

**SOURCE PROTECTION AUTHORITY
ON-LINE VIDEO CONFERENCE
AND IN-PERSON MEETING**

**Ball's Falls Centre for Conservation
Glen Elgin Room
3292 Sixth Avenue, Jordan, ON**

**Friday, November 18, 2022
9:30 a.m.**

A G E N D A

CALL TO ORDER

The Niagara Peninsula watershed is situated within the traditional territory of the Haudenosaunee, Attiowonderonk (Neutral), and the Anishinaabeg, including the Mississaugas of the Credit—many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties (No. 3, 4, and 381) and is within the land protected by the Dish with One Spoon Wampum agreement. Today, the watershed is home to many First Nations, Métis, and Inuit peoples. Through the 2021-2031 Strategic Plan, we re-confirm our commitment to shared stewardship of natural resources and deep appreciation of Indigenous culture and history in the watershed.

1. APPROVAL OF AGENDA

2. DECLARATIONS OF CONFLICT OF INTEREST

3. APPROVAL OF MINUTES

- a) Minutes of the Source Protection Authority Meeting dated May 20, 2022

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4. CORRESPONDENCE

- a) Email dated October 19, 2022 from Kristen Corrigan, Director, Conservation and Source Protection / Ontario Ministry of the Environment, Conservation and Parks RE: Source Protection Committee Chair Reappointments

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5. DISCUSSION ITEMS

- a) Report No. SPA-02-22: Updates to the Operating Policy of the Source Protection Committee Member's Handbook

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6. NEW BUSINESS
7. CLOSED SESSION (IF REQUIRED)
8. ADJOURNMENT

**SOURCE PROTECTION AUTHORITY
ON-LINE VIDEO CONFERENCE
MEETING MINUTES**

**Ball's Falls Centre for Conservation
Glen Elgin Room
3292 Sixth Avenue, Jordan, ON**

**Friday, May 20, 2022
9:30 a.m.**

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.

MEMBERS PRESENT: R. Foster (Chair)
S. Beattie
D. Cridland
J. Hellinga
D. Huson
J. Ingrao
B. Johnson
K. Kawall
B. Mackenzie
J. Metcalfe
W. Rapley
R. Shirton
M. Woodhouse
B. Wright

MEMBERS ABSENT: R. Brady
B. Clark
L. Feor
E. Smith
B. Steele

STAFF PRESENT: C. Sharma, CAO / Secretary – Treasurer
G. Bivol, Clerk
A. Christie, Director, Land Operations
L. Gagnon, Director, Corporate Services

R. Hull, Manager, Strategic Business Planning and Public Relations
L. Lee-Yates, Director, Watershed Management
T. Proks, Source Water Protection Coordinator
G. Shaule, Administrative Assistant

The Chair called the meeting to order at 9:33 a.m..

1. APPROVAL OF AGENDA

Resolution No. SPA-05-2022

Moved by Board Member Johnson

Seconded by Board Member Wright

THAT the Source Protection Authority agenda dated May 20, 2022 **BE** hereby **APPROVED** as presented.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF MINUTES

- a) Approval of the Minutes of the Source Protection Authority meeting dated April 22, 2022

Resolution No. SPA-06-2022

Moved by Board Member Cridland

Seconded by Board Member Huson

THAT the minutes of the Source Protection Authority Board meeting dated April 22, 2022 **BE ADOPTED**.

CARRIED

4. CORRESPONDENCE

None.

5. PRESENTATIONS

None.

6. CONSENT ITEMS

None.

7. DISCUSSION ITEMS

a) Report No. SPA-02-22 RE: SPC Member Appointment

Resolution No. SPA-07-2022

Moved by Board Member Shirton

Seconded by Board Member Woodhouse

1. **THAT** Report No. SPA-02-22 RE: SPC Member Appointment **BE RECEIVED** and hereafter **DEEMED** a public document.
2. **THAT** the Source Protection Authority **RE-APPOINT** Ms. Annie Michaud to represent the Commercial Sector on the Niagara Peninsula Source Protection Committee.
3. **AND THAT** the Source Protection Authority **RE-APPOINT** Mr. Carl Bodimeade to represent the Public-at-Large on the Niagara Peninsula Source Protection Committee.

CARRIED

8. NEW BUSINESS

None.

9. CLOSED SESSION

None.

