

**Governance Committee Meeting
Wednesday, February 26, 2020
9:30 a.m.
Ball's Falls Centre for Conservation
Glen Elgin Room
3292 Sixth Avenue, Jordon, ON**

A G E N D A

1. APPROVAL OF AGENDA

2. DECLARATIONS OF CONFLICT OF INTEREST

3. APPROVAL OF THE MINUTES

- 3.1 Minutes of the NPCA Governance Committee meeting dated
December 13, 2019

Page #1

4. APPOINTMENT OF COMMITTEE CHAIR AND VICE CHAIR

- 4.1 CAO assumes the Chair
4.2 Appointment of Scrutineers
4.3 Election of Chair
4.4 Election of Vice Chair

5. CORRESPONDENCE

6. DELEGATIONS / PRESENTATIONS

7. CONSENT ITEMS

8. DISCUSSION ITEMS

- 8.1 Report No. GC-01-20 RE: Conservation Area Lifetime Passes

Page #5

- 8.2 NPCA Annual Meeting Schedule:

- i) Report No. FA-01-2020 RE: Board of Directors' Meeting
Schedule (as referred from the NPCA Board of Directors)

Page #8

- ii) Report No. GC-02-2020 RE: Factors in Considering Options for
NPCA Board Meeting Schedule Changes

Page #12

8.3 Discussion on Revisions to the Administrative By-Law:

- i) Excerpt of Approved Revisions to the Administrative By-Law (Sections 5, 7 and 8)

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- ii) Excerpt of an email from K. Jull, Gardiner Roberts, LLP dated February 19, 2020 RE: 6 Legal Principles for Board Consideration in Hearing Public Comment in Respect of Violations

Page #18

8.4 Request from Member K. Kawall RE: Discussion on Board Oversight and Responsibilities for Policies (Verbal)

8.5 Establishing a 2020 Governance Committee Meeting Calendar (Verbal)

9. **NEW BUSINESS**

10. **ADJOURNMENT**



**NIAGARA PENINSULA
CONSERVATION
AUTHORITY**

**GOVERNANCE COMMITTEE
MEETING MINUTES**

Friday, December 13, 2019

9:30 a.m.

**Ball's Falls Centre for Conservation
Glen Elgin Room**

3292 Sixth Avenue, Jordan, ON

MEMBERS PRESENT: B. Clark (Chair)
D. Bylsma
R. Foster
J. Ingrao
R. Shirton
E. Smith

MEMBERS ABSENT: D. Huson
K. Kawall

STAFF PRESENT: G. Wood, Chief Administrative Officer / Secretary - Treasurer
G. Bivol, Executive Co-ordinator to the Board
M. Ferrusi, Manager, Human Resources
L. Gagnon, Director, Corporate Services
E. Gervais, Procurement Specialist

The Committee Chair called the meeting to order at 9:32 a.m..

1. ADOPTION OF AGENDA

- a) Addition of Items – None
- b) Change in Order of Items – None
- c) Motion to Adopt Agenda

Recommendation No. GC-42-2019

Moved by Member Foster

Seconded by Member Ingrao

THAT the agenda for the December 13, 2019 Governance Committee meeting **BE AMENDED** to include the addition of the Addendum items as follows:

- 6. d) Report No. GC-16-19 RE: Whistleblower Policy (as revised);
- f) Report No. GC-17-19 RE: Conflict of Interest; and
- g) Report No. GC-18-19 RE: Code of Conduct.

CARRIED

2. DECLARATION OF CONFLICT OF INTEREST

None declared.

3. PRESENTATIONS (and/or Delegations)

None.

4. BUSINESS FOR INFORMATION

None.

5. BUSINESS FOR CONSIDERATION

- a) Minutes of the NPCA Governance Committee meeting dated October 22, 2019

Recommendation No. GC-43-2019

Moved by Member Smith

Seconded by Member Foster

THAT the minutes of the meeting of the NPCA Governance Committee dated October 22, 2019 **BE ADOPTED**.

