

**NORTH BAY – MATTAWA SOURCE PROTECTION AREA**

**SOURCE PROTECTION COMMITTEE**

**RULES OF PROCEDURE**

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Chair: Barb Groves

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Project Manager: Sue Miller

Effective: April 15, 2008

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## 1.0 Introduction

- 1.1 This regulation is passed under powers conferred on the Committee by the Clean Water Act, R.S.O. 2006.
- 1.2 The North Bay-Mattawa Source Protection Committee, was established by North Bay-Mattawa Source Protection Authority under the Clean Water Act, R. S. O. 2006 s. 7 and is responsible for the preparation of a Terms of Reference, Assessment Report and Source Protection Plan for the North Bay-Mattawa Source Protection Area in accordance with the Clean Water Act, R. S. O. 2006, associated regulations and Director's rules.

## 2.0 Definitions

- 2.1 In this regulation:
  - a) **"Acting Chair"** refers to a Member appointed by the Committee who acts as the Chair when the Chair is absent as per O. Reg. 288/07.
  - b) **"Authority"** and **"SPA"** refer to the North Bay-Mattawa Source Protection Authority;
  - c) **"Chair"** refers to the Chair of the North Bay-Mattawa Source Protection Committee as appointed by the Minister;
  - d) **"Committee"** refers to the North Bay-Mattawa Source Protection Committee as defined by O. Reg. 288/07;
  - e) **"Director's rules"** mean the rules made by the Director under the Clean Water Act, R.S.O. 2006 s. 107.
  - f) **"Liaison"** refers to a person who may attend Committee meetings in a non-voting capacity; this may include a representative of the SPA, Ministry of the Environment or Medical Officer of Health.
  - g) **"Member"** means a Member of the North Bay-Mattawa Source Protection Committee appointed by the North Bay-Mattawa Source Protection Authority under the Clean Water Act, R. S. O. 2006 s. 7.
  - h) **"Minister"** refers to the Minister of the Ontario Ministry of the Environment.
  - i) **"Source Protection Area"** is the North Bay-Mattawa Source Protection Area as defined in O. Reg. 284/07.
  - j) **"Website"** refers to the North Bay-Mattawa Conservation Authority's Drinking Water Source Protection website.
- 2.2 Definition of terms used throughout this regulation corresponds to those definitions given in Section (1) of the Clean Water Act, R.S.O. 2006 and O. Reg. 288/07.

## 3.0 General Conduct of Meetings

- 3.1 This regulation governing the procedures of the Committee shall be observed in all meetings, as far as it is applicable.
- 3.2 The Committee shall conduct regular meetings of the Voting Members and Liaisons. The Chair shall determine the time and location of the first meeting of the Committee. Thereafter, the Committee shall meet at such time, interval and place as the Committee shall decide, while complying with minimum requirements of O. Reg. 288/07. While attendance in person is preferable, a Member may participate by telephone.
- 3.3 The Committee shall at its first meeting and every six months thereafter establish a meeting schedule for the following six months, which shall include at least one

meeting each month until the Terms of Reference are submitted to the SPA. The proposed schedule shall be published on the website.

