



Alex McLeod, Policy Officer
Ministry of Natural Resources and Forestry
Policy Division
Natural Resources Conservation Policy Branch
Water Resources Section
300 Water Street
Peterborough, Ontario, K9J 8M5

July 28, 2016

Dear Mr. McLeod:

Re: *Conserving our Future: Proposed Priorities for Renewal* (EBR 012-7583)

Thank you for the opportunity to comment on the *Conserving Our Future: Proposed Priorities for Renewal*. Conservation Ontario represents Ontario's 36 Conservation Authorities (CAs), which are local watershed management agencies, mandated to ensure the conservation, restoration and responsible management of Ontario's water, land and natural habitats through programs that consider human, environmental and economic interests and needs.

The following comments are submitted for your consideration based upon a review by CAs and these were endorsed by majority electronic vote (July 28, 2016) of the Conservation Ontario Council. These comments reflect the collective considerations of CAs and are not intended to limit consideration of comments shared individually by CAs.

Conservation Ontario (CO) acknowledges the efforts of staff from the Ministry of Natural Resources and Forestry (MNRF) who met with CO staff throughout the spring and summer of 2016 to discuss recommendations.

GENERAL COMMENTS

In June, Conservation Ontario and Conservation Authority staff participated in multi-stakeholder engagement sessions that were held across the Province to discuss the *Conserving Our Future: Proposed*

Priorities for Renewal as well as a two-day multi-stakeholder external advisory committee meeting organized by the Parliamentary Assistant Eleanor McMahon. Following these meetings, Conservation Ontario identified a number of key messages which provide further context for the legislative amendments and work plan priorities identified in this letter. The key messages include:

1. **Conservation Authorities do not have a ‘core mandate’ solely focused on natural hazards management.** The *CA Act* (Sections 20 and 21) enables a very broad mandate for Conservation Authorities to undertake watershed-based programs and activities deemed to be vital to the “conservation, restoration, development and management of natural resources”.
2. **Conservation Authorities are the delivery agents for Integrated Watershed Management (IWM).** Integrated watershed management is an approach that requires us to manage human activities and natural resources, together, on a watershed basis to ensure the sustainable and resilient ecological and socio-economic well-being of Ontario.
3. **Conservation Authorities need to work at a more formalized ‘inter-ministerial’ table.** This recognizes that Conservation Authorities’ programs and services benefit many ministries and help to address multiple provincial priorities through integrated watershed management. Ongoing sustainable funding to support these priorities needs to come from multiple ministries.
4. **Conservation Authorities are committed to improving client service delivery standards, with appropriate resourcing.** Varying financial capacity/disparity among Conservation Authorities impacts the programs and services that are available on a province-wide basis. Frameworks for improvement need to allow flexibility to reflect local watershed needs and reflect best practices on a continual basis.

These key messages are further elaborated on in the priorities laid out below in our submission which are categorized either as short term priorities (i.e. Legislative amendments – within the next several months) or longer term priorities (i.e. 2017-2021 MNRF/CO/CA shared work plan). The priorities, as outlined below, are intended to move the CAA Review forward in such a way as to result in some substantive changes that improve and support CA service/program delivery for the people of Ontario while minimizing administrative burden. Conservation Ontario’s comments are focused upon addressing the need for a more efficient and effective approach to environmental and resource management in Ontario to face today’s escalating and more complex challenges such as climate change and land use changes.

1.0 Conservation Ontario Priority #1: Legislative Amendments

Legislating additional administrative burdens without addressing the provincial funding shortfall to support the basic operational capacity of a watershed management agency will result in further widening of gaps in capacity and service delivery among Conservation Authorities. It will result in a reduced focus on addressing our critical environmental management issues of today; including climate change and Great Lakes water protection. Conservation Ontario does not support legislative amendments that add administrative burdens without beneficial outcomes for better natural resource management. It is important that through this review process, the Act and its regulations not become mired in excessive details best captured in non-legislative documents like policies and guidelines to

ensure they can be updated and adjusted as needed with ease. With regard to the recommended legislative amendments that follow, Conservation Ontario continues to be committed to working with Ministry of Natural Resources and Forestry staff on their refinement.

These are not presented in order of priority but in the order that we think they would appear in the legislation and it is noted that additional resources may be required in order to meet any additional legislated administrative responsibilities to ensure a consistent approach.

1.1 Preamble and/or Purpose Statement (new Sections)

It has become evident through the course of the *Conservation Authorities Act* review that there is confusion amongst the Ontario public and others with regard to the mandate of Conservation Authorities. We are therefore recommending that a Purpose Statement and Preamble be included as part of the *Conservation Authorities Act*.

The Purpose Statement and Preamble, proposed in Attachment 1, reinforce Ontario's various legislative decisions that Conservation Authorities, as watershed management agencies, are an effective delivery mechanism to address the uncertain and escalating environmental conditions which impact important water and land resources. These are detailed in the rationale section of the tables in Attachment 1.

As currently written, Conservation Authorities feel that the Act mandates them to manage our natural resources and human activities together on a watershed basis using an integrated watershed management approach. This clarity does not appear to be universally understood across stakeholder groups such that a Purpose Statement and Preamble is recommended as proposed in Attachment 1. Practically speaking, it is expected that this would provide a contextual framework for future work on an Integrated Watershed Management Provincial Policy (see Priority 2.1) as well.

1.2 Delegation to Conservation Authorities with funding (new Section)

It is recognized from the *Conserving Our Future: Proposed Priorities for Renewal* that it is considered necessary for a new Section in the Act that the Province formally delegate natural resource conservation and management programs and services to Conservation Authorities. In order to avoid additional financial burden to current municipal funders, delegation of additional provincial programs and services to Conservation Authorities should be accompanied with financial resources or the ability to obtain funding through other sources of revenue (see September 2015 submission for details).

Conservation Ontario does not support additional clauses for delegation to other entities where CAs exist. Given the current concerns around consistency, clarity, and transparency, CAs feel this may create even more inconsistencies around conservation and natural resource management in the province. The focus in this review should be on improving the existing mechanism, Conservation Authorities, which were created for delivery of such programs on a watershed basis in partnership with government bodies, participating municipalities and other stakeholders. Notwithstanding this opposition to such a clause being put in the CAA, it is noted that the Minister already has these abilities under Section 13.1 (1) of the *Ministry of Natural Resources Act*.

Delegation of programs to entities where Conservation Authorities do not exist does not appear to fit within the context of this review, either, and the Minister already has these abilities under Section 13.1 (1) of the *Ministry of Natural Resources Act*. Additional clauses in this regard are not supported.

1.3 Enable Counties to participate in a Conservation Authority (Section 4.0)

Section 2 of the *Conservation Authorities Act* addresses municipal representatives appointed to form a Conservation Authority Board. Further, Section 4 of the Act outlines that a regional municipality shall act in the place of the local municipalities within the regional municipality for the purpose of appointing representatives.

Regional municipalities are upper-tier municipalities; however, the Act does not specifically enable Counties (or Districts) that are upper tier municipalities to participate in a Conservation Authority. The opportunity should be created for consideration of Counties, as upper tier municipalities, to be the one window for the local municipalities to participate on a CA Board. This option should be provided for local consideration as it could have efficiency benefits to the operations of a CA with regard to i) budget approval through a single entity accustomed to delivery of services at a larger scale, and, ii) reporting to a single upper-tier municipality versus many presentations to local municipalities, and, iii) reduction of the size of CA Boards. As well, this proposed amendment enables a model whereby County systems could easily ensure that the local municipalities continue to be involved in the CA by, for example, requesting the local municipalities to provide the names of those who they would like to serve on the CA. The County could then appoint the members, could have their own representative, and pay the levy.

In conclusion, it is recommended that the CAA be modernized to enable Counties (or Districts), as upper-tier municipalities, to participate in a conservation authority upon agreement by the local municipalities. It is important to note that this proposed amendment is purposefully drafted as ‘optional’ to provide the opportunity for the existing local municipalities and upper-tier municipality to reach agreement. This added section could state:

upon agreement of each local municipality that is confirmed by resolutions passed by the councils of each, an upper-tier municipality County (or District) may act in the place of the local municipalities for the purpose of appointing representatives, voting and generally acting on behalf of their respective municipalities.

1.4 Remove administrative burden and clarify municipal council appointments (Section 14(4))

Section 14(4) of the Act states that “Term: No member of an authority shall be appointed to hold office for more than three years at any one time”. Currently, municipal councils appoint CA board members, typically at the beginning of a four-year term. Municipal councils in Ontario used to be on a three-year election cycle, therefore appointments to CA boards were (are) addressed in the Act using the three-year concept. This should be modernized to acknowledge the current four-year election cycle.

The current practice of using three-year appointment terms is administratively inefficient and administrative burdens decrease the efficiency of the operation of a Conservation Authority. It is recommended that the Act be amended to support that all municipal appointees must be confirmed by

a new Municipal Council and leave the Term to be set by the municipalities at the time of appointment. With appointment occurring with each new Municipal Council, in effect the term will not be more than 4 years. In addition, since some municipal councils can take months for their appointment processes, it is recommended that the existing Board member remains in place and represents that municipality until a new resolution is received to appoint another person.

1.5 Modernize references to ‘costs’ and confirm apportionment (Sections 27 and 1)

It is recommended that the Act identify and define the types of costs that could be included in Levies; and the Act, or Regulations under the Act, should say how the levies are to be apportioned. A preliminary suggestion of the types of costs and their definitions are provided in Attachment 2.

Either the Act or a Regulation would need to say how to apportion the categories of costs provided in Attachment 2. There are two methods of apportioning levies:

- 1) Watershed-wide (General): where the entire watershed benefits from the program or project (or where it is not feasible to identify who actually benefits).
- 2) Special Benefitting: where one or more of the municipalities benefit from the program or project, rather than the whole watershed.

The first category should be apportioned to all of the participating municipalities, based on the modified Current Value Assessment formula. The second category should be charged against only the municipality or municipalities that benefit, in a manner as mutually agreed.

The Act speaks to levies for different types of costs – administration, maintenance, capital, etc. The Act and Regulation 670/00 currently say that the levy for administration costs is to be apportioned on the basis of modified CVA. This is appropriate since the general administration costs support the entire watershed. Operating Costs need to be specifically referenced in the Act and apportioning those costs should be the same way, if the operating costs are for general watershed-based programs. Conservation Authorities should have the option of allocating both Capital and Maintenance levies to 1) the watershed, or 2) benefiting municipalities when they can be identified. There are cases where a capital project may benefit a specific municipality or more, but there are also cases where it is not really possible to calculate who actually benefits. For example, some large dams actually benefit all municipalities because they address the impacts of upstream activities (drainage, agriculture, development) but they also allow the reduction of flooding or augmentation of flows downstream. On the other hand, something like an erosion control project would likely have a distinct beneficiary. The foregoing option for apportionment is summarized in Attachment 2.

The description of costs and apportionment provided in Attachment 2 is one option and it is intended as a discussion starter. It is proposed that the details be finalized through discussions with MNRF staff, AMO, and CA representatives/experts with a view to achieving legislative amendments within the next several months.

1.6 Clarify variances in interpretation between CAA and Levy Regulation 670/00

The sustainability of our municipal levy process and funding tool are paramount in the long-term sustainability of Conservation Authorities. Since 2000, there has been a discrepancy between the legislation and the associated regulation regarding the apportionment of conservation authority levies.

