

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, February 23, 2021, commencing at 10:00 a.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 01/2021 - Application for an exception to s. 17 of the Conservation Authorities Act. 2 - 5
(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 / 2021: To The Full Authority

FROM: Christopher Wilkinson, General Manager / Secretary-Treasurer
SUBJECT: Application for an exception to s. 17 of the *Conservation Authorities Act*
DATE: February 19, 2021

Purpose:

To make an application to the Minister for an exception to s. 17 of the *Conservation Authorities Act* for a one year exemption to the Term of the Chairperson.

Discussion:

New provisions in the *Conservation Authorities Act* came into effect on February 2, 2021.

A new provision in s.17 indicates the chair or vice-chair shall hold office for a term of one year and shall serve for no more than two consecutive terms.

It was the understanding of the staff until recently that the one year term clock starts ticking for Chairs/Vice Chairs as of February 2nd, 2021. However, staff recently received an email from Sam Lyons titled: RE: TIME SENSITIVE Follow-up question on #2 Chair/Vice Chair sent Tuesday, February 16, 2021 4:42 PM (attachment #1) indicating that previous service leading up to February 2, 2021 counts.

Staff wrote to the Minister on February 16th at 8:23pm to request an extension (attachment #2) but on February 18th at 11am during a web meeting with CCCA, the Ministry confirmed that they require additional information before making a decision including:

1. A board resolution requesting the exemption;
2. Additional rational for extension of current Chairperson.

Recommendation:

WHEREAS the CCCA Board has limited capacity in current members for the time required to complete the duties of the Chairperson; and

WHEREAS a one year extension will enable the CCCA Board of Directors with the time necessary to determine if a bylaw amendment is required; and

WHEREAS a one year extension will provide time for the Board to apply to the Minister for a further exemption beyond the currently requested one year exemption;

NOW THEREFORE BE IT RESOLVED:

THAT, the Full Authority request the Minister of Environment, Conservation and Parks to grant a one year exemption to the Term of the Chairperson as per s. 17 of the *Conservation Authorities Act*.



Christopher Wilkinson
General Manager / Secretary-Treasurer

Attachment #1

From: Lyon, Sam (MECP) [<mailto:Sam.Lyon@ontario.ca>]
Sent: Tuesday, February 16, 2021 4:42 PM
To: Bonnie Fox <BFox@conservationontario.ca>
Cc: Kim Gavine <KGavine@conservationontario.ca>; Katona, Keley (MECP) <Keley.Katona@ontario.ca>
Subject: RE: TIME SENSITIVE Follow-up question on #2 Chair/Vice Chair

Hi Bonnie,

Thank you for the inquiry.

It is the Ministry's view that the interpretation in #2 is correct. The intention was that the provision would apply immediately, such that the appointment of any new chairs / vice-chairs at annual general meetings following the February 2, 2021 proclamations will need to comply with the provisions listed in s. 17 of the *Conservation Authorities Act*. Meaning, that if an existing chair or vice chair has been in that role for two consecutive terms (i.e. two years), a new chair / vice chair will now need to be appointed (previous service leading up to February 2, 2021 counts). If desired, the conservation authority or the participating municipality can submit an application to the Minister for an exception to this provision. Conservation authorities should also consider seeking their own independent legal advice on the interpretation of these provisions and how they may apply to a particular authority on a case-by-case basis.

Best,

Sam

Sam Lyon (he/him/his)
Manager (A), Conservation Authority Office, Conservation and Source Protection Branch
Ontario Ministry of the Environment, Conservation and Parks
sam.lyon@ontario.ca | 416-327-3787

From: Katona, Keley (MECP) <Keley.Katona@ontario.ca>
Sent: February 11, 2021 2:31 PM
To: Bonnie Fox <BFox@conservationontario.ca>
Cc: Kim Gavine <KGavine@conservationontario.ca>; Lyon, Sam (MECP) <Sam.Lyon@ontario.ca>
Subject: RE: TIME SENSITIVE Follow-up question on #2 Chair/Vice Chair

Hi Bonnie,

Confirming receipt. I'll get back to you with a response as soon as possible.

