding, erosion, dynamic beaches or pollution or conservation of land./alter or interfere with a watercourse, shoreline or wetland***) on Lot , Plan/Lot , Concession , (**Street**) in the City of , Regional Municipality of , River Watershed.

**TAKE NOTICE THAT** you are invited to make a delegation and submit supporting written material to the Executive Committee for the meeting of (**meeting number**). If you intend to appear, please contact (**name**) . Written material will be required by (**date**), to enable the Committee members to review the material prior to the meeting.

**TAKE NOTICE THAT** this hearing is governed by the provisions of the Statutory Powers Procedure Act. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the Ontario Evidence Act. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the Canada Evidence Act that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the affect of any evidence that a witness may give.

**AND FURTHER TAKE NOTICE** that if you do not attend at this Hearing, the Executive Committee of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

**DATED** the \_\_\_\_ day of , \_\_\_\_\_ 200X

The Executive Committee of the  
Conservation Authority

Per:  
Chief Administrative Officer/Secretary-Treasurer

## **Appendix B**

### **HEARING PROCEDURES**

1. Motion to sit as Hearing Board.
2. Roll Call followed by the Chair's opening remarks.
3. Staff will introduce to the Hearing Board the applicant/owner, his/her agent and others wishing to speak.
4. Staff will indicate the nature and location of the subject application and the conclusions.
5. Staff will present the staff report included in the Authority/Executive Committee agenda.
6. The applicant and/or his/her agent will speak and also make any comments on the staff report, if he/she so desires.
7. The Hearing Board is open to the public and therefore, the Hearing Board will allow others to speak, and, if necessary, the applicant in rebuttal.
8. The Hearing Board will question, if necessary, both the staff and the applicant/agent.
9. The Hearing Board will move into camera.
10. Members of the Hearing Board will move and second a motion.
11. A motion will be carried which will culminate in the decision.
12. The Hearing Board will move out of camera.
13. The Chairman or Acting Chairman will advise the owner/applicant of the Hearing Board decision.
14. If decision is "to refuse", the Chairman or Acting Chairman shall notify the owner/applicant of his/her right to appeal the decision to the Minister of Natural Resources within 30 days of receipt of the reasons for the decision.
15. Motion to move out of Hearing Board and sit as Executive Committee.

## Appendix C

### CHAIR'S REMARKS WHEN DEALING WITH HEARINGS WITH RESPECT TO ONTARIO REGULATION 158

We are now going to conduct a hearing under section 28 of the Conservation Authorities Act in respect of an application by \_\_\_\_\_, for permission to: \_\_\_\_\_

The Authority has adopted regulations under section 28 of the Conservation Authorities Act which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse affect on (the control of flooding, erosion, dynamic beaches or pollution or conservation of land) or to permit alteration to a shoreline or watercourse or interference with a wetland.

The Staff has reviewed this proposed work and a copy of the staff report has been given to the applicant.

The Conservation Authorities Act (Section 28 [12]) provides that:

"Permission required under a regulation made under clause (1) (b) or 8) shall not be refused or granted subject to conditions unless the person requesting permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee."

In holding this hearing, the Authority Board/Executive Committee is to determine whether or not a permit is to be issued. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under Section 5 of the Canada Evidence Act, a witness may refuse to answer any question on the ground that the answer may tend to criminate the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the hearing members.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chair of the board.



Appendix D – Amended May 2018

(Date)

**BY REGISTERED MAIL**

(name)

(address)

Dear:

**RE: NOTICE OF DECISION**

**Hearing Pursuant to Section 28(12) of the Conservation Authorities Act**

**Proposed Residential Development**

**Lot , Plan ; ?? Drive City of**

**(Application #)**

In accordance with the requirements of the Conservation Authorities Act, the (name) Conservation Authority provides the following Notice of Decision:

On (meeting date and number), the Hearing Board/Authority/Executive Committee refused/approved your application/approved your application with conditions. A copy the Boards/Committee's resolution # has been attached for your records. Please note that this decision is based on the following reasons: (*the proposed development/alteration to a watercourse or shoreline adversely affects the control of flooding, erosion, dynamic beaches or pollution or interference with a wetland or conservation of land*).

