

ATTACHMENT 2A: Community Advisory Boards & Related Excerpts from the CA BMP and Administrative By-Law Model Demonstrating that a Regulation in this regard would be Unnecessary

<p>Excerpts from “Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model” (CO, April 2018) Regarding Advisory Boards</p>	<p>Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities</p> <p><i>Part Two, Section 1: Regulation to Require ‘Community’ Advisory Boards</i></p>
<p>Section B. Governance, 1. Members c) Powers of the General Membership, p.11</p> <p>“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:</p> <p>i. 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;</p>	<p>p. 27</p> <p>MECP is proposing to proclaim an un-proclaimed provision of the CA Act to enable the creation of an LGIC regulation to require conservation authorities to establish community advisory boards that can include members of the public, to provide advice to the authority.</p> <p>The government is also proposing to make a Minister’s regulation to provide greater clarity that conservation authority by-laws are applicable to the community advisory boards.</p>

Section B. Governance, 15. Advisory Boards and Other Committees, p.15

“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.

p. 27

MECP is proposing to proclaim an un-proclaimed provision of the CA Act to enable the creation of an LGIC regulation to require conservation authorities to establish community advisory boards that can include members of the public, to provide advice to the authority.

p. 28

The government would defer other specific details related to the composition, activities, functions, duties, and procedures of the community advisory board to a Terms of Reference document, which would be developed and approved by each authority and reiterated in the authority’s by-laws (as enabled by a proposed new regulation to provide greater clarity that conservation authority by-laws may speak to the community advisory boards as prescribed).

p. 29

The government intends to require that the Terms of Reference also outline specific functions and activities of the community advisory board scoped to the authority’s needs, and at a minimum enable community advisory board members to:

- Provide advice and recommendations to the authority on the authority’s strategic priorities and associated policies, programs and services
- Discuss opportunities to co-ordinate with other environmental initiatives in the authority’s jurisdiction (e.g. municipal)
- Identify opportunities for community engagement
- Suggest potential community outreach opportunities
- Carry out any other functions as identified in the Terms of Reference.

p. 29

The government intends to prescribe the following matters related to accountabilities of the community advisory board:

- Requiring that all meeting minutes, **and the current Terms of Reference, be posted on the internet**

<p>Excerpts from “Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model” (CO, April 2018) Regarding Advisory Boards</p>	<p>Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities</p> <p><i>Part Two, Section 1: Regulation to Require ‘Community’ Advisory Boards</i></p>
<p>Resolutions and policies governing the operation of the Authority shall be observed in all advisory board and committee meetings.</p> <p>Each advisory board or committee shall report to the General Membership, presenting any recommendations made by the advisory board or committee.</p> <p>The dates of all advisory board and committee meetings shall be made available to all Members of the Authority.</p> <p>[CA SPECIFIC: a list of standing advisory boards and committees that must be appointed, could be included here or as an Appendix, which may be amended from time to time.]”</p>	<p>p. 29 The government intends to prescribe the following aspects related to procedures of the community advisory board:</p> <ul style="list-style-type: none"> • Requiring that meeting procedures and relevant policies regarding community advisory board operation be outlined in the Terms of Reference, including quorum, chair, vice-chair and secretary and aligned with conservation authority procedures under <i>Conservation Authorities Act</i> s.19.1 administrative by-laws <p>p. 29 The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> • Stipulating reporting mechanisms and accountability of the community advisory board to the authority
<p>Section B. Governance, 16. Remuneration of Members, p.16 [CA SPECIFIC, suggested wording only:] “The Authority shall establish a per-diem rate from time to time to be paid to Members for attendance at General Meetings and Advisory Board or Committee meetings, and at such other business functions as may be from time to time requested by the Chair, through the Secretary-Treasurer. In addition, an honorarium may be approved by the Authority for the Chair and Vice-chair(s) as compensation for their additional responsibilities. A single</p>	

<p>Excerpts from “Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model” (CO, April 2018) Regarding Advisory Boards</p>	<p>Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities</p> <p><i>Part Two, Section 1: Regulation to Require ‘Community’ Advisory Boards</i></p>
<p>per-diem will be paid for attendance at more than one meeting if they occur consecutively on the same day.”</p>	
<p>Section C. Meeting Procedures. Introductory Paragraph, p.18 [Note: The Meeting Procedures included in this sample By-law are representative of those in use by a number of CAs. They are intended as a guideline and may be modified as required by an individual CA, as long as the CA’s adopted procedures comply with the requirements outlined in Section 19.1 of the <i>Conservation Authorities Act</i>.] “The Meeting Procedures below governing the procedure 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.”</p> <p>Section C. Meeting Procedures, 2. Notice of Meeting, p.19 “The Chair or the Secretary-Treasurer may, by notice in writing or email, deliver to the members so as to be received by them at least [CA SPECIFIC: typically 12 -24 hours] hours before the hour appointed for the meeting, postpone or cancel any meeting of an Advisory Board or other committee until the next scheduled date for the specific Advisory Board or committee affected.”</p> <p>Section C. Meeting Procedures, 5. Quorum, p.19 “At any meeting of the General Membership, 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. At any Executive Committee (if applicable), advisory board or committee meeting, a quorum consists of one-half of the Members of the Executive Committee (if applicable), advisory board or committee. ... If during an Authority or Advisory Board or Committee meeting a quorum is lost, then the Chair shall declare that the meeting shall stand recessed or</p>	<p>p. 28 The government intends to prescribe the following aspects related to procedures of the community advisory board:</p> <ul style="list-style-type: none"> • Requiring that meeting procedures and relevant policies regarding community advisory board operation be outlined in the Terms of Reference, including quorum, chair, vice-chair and secretary and aligned with conservation authority procedures under <i>Conservation Authorities Act</i> s.19.1 administrative by-laws