CARRIED

6. NEW BUSINESS

- a) Report No. GC-13-19 RE: Board Member Assessment – Ms. Wood presented her report.

Recommendation No. GC-44-2019

Moved by Member Smith

Seconded by Member Foster

1. **THAT** Report No. GC-13-19 RE: Board Member Assessment **BE RECEIVED**.
2. **THAT** the incoming NPCA Chief Administrative Officer **BE PROVIDED** with a copy of this report and the contact information for individuals from Niagara Health.

CARRIED

- b) Report No. GC-14-19 RE: Conservation Area Lifetime Passes - Staff spoke to the issue. Adam Christie, Acting Senior Manager of Operations and Special Projects attended this portion of the meeting and addressed questions. Lengthy discussion ensued. The C.A.O. was directed to inform the past member who had requested a lifetime pass that the matter was still under discussion.

Recommendation No. GC-45-2019

Moved by Member Smith

Seconded by Member Ingrao

1. **THAT** Report No. GC-14-19 RE: Conservation Area Lifetime Passes **BE RECEIVED**.
2. **THAT** the Governance Committee **DIRECTS** staff to develop a policy including criteria and requiring formal Board approval for issuance of Special NPCA Lifetime passes.

3. **AND THAT** staff **INVESTIGATE** past issuance practices and distribution of Lifetime passes.

CARRIED

- c) Report No. GC-15-19 RE: Procurement Policy – Legal Services – Lise Gagnon, Director of Corporate Services and Eric Gervais, Procurement Specialist spoke to the report and addressed questions of the Committee. Discussion ensued. Subsequent to the following motion, Ms. Gagnon and Mr. Gervais left the proceedings

Recommendation No. GC-46-2019

Moved by Member Smith

Seconded by Member Ingrao

1. **THAT** Report No. GC-15-19 RE: NPCA Procurement Policy – Legal Services **BE RECEIVED**.
2. **THAT** staff **DEVELOP** a vendor of record list for legal services subject to approval of the Board.
3. **AND THAT** a policy **BE DEVELOPED** to procure outside legal services for approval by the Board in urgent circumstances.

CARRIED

- d) Report No. GC-16-19 RE: Whistleblower Policy – The Committee discussed minor amendments to be incorporated into the document. It was directed that the approved policy be posted to the web. Discussion ensued.

Recommendation No. GC-47-2019

Moved by Member Bylsma

Seconded by Member Smith

1. **THAT** Report No. GC-16-19 RE: Whistleblower Policy **BE RECEIVED** as amended.
2. **THAT** the Whistleblower Policy attached as Appendix 1 to Report No. GC-16-19 **BE APPROVED**.

CARRIED

- e) Administrative By-law Updates – Committee discussion ensued. Members requested training on Conflict of Interest.

Recommendation No. GC-48-2019

Moved by Member Foster

Seconded by Member Ingrao

THAT the Administrative By-Law updates as presented at the Governance Committee Meeting of December 13, 2019 **BE APPROVED** and **INCORPORATED** into the final by-law document for presentation to the Board of Directors.

CARRIED

- f) Report No. GC-17-19 RE: Conflict of Interest

Recommendation No. GC-49-2019

Moved by Member Ingrao

Seconded by Member Foster

THAT Report No. GC-17-19 RE: Conflict of Interest **BE RECEIVED**.

CARRIED

g) Report No. GC-18-19 RE: Code of Conduct

Recommendation No. GC-50-2019

Moved by Member Shirton

Seconded by Member Ingrao

1. **THAT** Report No. GC-18-19 RE: Code of Conduct **BE RECEIVED** for information.
2. **THAT** the Governance Committee **DIRECT** staff to proceed with conversations relating to Integrity Commissioner services with each of the appointing municipalities.

