

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

3

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.

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:



Tamara Chipperfield
Corporate Secretariat

Recommended by:



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

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March 26, 2020

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

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

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

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

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

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

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

Electronic participation, emergencies

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

Meetings open to the public

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

General, emergency measures

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

Publication of information

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

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

Implementation procedure

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

Effective date

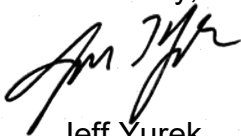
9. This Direction is effective immediately. If it is in the public interest to do so, I will provide further direction or clarification, at a later date, related to the matters set out in this Direction.

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

Chloe Stuart
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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

SCHEDULE "A" CONSERVATION AUTHORITIES

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