



Thames – Sydenham and Region Source Protection Authority Meeting Agenda

Source Protection Authority: Upper Thames River
Meeting Date: September 25, 2007
Meeting Time: 3:00 (dependant of CA business)
Meeting Location: UTRCA Board Room, London, Ontario

Agenda

1. Approval of the Agenda
2. Declaration of Conflicts of Interest
3. Election of Chair
4. Minutes From the Previous Meeting
5. Business for Approval
 - a. Rules of Order for SPA Meetings
(Report attached)(Document #68026)
 - b. Agreement between Source Protection Authorities in the Source Protection Region
(Report attached)(Document #68027)
 - c. Source Protection Authority liaison on the Source Protection Committee
(Report attached)(Document #68144)
 - d. Agreement between the Source Protection Authority and the Conservation Authority
(Report attached)(Document #68145)
6. Business for Information
 - a. Striking Committee Report
(Report attached)(Document #68147)
 - b. Insurance for the Source Protection Authority
(Report attached)(Document #68146)

- c. Strathroy-Caradoc participation on Source Protection Authority
(C.Tasker)(Verbal)

- 7. Other Business

- 8. Adjournment

Ian Wilcox, General Manager



Thames - Sydenham and Region
c/o Upper Thames River Conservation Authority
1424 Clarke Road, London, ON, N5V 5B9

Source Protection Authority Meeting
UTRCA Administration Boardroom
September 25, 2007

P.Huitema called the Source Protection Authority meeting to order at 3:50 p.m. in the Boardroom of the UTRCA Administration Office. The following members were in attendance:

Members:	J.Baechler	T.Jackson
	A.Bannister	C.Lauder
	M.Blackie	G.Marr
	J.Boyce	D.Mayberry
	J.Bryant	H.McDermid
	S.Clark	M.Wearn
	P.Huitema	

1. Approval of Agenda

C.Lauder moved – J.Baechler seconded:-

“RESOLVED that the agenda be approved as presented.”

2. Declaration of Conflicts of Interest

There were no conflicts of interest to declare.

3. Election of Chair

A.Bannister nominated P.Huitema as Chair of the Source Protection Authority. I.Wilcox called for nominations two addition times. There were no further nominations. P.Huitema accepted the nomination.

P.Huitema was elected as Chair of the Source Protection Authority.

4. Minutes of the Previous Meeting

H.McDermid moved – J.Bryant seconded:-

“RESOLVED that the minutes of the Source Protection Authority dated August 28, 2007 be approved as circulated.”

CARRIED.

5. Business for Approval

- (a) Rules of Order for Source Protection Authority Meetings
(Report attached)(Document #68026)

The report was presented for the members' consideration.

J.Baechler moved – G.Marr seconded:-

“RESOLVED that the recommendation be approved as outlined in the attached report.”

CARRIED.

- (b) Agreement between Source Protection Authorities in the Source Protection Region
(Report attached)(Document #68027)

C.Tasker presented the attached report for the members' consideration.

J.Baechler moved – M.Wearn seconded:-

“RESOLVED that the recommendation be approved as outlined in the attached report.”

CARRIED.

- (c) Source Protection Authority Liaison on the Source Protection Committee
(Report attached)(Document #68144)

It was noted that it would be appropriate to have a member of the Committee as the liaison. Member on the Source Protection Committee.

J.Bryant nominated J.Baechler as the liaison member on the Source Protection Committee.

C.Lauder nominated M.Blackie as the liaison member on the Source Protection Committee.

P.Huitema called for nominations one additional time.

There were no further nominations.

J.Baechler stated that she would stand down for M.Blackie to assume this role.

J.Bryant moved – J.Baechler seconded:-

“RESOLVED that M.Blackie be appointed to fill the role as the Source Protection Authority liaison on the Source Protection Committee, that the General Managers be named as alternatives to fill the role of Source Protection Authority Liaison on the Source Protection Committee, and the seat be

filled with the most appropriate alternates determined in consideration of the nature of the business being discussed.”

CARRIED.

- (d) Agreement between the Source Protection Authority and the Conservation Authority
(Report attached) Document #68145)

C.Tasker outlined the report for the members’ consideration.

