

## BOARD OF DIRECTORS MEETING

Friday, April 17, 2020  
CVC Administration Office  
1255 Old Derry Road, Mississauga, ON

### MEMBERS

K. (Karen) Ras (Chair)  
T. (Tom) Adams (Vice Chair)  
J. (John) Brennan  
S. (Stephen) Dasko  
J. (Johanna) Downey  
A. (Ann) Lawlor  
M. (Matt) Mahoney  
M. (Martin) Medeiros  
T. (Tom) Nevills  
M. (Michael) Palleschi  
G. (Grant) Peters  
R. (Ron) Starr

Pages

1. APPROVAL OF AGENDA

Recommended Resolution:

RESOLVED THAT the agenda be approved as distributed.

2. DECLARATION OF CONFLICT OF INTEREST

3. PRESENTATION / DELEGATION

4. BUSINESS OF THE SPECIAL MEETING

4.1 AMENDMENT TO THE CVC ADMINISTRATIVE BY-LAWS AUGUST 2018

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A report on the above mentioned subject as submitted by Tamara Chipperfield, Corporate Secretariat is included in the agenda package as Schedule 'A'.

**Recommended Resolution:**

***WHEREAS*** the Direction provided by the Minister of Environment, Conservation and Parks (MECP) has given conservation authorities the ability to amend their administrative by-laws to allow for virtual meetings, including by teleconference;

***THEREFORE BE IT RESOLVED THAT*** the report entitled, "Amendment to the CVC Administrative By-laws August 2018" be received and appended to the minutes of this meeting as Schedule 'A'; and

***THAT*** the Credit Valley Conservation Authority Board of Directors approve amendments to Section 10 of The Credit Valley Conservation Administrative By-law to enable electronic participation during declared emergencies in all or part of the area over which Credit Valley Conservation has jurisdiction as outlined in this report; and

***THAT*** the Credit Valley Conservation Board of Directors direct staff to post the amended Administrative By-law on the CVC website; and further

***THAT*** the Credit Valley Conservation 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 CVC website.

5. **MEETING ADJOURNED**

**TO:** The Chair and Members  
of the Board of Directors,  
Credit Valley Conservation

**SUBJECT:** **AMENDMENT TO THE CVC ADMINISTRATIVE BY-LAWS  
AUGUST 2018**

**PURPOSE:** **To request approval by the CVC Board of Director for  
amendments to the CVC Administrative By-Laws to permit  
electronic meetings in times of emergency**

**BACKGROUND:**

Credit Valley Conservation's (CVC) current Administrative By-law was approved by the CVC Board of Directors on August 24, 2018 by resolution #73/18.

As the COVID-19 outbreak continues to evolve locally and globally, the Minister of Environment, Conservation and Parks (MECP) has provided 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, 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 in Ontario. This Direction 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 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.

CVC 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, CVC 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.

Following the Minister's Direction which enables CVC's Board to conduct meetings electronically, section 10 of the Credit Valley Conservation Authority Administrative By-law has been amended with a reference to the new section 10.1. Electronic participation during emergencies, as follows:

**10. Electronic Participation**

Members may participate in a meeting that is open to the public by telephonic 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 or be permitted to vote (*Municipal Act*, 2001, s. 238[3.1]).

A Member shall not participate electronically in a meeting that is closed to the public (*Municipal Act*, 2001, s. 238[3.1])

Members participating electronically will be shown in the minutes as participating by telephonic or other electronic means but not as attending the meeting.

Members will not receive a per diem if they participate in a meeting electronically

**Notwithstanding the foregoing, during any period where an emergency has been declared to exist, in all or part of an area over which Credit Valley Conservation has jurisdiction, under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, that may prevent Members of the Board from meeting in person, the by-law provides for electronic meeting procedures as per 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 of the Board 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 CVC 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, CVC will provide for alternative means to allow the public to participate in any meetings electronically.

#### **COMMUNICATIONS PLAN:**

CVC will 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 at [www.cvc.ca](http://www.cvc.ca).