- 3.4 Email notice of all Committee meetings shall be sent to each Member and Liaisons of the Committee.
- 3.5 Notice of all Committee meetings shall also be conveyed to municipalities, public and to the local media, at least 5 days prior to the date of the meetings, by posting notice on the website, and in such manner as may be determined by the Committee.
- 3.6 All notices of Committee meetings shall include the time and place of the meeting and items intended for discussion.
- 3.7 Anyone wishing notice of meetings shall leave their name and postal or email address with the Project Manager. The Project Manager or his or her designate shall inform that person in writing, by email or by telephone in advance of future meetings.
- 3.8 Delegations to the Committee shall give written notice of their interest in making a presentation at least 2 weeks prior to a meeting, along with any supporting information pertaining to their presentation. The request should comprise a brief statement of the issue or matters involved and indicate the names of the proposed speakers. In general, the matter to be presented should not be one that the Committee has previously considered. Presentations are to be made by only one spokesperson and are limited to 15 minutes plus discussion time. Any variation in the 2 weeks notice, duration of presentation or provision of written information is to be at the discretion of the Chair. No motion can result in legislative non-compliance.
- 3.9 Committee meetings shall adhere to the current edition of Bourinot's Rules of Order, the rules provided herein or other generally accepted rules of procedure.
- 3.10 The Chair shall preside at all meetings of the Committee. In the event of the absence of the Chair from any meeting, the Voting Members present shall appoint an alternate Chair who, for the purposes of that meeting, has all the powers and shall perform all the duties of the Chair.
- 3.11 Written notice of motion may be given by any Voting Member of the Committee and shall be forthwith placed on the Agenda of the next meeting.
- 3.12 The Agenda of the meeting shall be taken up in the order in which it stands on the Agenda unless otherwise decided by the Committee.
- 3.13 The following persons may attend and participate in discussions at meetings of the Committee including any meetings or part of a meeting that is closed to the public:
  - a) A person designated by the SPA as a representative of the Authority;
  - b) A person designated by the Minister as a representative of the Ministry of the Environment; or
  - c) A person designated by the Minister as a representative of the Medical Officer of Health for the health units in which any part of the source protection area is located.
- 3.14 Meetings of the Committee are to be open to the public. The Committee shall not close a meeting or part of a meeting to the public unless it has passed a

resolution that states that the meeting or part of the meeting is closed to the public and states the general nature of the subject matter to be discussed in the absence of the public as per O. Reg. 288/07 s. 18.

- 3.15 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 meeting.
- 3.16 The Chair shall preserve order and decide on questions of order. When the Chair's rule is challenged, the Committee shall forthwith vote to sustain the Chair's ruling or to make a new ruling.
- 3.17 After a question has been decided, any Member who voted thereon may, with the majority consent, move for reconsideration of the question. No discussion of the main question shall be allowed until the motion for reconsideration is carried, and no question shall be reconsidered more than once at any one meeting.
- 3.18 Minutes of all meetings of the Committee shall be recorded by the Project Manager or designate. Within 30 days after any meeting, the Project Manager or designate shall email or send a copy of the minutes of that meeting to Committee Members. The minutes of the previous meeting shall not be read at a Committee meeting unless the reading thereof is requested by resolution. Approved minutes will be posted on the website.
- 3.19 On an annual basis, the Project Manager or designate shall publish on the website an attendance record of Members.

#### **4.0 Decision-making**

- 4.1 The Committee shall attempt to make decision by consensus among the voting Members.
- 4.2 If the Chair determines that in spite of reasonable efforts having been made, the Committee has been unable to achieve consensus, the decision may be made by a vote at the next meeting. To be carried, a motion must have support of two-thirds of the Members present, not counting the Chair. Voting shall be conducted by a show of hands. Abstention from voting upon any matter will be deemed as a blank vote which is neither for nor against the motion.
- 4.3 Any Member may request that a dissenting view be recorded in the minutes, and the minutes shall include a description of the dissenting view.
- 4.4 If a vote is deferred, only one deferral shall be permitted on any issue.

#### **5.0 Quorum**

- 5.1 Quorum of the Committee is the Chair plus at least two thirds of the number of Members of the Committee that the SPA is authorized to appoint. O. Reg. 288/07, s. 12 (2). A proxy as per section 6.0 shall count towards quorum.
- 5.2 The business of the Committee shall be carried out at meetings of the Committee at which quorum is present. The abstention of a member(s) from discussion and/or voting due to a declared conflict shall not affect quorum.
- 5.3 If quorum is not present one-half hour after the time appointed for a meeting of the Committee, the Project Manager or designate records the names of those present and the Chair shall adjourn the meeting until the next meeting. At the discretion of the Chair, issues of an informative nature may be discussed prior to closing the

meeting, but no voting on issues may take place without quorum being present. Minutes of any discussions shall be sent to all members. The Chair may establish a new meeting date to conduct business if urgent issues need to be addressed prior to the next scheduled meeting. The revised schedule shall be posted on the website and notifications made as per Section 3.4 to 3.7 of this document.

