

**SOURCE PROTECTION AUTHORITY**

**Wednesday, November 20, 2019**

**9:30 a.m.**

**Ball's Falls Centre for Conservation**

**Glen Elgin Room**

**3292 Sixth Avenue, Jordan, ON**

**A G E N D A**

---

**CALL TO ORDER**

*The Niagara Peninsula Watershed is located on the traditional territory of Indigenous peoples dating back countless generations. We want to show our respect for their contributions and recognize the role of treaty-making in what is now Ontario.*

**1. ADOPTION OF AGENDA**

- a) Addition of items
- b) Change in order of items
- c) Adoption of Agenda

**2. DECLARATION OF CONFLICT OF INTEREST**

**3. PRESENTATIONS AND DELEGATIONS**

- a) Presentation by Thomas Proks, Source Water Protection Coordinator  
RE: Source Water Protection Overview and Future Considerations

Page # 1

**4. ADMINISTRATIVE BUSINESS**

- a) Approval of the Minutes of the Source Protection Authority meeting  
dated April 17, 2019

Page # 17

**5. BUSINESS FOR INFORMATION**

**6. BUSINESS FOR CONSIDERATION**

- a) Report No. SPA-06-19 RE: Source Protection Committee Member's  
Handbook

Page # 21

**7. BUSINESS – In Camera**

**8. NOTICE OF MOTION**

**9. NEW BUSINESS**

**10. ADJOURNMENT**



# Source Protection Program Overview

Niagara Peninsula Source Protection Authority

Thomas Proks, P.Geo.

November 20, 2019

# Source Protection Program Context

- After the Walkerton tragedy in May 2000, Justice Dennis O'Connor was commissioned to lead an inquiry into the contamination of the Walkerton water supply and more broadly, the safety of Ontario's drinking water.
  - Walkerton Inquiry Report made 121 recommendations.
- *Clean Water Act*, 2006 (CWA) came into force July 3rd, 2007.
  - Fulfills **12 of the Justice O'Connor's recommendations.**
- First Principle - concept of prevention in the safeguarding of our drinking water for our communities and our health.



# Source Protection Program

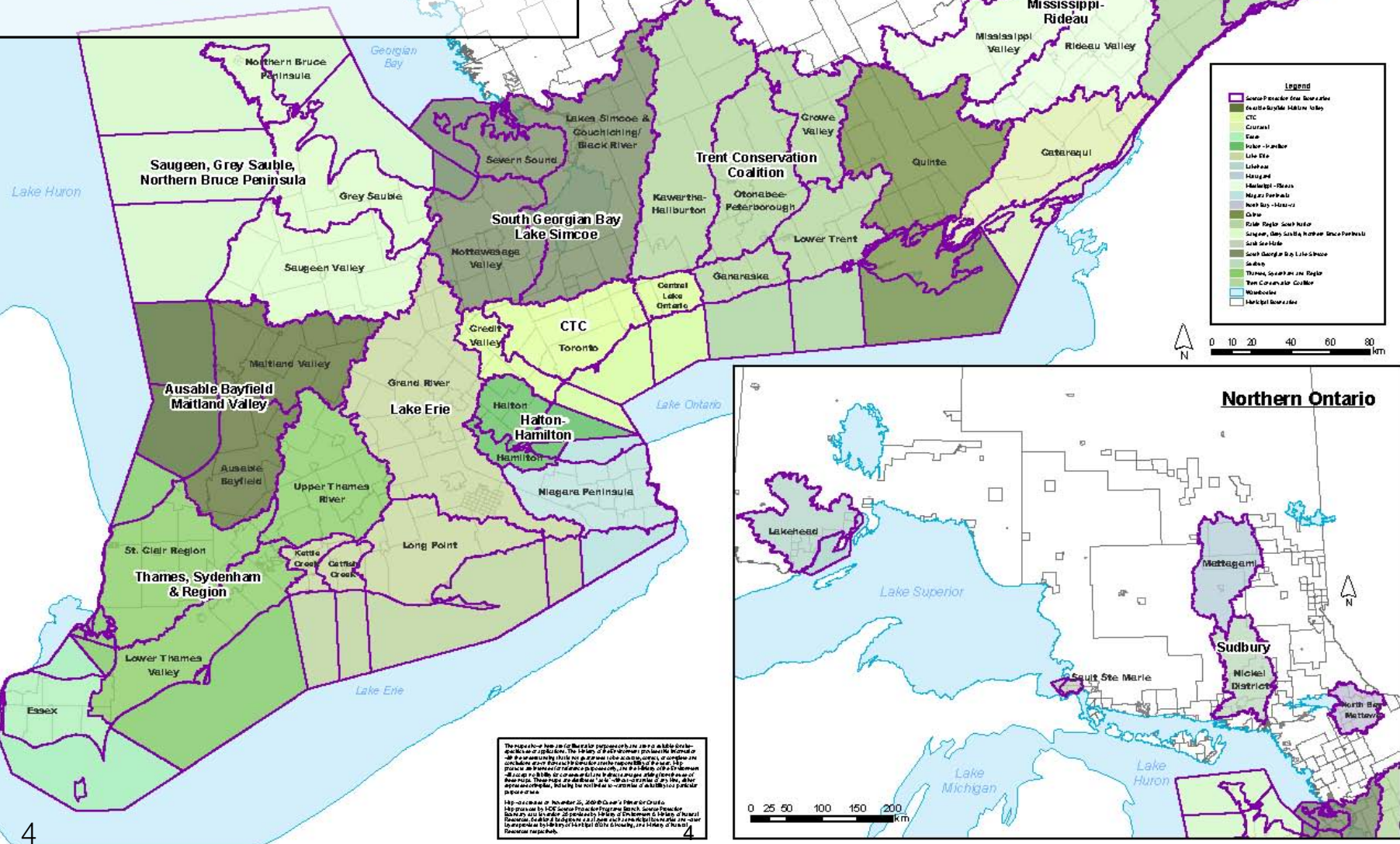
- The CWA established 38 source protection areas within the Province generally based on Conservation Authority boundaries under the *Conservation Authorities Act, 1990*.
- Source protection plans are now in place for municipal residential drinking water systems within the 38 source protection areas, representing approximately **90% of the population** within those source protection areas.

### Source Protection Areas & Regions

## Regulation 284/07

## Source Protection: Scope

**19 Source Protection Regions and Committees**  
**38 Source Protection Areas**



# Source Protection Process

## **Assessment Report (November 2013)**

- Vulnerable zones and vulnerability scores delineated
- Significant threats identified

## **Source Protection Plan (legal effect October 2014)**

- Policies to address significant threats
- Implementer timelines and responsibilities

## **Implementation of Source Protection Plan**

- By municipalities, provincial ministries, etc.
- Annual monitoring reporting by SPA

## **Update of Source Protection Plan (2018-2022)**

- Minister's Section 36 Order to NPCA December 3<sup>rd</sup>, 2018

# Objectives of the Source Protection Plan

1. *Protecting existing and future drinking water sources in the Niagara Peninsula Source Protection Area; and*
2. *Ensuring through management or prohibition, that activities identified as threats to drinking water either never become a significant threat or, if the activity is already taking place, the activity ceases to be a significant threat.*

(Section 2.1, Niagara Peninsula Source Protection Plan)

The current plan only speaks to municipal supply protection.