Section 27 (6) of the Act states:

“Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the amount apportioned to that municipality may only be charged against the rateable property in that part of the municipality and shall be collected in the same manner as municipal taxes for general purposes.”

Section 26 (5) of the Act states:

“Where only a part of a participating municipality is situated in the area over which the authority has jurisdiction, the portion of the money required to be raised by that municipality for capital expenditure may be charged only against the rateable property in that part of the municipality.”

After tax reforms in 1998, and pursuant to Section 27(16) the Province enacted Ontario Regulation 670/2000 which states:

3. (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.”

The regulation creates a contradiction in that the method of apportioning the levy owed by the municipality to the Conservation Authority differs from the method by which the municipality collects the property tax. Because of the uneven distribution of assessment within municipalities, the two approaches can often produce very different results. As an example, if 25% of a municipality is within a CA’s jurisdiction, and that area has relatively lower assessment than the balance (a rural area, for instance) the Authority would be entitled to 25% of the total assessment of the municipality, which in turn would be required to assess the tax against only those properties within the 25% area. This would create an onerous tax burden on those properties. The intent of the regulation appears to be to “share the wealth” in the same way that a facility such as a new arena would be paid for across the entire tax base rather than just those ratepayers in the arena’s “catchment area.”

Given the complexities of this discrepancy and the potential impacts any changes could have on Conservation Authorities and Municipalities, it is important that we work closely with the Province, Municipalities and the Conservation Authorities to come to a resolution that is fair and equitable.

Conservation Ontario is recommending that the Province clarify the variances in interpretation between the CAA and the Levy Regulation 670/00. If a “Levy Task Force” consisting of provincial, municipal and conservation authority representatives cannot reach a relatively quick resolution as to whether legislative amendments are required then this item should transition to a longer-term work plan commitment.

1.7 Modernize enforcement provisions to reflect current environmental regulations/tools (Section 28)

Please see “S. 28 Regulations Proposed CA Act Amendments” (Attachment 3) for further details and proposed wording.

Antiquated enforcement provisions within the Act prevent CAs from addressing violations in a timely and cost-effective manner. CAs are seeking basic regulatory compliance tools common in other environmental regulatory legislation including stop work orders, orders to comply, and increasing the penalties upon conviction associated with contravening the Act. These amendments would assist with removing barriers to CAs minimizing continuing violations, environmental damage and gaining compliance quickly. CAs are also proposing the establishment of a conservation fund to return fines imposed by the courts to conservation projects in the watershed. Such funds have been established under current legislation including the “Ontario Community Environment Fund” created under the *Ontario Water Resources Act* and the *Environmental Protection Act* and the Environmental Damages Fund under the *Federal Fisheries Act*.

1.8 Clarify the language and process to enable effective use of the existing legislation (Section 28 & 1)

Please see “S. 28 Regulations Proposed CA Act Amendments” (Attachment 3) for further details and proposed wording.

Increased clarity in the language is essential to ensure efficient program delivery. Provincial direction to remove legal ambiguities will tackle current complications within the Act, including addressing that the Act does not reference alteration to shorelines whereas the regulations do; that a court can only order a person upon conviction to rehabilitate a watercourse or wetland rather than any regulated area; and that the definition of wetlands (Section 1) results in time and resource consuming studies to determine whether or not it is regulated. It is additionally proposed that the CA Act address whether or not permissions can be granted “after the fact” when work has already been completed. This change will prevent CAs from having to engage in two parallel processes (i.e. Mining and Lands Commissioner and the court system) in situations where work is already (or partially) complete and does not meet the tests of the regulation. This will result in administrative and cost efficiencies and prevent a situation where two potentially contradictory decisions are made by decision-making bodies.

Amend the legislation to clarify that CAs can require proponents of major applications, such as large-scale fill activities, to provide a refundable security deposit (i.e. letter of credit) to cover any unforeseen costs of site remediation.

1.9 Modernize governance and accountability provisions (Section 30 and Administration Regulation)

Section 30 requires approval of the Minister for what is commonly referred to as Conservation Authority ‘Administration Regulations’. Section 30 and the 1985 Minister’s regulation provide a general framework for the board rules of all CAs. Provincial direction and expectations with regard to governance and accountability could be clarified through updates to this section of the Act, and the 1985 Minister’s Regulation under the Act. The attached Administration regulation (Attachment 4 – 37 pages) was written by Kawartha Conservation with a view to current best practices for municipalities and not-for-profit corporations. It is provided in this submission as one example of what could be supported with

regard to modernization of the governance and accountability provisions; there are other examples. Providing a modernized general framework would result in more consistency across Conservation Authorities while strengthening oversight and accountability. Compliance can be ensured through provincial audit/review processes.

1.10 Remove Administrative burden associated with OMB approval of Board per diems (Section 37)

Administrative burdens decrease the efficiency of the operation of a Conservation Authority. It is recommended that Section 37 be amended to remove the requirement for Ontario Municipal Board approval for Board members' salaries, expenses and allowances since little to no provincial money is used to compensate CA Board members' expenses.

2.0 Conservation Ontario Priority #2: Policy Development: 2017-2021 Shared Work Plan Priorities

Conservation Ontario would welcome the opportunity to work with the MNRF and Province over the next four to five years to develop policies and guidelines to support the intent of the stated objective of the CAA review which is "to identify opportunities to improve the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities" (p.4, *Conserving Our Future: Proposed Priorities for Renewal*). As indicated in the preamble to Conservation Ontario's Priority #1: Legislative Amendments, Conservation Ontario feels strongly that many of the proposed provincial actions can be dealt with through provincial policies and guidelines to ensure they can be updated and adjusted as needed with ease. To achieve the proposed priorities listed below, this four to five year work plan requires a shared commitment of the Province and Conservation Authorities to work on them collaboratively and in consultation with other stakeholders. These are listed in order of priority.

2.1 Multi-Ministry body to support an integrated watershed management approach to provincial policy

Conservation Authorities support the mandates of many provincial ministries. There could be greater efficiencies and a clarification of mandates and responsibilities through a coordinated multi-ministry engagement approach. Conservation Ontario supports establishment of a multi-ministry body in a formalized relationship with participation of CAs via CO endorsed representatives (which could include staff and municipal members) in order to capture the full range of benefits provided to provincial priorities by CA programs and services. It is suggested that the proposed Purpose Statement and Preamble (Section 1.1 and Rationale in Attachment 1) could provide a contextual framework for development of a proposed Integrated Watershed Management Provincial Policy at such a collaborative inter-ministry table. This policy would capitalize on resource management that delivers local program needs while meeting cross-ministry science, policy, and legislative objectives. Discussions need to take place about how such an approach could be implemented.

It is noted that any provincial policy should not be so prescriptive as to discourage future provincial partnerships nor limit effective and innovative local resource management actions on a watershed basis. As taken from the proposed preamble, it should support "actions to address unique and local natural

resources issues, as well as emerging and unforeseen natural resources challenges”. The dialogue would identify and confirm priority programs (that would be supported by a sustainable funding formula) enabling greater consistency across the province and supporting the integration of management imperatives.

Conservation Authorities have demonstrated their strengths in implementing integrated watershed management at the local scale by involving municipalities, businesses, environmental non-government organizations and other stakeholders in shared decision making about management plans and actions to be undertaken in the watershed.

2.2 Delivery of provincially mandated programs and new business relationship with Conservation Ontario and Conservation Authorities

This work plan item would determine the details of how delegation legislation will be implemented and it would be further to multi-ministry IWM discussions. Any delegation is premised on funding being provided or for which cost recovery could be achieved. Conservation Ontario is advocating for a multi-ministry sustainable funding model for any provincially mandated programs best delivered on a watershed basis. A sustainable multi-ministry funding formula to support provincial priorities and to meet our current and emerging environmental imperatives and priorities are paramount in the long-term sustainability of Conservation Authorities. Such a funding model would result in consistent standards, training and stakeholder communication, and could explore opportunities for Conservation Authorities to act as a “one-window” service delivery agent for the Province (see September 2015 comments). Conservation Ontario supports accountability mechanisms (e.g. provincial audits/reviews) being applied to any such funding model.

Additional elements of the cost-sharing formula between levels of government should include at least 50% provincial funding (unless Federal funding reduces each level of government’s share) and must take into account inflation and the local ability to pay. In the past, local ability to pay was addressed through equalization payments from the Province and today remains unaddressed leading to issues of capacity. Developing a more equitable means of allocating provincial funding to CAs based on an analysis of CAs’ revenue, area, population and the ability to locally fund programs and services should be considered a high priority.

Additionally, discussions of the formula would include looking at efficiency opportunities including shared services, and CA restructuring. Conservation Ontario further recommends that the Province consider incentive funding to support CAs to examine the feasibility, options and ultimately implementation of any CA restructuring.

As part of the above discussions it is supported that there will be a new business relationship with Conservation Ontario, CAs, MNRF and potentially other provincial ministries. CO is well positioned to provide leadership in strengthening and facilitating the relationship between CAs and the Province and helping to improve collaboration, coordination and service standards. There is a need for longer term, formal commitments with appropriate sustainable financial compensation or incentives in order to

ensure ongoing outcomes supporting provincial priorities. Memorandums of Understanding may be mechanisms that could be explored.

To ensure capacity, initial one-time investments may be required in order to enable all / some CAs to meet province-wide commitments on a long term basis. In the absence of an inter-ministry table, it is assumed that we will continue in a piece-meal fashion via issue-specific contracts that fit within Conservation Ontario's strategic plan for the collective of CAs and issue-specific contracts between a CA and a provincial ministry that fits their watershed priorities and strategic plan.

2.3 Streamlining and Improving Service Delivery Standards for Plan Review and Permitting – Updated Provincial Process Guidelines

Conservation Ontario and the Conservation Authorities have a shared commitment to improving client services and implementing best management practices in the MNRF 2010 *Policies & Procedures for CA Plan Review and Permitting Activities*. CAs support a review of these and update (if necessary) in order to address streamlining and consistency concerns. To undertake this work plan activity, CAs support re-creation of an expanded multi-stakeholder table, such as a Service Delivery Review Committee (similar to the CA Liaison Committee (CALC) with additional stakeholders) to address, on a regular basis, streamlining and other issues relating to service standards (e.g. posting municipal Service Agreements); and clarification of a 'complete' application is supported as well. Such a multi-stakeholder table can also address user fees to ensure they are established in an open and transparent manner, are consistent with provincial direction and adequately support the effective delivery of CA operations, programs and services. It is strongly supported that regular multi-stakeholder training on the MNRF (2010) Policies and Procedures is required.

CAs have been actively involved in the creation of streamlining tools to improve customer service, including the "Drainage Act and Conservation Authorities Act Protocol ("DART Protocol") and the draft "Conservation Ontario's Guide to Development of an Agricultural Guide to Conservation Authority Permits". In these cases and for implementation of the Plan Review and Permitting Guidelines, updated provincial technical guidelines would be very beneficial to improving customer service.

2.4 Conservation Authorities Act Section 40 Regulations

Section 40 of the CAA enables the writing of a regulation to define terms. To establish consistency, clarity and effectiveness in upholding CA regulatory responsibilities definitions for the terms "conservation of land" and "interference in any way" are required. The Section 28 Regulations Committee has established definitions for these terms based on an analysis of Mining and Lands Commissioner (MLC) decisions and supporting documentation. These definitions have been upheld by the MLC and in the court system. A lack of a legislated definition has been a major stumbling block for moving towards increased CA consistency as it has prevented the Province from creating or endorsing technical guidance for the implementation of Section 28 (discussed in Section 2.5). The lack of clarity within these definitions is also a major hindrance to the adoption of any risk-based approach (as suggested by the *Proposed Priorities for Renewal*, p.10) and the upholding of Provincial environmental

legislation through the court system. See Attachment 5 for the proposed definitions for “conservation of land” and “interference in any way”.

