



**Agenda** for Meeting of the Essex Region Source Protection Committee (SPC) to be held on **Wednesday, February 20, 2008**, in the **Essex Civic Centre, Committee Room D**, 360 Fairview Avenue West, Essex, Ontario, commencing at **11:00 AM**.

**ITEM**

**Attachment**

**Chair's Welcome**

**Disclosure of Interest**

**Agenda**

Agenda for the Meeting of the Essex Region Source Protection Committee (SPC) held on Wednesday, February 20, 2008.

**Recommendation**

THAT the Agenda for the Wednesday, February 20, 2008, Meeting of the Essex Region Source Protection Committee (SPC) be approved.

**Minutes**

**Attachment 1**

1. Minutes of the Meeting of the Source Protection Committee (SPC) held on Wednesday, January 16, 2008.

**Recommendation**

THAT the Minutes of the Meeting of the Source Protection Committee (SPC) held on Wednesday, January 16, 2008 and the recommendations therein be adopted as distributed.

**Correspondence**

None

**Delegations**

None

**Reports**

None

**Other Business**

1. **Terms of Reference**

This is an information item, on which there will be a presentation and discussion at the meeting.

2. **Watershed Characterization**

This is an information item, on which there will be presentations and discussion at the meeting.

3. **Rules of Procedure, Code of Conduct and Conflict of Interest Policies**

**Attachment 2**

The attached Final Draft has been revised based on comments from the Committee and as adopted at the January Meeting. The Final Draft has been presented to the Source

Protection Authority Board on Thursday, February 14, 2008 pending approval. An update of the decision of the SPA will be presented at the Wednesday, February 20, 2008, SPC Meeting. As per the 'Acknowledgement' section of the Document, forms will be provided at the meeting which Members will be asked to sign (copy attached).

4. **Clarification Regarding Proxies**

This is an information item, on which clarification and guidance will be provided around the definition and use of proxies by Source Protection Committee Members.

**New Business**

**Date – Next Meeting**

The next meeting of the SPC will be held on Wednesday, March 19, 2008 in the Essex Civic Centre Committee Room D which begins at 11:00 a.m.

**Conclusion of Meeting**

A handwritten signature in black ink, appearing to read 'Stan Taylor', written over a horizontal line.

Stan Taylor P.Eng., Director of Source Water Protection



**Minutes of Meeting of the Essex Region Source Protection Committee (SPC) held on Wednesday, January 16, 2008, in the **Essex Civic Centre, Committee Room E**, 360 Fairview Avenue West, Essex, Ontario.**

**Present**

Members:	Robert Auger	Charles McLean (Member TBC)	John Stuart
	John Barnett	Hans Peter Pfeifer	Larry Verbeke
	David Brister (SPA Liaison-Alt.)	Andrew Pula	Jim Vincent
	Tom Fuerth (Chair)	Ray Renaud (SPA Liaison)	David Watsa
	John Kehoe (Interim Member)	Ashley Stevenson	

Absent: Tom Bain (Interim Member)  
Christopher Lewis (Member TBC)

Regrets: Thom Hunt  
Mario Sonogo  
Lou Zarlenga

Staff: Stan Taylor, Director of Source Water Protection  
Danielle Stuebing, Director of Communications & Education  
Roger Palmini, GIS/Data Specialist  
Rajesh Bejankiwar, Water Quality Specialist  
Candice Kondratowicz, Administrative Assistant

Guests: None

## Call to Order

The Chair of the SPC Tom Fuerth, called the Meeting to Order at 10:35 a.m.

## Disclosure of Interest

None

## Agenda

1. The Agenda for the Meeting of the Essex Region Source Protection Committee (SPC) held on Wednesday, January 16, 2008.

Moved by Larry Verbeke  
Seconded by Charles McLean

THAT the Agenda for the Wednesday, January 16, 2008, Meeting of the Essex Region Source Protection Committee (SPC) be approved.

- CARRIED

## New Business

### 1. Terms of Reference

The Terms of Reference PowerPoint document was distributed to members and briefly discussed. The Terms of Reference document must be finalized within 14 months to the day that the Chair was appointed. The dates that were presented were briefly discussed by the members. Tom Fuerth requested that the tentative schedule be placed on the internet. There were no objections. The Committee recognized that the schedule for developing the Terms of Reference will have revisions along the way, due to unforeseen issues.

Change of date from January 18, to the end of January for the Notification/Invitation to Municipalities was suggested. The change of date was approved by consensus.