CARRIED

7. ADJOURNMENT

Recommendation No. GC-51-2019

Moved by Member Ingrao

Seconded by Member Smith

THAT the meeting of the NPCA Governance Committee hereby **ADJOURNS** at 11:59 a.m..

CARRIED

Brad Clark,
Committee Chair

D. Gayle Wood,
Chief Administrative Officer /
Secretary - Treasurer

Report To: Chair and Members of the Governance Committee

Subject: Update on Lifetime Passes

Report No: GC-01-20

Date: February 26, 2020

Recommendation:

1. **THAT** Report No. GC-10-19 RE: Update on Lifetime Passes **BE RECEIVED**.
2. **AND THAT** no Lifetime Passes be authorized without the express consent of the NPCA Chief Administrative Officer / Secretary – Treasurer until such time as a formal policy has been approved by the Board.

Purpose:

The purpose of this report is to provide the Governance Committee with information regarding the administration of Conservation Area "Lifetime Passes" and to provide staff interim direction on the issuance of passes in the absence of a formal policy

Background:

At the December 13, 2019 NPCA Governance Committee meeting, the Committee directed staff to research past practice and develop a policy related to the issuance of Lifetime Passes for outgoing Board Members as well as retiring NPCA employees. This was precipitated by a request for a Lifetime Pass from a former Board Member. Staff were instructed and are currently pursuing the development of a policy.

Discussion:

In gathering information to assist the Committee in determining an appropriate recommendation for the distribution of Conservation Authority Lifetime Passes, the following information was gathered and considered.

A survey of Conservation Authorities in the Greater Golden Horseshoe (consisting of Central Lake Ontario (CLOCA), Credit Valley (CVC), Ganaraska (GanCA), Grand River (GRCA), Halton (HCA), Hamilton (CH), Kawartha, Lake Simcoe Region (LSRCA), Lower Trent (LTC), Nottawasaga Valley (NVCA), Otonabee Region (ORCA), Quinte, St. Clair Region (SCRCA), Toronto Region (TRCA) yielded the following results.

With respect to Board Members, one Conservation Authority issues "Lifetime Passes" to outgoing Board Members with 10+ years of service with the Authority.

With respect to employees:

- One Conservation Authority issues "Lifetime Passes" to retiring employees with 10+ years of service with the Authority.
- One Conservation Authority issues annual passes to retirees on indefinitely (regardless of years of service).
- One Conservation Authority issues lifetime passes to active employees with 15 years of service.

The remaining Conservation Authorities either did not provide a response or do not issue Lifetime Passes to retirees or outgoing Board Members.

With specific respect to the NPCA, no known written policy exists, however, based on past practice, it is understood that employees with a minimum of 10 years of service have traditionally been issued Lifetime Passes upon retirement from the NPCA. It is unknown when this practice began but it appears to have been in place for at least 15 years.

With respect to the Board, again, no written policy exists however records infer that outgoing Board Members who were not re-appointed have historically received Lifetime Memberships. The information gathered suggests that this practice can be traced back to the late 1980's or beyond.

From staff's recollection, it is believed that the NPCA's most recent purchase of Lifetime Passes occurred in or around 2014 when 200 pass cards were purchased. Based on the serial numbers of those pass cards, it would appear that eight Lifetime Passes have since been issued. Records suggest that six of those passes were issued to outgoing Board Members whose final terms ended in 2014. Staff have indicated that a seventh card was issued to a retiring employee in or around 2015. The eighth and final Lifetime Pass was issued in 2019 to Domenic Difruscio on the authority of the CAO and Chair in recognition of past Member Difruscio's 25 years of service to the NPCA.

Staff will continue to work on a policy for the issuance of Lifetime Passes and no passes will be issued in the interim without the express consent of the NPCA's CAO/Secretary - Treasurer.

Financial Implications:

There is no direct financial cost to issuing Lifetime Passes, however, the issuance of passes has the ability to result in a loss of revenue of approximately \$120 per pass per year (the value of one annual pass).

