

UPPER THAMES RIVER CONSERVATION AUTHORITY BOARD OF DIRECTORS' MEETING

AGENDA

TUESDAY, APRIL 28, 2020 at 9:30 A.M
Virtual Meeting Due to COVID-19 Pandemic

- 1. Approval of Agenda**
Mover: M.Blosh
Seconder: D.Edmiston
THAT the Board of Directors approve the Agenda as posted.
- 2. Declaration of Conflicts of Interest**
- 3. By-Law Amendments to Allow Electronic Meetings During Municipal or Provincial Declared Emergencies – I.Wilcox/T.Annett Admin #3707**
Mover: A.Hopkins
Seconder: T.Jackson
- 4. Minutes of the Previous Meeting: Thursday February 20, 2020**
Mover: N.Manning
Seconder: H.McDermid
THAT that the UTRCA Board of Directors approve the Board of Directors' minutes dated February 20, 2020 as posted on the Members' web-site.
- 5. Business Arising from the Minutes**
- 6. Delegations**
- 7. Business for Approval**
 - 7.1 Agricultural Land Leases – A.Shivas/B.Mackie #122716
Mover: P.Mitchell
Seconder: A.Murray
THAT the Board of Directors approve the recommendation as presented in the report.
- 8. Business for Information**
 - 8.1 2019 Health and Safety Summary – C.Ramsey # 123305
Mover: B.Petrie
Seconder: J.Reffle
THAT the Board of Directors receives the report as presented.

8.2 Section 28 Status Report – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (O.Reg157/06) – T.Annett ENVP #8743
Mover: J.Salter
Seconder: M.Schadenberg
THAT the Board of Directors receives the report as presented.

8.3 COVID-19 Updates – I.Wilcox # 123255
Mover: A.Westman
Seconder: M.Blosh
THAT the Board of Directors receives the report as presented.

8.4 Correspondence from the Municipality of South Huron – attached
Mover: D.Edmiston
Seconder: A.Hopkins
THAT the Board of Directors receives the report as presented.

9. Other Business (Including Chair and General Manager’s Concluding Remarks)

10. Closed Session – In Camera

10.1 Negotiations – A.Shivas
Mover: T.Jackson
Seconder: N.Manning
THAT the Board of Directors adjourn to Closed Session – In Camera

MOVED BY: H.McDermid
SECONDED BY: P.Mitchell
THAT the Board of Directors Rise and Report progress.

Mover: A.Murray
Seconder: B.Petrie
THAT the Board of Directors approve the recommendation as presented in the report.

11. Adjournment
Mover: J.Reffle

****There will be a Source Protection Authority meeting
following the Board of Directors meeting****



Ian Wilcox, General Manager

c.c. Members of the Board of Directors and Staff

MINUTES
BOARD OF DIRECTORS' MEETING
Virtual Meeting Due to COVID-19 Pandemic
TUESDAY, APRIL 28, 2020

Members Present:	M.Blosh A.Dale A.Hopkins T.Jackson S.Levin N.Manning H.McDermid	P.Mitchell A.Murray B.Petrie J.Reffle J.Salter M.Schadenberg A.Westman
Regrets:	D.Edmiston	
Solicitor:	G.Inglis	
Staff:	T.Annett F.Brandon-Sutherland D.Charles B.Glasman C.Harrington T.Hollingsworth J.Howley B.Mackie	C.Ramsey A.Shivas C.Saracino J.Schnaithmann C.Tasker B.Verscheure M.Viglianti – Recorder I.Wilcox K.Winfield

1. Approval of Agenda

This meeting was chaired by Authority Vice-Chair A.Dale, due to a previous commitment that required Authority Chair S.Levin to briefly leave the meeting.

The Chair confirmed the mover and seconder were willing to let their names stand.

Mover: M.Blosh

Secunder: B.Petrie

THAT the Board of Directors approve the Agenda as posted.

Carried.

2. Declaration of Conflicts of Interest

The Chair inquired whether the members had any conflicts of interest to declare relating to the agenda. S.Levin informed the Board he would recuse himself from the in-camera session due to a connection to the person named in the report.

3. By-Law Amendments to Allow Electronic Meetings During Municipal or Provincial Declared Emergencies

The Chair confirmed the mover and seconder were willing to let their names stand.

A friendly amendment was made to amend the wording of Section 10.2 L to change the recorded result of no indication of a vote from a negative vote to an abstention.

Mover: A.Hopkins

Secunder: T.Jackson

THAT the Board of Directors amend Section 10.2 L of the By-Law Amendment to read “(...) if there is no indication of a vote, the vote will be recorded as abstaining unless directed otherwise by the Chair”. And further, that the Board of Directors approve the recommendations as presented in the report.

Carried.

4. Minutes of the Previous Meeting
February 20, 2020

The Chair confirmed the mover and seconder were willing to let their names stand.

Move: N.Manning

Secunder: H.McDermid

THAT that the UTRCA Board of Directors approve the Board of Directors’ minutes dated February 20, 2020 as posted on the Members’ web-site.

Carried.

5. Business Arising from the Minutes

T.Jackson raised a point of order in regards to the motion to object to the consideration of a question, agenda item 7.1 from the February 20th meeting. The point of order was submitted in writing to the Chair, Vice-Chair and staff just prior to this meeting. To allow staff time to gather information, T.Jackson deferred this matter to the next meeting.

6. Delegations

There were no delegations.

7. Business for Approval

7.1 Agricultural Land Leases

The Chair confirmed the mover and seconder were willing to let their names stand.

Mover: P.Mitchell

Secunder: A.Murray

THAT the Board of Directors approve the recommendation as presented in the report.

Carried.

Staff confirmed that the agricultural land leases do not impact the ability of the UTRCA to sell or retire land.

8. Business for Information

8.1 2019 Health and Safety Summary

The Chair confirmed the mover and seconder were willing to let their names stand.

Mover: B.Petrie

Secunder: J.Reffle

THAT the Board of Directors receives the report as presented.

Carried.

The Board asked staff to provide an update later in the year on the last quarter of 2019 and COVID-19.

8.2 Section 28 Status Report – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (O.Reg157/06)

The Chair confirmed the mover and seconder were willing to let their names stand.

Mover: J.Salter

Secunder: M.Schadenberg

THAT the Board of Directors receives the report as presented.

Carried.

Staff are preparing for a potential sudden increase in the volume of applications once more workplaces re-open.

Once the details of the reporting process are refined and finalized by Conservation Ontario, there will be required yearly reporting to Conservation Ontario.

8.3 COVID-19 Updates

The Chair confirmed the mover and seconder were willing to let their names stand.

I. Wilcox introduced the report and highlighted tree planting and Conservation Areas as two programs facing some uncertainty, while most other areas of business are still fully operational. Staff submitted an application to receive the first round of the Canada Emergency Wage Subsidy after obtaining an opinion from the Canada Revenue Agency (CRA) that the UTRCA was eligible.

The existing budget and the possibility of receiving revised budget scenarios from staff was discussed. It was noted that due to the fluidity of the current situation, a level of certainty around a Provincial return to work plan would be needed before a revised budget or budget scenarios could be developed. At the request of the Board, a report summarizing mitigation strategies will be provided at the April Board meeting, and the Board will be kept up to date on any significant announcements or new information that may impact the budget.

Staff confirmed that to date, existing contracts have not been affected and new contracts have been found and started.

Mover: A. Westman

Secunder: M. Blosch

THAT the Board of Directors receives the report as presented.

Carried.

8.4 Correspondence from the Municipality of South Huron

The Chair confirmed the mover and seconder were willing to let their names stand.

Mover: J. Reffle

Secunder: A. Hopkins

THAT the Board of Directors receives the report as presented.

CARRIED

9. Other Business (Including Chair and General Manager's Concluding Remarks)

The Chair advised that the May meeting will most likely be held in this format.

10. Closed Session – In Camera

10.1 Negotiations

S.Levin recused himself from the in camera session due to a connection to the person named in the report. The Chair confirmed the mover and seconder were willing to let their names stand.

Mover: T.Jackson

Seconder: N.Manning

THAT the Board of Directors adjourn to Closed Session – In Camera.

Carried.

Progress Reported

Mover: A.Murray

Seconder: B.Petrie

THAT the Board of Directors approve the recommendation as presented in the report.

Carried.

11. Adjournment

There being no further business, the meeting was adjourned at 11:22 am on a motion by J.Reffle.



Ian Wilcox

General Manager

Att.

To: UTRCA Board of Directors
From: Ian Wilcox
Date: May 27, 2020 **Agenda #:** 3.
Subject: Provincially Directed By-Law Changes to Allow Electronic Meetings **Filename:** ::ODMA\GRPWISE\UT_MAIN.UTRCA_PO.Administration:3707.1

Recommendations:

THAT the Upper Thames River Conservation Authority (UTRCA) Board of Directors approve amendments to Section 10 of The UTRCA’s Administrative By-law to enable electronic participation during declared emergencies in all or part of the area over which UTRCA has jurisdiction consistent with the Ministers Direction and outlined in this report; and
THAT the Board of Directors direct staff to post the amended Administrative By-law on the UTRCA website; and further
THAT the UTRCA Board of Directors direct staff to post the MECP Minister’s Direction that enables conservation authorities to convene a special meeting of the board electronically in order to make the necessary amendments to their by-law to deal with emergencies on the UTRCA website.

Background:

On March 26, 2020, the Minister of the Environment, Conservation and Parks issued a Direction to all Conservation Authorities (“CAs”) recommending amendments to Conservation Authority Administrative by-laws to allow for virtual meetings, including teleconferences, during declared emergencies (Direction is attached). The primary purpose of this report is to obtain Board approval for amendments to the UTRCA Administrative By-Law to permit electronic meetings and teleconferencing options in a Declared Emergency.

Discussion:

In an effort to maintain consistency between Ontario Conservation Authority By-Laws, Conservation Ontario provided the attached report in response to the Direction from the Minister of the Environment, Conservation and Parks. Amendments to the UTRCA’s Administrative By-Laws have been made consistent with the recommendations of Conservation Ontario and by incorporating additional updates made by other CA’s.

Although not specified in the Minister’s Direction, it is recommended that during declared emergencies, all delegations to the Board, as determined by the Chair, be received in the form of written submissions only.

Conservation Ontario also provided guidance for Procedural Best Practices #1 for CA Board Meetings further to Minister’s Direction (March 26, 2020). General procedures for meetings during emergencies has also been added as a Subsection toe Electronic Meetings in Section 10.2.

To implement the proposed changes to the Administrative By-Law, The Minister's Direction states that:

- 1) A conservation authority may hold a special meeting to amend a by-law for the purposes of implementing a Minister's Direction ("Direction") pursuant to subsection 19.1 (7) of the Conservation Authorities Act.
- 2) Despite any provision in a by-law made under subsection 19.1 (1) of the Conservation Authorities Act, members of the authority can participate electronically in any special meeting that is required to implement a Minister's Direction.
- 3) A member of the authority that is participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

Summary:

The above noted amendments to the UTRCA Administrative By-Law are required to permit electronic meetings and teleconferencing options during a Declared Emergency.

Attached:

- **Minister's Direction for Conservation Authorities during the COVID-19 Outbreak**
- **Conservation Ontario Guidance During Pandemic Conditions - Amendment to CA Administrative Bylaws further to Minister's Direction (April 6, 2020)**
- **Conservation Ontario Guidance During Pandemic Conditions Procedural Best Practices #1 for CA Board Meetings further to Minister's Direction (March 26, 2020)**
- **Amended UTRCA By-Law**

Recommended by:

Ian Wilcox, General Manager

Prepared by:

Tracy Annett, Manager, Environmental Planning and Regulations

Michelle Viglianti, Administrative Assistant

Ministry of the Environment,
Conservation and Parks

Ministère de l'Environnement,
de la Protection de la nature et des
Parcs



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March 26, 2020

TO: Conservation Authorities as listed in the attached **Schedule “A”**

SUBJECT: Minister’s Direction for Conservation Authorities during the COVID-19
Outbreak

As the COVID-19 outbreak continues to evolve locally and globally, I am writing to provide direction on how conservation authorities can continue operations while maintaining a safe physical distance. To ensure conservation authorities can continue to conduct meetings and hearings as necessary, we are giving conservation authorities the ability to amend their administrative by-laws to allow for virtual meetings, including by teleconference.

As such, I am issuing this Minister’s Direction (“**Direction**”) pursuant to subsection 19.1 (7) of the *Conservation Authorities Act*. This Direction applies to all conservation authorities in Ontario, listed in **Schedule “A”** as attached. For greater certainty, this Direction also applies to conservation authorities when meeting as a source protection authority under the *Clean Water Act, 2006*.

The *Conservation Authorities Act* requires that, “[e]very meeting held by the authority shall be open to the public, subject to such exceptions as may be specified in the by-laws of the authority.” Further, at any meeting that is held, “a quorum consists of one-half of the members appointed by the participating municipalities, except where there are fewer than six such members, in which case three such members constitute a quorum”. It has been brought to my attention that the administrative by-laws that conservation authorities have adopted pursuant to subsection 19.1 (1) of the Act may create barriers in meeting these provisions of the Act during this time of emergency, where in-person attendance may not be feasible.

The primary purpose of this Direction is to enable conservation authorities to convene a meeting electronically in order to make the necessary amendments to their by-laws to deal with emergencies. This Direction identifies the minimum areas where the by-laws should be amended, in the manner deemed appropriate by the authority, to make provision for emergency situations. However, each conservation authority, depending on their individual by-laws, may identify the need to make other necessary amendments to respond to emergencies.

Accordingly, I am directing that the conservation authority review and amend their by-laws, as applicable, to ensure they comply with the following Direction and take the other necessary steps as set out in this Direction.