<p>Excerpts from “Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model” (CO, April 2018) Regarding Advisory Boards</p>	<p>Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities</p> <p><i>Part Two, Section 1: Regulation to Require ‘Community’ Advisory Boards</i></p>
<p>adjourned, until the date of the next regular meeting or other meeting called in accordance with the provisions of this by- law. [CA SPECIFIC: Some CAs include the following provision: “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.”] “</p> <p>Section C. Meeting Procedures, 13. Meetings with Closed “In Camera” Sessions, p. 22</p> <p>“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.</p> <p>.....</p> <p>A meeting of the Authority, executive committee, advisory board or other committee may also be closed to the public if:</p> <ul style="list-style-type: none"> 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. <p>Section C. Meeting Procedures, 15. Notice of Motion, p.23</p> <p>“Written notice of motion to be made at an Authority, executive committee, advisory board or committee meeting may be given to the Secretary-Treasurer by any Member of the Authority not less than [CA SPECIFIC: typically seven business days] prior to the date and time of the meeting and shall be forthwith placed on the agenda of the next meeting. The Secretary-Treasurer shall include such notice of motion in full in the agenda for the meeting concerned.</p>	<p>p. 28</p> <p>The government intends to prescribe the following aspects related to procedures of the community advisory board:</p> <ul style="list-style-type: none"> • Requiring that meetings of the community advisory board be open to the public, with limited exceptions

<p>Excerpts from “Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model” (CO, April 2018) Regarding Advisory Boards</p>	<p>Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities</p> <p><i>Part Two, Section 1: Regulation to Require ‘Community’ Advisory Boards</i></p>
<p>Recommendations included in reports of advisory boards 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.</p> <p>...</p> <p>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 board or 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 [CA SPECIFIC: either a majority or two-thirds] of the members of the Authority present.”</p> <p>Section C. Meeting Procedures, 19. Minutes of Meetings, p. 25 “The Secretary-Treasurer shall undertake to have a recording secretary in attendance at meetings of the Authority, the Executive Committee and each advisory board or 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.</p>	<p>p. 29 The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> • Requiring that all meeting minutes, and the current Terms of Reference, be posted on the internet
<p>Additional Excerpts without specific reference to Advisory Boards but addressing aspects proposed to be prescribed:</p>	
<p>Section C. Meeting Procedures, 9. Members’ Attendance, p. 20 The Authority shall provide a listing of Members’ attendance at scheduled meetings of the Authority to the Participating Municipalities at least annually.</p> <p>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.</p> <p>[CA SPECIFIC: Some CA’s may wish to include a procedure for reporting excessive absences by a Member to their appointing municipality.</p>	<p>p. 29 The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> • Ensuring consistent attendance, codes of conduct etc. (aligned with the s.19.1 conservation authority administrative by-law) <p>p. 29 The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> • Establishing processes for member removal

<p>Excerpts from “Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model” (CO, April 2018) Regarding Advisory Boards</p>	<p>Regulatory Proposal Consultation Guide: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities</p> <p><i>Part Two, Section 1: Regulation to Require ‘Community’ Advisory Boards</i></p>
<p>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 Secretary-Treasurer such correspondence prior to the start of the meeting. The correspondence shall be read aloud by the Secretary-Treasurer without comment or explanations.</p>	
<p>Section B. Governance, 21. Enforcement of By-laws and Policies, p. 17 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 <i>Municipal Conflict of Interest Act</i>. [CA SPECIFIC: The procedure for enforcement will vary among CA’s. As a minimum, the procedure should include:</p> <ul style="list-style-type: none"> - 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 <p>NOTE: both the Conflict of Interest and Code of Conduct draft policies indicate: <i>Any breach, or alleged breach, ... 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.</i></p>	<p>p. 29 The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> • Ensuring consistent attendance, codes of conduct etc. (aligned with the s.19.1 conservation authority administrative by-law) <p>p. 29 The government intends to prescribe the following matters related to accountabilities of the community advisory board:</p> <ul style="list-style-type: none"> • Establishing processes for member removal

ATTACHMENT 2B: Community Advisory Boards

Part Two: Governance and Oversight of Conservation Authorities: Regulation to Require 'Community' Advisory Boards

Text from the Regulatory Proposal Consultation Guide – Regulation to Require 'Community' Advisory Boards	Conservation Ontario Comments
<p>p. 28 The government intends to prescribe certain aspects in regulation related to the composition of the community advisory board, including:</p> <ul style="list-style-type: none"> • Requiring that members reside in the authority's jurisdiction • Permitting membership from members of the public • Setting a minimum number of members at 5 • Ensuring, where possible, members represent the geographic range of the authority's jurisdiction • Ensuring that a variety of members are sought, including youth and Indigenous representatives • Enabling the appointment process of members by public notification and application • Setting a minimum of one authority member (and an alternate) be appointed to the community advisory board and a maximum authority representation of 15% • Requiring that administrative support to community advisory boards be provided by the conservation authorities 	<p>Request that indigenous representatives be exempt from the requirement that members reside in the authority's jurisdiction as indigenous communities with an interest in a conservation authority's watershed may have representatives who live outside the jurisdiction</p> <hr/> <p>Recommend changing the maximum authority representation on community advisory boards to 20% instead of 15% as this would allow one of the 5 members to be a conservation authority member. It would not be desirable to increase the minimum number.</p>