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Section I – Items for the Toronto and Region Source Protection Authority Action

TO: Chair and Members of the Toronto and Region Source Protection Authority Meeting #1/20, Friday, May 22, 2020

FROM: Laurie Nelson, Director, Policy Planning

RE: **AMENDMENTS TO CREDIT VALLEY – TORONTO AND REGION – CENTRAL LAKE ONTARIO (CTC) SOURCE PROTECTION COMMITTEE (SPC) RULES OF PROCEDURE**

KEY ISSUE

Approval of the proposed amendments to Credit Valley – Toronto and Region – Central Lake Ontario (CTC) Source Protection Committee (SPC) Rules of Procedure.

RECOMMENDATION

WHEREAS Ontario Regulation 287/07 clearly outlines the requirement for the preparation of Rules of Procedure to govern Committee business;

AND WHEREAS in response to the novel coronavirus (COVID-19) outbreak, the Government of Ontario has declared an emergency under section 7.0.1(1) of the *Emergency Management and Civil Protection Act* on March 17, 2020;

AND WHEREAS the Province and local municipalities have issued directions on social gathering limits in an effort to limit the spread of the disease;

AND WHEREAS the current Rules of Procedure do not address electronic participation in the meetings of the Credit Valley–Toronto and Region–Central Lake Ontario (CTC) Source Protection Committee (SPC);

AND WHEREAS the CTC SPC approved the proposed amendments to the Rules of Procedure at Meeting #1/20 held on Wednesday, April 29, 2020;

THEREFORE, IT IS RECOMMENDED THAT the proposed amendments to the Rules of Procedure be endorsed;

AND FURTHER THAT CTC Source Protection Region (SPR) staff take the necessary actions to publish the amended Rules of Procedure on the CTC SPR website and submit a copy to the Ministry of the Environment, Conservation and Parks.

BACKGROUND AND RATIONALE

Ontario Regulation 288/07 (Section 14) under the *Clean Water Act* (CWA), 2006, sets out requirements for the CTC Source Protection Committee to prepare written Rules of Procedure (henceforth “the Rules”) (Attachment 1) for conducting the business of the committee that is satisfactory to the Toronto and Region Source Protection Authority (TRSPA). If required, the Rules of Procedure can be amended by the SPC subject to the same approvals and requirement to post on the CTC Source Protection Region (SPR) website. The Rules were first finalized on January 29, 2008 and further amended on October 27, 2017.

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As the outbreak of novel coronavirus (COVID-19) continues locally and globally and the Province and local municipalities have issued instructions on cancellations of any gatherings in excess of 5 people, on March 26, 2020 the Minister of Environment, Conservation and Parks issued the Minister's Direction (henceforth "Direction") pursuant to subsection 19.1(7) of the *Conservation Authorities Act* to ensure conservation authorities can continue to conduct meetings and hearings as necessary (see Attachment 2).

The primary purpose of the Direction is to enable conservation authorities to amend their administrative by-laws to make provisions for emergency situations, such as allowance of virtual meetings. This Direction also applies to conservation authorities when meeting as a source protection authority under the *Clean Water Act, 2006*. To ensure some consistency with changes made to the Toronto and Region Conservation Authority (TRCA) Administrative By-Law, as well as to ensure that the public are made aware of provisions in the Rules to allow their participation, and to address the need to carry out Committee meetings virtually, it is proposed that the Rules be amended (see blue text) as follows:

At CTC Source Protection Committee Meeting #1/20, held on April 29, 2020, Resolution #2/20 regarding the "Amendments to CTC SPC Rules of Procedure" report was approved as follows:

WHEREAS Ontario Regulation 287/07 clearly outlines the requirement for the preparation of Rules of Procedure to govern Committee business;

AND WHEREAS in response to the novel coronavirus (COVID-19) outbreak, the Government of Ontario has declared an emergency under section 7.0.1(1) of the Emergency Management and Civil Protection Act on March 17, 2020;

AND WHEREAS the Province and local municipalities have issued directions on social gathering limits in an effort to limit the spread of the disease;

AND WHEREAS the current Rules of Procedure does not address electronic participation in the meetings of the CTC SPC;

THEREFORE, LET IS RECOMMENDED THAT the proposed amendments to the Rules of Procedure be approved;

AND THAT the Toronto and Region Source Protection Authority (TRSPA) be requested to endorse the revised Rules of Procedure;

AND FURTHER THAT CTC SPR staff take the necessary actions to publish the amended document on the CTC SPR website and send a copy to the Ministry of the Environment, Conservation and Parks.