Electronic participation, emergencies

1. During any period where an emergency has been declared to exist, in all or part of an area over which a conservation authority has jurisdiction, under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, that may prevent members of the authority from meeting in person, the by-laws provide:
 - a. That members of the authority be permitted to participate in meetings electronically, which shall include the ability of those members participating electronically to register votes.
 - b. That any member of the authority who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time during the meeting in accordance with the requirement in subsection 16 (2) of the *Conservation Authorities Act*.
 - c. That any member of the authority can participate electronically in a meeting that is closed to the public.
 - d. That any hearing or appeal that is dealt with in the by-laws can be conducted electronically with provisions for applicants and their agents to participate, if the conservation authority holds any such hearing or appeal during any period where an emergency has been declared to exist.

Meetings open to the public

2. Conservation authorities must continue to implement best practices to make board meetings open to the public in accordance with subsection 15 (3) of the *Conservation Authorities Act*. Where possible, conservation authorities must provide for alternative means to allow the public to participate in any meetings electronically.

General, emergency measures

3. If there is anything that is required to be done under the by-laws during the emergency, including the holding of an annual general meeting, that the by-laws permit postponement to a later date.

Publication of information

4. The conservation authorities listed in Schedule "A" shall make this Direction publicly available on a website or other electronic means.

5. In accordance with subsection 19.1 (4) of the *Conservation Authorities Act*, an authority shall make any by-laws that are amended in accordance with this Direction available to the public in the manner it considers appropriate.

Implementation procedure

6. A conservation authority may hold a special meeting to amend a by-law for the purposes of implementing this Direction.
7. Despite any provision in a by-law made under subsection 19.1 (1) of the *Conservation Authorities Act*, members of the authority can participate electronically in any special meeting that is required to implement this Direction.
8. A member of the authority that is participating electronically in such a special meeting may be counted in determining whether or not a quorum of members is present at any time during the meeting.

Effective date

9. This Direction is effective immediately. If it is in the public interest to do so, I will provide further direction or clarification, at a later date, related to the matters set out in this Direction.

If you have any questions related to this Direction, please contact:

Chloe Stuart
Assistant Deputy Minister, Land and Water Division, MECP
Robinson PI South Tower, 6th Floor
300 Water Street
Peterborough ON K9J 3C7
(705) 755-5341
chloe.stuart@ontario.ca

To learn more about how the province continues to protect Ontarians from COVID-19, please visit www.ontario.ca/coronavirus.

Sincerely,



Jeff Yurek
Minister of the Environment, Conservation and Parks

- c: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable John Yakabuski, Minister of Natural Resources and Forestry
Ms. Kim Gavine, General Manager, Conservation Ontario



Conservation
ONTARIO

March 31, 2020 (amended April 6, 2020)

Conservation Ontario Guidance During Pandemic Conditions
Amendment to CA Administrative Bylaws
further to Minister's Direction (March 26, 2020)

Issue

The corona virus disease (COVID-19) was declared a pandemic by the World Health Organization on March 11, 2020. Source of information: <https://www.who.int/>. Conservation authorities need to amend their Administrative Bylaws to enable ongoing business during a state of emergency.

Advice

On March 26, 2020, the Minister of the Environment, Conservation and Parks issued a Direction to all Conservation Authorities ("CAs") recommending amendments to CA Administrative by-laws to allow for certain electronic processes during declared states of emergencies.

Attached are proposed amendments to the sections in the Model By-Law provided in *Conservation Authority Best Management Practices (BMP) and Administrative By-Law Model* (Conservation Ontario, 2018) to help guide CAs. Each CA will need to consider their own by-laws to determine where best to include these amendments. This is a guideline and CAs may wish to seek independent legal advice.

In the updated model bylaw the citation is 1B under "C. Meeting Procedures" (Section 1 "Rules of Procedure" will become section "1A. Rules and Procedure").

C. Meeting Procedures

1A. Rules of Procedure

...

1B. Declared State of Emergency

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, that may prevent the General Membership from meeting in person, a Member may participate in meetings electronically and shall have the ability to:

- a. *register a vote;*
- b. *be counted towards determining quorum; and*
- c. *participate in meetings closed to the public.*

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, that may prevent the General Membership from meeting in person, any date or timeline

requirement established under any Section in this By-law shall be postponed until such time as the General Membership can reasonably address the issue.

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, the Authority shall implement best practices to make meetings of the Authority open to the public in accordance with Subsection 15(3) of the Act. Where possible, the Authority will provide for alternative means for the public to participate in meetings electronically.

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, that may prevent the General Membership from meeting in person, any hearing or appeal dealt with in this By-law may be conducted electronically with provisions for applicants and their agents to participate if the Authority decides to hold any such hearing or appeal.

Ault & Ault Law Firm (working with South Nation Conservation) is acknowledged for their preparation of the draft clauses.

NOTE: Conservation Ontario guidance memos are not to be considered as legal advice. Conservation authorities are encouraged to obtain a legal opinion where appropriate.

Questions or More Information:

Bonnie Fox

905-717-2008

bfox@conservationontario.ca



March 31, 2020

Conservation Ontario Guidance During Pandemic Conditions

Procedural Best Practices #1 for CA Board Meetings further to Minister's Direction (March 26, 2020)

Issue

The corona virus disease (COVID-19) was declared a pandemic by the World Health Organization on March 11, 2020. Source of information: <https://www.who.int/>.

Recommended amendments to CA Administrative by-laws have been kept high-level and do not address all possible procedural issues that might arise further to implementation of the Minister's Direction and during a state of emergency, including topics in this Procedural Best Practices #1 related to closed or in-camera sessions and delegations.

Advice

On March 26, 2020, the Minister of the Environment, Conservation and Parks issued a Direction to all Conservation Authorities ("CAs") enabling a special meeting to be held to make some recommended amendments to their Administrative by-laws to allow for certain electronic processes during declared states of emergencies. A separate CO Guidance Memo has been issued on recommended Model bylaw amendments.

In addition to amending the Administrative by-laws, CAs should consider additional procedural issues that may arise during a state of emergency. Some of those issues are outlined below. CAs are also encouraged to review the [Minister's Direction](#) carefully including the requirement to *make this Direction publicly available on a website or other electronic means*, and to review the information prepared by the Association of Municipalities Ontario, which provides helpful guidelines for conducting meetings electronically, particularly regarding participation of the public including: http://www.amo.on.ca/AMO-PDFs/COVID19/AMO_MeetingGuidance_Mar21.aspx?zs=utKdL1&zl=6F2a1

Closed or In-Camera Sessions:

Prior to the Direction, CA members could not attend closed meetings electronically. The proposed amendments allow for electronic attendance during emergencies. Electronic participation will pose certain challenges. When starting a closed session where members are attending electronically, we recommend taking the following additional steps:

- 1) Roll call: retake attendance and confirm that everyone's connection is working;
- 2) Confirm that all members are in a private setting (ie: family members are not able to listen in on the meeting);
- 3) Remind everyone that all confidentiality rules apply, and they must treat any documents and information with the same level of care that they would in a regular closed meeting.

Closed sessions often deal with sensitive information such as human resources issues, workplace investigations etc. Members must take extra care to maintain privacy. Depending on the nature of the documents they review, the Chair or Secretary-Treasurer may direct members to delete documents at the conclusion of the meeting (for example- documents that would usually be collected at the end of a regular closed meeting).

Delegations:

Municipalities and other groups may request to attend meetings as a delegation. Under the template by-laws, they have to request participation in a meeting well in advance. During an emergency, if a group requests to participate as a delegation, the chair is encouraged to reach out the leader of the delegation to plan for their attendance electronically.

Ault & Ault Law Firm (working with South Nation Conservation) is acknowledged for their preparation of this advice.

NOTE: Conservation Ontario guidance memos are not to be considered as legal advice. Conservation authorities are encourage to obtain a legal opinion where appropriate.

Questions or More Information:

Bonnie Fox
905-717-2008
bfox@conservationontario.ca

ADMINISTRATIVE BY-LAW for the Upper Thames River Conservation Authority



Photo: Tom Arban Photography Inc.

UPPER THAMES RIVER CONSERVATION AUTHORITY

Administrative By-Law

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I. Background

1. Amendments to the *Conservation Authorities Act*

The *Conservation Authorities Act*, as amended by the *Building Better Communities and Conserving Watersheds Act, 2017*, provides direction for conservation authorities to make such by-laws as are required for its proper administration. The new bylaws will replace administrative regulations created under the repealed Section 30 of the Act. Current administrative bylaws will cease to be in force upon the earlier of a) December 12, 2018 (one year after Section 19.1 came into force), or b) the day the regulation is revoked by the authority.

Section 19.1 of the Act, sets out the requirements for by-laws as follows:

By-laws

19.1 (1) An authority may make by-laws,

- (a) respecting the meetings to be held by the authority, including providing for the calling of the meetings and the procedures to be followed at meetings, specifying which meetings, if any, may be closed to the public;
- (b) prescribing the powers and duties of the secretary-treasurer;
- (c) designating and empowering officers to sign contracts, agreements and other documents on behalf of the authority;
- (d) delegating all or any of its powers to the executive committee except,
 - (i) the termination of the services of the secretary-treasurer,
 - (ii) the power to raise money, and
 - (iii) the power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the authority;
- (e) providing for the composition of its executive committee and for the establishment of other committees that it considers advisable and respecting any other matters relating to its governance;
- (f) respecting the roles and responsibilities of the members of the authority and of its officers and senior staff;
- (g) requiring accountability and transparency in the administration of the authority including,
 - (i) providing for the retention of records specified in the by-laws and for making the records available to the public,
 - (ii) establishing a code of conduct for the members of the authority, and
 - (iii) adopting conflict of interest guidelines for the members of the authority;

- (h) respecting the management of the authority's financial affairs, including auditing and reporting on the authority's finances;
- (i) respecting the by-law review required under subsection (3) and providing for the frequency of the reviews; and
- (j) respecting such other matters as may be prescribed by regulation.

Conflict with other laws

(2) If a by-law made by an authority conflicts with any provision of the *Municipal Conflict of Interest Act* or the *Municipal Freedom of Information and Protection of Privacy Act* or a provision of a regulation made under one of those Acts, the provision of the Act or regulation prevails.

Periodic review of by-laws

(3) At such regular intervals as may be determined by by-law, an authority shall undertake a review of all of its by-laws to ensure, amongst other things, that the by-laws are in compliance with any Act referred to in subsection (2) or any other relevant law.

By-laws available to public

(4) An authority shall make its by-laws available to the public in the manner it considers appropriate.

Transition

(5) An authority shall make such by-laws under this section as are required for its proper administration,

- (a) in the case of an authority that was established on or before the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, within one year of that day; and
- (b) in the case of an authority that is established after the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force, within one year of the day the authority is established.

Same

(6) Despite the repeal of section 30 by section 28 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017*, a regulation that was made by an authority under that section continues in force after the repeal until the earlier of,

- (a) the day that is one year after the day section 16 of Schedule 4 to the *Building Better Communities and Conserving Watersheds Act, 2017* comes into force; and
- (b) the day the regulation is revoked by the authority.

Direction by Minister

(7) The Minister may give an authority a written direction to make or amend a by-law on any matter described in subsection (1), in accordance with the direction, within such period of time as may be specified in the direction.

Compliance

(8) The authority that receives a direction under subsection (7) shall comply with the direction within the time specified in the direction.

Regulation where failure to comply

(9) If an authority fails to adopt a by-law in accordance with the direction made under subsection (7), the Minister may make regulations in relation to the matters set out in the direction that are applicable in the area of jurisdiction of the authority.

Same

(10) Any regulation made by the Minister under subsection (9) prevails over any conflicting by-law that the authority may have adopted.

2. Basis of this Draft Administrative By-law and Appendices

Conservation Ontario provided a model for an Administrative By-law and the Best Management Practices (Code of Conduct, Conflict of Interest Policy and Election of Officers Procedure) associated with the By-laws required under Section 19.1 of the *Conservation Authorities Act*. It is the guideline which was used as the basis for these governing documents.

The Administrative By-law Model and Best Management Practices for Code of Conduct and Conflict of Interest are designed to ensure compliance with the requirements of Section 19.1.

Some wording in the Administrative By-law Model is suggested, but not required. Other sections are recommended, but the draft wording is specific to the Upper Thames River Conservation Authority.

It is a goal of this Administrative By-law Model and Best Management Practices to ensure a high level of consistency among conservation authorities, with respect to governance. One way to increase this consistency, is for all conservation authorities to adopt Administrative By-laws and Best Management Practices that are based on a single model. The Upper Thames River Conservation Authority documents follow the model provided by Conservation Ontario.

3. Conservation Ontario's Development of Best Management Practices (BMP) and Administrative By-law Model

By-laws are considered a legal governing document. In the spirit of best management practices of transparency and accountability, the approach to the language and layout of the Administrative By-law Model is to ensure it is understandable to the general public.

All existing conservation authority by-laws received by Conservation Ontario in July and August 2017 were reviewed during the preparation of the Administrative By-law template. The Conservation Ontario Working Group provided additional input in order to prepare that draft for review by all conservation authorities.

Where municipal legislation conflicts with any part of this by-law (e.g. *Municipal Conflict of Interest Act* or the *Municipal Freedom of Information and Protection of Privacy Act* or a provision of a regulation made under one of those Acts), the provision of that Act or regulation prevails.