DRINKING WATER  
SOURCE PROTECTION  
ACT FOR CLEAN WATER

NPSPA Assessment Report

Figure 5-5: Intake Protection Zones



Thursday, July 14, 2011

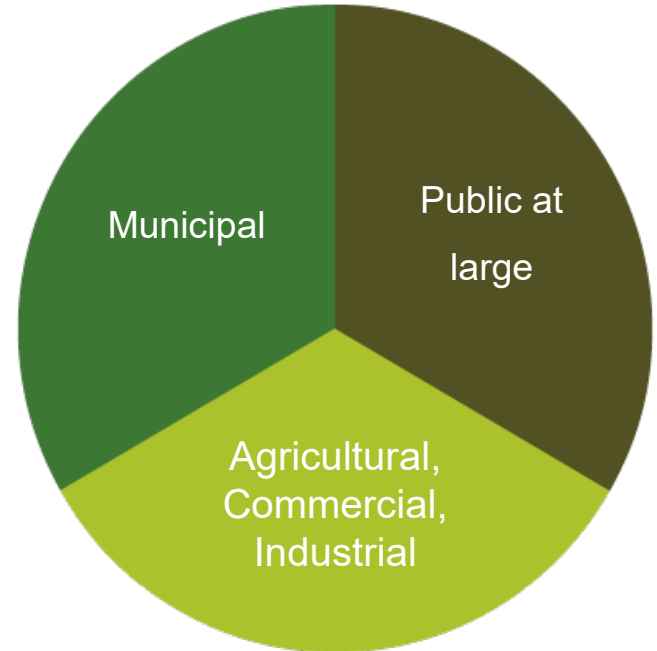




# Key Players

## Source Protection Committee (SPC)

- Multi-stakeholder committee comprised of 9 members,
  - 3 municipal representatives from each of Haldimand, Hamilton and Niagara
- Makes recommendations to the Source Protection Authority on annual reporting and revisions to the Source Protection Plan.



## Source Protection Authority (Niagara Peninsula Conservation Authority)

- SPA Board appoints the SPC, while SPA staff provide administrative and technical support to the Source Protection Committee
- Ultimately responsible for Source Protection Plan monitoring implementation, reporting, and revisions.

# Other Key Players

## Municipalities

- Partners in development of the Source Protection Program in Niagara since Day 1.
- Implementers/enforcers of local measures, actions and policies addressing drinking water threats.

## Province

- Develop, update and provide guidance to Source Protection Regions on regulations and technical rules
- Provide funding for Source Protection Authority staffing.
- Approvals (ToR, AR, SPP and revisions to plans).
- Implementers/enforcers of provincial measures, actions and policies addressing drinking water threats.

# Updating the Source Protection Plan

## Section 36

- Minister ordered
- Comprehensive review of Assessment Report and Source Protection Plan
- Timeline set for submission (March 2022)

## Section 34

- SPA initiated
- Typically local amendments (i.e., addition of new systems or upgrades to existing)
- No timeline for submission

# Section 36 Update

- Reflect planned changes to DeCew Falls, Niagara Falls, Rosehill and Welland Water Treatment Plants
- Incorporate changes to Director's Technical Rules (i.e., vulnerability scores, fuel handling and storage and additional administrative changes)
- Assess new threat of oil pipelines

# Thank You

For more information please refer to the DWSP Primer, visit our website at


[sourceprotection-niagara.ca](http://sourceprotection-niagara.ca)

or contact me directly

Thomas Proks, P.Geo.

905 – 788 – 3135 ext. 261

[tproks@npca.ca](mailto:tproks@npca.ca)



## Drinking Water Source Protection Primer: For Municipal Councillors


Your community relies on safe, sustainable drinking water. Protecting the water at its source is an important first step in the drinking water safety net.

Ontario has a comprehensive Drinking Water Source Protection Program to ensure sources of municipal drinking water are protected now and into the future. Under this program, local source protection plans developed under the *Clean Water Act, 2006*, are in place. These plans contain policies that protect municipal drinking water sources (water found in lakes, rivers and groundwater aquifers) from contamination and overuse.

**Meet your statutory standard of care responsibilities**

Source protection plans require municipalities to implement policies to protect the source water for their drinking water systems. The *Safe Drinking Water Act, 2002*, includes a statutory standard of care (section 19) for individuals with oversight responsibilities for municipal drinking water systems, including municipal councillors.

This standard ensures that you are practicing due diligence to protect public health when making decisions that could affect drinking water. This includes a consideration of the source water characteristics as well as the risks posed to it.



Learn more at: [ontario.ca/page/taking-care-your-drinking-water-guide-members-municipal-councils](http://ontario.ca/page/taking-care-your-drinking-water-guide-members-municipal-councils).

**Ensure source protection planning is in place**

New regulation 205/18 has been established under the *Safe Drinking Water Act, 2002*, to ensure that source protection planning is in place for new and changing municipal systems, before treated drinking water is provided to the public. The





# Drinking Water Source Protection Primer: For Municipal Councillors

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## Ensure source protection planning is in place

New regulation 205/18 has been established under the *Safe Drinking Water Act, 2002*, to ensure that source protection planning is in place for new and changing municipal systems, before treated drinking water is provided to the public. The



regulation came into effect on July 1, 2018. Municipal residential drinking water system owners are now responsible for ensuring that vulnerable areas are delineated and vulnerability scores are identified before they apply for a drinking water works permit. Source protection plans must also be amended and approved prior to the treated water being supplied to the public.

Notify your local conservation authority immediately, when planning changes to your drinking water systems, or planning for a new well/intake or a new system.

## Provincial Policy Statement

Municipalities and other planning authorities must follow the Provincial Policy Statement. Section 2.2.1 mandates planning authorities to protect, improve or restore the quality and quantity of water. This includes protecting vulnerable areas associated with drinking water sources.

## Be informed

- **Your constituents** may come to you with questions about the source of their drinking water supply. Find out how drinking water source protection benefits your region, and the cost of the protection. Know how many municipal wells/surface water intakes there are, where they are located, and who they serve in your municipality. Determine these with help from your municipal staff and local conservation authority.
- **Municipalities** are responsible for implementing more than half of the policies found in source protection plans. Many of these policies are legally binding.

Review the source protection plan for your area to find out what policies are to be implemented within your municipality and what actions are being taken to protect drinking water vulnerable areas.