Related Reports and Appendices:

None

Authored by:

Original signed by:

Misti Ferrusi, B.A., CHRL
Human Resources Manager

Submitted by:

Original signed by:

Chandra Sharma
Chief Administrative Officer/Secretary-Treasurer



Report To: Board of Directors

Subject: 2020 Board of Directors' Meeting Schedule

Report No: FA-01-20

Date: January 15, 2020

Recommendation:

1. **THAT** Report No. FA-01-20 RE: 2020 Board of Directors' Meeting Schedule **BE RECEIVED**.
2. **THAT** Appendix 1 to Report No. FA-01-20 RE: 2020 Board of Directors' Meeting Schedule **BE IMPLEMENTED**.
3. **THAT** the meeting schedule **BE MADE** available on the NPCA website and **PROVIDED** to the participating and local area municipalities.

Purpose:

The purpose of this report is to establish the NPCA 2020 Board of Directors' meeting schedule for internal business planning purposes and public awareness, accessibility and transparency.

Background:

The calendar of regular Board meetings for the year is typically approved at the Annual General Meeting. The schedule attached as Appendix 1 continues the existing practice of convening meetings at 9:30 a.m. on the third Wednesday of the month. As per past practice, the December timeslot is scheduled tentatively with the option to forego a meeting; an August meeting is not planned and the March meeting date is moved to accommodate March Break.

Discussion:

In establishing the calendar, to the extent possible, staff considered the meeting schedules of the local municipalities and the member municipalities with the intent to minimize any known scheduling conflicts for Members. With an increase in the size and composition of the Board, finding consistent and available meeting dates becomes increasingly challenging. With the appointment of new members to Standing Committees, Committee meeting schedules may be developed and published to the NPCA website as they become known.

Financial Implications:

There are no new or additional financial implications posed by adoption of the 2020 Board of Directors' Meeting Schedule as presented.

Links to Policy/Strategic Plan:

Approving and publicizing the 2020 Board of Directors' Meeting Schedule promotes the awareness of public meetings and enhances accessibility to the NPCA while aligning with the Strategic Plan Mission Statement to remain a responsive and accountable organization.

Related Reports and Appendices:

Appendix 1: 2020 Board of Directors' Meeting Schedule

Authored by:

Original signed by:

Grant Bivol,
Executive Coordinator to the C.A.O. and Board

Submitted by:

Original signed by:

Chandra Sharma,
Chief Administrative Officer/Secretary-Treasurer

2020 NPCA DRAFT BOARD MEETING SCHEDULE

JAN 15
9:30 AM
AGM

January 2020						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February 2020						
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16	17	18	19	20	21	22
23	24	25	26	27	28	29

FEB 19
9:30 AM

MAR 25
9:30 AM

March 2020						
Su	Mo	Tu	We	Th	Fr	Sa
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April 2020						
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19	20	21	22	23	24	25
26	27	28	29	30		

APR 15
9:30 AM

MAY 20
9:30 AM

May 2020						
Su	Mo	Tu	We	Th	Fr	Sa
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17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June 2020						
Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

JUN 17
9:30 AM

JULY 15
9:30 AM

July 2020						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
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19	20	21	22	23	24	25
26	27	28	29	30	31	

August 2020						
Su	Mo	Tu	We	Th	Fr	Sa
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

NO BOARD MEETING

SEPT 16
9:30 AM

September 2020						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

October 2020						
Su	Mo	Tu	We	Th	Fr	Sa
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18	19	20	21	22	23	24
25	26	27	28	29	30	31

OCT 21
9:30 AM

NOV 18
9:30 AM

November 2020						
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22	23	24	25	26	27	28
29	30					

December 2020						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

DEC 16
9:30 AM
(tentative)

APPENDIX 1 To Report No. FA-01-2020

NOTE: Unless otherwise specified, all Board meetings to be held at Ball's Falls, Centre for Conservation; 3292 Sixth Avenue, Jordan, ON