Along with the issues identified by the Working Group the following resources were used as reference to research and analyze best management practices:

- Existing conservation authorities By-laws/Members Guidebooks/Policy and Procedures received by Conservation Ontario:
 - Sault Ste. Marie Conservation Authority
 - Toronto Region Conservation Authority
 - Upper Thames River Conservation Authority
 - Central Lake Ontario Conservation Authority
 - Essex Region Conservation Authority
 - Kawartha Region Conservation Authority
 - Hamilton Conservation Authority
 - Lower Thames Conservation Authority
 - Nottawasaga Conservation Authority
 - Saugeen Valley Conservation Authority
 - Catfish Creek Conservation Authority
 - Grand River Conservation Authority
- Provincial and other best management practices for board governance: *Ontario Not-for-Profit Corporations Act*, Ministry of Municipal Affairs, Association of Municipalities Ontario, Board of Health Governance Toolkit, other local boards under the Municipal Act, Ontario Ombudsman Municipal Meetings FAQ, Ontario Ombudsman investigations, British Columbia Integrity Office
- Not for Profit best management practices for board governance: First Reference Policy Pro, Board Governance Classics, *Canada Not-for-Profit Corporations Act*
- Ontario legislation:
 - *Conservation Authorities Act*;
 - *Municipal Act, Municipal Conflict of Interest Act*;
 - *Municipal Freedom of Information and Protection of Privacy Act*; and
 - *Accessibility for Ontarians with Disabilities Act*.

4. Legal Review and Finalization of this Document

Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017* came into force on December 12, 2017. Each conservation authority will have until December of 2018 to have Section 19.1 compliant by-laws in place. Due to timing of the 2018 municipal elections (October 22, 2018), conservation authorities should plan on adopting their new By-laws in the late summer or fall of 2018, prior to a significant turnover in their membership.

The draft BMP and Administrative By-law Model was circulated to all 36 conservation authorities in November 2017 and amendments were made further to the comments received. It was presented to Conservation Ontario Council on December 11, 2017, and received endorsement in principle.

South Nation Conservation coordinated a legal review of the document in February 2018.

Ministry of Natural Resources and Forestry staff reviewed the document and sought feedback from the Ministry of Municipal Affairs and the Association of Municipalities of Ontario. The requested changes resulting from those discussions have been incorporated. A 'final' version of the BMP and Administrative By-law Model was forwarded to MNR staff on March 7, 2018 and minor edits (e.g. wording changes, elimination of duplication) were undertaken at their request on April 5, 2018. This final version was brought to the April 16, 2018 Conservation Ontario Council meeting for endorsement. Beginning in April 2018, training and assistance will be available to individual conservation authorities so they can adopt their own version of the BMPs and Administrative By-law in 2018.

II. Administrative By-Law

Introduction

The Upper Thames River Conservation Authority (UTRCA) is a non-share corporation, established under Section 3 of the *Conservation Authorities Act*, with the objects to provide, in the area over which it has jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, coal and minerals.

Under the Act, municipalities within a common watershed are enabled to petition the province to establish a conservation authority. The purpose of the Act is to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario. The Authority is comprised of its Members, appointed as representatives by the Participating Municipalities, grouped by geographic boundaries;

City of London & County of Middlesex

- City of London (four members)
- Municipality of Middlesex Centre (one member)
- Municipality of Thames Centre & Township of Lucan-Biddulph (one member)

County of Oxford (five members)

- Township of Blandford-Blenheim & Township of East-Zorra Tavistock
- Town of Ingersoll
- Municipality of Norwich & Township of South-West Oxford
- City of Woodstock
- Township of Zorra

County of Perth

- Township of Perth East (one member)
- Township of Perth South, Town of St. Marys & Municipality of South Huron (one member)
- City of Stratford (one member)
- Municipality of West Perth (one member)

Mission/Vision - The Members of the Conservation Authority form the General Membership of the Conservation Authority. The Members are bound by the Act and other applicable legislation. The Authority must always act within the scope of its powers. As a non-share corporation, the Authority has the capacity and, subject to the Act and other applicable legislation, the rights, powers and privileges of a natural person. The powers of a conservation authority to accomplish its objects are set out in the Act, including those identified under subsection 21(1)

Vision of the UTRCA
Inspiring a healthy environment.

Mission of the UTRCA
The UTRCA is dedicated to achieving a healthy environment on behalf of the watershed municipalities through leadership, expertise, education, and community collaboration.

Ends

1. To protect life and property from flooding and erosion hazards;
2. To protect and improve water quality;
3. To manage and expand natural areas; and
4. To provide outdoor recreation and education opportunities.

Short term Goals

The short term goals are presented in the current strategic plan.

<http://thamesriver.on.ca/wp-content/uploads//Targets/EnvironmentalTargets-June2016.pdf>

Powers of authorities

21 (1) For the purposes of accomplishing its objects, an authority has power,

(a) to study and investigate the watershed and to determine programs and services whereby the natural resources of the watershed may be conserved, restored, developed and managed;

(b) for any purpose necessary to any project under consideration or undertaken by the authority, to enter into and upon any land and survey and take levels of it and make such borings or sink such trial pits as the authority considers necessary;

(c) to acquire by purchase, lease or otherwise and to expropriate any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired;

(d) despite subsection (2), to lease for a term of five years or less land acquired by the authority;

(e) to purchase or acquire any personal property that it may require and sell or otherwise deal therewith;

(f) to enter into agreements for the purchase of materials, employment of labour and other purposes as may be necessary for the due carrying out of any project or to further the authority's objects;

(g) to enter into agreements with owners of private lands to facilitate the due carrying out of any project;

(h) to determine the proportion of the total benefit afforded to all the participating municipalities that is afforded to each of them;

(i) to erect works and structures and create reservoirs by the construction of dams or otherwise;

(j) to control the flow of surface waters in order to prevent floods or pollution or to reduce the adverse effects thereof;

(k) to alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street or way, or raise or sink its level in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority, and to divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole;

(l) to use lands that are owned or controlled by the authority for purposes, not inconsistent with its objects, as it considers proper;

(m) to use lands owned or controlled by the authority for park or other recreational purposes, and to erect, or permit to be erected, buildings, booths and facilities for such purposes and to make charges for admission thereto and the use thereof;

(m.1) to charge fees for services approved by the Minister;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 21 (1) (m.1) of the Act is repealed. (See: 2017, c. 23, Sched. 4, s. 19 (3))

(n) to collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations and individuals;

(o) to plant and produce trees on Crown lands with the consent of the Minister, and on other lands with the consent of the owner, for any purpose;

(p) to cause research to be done;

(q) generally to do all such acts as are necessary for the due carrying out of any project or as may be desirable to further the objects of the authority.

A. Definitions

“**Authority**” means the Upper Thames River Conservation Authority

“**Act**” means the *Conservation Authorities Act*, R.S.O. 1990, chapter C.27

“**Chair**” means the Chairperson as referenced in the Act as elected by the Members of the Authority.

“**Declared Emergency**” is any emergency declared pursuant to the Emergency Management Civil Protection Act that has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act.

“**Electronic Meeting**” means a meeting called and held in full or in part via electronic means (including, but not limited to, video conference, audio conference, teleconference or other appropriate electronic means), and with or without in-person attendance.

“**Fiscal Year**” means the period from January 1 through December 31.

“**General Manager**” means the General Manager/Secretary-Treasurer as of the Authority, and which may, by resolution of the Authority, include the responsibilities of the Secretary-Treasurer if so designated by resolution of the Authority.

“**General Membership**” means all of the Members, collectively.

“**Levy**” means the amount of costs apportioned to participating municipalities in accordance with the Act and Regulations under the Act.

“**Majority**” means half of the votes plus one.

“**Members**” shall mean the members appointed to the Authority by the participating municipalities in the Authority’s area of jurisdiction.

“**Minister**” means the minister responsible for the administration of the Act.

“**Non-matching Levy**” means that portion of an Authority’s levy that meets the definition of non-matching levy as found in Ontario Regulation 139/96.

“**Officer**” means an officer of the Authority empowered to sign contracts, agreements and other documents on behalf of the Authority in accordance with section 19.1 of the Act, which shall include the Chair, Vice-Chair(s) the General Manager/Secretary-Treasurer.

“**Participating Municipality**” means a municipality that is designated by or under the Act as a participating municipality in a conservation authority.

“**Pecuniary 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.

“**Secretary-Treasurer**” means General Manager/Secretary-Treasurer of the Authority with the roles specified in the Act.

“**Staff**” means employees of the Authority as provided for under Section 18(1) of the Act.

“Vice-Chair” means the Vice-Chairperson as elected by the Members of the Authority. If a first and second Vice-Chair are elected, they shall be called First Vice-Chair and Second Vice-Chair.

“Weighted Majority” means the votes of 51 per cent of those represented after the votes are weighted by the percentage that applies under Ontario Regulation 139/96 for Municipal Levies.

B. Governance

1. Members

a) *Appointments*

Participating Municipalities within the jurisdiction of the Upper Thames River Conservation Authority may appoint Members in accordance with Section 14 of the Act.

Appointed Members must reside in a Participating Municipality within the Authority’s area of jurisdiction and may include citizens as well as elected members of municipal councils.

Collectively, the appointed Members comprise the Authority, and for the purposes of this by-law are also referred to as the General Membership.

b) *Term of Member Appointments*

In accordance with Section 14 of the Act, a Member shall be appointed for a term of up to four years at the discretion of the appointing municipal council; such term beginning at the first meeting of the Authority following his or her appointment and ending immediately before the first meeting of the Authority following the appointment of his or her replacement. The General Manager/Secretary-Treasurer shall notify the appropriate municipality in advance of the expiration date of any Member’s term, unless notified by the municipality of the Member’s reappointment or the appointment of his or her replacement. A Member is eligible for reappointment. A Member can be replaced by a Participating Municipality at the municipality’s discretion prior to the end of their term.

c) *Powers of the General Membership*

Subject to the Act and other applicable legislation, the General Membership is empowered without restriction to exercise all of the powers prescribed to the Authority under the Act. In addition to the powers of an authority under s.21 of the Act for the purposes of accomplishing its objects, as referenced in the introduction of this By-law model, the powers of the General Membership include but are not limited to:

- i. Approving by resolution, the creation of Committees and/or Advisory Boards, the members thereof and the terms of reference for these Committees and/or Advisory Boards;
- ii. Appointing a General Manager and/or Secretary-Treasurer;
- iii. Terminating the services of the General Manager and/or Secretary-Treasurer.
- iv. Approving establishing and implementing regulations, policies and programs;
- v. Awarding contracts or agreements where the approval of the Authority is required under the Authority’s purchasing policy.
- vi. Appointing an Executive Committee and delegate to the Committee any of its powers except:

- i. The termination of the services of the General Manager and/or Secretary-Treasurer,
- ii. The power to raise money, and
- iii. The power to enter into contracts or agreements other than those contracts or agreements as are necessarily incidental to the works approved by the Authority.
- vii. Approving by resolution, any new capital project of the Authority;
- viii. Approving by resolution, the method of financing any new capital projects;
- ix. Approving details on budget allocations on any new or existing capital projects;
- x. Approving of the total budget for the ensuing year, and approving the levies to be paid by the Participating Municipalities;
- xi. Receiving and approving the Financial Statements and Report of the Auditor for the preceding year;
- xii. Authorizing the borrowing of funds on the promissory note of the Authority in accordance with subsection 3(5) of the Act;
- xiii. Approving by resolution, any proposed expropriation of land or disposition of land, subject to the requirements under the Act;
- xiv. Approving permits or refusing permission as may be required under any regulations made under Section 28 of the Act;
- xv. Holding hearings required for the purpose of reviewing permit applications, and advising every applicant of their right to appeal the decision to the Ministry through the Mining and Lands Tribunal;

d) Member Accountability

Participating Municipalities appoint Members to the Authority as their representatives. Members have the responsibilities of Directors of the corporation that is the Authority. While the administration is responsible for the day-to-day operations, the General Membership is responsible for matters of governance, ensuring compliance with applicable legislation, and ensuring appropriate policies are in place and for financial soundness of the Authority.

All Members have the responsibility to be guided by and adhere to the Code of Conduct (Appendix 1) and Conflict of Interest Policy (Appendix 2), as adopted by the Authority.

Members are responsible for:

- i. Attending all meetings of the Authority;
- ii. Understanding the purpose, function and responsibilities of the authority;
- iii. Being familiar with the Authority's statutory and other legal obligations;
- iv. With the administration, setting strategic direction for the Authority.

e) Applicable Legislation

In addition to the Act, the Members are subject to other legislation including, but not limited to:

- *Municipal Conflict of Interest Act*
- *Municipal Freedom of Information and Protection of Privacy Act*

If any part of the by-law conflicts with any provision of the Municipal Conflict of Interest Act or the Municipal Freedom of Information and Protection of Privacy Act or a provision of a regulation made under one of those acts, the provision of that act or regulation prevails.

f) Relationship Between Members and Staff

The General Membership relies on the General Manager and/or Secretary-Treasurer to manage the operations of the organization, including all employees of the Authority. The General Manager and/or Secretary Treasurer is accountable to the Authority, working cooperatively to achieve the goals established by the Authority.

The General Membership will ensure that a process exists for regular performance evaluations of the General Manager and/or Secretary-Treasurer.

1. The Board delegates the complete operation of the Authority to the General Manager.
2. The General Manager is responsible for the operation of the Authority within the guidelines established by the Staff Limitations policies.
3. Decisions of the General Manager, which are consistent with any reasonable interpretation of Board policies related to Ends and Staff Limitations, are acceptable.
4. Only officially passed motions of the Board are binding on the General Manager. (Individual Directors' decisions or instructions are not binding on the General Manager.)
5. If Board Directors wish to make suggestions or requests to staff, they do so through the General Manager. The General Manager reserves the right to manage those requests at his/her discretion.
6. In the event of the resignation, termination, death, disability or otherwise unavailability of the General Manager to perform the responsibilities of the position, the Board appoints an Acting General Manager to assume the responsibilities within five (5) business days.
7. A positive indicator of General Manager success is the attainment of Board-stated Ends and Staff Limitations. The General Manager reports to the Board annually regarding compliance and accomplishments.