Keley

From: Bonnie Fox <BFox@conservationontario.ca>
Sent: February 11, 2021 1:54 PM
To: Katona, Keley (MECP) <Keley.Katona@ontario.ca>
Cc: Kim Gavine <KGavine@conservationontario.ca>; Lyon, Sam (MECP) <Sam.Lyon@ontario.ca>
Subject: TIME SENSITIVE Follow-up question on #2 Chair/Vice Chair
Importance: High

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hi Keley,

Hope all is well with you, I understand Sam is off on vacation today so I'm directing this question to you.

We had a zoom meeting with the GMs yesterday afternoon to provide an opportunity for them to discuss the FAQ – CAA email from Friday, February 5th. With regard to #2 re: Chair/Vice Chair terms, there was disagreement as to how to interpret the advice and we're hoping you could resolve it by response to this email.

Interpretation 1: The one year term clock starts ticking for Chairs/Vice Chairs as of Feb 2, 2021. Therefore even if your current Chair has been in the position for more than two years they can still run for election this time but only for a one year term and no more than two consecutive.

Interpretation 2: The one year term applies immediately so if you have a Chair/Vice Chair that has been in the position for more than 2 years then they are not eligible to run for election.

I personally think Interpretation #1 allows the time necessary for the CA Boards to figure out how they will amend their bylaws and whether or not they want to apply to the Minister for an exception but as I've indicated there was varying opinion on interpretation.

It's a time sensitive issue because **there are a number of CAs that have their Annual General Meetings (next week and in the next few weeks) where they will be having elections.** We'd like to ensure that we are following the intent of the Minister and are being consistent in this regard. You can appreciate that they need to be clear in their communications to their members for the election process as soon as possible so I look forward to your response.

All the best,

Bonnie Fox, CAE
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email: bfox@conservationontario.ca
www.conservationontario.ca

Attachment #2

From: [Chris Wilkinson](#)
To: minister.mecp@ontario.ca
Cc: [Cerna, Rick](#); [Sally Martyn \(smartyn@centralelgin.org\)](mailto:smartyn@centralelgin.org); [Buchner, Paul \(ward1@swox.org\)](mailto:ward1@swox.org); [Arthur Oslach](#); [Lori Baldwin-Sands](#); sam.lyon@ontario.ca
Subject: Application to the Minister for an exception to s. 17 of the Conservation Authorities Act
Date: February 16, 2021 8:23:00 PM
Attachments: [image004.png](#)

To: The Honourable Jeff Yurek, Minister of The Environment, Conservation and Parks
Re: Application to the Minister for an exception to s. 17 of the *Conservation Authorities Act*

I am writing on behalf of the Catfish Creek Conservation Authority Board of Directors to apply for a one year exemption to the Term of the Chairperson as per s. 17 of the *Conservation Authorities Act*.

I apologize for the short turn around time as the Annual General Meeting for the Catfish Creek Conservation Authority is scheduled for Thursday February 18th, 2021 at 2pm.

It was our understanding until recently that the one year term clock starts ticking for Chairs/Vice Chairs as of Feb 2, 2021. However, I am in receipt of a recent email from Sam Lyons titled: RE: TIME SENSITIVE Follow-up question on #2 Chair/Vice Chair sent Tuesday, February 16, 2021 4:42 PM indicating that previous service leading up to February 2, 2021 counts.

The CCCA Chairperson has been in the position for more than two years and until recently it was our understanding that the Chairperson could run for re-election this year, but only for a one year term and no more than two consecutive terms.

In addition, the rationale for this application for a one-year exemption ensures the CCCA Board of Directors will have the time necessary to figure out if a bylaw amendment is required, and whether or not the Board should apply to the Minister for a further exemption beyond this requested one year exemption.

I look forward to your response.

Sincerely,

Christopher Wilkinson, General Manager / Secretary-Treasurer

Cc:

Rick Cerna, Chairperson, rcerna@malahide.ca

Sally Martyn, CCCA Board Member, smartyn@centralelgin.org

Paul Buchner, CCCA Board Member, ward1@swox.org

Arthur Oslach, CCCA Board Member, aoslach@town.aylmer.on.ca

Lori Baldwin-Sands, lbaldwin-sands@stthomas.ca

Sam Lyon, Manager (A), Conservation Authority Office, Conservation and Source Protection Branch
sam.lyon@ontario.ca