The Province is encouraged to convene a multi-stakeholder table to discuss and establish appropriate definitions for these undefined terms through a Section 40 regulation while respecting the legal basis and history surrounding the proposed definitions.

2.5 Streamlining and Improving Service Delivery Standards for plan review and permitting – updated Provincial Technical Policies and Guidelines

Conservation Authorities need consistent provincial technical guidance and appropriate financial support to CAs for compliance with, and defense of, regulations. Conservation Authorities are very vulnerable to the unexpected costs of litigation necessary in the administration and enforcement of their regulations. Often, in defense of provincial and municipal interests, Conservation Authorities must incur significant legal costs that are not budgeted. Development proponents, and defendants who have the time, money, or legal resources are often prepared to use their ability to participate in extended and costly litigation as a way of deterring Conservation Authorities from pursuing prosecutions. A provincial fund to assist Conservation Authorities in paying significant legal costs in the defense of and administration of their Regulation should be considered. Additionally, lack of clarity in the legislation and provincial technical documents can further complicate and prolong court cases and hearings thus increasing the costs.

To streamline and improve service delivery standards for plan review and permitting there are a number of steps that need to be undertaken. An important aspect of this work is to clarify definitions in order to simplify and consistently uphold CA regulatory responsibilities; this is a ‘Section 40 regulation’ workplan item previously discussed in Section 2.4. Once these definitions are clarified, it will be necessary to provide policy guidelines to support implementation of the regulations including an update to the Conservation Ontario 2008 *Draft Guidelines to Support Conservation Authority Administration of the “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation”*.

The existing technical guidelines all require an update to address contemporary issues and provincial priorities, including climate change, green infrastructure and wetland conservation. As part of the update, and in order to promote consistency and improved service delivery, the Natural Hazard Technical Guidelines should clearly articulate that they were developed to support both the implementation of decisions surrounding the *Provincial Policy Statement* and the CA Section 28 Regulations. The *Natural Hazard Technical Guidelines* updates should address climate change considerations, as well as regulatory event flow increases resulting from urban development. Updates to flood and Great Lakes shoreline guidelines are the current priority. This would also support the work undertaken to update the procedures surrounding the creation and updating/expansion of Special Policy Areas. Conservation Ontario has specific expertise in these areas and is prepared to assist.

New technical guidelines to streamline and improve service delivery are required to achieve the provincial priority of conserving wetlands. As outlined in Conservation Ontario’s comments on “Wetland Conservation in Ontario: A Discussion Paper (EBR 012-4464)” the gaps in Ontario’s current wetland

policy framework have created loopholes for wetland destruction. The comments offered to the Province recommended providing necessary guidance and technical material, as well as coordination of terms, definitions, and implementation instruments. The *Recommendations for Conducting Wetland Environmental Impact Studies (EIS) for Section 28 Regulations Permissions* prepared by Beacon Environmental (December, 2010) for Conservation Ontario utilizing funding from the Ministry of Natural Resources and Forestry outlines a process for providing the necessary implementation support for permit applications in wetlands and adjacent areas. This includes the approval of necessary definitions through a Section 40 regulation, update and approval of the 2008 Draft Guidelines, and the creation of MNRF technical guidelines for wetlands which support both the implementation of Section 28 permissions and the *Provincial Policy Statement*. The Province should also take steps to address the recommendations contained within the 2010 report.

There is a need to address the above gaps within current policy directions regarding the application of CA regulations so that there is a consistent and relevant frame of reference prior to the consideration of a broader risk-based approach to the issuance of permit approvals as suggested by the *Proposed Priorities for Renewal* (p.10). A CA permit is a technical review/assessment and the regulation covers a range of natural hazards considerations. It is noted that the natural hazards in a CA jurisdiction and the extent of the activities (i.e. scale and scope) contribute to the assessment of risk and the ability to be flexible. A risk management framework should be applied on a watershed jurisdiction basis and resultant outcomes will vary accordingly. Conservation Ontario looks forward to further extensive discussion on the application of a risk-based approach to the regulations.

2.6 Financial Accountability

Stakeholders appear to have a relatively low level of understanding of the financial accountability and transparent processes applied at Conservation Authorities. As a first step, it is supported that the details be clarified and communicated so that everyone has a common understanding. Conservation Authorities support transparency. As a starting point, the following is what Conservation Ontario would propose to be communicated:

CAs conduct annual financial audits. These are publicly accessible through CA Board meetings and minutes, along with annual reports on CA programs and services, as per public sector best management practices. No other legislative solutions should be necessary.

Currently, CAs follow expenditure and report back practices as required by the Province for program/project funding; we support provincial audits/reviews. No other legislative solutions should be necessary.

2.7 Board Governance and Indigenous Peoples, stakeholder and special interest engagement

The MNRF document highlighted the need to enhance Indigenous Peoples' participation in the development and delivery of stewardship, science and educational initiatives and to clarify the process for Indigenous People to join or establish a CA. Conservation Ontario has not seen the details of what is proposed by Indigenous Peoples for involvement in CA Boards and programs and look forward to providing a response as coordinated by the Province. The province may wish to establish a separate

process for Indigenous Peoples' engagement focusing on clarifying engagement responsibilities and building meaningful relationships. It is noted that, with the support of the Ministry of Environment and Climate Change, CAs have engaged First Nations communities during all stages of the source protection planning process and there are 44 First Nation communities located within source protection areas.

Municipalities appoint members with an interest in representing their interests and watershed interests; appointees may be municipal councilors or citizens. CAs prefer the current arrangement where a wide variety of watershed stakeholders and special interest groups including the general public, industry and agencies participate in the development and implementation of local watershed management projects on committees and working groups which are complementary to the CA Board structure (e.g. Watershed Advisory Councils/Committees, Source Protection Committees, etc.). As such they share decision-making responsibilities helping to direct priorities and then track progress.

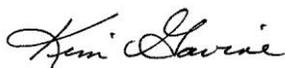
Conclusion

In order to move forward effectively, Conservation Ontario considers it critical to have coordinated communication by the Province, municipalities and CAs that clarifies roles and responsibilities of Conservation Authorities in the CAA and in other pieces of legislation (e.g. Clean Water Act).

As well it is noted that CO and CAs are committed to improving information sharing, networking and corporate effectiveness through best management practices training, templates and guidelines and will continue to move forward in this regard.

Thank you for the opportunity to engage in the engagement sessions and comment on the *Proposed Priorities for Renewal*. Conservation Authorities play an important role in addressing today's environmental and resource management challenges and we look forward to working with MNRF through the *Conservation Authorities Act* review process. Should you have any questions regarding the above comments please contact myself (ext. 231) or Bonnie Fox (Manager, Policy and Planning) at 905-895-0716 ext. 223.

Sincerely,



Kim Gavine
General Manager

c.c. All Conservation Authorities' CAOs

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ATTACHMENT 1

Proposed Purpose Statement and Preamble

Table 1: Purpose Statement

Purpose Statement	Rationale
<p>The purpose of this Act is for the Government of Ontario to provide for the conservation, restoration, development and management of natural resources by supporting participating municipalities to collaborate on a watershed basis through Conservation Authorities' programs and services, working with government bodies and other stakeholders.</p>	<p>This statement is to confirm the mandate of the Conservation Authorities in order to specifically address stakeholder confusion about this. This statement reiterates the Objects and Powers of Authority under the Act, and is aligned with an integrated watershed management approach by reiterating the importance of managing natural resources and human activities together on a watershed basis. It acknowledges the role of member municipalities while speaking to the overall collaborative partnership approach. It supports our ability to address unique and local natural resources issues, as well as emerging and unforeseen natural resources challenges.</p>

Table 2: Preamble

Preamble Sections	Rationale
<p>1. WHEREAS the demands on Ontario's natural resources are increasing rapidly; AND THAT more knowledge is needed of the nature, extent and distribution of those resources, and the present and future demands on a watershed basis; AND THAT actions must be taken to ensure that those demands are sustainably met;</p>	<p>Sustainability</p> <p>This section recognizes the demands on natural resources due to ongoing pressures including land use changes and growth. This section reiterates that these pressures should be examined and better understood on a watershed basis in order to determine a sustainable means to meet the demands. This is consistent with Ontario's acknowledgement of CAs as public commenting bodies under the <i>Planning Act</i> and public bodies under the <i>Great Lakes Protection Act</i>. As well, it is consistent with <i>Lake Simcoe Protection Plan Act</i> and Ontario's proposed requirement for watershed plans in the Provincial Plan Review.</p>
<p>2. AND WHEREAS the impact of climate change on natural resources of Ontario is a significant threat to the health, well-being and prosperity of the people of Ontario; AND THAT more knowledge is needed of the impact of climate change on those resources; AND THAT actions must be taken to mitigate and adapt to those impacts to ensure the</p>	<p>Climate Change</p> <p>This section acknowledges that climate change is impacting natural resources, our health, and the economy crossing political and other boundaries. This section highlights the need to study climate change in order to identify and implement appropriate mitigation and adaptation measures to protect human life and build</p>

Preamble Sections	Rationale
<p>protection of human life and infrastructure and the resilience of natural resources;</p>	<p>resilient communities and resources. This is consistent with the Ontario’s related legislative amendments and proposals noted above. As well, this is consistent with Ontario’s 2014 Provincial Policy Statement amendment to Section 3.1 ‘Natural Hazards’ for which Conservation Authorities have provincially delegated responsibility to represent provincial interests, which states “Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards”. Natural resource management on a watershed-basis helps protect municipal and private infrastructure from natural hazards and climate change impacts. This general statement includes, but is not limited to, the \$2.7 billion in water and erosion control infrastructure which is managed by Conservation Authorities and the important role of green infrastructure in water management.</p>
<p>3. AND WHEREAS the pollution of natural resources of Ontario is also a threat to the health, well-being and prosperity of the people of Ontario; AND THAT as a result, actions must be taken to prevent and mitigate pollution;</p>	<p>Pollution</p> <p>This section brings to attention the contamination of natural resources which impacts public health and the environment, and the need to address this issue through measures such as Section 28 permits under the <i>Conservation Authorities Act</i> which prevent sedimentation and the import of contaminated fill, amongst other measures. This is consistent with Ontario’s acknowledgement of CAs as source protection authorities under the <i>Clean Water Act</i>, public commenting bodies under the <i>Planning Act</i> and public bodies under the <i>Great Lakes Protection Act</i>. As well, it is consistent with <i>Lake Simcoe Protection Plan Act</i> and Ontario’s proposed requirement for watershed plans in the Provincial Plan Review.</p>
<p>4. AND WHEREAS the conservation, restoration, development and management of natural resources on a watershed basis is an effective approach to ensure healthy and sustainable Great Lakes, surface water and groundwater including drinking water sources, and associated ecosystems, soil, and air resources which in turn support prosperous and resilient communities.</p>	<p>Watershed Management</p> <p>This section provides the logic in watershed-based natural resource management; therefore supporting the work of watershed-based CAs. It is noted that this approach provides a locally relevant boundary that supports bringing together stakeholders crossing political boundaries and consideration of broader natural resource issues that cross watershed boundaries (e.g. groundwater, ecosystems, natural heritage systems, and air).</p>
<p>5. AND WHEREAS the Province of Ontario desires that Conservation Authorities deliver programs utilizing an adaptive management framework that is watershed-based and informed by science, to result</p>	<p>Local Issues, Science and Adaptive Framework</p> <p>This section reiterates the Objects in Section 20 and Powers of Authority in Section</p>