2. Officers

The Officers of the Authority, and their respective responsibilities, shall be:

Chair

- a) Is a Member of the Authority who has served a minimum of one year on a Conservation Authority Board of Directors, except in years when Board turnover exceeds seven members;
- b) Presides at all meetings of the General Membership (and Executive Committee if applicable);
- c) Calls special meetings if necessary;
- d) Acts as a public spokesperson on behalf of the General Membership;
- e) Serves as signing officer for the Authority;
- f) Ensures relevant information and policies are brought to the Authority's attention;

- g) Keeps the General Membership apprised of significant issues in a timely fashion;
- h) Performs other duties when directed to do so by resolution of the Authority.
- i) Chair Source Protection Authority meetings
- j) Serve as the Authority's voting representative on Conservation Ontario Council (CO), unless otherwise designated

Vice-Chair(s)

- a) Is/are a Member(s) of the Authority who has served a minimum of one year on a Conservation Authority Board of Directors, except in years when Board turnover exceeds seven members;
- b) Attends all Board meetings and Hearing Committee meetings;
- c) Carries out assignments as requested by the Chair;
- d) Understands the responsibilities of the Chair and acts as Chair immediately upon the death, incapacity to act, absence or resignation of the Chair until such time as a new Chair is appointed or until the Chair resumes his/her duties;
- e) Serves as a signing officer for the Authority.
- f) Serves as the Authority's alternate voting representative on Conservation Ontario Council (CO), in the event the Chair is not available to attend;

General Manager (GM)

Responsibilities of the CAO as assigned by the Authority include, but are not limited to the following:

- Is an employee of the Authority;
- Attends all meetings of the General Membership (and Executive Committee if applicable) or designates an acting CAO if not available;
- Works in close collaboration with the Chair and Vice-Chair(s) and keeps them apprised of relevant information and significant issues in a timely fashion;
- Develops a strategic plan for approval by the General Membership and Implements short and long-range goals and objectives;
- Is responsible for the management of the operations of the Authority, including all staff and programs of the Authority;
- Ensures resolutions of the Authority are implemented in a timely fashion;
- Develops and maintains effective relationships and ensures good communications with Participating Municipalities, federal and provincial government ministries/agencies, Indigenous communities, other conservation authorities, Conservation Ontario, stakeholders, community groups and associations;
- Serves as a signing officer for the Authority.
- Serve as the Authority's second alternate voting representative on Conservation Ontario Council (CO), in the event the Chair and Vice-Chair are not available to attend;

Secretary-Treasurer

- Is an employee of the Authority;
- Fulfills the requirements of the Secretary-Treasurer as defined in the Act;
- Attends all meetings of the General Membership (and Executive Committee, if applicable);
- Is the custodian of the Corporate Seal;
- Serves as a signing officer for the Authority.

General Manager/Secretary-Treasurer

The duties of the Chief Administrative Officer / General Manager and the Secretary-Treasurer have been combined and assigned to a single position, in which case the person is an Officer called the General Manager/Secretary-Treasurer.

3. Absence of Chair and Vice-Chair(s)

In the event of the absence of the Chair and Vice-Chair(s) from any meeting, the members shall appoint an Acting Chair who, for the purposes of that meeting has all the powers and shall perform all the duties of the Chair.

4. Maximum Term for Chair and Vice-Chair(s)

There are no set maximum terms for the positions of Chair or Vice-Chair.

5. Representatives to Conservation Ontario Council

The Authority may appoint up to three Representatives to Conservation Ontario Council ("Council"), designated as Voting Delegate and Alternate(s). Council will consist of the Voting Delegates appointed by each Member Conservation Authority. The Voting Delegate and Alternates shall be registered with Conservation Ontario annually. UTRCA Chair will serve as the Voting Delegate, with the Vice-Chair and General Manager as first and second alternates respectively.

6. Election of Chair and Vice-Chairs

The election of the Chair and one or more Vice-Chairs shall be held at the first meeting held each year in accordance with the Authority's Procedures for Election of Officers (Appendix 3).

7. Appointment of Auditor

The General Membership shall appoint an auditor in accordance with Section 38 of the Act.

8. Appointment of Financial Institution

The General Membership shall appoint a financial institution to provide banking services to the Authority by Resolution as required.

9. Appointment of Solicitor

The General Membership shall appoint a solicitor by Resolution to act as the Authority's legal council by Resolution as required.

10. Financial Statements and Report of the Auditor

The General Membership shall receive and approve the report of the auditor for the previous year at the May meeting.

The Authority shall forward copies of the Audited Financial Statements and Report of the Auditor to Participating Municipalities and the Minister in accordance with Section 38 of the Act and will make the Audited Financial Statements available to the public on the Authority's website, and at the Administrative Offices.

11. Borrowing Resolution

If required, the Authority shall establish a borrowing resolution, which may be renewed as needed. The signing officers are empowered to arrange for the borrowing of the funds necessary for approved projects and programs of the Authority.

12. Levy Notice

The levy due to the Authority from participating municipalities shall be communicated to those municipalities in accordance with the Act and any applicable Regulations.

13. Signing Officers

All deeds, transfers, assignments, contracts and obligations entered into by the Authority shall be signed by the Chair or the Vice Chair and the General Manager/Secretary-Treasurer. These officers are empowered to sign such documents as are necessary for transactions approved by the Authority's Board of Directors.

Notwithstanding the requirement above, the signing officers may delegate signing responsibility to others for operational purposes. Examples of such transactions are issuing payroll, and making payments for purchases. Two authorizers shall verify each payment just as two people shall be involved in executing funding agreements, contracts and investment transactions.

14. Executive Committee

The Authority may appoint an executive committee at the first meeting of the General Membership each year in accordance with the Section 19 of the Act and Section 1(c)(vi) of this by-law.

15. Advisory Boards and Other Committees

In accordance with Section 18(2) of the Act, the Authority shall establish such advisory boards as required by regulation and may establish such other advisory boards or committees as it considers appropriate to study and report on specific matters.

The General Membership shall approve the terms of reference for all such advisory boards and committees, which shall include the role, the frequency of meetings and the number of members required.

Resolutions and policies governing the operation of the Authority shall be observed in all advisory board and committee meetings.

Each advisory board or committee shall report to the General Membership, presenting any recommendations made by the advisory board or committee.

The dates of all advisory board and committee meetings shall be made available to all Members of the Authority.

Advisory Boards of the Upper Thames River Conservation Authority are:

- **The Finance & Audit Committee**
The Finance and Audit Committee is a Standing Committee that meets at the call of the Finance and Audit Committee Chair. The Committee consists of the Chair, and no fewer than two, but no more than four other members shall be elected from the Board. A Committee Chair will be elected at the first meeting of the year.
- **Hearings Committee** (this fills the role of the **Executive Committee**)
The Hearings Committee is a Standing Committee that meets at the call of the Chair. The Committee consists of the Chair, Vice-Chair, the Past Chair provided they are a member of the Authority, and two other members shall be elected from the Board. The Hearings Committee may also serve the function of an **Executive Committee** as per the requirement of *The Conservation Authorities Act*, however,

the practice of the Board is to deal with all matters before the whole Board rather than an Executive Committee.

- **Source Protection Striking Committee**

The *Clean Water Act, 2006* requires that the Source Protection Authority for each Source Protection Region, form, and maintain, a Source Protection Committee. In the Thames-Sydenham and Region, the Upper Thames River, Lower Thames Valley and St. Clair Region Source Protection Authorities share this role. The Striking Committee shall have one representative from each Source Protection Authority to carry out the responsibilities related to the formation and maintenance of the Source Protection Committee. The Source Protection Authorities' General Managers and the Program Coordinator provide support to the Striking Committee.

16. Remuneration of Members

The Authority shall establish a per-diem rate from time to time to be paid to Members for attendance at General Meetings and Advisory Board or Committee meetings, and at such other business functions as may be from time to time requested by the Chair, through the Secretary-Treasurer. In addition, an honorarium may be approved by the Authority for the Chair and Vice-chair(s) as compensation for their additional responsibilities. A single per-diem will be paid for attendance at more than one meeting if they occur consecutively on the same day. If no quorum is present, the per diem rate shall be paid to those in attendance.

The Authority shall reimburse Members' reasonable travel expenses incurred for the purpose of attending meetings and/or functions on behalf of the Authority. A per-kilometre rate to be paid for use of a personal vehicle shall be approved by Resolution of the General Membership from time-to-time. Requests for such reimbursements shall be submitted within a timely fashion and shall be consistent with Canada Revenue Agency guidelines.

17. Records Retention

The Authority shall keep full and accurate records including, but not limited to:

- i. Minutes of all meetings of the Authority, including registries of statements of interests in accordance with the *Municipal Conflict of Interest Act*;
- ii. Assets, liabilities, receipts and disbursements of the Authority and Financial Statements and Reports of the Auditors;
- iii. Human Resources Files for all employees and Members as applicable;
- iv. Workplace Health and Safety documents including workplace inspections, workplace accidents, investigations, etc.;
- v. Electronic Communications including emails
- vi. Contracts and Agreements entered into by the Authority;
- vii. Strategic Plans and other documents providing organizational direction
- viii. Projects of the Authority;
- ix. Technical Studies and data gathered in support of Programs of the Authority;
- x. Legal Proceedings involving the Authority;
- xi. Incidents of personal injury or property damage involving the Authority and members of the public.

Such records shall be retained and protected in accordance with all applicable laws and the Records Retention Policy of the Authority as approved by the General Membership from time-to-time.

18. Records Available to Public

Records of the Authority shall be made available to the public, subject to requirements of the *Municipal Freedom of Information and Protection of Personal Privacy Act* (MFIPPA).

The General Manager/Secretary-Treasurer shall act as head of the Authority for the purposes of MFIPPA.

19. By-law Review

In accordance with the Act, these by-laws shall be reviewed by the Authority to ensure the by-laws are in compliance with the Act and any other relevant law. The General Membership shall review the by-laws at a minimum of every four years to ensure best management practices in governance are being followed.

20. By-law Available to Public

In accordance with the Act, the Authority shall make its by-laws available to the public on the Authority's website. By-laws shall also be available for review by any member of the public at the Authority's administration centre or provided in alternative formats, in accordance with the *Accessibility for Ontarians with Disabilities Act*, if requested by interested parties.

21. Enforcement of By-laws and Policies

The Members shall respect and adhere to all applicable by-laws and policies (for example, the Code of Conduct and Conflict of Interest). The Authority may take reasonable measures to enforce its by-laws and policies, including the enforcement mechanisms under the *Municipal Conflict of Interest Act*.

- an investigation will be conducted regarding the alleged breach;
- an opportunity will be provided to the affected member to respond to the allegation;
- the findings of the investigation and the affected member's response will be communicated to the General Membership in a closed meeting;
- the appointing municipality shall be notified of the outcome of the investigation.

22. Indemnification of Members, Officers and Employees

The Authority undertakes and agrees to indemnify and save harmless its Members, Officers and Employees and their heirs and legal representatives, respectively, from and against all costs, charges and expenses, including all amounts paid to settle an action or satisfy any judgement, reasonably incurred by any such Member, Officer or Employee in respect of any civil, criminal or administrative action or proceeding to which any such Member, Officer or Employee is made a party by reason of being a Member, Officer or Employee of the Authority (except in respect of an action by or on behalf of the Authority to procure a judgment in its favour) if;

- such Member, Officer or Employee acted honestly, in good faith with a view to the best interests of the Authority and within the scope of such Member's, Officer's or Employee's duties and responsibilities, and,
- in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty that such Member, Officer or Employee had reasonable grounds for believing that the conduct was lawful.

C. Meeting Procedures

The Meeting Procedures below governing the procedure of the Authority shall be observed in Executive Committee and Advisory Board meetings, as far as they are applicable, and the words Executive Committee or Advisory Board may be substituted for the word Authority as applicable

1. Rules of Procedure

In all matters of procedure not specifically dealt with under the Act and this By-law, Parliamentary Procedure, as specified in Robert's Rules of Order, Bourinot's Rules of Order or other generally accepted rules of procedure, shall be binding.

The Authority may choose to conduct its business as a committee of the whole.

2. Notice of Meeting

The General Membership shall approve a schedule for regular meetings in advance. The Secretary-Treasurer shall send Notice of regular meetings to all Members at least seven calendar days in advance of a meeting. Notice of all regular or special meetings of the General Membership or its committees shall be made available to the public as soon as possible after its delivery to General Membership.

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

All material and correspondence to be dealt with by the Authority at a meeting will be submitted to the Secretary-Treasurer ten days in advance of the meeting where it is to be dealt with if it is to be included in the published agenda, or one to seven days if it is to be introduced at the meeting.

The chair may, at his/her pleasure, call a special meeting of the Authority as necessary on three calendar days notice in writing or email. That notice shall state the business of the special meeting and only that business shall be considered at that special meeting. Any member, with 50% support of the other members, may also request the Chair to call a meeting of the Authority and the Chair will not refuse.

The Chair or the Secretary-Treasurer may, by notice in writing or email delivered to the members so as to be received by them at least 12 hours before the hour appointed for the meeting, postpone or cancel any meeting of an Advisory Board or other committee until the next scheduled date for the specific Advisory Board or committee affected.

The Chair or the Secretary-Treasurer may, if it appears that a storm or like occurrence will prevent the members from attending a meeting, postpone that meeting by advising as many members as can be reached. Postponement shall not be for any longer than the next regularly scheduled meeting date.

3. Meetings Open to Public

All meetings of the General Membership and Committees, if applicable, shall be open to the public.