J.Baechler moved – M.Wearn seconded:-

“RESOLVED that the Committee approve the recommendation as outlined in the attached report.”

CARRIED.

6. Business for Information

- (a) Striking Committee Report
(Report attached)(Document #68147)

A.Bannister presented the report as circulated. J.Baechler inquired whether the liaison member would be allowed the same per diem as the Committee members.

C.Tasker stated that the Province sees the liaison as a function of the Source Protection Authority Board and therefore that liaison would receive the per diem from this Board, not the per diem offered to the Committee members. He noted the different level of responsibilities.

Following a further discussion,

J.Baechler moved – C.Lauder seconded:-

“RESOLVED that the Source Protection Authority Committee direct staff to correspond with the Ministry of the Environment requesting that the liaison member receive the same per diem as the Committee members.”

CARRIED.

- (b) Insurance for the Source Protection Authority
(Report attached)(Document #68146)

C.Tasker outlined the attached report the members’ information.

- (c) Strathroy-Caradoc Participation on Source Protection Authority

C.Tasker outlined the action to be taken regarding this matter as discussed and approved at a previous Board of Directors’ meeting.

7. Other Business

There was no further business to discuss.

8. Adjournment

The meeting was adjourned on a motion by J.Baechler at 4:00 p.m.

I.Wilcox, General Manager

/ses
Att.

P.Huitema, Chair, Source Protection
Authority

Report to Source Protection Authorities in the Thames – Sydenham and Region

Agenda # 2007.09.5a

Cc SP Management Committee

Date October 2, 2007

From Chris Tasker, Project Manager

Re: Rules of order for SPA meetings

Recommendation

It is recommended that:

- 1. the rules of order of the Conservation Authority be adopted by the Source Protection Authorities;*
- 2. that the CA signing officers be appointed as the SPA signing officers; and*
- 3. meeting dates be set as the same dates as CA board meetings and that the meeting times be set at 3:00 pm (dependant on CA business)*

Background

Source Protection Authorities (SPA) are created by the Clean Water Act whereas Conservation Authorities (CA) have been created by municipalities under the Conservation Authorities Act. These two distinct entities have different roles and responsibilities under each act. In some cases the membership on the SPA will be different than the CA. MOE and CO have determined that separate meetings, agendas, and motions are required. Legal advice on this has also been sought by CO and confirms the need to hold distinct meetings of the SPA.

As a result the SPAs in the region must select a chair, vice-chair and determine the rules of order for the Authority.

Discussion

Membership on the SPAs in the Thames-Sydenham and Region is not significantly different than the membership of the CA. Each CA has a longstanding history of operation and has developed rules of order and administrative practices that work for the CA. It is proposed that each SPA adopt the rules of order, chair, vice-chair, and signing officers of the CA.

Meeting times for the SPA are to be coordinated with CA meetings whenever possible. From time to time special meetings of the SPA may be required to meet legislated responsibilities or to coordinate meetings with the other SPAs in the Region. The meetings should be arranged at a time within the normal meeting time of the CA where the CA may adjourn from the meeting and reconvene as an SPA. If necessary the CA could reconvene after the completion of the SPA business.

Report to Source Protection Authorities in the Thames – Sydenham and Region **Agenda #** 2007.09.5b
Cc SP Management Committee **Date** October 2, 2007
From Chris Tasker, Project Manager
Re: Agreement between Source Protection Authorities in the Source Protection Region

Recommendation

It is recommended that

- 1. the SPA direct the General Manager to work with the Source Protection Management Committee to develop an agreement as required by the Clean Water Act; and*
- 2. the Chair and General Manager be authorized to execute the agreement.*

Background

The Clean Water Act requires that the Source Protection Authorities (SPA) in a Source Protection Region (SPR) enter into an agreement and submit that agreement to the MOE by October 3, 2007.

This agreement must include:

- how each of the Authorities will contribute to achieving the obligations of the lead authority including establishing the SPC and nominating the chair
- how the lead authority will support the other authorities in meeting their obligation under the CWA
- how information will be shared between the authorities
- how provincial funding will be used or shared
- how authorities will work together
- how authorities will support the SPC
- how authorities will address cross boundary issues
- how consultation obligations will be met for the terms of reference

An agreement was entered into in December 2004 and later updated. This agreement established a management committee comprised of the General Managers of the 3 CAs.