#### **FINANCIAL IMPLICATIONS:**

There is no financial impact to CVC for this amendment.

#### **RECOMMENDED RESOLUTION:**

**WHEREAS** the Direction provided by the Minister of Environment, Conservation and Parks (MECP) has given conservation authorities the ability to amend their administrative by-laws to allow for virtual meetings, including by teleconference;

**THEREFORE BE IT RESOLVED THAT** the report entitled, "Amendment to the CVC Administrative By-laws August 2018" be received and appended to the minutes of this meeting as Schedule 'A'; and

**THAT** the Credit Valley Conservation Authority Board of Directors approve amendments to Section 10 of The Credit Valley Conservation Administrative By-law to enable electronic participation during declared emergencies in all or part of the area over which Credit Valley Conservation has jurisdiction as outlined in this report; and

**THAT** the Credit Valley Conservation Board of Directors direct staff to post the amended Administrative By-law on the CVC website; and further

**THAT** the Credit Valley Conservation 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 CVC website.

**Submitted by:**



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Tamara Chipperfield  
Corporate Secretariat

**Recommended by:**



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Deborah Martin-Downs  
Chief Administrative Officer

Ministry of the Environment,  
Conservation and Parks

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



Office of the Minister

Bureau du ministre

777 Bay Street, 5th Floor  
Toronto ON M7A 2J3  
Tel.: 416-314-6790

777, rue Bay, 5<sup>e</sup> étage  
Toronto (Ontario) M7A 2J3  
Tél.: 416.314.6790

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

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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, 6<sup>th</sup> Floor  
300 Water Street  
Peterborough ON K9J 3C7  
(705) 755-5341  
[chloe.stuart@ontario.ca](mailto:chloe.stuart@ontario.ca)

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

## SCHEDULE "A" CONSERVATION AUTHORITIES

### **Ausable Bayfield CA**

R.R. #3  
71108 Morrison Line  
Exeter ON N0M 1S5  
Brian Horner  
bhorner@abca.on.ca

### **Cataraqui Region CA**

Box 160  
1641 Perth Road  
Glenburnie ON K0H 1S0  
Katrina Furlanetto  
kfurlanetto@crca.ca

### **Catfish Creek CA**

R.R. #5  
8079 Springwater Road  
Aylmer ON N5H 2R4  
Chris Wilkinson  
generalmanager@catfishcreek.ca

### **Central Lake Ontario CA**

100 Whiting Avenue  
Oshawa ON L1H 3T3  
Chris Darling  
cdarling@cloca.com

### **Credit Valley CA**

1255 Old Derry Rd  
Mississauga ON L5N 6R4  
Deborah Martin-Downs  
deb.martindowns@cvc.ca

### **Crowe Valley CA**

Box 416  
70 Hughes Lane  
Marmora ON K0K 2M0  
Tim Pidduck  
tim.pidduck@crowevalley.com

### **Essex Region CA**

Suite 311  
360 Fairview Ave West  
Essex ON N8M 1Y6  
Richard Wyma  
rwyma@erca.org

**Ganaraska Region CA**

Box 328  
2216 County Road 28  
Port Hope ON L1A 3V8  
Linda Laliberte  
llaliberte@grca.on.ca

**Grand River CA**

Box 729  
400 Clyde Road  
Cambridge ON N1R 5W6  
Samantha Lawson  
slawson@grandriver.ca

**Grey Sauble CA**

R.R. #4  
237897 Inglis Falls Road  
Owen Sound ON N4K 5N6  
Tim Lanthier  
t.lanthier@greysauble.on.ca

**Halton Region CA**

2596 Britannia Road West  
Burlington ON L7P 0G3  
Hassaan Basit  
hbasit@hrca.on.ca

**Hamilton Region CA**

P.O. Box 81067  
838 Mineral Springs Road  
Ancaster ON L9G 4X1  
Lisa Burnside  
lisa.burnside@conservationhamilton.ca