- Understand how **source protection plan policies** can impact building requirements. Development applications and planning or building permits may be flagged at a municipality for land use planning policies. These applications or permits often need to be reviewed by the local risk management official (RMO) before they can be submitted to the municipality. Proposed activities may require a risk management plan, or in some cases are prohibited.
- When a **risk management plan** is needed, a risk management official works with the landowners/renters to develop a plan that contains measures to protect drinking water sources. A risk management plan is only required when a property is in a vulnerable area and the activity being undertaken poses a significant level risk to drinking water sources.
- **Sewage systems** identified under the *Clean Water Act* as causing significant level risks to drinking water sources, are subject to mandatory inspections through the *Building Code Act, 1992*.
- The Drinking Water Source Protection Program does not include **individual private wells**. A private well owner needs to regularly sample their water to test its quality, and properly maintain their well to protect water sources.

For more on source protection planning, visit [protectingwatermatters.ca](http://protectingwatermatters.ca).





## What's a vulnerable area?

Drinking water source protection is based on science. Local scientific data was used to create maps that show drinking water vulnerable areas. In these areas, we need to pay attention to activities causing contamination and overuse of our municipal drinking water sources.

To find out if a property is located in a drinking water vulnerable area, search the Source Protection Information Atlas at [ontario.ca/page/source-protection](https://ontario.ca/page/source-protection).

There are four types of vulnerable areas:

### 1. Wellhead protection areas (WHPAs)

are areas around municipal wells where the groundwater is travelling toward that well when the well is being pumped. These areas should be protected from risks to the quality and quantity of the drinking water source.

**2. Intake protection zones (IPZs)** are areas of land and water around surface water intakes that should be protected from risks to the quality and quantity of the drinking water source.

**3. Significant groundwater recharge areas (SGRAs)** are areas where a relatively high percentage of precipitation seeps into the ground to help maintain the water level in an aquifer that supplies a community or private residence with drinking water.

**4. Highly vulnerable aquifers (HVs)** are areas that are particularly susceptible to contamination based on factors such as the aquifer depth underground, the soil types, soil permeability and other characteristics of the surrounding soil or rock.

If a water quality issue is identified by source protection committees under the *Clean Water Act*, issue contributing areas (ICAs) can be delineated within the vulnerable areas. Examples of issues identified in Ontario include nitrate and sodium. Mandatory policies apply within issue contributing areas in order to ensure that the source water quality is protected or improved.

## Know the threats to drinking water sources

The *Clean Water Act* identifies activities that could pose a threat to drinking water sources under certain circumstances. These threat activities may be significant, moderate or low level risks. Identified threats include:

- Application, handling and storage of agricultural source material (such as manure), non-agricultural source material (such as biosolids), commercial fertilizer, and pesticides.
- Handling and storage of fuel, dense non-aqueous phase liquids (DNAPLs\*), and organic solvents.
- Management of aircraft de-icing chemical runoff.
- Land used for livestock grazing or pasturing, outdoor confinement areas, and farm-animal yards.
- Application, handling and storage of road salt, and storage of snow.
- The establishment, operation and maintenance of systems that collect, store, transmit, treat or dispose of sewage (such as septic systems and sewage treatment plants, stormwater management facilities).
- The establishment, operation and maintenance of waste disposal sites (such as landfills).
- Activities that take water from a water body without returning the water to the same water body.
- An activity that reduces the recharge of an aquifer.
- The establishment and operation of a liquid hydrocarbon pipeline (added in April 2018, through an amendment to the *Clean Water Act*).

*\*DNAPLs, or dense non-aqueous phase liquids, are a particularly hazardous group of substances that are heavier than water and are difficult to remove once they contaminate a water source.*



## Have you seen this Drinking Water Protection Zone sign?

These signs are appearing across Ontario to raise awareness about the vulnerability of our municipal drinking water sources. Governments at the local and provincial level are placing signs along roadways where a pollution spill could have a negative impact on our drinking water sources.



120 Bayview Pkwy  
Newmarket, ON L3Y 3W3  
**905-895-0716**



**NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA)  
SOURCE PROTECTION AUTHORITY  
MEETING MINUTES**

Wednesday, April 17, 2019  
9:30 a.m.  
Ball's Falls Centre for Conservation  
Glen Elgin Room  
3292 Sixth Avenue, Jordan, ON

**NOTE:** The archived recorded meeting is available on the NPCA website. The recorded video of the Source Protection Authority meeting is not considered the official record of that meeting. The official record of the Source Protection Authority meeting shall consist solely of the Minutes approved by the Source Protection Authority Board. *NPCA Administrative By-law Section 14.5*

**MEMBERS PRESENT:**

D. Huson (Vice-Chair)  
S. Beattie  
P. Chiocchio  
R. Foster  
B. Greenwood  
B. Heit  
T. Insinna  
B. Johnson  
J. Jordan  
J. Metcalfe  
B. Steele  
R. Shirton  
B. Wright

**MEMBERS ABSENT:**

D. Bylsma (Chair)  
B. Clark  
K. Gibson  
T. Whalen  
G. Zalepa

**STAFF PRESENT:**

G. Wood, CAO / Secretary – Treasurer  
G. Bivol, Interim Clerk  
R. Bisson, Community Engagement Manager  
A. Christie, Acting Senior Manager, Operations and Special Projects  
M. Ferrusi, Human Resources Consultant  
D. MacKenzie, Director, Watershed Management  
E. Navarro, Communications Specialist  
T. Proks, Source Protection Project Manager  
S. Miller, Senior Manager, Water Resources and Restoration  
J. Wallace, Finance Manager  
G. Verkade, Manager, Information Management and Technology Systems



In the absence of Chair Bylsma, Board Vice Chair Diana Huson called the meeting to order at 9:34 a.m.

## **1. ADOPTION OF AGENDA**

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### **1.1 Addition of Items**

There was no addition of items.

### **1.2 Change in Order of Items**

There were no changes in order of agenda items.

### **1.3 Adoption of Agenda**

Resolution No. SPA-08-19

Moved by Member Heit

Seconded by Member Insinna

**THAT** the Source Protection Authority Agenda for the meeting of April 17, 2019 be adopted.

**CARRIED**

Resolution No. SPA-09-19

Moved by Member Johnson

Seconded by Member Metcalfe

**THAT** with D. Huson fulfilling the role of the Chair for the meeting, Bill Steele serve as the acting Vice Chair.

**CARRIED**

## **2. DECLARATION OF CONFLICT OF INTEREST**

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There were no declarations of Conflict of Interest.

## **3. PRESENTATIONS (and/or Delegations)**

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- 3.1 Thomas Proks, Source Protection Project Manager presented Report SPA-05-19 entitled 2018 Source Water Protection Annual Reporting - Mr. Proks was requested to conduct a subsequent presentation to the Region. Discussion ensued culminating in the following resolution:

Resolution No. SPA-10-19

Moved by Member Heit

Seconded by Member Steele

1. **THAT** the Source Protection Authority receive Report SPA-05-19 regarding 2018 Source Water Protection Annual Reporting and the following documents for consideration:

- Source Protection Annual Progress Report;

- Source Water Protection Annual Report 2018 – Policy Implementation Status;
  - Source Water Protection Annual Report 2018 – Supplemental Form; and
  - 2018 Annual Progress Reporting for Source Protection Excel Workbook.
2. **THAT** the Source Protection Authority approve that the aforementioned documents be submitted to the Ministry of the Environment, Conservation and Parks to meet the legislated reporting requirements; and
3. **THAT** the Source Protection Annual Progress Report be posted on the Niagara Peninsula Source Protection Area website.