### 2. Rules of Procedure, Code of Conduct and Conflict of Interest Policies

The Final Draft document was provided to members and briefly discussed. Two issues were identified by the Chair as requiring discussion for this meeting.

The first issue discussed was that of the Vice Chair (Item 3 on page 11, and Item 14 on page 5). The members reached a consensus that the ERSPC has no need for a Vice Chair. Therefore, in the absence of the Chair, the Project Manager will preside over the election of a Chair pro-tempore. Tom Fuerth noted that the Acting Chair will assume all responsibilities in the Chair's absence, and may not vote. The rules may be amended from time to time as the need arises and the position of Vice Chair may be revisited if the committee deems it necessary in the future.

The second issue for discussion was Robert's Rules of Order or Bourinot's Rules of Order (Item 1 on page 4 under 'Rules of Order...'). Tom Fuerth noted that the Ministry requires that the SPC adopt a Rules of Order. The use of Bourinot's Rules of Order was approved by consensus.

An issue raised by Committee Members was the rules regarding Media Relations (Item 5 on page 15). The Chair recognized the concern from the Committee & addressed the concerns. It is recognized that Committee members may be approached from time to time by the media and that they may provide a personal opinion about issues but that they should direct inquiries about the committee's position and activities to the Chair and/or the Project Manager as the official media spokespersons for the committee. Issues for the

media may also be addressed by Danielle Stuebing, ERCA's Director of Communication & Education. The Chair suggested that any Media concerns may be addressed to himself, via email or telephone.

Moved by David Watsa  
Seconded by Charles McLean

THAT the Rules of Procedure, Code of Conduct, and Conflict of Interest Policies, as amended, be adopted.

- CARRIED

### **Other Business**

1. John Stuart requested that the Committee receive a list of Remedial Action Plan (RAP) Programs that are water related for the next SPC Meeting.
2. Tim Mousseau requested that the committee be informed of Environmental Assessments being undertaken that are related to waste water. Tom Fuerth suggested that a formal request to the SPA be made regarding this issue. It was determined that decisions regarding 'issues' of this type be addressed once received. This manner of addressing such issues was approved by consensus.
3. John Kehoe announced that he will no longer be the SPC Interim Member, that ERCA will be asked to appoint Councillor Gord Queen as his replacement.

### **Meeting Adjournment**

Moved by John Stuart  
Seconded by Charles McLean

- CARRIED

Meeting adjourned, followed by a tour of the Windsor Water Treatment Plant and nearby watershed areas.

### **Date – Next Meeting**

The next meeting of the SPC will be held on Wednesday, February 20, 2008, in the Essex Civic Centre, Committee Room D, commencing at 11:30 a.m.

### **Conclusion of Meeting**



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Stan Taylor P.Eng., Director of Source Water Protection

**ESSEX REGION SOURCE PROTECTION AREA  
SOURCE PROTECTION COMMITTEE**

**RULES OF PROCEDURE,  
CODE OF CONDUCT AND CONFLICT OF INTEREST POLICIES**

**January 2008  
FINAL DRAFT**

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Chair

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Project Manager

**SPC Approval Date:** January 16, 2008

**Effective Date (SPA Approval Date)**

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## **INTRODUCTION**

These 'Rules of Procedure, Code of Conduct and Conflict of Interest Policies' are prepared in accordance with the requirements of Sections 14 and 15 of Ontario Regulation 288/07 under the Clean Water Act, R.S.O. 2006

In this regulation, "Committee" refers to the Essex Region Source Protection Committee as defined by Ontario Regulation 288/07.

Definitions of terms used throughout this document correspond to those definitions given in Section (1) of the Clean Water Act, R.S.O. 2006 and Ontario Regulation 288/07.

## **RULES OF PROCEDURE**

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

1. The Committee shall at its first meeting and every six months thereafter establish a meeting schedule for the following six months and publish this schedule on the internet
2. The Committee shall meet at least once a month until the proposed Terms of reference is submitted to the Source Protection Authority.
3. Notice of all Committee meetings shall be conveyed to members, liaison representatives, municipalities, and to the local media at least 5 days prior to the date of the meetings via the website calendar. The notice shall include the time and place of the meeting and all items to be discussed at the meeting.
4. Anyone wishing notice of meetings shall leave their name and address or email address with the Project Manager. The Project Manager or his or her designate shall inform that person, by email, in writing or by telephone, in advance of meetings.
5. The Committee shall meet at such time and place as the Chair shall decide or at other such intervals as the Chair shall decide.
6. Email notice of all Committee meetings shall be sent to each member and liaison representative at least 5 days prior to the meetings.