Discussion

The 3 CAs have been working together to prepare for the development of the Source Protection Plan since late in 2004. This agreement should continue the working relationship and administrative practices established by the Management Committee under the current agreement. In developing the agreement wording that allows for the establishment of a joint committee of the 3 SPAs (similar to the striking committee) should be included. These committees could be established from time to time as required. The committees could be established by the chair and vice-chairs of the 3 SPAs or their delegates for a specific purpose and would dissolve upon the completion of the purpose.

Report to Source Protection Authorities in the Thames – Sydenham and Region

Agenda # 2007.09.5c

Cc SP Management Committee

Date October 2, 2007

From Chris Tasker, Project Manager

Re: Source Protection Authority Liaison on the Source Protection Committee

Recommendation

It is recommended that:

- 1. The Lead Source Protection Authority appoint a board member to fill the role of the Source Protection Authority liaison on the Source Protection Committee;*
- 2. The General Managers be named as alternates to fill the role of Source Protection Authority Liaison on the Source Protection Committee; and*
- 3. the seat be filled with the most appropriate alternates determined in consideration of the nature of the business being discussed.*

Background

Section 19 of Ontario Regulation 288/07 allows 3 liaisons to be appointed to attend and participate in discussions of the Source Protection Committee (SPC). A liaison is designated by the province, by the health units and by the Source Protection Authority (SPA).

The SPA liaison will allow a representative of the SPA to attend and participate in meetings of the SPC. Although staff would likely participate in all meetings it is possible that staff may be asked to leave if the committee were to deliberate behind closed doors. The liaisons identified in this section must be allowed to remain and participate in discussions. Although able to participate in discussions, the liaisons would not be able to make motions or vote on committee motions. Their input through the discussions would be available in consensus based decision making.

Discussion

The Lead Source Protection Authority has responsibilities related to the SPC including fiscal responsibilities for the committee and its work. As such a representative of the Lead SPA should participate as the SPA Liaison. It is expected however that if the discussion is to be on an issue related to a specific SPA, then an alternate from the appropriate SPA would act as the liaison for those discussions. General Managers are expected to be in attendance at Source Protection Committee meetings as well as the Source Protection Authority (SPA) and CA meetings. As such they would be available to act as a liaison between the SPA and the SPC.

Report to Source Protection Authorities in the Thames – Sydenham and Region

Agenda # 2007.09.5d

Cc SP Management Committee

Date October 2, 2007

From Chris Tasker, Project Manager

Re: Agreement between the Source Protection Authority and the Conservation Authority

Recommendation

It is recommended that

- 1. the SPA direct the General Manager to work with the Source Protection Management Committee to develop an agreement between the SPA and the CA based on the direction from CO and their lawyer; and*
- 2. that the Chair and General Manager be authorized to execute such agreement.*

Background

Conservation Authorities (CA) are established by municipalities under the Conservation Authorities Act while Source Protection Authorities (SPA) are established by the Clean Water Act (CWA). Although the CWA names the CA as the SPA, they remain two distinct entities. The Clean Water Act also gives some protection against liability for the Source Protection Committee, the Source Protection Authority and the staff of the Source Protection Authority. It does not offer that same protection to the Conservation Authority or its staff.

The Source Protection Authority is unlikely to have any staff or assets.

The issue of insurance is also related to this item and is discussed in report 2007.09.6b.

Discussion

CO has sought legal advice on this matter. CO also requested their lawyers to draft an agreement which would be the basis for the agreement to be entered into between each CA and the corresponding SPA in the Thames-Sydenham and Region.

This agreement will, among other things, allow the SPA to use the staff and assets of the CA for carrying out its duties under the Clean Water Act. The agreement also includes provisions for the SPA to indemnify the CA.

It is recommended that the Management Committee develop appropriate agreements based on the template provided by CO's lawyer and that the chairs and general managers be authorized to execute those agreements.

Report to Source Protection Authorities in the Thames – Sydenham and Region

Agenda # 2007.09.6a

Cc SP Management Committee

Date October 2, 2007

From Chris Tasker, Project Manager

Re: Striking Committee Report

Recommendation

It is recommended that the Source Protection Authority receive the report of the Striking Committee on their progress related to forming the Source Protection Committee.