Preamble Sections	Rationale
<p>in actions that address unique and local natural resources issues, as well as emerging and unforeseen natural resources challenges.</p>	<p>21 of the <i>Conservation Authorities Act</i>, which aligns with an integrated watershed management approach based on watershed science and a continuous improvement cycle of implementing measures and monitoring their performance. This watershed-based adaptive framework approach lends itself to addressing local, unique and unexpected natural resources issues including climate change impacts, resource depletion and pollution.</p>
<p>6. AND WHEREAS the Province of Ontario desires that, Conservation Authorities collaborate with participating municipalities, indigenous peoples, government bodies and others, bringing together all stakeholders on a watershed basis to manage natural resources and human activities together for the health, social and economic well-being of Ontarians.</p>	<p>Integrated Watershed Management Approach</p> <p>This section also reiterates the Objects in Section 20 and Powers of Authority in Section 21 of the <i>Conservation Authorities Act</i>, which aligns with an integrated watershed management approach supporting shared decision making about management actions. Conservation Authorities bring together multiple stakeholders crossing political and other boundaries to efficiently and sustainably address common natural resource issues while considering the connected interests of ecology, economy and society.</p>
<p>7. AND WHEREAS the Province of Ontario recognizes the substantial public land holdings of the Conservation Authorities and the value and importance of these for conservation, connecting people to nature through recreation and education, and for the overall health of people and watersheds.</p>	<p>Connecting People and Nature</p> <p>This section also reiterates the Powers of Authority in Section 21 of the <i>Conservation Authorities Act</i> and makes the linkage between conservation programs that link to human activities and needs in the watershed. This is consistent with the Province’s various initiatives emphasizing tourism, cultural heritage, health, and environmental education which they have relied upon partnerships with CAs for delivery. This relationship most recently aligned through the Great Lakes Protection Act and associated multi-ministry Strategy.</p>

ATTACHMENT 2

One Option for Types of Cost and Apportionment of Different Types of Levy

The types of costs and their definitions could state:

- 1) “administration costs” means salaries and travelling expenses of members and administration employees of an authority, office rent, maintenance and purchase of office equipment, and all expenditures necessary to support carrying out the objects of an authority other than operating, capital and maintenance costs.
- 2) “operating costs” means salaries, benefits, travel, supplies, vehicles and equipment, and all expenditures required in relation to the implementation and operation of a project or program undertaken by an authority for the furtherance of its objects.
- 3) “capital costs” means expenditures for major projects such as water and erosion control infrastructure, roads, land acquisition, trails, and buildings.
- 4) “maintenance costs” means all expenditures required specifically in relation to the operation or maintenance of a capital project.

Table 1: Apportionment of Different Types of Levy

Type of Levy	How to apportion the levy	
General Administration and Operating Costs for Watershed-based Programs	Watershed Levy (based on Modified CVA)	
Capital and Maintenance Costs * <i>*We would have to include operating costs for small local projects in this category if we want to charge a special benefitting levy.</i>	If the project/program benefits entire watershed: Watershed Levy (based on Modified CVA)	If the project/program benefits some, but not all of the participating municipalities: Allocated according to benefit

ATTACHMENT 3

S. 28 REGULATION PROPOSED CA ACT AMENDMENTS

Updated July, 2016

Conservation Authorities Act Section	What is being proposed? (Brief explanation and description of the change)	Why is this change being proposed?
<p>28(1)(b) prohibiting, regulating or requiring the permission of the authority of straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland,</p>	<p>28(1)(b) prohibiting, regulating or requiring the permission of the authority of straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland, or for altering the shoreline of the Great Lakes – St. Lawrence River System or inland lake;</p> <p>The addition of the phrase “or for altering the shoreline of the Great Lakes – St. Lawrence River System or inland lake”</p>	<p>Currently CAS’ individual regulations and the “Content Regulation” refer to the regulation of alterations to shorelines however this is not included in the Act. This has caused some confusion when a CA is prosecuting a matter as the Act and the Regulations are not complementary.</p>
<p>Sections 28(12) to 28(15) relate to hearings, grounds for refusing permissions, reasons for decisions and appeal</p>	<p>Permission required under a regulation made under clause (1) (b) or (c) may be refused by the authority, or if the authority so directs, by the authority’s executive committee without a hearing if the development, interference or alteration for which permission being requested is complete or partially complete and subsection (16) applies and subsection (15) will not apply.</p>	<p>The Conservation Authorities Act is silent on whether or not a CoA has to accept an application for permission “after the fact” This change will address current ambiguities in the CA Act and will prevent CAs from having to engage in two parallel processes in situations where work is already (partially) complete and does not meet the tests of the regulation. This change will allow the CA to make a decision whether to issue a permit where the proposal meets Authority policy or to proceed with laying charges if the tests of the regulation are not met and will allow the matter to be heard in front of one decision-making body instead of two (MLC and the court system). This will result in administrative and cost efficiencies and prevent a situation where potentially two contradictory decisions are made by decision-making bodies. The appeal mechanism in Section 28 (15) would not apply in these circumstances.</p>

Conservation Authorities Act Section	What is being proposed? (Brief explanation and description of the change)	Why is this change being proposed?
<p>Sections 28(16) to 28(24) relate to regulation enforcement and offences.</p>	<p>Orders to Comply An officer who finds a contravention of this Act, Regulation or the terms and conditions of a permission of an authority may issue an order directing compliance with this Act, Regulation or the granted permission and may require the order to be carried out immediately or within such time as is specified in the order.</p> <p>Stop Work Order An officer who finds a contravention of this Act, Regulation or the terms and conditions of a permission of an authority may issue a Stop Work order directing compliance with this Act, Regulation or the granted permission.</p>	<p>The ability to issue stop work orders and orders to comply on violations under Section 28. Orders (Compliance and Stop Work) are required to minimize continuing violations, environmental damage and to gain compliance quickly.</p> <p>Conservation Authorities of Ontario implement programs that support the environmental objectives of the Provincial Government. There are basic regulatory compliance tools common in environmental regulatory legislation which should be inserted into these sections of the CA Act so that Conservation Authorities can effectively do their job.</p>
<p>Section 28 (16)</p> <p>Offence: contravening regulation</p> <p>(16) Every person who contravenes a regulation made under subsection (1) or the terms and conditions of a permission of an authority in a regulation made under clause (1) (b) or (c) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to a term of imprisonment of not more than three months. 1998, c. 18, Sched. I, s. 12; 2010, c. 16, Sched. 10, s. 1 (2).</p>	<p>(16) (a) Every person who contravenes a regulation made under subsection (1), or the terms and conditions of a permission of an authority in a regulation made under clause (1) (b) or (c), or fails to comply with an Order issued under subsection__ (proposed new subsection for stop work orders and orders to comply) is guilty of an offence,</p> <p>(b) A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence or to a term of imprisonment of not more than three months.</p> <p>(c) For the purposes of subsection (b), an offence is a subsequent offence if there has been a previous conviction under this Act.</p> <p>(d) Every person who fails to comply with an order under subsection ____ (proposed new subsection for stop work orders and orders to comply) made by an officer appointed to enforce any regulation made under this section or section</p>	<ul style="list-style-type: none"> •significantly increase the fines to reflect monetary penalties in line with other compatible environmental legislation; •that in addition to any fine imposed by the court, neutralize any monetary benefit from the commission of the offence; •imposing such other penalties and sanctions that may result, in part, with the redirection of monies to CAs as compensation to remedy, avoid or remediate damages done, or to advocate or implement proper environmental management practice in line with CA policies and objectives; •a method of cost recovery similar to other legislation (<i>Ontario Water Resources Act, Municipal Act, Environmental Protection Act</i>) such as through the offender’s tax bill. •Introduce increased fines for subsequent offences to reflect the monetary penalties in other comparable environmental legislation •Introduce an offence for failure to comply with an order and a corresponding monetary penalty <p>Introduce a re-direction of the proceeds of the fines to the appropriate Conservation Authority to be held in a fund similar to the “Ontario Community Environment Fund” created under the <i>Ontario Water Resources Act</i> and the <i>Environmental Protection Act</i> (and O. Reg. 222/07 and 223/07).</p>

Conservation Authorities Act Section	What is being proposed? (Brief explanation and description of the change)	Why is this change being proposed?
	<p>29, is guilty of an offence and on conviction, in addition to the penalties prescribed in (b), is liable to a fine of not more than \$10, 000 per day for every day the offence continues after the time given for complying with the order has expired.</p> <p>28 (16) The proceeds of the fines imposed under this section shall be paid to the applicable conservation authority prescribed under section 1 of the regulation and section 4 of the <i>Fines and Forfeitures Act</i> does not apply in respect of the fine.</p>	
28(17)(b) 'rehabilitate any watercourse or wetland in the manner and within the time the court orders'	28 (17) In addition to any other remedy or penalty provided by law, the court, upon making a conviction under subsection (16), may order the person convicted to, (a) remove, at that person's expense, any development, within such reasonable time as the court orders; and (b) rehabilitate any watercourse or wetland in the manner and within the time the court orders.	The amendment should explicitly recognize all areas regulated under the Act rather than just watercourses and wetlands thus enabling the courts to order remedies for all violations.
28(18) 'If a person does not comply with an order made under subsection (17), the authority having jurisdiction may, in the case of a development, have it removed and, in the case of a watercourse or wetland, have it rehabilitated'	(18) If a person does not comply with an order made under subsection (17), the authority having jurisdiction may, in the case of a development, have it removed and, in the case of a watercourse or wetland, have it rehabilitated	The amendment should explicitly recognize all areas regulated under the Act, rather than just watercourses and wetlands, enabling the courts to order removal of non-compliant development as well as rehabilitation of the regulated area.
Section 28 (25) 'wetland means land that, (a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface, (b) directly	Amending the definition of wetland by deleting subsection (b) in its entirety, amending the numbering for subsection (c) and (d) to subsection (b) and (c) respectively, and striking the word "and" at the end of subsection (a) and (b) and	Removal of this clause will bring clarity to CAs regarding what is regulated. The current definition is inefficient for the proponent and the CA as it may potentially require that studies be undertaken to determine whether or not the wetland contributes to the hydrological function of a watercourse. The revised definition will bring additional

Conservation Authorities Act Section	What is being proposed? (Brief explanation and description of the change)	Why is this change being proposed?
<p>contributes to the hydrological function of a watershed through connection with a surface watercourse, (c) has hydric soils, the formation of which has been caused by the presence of abundant water, and (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water, but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d). (terre marécageuse)'</p>	<p>substituting the word "or" at the end of each subsection.</p>	<p>clarity to the Act and is more consistent with other more frequently used definitions such as provided in the <u>Provincial Policy Statement</u>.</p>

KAWARTHA REGION CONSERVATION AUTHORITY

By-Law # 1

Governance and Administrative Policies



KAWARTHA REGION CONSERVATION AUTHORITY

OUR MANDATE

Our mandate is to ensure the conservation, restoration and responsible management of water, land and natural habitats through programs and services that balance human, environmental and economic needs.

OUR MISSION

“Leading the way to abundant clean water within a healthy landscape.”