## **APPOINTMENTS AND ELECTIONS**

1. The Minister appoints the Chair. The fifteen voting members are appointed by the Essex Region Source Protection Authority (ERCA Board). The membership of the Committee shall be in accordance with Regulation 288/07 under the Clean Water Act, R.S.O. 2006
2. The Committee may elect a Chair pro-tempore or other positions as the Committee may determine, from among the voting members. The order of procedure for the elections shall be:
  - (a) As the Minister appoints the Chair, the Chair may preside from the outset of the meeting. In the absence of the Chair, the Project Manager will preside over the election of a Chair pro-tempore.
  - (b) The election procedure shall be as follows:
    - (i) an open verbal nomination, no seconder required
    - (ii) the calls for nomination
    - (iii) each nominee has the opportunity to speak to his/ her nomination, stating a willingness to stand
    - (iv) motion to close nominations
    - (v) elections shall be held by secret ballot on those accepting the nomination. Ballots will be distributed to qualified members only and no member may vote by proxy. In the event of a tie the names shall be put into a container and the winner drawn.
3. The Term of appointment and filling of vacancies shall be done in keeping with Regulation 288/07.

## **RULES OF ORDER FOR CONDUCTING MEETINGS**

1. The Chair of the Committee, or, in his/her absence, the Chair pro-tempore, shall preside over all Committee meetings. He/She shall call the meeting to order promptly at the time designated, or as soon thereafter as a quorum is present. He/She shall preserve order and decorum and decide upon all questions of order, stating if requested, that the decision or his/her ruling is based Bourinot's Rules of Order, and stating the rule that is being applied. In such case there shall be no debate.

If any member, however, challenges the Chair on a ruling, other than that based on the rules of order, the member shall explain his/her basis for the objection, and the question shall be put in the form of a motion, duly moved and seconded, and debated if required, and voted on. A simple majority vote in favour of the motion carries the motion and the ruling is defeated or overturned.

2. The Chair shall cause the Project Manager, or his/her designate, to record the names of members present and members absent.
3. In the event of the absence of the Chair from any meeting, the members present shall, upon receiving notice of the absence, or after a waiting period of fifteen (15) minutes from the time of the duly called meeting, appoint a Chair pro-tempore from the Committee members present, who, for the purposes of that meeting, has all the powers and shall perform all duties of the Chair. The Chair pro-tempore shall preside over the meeting for so long as the Chair remains absent from the meeting and until the immediate business at hand is completed. The Project Manager or his/her designate shall preside over the appointment of the Chair pro-tempore. The Chair pro-tempore shall not vote on any matter.
4. The Committee shall conduct business only when a quorum is present. One or more vacancies in the membership of the Committee does not prevent the Committee from conducting business as long as the number of members in office is sufficient to maintain quorum.
5. A quorum for any meeting of the Committee shall consist of the Chair or Chair pro-tempore plus two-thirds of the fifteen members of the Committee (10 members). Participation by teleconference, when necessary in extenuating circumstances, may count toward quorum. Participation through proxy shall be based on Ministry Guidelines. If no quorum is present one-half hour after the time appointed for a meeting of the Committee, the Project Manager records the names of those present and the meeting shall stand adjourned until the next meeting.
6. Delegations to any Committee meeting will be considered, if requested in writing at least ten (10) days prior to the meeting, or if otherwise approved by the Chair. Such written request must state the purpose of the delegation.

Delegations to any meeting of the Committee will be limited to one key spokesperson and will be allotted a maximum of five (5) minutes for their related presentation, with the Chair's discretion to allow ten (10) minutes. The Chair may limit the number of delegations per meeting.