Proposed Amendments

1.6 Public and In Camera Meetings

- 1.6.1 All meetings of the source protection committee are open to the public, except where the Committee chooses to close a meeting or part of a meeting to the public where the subject matter to be discussed is a personal or financial matter about an identifiable individual or other matter listed in subparagraph 1.6.3;

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- 1.6.2 Where the Committee decides to close all or part of a meeting to the public, it must first pass a resolution that:
 - 1.6.2.1 States that the meeting or part of the meeting is closed to the public; and
 - 1.6.2.2 States the general nature of the subject matter to be discussed in camera.
- 1.6.3 During any period where an emergency has been declared to exist in all or part of the CTC Source Protection Region (SPR), under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, staff shall implement best practices to make meetings of the CTC SPC open to the public in accordance with section 18(1) of Ontario Regulation 288/07 under the *Clean Water Act, 2006*. Where possible, CTC SPR staff shall provide for alternative means to allow the public to participate in any meetings electronically.
- 1.6.4 Subject to subsection 1.6.3, in times of technological failure (e.g., Internet outage, system crash), failure to open a meeting to the public through means of electronic meeting participation does not call the meeting into question.
- 1.6.5 All matters arising out of committee meetings, and supporting technical reports shall form part of the public record and shall be posted on the CTC SPR website.
 - 1.6.5.1 Exceptions to the foregoing include the following private matters consistent with the Municipal Freedom of Information and Privacy Act;
 - 1.6.5.2 Personal matters about an identifiable individual, including source protection authority employees, source protection committee members or employees of municipalities within the CTC Source Protection Region;
 - 1.6.5.3 A proposed or pending acquisition or disposition of land by a source protection authority or municipality within the CTC Source Protection Region;
 - 1.6.5.4 Labour relations or employee negotiations;
 - 1.6.5.5 Litigation or potential litigation, including matters before administrative tribunals, affecting the source protection authority, the source protection committee or municipality within the CTC Source Protection Region;
 - 1.6.5.6 Advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
 - 1.6.5.7 A matter in respect of which a source protection authority, source protection committee, or municipality within the CTC Source Protection Region or other body may hold a closed meeting under another Act.

1.10 Virtual Meetings

- 1.10.1 All meetings of the source protection committee are to take place in-person unless an emergent matter requires immediate direction from the committee, or during a period where an emergency has been declared to exist in the CTC Source Protection Region under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act* that would preclude Committee Members from meeting in person. In such circumstances:
 - 1.10.1.1 Any Committee Member may participate in meetings electronically and shall have the ability to:
 - (a) register a vote;

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- (b) be counted towards determining quorum; and
- (c) participate in a meeting that is closed to the public;

1.10.1.2 Staff will post direction on the CTC SPR website (www.ctcswp.ca) one week in advance of the meeting advising external stakeholders and the public how to obtain the coordinates to participate in the virtual meeting.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 2 – Manage our regional water resources for current and future generations

Strategy 7 – Build partnerships and new business models

DETAILS OF WORK TO BE DONE

Pending the decision made by the TRSPA to amend the Rules of Procedure, staff will take the necessary actions to have the amendments endorsed by the TRSPA, shared with the MECP, and published on the CTC SPR website (www.ctcswp.ca).

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Date: May 13, 2020

Attachments: 2

Attachment 1: Proposed Amendments to CTC SPC Rules of Procedure

Attachment 2: Minister's Direction for Conservation Authorities during the COVID-19 Outbreak (March 26, 2020)