OUR VISION

Our vision for the future is abundant, clean water within a healthy landscape.

POLICY STATEMENT:

Kawartha Region Conservation Authority policies and procedures are passed under powers conferred on the Authority by the Conservation Authorities Act, RSO 1990, Chapter C. 27. The Administrative By-Laws – Board of Directors is intended to be used by the Kawartha Region Conservation Authority as a governance and administrative policy and procedure supplement to the Authority's Administration Regulations, as approved by the Minister of Natural Resources on February 7, 1985, pursuant to Section 30 of the Act, and as adopted by the Authority by Resolution #29 FA/85.

The word "Authority" as used in this procedure refers to all members of the Kawartha Region Conservation Authority as defined in Section 14 of the Conservation Authorities Act, RSO 1990, Chapter C. 27.

PROCEDURE:

Kawartha Region Conservation Authority Administrative By-Laws – Board of Directors are detailed in the following pages.

By-Law # 1 – Governance and Administrative Policies – sets out the mandate, roles, responsibilities and duties of members of the Board of Directors, and the CAO, provides for the election of officers, and establishes various administrative policies.

By-Law # 2 – Meeting Procedures – sets out meeting procedures, and Conflict of Interest, Code of Conduct and other provisions relative to the conducting of meetings.



Section ADMINISTRATION	Title ADMINISTRATIVE BY-LAWS – GOVERNANCE AND ADMINISTRATIVE POLICIES	
RESPONSIBILITY: CAO	Approved by: Board of Directors (Resolution #39/10)	Date of Approval: February 3, 2010
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**KAWARTHA REGION CONSERVATION AUTHORITY
ADMINISTRATIVE BY-LAWS – GOVERNANCE AND ADMINISTRATIVE POLICIES**

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14.0 Revocation

12

SECTION A – DEFINITIONS

1.0 Definitions

“CAO/Secretary-Treasurer” means Chief Administrative Officer of the Authority.

“Secretary-Treasurer” means Director, Corporate Services of the Authority.

“Call of the Chair” shall mean the Chairperson of the Kawartha Region Conservation Authority will make the decision to have a meeting and will inform the Chief Administrative Officer/Secretary-Treasurer or designate and that person will ensure action if it is necessary.

“Chair” shall mean the Chairperson as elected by the Board of Directors of the Kawartha Region Conservation Authority.

“Fiscal Year” shall mean the period from January 1 through December 31.

“Inaugural Meeting” shall be an annual meeting to complete past year’s business; for annual elections and appointments; and to start current year’s business.

“Members” shall mean the board members, or Directors, as appointed by the watershed municipalities.

“Majority” shall mean half of the votes plus one.

“Officer” means a member of the Authority and the CAO/Secretary-Treasurer and Secretary-Treasurer.

“Private 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.

“Staff” shall mean staff members employed at the Kawartha Region Conservation Authority.

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“Vice-Chair” shall mean the Vice-Chairperson as elected by the Board of Directors of the Kawartha Region Conservation Authority.

“Weighted Majority” shall mean the votes of 51 percent of those represented in accordance with Section 2.2 and shall apply with regard to the Conservation Authority budget.

SECTION B – GOVERNANCE POLICIES

2.0 Board of Directors

2.1 Membership of the Kawartha Region Conservation Authority includes 6 municipalities: City of Kawartha Lakes; Regional Municipality of Durham (Municipality of Clarington, Township of Brock, Township of Scugog); Township of Galway-Cavendish and Harvey; and Township of Cavan-Monaghan.

2.2 The Kawartha Region Conservation Authority Board of Directors comprises all members appointed by participating municipalities.

Based on Section 2(2) of the Conservation Authorities Act, the municipalities appoint the following number of members:

City of Kawartha Lakes	-	3 members
Regional Municipality of Durham:		
Township of Scugog	-	2 members
Municipality of Clarington	-	1 member
Township of Brock	-	1 member
Township of Galway-Cavendish and Harvey-		1 member
Township of Cavan-Monaghan	-	1 member

2.3 Membership is in effect for the appointment term of the municipality.

2.4 The Board of Directors shall approve all policies and procedures of the Kawartha Region

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Conservation Authority, approve the budget with or without revisions, give direction on priority of programs and projects and be generally responsible for other matters as required by the Conservation Authorities Act and Regulations.

3.0 Roles and Responsibilities of the Board of Directors

The Kawartha Conservation Board is accountable to the public for the successful operation of the Kawartha Region Conservation Authority. In carrying out this task it is imperative that the Board understand its primary responsibilities.

3.1 Carrying out Mandatory Responsibilities

The Kawartha Conservation Board is bound by the *Conservation Authorities Act*.

- Section 20 of the *Conservation Authorities Act* defines the objectives of a Conservation Authority as follows:

“The objectives of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal or minerals.”

- Section 21 of the *Conservation Authorities Act* specifically outlines the powers of a Conservation Authority to accomplish its objectives:
 - the power to study the watershed and develop an appropriate resource management program;
 - acquire and/or dispose of lands;
 - collaborate and enter into agreements with landowners, governments and organizations;
 - control the flow of surface waters;
 - alter the course of any waterway;
 - develop their lands for recreational purposes;
 - generally to do all such acts as are necessary for the due carrying out of any project.

3.2 Functions of the Board of Directors

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In addition to the procedures in this policy and subject to the *Conservation Authority Act*, the Authority shall:

- Approve the auditor’s statement for the preceding year – if the statement is not approved, the amended statement shall be reintroduced for approval at the next appropriate meeting;
- Pass a borrowing resolution for a specified amount for the purposes of the Authority and authorizing the appointed signing officers to sign notes as required to implement this borrowing;
- Approve a budget for the Authority for the ensuing year;
- Approve the levies to be paid by Municipalities;
- Supervise the activities of any Standing Committees and to accept or reject any of their recommendations;
- Receive delegations on behalf of the Authority;
- Consider requests for grants or donations from groups outside the Authority;
- Decide and recommend policies not covered in these resolutions;
- Update as required policies of the Authority.

All Directors of the Board are public officials and thus have the responsibility to be guided by and adhere to the rules of conduct, explicit and implied, for all such holders of public office in the Province of Ontario. In addition, all the Board must adhere to all applicable acts of incorporation. In the case of the Kawartha Region Conservation Authority, Directors must adhere to the following:

- The *Municipal Conflict of Interest Act*;
- The *Municipal Freedom of Information and Protection of Privacy Act*;
- Administrative Procedures Manual of the Kawartha Region Conservation Authority;
- Regulation 182/06 whereby the Kawartha Region Conservation Authority enforces regulations governing the Fill, Construction and Alteration to Waterways;
- Land Use Watershed Planning Policies.

3.3 Ensuring Fiscal Stability of Kawartha Conservation

The Board of Directors must ensure the financial stability of the Kawartha Region Conservation Authority. While the CAO/Secretary-Treasurer provides day-to-day leadership in fiscal affairs, the Board bears the ultimate responsibility for financial soundness. This includes approving an annual budget, receiving and approving reports on financial

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performance of the Kawartha Region Conservation Authority on a quarterly basis and ensuring policies are in place for financial soundness.

3.4 Reliance On and Partnership with the CAO/Secretary-Treasurer

The Board of Directors relies on the CAO/Secretary-Treasurer to inspire, lead and manage the Kawartha Region Conservation Authority. The Board will forge a strong partnership with the CAO/Secretary-Treasurer, working cooperatively to achieve the goals of the Kawartha Region Conservation Authority. The Board regularly evaluates the CAO/Secretary-Treasurer, measuring his/her performance against the Kawartha Region Conservation Authority's strategic plan and financial and human resources goals of the organization.

3.5 Practicing Effective Human Resources Practices

The Board of Directors must act as a team and represent the interests of the entire watershed. A strong partnership must be forged between the Board of Directors and the CAO/Secretary-Treasurer. The Board allows the CAO/Secretary-Treasurer to manage the organization and its staff. The following guidelines should be followed throughout the organization and by the public at large:

- If a Board Director has questions on a project or report, such questions should be referred through the CAO/Secretary-Treasurer for him/her to invite the appropriate staff Director(s) to explain the project and answer questions.
- If a Board Director would like to volunteer to assist in a project, such action should be taken in consultation with the CAO/Secretary-Treasurer to organize the process.
- If a Board Director receives a complaint about a staff person or would like to acknowledge a staff person, such information should go through the CAO/Secretary-Treasurer.
- If a Board Director receives a complaint from a staff person, the Board Director must advise the staff person to follow the Appeal Procedure as outlined in the personnel policy.

With respect to staffing issues, the following outlines the responsibilities of the Board of Directors and the CAO/Secretary-Treasurer:

- The Board of Directors is solely responsible for the following:
 - Recruiting the CAO/Secretary-Treasurer;

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- Hiring the CAO/Secretary-Treasurer;
 - Evaluating the CAO/Secretary-Treasurer;
 - Dismissing the CAO/Secretary-Treasurer;
 - Determining the annual salary and pay for performance of the CAO/Secretary-Treasurer.
- The Board of Directors and the CAO/Secretary-Treasurer share the following responsibilities in that the recommendation will come from the CAO/Secretary-Treasurer and the approval will come from the Board of Directors:
 - Setting key commitments and deliverables for the CAO/Secretary-Treasurer;
 - Setting human resource and personnel policies which will have a dollar impact upon the budget;
 - Setting staff salary schedules and plans as part of the annual budget review process.
 - The CAO/Secretary-Treasurer is solely responsible for the following:
 - Assessing staffing requirements;
 - Recruiting, hiring and dismissing staff;
 - Providing staff direction;
 - Approving staff evaluations;
 - Implementing approved salary schedule and salary plan by setting individual staff salaries;
 - Designing the organizational structure;
 - Setting human resource and personnel policies, which have no dollar impact on the budget.

4.0 Duties of Officers

4.1 Chair of the Board

- Oversees Board meetings and ensures Meeting Procedural By-Law is adhered to;
- Serves as ex-officio Director of all committees;
- Works in partnership with the CAO/Secretary-Treasurer to ensure Board resolutions are carried out;
- Assists CAO/Secretary-Treasurer in preparing agenda for Board meetings where required;
- Calls special meetings if necessary;
- Periodically consults with Board Directors on their roles;

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- Acts as a public spokesperson for the Kawartha Region Conservation Authority to facilitate the objectives of the Kawartha Region Conservation Authority;
- Represents the Kawartha Region Conservation Authority at such functions as warrant the interest of the Kawartha Region Conservation Authority except where this responsibility is specifically assigned to some other person;
- Inspires other Board Directors with his or her own commitment of support, time and enthusiasm;
- Represents the Kawartha Region Conservation Authority at Conservation Ontario Council meetings;
- Serves as ex-officio Director of Friends of Kawartha Conservation;
- Serves as signing officer for the Kawartha Region Conservation Authority;
- Performs other duties when directed to do so by resolution of the Kawartha Region Conservation Authority;
- Keeps the Board of Directors apprised of significant issues in a timely fashion.

4.2 Vice-Chair of the Board

- Attends all Board meetings;
- Carries out special assignments as requested by the Chair of the Board;
- Understands the responsibilities of the Board 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;
- Participates as a vital part of the Board leadership;
- Assumes a role in all ad hoc committees;
- Serves as a signing officer for Kawartha Conservation;
- Serves as a Director of Friends of Kawartha Conservation;
- Keeps the board of Directors apprised of significant issues in a timely fashion;
- Alternate to Chair at Conservation Ontario Council Meetings.