7. Where an evening meeting is being held, every effort should be made to adjourn the meeting by 11:00 p.m. The Chair shall not permit the meeting to continue beyond 11:00 p.m. without the consent of the majority of the members present.
8. The Committee shall attempt to make decisions through consensus. If the Chair determines that consensus is not likely to be achieved with-in a reasonable time, the Chair may call for a motion on the business, or ask to have the business deferred to a subsequent meeting. Motions will carry by majority vote of at least 2/3 of the members present, not counting the Chair. Any motion on which there is an equality of votes is lost (i.e. at least 2/3 of the members present must vote, and

the vote is carried on a simple majority of those voting – and if 2/3 do not vote then it is lost)

9. At any meeting of the Committee, each member is entitled to one (1) vote. The Chair shall not vote. A member may participate by proxy.
10. No motion or amendment shall be debated or put to a vote unless seconded.
11. When a motion is proposed, then an amendment and subsequently an amendment to the amendment (sub-amendment), the vote of the members shall first be taken on the sub-amendment, then on the amendment, and finally on the main motion. Only two (2) amendments (an amendment and a sub-amendment) may be proposed at the same time to a question. When one or both amendments have been disposed of, a further amendment or sub-amendment may be entertained by the Chair. When either an amendment or a sub-amendment has been carried, the question is put on the motion (or amendment) as amended.
12. The Chair, when the meeting is ready for the decision on any question, shall read the question (motion) before calling for the vote. He/she shall first call for those who favour the question, and next for those who oppose it.
13. Voting shall be by show of hands. Any member may request a recording of the vote by calling of the vote. A member has a right to abstain from voting.
14. If the Chair desires to leave the Chair for the purpose of taking part in the debate or for any other purpose, he/she shall call another member to fill his/her place until he/she resumes the Chair. Any member temporarily occupying the Chair shall discharge all the duties and enjoy all the rights of the Chair.
15. Every member may speak once for no more than five (5) minutes on each motion amendment or sub-amendment. Additional time or additional opportunities to speak on the same motion, amendment or sub-amendment may be granted by the Chair after all members have had an opportunity to speak.
16. When a member desires to speak, he/she shall address the Chair and confine himself/herself to the question under debate.
17. No member shall interrupt another while speaking unless to raise a point of order or to correct a mistake. The member so interrupting shall confine himself/herself to the point of order or explanation.
18. When a member transgresses the rules, the Chair shall call him/her to order, in that case the member so called to order shall come to order, unless permitted to explain by the Chair.
19. Every motion must be put in writing by the recording secretary and seconded. It

shall then be in the possession of the Committee, and can be disposed of only by a vote, unless the Committee unanimously allows the mover to withdraw it. A single voice can prevent such withdrawal.

20. Any member may require the motion under discussion to be read at any period of the debate, but not so as to interrupt the speaker.
21. A motion to adjourn the meeting shall always be in order but when a motion is under consideration no other motion shall be received except a motion:
  - a) to adjourn the debate
  - b) to put the previous question
  - c) to postpone the discussion
  - d) to refer
  - e) to table
  - f) to amend
22. After the motion has been put by the Chair, no debate shall be allowed, nor shall any other motion be made until the question under discussion has been decided, and the decision of the Chair as to whether the question has been put shall be conclusive.
23. At a subsequent meeting, any member may move to have reconsidered any motion which has already been decided. A motion to reconsider is not debatable, but shall be voted upon immediately. If a motion to reconsider a resolution is carried by 2/3 majority, then the meeting must reconsider said resolution immediately.
24. No person, other than a member of the Committee, shall be allowed to address the Chair without permission of the Chair, except the liaison representatives appointed by the Source Protection Authority or Ministry of the Environment.
25. All communication to the Committee should be addressed through the Project Manager or Chair.
26. Every substantive motion shall require five (5) days notice before it will be considered. This requirement may be waived with the consent of 2/3 of all members of the Board. A substantive motion is one which sets or alters Committee policy.
27. Motions, which are passed by the Committee, shall be referred to as "Resolutions". Resolutions shall be given two letters/ followed by a consecutive number/ followed by the last two digits of the current year.
28. The Committee members shall at all times be governed by the provisions of the Municipal *Freedom of Information and Protection of Privacy Act. (FIPPA)*, and will continue to be bound by these requirements after they are no longer on the

Committee.

29. 29.1 All meetings of the Committee and it's Sub-committees or Working Groups, shall be open to the public except as noted in 29.2 below

29.2 The following subjects may be discussed at properly constituted closed meetings, following adoption of a resolution by a majority of members present in open session, to hold a closed meeting and containing the general nature of the matters to be considered at the closed meeting:

a) the security of the property of the Essex Region Conservation Authority.

b) Personal matters about an identifiable individual, which include the following (as outlined in the Freedom of Information and Protection of Privacy Act (FIPPA))

- i) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation, or marital or family status of the individual;
- ii) information relating to the education or the medical, psychiatric, psychological, criminal, or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- iii) any identifying number, symbol, or other particular assigned to the individual;
- iv) the address, telephone number, fingerprints, or blood type of the individual;
- v) the personal opinions or views of the individual except if they relate to another individual;
- vi) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence;
- vii) the views or opinions of another individual about the individual, and
- viii) the individual's name, if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual;

c) a proposed or pending acquisition of land;

d) labour relations or employee negotiations;

e) litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;

f) the receiving of advice that is subject to solicitor-client privilege, including

communications necessary for that purpose.