FURTHER DATES TO REMEMBER:

CONSERVATION ONTARIO – TORONTO, ON

April 6, 2020 – AGM
June 15, 2020
September 28, 2020
December 14, 2020

FEDERATION OF CANADIAN MUNICIPALITIES (FCM) CONFERENCE

June 4–7, Toronto

ASSOCIATION OF MUNICIPALITIES OF ONTARIO (AMO) CONFERENCE

August 16–19, Ottawa



Report To: Board of Directors

Subject: Factors in Considering Options for NPCA Board Meeting Schedule Changes

Report No: GC-02-20

Date: February 26, 2020

Recommendation:

THAT Report No. GC-02-20 RE: Factors in Considering Options for NPCA Board Meeting Schedule Changes **BE RECEIVED** for information.

Purpose:

The purpose of this report is to highlight considerations for the Governance Committee to discuss in recommending changes to the Board of Directors for NPCA 2020 Full Authority meeting schedule.

Background:

At the NPCA Annual General Meeting held on January 15, 2020, the Board of Directors referred Report No. FA-01-2020 to the Governance Committee for discussion on possible changes to the 2020 Board Meeting calendar. Members requested consideration of changes to reflect the prospect of afternoon meetings, evening meetings and a revision to the summer meeting schedule to allow for an August meeting in place of the regular July Board Meeting date.

Discussion:

The pros and cons for the three potential options to be considered are encapsulated in the following charts:

Option 1: Afternoon Meetings

Pros	Cons
<ul style="list-style-type: none">• Meal costs could be lessened or eliminated if scheduled to begin after lunch.	<ul style="list-style-type: none">• Members accepted appointment to the Board based on predetermined meeting times and changes to the schedule may not be feasible based on prior outstanding commitments.

Option 1: Afternoon Meetings (continued)

Pros	Cons
<ul style="list-style-type: none">• The Board and Staff would have ample time during the day of the meeting to address last minute items before proceedings convene.	<ul style="list-style-type: none">• Meeting recording and broadcast services have advised that an additional charge of \$100 would be applicable for afternoon meetings.
<ul style="list-style-type: none">• Meetings length could be compressed if designated to conclude within normal business hours.	

Option 2: Evening Meetings

Pros	Cons
<ul style="list-style-type: none">• Evening meetings provide enhanced opportunities for public participation.	<ul style="list-style-type: none">• Members accepted appointment to the Board based on predetermined meeting days and times and changes to the schedule may not be feasible based on prior outstanding commitments.
<ul style="list-style-type: none">• Staff would have ample time during the day of the meeting to address last minute items before proceedings convene.	<ul style="list-style-type: none">• Meeting recording and broadcast services have advised that an additional charge of \$200 would be applicable for evening meetings.
<ul style="list-style-type: none">• Board Members otherwise employed during normal business hours could more readily participate in evening meetings.	<ul style="list-style-type: none">• Potential conflict with other area Council/ Board meetings. (This would require further investigation.)
	<ul style="list-style-type: none">• Staffing costs could potentially increase (particularly for hourly employees); plus increased costs for mileage and meals for staff or any other potential offsetting measures.
	<ul style="list-style-type: none">• Travel conditions become a greater factor (i.e.: driving after dark and risk associated with inclement weather driving).
	<ul style="list-style-type: none">• Board /staff performance and engagement decreases at a greater rate with protracted evening meetings.

Option 3: Scheduling the Regular Summer Meeting in August (Instead of July)

Pros	Cons
	<ul style="list-style-type: none">• August Board Meeting dates potentially conflict with the Annual Association of Municipalities of Ontario Conference therefore precluding participation by Council Members who also sit on the NPCA Board.
	<ul style="list-style-type: none">• An opportunity is lost as Municipal Councils often break in August and the NPCA meeting schedule was originally established to reflect and co-incide with this recess.