4.3 CAO/Secretary-Treasurer

- Attends all Board meetings;
- Acts as Secretary-Treasurer of the Board in accordance with the *Conservation Authorities Act*;
- Serves as a signing officer for the Kawartha Region Conservation Authority;
- Keeps the Chair and Vice-Chair apprised of significant issues in a timely fashion;
- Develops and implements both short and long-term strategic plans in accordance with business goals and objectives;
- Tends to the day-to-day requirements, details and management of the Kawartha Region Conservation Authority;

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- Manages staff and programs of the Kawartha Region Conservation Authority;
- Makes certain that appropriate actions are taken in a timely fashion;
- Works in close collaboration with the Chair and Vice-Chair;

- Implements all Board resolutions in a timely fashion;
- Ensures Board policies and strategic plan are adhered to;
- Manages the financial activities of the Kawartha Region Conservation Authority;
- Makes recommendations to the Board regarding suggested policy changes;
- Acts as public spokesperson for Kawartha Conservation in the absence of the Chair and Vice-Chair of the Board;
- Represents the Kawartha Region Conservation Authority at Conservation Ontario Council, Committee and Task Force meetings;
- In the absence of the Chair of the Board, designated ex-officio Director of Friends of Kawartha Conservation;
- Negotiates and enters into contracts with external agencies/partners to carry out the goals of the organization in accordance with approved Policy;
- Develops and maintains effective relationships and ensures good communications with watershed municipalities, federal and provincial government ministries/agencies, other Conservation Authorities, Conservation Ontario and community groups and associations.

5.0 Election of Officers

5.1 Chair for Election of Officers

An individual other than a Member of Kawartha Conservation will assume the position of Chair for the purpose of Election of Officers. The CAO/Secretary-Treasurer, or designate, assumes this position.

5.2 Appointment of Scrutineers

The appointment of scrutineers is required for the purpose of counting ballots should an election be required. All ballots will be destroyed by the scrutineers afterwards. The appointment of scrutineers requires a mover and seconder by Members of the Authority.

5.3 Election of Officers

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The CAO or designate advises that the election will be conducted in accordance with Section 10 of the *Conservation Authorities Act* as follows:

- Only current members of the Authority may vote.
 - Nominations will be called three (3) times and will only require a mover.
 - The closing of nominations will require both a mover and a seconder.
 - Each member nominated will be required to accept the nomination. The member must be present to accept the nomination or an affidavit of acceptance, signed by the member nominated, must be provided to the CAO/Secretary-Treasurer to indicate acceptance of the nomination.
-
- In the event of an election, each nominee will be permitted not more than three (3) minutes to speak for the office, in the order of the alphabetical listing of his or her surnames.
 - Upon the acceptance by nominees for the position of office, ballots will be distributed to the Members for the purpose of election. A Member's choice for a nominee will be written on the ballot and the appointed scrutineers for the counting of the ballots will collect the ballots.

A majority vote will be required for election. If there are more than two nominees, and upon the first vote no nominee receives the majority required for election, the name of the person with the least number of votes will be removed from further consideration for the office and new ballots will be distributed. In the case of a vote where no nominee receives the majority required for election and where two or more nominees are tied with the least number of votes, a special vote shall be taken to decide which one of such tied nominees' names shall be dropped from the list of names to be voted on in the next vote.

Should there be a tie vote between two remaining candidates, new ballots will be distributed and a second vote held. Should there still be a tie after the second ballot a third vote shall be held. Should there be a tie after the third vote, the election of the office shall be decided by lot drawn by the CAO or designate.

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SECTION C – ADMINISTRATIVE POLICIES

6.0 Auditor, Solicitor, Banker

- 6.1** The Authority shall consider tendering for the services of an auditor, solicitor and banker at least every five years.
- 6.2** Subject to satisfactory performance and reasonable fees, the Authority will annually appoint the same auditor, solicitor, and banker during the period between tendering for these services. Such annual appointments will be made at the annual meeting.

7.0 Auditor’s Report

- 7.1** The Authority will be presented with the auditor’s report within four months following year end.
- 7.2** The Authority will forward a copy of the auditor’s report to each member, each participating municipality, and to the Minister of Natural Resources within thirty days of approving the auditor’s report.

8.0 Borrowing Resolution

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8.1 The Authority will establish a borrowing resolution by March 31 of each year and such resolution will be in force until it is superseded by another borrowing resolution.

9.0 Levy Notice

9.1 The levy due to the Authority from member municipalities shall be made in three Installments each year due March 31, June 30 and September 30.

10.0 Chair and Vice-Chair

10.1 In the event of the absence of the Chair and Vice-Chair 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.

10.2 The Chair and vice-Chair are members on all Authority committees.

10.3 The term of office for the Authority Chair is set at a maximum of four consecutive one-year terms after which the incumbent must step down for at least one year before seeking office again.

10.4 Where the Chair considers there to be an emergency, the four signing officers of the Authority shall be empowered to act without approval of the Authority membership as a whole.

11.0 Signing Officers

11.1 For purposes of signing officers, the Authority equates the title Chief Administrative Officer/Secretary-Treasurer to Chief Administrative Officer and the title Director of Corporate Services to Secretary-Treasurer as set out under "Signing Officers" in the Administrative Regulation as approved by the Minister of Natural Resources on February 7, 1985. The two signing officers of the Authority shall be one of the Chair or Vice-Chair and one of the Chief Administrative Officer or Director of Corporate Services. In the event of an emergency, such that the Chief Administrative Officer/Secretary-Treasurer and the Director of Corporate Services are not available, the Director of Watershed Management will serve as an alternate signing officer.

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11.2 All deeds, transfers, assignments, contracts, and obligations entered into by the Authority must be signed by the signing officers of the Authority and these signing officers are empowered to sign such documents as are necessary for works approved by the Authority.

12.0 Standing Committees

12.1 The Authority may strike a standing committee to investigate and make recommendations on matters of interest to the Authority.

12.2 Any standing committee of the Authority will be recognized as a functioning committee until the Authority replaces or dissolves that committee or until December 31 of the year in which the committee is formed.

12.3 The Authority will strike standing committees at the first business meeting of the year or at other times as may be desired.

12.4 Any standing committee of the Authority will be comprised of two members plus the Chair and the Vice-Chair of the Authority.

12.5 Each standing committee will have terms of reference established by the Authority. The terms of reference will serve as a consistent guide to committee members and provide a continuity of understanding by the Authority as to the specific purpose for the standing committee. The terms of reference may be altered by the Authority where the scope of a standing committee's mandate is either altered or changed.

12.6 When a standing committee is proposed, either the Authority member proposing the new standing committee will present terms of reference for Authority approval, or the Authority will cause such terms of reference to be prepared. In either case, a new standing committee shall not be struck until the Authority approves terms of reference for the standing committee.

12.7 Authority standing committees will be comprised of Authority members. The committee may invite people to attend committee meetings as a resource to the committee.

12.8 Only committee members are entitled to vote on matters coming before the committee.

13.0 Per diems and Expenses

13.1 The Authority shall establish a per diem rate from time to time and this rate will apply to the

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Chair, Vice-Chair and Directors for service to the Authority in attendance at Authority Board of Director meetings, Standing Committee meetings, and at such other business functions as may be from time to time requested by the Chair, through the Chief Administrative Officer.

- 13.2** A per diem will be paid for each separate meeting attended.
- 13.3** For teleconference meetings lasting less than 45 minutes, only ½ the per diem rate be paid.
- 13.4** The Chair, Vice-Chair and Directors will be responsible for advising the Secretary-Treasurer of any per diems and mileage incurred for other than Board of Directors or Source Protection Authority meetings, within 30 days of the per diem or mileage being incurred.
- 13.5** The Authority will reimburse members' travel expenses incurred for the purpose of attending meetings and/or functions on behalf of the Authority.
- 14.0 Revocation**
- 14.1** Upon approval of these Administrative By-Laws – Board of Directors, all such previous administrative policies and procedures shall be revoked.

KAWARTHA REGION CONSERVATION AUTHORITY

By-Law # 2

Meeting Procedures





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**KAWARTHA REGION CONSERVATION AUTHORITY
MEETING PROCEDURES**

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MEETING PROCEDURES

A. Quorum

- A-1** At any meeting, a quorum consists of one-half of the members appointed by the participating municipalities.
- A-2** 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 and the recording secretary shall record the names of the members present and absent.
- A-3** Where the number of members, who by reason of the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, are disabled from participating in a meeting, is such that at the meeting the remaining members are not of sufficient number to constitute a quorum, then the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.
- A-4** If during the course of an Authority or 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. (See also Section F).

B. Annual Meeting

- B-1** At least thirty days prior to the first meeting of each year, the Secretary-Treasurer shall notify the clerk of any municipality for which the term of office of its members will expire at the time of that meeting.
- B-2** At the first meeting of the Authority each year the agenda shall include the election of a Chair and Vice-Chair and annual appointment of the auditor, solicitor and banker.

C. Duties of the Chair

- C-1** It shall be the duty of the Chair, with respect to any meetings over which he/she preside, to:

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- 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 Board;
- c) Ask any individual that is disrupting the Board to leave;
- d) Adjourn the meeting without question, in the case of grave disorder arising in the meeting room;
- e) Receive and submit to a vote all motions presented by the Members or Committee, as the case may be, which do not contravene the rules and regulations of the Authority;
- f) Announce the results of the vote on any motions so presented;
- g) Decline to put to a vote motions which infringe upon the rules of procedure, or which are beyond the jurisdiction of the Authority;
- h) Enforce on all occasions the observance of order and decorum among the Members;
- i) Adjourn the meeting when business is concluded;
- j) Adjourn the sitting without a question being put or suspend or recess the sitting for a time to be named if considered necessary;
- k) Represent and support the Authority, declaring its will and implicitly obeying its decisions in all things; and
- l) Perform other duties when directed to do so by resolution of the Authority.

D. Conduct of Members

D-1 No Director at any meeting of the Authority shall:

- a) Criticize any decision of the Authority or the Committee, as the case may be, except for moving, in accordance with the provision of this by-law, that the questions be reconsidered.
- b) 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.
- c) Leave their seat or make any noise or disturbance while a vote is being taken or until the result is declared.
- d) Interrupt a member while speaking, except to raise a point of order or a question of privilege.
- e) Speak disrespectfully or use offensive words against the Authority, Authority members, staff, or any member of the public;
- f) Speak beyond the question (s) under debate;
- g) Resist the rules or disobey the decision of the Chair on the questions or order or practices or upon the interpretation of the rules of the Authority.

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D-2 If any Director resists or disobeys, they may be ordered by the Chair to leave their seat for the remainder of the meeting. In the case of an apology being made by the offender, they may, by majority vote of the Authority, be permitted to retake their seat.

D-3 No person except Directors and Staff shall be allowed to come to the Board's table during the meetings of the Board without permission of the Chair or the Board.

D-4 Censorship of an individual director for conduct unbecoming a Board member in the fulfillment of their duties will be in accordance with a Motion to Censure described in Appendix A.

E. Freedom of Information

E-1 The Authority members shall be governed at all times by the provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).

E-2 In the instance where a member vacates their position on the Authority Board they will continue to be bound by MFIPPA requirements.

F. Notice of Meeting

F-1 The Chair shall call regular meetings of the Authority. Notice of regular meetings will be sent out from the Authority office at least five calendar days prior to the meeting date.

