Ministry of the Environment, Conservation and Parks

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

Bureau du ministre



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#### 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 bylaws of the authority." Further, at any meeting that is held, "a quorum consists of onehalf 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 bylaws, 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

- 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

 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 <u>chloe.stuart@ontario.ca</u>

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

Sincerely

Apr 1

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**

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# **Credit Valley CA**

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# **Crowe Valley CA**

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# **Essex Region CA**

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

# Ganaraska Region CA

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# **Grand River CA**

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# **Grey Sauble CA**

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# Halton Region CA

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# **Hamilton Region CA**

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# Kawartha Region CA

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

# Kettle Creek CA

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# Lake Simcoe Region CA

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#### 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

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# Lower Trent Region CA

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# **Maitland Valley CA**

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# Mattagami Region CA

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# **Mississippi Valley CA**

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#### Niagara Peninsula CA

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#### **Nickel District CA**

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#### North Bay-Mattawa CA

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

# Nottawasaga Valley CA

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# **Otonabee Region CA**

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# Quinte CA

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# **Raisin Region CA**

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# **Rideau Valley CA**

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#### Saugeen Valley CA

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# Sault Ste. Marie Region CA

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# **South Nation River CA**

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# St. Clair Region CA

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# **Toronto and Region CA**

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# **Upper Thames River CA**

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