In accordance with Section 28 (15) of the Conservation Authorities Act, An applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may refuse the permission; or grant permission, with or without conditions. Through Order in Council 332/2018 the responsibility for hearing the appeal has been transferred to the Mining and Lands Tribunal. For your information, should you wish to exercise your right to appeal the decision, a letter by you or your agent/counsel setting out your appeal must be sent within 30 days of receiving this decision addressed to:

Office of the Mining and Lands Tribunal  
700 Bay Street, 24<sup>th</sup> Floor, Box 2400  
Toronto, Ontario M5G 1Z6

A carbon copy of this letter should also be sent to this conservation authority. Should you require any further information, please do not hesitate to contact (staff contact) or the undersigned.

Yours truly,

Chief Administrative Officer/Secretary Treasurer

Enclosure

<b>INDEX</b>	<b>PAGE</b>
Background	
Amendments to Conservation Authorities Act . . . . .	2
Introductions	
Vision/Mission . . . . .	2
Powers of Authorities . . . . .	2
<b>A. Definitions . . . . .</b>	<b>4</b>
<b>B. Governance</b>	
Members	
Appointments . . . . .	5
Term of Member Appointments . . . . .	5
Powers of the General Membership . . . . .	5
Member Accountability . . . . .	6
Applicable Legislation . . . . .	6
Relationship Between Members and Staff . . . . .	7
Officers . . . . .	7
Absence of Chair and Vice-Chair(s) . . . . .	8
Maximum Term for Chair and Vice-Chair(s) . . . . .	8
Representatives to Conservation Ontario Council . . . . .	8
Election of Chair and Vice-Chair(s) . . . . .	8
Appointment of Auditor . . . . .	8
Appointment of Financial Institution . . . . .	8
Appointment of Solicitor . . . . .	8
Financial Statements and Report of the Auditor . . . . .	8
Borrowing Resolution . . . . .	9
Levy Notice . . . . .	9
Signing Officers . . . . .	9
Executive Committee . . . . .	9
Advisory Boards and Other Committees . . . . .	9
Personnel / Financial Committee . . . . .	10
Land Management Committee . . . . .	11
Health and Safety Committee . . . . .	11
Remuneration of Members . . . . .	12
Records Retention . . . . .	12
Records Available to Public . . . . .	12
By-law Review . . . . .	13
By-law Available to Public . . . . .	13
Enforcement of By-laws and Policies . . . . .	13
Indemnification of Members, Officers and Employees . . . . .	13
<b>C. Meeting Procedures . . . . .</b>	<b>14</b>
Rules of Procedure . . . . .	14
Notice of Meeting . . . . .	14
Meetings Open to Public . . . . .	14

Agenda for Meetings .....	15
Quorum .....	15
Order of Business .....	16
Debate .....	16
Matters of Precedence .....	16
Members' Attendance .....	16
Electronic Participation .....	17
Delegations .....	17
Annual Meeting .....	17
Meetings with Closed "In Camera" Sessions .....	18
Voting .....	19
Notice of Motion .....	20
Motion to Reconsider .....	20
Duties of the Meeting Chair .....	20
Conduct of Members .....	21
Minutes of Meetings .....	21
Declared State of Emergency .....	22
 <b>D. Approval of By-law and Revocation of Previous By-law(s) .....</b>	 <b>23</b>
 <b>E. Appendices to the Administrative By-law</b>	
Appendix 1 - Code of Conduct .....	24
Confidentiality .....	25
Use of Authority Property .....	25
Work of a Political Nature .....	26
Conduct at Authority Meetings .....	26
Influence on Staff .....	26
Business Relations .....	26
Encouragement of Respect for the Authority and its Regulations .....	26
Harassment .....	26
Breach of Code of Conduct .....	27
 Appendix 2 - Conflict of Interest .....	 28
Municipal Conflict of Interest Act .....	28
Disclosure of Pecuniary Interest .....	28
Chair's Conflict of Interest or Pecuniary Interest .....	28
Closed Meetings .....	28
Member Absent .....	28
Disclosure Recorded in Minutes .....	28
Breach of Conflict of Interest Policy .....	29
 Appendix 3 - Procedure for Election of Officers .....	 30 - 31
 Appendix 4 - Ontario Regulation 670/2000 .....	 32 - 37
 Appendix 5 - Hearing Procedures .....	 38
Addendum to Appendix 5 - Hearing Procedures .....	39 - 53