A meeting or part of a meeting may be closed to the public if the subject matter being considered is identified in the closed meeting section of the Agenda and the subject matter meets the criteria for a closed meeting as defined in this by-law.

4. Agenda for Meetings

Authority staff, under the supervision of the Secretary-Treasurer, shall prepare an agenda for all regular meetings of the Authority.

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

Agendas for meetings shall be forwarded to all Members at least seven calendar days in advance of the meeting. Such agendas shall be made available to the public on the Authority's website at the same time, unless the meeting is closed to the public in accordance with this by-law. Such agendas shall also be available in alternative formats, in accordance with the *Accessibility for Ontarians with Disabilities Act*, if requested by interested parties.

5. Quorum

At any meeting of the General Membership, a quorum consists of one-half of the Members appointed by the Participating Municipalities, except where there are fewer than six such Members, in which case three such Members constitute a quorum. At any Executive Committee (if applicable), advisory board or committee meeting, a quorum consists of one-half of the Members of the Executive Committee (if applicable), advisory board or committee.

If there is no quorum within one half hour after the time appointed for the meeting, the Chair for the meeting shall declare the meeting adjourned due to a lack of a quorum, or shall recess until quorum arrives, and the recording secretary shall record the names of the Members present and absent.

If during an Authority or Advisory Board or Committee meeting a quorum is lost, then the Chair shall declare that the meeting shall stand recessed or adjourned, until the date of the next regular meeting or other meeting called in accordance with the provisions of this by-law. Agenda items including delegations present may be covered and presented and issues discussed, but no formal decisions may be taken by the remaining Members which do not constitute a quorum.

Where the number of Members who are disabled from participating in a meeting due to the declaration of a conflict of interest is such that at that meeting the remaining Members are not of sufficient number to constitute a quorum, the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two.

6. Order of Business

The business of the Authority shall be taken up in the order in which it stands on the agenda unless otherwise decided by a majority of those Members present.

No Member shall present any matter to the Authority for its consideration unless the matter appears on the agenda for the meeting of the Authority or leave is granted to present the matter by the affirmative vote of a majority of the Members present.

7. Debate

The Authority shall observe the following procedures for discussion/debate on any matter coming before it:

- a) A Member shall be recognized by the Chair prior to speaking;

- b) Where two or more Members rise to speak, the Chair shall designate the Member who has the floor, who shall be the Member who in the opinion of the Chair was first recognized;
- c) All questions and points of discussion shall be directed through the Chair;
- d) Where a motion is presented, it shall be moved and seconded before debate;
- e) No Member shall speak more than once to the same question without leave from the Chair, except in explanation of a material part of the speech;
- f) No Member shall speak more than 10 minutes without leave of the Chair;
- g) Any Member may ask a question of the previous speaker through the Chair;
- h) The Member who has presented a motion, other than a motion to amend or dispose of a motion, may speak again to the motion immediately before the Chair puts the motion to a vote;
- i) When a motion is under debate, no motion shall be received other than a motion to amend, to defer action, to refer the question, to take a vote, to adjourn, or to extend the hour of closing the proceedings;
- j) When a motion is under consideration, only one amendment is permitted at a time.

8. Matters of Precedence

Matters of precedence over the usual order of business shall follow Parliamentary procedure.

9. Members' Attendance

The Authority shall provide a listing of Members' attendance as part of each meeting's published minutes.

Upon a Member's vacancy due to death, incapacity or resignation occurring in any office of the Authority, the Authority shall request the municipality that was represented by that Member appoint a Member replacement.

The Board Chair will notify the appointing municipality when a Board Director is absent from three (3) consecutive meetings or five (5) meetings in a year.

If a Member is unable to attend any meeting and wishes to bring any additional information or opinion pertaining to an agenda item to the General Membership, the Member shall address in writing or email to the Chair or Secretary-Treasurer such correspondence prior to the start of the meeting. The correspondence shall be read aloud by the Secretary-Treasurer without comment or explanations.

10. Electronic Participation

Members may participate in a meeting that is open to the public by telephone or other electronic means that permits all participants to communicate adequately with each other during the meeting. A Member participating in a meeting electronically shall not be counted in determining quorum. A Member shall not participate electronically in a meeting that is closed to the public,

Notwithstanding the foregoing, during any period where an emergency has been declared to exist, in all or part of an area over which Upper Thames River Conservation Authority has jurisdiction, under section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, that may prevent members of the General Membership from meeting in person, the By-law provides for electronic meeting as outlined in Section 10.1.

10.1 Electronic Participation During Emergencies

- a) That Members be permitted to participate in meetings electronically, which shall include the ability of those members participating electronically to register votes.
- b) That any Member who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time during the meeting in accordance with the requirement in subsection 16(2) of the Conservation Authorities Act
- c) That any Member can participate electronically in a meeting that is closed to the public.
- d) That any hearing or appeal that is dealt with in the By-law can be conducted electronically with provisions for applicants and their agents to participate, if the Authority holds any such hearing or appeal during any period where an emergency has been declared to exist.
- e) That UTRCA will continue to implement best practices to make Board meetings open to the public in accordance with subsection 15(3) of the *Conservation Authorities Act*. Where possible, UTRCA will provide for alternative means to allow the public to participate in any meetings electronically.
- f) That, unless under extenuating circumstances as otherwise determined by the Chair in consultation with General Manager, any and all Delegations to the Board shall be only in the form of written submissions.

10.2. Protocol for Electronic Meetings During Emergencies

Amendments to this Protocol for Electronic Meeting During Emergencies (hereinafter, "Protocol") may be permitted to be made by simple majority vote of members to accommodate an effective and efficient meeting, so long as any such amendments are not contrary to prevailing Provincial legislation, order or direction.

The protocol for such emergency electronic meetings is as follows:

- a. The agenda material will be posted publicly.
- b. The method and technology used for an Electronic Meeting in Open Session or Closed Session will be determined by the General Manager or his/her designate and the Chair or Vice Chair based on resources available and the prevailing circumstances of the emergency.
- c. Each member participating in the Electronic Meeting shall be available at least fifteen (15) minutes before the beginning of the meeting to assist staff in establishing the electronic connection.
- d. Electronic devices are to be muted when not speaking to avoid technical disruption.
- e. The Chair will conduct a roll call at the beginning of both the Open and Closed Sessions.
- f. In addition to a roll call, at the beginning of each Closed Session the following preamble will be read to which each member must verbally commit to understanding and accepting:

Each member here present and accounted for in roll call confirm that they are participating electronically in this Closed Session in a private setting with no member of the public able to listen to or view the meeting. All members are bound by the Authority's Code of Conduct and Rules and Procedures outlined within the Administrative By-Law.

Members are reminded that this Closed Session is confidential and that all information, documents or deliberations received, reviewed or taken in closed session are confidential. Members shall not disclose or release by any means to any member of the public, either in verbal, electronic or written form, any confidential information acquired by virtue of their office, except when required by law to do so. Members are directed to delete all documents distributed at the conclusion of this meeting.

- g. The Chair will announce each agenda item. The Chair will canvass members participating electronically about their intentions to speak to a matter on the floor and will notify each member when it is their turn to speak.
- h. Each Member will identify themselves and speak through the Chair.
- i. After a Member is finished speaking, the Chair may confirm verbally if there are remaining Members who wish to speak and will call out the name of the next members assigned to the floor.
- j. The Chair will confirm that no further Members wish to speak before voting commences.
- k. After putting a motion to a vote, each Member participating by electronic means will be required to identify how he or she wishes to vote. The Chair will determine the method of voting to be used.
- l. If a Member is present in-person or electronically and their respective name is called and no response to indicate a vote is provided the Chair will ask one more time, and if there is no indication of a vote, the vote will be recorded in negative unless directed otherwise by the Chair.
- m. The Chair will announce the results of the vote.
- n. Each Member shall remain silent and attentive to the proceeding when not assigned the floor by the Chair.
- o. Each Member will listen for their name to be assigned the floor to speak or to vote.
- p. A Member participating by electronic means shall inform the Chair about their intentions to leave the meeting either on a temporary or permanent basis.
- q. A member participating by electronic means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
- r. The Chair may direct that the connection be terminated if the Member cannot be clearly understood, or if a poor connection or background noise is deemed to be disruptive to the meeting.
- s. In the case of a loss of connection, or any connection issue which impedes the ability of a Member to participate in the meeting in real time, the meeting will continue without attempts by staff to reconnect them to the meeting.
- t. If electronic communication is interrupted during a meeting and remains interrupted while a vote is taken, the Member affected is deemed to have left the meeting prior to the vote.

11. Delegations

Any person or organization who wishes to address the Authority may make a request in writing or email. The request should include a brief statement of the issue or matter involved and indicate the name of the proposed speaker(s). The Chair's approval is required for all delegations. If such request is received at least 10 days in advance of a scheduled meeting and approved by the Chair, the delegation shall be listed on the published agenda.

Except by leave of the Chair or appeal by the leave of the meeting, delegations shall be limited to one (1) speaker for not more than 10 minutes.

Delegates will be requested not to repeat what has been said by previous speakers at the meeting. A returning delegation will only be allowed to speak again if new, relevant information has become available since their previous presentation. The Chair may choose to end a returning delegation's presentation if, in the opinion of the Chair, the new information being presented is not relevant to a decision facing the General Membership.

12. Annual Meeting

The Authority shall designate one meeting of the General Membership each year as the annual meeting before March 1st and shall include the following items on the agenda, in addition to the normal course of business:

- i. Approvals of the Budgets and Levies
- ii. Service Awards

13. Meetings with Closed "In Camera" Sessions

Every meeting of the General Membership, Executive Committee and Advisory Boards, if applicable, shall be open to the public as per Section 15(3) of the Act, subject to the exceptions set out below.

Meetings may be closed to the public if the subject matter being considered relates to:

- a) The security of the property of the Authority;
- b) Personal matters about an identifiable individual, including employees of the Authority;
- c) A proposed or pending acquisition or disposition of land by the Authority;
- d) Labour relations or employee negotiations;
- e) Litigation or potential litigation, including matters before administrative tribunals (e.g. Local Planning Appeal Tribunal), affecting the Authority;
- f) Advice that is subject to solicitor-client privilege;
- g) A matter in respect of which the General Membership, Executive Committee, Advisory Board or committee or other body may hold a closed meeting under another act;
- h) information explicitly supplied in confidence to the Authority by Canada, a province or territory or a Crown agency of any of them;
- i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Authority, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- j) a trade secret or scientific, technical, commercial or financial information that belongs to the Authority and has monetary value or potential monetary value; or
- k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Authority.

The Authority shall close a meeting if the subject matter relates to the consideration of a request under MFIPPA, and the Authority is the head of an institution for the purposes of MFIPPA.

Before holding a meeting or part of a meeting that is to be closed to the public, the Members shall state by resolution during the open session of the meeting that there will be a meeting closed to the public and the general nature of the matter to be considered at the closed meeting. Once matters have been dealt with in a closed meeting, the General Membership shall reconvene in an open session.

The General Membership shall not vote during a meeting that is closed to the public, unless:

- a) the meeting meets the criteria outlined in this by-law to be closed to the public; and
- b) the vote is for a procedural matter or for giving directions or instructions to Officers, employees or agents of Authority.

Any materials presented to the General Membership during a closed meeting shall be returned to the Secretary-Treasurer prior to departing from the meeting and shall be treated in accordance with the Authority's procedures for handling confidential material.

A meeting of the Authority, executive committee, advisory board or other committee may also be closed to the public if:

- a) the meeting is held for the purpose of educating or training the Members, and
- b) at the meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the authority, the executive committee, advisory board or other committee.

14. Voting

In accordance with Section 16 of the Act:

- a) each Member is entitled to one vote, including the Chair, and
- b) a majority vote of the Members present at any meeting is required upon all matters coming before the meeting.

If any Member who is qualified to vote abstains from voting, they shall be deemed to have voted neither in favour nor opposed to the question, which will not alter the number of votes required for a majority.

On a tie vote, the motion is lost.

Interrelated motions shall be voted on in the order specified by Parliamentary Procedure as outlined in Robert's Rules of Order, Bourinot's Rules of Order or other generally accepted rules of procedure.

Unless a Member requests a recorded vote, a vote shall be by a show of hands or such other means as the Chair may call. No question shall be voted upon more than once at any meeting, unless a recorded vote is requested.

If a member present at a meeting at the time of the vote requests immediately before or after the taking of the vote that the vote be recorded, each member present taken except a member who is disqualified from voting by any Act, shall announce his or her vote openly answering "yes" or "no" to the question, and the Secretary-Treasurer shall record each vote.

At the meeting of the Authority at which the Non-Matching Levy is to be approved, the Secretary-Treasurer shall conduct the vote to approve of Non-Matching Levy by a

Weighted Majority of the Members present and eligible to vote, in accordance with Ontario Regulation 139/96.

Where a question under consideration contains more than one item, upon the request of any Member, a vote upon each item shall be taken separately.

Except as provided in Section B, Paragraph 6 of this By-law (Election of Chair and Vice-Chair), no vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect.

15. Notice of Motion

Written notice of motion to be made at an Authority, executive committee, advisory board or committee meeting may be given to the Secretary-Treasurer by any Member of the Authority not less than seven business days prior to the date and time of the meeting and shall be forthwith placed on the agenda of the next meeting. The Secretary-Treasurer shall include such notice of motion in full in the agenda for the meeting concerned.

Recommendations included in reports of advisory boards or committees that have been included in an agenda for a meeting of the General Membership or Executive Committee (if applicable), shall constitute notice of motion for that meeting.

Recommendations included in staff reports that have been included in an agenda for a meeting of the General Membership or Executive Committee (if applicable), shall constitute notice of motion for that meeting.