**CARRIED**

## 4. ADMINISTRATIVE BUSINESS

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### 4.1 Approval of Draft Minutes

#### 4.1.1 Source Protection Authority Board Minutes – February 20, 2019

Resolution No. SPA-11-19

Moved by Member Insinna

Seconded by Member Steele

**THAT** the Source Protection Authority Board minutes of the meeting held on February 20, 2019 be approved.

**CARRIED**

### 4.2 Business Arising from Minutes

There was no business arising from the minutes.

### 4.3 Correspondence

There were no items of correspondence.

## 5. BUSINESS FOR INFORMATION

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### 5.1 Reports

#### 5.1.1 Report No. SPA-04-19 - Response to February 2019 Source Protection Authority Questions

Resolution No. SPA-12-19

Moved by Member Insinna

Seconded by Member Steele

**THAT** Report No. SPA-04-19 regarding Response to February 2019 Source Protection Authority Questions be received.

**CARRIED**

## 6. BUSINESS FOR CONSIDERATION

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6.1 Reports

- 6.1.1 Report No. SPA-05-19 - 2018 Source Water Protection Annual Reporting  
– Deliberation of this matter occurred within Item 3.1 Presentations.

## 7. NEW BUSINESS

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There was no new business.

## 8. ADJOURNMENT

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There being no further business, the Source Protection Authority meeting adjourned at 9:56 a.m. with the following resolution.

Resolution No. SPA-13-19  
Moved by Member Heit  
Seconded by Member Steele

That the Source Protection Authority Meeting be adjourned.

**CARRIED**

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Diana Huson, Vice Chair  
Niagara Peninsula Conservation Authority

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Grant Bivol, Interim Clerk  
Niagara Peninsula Conservation Authority

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**Report To:** Source Protection Authority

**Subject:** Source Protection Committee Member's Handbook

**Report No:** SPA-06-19

**Date:** November 20, 2019

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**Recommendation:**

1. **THAT** Report No. SPA-06-19 RE: Source Protection Committee Member's Handbook **BE RECEIVED** for consideration.
2. **THAT** the Source Protection Authority **APPROVE** the updated Source Protection Committee Member's Handbook.

**Purpose:**

The purpose of this Report is to provide the Source Protection Authority with the opportunity to review and approve the updated Source Protection Committee Member's Handbook, which includes the following sections:

- Operating Policy
- Rules of Procedure
- Code of Conduct
- Conflict of Interest

**Background:**

Under section 14.(1) of the Clean Water Act, the Source Protection Committee is required to prepare written rules of procedure that are satisfactory to the Source Protection Authority.

The Source Protection Committee has been operating under the same rules of procedures since 2009. Some sections and wording from the previous rules of procedure and other related policy documents were identified as in need of an update. This proposed Source Protection Committee Member's Handbook updates and consolidates all the policy and procedure documents into one handbook.

This current version of the Source Protection Committee Member's Handbook was presented to the Source Protection Committee for their approval at the October 2019 meeting. The Source Protection Committee approved the handbook after some minor amendments. The updated

Source Protection Committee Member's Handbook requires Source Protection Authority approval for it to take effect.

**Related Reports and Appendices:**

1. Niagara Peninsula Source Protection Committee Members' Handbook – October 2019

**Authored by:**

Original Signed by

---

Thomas Proks, P.Geo.  
Source Water Protection Coordinator

**Submitted by:**

Original Signed by

---

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

*Prepared with input from D. MacKenzie, Director, Watershed Management, S. Miller, Senior Manager Water Resources.*





## **NIAGARA PENINSULA SOURCE PROTECTION AUTHORITY**

### **SOURCE PROTECTION COMMITTEE**

#### ***Committee Member's Handbook***

**OPERATING POLICY  
RULES OF PROCEDURE  
CODE OF CONDUCT  
CONFLICT OF INTEREST**

**Effective Date:** Pending Source Protection Authority Approval

Last Updated: October 2019

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## TABLE OF CONTENTS

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<b>OPERATING POLICY</b>	<b>1</b>
1.0 PREAMBLE	1
2.0 DEFINITIONS	1
3.0 COMMITTEE MEMBERSHIP	1
4.0 WORKING GROUPS	2
5.0 DUTIES	2
6.0 PER DIEM	4
7.0 INDEMNITY	4
8.0 ACKNOWLEDGEMENT	4
<b>RULES OF PROCEDURE</b>	<b>5</b>
1.0 PREAMBLE	5
2.0 DEFINITIONS	5
3.0 STATUTORY REQUIREMENTS	5
4.0 CALLING OF MEETINGS	5
5.0 APPOINTMENTS	6
6.0 FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY	6
7.0 PROJECT MANAGER	7
8.0 QUORUM	7
9.0 PROCEDURES FOR CONDUCTING MEETINGS	8
10.0 MEETING MINUTES	8
11.0 ACKNOWLEDGEMENT	8
<b>CODE OF CONDUCT</b>	<b>9</b>
1.0 PREAMBLE	9
2.0 DEFINITIONS	9
3.0 APPLICATION AND SCOPE	11
4.0 PRINCIPLES	11
5.0 PROCEDURE WHERE MEMBER HAS ENGAGED IN PROHIBITED ACTIVITIES	13
6.0 ACKNOWLEDGEMENT	13
<b>CONFLICT OF INTEREST POLICY</b>	<b>14</b>
1.0 PREAMBLE	14
2.0 DEFINITIONS	14
3.0 CONFLICT OF INTEREST	15
4.0 APPLICATION AND SCOPE	15
5.0 GENERAL POLICIES	15
6.0 PROCEDURE FOR DISCLOSING A CONFLICT OF INTEREST	15
7.0 ACKNOWLEDGEMENT	16
<b>ACKNOWLEDGEMENT</b>	<b>17</b>
<b>SCHEDULE 1 – O.REG. 288/07</b>	

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# Niagara Peninsula SOURCE PROTECTION Area

## *Source Protection Committee Operating Policy*

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### **1.0 PREAMBLE**

- 1.1 The source protection committee established by the source protection authority for the Niagara Peninsula Source Protection Area under section 7 of the *Clean Water Act*, S.O. 2006 is responsible for the preparation of terms of references, assessment reports and source protection plans for source protection areas in accordance with the Act, regulations and director's rules.
- 1.2 Members bring to the committee a wide range of relevant knowledge and expertise relating to the committee's role, acquired as a result of experience in both the private and public sector. Committee members join the committee to contribute to the source protection planning process under the *Clean Water Act*, S.O. 2006.
- 1.3 The purpose of these operating policies is to allow each committee member to understand the general terms under which the committee is to operate.