- g) A matter in respect of which a council, board, committee, or other body has authorized a meeting to be closed under any other Act

29.3 An agenda shall be prepared for closed meetings where applicable, and will be limited to brief reference to the nature of matters to be discussed.

Supporting reports shall be distributed to the members and those persons authorized to attend such meetings only. Where applicable, notice of the meeting together with the agenda, but excluding supporting reports, shall be available to the public immediately after it has been distributed to members.

29.4 No person other than Committee members, liaison representatives, the Project Manager, and his/her designate(s), and persons authorized by the Committee shall attend closed meetings. Invited persons will be excused from the meeting when the matter of business concerning such persons has been dealt with.

29.5 The Project Manager or his/her designate shall keep and maintain Minutes of each closed meeting containing only resolutions adopted and decisions reached and such Minutes shall be accessible to members and liaison representatives.

29.6 No decision of the closed meeting shall be deemed to have legal effect until ratified at a regular meeting of the Committee.

29.7 Delegations shall be permitted to address the closed meeting only upon a majority vote by members present. Delegates shall be excused from such meetings prior to discussion on a matter and/or a vote being taken on the matter affecting such delegation.

29.8 Closed meeting may be held following a regularly scheduled meeting, when an item or items described herein warrants such closed meetings.

30. In accordance with the Conflict of Interest Act, 1980, every member shall declare any conflict of interest when such potential conflict arises.

31. The Committee will deal only with matters that appear on the Agenda unless the matter is of an emergency nature and with approval of 2/3-majority vote of the members present, and all pertinent information is made available.

32. Any Administrative Policy or Procedure of the Committee may be temporarily suspended when 2/3 of the members present determine to do so by vote, and if in the best interests of transacting certain business.

33. The order of business (agendas) at regular Committee meetings shall be determined at the discretion of the Chair, and shall normally be as outlined in Appendix A. **(attached)**

### ***PER DIEM and EXPENSES***

1. (a) The Chair shall receive compensation from the province in keeping with their letter of appointment. Members shall receive a per diem allowance for attending Committee meetings, and any other such meetings to which they are appointed or directed by the Committee to attend in advance of the meeting. If no quorum is present, the per diem rate shall be paid to those in attendance. Liaison representatives may be compensated in keeping with Ministry guidance.
- (b) For meetings longer than 3 hours, members will be eligible for a per diem of \$200. For meetings which are less than 3 hours, members will be eligible for a per diem of \$125.
- (c) It is the intent of the Province that members not be paid twice for their involvement with the Committee. Should the member wish to collect the per diem, their employer may need to be made aware so that the intent of the Province can be followed.
- (d) Members will be paid for mileage and other allowable travel expenses incurred on authorized Committee business. Liaison representatives may be compensated in keeping with Ministry guidance.
- (d) All per diem expenses, mileage and other allowable expenses are to be in accordance with the procedural direction and policies of the Essex Region Conservation Authority. It is intended that attendance at any event approved by the Committee or the Chair be eligible for compensation.

### ***FUNCTIONS and RESPONSIBILITIES***

#### **1. Members**

As per Section 2 of O. Reg 288/07, the Committee members consist of 15 members, as follows:

- 1/3 of the members (5) must reflect the interests of the local municipalities,
- 1/3 of the members (5) must reflect the interests of agriculture ( 2), commerce, industry, and small business,
- 1/3 of the members must reflect other interests including environmental, and other public interests.

The members' primary responsibilities are to the Committee. It is understood that members bring the viewpoints of various sectors to the committee table; however their primary responsibility is to meeting the legislated requirements of the Committee. Ultimately the Committee must develop a Source Protection Plan which reduces existing risks to an acceptable level and prevents new risks to drinking water sources. This Plan must be based on best available science.