- 5.4 One or more vacancies in the membership of the Committee does not prevent the Committee from conducting business as long as quorum can be met with the current appointed members.

## **6.0 Proxy Voting**

- 6.1 At any meeting, each Voting Member is entitled to one vote. The Chair cannot vote as per O. Reg. 288/07.
- 6.2 A voting Member may participate by proxy, with the exception of election votes. The proxy will have written confirmation of the Member's intent that shall govern the proxy vote as "for", "against", "abstain", or "discretion" with respect to a motion. A proxy must be a Member of the Committee. Submission of a proxy is not considered to be in attendance.
- 6.3 Close votes should be deferred rather than carried by a proxy that represents a person who was not in attendance for the discussion.

## **7.0 Relationship of Committee with the Source Protection Authority and the North Bay-Mattawa Conservation Authority**

- 7.1 An agreement is in place between the SPA and the North Bay-Mattawa Conservation Authority that provides appropriate resources for the functioning of the Committee.

## **8.0 Committee Membership and Appointments**

- 8.1 The Minister appoints the Chair.
- 8.2 The membership of the Committee shall be in accordance with O. Reg. 288/07 under the Clean Water Act, R.S. O. 2006 as follows:
  - a) A total of 10 Members plus the Chair;
  - b) Three of the Members shall reflect the interests of the local municipalities;
  - c) Three of the Members shall reflect the interests of agriculture, transportation and the industrial/commercial sector;
  - d) Three of the Members shall reflect other interests at large;
  - e) One member shall reflect the interests of Nipissing First Nation; and
  - f) Liaisons (non-voting) may be included from the SPA, the North Bay-Parry Sound District Health Unit and the Ontario Ministry of the Environment.
- 8.3 The term of appointment and filling of vacancies shall be done in keeping with O. Reg. 288/07.
- 8.4 Upon a vacancy occurring in the Committee due to death, incapacity, resignation or continued absence (as defined in Section 13.2 of this document), the vacancy shall be filled in keeping with O. Reg. 288/07.
- 8.5 The Chair is an ex-officio member of all Working Groups established by the Committee.

## **9.0 Duties of Chair**

- 9.1 The **Chair** 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) Preside over the Committee meetings;
  - b) Represent the Committee at such functions as warrant the interest of the Committee, except where this responsibility is specifically assigned to some other person by the Chair or the Committee;
  - c) Direct the Project Manager in the day-to-day operation and administration of the Committee;
  - d) Ensure that all financial activities of the Committee are carried out in a responsible manner and with strict observance of all legal requirements and regulations;
  - e) Report on the work of the Committee to the SPA, including a quarterly update on the status of each major task that is identified in the work plan that is included in the approved Terms of Reference; and
  - f) Be "ex-officio", a Member of all Working Groups or sub-committees appointed from time to time by the Committee or the SPA.

## **10.0 Duties of Project Manager**

- 10.1 The **Project Manager** as a staff member of the Conservation Authority shall act as the administrator of the Committee and represent the Committee in such capacity as and when required, subject always to the direction provided by the Chair of the Committee and as specified in the "Provision of Service Agreement" between the SPA and the CA. As a minimum, the Project Manager or designate shall:
- a) Administer and coordinate the total program of the Committee;
  - b) Provide direction and instructions for the consultants, contractors and other professional firms and individuals engaged from time to time by the Conservation Authority for the purposes of supporting the work of the Committee;
  - c) Keep or cause to be kept accurate records of meetings of the Committee;
  - d) Communicate all instructions from the Committee and its various committees related to the administration of the Committee;
  - e) 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;
  - f) Be responsible for the preparation of reports and correspondence to other agencies, governments and individuals as required;
  - g) Give or cause to be given all notices required by this Regulation; and
  - h) Direct the preparation of all budget estimates in accordance with the requirements of the Committee.