Notwithstanding the foregoing, any motion or other business may be introduced for consideration of the Authority provided that it is made clear that to delay such motion or other business for the consideration of an appropriate advisory board or committee would not be in the best interest of the Authority and that the introduction of the motion or other business shall be upon an affirmative vote of a majority of the members of the Authority present.

16. Motion to Reconsider

If a motion is made to reconsider a previous motion, a two-thirds majority vote shall be required in order for reconsideration to take place. If a motion to reconsider is passed, the original motion shall then be placed on the agenda at a future meeting to be debated and voted upon, and the result of that vote, based on a simple majority, shall supersede.

17. Duties of the Meeting Chair

It shall be the duty of the Chair, with respect to any meetings over which he/she presides, to:

- a) Preserve order and decide all questions of order, subject to appeal; and without argument or comment, state the rule applicable to any point of order if called upon to do so;
- b) Ensure that the public in attendance does not in any way interfere or disrupt the proceedings of the Members;
- c) Receive and submit to a vote all motions presented by the Members, which do not contravene the rules of order or regulations of the Authority;
- d) Announce the results of the vote on any motions so presented;
- e) Adjourn the meeting when business is concluded.

18. Conduct of Members

Members shall maintain a high standard for conduct and at all times comply with applicable laws and the Authority's Code of Conduct (Appendix 1).

No Member at any meeting of the Authority shall:

- a) Speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability;
- b) Leave their seat or make any noise or disturbance while a vote is being taken or until the result is declared;
- c) Interrupt a Member while speaking, except to raise a point of order or a question of privilege;
- d) Speak disrespectfully or use offensive words against the Authority, the Members, staff, or any member of the public;
- e) Speak beyond the question(s) under debate;
- f) Resist the rules of order or disobey the decision of the Chair on the questions or order or practices or upon the interpretation of the By-laws.

19. Minutes of Meetings

The Secretary-Treasurer shall undertake to have a recording secretary in attendance at meetings of the Authority, the Executive Committee and each advisory board or committee. The recording secretary shall make a record in the form of minutes of the meeting proceedings and in particular shall record all motions considered at the meeting.

If a recording secretary is not present in a closed session, the Secretary-Treasurer shall take notes of any direction provided, for endorsement by the Chair and Vice-Chair.

Minutes of all meetings shall include the time and place of the meeting and a list of those present and shall state all motions presented together with the mover and seconder and voting results.

The Secretary-Treasurer or designate shall include draft minutes of the previous meeting available to each member of the Authority at the same time as agendas for the next meeting are distributed.

After the minutes have been approved by resolution, original copies shall be signed by the Secretary-Treasurer and copies of all non-confidential minutes shall be posted on the Authority's website. Such minutes shall also be available for review by any member of the public at the Authority's administration centre or provided in alternative formats, in accordance with the *Accessibility for Ontarians with Disabilities Act*, if requested by interested parties.

u. Approval of By-law and Revocation of Previous By-law(s)

The Board of Directors' Policy Handbook revised February 22, 2018 is hereby repealed on December 30, 2018;

The Administrative By-Law for the Upper Thames River Conservation Authority (UTRCA) shall come into force on December 31, 2018

PASSED BY RESOLUTION

September 25, 2018

Date

Signed:



Murray Blackie, Chair



Ian Wilcox,
General Manager/Secretary-Treasurer

D. Appendices to the Administrative By-law

Appendix 1 - Code of Conduct

1. *Background*

The Upper Thames River Conservation Authority demands a high level of integrity and ethical conduct from its General Membership. The Authority's reputation has relied upon the good judgement of individual Members. A written Code of Conduct helps to ensure that all Members share a common basis for acceptable conduct. Formalized standards help to provide a reference guide and a supplement to legislative parameters within which Members must operate. Further, they enhance public confidence that Members operate from a base of integrity, justice and courtesy.

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

This Code of Conduct will also assist Members in dealing with confronting situations not adequately addressed or that may be ambiguous in Authority resolutions, regulations, or policies and procedures.

2. *General*

All Members, whether municipal councillors or appointed representatives of a municipality, are expected to conduct themselves in a manner that reflects positively on the Authority.

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

It is expected that Members adhere to a code of conduct that:

- i. upholds the mandate, vision and mission of the Authority;
- ii. considers the Authority's jurisdiction in its entirety, including their appointing municipality;
- iii. respects confidentiality;
- iv. approaches all Authority issues with an open mind, with consideration for the organization as a whole;
- v. exercises the powers of a Member when acting in a meeting of the Authority;
- vi. respects the democratic process and respects decisions of the General Membership, Executive Committee, Advisory Boards and other committees;
- vii. declares any direct or indirect pecuniary interest or conflict of interest when one exists or may exist; and
- viii. conducts oneself in a manner which reflects respect and professional courtesy and does not use offensive language in or against the Authority or against any Member or any Authority staff.
- ix. Review all related meeting information prepared in advance, attending and fully participate in discussions of the Board, and at all times keeping in mind the best interests of the organization as a whole.

3. *Gifts and Benefits*

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

4. Confidentiality

The members shall be governed at all times by the provisions of the *Municipal Freedom and Information and Protection of Privacy Act*.

All information, documentation or deliberations received, reviewed, or taken in a closed meeting are confidential.

Members shall not disclose or release by any means to any member of the public, either in verbal or written form, any confidential information acquired by virtue of their office, except when required by law to do so.

Members shall not permit any persons, other than those who are entitled thereto, to have access to information which is confidential.

In the instance where a member vacates their position on the General Membership they will continue to be bound by MFIPPA requirements.

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

- i. Human Resources matters;
- ii. Information about suppliers provided for evaluation that might be useful to other suppliers;
- iii. Matters relating to the legal affairs of the Authority;
- iv. Information provided in confidence from an Aboriginal community, or a record that if released could reasonably be expected to prejudice the conduct of relations between an Aboriginal community and the Authority;
- v. Sources of complaints where the identity of the complainant is given in confidence;
- vi. Items under negotiation;
- vii. Schedules of prices in tenders or requests for proposals;
- viii. Appraised or estimated values with respect to the Authority's proposed property acquisitions or dispositions;
- ix. Information deemed to be "personal information" under MFIPPA.

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

5. Use of Authority Property

No Member shall use for personal purposes any Authority property, equipment, supplies, or services of consequence other than for purposes connected with the discharge of Authority duties or associated community activities of which the Authority has been advised.

6. Work of a Political Nature

No Member shall use Authority facilities, services or property for his/her election or re-election campaign to any position or office within the Authority or otherwise.

7. Conduct at Authority Meetings

During meetings of the Authority, Members shall conduct themselves with decorum. Respect for delegations and for fellow Members requires that all Members show courtesy and not distract from the business of the Authority during presentations and when others have the floor.

8. Influence on Staff

Members shall be respectful of the fact that staff work for the Authority as a whole and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence.

9. Business Relations

No Member shall borrow money from any person who regularly does business with the Authority unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No Member shall act as a paid agent before the Authority, the Executive Committee or an advisory board or committee of the Authority, except in compliance with the terms of the *Municipal Conflict of Interest Act*.

10. Encouragement of Respect for the Authority and its Regulations

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

11. Harassment

It is the policy of the Authority that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment. Harassment of another Member, staff or any member of the public is misconduct. Members shall follow the Authority's Harassment Policy as approved from time-to-time.

Examples of harassment that will not be tolerated include: verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts related to an individual's race, religious beliefs, colour, gender, physical or mental disabilities, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation. The Authority will also not tolerate the display of pornographic, racist or offensive signs or images; practical jokes that result in awkwardness or embarrassment; unwelcome invitations or requests, whether indirect or explicit and any other prohibited grounds under the provisions of the *Ontario Human Rights Code*.

12. Breach of Code of Conduct

Should a Member breach the Code of Conduct, they shall advise the Chair and Vice-Chair, with a copy to the Secretary Treasurer, as soon as possible after the breach.

Should a Member allege that another Member has breached the Code of Conduct, the said breach shall be communicated to the Chair, with a copy to the Secretary-Treasurer, in writing. In the absence of the Chair, or if a Member alleges that the Chair has breached the Code of Conduct, the said breach shall be communicated to the Vice-Chair, with a copy to the Secretary-Treasurer, in writing.

Should a member of the public or a municipality allege that a Member has breached the Code of Conduct, the party making the allegation will be directed to follow the notification procedure outlined above.

Any breach, or alleged breach, of the Code of Conduct shall be investigated in accordance with the Enforcement of By-laws and Policies procedure outlined or referred to in the Authority's Administrative By-law.

Appendix 2 - Conflict of Interest

1. *Municipal Conflict of Interest Act*

The Authority Members commit themselves and the Authority to ethical, businesslike, and lawful conduct when acting as the General Membership. The Authority is bound by the *Municipal Conflict of Interest Act*. This appendix to the by-law is intended to assist Members in understanding their obligations. Members are required to review the *Municipal Conflict of Interest Act* on a regular basis.

2. *Disclosure of Pecuniary Interest*

Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Authority, Executive Committee, Advisory Board or committee at which the matter is the subject of consideration, the Member:

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

3. *Chair's Conflict of Interest or Pecuniary Interest*

Where the Chair of a meeting discloses a conflict of interest with respect to a matter under consideration at a meeting, another Member shall be appointed to chair that portion of the meeting by Resolution.

4. *Closed Meetings*

Where a meeting is not open to the public, a Member who has declared a conflict of interest shall leave the meeting for the part of the meeting during which the matter is under consideration.

5. *Member Absent*

Where the interest of a Member has not been disclosed by reason of their absence from the particular meeting, the Member shall disclose their interest and otherwise comply at the first meeting of the Authority, Executive Committee, Advisory Board or Committee, as the case may be, attended by them after the particular meeting.

6. *Disclosure Recorded in Minutes*

The recording secretary shall record in reasonable detail the particulars of any disclosure of conflict of interest or pecuniary interest made by Members and whether the Member withdrew from the discussion of the matter. Such record shall appear in the minutes/notes of that particular meeting of the General Membership, Executive Committee, advisory board or committee, as the case may be.

7. *Breach of Conflict of Interest Policy*

Should a Member breach the Conflict of Interest Policy, they shall advise the Chair and Vice-Chair, with a copy to the Secretary Treasurer, as soon as possible after the breach.

Should a Member allege that another Member has breached the Conflict of Interest Policy, the said breach shall be communicated to the Chair, with a copy to the Secretary

Treasurer, in writing. In the absence of the Chair, or if a Member alleges that the Chair has breached the Conflict of Interest Policy, the said breach shall be communicated the Vice-Chair, with a copy to the General Manager, in writing.

Should a member of the public or a municipality allege that a Member has breached the Conflict of Interest Policy, the party making the allegation will be directed to follow the notification procedure outlined above.

Any breach, or alleged breach, of the Conflict of Interest Policy shall be investigated in accordance with the Enforcement of By-laws and Policies procedure outlined or referred to in the Authority's Administrative By-law.

Appendix 3 - Procedure for Election of Officers

1. *Voting*

Voting shall be by secret ballot and no Members may vote by proxy.

2. *Acting Chair*

The General Membership shall appoint a person, who is not a voting Member, as Acting Chair or Returning Officer, for the purpose of Election of Officers.

3. *Scrutineer(s)*

The appointment of one or more scrutineers is required for the purpose of counting ballots, should an election be required. All ballots shall be destroyed by the scrutineers afterwards. The Acting Chair shall call a motion for the appointment of one or more persons, who are not Members or Managers of the Authority, to act as scrutineers. A Member, who will not stand for election, may be appointed as an additional scrutineer if requested.

4. *Election Procedures*

The Acting Chair shall advise the Members that the election will be conducted in accordance with the Act as follows:

- a) The elections shall be conducted in the following order:
 - i. Election of the Chair, who shall be a Member of the Authority
 - ii. Election of one or more Vice-chairs, who shall be Members of the Authority.
- b) The Acting Chair shall ask for nominations to each position;
- c) Only current Members of the Authority who are present may vote;
- d) Nominations shall be called three (3) times and will only require a mover;
- e) The closing of nominations shall require both a mover and a seconder;
- f) Each Member nominated shall be asked to accept the nomination. The Member must be present to accept the nomination unless the Member has advised the Secretary-Treasurer in writing or by email in advance of the election of their willingness to accept the nomination.

If one Nominee:

- g) If only one nominee the individual shall be declared into the position by acclamation.

If More than One Nominee:

- h) In the event of an election, each nominee shall be permitted not more than three (3) minutes to speak for the office, in the order of the alphabetical listing by surnames.
- i) Upon the acceptance by nominees to stand for election to the position of office, ballots shall be distributed to the Members by the scrutineers for the purpose of election and the Acting Chair shall ask the Members to write the name of one individual only on the ballot.
- j) The scrutineers shall collect the ballots, leave the meeting to count the ballots, return and advise the Acting Chair who was elected with more than 50% of the vote.

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

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

To: UTRCA Board of Directors
From: Alex B. Shivas
Manager, Lands & Facilities

Date: April 16, 2020

Agenda #: 7.1

Subject: Agricultural Land Leases
- Extension of Lease Term to 5 Years
- Defer Tendering to 2021

Filename: ::ODMA\GRPWISE\UT_MAIN.UTRCA
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Recommendations:

That the UTRCA Board of Director's approve;

- 1. Moving from a four year lease term to a five year lease term for the rental of UTRCA agricultural lands, and**
- 2. That the tendering of UTRCA agricultural properties be deferred from 2020 until 2021.**

The UTRCA presently leases 1162 acres of agricultural land to local farm operations. The land rented is as follows; 152 acres at Fanshawe Conservation Area, 263 acres at Pittock Conservation Area, 353 acres at Wildwood Conservation Area and 394 acres in the Glengowan area. The size of the land parcels leased currently range from 3 acres to 116 acres.