Subject to the Clean Water Act and attending Regulations, the Members are responsible to:

- (a) Oversee the preparation of rules of procedure including a code of conduct and conflict of interest policy within the required timeframe;
- (b) Oversee the preparation and submission of a Terms Of Reference in the prescribed manner and in keeping with Regulation 287/07 within the required timeframe. This includes a map showing the source protection region boundaries, a list of municipalities within the region, defining which drinking water systems will be subject to the Act and which will not be subject to the act, identification and allocation of tasks, demonstrated consideration for the Great Lakes Agreements and public consultation and the total budget for the ensuing year;
- (c) Provide notice of a drinking water hazard in keeping with Regulation 286/07;
- (d) Oversee the preparation and submission of the Assessment Report in keeping with the Regulations, and technical guidance modules within the prescribed timeframe;
- (e) Oversee the preparation and submission of a Source Protection Plan in keeping with the Regulations within the prescribed timeframe;
- (f) Undertake public consultation as required by Regulation

## **2. Chair**

The Chair of the Committee shall provide direction for all phases of the Committee's activities and shall see that all business of the Committee is conducted in a fair and just manner and shall in particular:

- (a) Represent the Committee at such functions as warrant the interest of the Committee, except where this responsibility is specifically assigned to some other person;
- (b) Direct the Project Manager in the day-to-day operation and administration of the Committee;
- (c) Ensure that all financial activities of the Committee are carried out correctly and with strict observance of all legal requirements and regulations;
- (d) Be "ex-officio", a member of all Working Groups, sub-committees and ad hoc Working Groups;
- (e) Preside over the Source Protection Committee meetings.

- (f) Provide a quarterly report of progress to the Source Protection Authority, after completion of the Terms of Reference.

### **3. Project Manager**

The Project Manager of the Committee shall represent the Committee in such capacity as and when required, subject to the direction of the Chair of the Committee:

- (a) To administer and coordinate the total program of the Committee;
- (b) To provide direction and instructions for the consultants, contractors and other individuals engaged to assist in the program of the Committee;
- (c) Direct the preparation of material or projects to be undertaken by the Committee and to provide such reports as might be from time to time requested by the Committee;
- (d) To be responsible for all documentary requirements necessary to obtain approval under the Clean Water Act;
- (e) To direct the preparation of budget estimates in accordance with the requirements of the Committee;
- (f) To communicate all instructions from the Committee and its various committees and to supervise the carrying out of all such communications
- (g) To be responsible for the preparation of reports and correspondence to other agencies, governments and individuals dealing with the policy of the Committee on particular items;

### **4. Liaison Representatives**

O. Reg. 288/07 allows for 3 liaison representatives (non-voting): 1 from the Source Protection Authority (SPA), 1 from the Health Unit, and 1 from MOE. These liaisons are able to participate in all discussions of the Committee, including in-camera meetings. The Rules of Procedure, Code of Conduct, and Conflict of Interest Policies of the Committee also apply to the liaison representative with respect to Committee business.

### **5. Working Groups or Sub-committees**

The Committee may establish Working Groups or Sub-committees from time to time, which will be expected to follow the same Rules of Procedure, Code of Conduct, and Conflict of Interest Policies as the Committee. The Chair (and Vice-Chair, if any), are members ex-officio of Sub-committees or Working Groups established by the Committee.

### **6. Signing Officers**

The signing officers of the Committee shall be the signing officers of the Conservation Authority.

## ***INDEMNITY***

1. In keeping with Section 99 of the Clean Water Act, 2006, every member of the Committee and the member's heirs, executors, administrators and estate and effects respectively shall from time to time and at all times be indemnified and saved harmless out of the funds of the Committee from and against all costs charges, and expenses whatsoever which Member of the Committee sustains or incurs in any or about any action, suit or proceeding which is brought, commenced, or prosecuted against the member for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by the member in or about the execution of the duties of the member's office; all other costs, charges and expenses the member sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by the member's own wilful neglect or default.

# CODE OF CONDUCT AND CONFLICT OF INTEREST POLICIES

## 1. *General*

As duly appointed members of the Committee, members are responsible to:

- (a) regularly attend Committee meetings;
- (b) become aware and knowledgeable of programs, projects, and activities of the Committee;
- (c) work collaboratively with their fellow members in developing a Source Protection Plan
- (d) keep the sectors and organizations which they represent informed of Committee programs, projects and activities;
- (e) be prepared to discuss issues and make decisions at all Committee meetings.

Members shall abide by and be governed by the Rules of Procedure Code of Conduct, and Conflict of Interest Policies, as set by the Committee to the satisfaction of the Source Protection Authority.

## 2. *Our Values*

The Committee believes that a framework of common values is an essential foundation for the development and maintenance of a strong, teamwork environment and effective partnerships.