## **11.0 Duties of Members**

- 11.1 As a Voting Member of the Committee and subject to the Clean Water Act, R. S. O. 2006 and attending Regulations, Members are responsible to:
- a) Attend Committee meetings and be prepared to discuss issues;
  - b) Become aware and knowledgeable of programs, projects, and activities of the Committee;
  - c) Attend public meetings as directed by the Chair;
  - d) Participate in undertaking public consultation as required by Regulation;

- e) Keep the organizations which you represent informed of Committee programs, projects and activities;
- f) Oversee the preparation of Rules of Procedure including a Code of Conduct / Conflict of Interest Policy within the required timeframe;
- g) Oversee the preparation and submission of a Terms of Reference in the prescribed manner and in keeping with O. Reg. 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 or not 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;
- h) Provide notice of a drinking water hazard in keeping with O. Reg. 286/07;
- i) Oversee the preparation and submission of the Assessment Report in keeping with the Regulations, and technical guidance modules within the prescribed timeframe;
- j) Oversee the preparation and submission of a Source Protection Plan in keeping with the Regulations within the prescribed timeframe; and
- k) Participate in preparing quarterly reports of progress to the SPA following acceptance of the Terms of Reference by the Minister.

## **12.0 Role of Working Groups**

- 12.1 Each Committee may establish Working Groups to investigate issues and make recommendations to the Committee to advance drinking water source protection.
- 12.2 The Committee will appoint a facilitator for each Working Group who will report back to the Committee on a monthly basis.
- 12.3 The Project Manager and Chair shall be notified, in advance, of all meetings of the Working Groups.

## **13.0 Removal of Member from Office**

- 13.1 The SPA can remove a Member from office as per O. Reg. 288/07 s. 22. The Chair of the Committee may request that a Member be removed by the SPA.
- 13.2 A Member may be removed from office due to continued absence. Continued absence shall be defined as non-attendance at three consecutive Committee meetings.

## **14.0 Freedom of Information and Protection of Privacy Act (FIPPA)**

- 14.1 The Committee Members shall be governed at all times by the provisions of the *Freedom of Information and Protection of Privacy Act (FIPPA)*.
- 14.2 In keeping with the Freedom of Information and Protection of Privacy Act, all meetings are open to the public. All matters arising out of Committee meetings, and supporting technical reports shall form part of the public record and shall be available for public review immediately upon request. Exceptions to the foregoing include the following matters:
  - a) Personnel records or issues;
  - b) On-going property negotiations;
  - c) Court cases in which the Committee is involved;
  - d) Discussions which could adversely affect the interests of a third party; or
  - e) A personal or financial matter about an identifiable individual.



14.3 In the instance where a Member vacates their position on the Committee they will continue to be bound by *FIPPA* requirements.

#### **15.0 Per Diems and Expenses**

15.1 The Chair shall receive compensation from the province in keeping with the terms of office.

15.2 Voting Members shall receive a per diem and expense allowance for attending Committee meetings, and any other such meetings to which they are directed by the Committee to attend.

15.3 If no quorum is present, the per diem rate shall be paid only to those in attendance.

15.4 All per diem expenses, mileage and allowances are to be in accordance with the policy direction of the SPA.

15.5 Any Committee Member, who is reimbursed by their organization for involvement in the Committee, shall have their per diem and expenses paid to the organization that provides the support.

#### **16.0 Indemnity**

16.1 In keeping with Section 99 of the Clean Water Act, R. S. O. 2006, every Member of the Committee and his/her heirs, executors, administrators and estate and effects respectively shall be indemnified and saved harmless from and against all costs, charges, and expenses whatsoever which Member of the Committee sustains or incurs in or about any action, suit or proceeding which is brought, commenced, or prosecuted against him/her for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him/her in or about the execution of the duties of his/her office except such costs, charges or expenses as are occasioned by his/her own wilful neglect or default.

#### **17.0 Acknowledgement**

17.1 Each Member shall be required to review a copy of these Rules of Procedures and acknowledge in writing that he or she has done so.

17.2 The SPA will retain a copy of each Member's signed acknowledgement.