### **2.0 DEFINITIONS**

- 2.1 Definitions of terms throughout this policy correspond to those definitions given in Section (1) of the *Clean Water Act*, S.O. 2006 and O.Reg. 288/07 (attached hereto as Schedule 1).
- 2.2 "Committee" refers to the Niagara Peninsula Source Protection Area source protection committee as defined by O.Reg. 288/07.
- 2.3 "Member" means a member of the committee appointed by the Minister or the source protection authority under section 7 of the *Clean Water Act*, S.O. 2006 and any reference to "he" or "she" or "him" or "her" will deal with any member regardless of gender and are used interchangeably.
- 2.4 "Minister" refers to the Ontario Minister of the Environment.

### **3.0 COMMITTEE MEMBERSHIP**

- 3.1 The membership of the committee shall be in accordance with O.Reg. 288/07 under the Clean Water Act, R.S. O. 2006 and shall include up to 9 voting members plus the chair.
- 3.2 In addition to the voting members, three liaison members may participate in discussions at meetings of committee including any meetings or part of a meeting that is closed to the public. The liaison members include persons:
  - 3.2.1 designated by the source protection authority;
  - 3.2.2 designated by the Minister as a representative of the Ministry of the Environment;

- 3.2.3 designated by the medical officers of health for the health units in which any part of the source protection area is located.
- 3.3 A committee member may be removed from office for failure to comply with Section 7 of O. Reg. 288/07.
- 3.4 The term of appointment and filling of vacancies shall be in accordance with sections 8 and 9 of O. Reg. 288/07. Upon a vacancy arising from the death, incapacity, resignation or continued absence of a member of the committee, the vacancy shall be filled in accordance with any procedures set out in the Clean Water Act and the regulations. Where the Act and regulations are silent on a matter, the source protection authority will proceed to fill the vacancy.

#### **4.0 WORKING GROUPS**

- 4.1 The committee may establish working groups to consider and recommend policy direction and actions on programs, projects, and other matters to advance drinking water source protection. These working groups shall report to the committee.
- 4.2 The chair is an ex-officio member of all working groups established by the committee.

#### **5.0 DUTIES**

- 5.1 Without limiting the generality of the following, the duties of a source protection committee member are to:
- 5.1.1 Contribute positively to the production of the Terms of References, Assessment Reports and Source Protection Plans for the source protection area;
  - 5.1.2 Review reports and materials (including scientific and technical reports) in advance of meetings;
  - 5.1.3 Provide constructive, collaborative and science-based input on local source protection planning issue(s);
  - 5.1.4 Act proactively as a liaison between the sector represented and the committee by bringing forward common concerns from personal knowledge and experience;
  - 5.1.5 Work collaboratively with other committee members and stakeholder groups;
  - 5.1.6 Make decisions at the committee table;
  - 5.1.7 Regularly attend meetings of the source protection committee (and applicable working groups) throughout the duration of the appointment;
  - 5.1.8 Attend and participate in public meetings, information sessions and forums;
  - 5.1.9 Attend training sessions;

- 5.1.10 Participate, at the request of the chair, in province-wide committees as a representative of the committee;
  - 5.1.11 Comply with the operating policies, rules of procedure, code of conduct and conflict of interest policies, as established by the committee;
  - 5.1.12 Respect confidential information and abide by the processes in place to safeguard confidential information.
- 5.2 The chair of the committee shall provide direction for all phases of the committee's activities and shall see that all business of the committee is conducted in a fair and just manner and shall in particular:
- 5.2.1 Preside over the source protection committee meetings;
  - 5.2.2 Represent the committee at such functions as warrant the interest of the committee, except where this responsibility is specifically assigned to some other person;
  - 5.2.3 Work with the project manager with respect to the operation and administration of the committee;
  - 5.2.4 Be an "ex-officio" member of all working groups, sub-committees and ad hoc working groups appointed from time to time by the committee;
  - 5.2.5 Be responsible for official communications on behalf of the committee.
- 5.3 The project manager of the committee, an employee of the conservation authority, under the direction of the chair shall:
- 5.3.1 Administer and coordinate the total program of the committee;
  - 5.3.2 Direct the preparation of material or projects to be undertaken by the committee and to provide such reports as might be from time to time requested by the committee;
  - 5.3.3 Be responsible for all documentary requirements necessary to obtain approval under the Clean Water Act;
  - 5.3.4 Provide communications support for the committee;
  - 5.3.5 To be responsible for the preparation of reports and correspondence to other agencies, governments and individuals dealing with the policy of the committee on particular items.
  - 5.3.6 Be responsible for official communications, in concert with the chair, on behalf of the committee



## **6.0 PER DIEM**

- 6.1 The chair shall receive compensation from the province in accordance with the terms of appointment of the chair.
- 6.2 Voting members shall receive a per diem allowance for attending committee meetings, and any other such meetings to which they are appointed or directed by the chair to attend and will be paid for expenses incurred on authorized committee business.
- 6.3 If no quorum is present, the per diem rate shall be paid to those in attendance.
- 6.4 All per diem expenses, mileage and allowances to be in accordance with the procedural direction of the authority.

## **7.0 INDEMNITY**

- 7.1 Indemnity is provided to each committee member in accordance with section 99 of the *Clean Water Act, S.O. 2006*.

## **8.0 ACKNOWLEDGEMENT**

- 8.1 Each member shall be required to review a copy of the operating policy and acknowledge in writing that he or she has done so.
- 8.2 The source protection authority will retain a copy of the signed acknowledgement.

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## **NIAGARA PENINSULA SOURCE PROTECTION AREA**

### ***Rules of Procedure for Source Protection Committee***

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#### **1.0 PREAMBLE**

- 1.1 The source protection committee established by the source protection authority for the Niagara Peninsula Source Protection Area under section 7 of the *Clean Water Act*, S.O. 2006 is responsible for the preparation of terms of references, assessment reports and source protection plans for source protection areas in accordance with the Act, regulations and director's rules.
- 1.2 Members bring to the committee a wide range of relevant knowledge and expertise relating to the committee's role, acquired as a result of experience in both the private and public sector. Committee members join the committee to contribute to the source protection planning process under the *Clean Water Act*, S.O. 2006.
- 1.3 The purpose of these rules of procedure are to govern the procedure of meetings of the Niagara Peninsula Source Protection Area source protection committee and are made pursuant to the *Clean Water Act*, S.O. 2006, as amended and O.Reg. 288/07.

#### **2.0 DEFINITIONS**

- 2.1 Definitions of terms throughout these procedures correspond to those definitions given in Section (1) of the *Clean Water Act*, S.O. 2006 and O.Reg. 288/07.
- 2.2 "Committee" refers to the Niagara Peninsula Source Protection Area source protection committee as defined by O.Reg. 288/07.
- 2.3 "Member" means a member of the committee appointed by the Minister or the source protection authority under section 7 of the *Clean Water Act*, S.O. 2006 and any reference to "he" or "she" or "him" or "her" will deal with any member regardless of gender and are used interchangeably.
- 2.4 "Minister" refers to the Ontario Minister of the Environment.
- 2.5 "Website" refers to <http://www.sourceprotection-niagara.ca/>.