10. ADJOURNMENT

With no further business, the Source Protection Authority adjourned at 9:39 a.m..

Robert Foster
Chair,
Source Protection Authority

Chandra Sharma
Chief Administrative Officer / Secretary -
Treasurer
Source Protection Authority

From: protection, source (MECP) <source.protection@ontario.ca>
Sent: Wednesday, October 19, 2022 5:02 PM
To: Thomas Proks <tproks@npca.ca>

Subject: Source Protection Committee Chair Reappointments

Good day Chairs,

Please accept my congratulations on your reappointment as a Source Protection Committee Chair. Thank you for your ongoing commitment to helping to safeguard Ontario's drinking water sources.

In the near future, I will be reaching out to you to schedule time to connect with one-on-one, as we did last year. I'm looking forward to hearing your thoughts on the priorities, concerns and successes for your local area, or ideas you would like me to consider related to the program. I have asked my office to schedule some time in our calendars in the coming weeks.

In the meantime, we are scheduling time for us to meet as a group to review the terms and conditions of this appointment (i.e., Appendix 1 of the reappointment letter), some of which may be different from previous appointments. For example, you may have noticed that an adjustment has been made to the terms related to per diems. We would like to take the time to answer any questions you may have. We will follow up with a separate email to take a poll for a date/ time that best suits everyone.

Congratulations again, and I look forward to re-connecting with you all soon and continuing our important work together.

Regards,

Kirsten

KIRSTEN CORRIGAL (she/her) | **DIRECTOR, CONSERVATION AND SOURCE PROTECTION / ONTARIO MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS** | 300 WATER ST., PETERBOROUGH, ON K9J 3C7 | CELL: 705.987.5144 | kirsten.corrigal@ontario.ca

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REPORT TO: Source Protection Authority

SUBJECT: Updates to the Operating Policy of the Source Protection Committee Member's Handbook

REPORT NO: SPA-02-22

DATE: November 18, 2022

RECOMMENDATION:

1. **THAT** Report No. SPA-02-22: Updates to the Operating Policy of the Source Protection Committee Member's Handbook **BE RECEIVED**.
2. **THAT** the Source Protection Authority **APPROVES** the updates to the Operating Policy of the Source Protection Committee Member's Handbook.

PURPOSE:

To provide the details of the proposed changes to the Source Protection Committee Member's Handbook to the Source Protection Authority for their review and approval.

BACKGROUND:

Under Ontario Regulation 288/07 of the Clean Water Act, the Source Protection Committee is responsible for developing written rules of procedure for conducting business that are satisfactory to the Source Protection Authority. The current written rules of procedure for the Source Protection Committee are contained within the Source Protection Committee Member's Handbook, which was approved by the Source Protection Authority on November 20, 2019.

The Source Protection Committee Member's Handbook contains the following documents:

- I. Operating Policy
- II. Rules of Procedure
- III. Code of Conduct
- IV. Conflict of Interest

Section 3.0 of the Operating Policy in the Source Protection Committee Member's Handbook includes the details of Committee Membership, while subsection 3.4 speaks specifically to the terms of appointments and filling of membership vacancies.

Membership to the Source Protection Committee has always been conducted in accordance with sections 8 and 9 of Ontario Regulation 288/07 as indicated in subsection 3.4 of the Operating Policy. The regulation allows for member re-appointments but does not specify a limit to the total number of terms a member can be re-appointed.

Staff have connected with Project Managers of the other Source Protection Areas and Regions across Ontario to understand their procedure for Source Protection Committee member re-appointments. Based on staff findings, there seems to be an inconsistent approach to how member re-appointments are handled. Some Source Protection Committees are posting all membership vacancies (including membership term expirations) while others only post vacancies if their current members no longer wish to continue.

With that said, staff have endeavoured to create a procedure for membership appointments by updating the Operating Policy of the Source Protection Committee Member's Handbook. Appendix 1 includes a copy of the updated Source Protection Committee Member's Handbook, with the relevant sections highlighted. The proposed changes are as follows:

The addition of subsections 3.4.1 through 3.4.4 beneath subsection 3.4 of the Operating Policy within the Committee Members Handbook:

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, continued absence of a member of the committee, or the expiration of a member's term, 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.