Historically, the lease term was for 3 years, then it was increased to 4 years (with Board approval) and now staff is requesting the term be increased to 5 years. The farm community has always been in favor of a longer term as this would result in better stewardship of our lands. The UTRCA can enter into lease agreements of 5 years or less without requiring approval from the Ministry of the Environment, Conservation and Parks.

The current lease term for our agricultural properties is four years, 2017 to 2020 with tendering to take place during the final year of the term. Tendering would normally take place in June 2020 for the next lease term. However, staff is requesting the Board of Directors allow the tendering process to be deferred until May 2021. The reasons for this request are that the COVID-19 has presented challenges with staff's capacity to properly manage the tender process and also we recognize the disruption the pandemic is having on businesses and families from the current shutdown and restrictions by government, including significant financial hardship. Therefore, it is justified to defer the public offering for one year to ensure the process is open, fair and that it maximizes public opportunities to compete for the land.

Recommended by:

Alex B. Shivas
Manager, Lands & Facilities

Prepared by:

Bill Mackie
Lands & Facilities Supervisor

Brad Glasman
Manager, Conservation Services

MEMO

To: UTRCA Board of Directors

From: Cari Ramsey, Health and Safety Specialist

Date: April 20, 2020

Agenda #: 8.1

Subject: 2019 Health and Safety Summary

Report Purpose:

This report is to inform the Board of the general Health and Safety issues that were present in 2019. The report will cover a first aid summary, general training across the authority, near misses and lost time accidents.

2019 First Aid Summary

INJURY CATEGORY	% OF TOTAL INJURIES	COUNTED FIRST AID REPORTS
Body, Neck, Shoulder & Back Injuries	8	3 (1 wasp sting)
Legs, Ankle, Knee or Foot Injuries	19	7
Face and Head Injuries	8	3 (1 wasp sting)
Hand/Finger, Wrist & Arm Injuries	56	20 (3 wasp stings)
Eyes	3	1
Full Body	6	2

*36 reports

2018 First Aid Summary

INJURY CATEGORY	% OF TOTAL INJURIES	COUNTED FIRST AID REPORTS
Body, Neck, Shoulder & Back Injuries	25	9
Legs, Ankle, Knee or Foot Injuries	28	10
Face and Head Injuries	1	4
Hand/Finger, Wrist & Arm Injuries	47	17
Eyes	1	2
Ears (noise)	0	0

*36 total reports – 6 injuries affected more than one body part

2017 First Aid Summary

INJURY CATEGORY	% OF TOTAL INJURIES	COUNTED FIRST AID REPORTS
Body, Neck & Back Injuries	6%	2
Legs or Foot Injuries	19%	6
Face and Head Injuries	13%	4
Hand/Finger & Arm Injuries	50%	16
Eyes	6%	2
Ears (noise)	6%	2

*32 total reports

2016 First Aid Summary

INJURY CATEGORY	% OF TOTAL INJURIES	COUNTED FIRST AID REPORTS
Body, Neck & Back Injuries	8%	3
Legs or Foot Injuries	14%	6
Eye, Face and Head Injuries	14%	6
Hand/Finger & Arm Injuries	64%	27

*44 total reports

2015 First Aid Summary

INJURY CATEGORY	% OF TOTAL INJURIES	COUNTED FIRST AID REPORTS
Body, Neck & Back Injuries	9%	3
Legs or Foot Injuries	18%	6
Eye, Face and Head Injuries	9%	3
Hand/Finger & Arm Injuries	64%	22

*34 total reports

2019 Injury Summary

- Reports are about the same in numbers as 2018. This summary does not include any accidents from October 2019-December 2019 because we have not had a JH&SC meeting in 2020 and therefore first aid reports from that time have not been submitted)
- In 2019 the #1 type of injury was cuts/punctures.

- In 2019 scrapes and cuts to hands was the most common injury. This has been the case every year since doing first aid summaries.
- In 2019 we had 2 “lost time injuries”
- 7 “near miss” reports in 2019.
- No accident investigations were done in 2019

2019 Training

The following items were types of training UTRCA staff obtained in 2019.

- WHMIS on-line (all staff receive WHMIS 2015 training yearly).
 - Health and Safety Orientation (all new staff, volunteers, students receive this training, as well as staff that have been away for more than a 3 month period)
 - Book 7 Training (all staff who drive vehicles take this training yearly), new staff have full training, full time staff receive a yearly refresher
 - Canoe and Kayak (we now have an in-house trainer). 6 staff members received their Level 1 ORCKA certification
 - Miscellaneous – Confined Space Entry, Fall Arrest, Technical Standards, Lock Out/ Tag Out, Transportation of Dangerous Goods, Use of Force, Crane Operation, Joint Health and Safety Committee Certification, Property Entry Training and others.
 - Supervisor training was given to all staff who required it and will continue into 2020
-
- All the same training will be done in 2020, but will be delayed and/or altered depending on the coronavirus situation
 - We now have 16 staff members trained in Mental Health First Aid.

Recommended by:

Ian Wilcox
General Manager

Prepared by:

Cari Ramsey
Health and Safety Specialist

To: UTRCA Board of Directors

From: Tracy Annett, Manager – Environmental Planning and Regulations

Date: April 17, 2020 **Agenda #:** 8.2

Subject: Administration and Enforcement - Section 28 **Filename:** ::ODMA\GRPWISE\UT_M
 Status Report – *Development, Interference with* AIN.UTRCA_PO.ENVP:874
Wetlands and Alterations to Shorelines and 3.1
Watercourses Regulation (O.Reg157/06)

Section 28 Report:

The attached table is provided to the Board as a summary of staff activity related to the Conservation Authority’s *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act). The summary covers the period from January 18, 2020 to March 31, 2020.

Interim Annual Report:

As part of the Conservation Ontario Client Service and Streamlining Initiative, Conservation Ontario (CO) developed the *Annual Reporting on Timelines Template for Permissions under Section 28 of the Conservation Authorities Act*. The template outlines best practice level of service timelines and reporting requirements for CA review of S.28 permit applications. Best practice timelines were developed for major, minor, and routine permit applications. CO Council endorsed this template at the December 2019 meeting, which included direction for high-growth CAs to submit interim reports to Conservation Ontario in 2020 for staff to identify any issues with the reporting template and bring a consolidated report to CO Council for information purposes.

These interim reports from CAs to CO will assist with identifying any issues with the reporting template early on in the process. Future reporting from high growth CAs for 2021 and beyond, CAs will be requested to provide annual reporting in February for consideration by Conservation Ontario Council at their AGM.

The Summary Report for the UTRCA covers the period from January 1, 2020 to March 31, 2020 is provided below. The results indicate that 100% of applications are meeting the overall timelines provided as best practices.

UTRCA QUARTERY REPORT FOR SECTION 28 PERMITS						
Number of Permits Issued Within Issued Within CO Guideline timeline						
Routine	Minor	Major	TOTAL	TOTAL PERMITS	PERCENT	
2	17	11	30	30	100	
Number of Permits Issued Outside of CO Guideline timeline						
Routine	Minor	Major	TOTAL	TOTAL PERMITS	PERCENT	
0	0	0	0	30	0	

The summary table above is consistent with the template provided by Conservation Ontario to ensure comparability between CAs.

It should also be noted that legislation under the Emergency Management and Civil Protection Act (Ontario regulation 73/20) was passed stating that any provision of any regulation, statute, by-law, order, etc. automatically extends timeframes during the length of the provincial state of emergency. Although timelines may be suspended the UTRCA will endeavour to continue to meet timelines, if possible. It is expected that a backlog of applications will be received once the emergency declaration is lifted and non-essential construction activities can resume.

Recommended by:

Tracy Annett, MCIP, RPP, Manager
Environmental Planning and Regulations

Prepared by:

Cari Ramsey
Environmental Regulations Technician

Jessica Schnaithmann
Land Use Regulations Officer

Brent Verscheure
Land Use Regulations Officer

Karen Winfield
Land Use Regulations Officer

SECTION 28 STATUS REPORT

SUMMARY OF APPLICATIONS

DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINE AND WATERCOURSES REGULATION ONTARIO REGULATION 157/06

Period of Report: Jan 18/20 - Mar 31/20

NOTE: CO has advised that the final reporting on the decision timelines is based on whether CAs are consistent with the overall timeline, not whether CAs are meeting each component of the timeline.

SECTION 28 PERMITS

Permit #	Municipality	Location/Address	Category	Application Type	Project Description	Application Received	Notification of Complete Application		Permit Issued	Comply with Standards	Staff
209-19	London	1505 Sise Road	Minor	Development	Proposed One Storey Storage Shed	18-Oct-19	REQUIRED	1-Nov-19	27-Feb-20	YES	Verscheure
							ACTUAL	6-Feb-20	7-Feb-20		
223-19	Stratford	Part Lot 5, Concession 2	Major	Development	Proposed Preliminary Site Grading Associated with the Countryside Estates (2014) Limited Subdivision	18-Nov-19	REQUIRED	9-Dec-19	4-Mar-20	YES	Schnaithmann
							ACTUAL	5-Feb-20	19-Feb-20		
226-19	London	667 Talbot Street	Major	Complex	16 Storey Residential Apartment Building	3-Sep-19	REQUIRED	24-Sep-19	12-Feb-20	YES	Verscheure
							ACTUAL	15-Jan-20	18-Jan-20		
143-19	W Perth	226 Pond Street	Minor	Development	Removal of Wooden Deck and Replacement with New Pavers, Armourstone Retaining Wall and Gazebo	11-Jul-19	REQUIRED	25-Jul-19	12-Feb-20	YES	Schnaithmann
							ACTUAL	22-Jan-20	23-Jan-20		
1-20	London	10 Napier Street	Minor	Development	Proposed Construction of Two Storey Addition to Rear of Existing Residence	6-Jan-20	REQUIRED	20-Jan-20	24-Mar-20	YES	Schnaithmann
							ACTUAL	3-Mar-20	6-Mar-20		
5-20	London	140 Travelled Road	Major	Violation	Garage Replacement - Retroactive Permit Application	15-Jan-20	REQUIRED	5-Feb-20	27-Mar-20	YES	Verscheure
							ACTUAL	28-Feb-20	18-Mar-20		
6-20	Perth E	2128 Line 37	Major	Restoration/Creation	Proposed Wetland Enhancement / Restoration	16-Jan-20	REQUIRED	6-Feb-20	21-Feb-20	YES	Schnaithmann
							ACTUAL	24-Jan-20	29-Jan-20		
7-20	London	Euclid Avenue, 40m East of Birch Street to Wortley Road	Minor	Municipal Project	Installation of Sewers and Watermain Including Appurtenances and Road Reconstruction Project	16-Jan-20	REQUIRED	30-Jan-20	14-Feb-20	YES	Schnaithmann
							ACTUAL	24-Jan-20	28-Jan-20		
8-20	London	3951 West Graham Place	Minor	Development	Proposed Tear Down and Rebuild Deck and Stairs on West Side of House	22-Jan-20	REQUIRED	5-Feb-20	17-Feb-20	YES	Schnaithmann
							ACTUAL	27-Jan-20	29-Jan-20		
9-20	London	80 Essex Street	Minor	Development	Renovate Two Storey Triplex plus Rear Two Storey Addition	23-Jan-20	REQUIRED	6-Feb-20	18-Feb-20	YES	Verscheure
							ACTUAL	28-Jan-20	5-Feb-20		
10-20	London	82 Essex Street	Minor	Development	Renovate Two Storey Triplex plus Rear Two Storey Addition	23-Jan-20	REQUIRED	6-Feb-20	18-Feb-20	YES	Verscheure
							ACTUAL	28-Jan-20	5-Jan-20		

Period of Report: Jan 18/20 - Mar 31/20

NOTE: CO has advised that the final reporting on the decision timelines is based on whether CAs are consistent with the overall timeline, not whether CAs are meeting each component of the timeline.