#### **3.0 STATUTORY REQUIREMENTS**

- 3.1 Sections 12 through 22 of O.Reg. 288/07 govern the operation of the committee (attached hereto as Schedule 1).
- 3.2 Where any procedures herein conflict with O.Reg. 288/07, the regulation shall take precedence.

#### **4.0 CALLING OF MEETINGS**

- 4.1 The chair of the source protection committee shall determine the time and location of the first meeting of the committee.

- 4.2 The chair of the source protection committee shall preside at all meetings of the committee.
- 4.3 The committee shall meet at least once per month until the Terms of Reference are submitted to the source protection authority. Thereafter the chair shall call regular meetings of the committee.
- 4.4 The committee shall at its first meeting and every six months thereafter establish a meeting schedule for the following six months and publish this schedule on the website and in such other manner as may be determined by the committee.
- 4.5 Email notice of all committee meetings shall be sent to each member and liaison member of the committee.
- 4.6 Notice of all committee meetings shall be posted on the website at least one week before the date of the meetings. The notice shall include the time and place of the meeting and all items to be discussed at the meeting.
- 4.7 Anyone wishing notice of meetings shall leave their name and address or email address with the project manager. The project manager or his or her designate shall inform that person, by email, in writing or by telephone, in advance of other meetings.
- 4.8 The committee shall meet at such time and place as the chair shall decide.
- 4.9 All meetings of the source protection committee are open to the public, except where the committee chooses to close a meeting or part of a meeting to the public where the subject matter to be discussed pertains to one of the items listed under subsections 6.2.1 through 6.2.5.
- 4.10 The source protection committee shall not close a meeting or part of a meeting to the public unless it states that the meeting or that part of the meeting is closed to the public and states the general nature of the subject matter to be discussed in the absence of the public.
- 4.11 Delegations to the committee must give 2 weeks notice of their interest in making a presentation to the chair of the committee. Presentations are limited to 10 minutes plus discussion time. Delegations with written information for consideration of the committee will provide the information 2 weeks before the meeting.

## **5.0 APPOINTMENTS**

- 5.1 The Minister appoints the chair.
- 5.2 If there is no chair in attendance or the chair is unable to act, the remaining members shall appoint an acting chair from among themselves, and the acting chair has all the powers and shall perform all duties of the chair.
- 5.3 The role of recording secretary will be carried out by a staff member.

## **6.0 FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY**

- 6.1 The source protection committee members shall be governed at all times by the provisions of the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

6.2 In keeping with MFIPPA, all meetings are open to the public; all matters arising out of committee meetings and supporting technical reports shall form part of the public record and shall be available for public review immediately upon request. Exceptions to the foregoing include the following matters:

- 6.2.1 Personnel records or issues;
- 6.2.2 On-going property negotiations;
- 6.2.3 Court cases in which the committee is involved;
- 6.2.4 Discussions which could adversely affect the interests of a third party;
- 6.2.5 A personal or financial matter about an identifiable individual.

6.3 In the instance where a committee member vacates his or her position on the source protection committee they will continue to be bound by MFIPPA requirements.

## **7.0 PROJECT MANAGER**

7.1 As a minimum, the project manager or his or her designate shall:

- 7.1.1 give or cause to be given all notices;
- 7.1.2 keep or cause to be kept accurate records of meetings and any accounts of the committee;
- 7.1.3 carry out or cause to be carried out required financial transactions on behalf of the committee.

## **8.0 QUORUM**

8.1 Quorum of the source protection committee is the chair or the acting chair plus at least two thirds of the voting members of the committee.

8.2 If no quorum is present one-half hour after the time appointed for a meeting of the committee, the project manager records the names of those present and the meeting shall stand adjourned until the next meeting.

8.3 If quorum is lost due to the declaration of a pecuniary interest the meeting will continue.

8.4 One or more vacancies in the membership of a source protection committee does not prevent the committee from conducting business as long as the number of members remaining in office is sufficient to maintain quorum. The business of the committee shall be carried out at meetings of the committee at which quorum is present.

8.5 A member of the source protection committee may under limited circumstances participate by proxy at a particular meeting for which a written proxy has been provided to another member of the committee and a copy has been provided to the chair before the meeting.

8.6 The committee may establish from time to time guidelines in respect to the use of teleconferencing under exceptional circumstances.

## **9.0 PROCEDURES FOR CONDUCTING MEETINGS**

- 9.1 The agenda of the meeting shall be conducted in the order in which it is presented on the agenda unless otherwise decided by the committee.
- 9.2 The agenda shall contain an estimate of time required for each agenda item and the committee shall attempt to abide with the time allocated to each item.
- 9.3 The committee shall attempt to make decisions by consensus among the members.
- 9.4 If the chair determines that reasonable efforts have been made to achieve consensus but the committee has been unable to make a decision by consensus, the decision may be made by a vote of two-thirds of the members present, not counting the chair.
- 9.5 The chair shall not vote.
- 9.6 Where a subject arises that pertains to those listed under subsections 6.2.1 through 6.2.5, the meeting shall be closed to the public.
- 9.7 References to formal rules of procedure, where necessary, will be in accordance with *Bourinot's Rules of Order*.

## **10.0 MEETING MINUTES**

- 10.1 The source protection committee shall keep minutes of its meeting and shall publish the minutes on the website. Any minutes of closed sessions will not be available to the public. Closed session minutes will be distributed only to the committee members at the following meeting for consideration and collected at that meeting.
- 10.2 The minutes of all meetings of the committee shall be recorded by the project manager or his or her designate.
- 10.3 When practicable, within 21 days after any meeting or at least 7 days before an upcoming meeting, the project manager or his or her designate shall email or send a copy of the draft minutes of that meeting to the committee members. The minutes will be approved at the following meeting. Approved minutes will be posted on the website.

## **11.0 ACKNOWLEDGEMENT**

- 11.1 Each member shall be required to review a copy of these rules of procedure and acknowledge in writing that he or she has done so.
- 11.2 The source protection authority will retain a copy of the signed acknowledgement.

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## **NIAGARA PENINSULA SOURCE PROTECTION AREA**

### ***Code of Conduct for Members of Source Protection Committee***

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#### **1.0 PREAMBLE**

- 1.1 The source protection committee established by the source protection authority for the Niagara Peninsula Source Protection Area under section 7 of the *Clean Water Act*, S.O. 2006 is responsible for the preparation of terms of references, assessment reports and source protection plans for source protection areas in accordance with the Act, regulations and director's rules.
- 1.2 Members bring to the committee a wide range of relevant knowledge and expertise relating to the committee's role, acquired as a result of experience in both the private and public sector. Committee members join the committee to contribute to the source protection planning process under the *Clean Water Act*, S.O. 2006.
- 1.3 The purpose of this code of conduct is to set out the standard of conduct expected of members of the source protection committee.