F-2 Notice of any meeting shall indicate the time and place of that meeting and the agenda for the meeting.

F-3 All material and correspondence to be dealt with by the Authority at a meeting will be submitted to the Secretary-Treasurer at least fourteen (14) days in advance of the meeting in question.

F-4 Written notice of motion may be given by any member of the Authority and shall be forthwith placed on the agenda of the next meeting.

F-5 When a quorum is first present after the hour fixed for a meeting, the Chair shall call the meeting to order.

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F-6 If no quorum is present one-half hour after the time appointed for a meeting, the Secretary-Treasurer shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next meeting.

F-7 The business of the Authority shall be taken up in the order in which it stands on the agenda unless otherwise decided by the Authority.

F-8 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.

F-9 The following matters shall have precedence over the usual order of business:

- a. a point of order
- b. a matter of privilege
- c. a matter of clarification
- d. a motion to suspend a rule of procedure or to request compliance with the rules of procedure
- e. a motion that the question be put to a vote
- f. a motion to adjourn

F-10 The Chair may, at his/her pleasure, call a special meeting of the Authority on three days' written notice. That notice shall state the business of the special meeting and only that business shall be considered unless permission is granted by two-thirds of the members present.

F-11 With the exception of any municipal planning or regulation matter that requires an immediate decision of the Board of Directors, all matters will be dealt with "in person" at a Board of Directors meeting. For those planning and regulation matters requiring immediate attention, the Chair may call a meeting of the Board of Directors via telephone conference or other conferencing technology. Such a telephone conference meeting must have 2/3 of the Directors participating and voting will be as outlined in Section N-8. Normally confidential matters will not be handled by teleconference.

F-12 Any member of the Board of Directors, with 50% support of the other Directors, may request the Chair to call a meeting of the Board and the Chair will not refuse.

F-13 Notwithstanding Section F-6 of this Procedure, a meeting which has been interrupted through the loss of a quorum may be reconvened without notice provided that the meeting is reconvened on the same day.

F-14 The Chair or the CAO/Secretary-Treasurer may, by notice in writing or email, deliver to the members so as to be received by them at least 12 hours before the hour appointed

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for the meeting, postpone or cancel any meeting until the next scheduled date for the specific committee affected.

F-15 The Chair or the CAO/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.

G. Agenda for Meetings

G-1 Authority staff, under the supervision of the CAO shall prepare for the use of members at all regular meetings of the Authority, an agenda which shall include, but not necessarily be limited to, the following headings:

- 1) Approval of Agenda
- 2) Declaration of Pecuniary Interest
- 3) Approval of Minutes of Previous Meeting
- 4) Presentation of written reports (where applicable), including Report from CAO
- 5 Verbal Reports (where applicable)
- 6) Correspondence
- 7) New Business
- 8) Reports and Updates from Board Members
- 9) Notice of Next Meeting
- 10) Adjournment

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

H. Conflict of Interest

H-1 A conflict of interest refers to a situation in which the private interests or personal considerations of the member could compromise, or could reasonably appear to compromise, the member's judgment in acting objectively and in the best interest of the Authority.

A conflict of interest also includes using a member's position or confidential information for private gain or advancement or the expectation of private gain or advancement (e.g. direct or indirect financial interest in a matter, a contract or proposed contract with the Authority). A conflict may occur when an interest benefits any member of the member's family (spouse, partner, children, parents, siblings), friends or business associates.

A conflict of interest includes engagement of members in private employment or rendering services for any person or corporation where such employment of services are

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considered a conflict of interest as defined by the Province of Ontario conflict of interest legislation.

- H-2** Members shall refrain from placing themselves in conflict of interest situations.
- H-3** A member must resign from the Authority if he or she is or becomes involved in private employment or rendering services considered to be a conflict of interest.
- H-4** A member who has reasonable grounds to believe that he or she may have a conflict of interest or that there may be an appearance of a conflict of interest, in respect of a matter that is before the committee shall:
- a) Disclose orally the actual, potential or perceived conflict of interest at the beginning of the committee meeting or as soon as possible; and
 - b) Excuse him or herself from the committee meeting while the matter is under consideration. If the member is participating via telephone or other electronic means, the chair shall ensure that the member is not able to listen to or participate in the discussion of the matter.
- H-5** A member who has disclosed an actual, potential or perceived conflict of interest to the chair or the committee, as the case may be, shall refrain from voting or participating in the consideration of the matter, or from commenting on, discussing or attempting to exert his or her personal influence on another member with respect to the matter.
- H-6** The minutes of the meeting shall reflect the disclosure of the actual, potential or perceived conflict of interest and whether the member withdrew from the discussion of the matter.
- H-7** If it is not entirely clear whether or not an actual, potential or perceived conflict of interest exists, then the member with the potential conflict of interest shall disclose the circumstances to the chair and the chair of the lead source protection authority or the Minister and the chair of the lead source protection authority as the case may be.
- H-8** The chair or the Minister, as the case may be, will determine if there is a conflict of interest or if the member's conduct has violated this policy, in a timely fashion, dependent on the complexity of the situations and will communicate his or her decision directly to the member.
- H-9** A member who has concerns about the conduct of another member regarding compliance with this policy should raise those concerns with the chair. The chair will follow essentially the same process for addressing complaints as for dealing with declared conflicts of interest with modifications to suit the difference circumstances.

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I. Disclosure of Pecuniary Interest

I-1 Where a member, either on his 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 or Standing Committee at which the matter is the subject of consideration, the member shall:

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

I-2 Where a meeting is not open to the public, in addition to complying with the requirements, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.

I-3 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 or Standing Committee, as the case may be, attended by them after the particular meeting.

I-4 The meeting secretary shall record in reasonable detail the particulars of any disclosure of pecuniary interest made by members of the Authority or Committees, as the case may be, and any such record shall appear in the minutes/notes of that particular meeting of the Authority or of the Committee, as the case may be.

J. Notice of Motion

J-1 Except as otherwise provided in this by-law, a notice of motion to be made at an Authority or Committee meeting shall be given in writing and shall be delivered to the CAO/Secretary-Treasurer not less than seven (7) business days prior to the date and time of the meeting, to be included in the agenda for the Authority or the committee of the whole meeting at which the motion is to be introduced.

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- J-2** The CAO/Secretary-Treasurer shall include such notice of motion in full in the agenda for the meeting concerned.
- J-3** Reports of Committees included in the Authority agenda shall constitute notice of motion with respect to any matter contained in such reports and recommended by any such Committee for adoption by the Authority.
- J-4** Staff reports in the Authority agenda not having been considered by any Committee for adoption, shall constitute notice of motion for the purposes of any motion brought to the Authority with respect thereto.
- J-5** 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 Standing 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 two-thirds of the members of the Authority present.
- J-6** Any motion called from the Chair and for whatever reason deferred in three successive regular meetings of the Authority or Committee of the whole which is not proceeded with shall be deemed to be withdrawn.

K. Meeting Procedures

- K-1** The Authority will normally conduct its business as a committee of the whole.
- K-2** The Authority will conduct business in accordance with Robert's Rules of Order.
- K-3** The Authority will observe the following procedures for discussion/debate on any matter coming before it:
- a) A member will 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 and when no new matter is introduced.

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- f) No member shall speak more than ten 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.

K-4 Upon a Director vacancy due to death, incapacity, resignation or continued absence occurring in any office of the Authority, the Authority will request the municipality which was represented by that Director to immediately proceed to appoint a Director replacement.

K-5 In the event that a municipally-appointed member misses three consecutive meetings without due notice, the Authority will advise the member's municipality of the unaccountable absences.

K-6 If a Board Member, unable to be in attendance at any regular scheduled meeting, wishes to bring to the attention of the Board any additional information or opinion pertaining to an agenda item, the Member shall address in writing to the Chair such correspondence prior to the start of the meeting. The correspondence shall be read aloud by the Chief Administrative Officer/Secretary-Treasurer without comment or explanations.

L. Delegations

L-1 Any person or organization desiring an opportunity to address the Authority may make a request in writing to the Chief Administrative Officer/Secretary-Treasurer fourteen (14) days in advance of a scheduled meeting if such request is to be included in the agenda of that meeting. The request should comprise a brief statement of the issue or matter involved and indicate the name of the proposed speaker.

L-2 Any person or organization requesting an opportunity to address the Authority but not having made a written request to do so in accordance with Section L-1 may appear before a meeting of the Authority but will be heard only if approved by a ruling of 2/3 of the Directors of the meeting.

L-3 No delegation, whether or not listed on the agenda, shall be heard without a ruling by the Chair of the meeting giving leave, but such ruling may be immediately appealed by a proper motion, and the ruling of the meeting shall govern.

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L-4 Notwithstanding Section L-2, a representative of a council of a member municipality of the Authority, duly authorized by resolution of such council, shall be heard as of right, and further any member of the Authority shall be heard as of right.

L-5 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 ten (10) minutes.

M. Meetings with Closed Sessions

M-1 A meeting or a part of a meeting may be closed to the public if the subject matter being considered relates to:

- a) the security of the property of the Authority;
- b) personnel matters about an identifiable individual including Authority employees;
- c) a proposed or pending acquisition of land;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation including matters before administrative tribunals affecting the Authority;
- f) the receiving of advice that is subject to solicitor-client privilege.

M-2 A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act.

M-3 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.

M-4 No vote shall be taken and no written record shall be kept in a closed meeting unless it is for a procedural matter, or for giving directions or instructions to officers, employees or agents of the Authority or persons retained under contract with the Authority.

M-5 Any materials presented to the Board of directors during a closed meeting will be returned to the Secretary-Treasurer prior to departing from the meeting.

N. Vote

N-1 On a tie vote, the motion is lost, and the Chair, if a member of the assembly, may vote to make it a tie unless the vote is by ballot. The Chair cannot, however, vote twice, first to make a tie and then give the casting vote.

Section ADMINISTRATION	Title ADMINISTRATIVE BY-LAWS - MEETING PROCEDURES	
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N-2 A majority vote of the members present at any meeting is required upon all matters coming before the meeting.

N-3 Interrelated motions shall be voted on in the following order:

- a) motions to refer the matter, and
- b) if no motion under clause (a) is carried, the order for voting on the remaining motions shall be:
 - i) amending motion
 - ii) the original motion

N-4 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.

N-5 Before a vote is taken, any member may require a recorded vote and it shall be taken by alphabetical surname with the Chair voting last. On a recorded vote, each member will answer "yes" or "no" to the question, or will answer "abstain" if the said member does not wish to vote. If any Member abstains from voting, they shall be deemed to have voted in opposition to the question, and where the vote is a recorded vote, their vote shall be recorded accordingly by the secretary.

N-6 At the meeting of the Authority at which the non-matching levy is to be approved, the Chair shall at the appointed time during the meeting, call the roll of members present, and having been advised by the Secretary-Treasurer of those present and the respective, eligible weighted votes, conduct the roll call vote to approve of non-matching levy by a weighted majority of the members present and eligible to vote.

N-7 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.

N-8 A vote on any planning or regulation matter dealt with through a telephone conference meeting (F-11) shall be a recorded vote.

N-9 Where any member of the Authority or Committee is acting in the place and stead of the Chair or the Committee Chair, as the case may be, such member shall have and may exercise all the rights and powers of the Chair or the Committee Chair of the Standing Committee as the case may be, while so acting.