SECTION 28 PERMITS

Permit #	Municipality	Location/Address	Category	Application Type	Project Description	Application Received	Notification of Complete Application	Permit Issued	Comply with Standards	Staff	
11-20	W Perth	6115 Line 39	Minor	Development	Proposed Warehouse Addition	29-Jan-20	REQUIRED	12-Feb-20	26-Feb-20	YES	Schnaithmann
							ACTUAL	5-Feb-20			
12-20	London	100 Albion Street	Minor	Development	Proposed Renovations and Construction of Porch at North and East of House	22-Jan-20	REQUIRED	5-Feb-20	24-Feb-20	YES	Schnaithmann
							ACTUAL	3-Feb-20			
14-20	London	946 Longworth Road	Minor	Development	Proposed Retaining Wall, In-ground Pool Installation	25-Oct-19	REQUIRED	8-Nov-19	5-Mar-20	YES	Schnaithmann
							ACTUAL	13-Feb-20			
15-20	London	Unit 3 - 2810 Sheffield Place	Major	Development	Proposed One Floor Dwelling with Walk-Out and Attached Garage	6-Jan-20	REQUIRED	27-Jan-20	4-Mar-20	YES	Schnaithmann
							ACTUAL	5-Feb-20			
17-20	Thames Centre	Gerald Parkway	Major	Municipal Project	Proposed Construction of New Stormwater Management Facility (Dry Pond) and New Thomas Municipal Drain (2019)	14-Feb-20	REQUIRED	6-Mar-20	18-Mar-20	YES	Winfield
							ACTUAL	19-Feb-20			
18-20	London	88 Blackfriars Street	Minor	Development	Proposed Construction of Two Storey Single Family Residence	24-Jan-20	REQUIRED	7-Feb-20	26-Feb-20	YES	Verscheure
							ACTUAL	5-Feb-20			
21-20	Thames Centre	Lot 6, Concession 5	Routine	Utility Corridor	Proposed Sun Canadian Pipeline Integrity Dig in the floodplain of Waubuno Creek.	7-Feb-20	REQUIRED	17-Feb-20	16-Jul-20	YES	Winfield
							ACTUAL	2-Jul-20			
24-20	Ingersoll	423 Thames Street South	Major	Development	Proposed 4-Storey Retirement Residence, Driveways and Associated Parking Areas	12-Feb-20	REQUIRED	4-Mar-20	13-Mar-20	YES	Winfield
							ACTUAL	14-Feb-20			
25-20	Thames Centre	16364 Thorndale Road	Major	Development	Proposed Watercourse Crossing and New Residential Driveway Access Over the McGuffin Municipal Drain	12-Feb-20	REQUIRED	4-Mar-20	2-Apr-20	YES	Winfield
							ACTUAL	5-Mar-20			
28-20	London	149 Mount Pleasant Avenue	Minor	Development	Proposed Construction of a Two Storey Addition to Rear of Existing Residence	19-Feb-20	REQUIRED	4-Mar-20	27-Mar-20	YES	Schnaithmann
							ACTUAL	6-Mar-20			
29-20	Middlesex Centre	225 Edgewater Boulevard	Major	Development	Proposed Single Family Residence & Attached Garage	27-Feb-20	REQUIRED	19-Mar-20	26-Mar-20	YES	Winfield
							ACTUAL	27-Feb-20			
30-20	London	41 Empress Avenue	Minor	Development	Proposed Construction of Single Storey Addition to Rear of Existing Residence	27-Feb-20	REQUIRED	12-Mar-20	23-Mar-20	YES	Schnaithmann
							ACTUAL	2-Mar-20			
31-20	Thames Centre	22360 Valleyview Road	Major	Development	Proposed Single Family Residence, Attached Garage, Detached Garage, Deck, Installation of New Septic System and	5-Mar-20	REQUIRED	26-Mar-20	31-May-20	YES	Winfield
							ACTUAL	3-May-20			
35-20	Zorra	Henderson Drain	Routine	Municipal Drain	Proposed spot cleanout of a Class C drain	18-Feb-20	REQUIRED	28-Feb-20	23-Mar-20	YES	Ramsey
							ACTUAL	9-Mar-20			

Period of Report: Jan 18/20 - Mar 31/20

NOTE: CO has advised that the final reporting on the decision timelines is based on whether CAs are consistent with the overall timeline, not whether CAs are meeting each component of the timeline.

SECTION 28 PERMITS

Permit #	Municipality	Location/Address	Category	Application Type	Project Description	Application Received	Notification of Complete Application	Permit Issued	Comply with Standards	Staff	
36-20	London	196 Rathnally Street	Minor	Development	Proposed Construction of a Two Storey Addition to Rear of Existing Residence	10-Mar-20	REQUIRED	24-Mar-20	31-Mar-20	YES	Schnaithmann
							ACTUAL	10-Mar-20	16-Mar-20		
39-20	Stratford	1289 O'Loane Avenue	Minor	Development	Proposed Decommission of Existing Septic System and Installation of New Septic System	19-Mar-20	REQUIRED	2-Apr-20	15-Apr-20	YES	Schnaithmann
							ACTUAL	25-Mar-20	25-Mar-20		
40-20	St Marys	100 Water Street South	Major	Development	Proposed Construction of New Office Building and Parking Area	18-Mar-20	REQUIRED	8-Apr-20	17-Apr-20	YES	Schnaithmann
							ACTUAL	20-Mar-20	25-Mar-20		
41-20	Woodstock	Roth Park	Minor	Municipal Project	Proposed Rehabilitation of Existing (Rotary Club) Boat Launch on the South Shore of the Pittock Conservation Area	3/25/2020	REQUIRED	8-Apr-20	15-Apr-20	YES	Winfield
							ACTUAL	25-Mar-20	27-Mar-20		

PERMIT EXTENSIONS

35-19	London	2240 Huron Street	Minor	Extension	Proposed Construction of Four Warehouses	15-Feb-19	REQUIRED	1-Mar-19	11-Apr-20	YES	Verscheure
							ACTUAL	21-Mar-20	25-Mar-20		
48-19	Stratford	O'Loane Avenue	Major	Extension	Proposed Fibre Optic Cable Duct Installation Undercrossing the Avon River	25-Mar-20	REQUIRED	15-Apr-20	22-Apr-20	YES	Winfield
							ACTUAL	25-Mar-20	25-Mar-20		
52-19	London	J.W. Carson Bridge - Clarke Road	Minor	Extension	J.W. Carson Bridge Repairs - Clarke Road over North Thames River	11-Mar-19	REQUIRED	25-Mar-19	10-Apr-20	YES	Verscheure
							ACTUAL	20-Mar-20	20-Mar-20		

VIOLATIONS

Municipality	Location/Address	Violation Description	Status Update	Staff
London	2040 River Road	Unauthorized Interference with a Wetland, Alteration to a Watercourse, Placement of Fill and Site Grading	Ongoing discussions with property owner and consultants in an effort to achieve a net environmental benefit	Verscheure
London	2525 Dingman Drive	Single Family Residential Development within Dingman Screening Area (Flood Plain) without Conservation Authority approval	Working with property owner, contractor and appointed engineer to determine if appropriate flood proofing can be achieved and a retroactive Section 28 permit can be issued	Verscheure
London	852 Commissioners Road East	Unauthorized Interference with a Wetland, Alteration to a Watercourse, Placement of Fill and Site Grading	Ongoing discussions with property owner and consultants to address complete Section 28 Permit application requirements.	Verscheure
London	1830 Adelaide Street North	Alteration to a Watercourse	Working with property owner, contractors, appointed engineers and environmental consultants to prepare a remediation plan to achieve a net environmental benefit.	Verscheure
London	41 Hamley Road	Placement of Fill in Flood Plain	Ongoing discussions with property owner and consultants to determine origin and quantity of fill placed within the flood plain	Verscheure

To: UTRCA Board of Directors
From: Ian Wilcox, General Manager
Date: April 17, 2020
Subject: COVID-19 Response: UTRCA Updates

Agenda #: 8.3
Filename: ::ODMA\GRPWISE\UT_MAIN.UTRCA_PO.File_Centre_Library:123255.1

Introduction

Like most organizations and businesses in Ontario, the COVID-19 Pandemic has required the UTRCA to drastically modify its operations in an effort to protect staff, our clients and the general public from the risk of infection. The majority of staff are continuing to deliver programs and services, where possible, while working from home. A few staff are able to continue field work however UTRCA facilities are closed to the public.

Some UTRCA services have been prescribed by the province as essential. This includes flood forecasting and warning, maintenance of flood control infrastructure, flood event operations, the maintenance of public lands, some environmental management efforts (limited tree planting) and research (species at risk, water quality). The balance of our programs and services are considered non-essential but staff are able to continue this work from home offices. This alternate means of program delivery is permitted and encouraged by the province.

Current Status

- The majority of staff are working from home. The UTRCA invested in on-line networking capabilities many years ago so this adjustment has been relatively smooth.
- All UTRCA facilities are closed to the public.
- UTRCA lands (e.g., Fanshawe, Wildwood and Pittcock) remain closed for the off-season but we still permit public access for trail use.
- A skeleton crew of staff are at the WCC for a short time each day to receive deliveries and ensure building operations.
- Conservation Area staff attend the parks each day to ensure facilities are secure, to conduct legislated maintenance (e.g., drinking water testing), and to offer a physical presence to protect private property within the CAs (e.g., trailers, boats).
- ESA Staff in London continue to do land checks and regular maintenance daily.
- Water quality research project field work continues as an essential service.
- Spring tree planting programs continue in a much reduced form with program decisions still pending based on the ability of nurseries to supply stock (see below).
- In the event that field staff could be challenged by public authorities, they have been supplied with an authorization letter noting how their work complies with the province's list of essential services.

The following operations have been most affected by the pandemic:

Conservation Areas:

There has been a trend across the province to close parks to public access; this includes other Conservation Authorities, municipalities and provincial parks. Reasons include excessive public use and physical distancing concerns. At this point the UTRCA is continuing to allow public access to our lands and Conservation Areas, although facilities are closed. We have not seen excessive use to the point of concern regarding physical distancing however signs have all been posted encouraging continued healthy practices. We believe strongly that these public lands should remain open for public access as long as possible to offer the public some opportunity for natural and mentally therapeutic experiences. Staff continue to monitor the situation and to work with Public Health. If attendance numbers become unsafe, we will reconsider this position.

An opening date for the Conservation Areas has not been determined. We continue to follow provincial direction and advice from Public Health officials. Staff are communicating with seasonal campers weekly.

Current scenario planning includes 1) an opening date of June 1st, 2) opening June 28th with only day use and boating (no camping for the season), and 3) the possibility of not opening at all in 2020.

Note many operations are still required regardless of whether or not Conservation Areas are open (i.e., expenses with no revenue):

- Grass cutting (less frequent)
- Security (private trailers and boats on-site)
- Drinking water testing
- Facility security checks and maintenance
- Dam operations

Tree Planting

Normally our tree planting program would be in full operation at this point. To date, potted conifers have arrived for landowner pick-up and planting. Staff have started potted conifer planting as individuals or well-separated groups. Planting should take approximately three to four weeks. Seedling planting programs are in doubt, however over-the-counter sales will likely proceed. Nurseries have been unable to lift much of their stock because of their normal reliance on migrant workers. Safe planting protocols have been developed for staff however debate continues about the practicality of many plantings for this spring. Most community planting projects have been postponed until fall or cancelled. Memorial tree plantings will go ahead with modifications. Decisions continue to be made almost daily as new information arrives.

Environmental Education

With schools closing, all conservation education field trips and in-school programs were cancelled for the month of April. As we move toward May and with the initiation of on-line learning, UTRCA staff are now working with teachers and providing support materials / activities for use by teachers with their students. Education staff host a daily UTRCA Nature Challenge on YouTube to encourage continued learning about nature and the outdoors. The Challenge is being used by many teachers and we have received thanks from our watershed Montessori schools.

Work continues behind the scenes on new program development, on improving existing programs and on equipment repair, all for implementation in the fall. The Perth County Children's Water Festival has been postponed until the end of September of this year with conversations underway should the event need to move to the spring of 2021.

Budget

The pandemic's financial impact on the UTRCA has primarily been a reduction in revenue as opposed to imposing new expenses. Transfer payments, municipal levy and contract revenue remain largely unaffected by the pandemic, however, income from user fees has been seriously disrupted. Conservation Areas are the most impacted and could see revenues reduced by more than \$3M under the worst case scenario.

Uncertainty regarding the duration of the ongoing shut-down presents the biggest challenge to planning and mitigation efforts. Staff have considered a broad range of scenarios however we continue to rely on the province and public health to guide decision making.

Managers have worked with the Supervisor of Finance and Accounting to reduce 2020 budget line item expenditures, where possible. As a result:

- Capital works (other than flood control) have been deferred until 2021
- Professional development and travel costs have been reduced
- Overhead costs have been reduced (heat, printing, fleet and fuel costs, contracted services like cleaning have been suspended, insurance, etc.)
- Seasonal staff hiring has been delayed (tree planters, surveyors, Conservation Areas support staff, ESA staff)
- Contract and full time staff vacancies are not being filled in the short term including two full time monitoring technicians, an assistant monitoring technician, two Targets support staff, two planning positions, and one regulations position.

Managing expenditures is a balancing act. Our current priority is to maintain program and service delivery to the extent possible, while mitigating budget impacts over an unknown period of time.

Wage Subsidy

Our current priority is determining if we are eligible for the Canada Emergency Wage Subsidy (CEWS). This 75% subsidy is provided to businesses who realize a greater than 30% reduction in revenue. Conservation Authorities may not be eligible as part of our operations are publicly funded, and, depending on how revenues are calculated, we may not meet the 30% revenue reduction threshold. Staff continue to work with the Canada Revenue Agency to clarify our eligibility. If we receive a subsidy, our current staff complement can in all likelihood continue to deliver services as we have for the past month. If we are ineligible, layoffs and/or hours reductions will be seriously considered. Other subsidy and/or work sharing programs are also being considered.

Return to Work Plan

Managers and human resources staff have started development of a "Return to Work Plan." Uncertainty regarding the pandemic's duration, plus the influence public health will have in guiding return to work strategies make this plan very much a work in progress. However, it is clear any return to near normal will have to be phased with expected periods of retreat to full isolation again based on infection cycles, and we can expect the phase-in period to extend over 18-24 months or at least until a vaccine is

developed and widely administered. At this stage the value of the Return to Work Plan is to manage expectations and to allow staff to plan future work accordingly. The Board will be kept updated as the Plan progresses.

Prepared by:

Ian Wilcox, General Manager

**CORPORATION OF THE MUNICIPALITY OF SOUTH HURON**

322 Main Street South P.O. Box 759

Exeter Ontario

N0M 1S6

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April 15, 2020

Via email: wilcoxi@thamesriver.on.ca

Chair Sandy Levin and Members of the Board
Upper Thames River Conservation Authority
1424 Clarke Road London, Ontario, N5V 5B9

Attention: Chair Levin and Members of the Board

Re: 2020 Budget – Upper Thames River Conservation Authority

South Huron Council received the finalized Budget at the April 6, 2020 Regular meeting. On behalf of Council I wish to advise that no comments were directed to be forwarded with respect to the finalized 2020 Budget.

The above is for your consideration and any attention deemed necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebekah Msuya-Collison".

Rebekah Msuya-Collison, Director of Legislative Services/Clerk
Municipality of South Huron
519-235-0310 x227
clerk@southhuron.ca