#### **2.0 DEFINITIONS**

- 2.1 "Code" means this code of conduct.
- 2.2 "Commercial information" means information that relates solely to the buying, selling or exchange of merchandise or services by both profit-making enterprises and non-profit organizations.
- 2.3 "Committee" means the source protection committee established for the Niagara Peninsula Source Protection Area under section 7 of the *Clean Water Act*, S.O. 2006.
- 2.4 "Confidential information" means commercial information, information about a third party, material information about a pending government decision or announcement or any other information that is not in the public domain regardless of whether it is identified as confidential that is obtained by the member in the course of serving on the committee. For example, the following information should not be released:
  - personal information about any individual
  - items under litigation
  - personnel matters
  - information about suppliers provided for evaluation which might be useful to competitors
  - sources of complaints about a variety of matters where the identity of the complainant is given in confidence
  - items under negotiation
  - information supplied in support of licence applications, etc., where such information is not part of the public documentation
  - schedule of prices in contract tenders

The preceding is not an exclusive list.



2.5 “Gift” includes any money, thing, intangible or personal benefit that may reasonably be seen to compromise the personal judgement or integrity of a member, but does not include nominal gifts, gratuities, hospitality or favours that do not create a sense of obligation to the giver.

2.6 Members are to refer to NPCA Workplace Harassment Policy 3-6 in any event of harassment. Harassment may include, but is not limited to the following:

2.6.1 Sexual Harassment

- unwelcome remarks, jokes, and innuendos or taunting about a person's body, attire, sexual orientation or gender;
- practical jokes of a sexual nature which cause awkwardness or embarrassment;
- displaying pornographic pictures or other offensive material;
- leering (suggestive staring) or other gestures;
- unnecessary physical contact such as touching, patting or pinching;
- physical assault;
- demands for sexual favours or repeated unwanted social invitations.

2.6.2 Racial or Ethnic Harassment

- unwelcome remarks, jokes, innuendos or taunting about a person's racial or ethnic background, colour, place of birth, citizenship or ancestry;
- the displaying of derogatory or offensive racist pictures or material;
- refusing to converse or work with an member or volunteer because of his or her racial or ethnic background;
- insulting gestures or practical jokes based on racial or ethnic grounds, which cause embarrassment or awkwardness.

2.6.3 Other Harassment

- unwelcome remarks jokes, innuendo or taunting about a person's age, record of offenses, marital status, family status, handicap or creed.

2.7 “Member” means a member of the committee appointed by the Minister or the source protection authority under section 7 of the *Clean Water Act*, S.O. 2006 and any reference to “he” or “she” or “him” or “her” will deal with any member regardless of gender and are used interchangeably.

2.8 “Minister” refers to the Ontario Minister of the Environment.

2.9 “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.

2.10 “Prohibited activities” means:

2.10.1 Seeking or accepting a gift in connection with his or her capacity as member;

2.10.2 Attempting to influence committee decisions in order to further the member's private interest or the interests of a third party, including participating in a matter before the committee, or making representations to another member about a recommendation or decision that the member should make and, at the same time, knowing or ought to know that in the recommendation or decision is the opportunity, or the reasonable appearance of an opportunity, for the member to further his or her own private interest;

2.10.3 Using confidential information for any improper purpose, which includes using confidential information to the benefit of the member's private interest;

- 2.10.4 Disclosing confidential information to third parties without the consent of party to whom the information relates;
- 2.10.5 Taking an action in his or her capacity as a member that involves dealing with oneself in a private capacity that confers a benefit on oneself;
- 2.10.6 Misrepresenting his or her role as a member to a third party to further the member's private interest;
- 2.10.7 Holding oneself out as an official of the Government of Ontario or implying to a third party that the member has the capacity to deliver a favourable decision from the Government of Ontario;
- 2.10.8 Making representations to a third party that the Government of Ontario has endorsed the business activity that the member is engaged in;
- 2.10.9 Using the name Government of Ontario or Ministry of the Environment for personal purposes or to further the member's private interest;
- 2.10.10 Willfully failing to disclose a conflict of interest to the chair or Minister as the case may be.

### **3.0 APPLICATION AND SCOPE**

- 3.1 This code applies to all persons appointed to the committee under section 7 of the *Clean Water Act, S.O. 2006*.

### **4.0 PRINCIPLES**

- 4.1 Members of the committee are expected to:
  - 4.1.1 Conduct themselves ethically, lawfully and with integrity;
  - 4.1.2 Act in the public interest, serving the mandate of the committee as a whole, rather than serving the member's private interest or other interests;
  - 4.1.3 Maintain a sense of fairness, independence and objectivity and treat others with respect;
  - 4.1.4 Abide by the committee's conflict of interest policy;
  - 4.1.5 Refrain from placing themselves in conflict of interest situations;
  - 4.1.6 Refrain from engaging in any of the prohibited activities as described in this code of conduct;
  - 4.1.7 Educate other members on those matters within their own area of expertise with a goal of having the committee make decisions collectively;
  - 4.1.8 Demonstrate their commitment to the committee and to the source protection planning process through high levels of attendance and participation at committee meetings directed toward advancing the mandate of the committee.

- 4.2 Every member of the committee, the staff or consultants are entitled to work in an environment that is free from discrimination and/or harassment. The chair will take prompt and appropriate action to prevent, discourage or respond to incidents of discrimination or harassment. Every member, staff or consultant of the committee will deal with his or her colleagues in a fair and equitable manner free from discrimination or harassment.

Any member or volunteer who feels he or she is being harassed at work should:

- make it clearly known to the offender that the conduct is unacceptable and should not be repeated; and/or
- discuss the situation, in confidence, with the chair or project manager;
- keep a short written record of dates, incidents and names of witnesses, if any;
- if necessary, prepare a written complaint.

Upon receipt of a verbal or written complaint, the chair or project manager will conduct an investigation in confidence. If the investigation concludes that harassment has occurred, appropriate disciplinary action will be taken (this may include suspension or termination). If the investigation concludes that the complaint is unfounded the complaint and investigation file will be destroyed. The member or staff who issued the complaint will be informed of the results of the investigation and of any action taken.

- 4.3 Members have access to confidential information by reason of their participation on the source protection committee. Members must not make such information available unless it is public information. Where a member is unsure of the status of information, before making any release he or she shall discuss it with the chair and/or with the project manager.
- 4.4 The chair, project manager or their designate will act as official spokesperson for the committee to the media and at public events or meetings. All requests to members to represent the committee as official spokesperson should be referred by the member to the chair, project manager or their designate. This is not intended to restrict the ability of members to express their opinion (as a committee member), where the member makes it clear that he/she is not expressing the official position of the committee.
- 4.5 All members of the committee have an obligation to raise any concern with the chair with respect to their compliance with this code. The chair will determine an appropriate response and communicate this to the member.
- 4.6 The chair of the committee has an obligation to raise any concern with the Minister and the chair of the source protection authority with respect to his or her compliance with this code. The Minister will determine an appropriate response and communicate this to the chair and the chair of the source protection authority.
- 4.7 A member who has concerns about the conduct of another member regarding compliance with this code 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 different circumstances.
- 4.8 A member who has concerns about the conduct of the chair regarding compliance with this code should raise those concerns with the Minister. The Minister will follow essentially the same process for addressing complaints as for dealing with declared conflicts of interest by the chair with modifications to suit the different circumstances.