Financial Implications:

Option 1: Afternoon Meetings would reduce meal costs by approximately \$250 per meeting however, this would be somewhat offset by the \$100 increase in video recording and streaming increases.

A move to Option 2: Evening Meetings would similarly see a reduction in meal costs but video streaming would increase by \$200. Increased staffing costs would be incurred but the extent of this would vary contingent upon the length of the meeting and the staff attendance required.

Option 3: Scheduling the Regular Summer Meeting in August would have no additional cost implications.

Links to Policy/Strategic Plan:

This report does not link directly to a particular policy or to the Strategic Plan.

Related Reports and Appendices:

Report No. FA-01-20 RE: 2020 Board of Directors' Meeting Schedule

Authored by:

Original signed by:

Grant Bivol
Executive Co-ordinator to the CAO and Board

Submitted by:

Original signed by:

Chandra Sharma, MCIP, RPP
Chief Administrative Officer/Secretary-Treasurer

Excerpt of Approved Revisions to the Administrative By-Laws (for follow-up discussion)

5. Agenda for Meeting

5.1 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:

- a. Approval of Agenda
- b. Declaration of Pecuniary Interest
- c. Presentations/Delegations
- d. Administrative Business
 - i. Approval of Minutes of Previous Meetings
 - ii. Business Arising from Minutes
 - iii. Correspondence
 - iv. Chair's Comments
 - v. CAO's Comments
- e. Business – For Information (including):
 - i. Project Status Reports
 - ii. Financial Statements
- f. Business – For Consideration
- g. Business – In Camera
- h. Notice of Motion
- i. New Business
- j. Adjournment

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

5.3 Meeting management is a fundamental responsibility of the Chair. Part of this responsibility includes agenda management. As such, it shall be the duty of the Chair, with respect to any meetings over which he/she presides, to approve the agenda prior to circulation to the Board and public as outlined in section 6.1 and within all legislative reporting requirements.

5.4 The circulation of reports, letters, memos, etc. outside of the agenda shall be distributed by the Office of the CAO) to all Board Members. Documents should be provided in an electronic format whenever possible.

5.5 The business of the Board will be taken up in the order on which it appears on the agenda unless otherwise directed by the Board Chair.

7. Notice of Motion

- 7.1** Except as otherwise provided in this Regulation, 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 Committee meeting at which the motion is to be introduced.
- 7.2** The CAO/Secretary-Treasurer shall include such notice of motion in full in the agenda for the meeting concerned.
- 7.3** 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.
- 7.4** 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.
- 7.5** 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 the majority of the members of the Authority present.
- 7.6** Any motion called from the Chair and for whatever reason deferred in three successive regular meetings of the Authority or Committee which is not proceeded with shall be deemed to be withdrawn.
- 7.7** Reconsideration of a motion previously adopted by the Authority requires a two-thirds majority of the Board (i.e. based on a membership of 15; 10 or more Members present equals two thirds majority).

8. Delegations

- 8.1** Any person or organization desiring an opportunity to address the Authority may make a request in writing to the CAO/Secretary-Treasurer fourteen (14) days in advance of a scheduled meeting if such request is to be included in the agenda of that meeting. A detailed brief of their presentation, including any presentation materials to be used, outlining the request/direction the presenter is seeking from the Standing Committee or the Board and if applicable, the name, address and telephone number of any person(s) or organization which he or she represents. The brief will form part of the official record of the proceedings of Committee or the Board and therefore will be a public document.

8.2 The Chief Administrative Officer/Secretary-Treasurer is empowered to seek clarifications from the person or organization if the submitted statement is ambiguous and/or requires further explanation.

8.3 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 10.1 may appear before a meeting of the Authority but will be heard only if approved by a ruling of 2/3 of the Board Members of the meeting.

8.4 It will be at the discretion of the NPCA Board Chair, in consultation with the CAO, to determine whether the delegation is an appropriate matter to be considered by the Board.