Background

- Striking Committee was formed by the Conservation Authorities to carry out their responsibilities related to the formation of the Source Protection Committee

Discussion

- Albert Bannister was selected by the committee members as the chair of the striking committee
- Terms of reference was developed by the committee
- The striking committee provided 3 recommendations for the chair of the Source Protection Committee to the Minister of the Environment
- The Minister of the Environment appointed Robert Bedggood as chair of the Thames-Sydenham and Region Source Protection Committee.
- Attached is the press release and bio for Mr. Bedggood.
- The committee established the per diem for the Source Protection Committee. A per diem of \$200 per day was established. The per diem would be reduced to \$125 for meetings which were less than 3 hours. This per diem was established to account for all meeting preparation and travel to and from the meetings. In arriving at this per diem, the striking committee considered:
 - The committee would have considerable preparation time
 - Due to the size of the region some members would be faced with considerable travel time
 - Provincial guidance suggested a maximum per diem of \$200 based on similar provincial committees
 - Many other CAs had established or were considering per diems of close to \$200.
 - The need to have qualified candidates apply for a seat on the committee
 - Stakeholders, especially agricultural, indicated that their participation would be dependant on receiving an appropriate per diem. Many of these

stakeholders are familiar with provincial committees and the per diems which are paid by the province

- The committee established that the per diem will only be available for SPC members attending SPC meetings and SPC members who chair working group meetings. Other committee members attending working groups would not be paid, nor would non-committee members participating on the working group. This is intended to acknowledge the additional work required of working group chairs.
- The committee established that the mileage rate to be paid to the SPC members would be tied to the rate of the UTRCA.
- The committee considered comments received on the structure of the Source Protection Committee. After due consideration to the comments received the final committee structure was established and staff were directed to post the structure, the comments and the responses on the DWSP web site and to advertise that the decision had been made.

Report to Source Protection Authorities in the
Thames – Sydenham and Region

Agenda # 2007.09.6b

Cc SP Management Committee

Date October 2, 2007

From Chris Tasker, Project Manager

Re: Insurance for the Source Protection Authority

Background

- Conservation Ontario (CO) has requested an opinion from their lawyer to characterize the relationship between the CA and the SPA and also identify the potential liabilities of the CA. This report is based on the response from the lawyer.
- CAs have errors and omissions, general liability and officers and directors liability insurance. Most CAs have this insurance through a group policy. LTVCA is insured independently.
- CO has explored the potential to have the insurance of CAs, insured through the group policy, extended to cover the SPA and work undertaken under the Clean Water Act (CWA)

Discussion

- CAs are formed under the CA Act which identifies the CA as a body corporate
- Source Protection Authorities (SPAs) are formed by the CWA
- The SPA is a decision making body, separate from the CA, which has duties, rights and responsibilities distinct from those of the CA. Therefore, the decisions of the SPA must be kept separate from the CA (separate meetings, agendas, minutes). SPA rules of order and procedures are dealt with in a separate report.
- Decisions made by the SPA may result in direction given to the CA which will be carried out by the staff of the CA. An agreement between the CA and the SPA will clarify this relationship and is the subject of a separate report. The agreement would provide that the SPA and SPC would save harmless and indemnify the CA and its staff in the course of carrying out the duties for the SPC and SPA.
- The CWA has provisions in Section 98 to limit the potential liability of the SPA, SPC, their employees and agents. The proposed agreement between the CA and the SPA is intended to, among other things, extend the protection offered by the CWA to CA staff carrying out the direction of the SPA, making them agents of the SPA or SPC. This limitation is something that insurers should take into account in determining the risks associated with extending CA insurance to cover the SPA and work undertaken by the SPA and CA under the CWA
- CO has discussed the extension of existing CA coverage to include the new duties being carried out under the CWA and extending similar coverage to the SPA. Although the discussions are not yet finalized it would appear that the coverage under the group policy can be extended with minimal increases in costs to the individual CAs enrolled in the group policy. Those CAs not covered by the group policy (including the LTVCA) will need to initiate similar discussions with their insurers.
- It has also been suggested that insurance for the SPC should be considered.