- 4.9 All correspondence between the chair and the Minister respecting the disclosure of a conflict of interest shall be treated as personal information under the *Freedom of Information and Protection of Privacy Act*.

## **5.0 PROCEDURE WHERE MEMBER HAS ENGAGED IN PROHIBITED ACTIVITIES**

- 5.1 Where a member, other than the chair, has engaged in a prohibited activity, the chair may:
- 5.1.1 Request the source protection authority to investigate the matter and report to the chair with his or her findings or recommendations;
  - 5.1.2 Request that the member refrain from participating as a member of the committee pending the outcome of the investigation;
  - 5.1.3 Request that the member resign from the committee;
  - 5.1.4 Request that the source protection authority revoke the member's appointment in accordance with O. Reg. 288/07.
- 5.2 Where the chair has engaged in a prohibited activity, the source protection authority will contact the Minister to discuss the matter. The Minister may:
- 5.2.1 Request the source protection authority to investigate the matter and report to the Minister with its findings or recommendations;
  - 5.2.2 Request that the chair refrain from participating as a member of the committee pending the outcome of the investigation;
  - 5.2.3 Request that the chair resign from the committee;
  - 5.2.4 Take steps to revoke the chair's appointment.

## **6.0 ACKNOWLEDGEMENT**

- 6.1 Each member shall be required to review a copy of this code of conduct and acknowledge in writing that he or she has done so.
- 6.2 The source protection authority will retain a copy of the signed acknowledgement.

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## **NIAGARA PENINSULA SOURCE PROTECTION AREA**

### ***Conflict of Interest Policy for Members of Source Protection Committee***

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#### **1.0 PREAMBLE**

- 1.1 The source protection committee established by the source protection authority for the Niagara Peninsula Source Protection Area under section 7 of the *Clean Water Act*, S.O. 2006 is responsible for the preparation of terms of references, assessment reports and source protection plans for source protection areas in accordance with the Act, regulations and director's rules.
- 1.2 Members bring to the committee a wide range of relevant knowledge and expertise relating to the committee's role, acquired as a result of experience in both the private and public sector. Committee members join the committee to contribute to the source protection planning process under the *Clean Water Act*, S.O. 2006.
- 1.3 The purpose of this conflict of interest policy is to set out the procedure to be followed by members of the source protection committee in disclosing conflicts and perceived conflicts, as well as the consequences of failure to comply with that procedure.

#### **2.0 DEFINITIONS**

- 2.1 "Policy" means this conflict of interest policy.
- 2.2 "Committee" means the source protection committee established for the Niagara Peninsula Source Protection Area under section 7 of the *Clean Water Act*, S.O. 2006.
- 2.3 "Confidential information" means commercial information, information about a third party, material information about a pending government decision or announcement or any other information that is not in the public domain regardless of whether it is identified as confidential that is obtained by the member in the course of serving on the committee. For example, the following information should not be released:
  - personal information about any individual
  - items under litigation
  - personnel matters
  - information about suppliers provided for evaluation which might be useful to competitors
  - sources of complaints about a variety of matters where the identity of the complainant is given in confidence
  - items under negotiation
  - information supplied in support of licence applications, etc., where such information is not part of the public documentation
  - schedule of prices in contract tenders
  - personal opinions regarding policies, regulations and programs should not be given to the public.

The preceding is not an exclusive list.

- 2.4 “Member” means a member of the committee appointed by the Minister or the source protection authority under section 7 of the *Clean Water Act*, S.O. 2006 and any reference to “he” or “she” or “him” or “her” will deal with any member regardless of gender and are used interchangeably.
- 2.5 “Minister” refers to the Ontario Minister of the Environment.
- 2.6 “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.

### **3.0 CONFLICT OF INTEREST**

- 3.1 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 committee. It is important to note that a conflict of interest exists if the decision could be, or could appear to be compromised. It is not necessary that compromise takes place.
- 3.2 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 source protection committee or the source protection 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.
- 3.3 A conflict of interest includes engagement of members in private employment or rendering services for any person or corporation where such employment or services are considered a conflict of interest as defined by the Province of Ontario conflict of interest legislation.

### **4.0 APPLICATION AND SCOPE**

- 4.1 This policy applies to all persons appointed to the source protection committee under section 7 of the *Clean Water Act*, S.O. 2006.

### **5.0 GENERAL POLICIES**

- 5.1 Members shall refrain from placing themselves in conflict of interest situations.
- 5.2 A member must resign from the committee, if he or she is or becomes involved in private employment or rendering services considered to be a conflict of interest.
- 5.3 Members shall disclose any actual, potential or perceived conflict of interest as outlined in section 6.0 of this policy.

### **6.0 PROCEDURE FOR DISCLOSING A CONFLICT OF INTEREST**

- 6.1 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:



- 6.1.1 Disclose orally the actual, potential or perceived conflict of interest at the beginning of the committee meeting or as soon as possible; and
- 6.1.2 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.
- 6.2 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.
- 6.3 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.
- 6.4 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 source protection authority or the Minister and the chair of the source protection authority as the case may be.
- 6.5 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.
- 6.6 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 different circumstances.
- 6.7 A member who has concerns about the conduct of the chair regarding compliance with this policy should raise those concerns with the Minister. The Minister will follow essentially the same process for addressing complaints as for dealing with declared conflicts of interest by the chair with modifications to suit the different circumstances.
- 6.8 All correspondence between the chair and the Minister respecting the disclosure of a conflict of interest shall be treated as personal information under the *Municipal Freedom of Information and Protection of Privacy Act (MFFIPA)*.

## **7.0 ACKNOWLEDGEMENT**

- 7.1 Each member shall be required to review a copy of this conflict of interest policy and acknowledge in writing that he or she has done so.
- 7.2 The source protection authority will retain a copy of the signed acknowledgement.

## ACKNOWLEDGEMENT

The undersigned have reviewed the Committee Member's Handbook, which includes: operating policies, rules of procedure, code of conduct, and conflict of interest policies, dated \_\_\_\_\_, and the undersigned further acknowledge understanding the within policies and accept compliance with these policies as a condition of appointment to the source protection committee of the Niagara Peninsula Source Protection Area.

Maria Bellantino-Perco, Chair

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Thomas Proks, Source Water Protection Coordinator

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### **Voting Members**

Annie Michaud

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Adrin Willems

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Carl Bodimeade

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Carmen Vega

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Darren Fry

---

Drew Semple

---

Robert Bator

---

Tim Rigby

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Tony Dalimonte

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