These values will act as a foundation to all the processes used to communicate and make decisions and will be the guidelines by which representatives establish and work in our partnerships. The Committee will apply the following values in all aspects of doing business.

<u>Values</u>	<u>Means</u>
<i>Openness</i>	<i>communicating and sharing information and ideas</i>
<i>Clarity</i>	<i>using appropriate language and communications techniques to bring about clear understanding</i>
<i>Understanding</i>	<i>analyzing, listening and communicating all aspects of what has to be discussed</i>

<i>Sensitivity</i>	<i>caring for and being responsive to the needs of others in a respectful manner</i>
<i>Action</i>	<i>establishing priorities and undertaking initiatives based on desired results</i>
<i>Integrity</i>	<i>ensuring that actions or decisions do not compromise fundamental values or principles</i>
<i>Trust</i>	<i>believing and having confidence in each other to achieve our goals</i>
<i>Flexibility</i>	<i>being adaptable and willing to change</i>
<i>Fairness</i>	<i>being objective and equitable in all aspects of doing business</i>
<i>Preparedness</i>	<i>being ready with prudence, foresight and forethought for the actions being taken</i>
<i>Innovative</i>	<i>being receptive to and taking fresh, new approaches to our business</i>
<i>Honesty</i>	<i>telling the truth</i>
<i>Decisiveness</i>	<i>making decisions in a timely manner</i>
<i>Commitment</i>	<i>being prepared to help each other to make things happen</i>

### **3. Attendance**

Members are expected to attend all meetings. The Chair may approach the Source Protection Authority to have a member removed if the Chair believes that the absence of a member is having an impact on the Committee.

### **4. Confidential Information - FIPPA**

The Committee is bound by the Freedom of Information and Protection of Privacy Act (FIPPA). Members have access to confidential information by reason of their participation on the Source Protection Committee. Members must not make such information available unless it is public information. Where a Member is unsure of the status of information, before making any release he/she shall discuss it with the Project manager.

For example, particular care should be exercised with respect to information relating to the following matters (not an exclusive list):

- personal information about any individual
- items under litigation
- personnel matters
- information about suppliers provided for evaluation which might be useful to competitors
- sources of complaints about a variety of matters where the identity of the complainant is given in confidence
- items under negotiation
- information supplied in support of licence applications, etc., where such information is not part of the public documentation
- schedule of prices in contract tenders
- personal opinions regarding ERCA policies, regulations and programs should not be given to the public.

Although the business of the Committee is to be open and transparent, it will be important that personal privacy is maintained throughout the development of the Plan. For this reason, among others, portions of the business of the Committee will be considered private and will be conducted 'In Camera'. Discussions of the Committee, Working Groups, or Sub-committees undertaken in camera, and information related to such discussions, are to be treated with the strictest of confidence. Committee members will continue to be bound by FIPPA requirements after they are no longer on the Committee.

## **5. *Media Relations***

Contact with the media on behalf of the Committee is to be undertaken only by media spokespersons as designated by the Chair. The Chair or Project Manager will most often be relied upon as media spokespersons. If Members or others provide comments to the media it should be clear that they are providing a personal opinion and not speaking on behalf of the Committee.

## **6. *Conflicts of Interest***

- (a) A Member will be considered to have a potential conflict of interest where he or she or a member of his or her family (spouse, partner, children, parents, siblings) has a direct or indirect financial interest in a matter, a contract or proposed contract with the SPC or its agent, the Lead SPA, and where the Member could influence the decision made by the SPC with respect to the matter or contract.
- (b) If a potential conflict exists because of a member's personal or family interest in a property matter, a business dealing with the SPC, or similar circumstance, the Member must advise the SPC of the situation, either verbally or in writing, and this shall be reflected in the minutes.

- (c) Where a member declares a conflict, they must refrain from comment and withdraw from the room during the deliberations and voting on the matter.
- (d) Members should not engage in private employment or render services for any person or corporation where such employment or services are considered a conflict of interest as defined by the Province of Ontario Conflict of Interest legislation. Where a member is or becomes involved in such private employment, the Member must resign from the Committee.

## **7. Use of Property**

Property of the Committee, the Conservation Authority, or their agents, shall not be used by members for personal use.