O. Minutes

Section ADMINISTRATION	Title ADMINISTRATIVE BY-LAWS - MEETING PROCEDURES	
Responsibility: CAO	Approved by: Board of Directors (Resolution #39/10)	Date of Approval: February 3, 2010
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- O-1** The CAO/Secretary-Treasurer shall undertake to have a recording secretary in attendance at meetings of the Authority and each Standing Committee. The recording secretary will make a record in the form of Minutes of the meeting proceedings and in particular shall record all motions considered at the meeting.
- O-2** For matters dealt with in closed session, the CAO will take notes of any direction provided, for endorsement by the Chair and Vice-Chair.
- O-3** 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.
- O-4** The Secretary-Treasurer shall send out the minutes of any meeting to each member of the Authority and other parties as are interested in receiving them at the same time as agendas for the next meeting are distributed.
- O-5** The Authority will not mail agendas to member municipalities except by request.
- O-6** The Authority will mail minutes of Board of Directors meetings to member municipalities following approval of those minutes by the Board of Directors.

APPENDIX A

COMMON MOTIONS

1.0 Motion to Adjourn

1.1 A Motion to Adjourn:

- a) is always in order except as provided by this by-law;
- b) is not debatable;
- c) is not amendable;
- d) is not in order when a member is speaking or during the verification of the vote;
- e) is not in order immediately following the affirmative resolution of a motion to close debate; and
- f) when resulting in the negative, cannot be made again until after some intermediate proceedings have been completed by the Authority.

1.2 A motion to adjourn without qualification, if carried, brings a meeting or a session of the Authority to an end.

1.3 A motion to adjourn to a specific time, or to reconvene upon the happening of a specified event, suspends a meeting of the Authority to continue at such time.

2.0 Motion to Amend

2.1 A motion to amend:

- a) is debatable;
- b) is amendable;
- c) shall be relevant and not contrary to the principle of the report or motion under consideration; and
- d) may propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue which was the subject matter or the question.

2.2 Only one motion to amend an amendment to the question shall be allowed at one time and any further amendment must be to the main question.

2.3 Notwithstanding anything herein to the contrary, no motion to amend the motion to adopt any report of the Committee of the Whole shall be permitted.

3.0 Motion to Censure

3.1 Kawartha Region Conservation Authority Board of Directors may call for a motion to censure an individual director for conduct unbecoming a board member in the fulfillment of his/her Kawartha Region Conservation Authority duties. This will require a seconder and a 2/3 vote of members present at the Board of directors meeting to pass. The motion to

censure must be dealt with immediately and once the motion is approved, the appointing municipality will be advised, in writing, by the Chair of the Board of Directors.

4.0 Motion to Close Debate (Previous Question)

4.1 A motion to close debate:

- a) is not debatable;
- b) is not amendable;
- c) cannot be moved with respect to the main motion when there is an amendment under consideration;
- d) should be moved by a member who has not already debated the question; and
- e) can only be moved in the following words: "I move to close debate".
- f) requires a two-thirds (2/3) majority of members present for passage; and
- g) when resolved in the affirmative, the question is to be put forward without debate or amendment.

5.0 Motion to Postpone Definitely

5.1 A motion to postpone definitely:

- a) is debatable, but only as to whether a matter should be postponed and to what time;
- b) is amendable as to time;
- c) requires a majority of members present to pass; and
- d) shall have precedence over the motions to refer, to amend, and to postpone indefinitely.

6.0 Motion to Postpone Indefinitely

6.1 A motion to postpone indefinitely:

- a) is not amendable;
- b) is debatable, and debate may go into the merits of the main question, which effectively kills a motion and avoids a direct vote on the question;
- c) requires a majority vote; and
- d) shall have precedence over no other motion.

7.0 Motion to Reconsider

7.1 A motion to reconsider, under this by-law:

- a) is debatable;
- b) is not amendable; and
- c) requires a majority vote, regardless of the vote necessary to adopt the motion to be reconsidered.

7.2 After any question, except one of indefinite postponement has been decided by the Authority, any Member who was present and who voted in the majority may, at a subsequent meeting of the Authority, move for the reconsideration thereof, provided due notice of such intention is given as required by this by-law, but no discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted.

7.3 After any question, except one of indefinite postponement has been decided by Committee, but before a decision thereon by the Authority, any member who was present at the Committee meeting concerned and who voted in the majority, may, at a subsequent meeting of the Committee, provided the Authority still has made no decision thereon, move for the reconsideration thereof, provided due notice of such intention is given as required by this by-law, but no discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted.

7.4 No question upon which a notice of reconsideration has been accepted shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

7.5 If a motion to reconsider is decided in the affirmative, reconsideration shall become the next order of business and debate on the question to be reconsidered shall proceed as though it had never previously been considered.

8.0 Motion to Refer (to Committee)

8.1 A motion to refer:

- a) is debatable;
- b) is amendable; and
- c) shall take precedence over all amendments of the main question and any motion to postpone indefinitely, to postpone definitely or to table the question.

9.0 Motion to Suspend the Rules (Waive the Rules)

9.1 A motion to suspend the rules:

- a) is not debatable;
- b) is not amendable; and
- c) requires a 2/3 majority to carry;
- d) takes precedence over any motion if it is for a purpose connected with that motion and yields to a motion to table.

10.0 Motion to Table

10.1 A motion to table:

- a) is not debatable;

b) is not amendable.

- 10.2** A motion to table a matter with some condition, opinion or qualification added to the motion shall be deemed to be a motion to postpone.
- 10.3** The matter tabled shall not be considered again by the Authority until a motion has been made to take up the tabled matter at the same time or subsequent meeting of the Authority.
- 10.4** A motion to take up a tabled matter is not subject to debate or amendment.
- 10.5** A motion that has been tabled at a previous meeting of the Authority cannot be lifted off the table unless notice thereof is given in accordance with Section J of this by-law.
- 10.6** A motion that has been tabled and not taken from the table for six (6) months shall be deemed to be withdrawn and cannot be taken from the table.

11.0 Point of Order

The chair or Committee Chair, as the case may be, shall decide points of order. When a Member wishes to raise a point of order, the Member shall ask leave of the Chair/Committee Chair and after leave is granted, the Member shall state the point of order to the Chair/Committee Chair, after which the Chair/Committee chair shall decide on the point or order. Thereafter, the Member shall only address the Chair/Committee Chair for the purpose of appealing the decision to the Authority or the Committee, as the case may be. If the Member does not appeal, the decision of the Chair/Committee Chair shall be final. If the Member appeals to the Authority or the Committee as the case may be, the Authority/Committee shall decide the question without debate and the decision shall be final.

12.0 Point of Personal Privilege

When a Member considers that his integrity or the integrity of the Authority or Committee has been impugned, the Member may, as a matter of personal privilege and with the leave of the Chairman, draw the attention of the Authority or the Committee, as the case may be, to the matter by way of a point of personal privilege. When a point of personal privilege is raised, it shall be considered and decided by the Chair or Committee Chair, as the case may be, immediately. The decision of the Chair or Committee Chair, as the case may be, on a point of privilege may be appealed to the Authority.

APPENDIX B

CODE OF CONDUCT

Preamble

Since its inception in 1979, the Kawartha Region Conservation Authority has demanded a high level of integrity and ethical conduct from its members. The Authority's exemplary reputation has relied upon the good judgment of individual members. While tacit understandings have served well for many years, a written Code of Conduct helps to ensure that all members share a common basis for acceptable conduct. Formalized standards help to provide a useful reference guide and a supplement to the legislative parameters within which members must operate. Further, they enhance public confidence that members operate from a base of integrity, justice and courtesy.

The Code of Conduct is a general standard. It augments the laws which govern the behaviour of members, and it is not intended to replace personal ethics.

1.0 General

All members shall serve in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than for the exercise of his/her official duties.

2.0 Gifts and Benefits

Members shall not accept fees, gifts or personal benefits that are connected directly or indirectly with the performance of duties, except compensation authorized by law.

3.0 Confidentiality

All information, documentation or deliberations received, reviewed, or taken in closed session of the Authority and its committees 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.

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

- personnel matters
- information about suppliers provided for evaluation which might be useful to other suppliers
- matters relating to the legal affairs of the Authority
- sources of complaints where the identity of the complainant is given in confidence
- items under negotiation
- schedules of prices in contract tenders
- information deemed to be "personal information" under the *Municipal Freedom of Information and Protection of Privacy Act*.

The list above is provided for example and is not inclusive.

4.0 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.

5.0 Work of a Political Nature

No Member shall use Authority facilities, services or property for his or her re-election campaign. No member shall use the services of Authority employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Authority.

6.0 Conduct at Authority Meetings

During meetings, 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 other members have the floor.

7.0 Influence on Staff

Members shall be respectful of the fact that staff work for the whole corporation and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or faction.

8.0 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 or a committee of the Authority, except in compliance with the terms of the *Municipal Conflict of Interest Act*.

9.0 Encouragement of Respect for Corporation and its By-Laws

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

10.0 Harassment

Harassment of another member, staff or any member of the public is misconduct. It is the policy of the Kawartha Region Conservation Authority that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour by any person including a co-worker that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, marital status or family status and any other prohibited grounds under the provisions of the *Ontario Human Rights Code*.

11.0 Interpretation

Members of the Authority seeking clarification of any part of this Appendix should consult with the Municipal Clerk or Corporate Council of the municipality that appointed the respective member.

ATTACHMENT 5

Section 40 Regulation:

Proposed Definitions of Conservation of Land and Interference in Any Way

“Conservation of Land” has never been defined in the Act or Regulation or any other planning document prepared by the Province. On this basis, past decisions by the Mining and Lands Commissioner were reviewed and documented. Based on the review of all of the decisions in their entirety, the **interpretation** below was developed by the Ministry of Natural Resources/ Conservation Ontario Section 28 Peer Review and Implementation Committee.

Conservation of Land is interpreted as:

... the protection, management, or restoration of lands within the watershed for the purpose of maintaining or enhancing the natural features and hydrologic and ecological functions within the watershed (February 2008).

The common uses of words in this interpretation can be found in the Oxford Dictionary as follows:

Protection means: to defend or keep safe from or against danger or injury. (It is assumed that this would apply to animate (people) as well as inanimate objects (land or property)).

Management means: organize or regulate (while management can also mean managing or being managed as well as being in charge of administration of business concerns or public undertakings).

Restoration means: to bring back to original state or bring back to former place or condition; restoration is the act of restoring. (Restoration can also apply to rebuilding or repairing).

Maintaining means: cause to continue; retain in being; take action to preserve in good order (such as in a machine or house etc.)

Enhancing means: heighten or intensify (quality).

For further background information, all Mining and Lands Commissioner decisions regarding Section 28 of the *Conservation Authorities Act* may be found at: www.omlc.mnr.gov.on.ca.

In addition, the *Conservation Authorities Act* and Ontario Regulation 97/04 do not define “Interference” nor was any definition found in any other planning document; hence, the **interpretation** below was developed by the Ministry of Natural Resources/ Conservation Ontario Section 28 Peer Review and Implementation Committee. Under the Regulation, “interference” only applies to projects within watercourses and wetlands.

Interference in any way is interpreted as:

“any anthropogenic act or instance which hinders, disrupts, degrades or impedes in any way the natural features or hydrologic and ecologic functions of a wetland or watercourse” (March 2008).

The common uses of words in this interpretation can be found in the Oxford Dictionary as follows:

Hinder means: to delay or impede

Disrupt means: to interrupt or disturb (an activity or process)

Degrade means: lower the character or quality of

Impede means: delay or block the progress or action of