The Board Chair, in consultation with the CAO will maintain the right to refuse any delegation request, regardless of having the notice requirements met, for reasons they identify, including, but not limited to, agenda /meeting management and issues outside of NPCA mandate.

It shall be the responsibility of the CAO to communicate this decision to the individual(s) applying for a delegation.

Board Members maintain the right to overturn such decision, by a proper motion moved by and seconded by and carried by a 2/3rds majority.

8.5 A representative of a participating 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.

8.6 Delegations/Presentations shall be limited to a time of not more than ten (10) minutes. Board Members may limit or extend the time allowed for a presentation by a majority vote.

8.7 Delegations/Presentations shall be limited to not more than two (2) per Board meeting.

Presentations (NPCA staff or otherwise) addressing matters relevant to the NPCA and seeking to provide information, or receive input from the Board, or Committee will be permitted.

8.8 Presentations shall adhere to the rules of order noted under Delegations.

8.9 Delegations must abide by the Regulations and public conduct at meetings. They will accept any decisions of the Board Chair and not enter into cross debate with members, other delegations, or staff. Any discourse between members and the delegation will be limited to members asking questions for clarification and obtaining additional, relevant information only.

Excerpt of an email from K. Jull, Gardiner Roberts, LLP dated February 19, 2020 RE: 6 Legal Principles for Board Consideration in Public Comment on matters with Legal implications

**This documentation as submitted has been altered to remove specific reference to named parties and ongoing investigations.*

*** Legal precedents cited herein are available upon request.*

PRINCIPLE (1) : KEEP AN OPEN MIND CONCERNING POTENTIAL FUTURE PROCEEDINGS: DO NOT PRE-JUDGE THE MATTER

Potential future proceedings:

- (i) Potential violation re removal and decision as to whether or not to lay charges;
- (ii) Commenting agency re issues relevant to Conservation Authorities Act
- (iii) Potential application in the future by landowners

PRINCIPLE (2): STATUTORY POWERS PROCEDURE ACT REQUIRES BASIC FAIRNESS TO ALL PARTIES, INCLUDING INTERESTED CITIZENS AND POTENTIAL APPLICANTS OR DEFENDANTS

PRINCIPLE (3) AVOID ANY POTENTIAL CONFLICTS OF INTEREST: existing or previous association between decision-maker and an interested party;

See By-laws that may be made re conflict of interest-- by-laws (under s. 19.1 of the Act) and in particular any by-laws dealing with adopting conflict of interest guidelines for the members of the authority (as authorized under section 19.1).

Apprehension of Bias

Legal scholars have been able to tease out a few circumstances from which a reasonable apprehension of bias may be found and have suggested the following categories:

- decision-maker reviewing own earlier decision;
- interested parties selecting decision-maker;
- pecuniary interest in the outcome of the decision;
- **existing or previous association between decision-maker and an interested party;**
- bias through legal or other advisor;
- prejudice; and
- **attitudinal bias demonstrated by the conduct or words of the decision-maker**

PRINCIPLE (4) RESPECT THE RIGHT OF AN APPLICANT OR DEFENDANT TO CROSS-EXAMINE ANY WITNESSES GIVING STATEMENTS WITH RESPECT TO SPECIFIC MATTERS INVOLVING THAT APPLICANT OR DEFENDANT

At a hearing, a party may:

- (a) call and examine witnesses and present evidence and submissions; and
- (b) conduct cross-examinations of witnesses at the hearing reasonably required for a full and fair disclosure of all matters relevant to the issues in the proceeding.

Applicant would have right to cross-examine submissions

PRINCIPLE (5): PUBLIC OPINION SHOULD BE MEASURED IN A STATISTICALLY SIGNIFICANT MANNER

PRINCIPLE (6): POLICY BRIEFS SHOULD BE RELIABLE AND NOT EXCESSIVELY PARTISAN