3.4.1 In addition to the procedures set out in the Clean Water Act and its Regulations, all vacancies (other than municipal representatives, sub-rule 3.4.5) of the Source Protection Committee, whether by any of the above will be posted publicly and open for all interested parties, including existing members, to apply.

3.4.2 In the event a member's term is expiring, the posting for the member's vacancy will be posted no

earlier than 60 days for a maximum duration of 30 days prior to the actual vacancy date to prevent lower membership numbers that may impact quorum.

- 3.4.3 Posting of Source Protection Committee vacancies will be done in such a way as to reach the appropriate stakeholder groups (i.e., public vs. sector specific representatives).
- 3.4.4 All applicants to the Source Protection Committee membership will be reviewed by an ad-hoc committee consisting of the Chair, the Project Manager, and other staff of the Source Protection Authority as necessary, and the successful applicant will be selected based off the quality and relevance of the application as it pertains to the vacancy posting.
- 3.4.5 As indicated in Sub-rule 3.4.1, sub-rules 3.4.2 through 3.4.4 do not apply for municipal representatives to the SPC, as they are selected by their respective municipalities and then subsequently approved by the Source Protection Authority.

SUMMARY:

The updates to the Operating Policy of the Source Protection Committee Member's Handbook were presented to the Source Protection Committee on August 16, 2022 and were endorsed.

Moving forward, once the Source Protection Authority approves the endorsed updates to the Source Protection Committee Member's Handbook, the updates will take effect and the result will be a more transparent membership appointment process to the Source Protection Committee.

RELATED REPORTS AND APPENDICES:

Appendix 1: Source Protection Committee Member's Handbook

Prepared by:

Original Signed by:

Thomas Proks, P.Geo.
Source Water Protection Coordinator

Reviewed by:

Original Signed by:

David Deluce, MCIP, RPP
Senior Manager, Planning & Regulations

Submitted by:

Original Signed by:

Chandra Sharma, MCIP, RPP
CAO/Secretary-Treasurer



NIAGARA PENINSULA SOURCE PROTECTION AUTHORITY

Source Protection Committee Member's Handbook

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

Effective Date: Pending Source Protection Committee and Authority Approval

Last Updated: November 2019

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SCHEDULE 1 – O.REG. 288/07	

Niagara Peninsula SOURCE PROTECTION Area

Source Protection Committee Operating Policy

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, continued absence of a member of the committee, or the expiration of a member's term, 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.

3.4.1 In addition to the procedures set out in the Clean Water Act and its Regulations, all vacancies (other than municipal representatives, sub-rule 3.4.5) of the Source Protection Committee, whether by any of the above will be posted publicly and open for all interested parties, including existing members, to apply.

3.4.2 In the event a member's term is expiring, the posting for the member's vacancy will be posted no earlier than 60 days for a maximum duration of 30 days prior to the actual vacancy date to prevent lower membership numbers that may impact quorum.

3.4.3 Posting of Source Protection Committee vacancies will be done in such a way as to reach the appropriate stakeholder groups (i.e., public vs. sector specific representatives).

3.4.4 All applicants to the Source Protection Committee membership will be reviewed by an ad-hoc committee consisting of the Chair, the Project Manager, and other staff of the Source Protection Authority as necessary, and the successful applicant will be selected based off the quality and relevance of the application as it pertains to the vacancy posting.

3.4.5 As indicated in Sub-rule 3.4.1, sub-rules 3.4.2 through 3.4.4 do not apply for municipal representatives to the SPC, as they are selected by their respective municipalities and then subsequently approved by the Source Protection Authority.

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.

NIAGARA PENINSULA SOURCE PROTECTION AREA

Rules of Procedure for Source Protection Committee

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.

NIAGARA PENINSULA SOURCE PROTECTION AREA

Code of Conduct for Members of Source Protection Committee

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.

NIAGARA PENINSULA SOURCE PROTECTION AREA

Conflict of Interest Policy for Members of Source Protection Committee

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.

Bill Hodgson, Chair

Thomas Proks, Project Manager

Voting Members

Annie Michaud

Adrin Willems

Carl Bodimeade

Carmen Vega

Darren Fry

Drew Semple

Robert Bator

Tim Rigby

Tony Dalimonte

Liaison Members

Glen Hudgin, Health Unit

Niagara Region

Brian Wright,
Source Protection Authority

Catherine Eby,
Ministry of Environment,
Conservation and Parks
