

CENTRAL LAKE ONTARIO CONSERVATION - SPECIAL MEETING

A G E N D A

Tuesday, May 12, 2020

MEETING LOCATION: VIRTUAL MEETING
(ACCESS DETAILS TO BE PROVIDED)

CIRCULATION LIST

Authority	Bob Chapman, Chair	Authority	C. Darling, Chief Administrative Officer
Members:	Ron Hooper, Vice Chair	Staff:	B. Boardman, Executive/Accounting Administrator
	Dave Barton		R. Catulli, Director, Corporate Services
	Janice Jones		J. Davidson, Acting Director, Watershed Planning & Natural Heritage
	Chris Leahy		L. Hastings, Marketing & Communications Coordinator
	Sterling Lee		D. Hope, Land Management & Operations Supervisor
	Tito-Dante Marimpietri		C. Jones, Director, Planning & Regulation
	Ian McDougall		P. Lowe, Director, Community Engagement
	Don Mitchell		P. Sisson, Director, Engineering & Field Operations
	Rhonda Mulcahy		L. Vaja, Executive Assistant/Health & Safety Administrator/Recording Secretary
	John Neal		R. Wilmot, GIS Systems Supervisor
	Brian Nicholson		
	David Pickles		
	Elizabeth Roy		
	Corinna Traill		

AGENDA ITEM:


SUPPORTING DOCUMENTS

- 1. DECLARATIONS of interest by members on any matters herein contained**
- 2. CHIEF ADMINISTRATIVE OFFICER**
 - (1) Staff Report #5687-20
Re: Amendment to By-Law 2018-1 Corporate Administrative and Meeting
Procedural By-Law
- 3. OTHER BUSINESS**
- 4. ADJOURNMENT**

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CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY

DATE: May 12, 2020
FILE: APOA3
S.R.: 5687-20
MEMO TO: Chair and Members, CLOCA Board of Directors
FROM: Chris Darling, Chief Administrative Officer
SUBJECT: **Amendment to By-law 2018-1 Corporate Administrative and Meeting Procedural By-law**

APPROVED BY C.A.O. 

PURPOSE:

To amend the Central Lake Ontario Conservation Authority (CLOCA) Administrative By-Law to permit electronic meetings in times of emergency

BACKGROUND:

CLOCA's current Administrative By-law 28-1, approved at the June 19, 2018 Board meeting, does not permit electronic meetings. In response to the COVID-19 outbreak, the Minister of Environment, Conservation and Parks (MECP) provided direction on how conservation authorities can continue Board meetings while maintaining a safe physical distance. The Minister has given conservation authorities the ability to amend their administrative by-laws to allow for virtual meetings, including by teleconference. The Minister's Direction ("Direction") was issued on March 26, 2020 pursuant to subsection 19.1 (7) of the Conservation Authorities Act. This Direction applies to all conservation authorities and also applies to conservation authorities when meeting as a source protection authority under the Clean Water Act, 2006.

The primary purpose of the Direction (see Schedule 'A', Appendix 1) is to enable conservation authorities to convene a Board meeting electronically in order to make the necessary amendments to their by-law to deal with emergencies. This Direction identifies the minimum areas where the by-law should be amended, in the manner deemed appropriate by the conservation authority, to make provision for emergency situations. CLOCA 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. CLOCA will provide for alternative means to allow the public to participate in any meetings electronically.

ANALYSIS:

The MECP Direction outlines the following implementation procedure for amending the by-law during an emergency:

1. A conservation authority may hold a special meeting to amend a by-law for the purposes of implementing this Direction
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 this 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.

It is recommended that Section 4 of CLOCA's Administrative By-Law be amended with a reference to the new Section 4.10 Electronic participation during emergencies, as follows:

4.10 During any period where an emergency has been declared to exist, in all or part of an area over which Central Lake Ontario Conservation Authority has jurisdiction, under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, a Member may participate in meetings electronically and shall have the ability to:

- a) register a vote;
- b) be counted towards determining quorum;
- c) participate in meetings closed to the public;
- d) That any S. 28 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 CLOCA 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, CLOCA will provide for alternative means to allow the public to participate in any meetings electronically;
- f) THAT in a Declared State of Emergency, unless under extenuating circumstances as otherwise determined by the Chair in consultation with the CAO, any and all Delegations to the Board shall be only in the form of written submissions; and
- g) THAT any pre-existing provisions of the Administrative By-Law inconsistent with the aforementioned amendments be deemed superseded and/or revised accordingly.

The MECP Minister's Direction that enables conservation authorities to convene a special meeting of the Board electronically has been posted on our website and the amended Administrative By-law will also be posted.

RECOMMENDATIONS:

THAT Staff Report #5687-20 be received; and

THAT the Board of Directors approve amendments to Section 4 of the Central Lake Ontario Conservation Authority Administrative By-law 28-1 to enable electronic participation during declared emergencies in all or part of the area over which Central Lake Ontario Conservation Authority has jurisdiction as outlined in this report.

Attach.

CD/lv

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Ministry of the Environment,
Conservation and Parks

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

Office of the Minister

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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

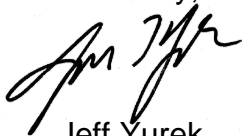
9. This Direction is effective immediately. If it is in the public interest to do so, I will provide further direction or clarification, at a later date, related to the matters set out in this Direction.

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

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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

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