## **8. Gifts and Benefits**

- (a) In order to preserve the image and integrity of the SPC, members shall not accept any gifts, payments, services, privileges or favours from any person or business or organization that has dealings with the Committee except in cases where the value of such item is nominal, received very infrequently, and acceptance of such items does not impair the ability (in fact or appearance), to perform one's duties in an objective and impartial manner. Such gifts, if any, must always be of a form and substance that an impartial observer could not construe them as an improper incentive. All gifts should be reported to the Chair or Project Manager.
- (b) The "gifts" policy does not apply to gifts received in connection with services to professional organizations or non-profit community groups.

## **9. Anti-Harassment Policy**

Every Member of the Committee, the staff or consultants are entitled to work in an environment that is free from discrimination and/or harassment. The Chair will take prompt and appropriate action to prevent, discourage or respond to incidents of discrimination or harassment. Every Member, staff or consultant of the Committee will deal with their fellows in a fair and equitable manner free from discrimination and/or harassment.

Harassment may include, but is not limited to the following:

- (a) Sexual Harassment
  - unwelcome remarks, jokes, and innuendos or taunting about a person's body, attire, sexual orientation or gender;
  - practical jokes of a sexual nature which cause awkwardness or embarrassment;
  - displaying pornographic pictures or other offensive material;

- leering (suggestive staring) or other gestures;
- unnecessary physical contact such as touching, patting or pinching;
- physical assault;
- demands for sexual favours or repeated unwanted social invitations

(b) Racial or Ethnic Harassment

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

(c) Other Harassment

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

(d) A Member or volunteer who feels they are being harassed should:

- i. make it clearly known to the offender that their conduct is unacceptable and should not be repeated; and/or
- ii. discuss the situation, in confidence, with the Chair or Project Manager;
- iii. keep a short written record of dates, incidents and names of witnesses, if any;
- iv. if necessary, prepare a written complaint.

(e) Investigation

Upon receipt of a verbal or written complaint, the Chair or Project Manager will conduct an investigation in confidence. The Chair or Project Manager may make use of advice from Human Resources or legal experts as may be deemed necessary. If the investigation concludes that harassment has occurred, appropriate disciplinary action will be taken (this may include suspension or termination). If the investigation concludes that the complaint is unfounded the complaint and investigation file will be destroyed. The Member or staff who issued the complaint will be informed of the results of the investigation and of any action taken.

## **10. *Removal from the Committee***

A member may be removed by the Source Protection Authority (SPA), on its own initiative or at the request of the Chair.

Pursuant to O. Reg. 288/07, s. 7(4) appointments are subject to the condition that members attend meetings and abide by the Code of Conduct and Conflict of Interest Policy. Failure to abide by these conditions is grounds for the removal of the member from the Committee. The SPA may also remove a member if the Authority is of the opinion that the member does not meet the conditions of appointment described Section 7 of the Regulation which pertains to residing, owning or renting land, or being employed within the Essex Region Source Protection Area.

The source protection authority shall provide the member and the chair with an opportunity to make in-person submissions to the authority before it considers the request, either publicly or in-camera, to remove the member from office, and further, the member and chair will be entitled to be present to receive the Authority's decision, including the reasons for the final decision.

Procedures to be followed in dealing with the removal of a member from office are as described in section 22 of Ontario Regulation 288/07.

## **11. *Acknowledgment***

Each member shall be required to review a copy of these 'Rules of Procedure, Code of Conduct, and Conflict of Interest Policies' and acknowledge in writing that he or she has done so. The Source Protection Authority will retain a copy of each members signed acknowledgement.

## Sample Acknowledgement

I, \_\_\_\_\_, a Member of the source protection committee for the Essex Region source protection area/region, hereby acknowledge that I have reviewed the Code of Conduct and Conflict of Interest Policy for Members of Source Protection Committee Members dated \_\_\_\_\_ and further acknowledge that I understand that it is a condition of my appointment to the source protection committee that I will comply with the Code of Conduct and Conflict of Interest policy.

Date \_\_\_\_\_ Signature \_\_\_\_\_

**RULES OF PROCEDURE,  
CODE OF CONDUCT AND CONFLICT OF INTEREST POLICIES**

**Essex Region Source Protection Area  
Source Protection Committee (SPC)**

**APPENDIX A – NORMAL ORDER OF BUSINESS FOR SPC MEETINGS**

1. **Chair's Opening Remarks**
2. **Disclosure of Interest**
3. **Acceptance of Agenda**
4. **Adoption of Previous Meeting's Minutes**
5. **Correspondence**
6. **Delegations**
7. **Reports**
8. **Other Business/Un-finished Business**
9. **New Business**
10. **Conclusion of Meeting**