**Kawartha Region CA**

277 Kenrei (Park) Road  
Lindsay ON K9V 4R1  
Mark Majchrowski  
mmajchrowski@kawarthaconservation.com

**Kettle Creek CA**

R.R. #8  
44015 Ferguson Line  
St. Thomas ON N5P 3T3  
Elizabeth VanHooren  
elizabeth@kettlecreekconservation.on.ca

**Lake Simcoe Region CA**

Box 282  
120 Bayview Parkway  
Newmarket ON L3Y 3W3  
Mike Walters  
m.walters@lsrca.on.ca

**Lakehead Region CA**

Box 10427  
130 Conservation Road  
Thunder Bay ON P7B 6T8  
Tammy Cook  
tammy@lakeheadca.com

**Long Point Region CA**

4 Elm Street  
Tillsonburg ON N4G 0C4  
Judy Maxwell  
jmaxwell@lprca.on.ca

**Lower Thames Valley CA**

100 Thames Street  
Chatham ON N7L 2Y8  
Mark Peacock  
mark.peacock@ltvca.ca

**Lower Trent Region CA**

R.R. #1  
714 Murray Street  
Trenton ON K8V 5P4  
Rhonda Bateman  
rhonda.bateman@lrc.on.ca

**Maitland Valley CA**

Box 127  
1093 Marietta Street  
Wroxeter ON N0G 2X0  
Phil Beard  
pbeard@mvca.on.ca

**Mattagami Region CA**

100 Lakeshore Road  
Timmins ON P4N 8R5  
David Vallier  
david.vallier@timmins.ca

**Mississippi Valley CA**

10970 Highway 7  
Carleton Place ON K7C 3P1  
Sally McIntyre  
smcintyre@mvc.on.ca

**Niagara Peninsula CA**

250 Thorold Road West, 3rd Floor  
Welland ON L3C 3W2  
Chandra Sharma  
csharma@npca.ca

**Nickel District CA**

199 Larch St  
Suite 401  
Sudbury ON P3E 5P9  
Carl Jorgensen  
carl.jorgensen@conservationsudbury.ca

**North Bay-Mattawa CA**

15 Janey Avenue  
North Bay ON P1C 1N1  
Brian Tayler  
brian.tayler@nbmca.ca

**Nottawasaga Valley CA**

8195 Line 8  
Utopia ON L0M 1T0  
Doug Hevenor  
dhevenor@nvca.on.ca

**Otonabee Region CA**

250 Milroy Drive  
Peterborough ON K9H 7M9  
Dan Marinigh  
dmarinigh@otonabeeconservation.com

**Quinte CA**

R.R. #2  
2061 Old Highway #2  
Belleville ON K8N 4Z2  
Brad McNevin  
bmcnevin@quinteconservation.ca

**Raisin Region CA**

PO Box 429  
18045 County Road 2  
Cornwall ON K6H 5T2  
Richard Pilon  
richard.pilon@rrca.on.ca

**Rideau Valley CA**

Box 599  
3889 Rideau Valley Dr.  
Manotick ON K4M 1A5  
Sommer Casgrain-Robertson  
sommer.casgrain-robertson@rvca.ca

**Saugeen Valley CA**

R.R. #1  
1078 Bruce Road #12, Box #150  
Formosa ON N0G 1W0  
Dick Hibma  
d.hibma@svca.on.ca

**Sault Ste. Marie Region CA**

1100 Fifth Line East  
Sault Ste. Marie ON P6A 6J8  
Corrina Barrett  
cbarrett@ssmrca.ca

**South Nation River CA**

38 Victoria Street  
P.O. Box 29  
Finch ON K0C 1K0  
Angela Coleman  
acoleman@nation.on.ca

**St. Clair Region CA**

205 Mill Pond Crescent  
Strathroy ON N7G 3P9  
Brian McDougall  
bmcdougall@scrca.on.ca

**Toronto and Region CA**

101 Exchange Avenue  
Vaughan ON L4K 5R6  
John MacKenzie  
john.mackenzie@trca.ca

**Upper Thames River CA**

1424 Clarke Road  
London ON N5V 5B9  
Ian Wilcox  
wilcoxi@thamesriver.on.ca