

Drinking Water Source Protection Lakehead Source Protection Committee Procedural Manual

Rules of Procedure
Code of Conduct
Conflict of Interest
Deputation Policy

Version 2.0

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1. Mission Statement:

The Lakehead Source Protection Committee has been formed as per Ontario Regulation 288/07 under the “*Clean Water Act, 2006*”. The objective of the “*Clean Water Act, 2006*” is to establish a collaborative, locally driven, science-based, multi-stakeholder process to protect Municipal residential drinking water sources in the Lakehead Source Protection Area.

2. Members Support of Committee Mission:

Members of the Lakehead Source Protection Committee bring to the Committee a wide range of relevant knowledge and expertise relating to the Source Protection Committee's role, acquired as a result of experience in both the private and public sector. Source Protection Committee Members join the Committee and subscribe to its mission:

- to contribute to the Lakehead Source Protection Planning process under the "*Clean Water Act, 2006*";
- to ensure that the points of view of the stakeholder groups sharing in the Source Protection Area and its watersheds are considered, and
- to utilize full disclosure within an ordered, public and transparent forum.

3. Background Information

3.1 *Rules of Procedure Requirements*

The Lakehead Source Protection Committee will prepare and follow written “Rules of Procedure” for conducting business and Meetings.

The “Rules of Procedure” for the Lakehead Source Protection Committee:

- Must meet the satisfaction of the Lakehead Source Protection Authority.
- Will be reviewed and updated where applicable every five years with reappointment of the Source Protection Committee members.

The “Rules of Procedure” for the Source Protection Committee must be published on the Internet at the www.sourceprotection.net website.

The Rules of Procedure shall contain the following rules:

- Committee business will occur at Meetings with a quorum present.
- Decisions will be made by consensus.
- Where consensus is not achieved, the Chair will ask for a vote, with two-thirds (2/3) of the Members present required to carry the decision. The Chair will not vote.
- Rules should facilitate and expedite the work of the Committee.
- Rules should be fair and transparent for the decision making process.
- Outline of rules for participating by teleconference.
- Rules should include a “Deputation Policy” for public participation at Committee Meetings.
- Committee will conduct business in accordance with its “Rules of Procedure”.

**Ontario Regulation 288/07 – Source Protection Committee
Rules of Procedure**

14. (1) Within two months after a sufficient number of members to constitute a quorum are appointed to a source protection committee, the committee shall prepare written rules of procedure for conducting the business of the committee that are satisfactory to the source protection authority.

(2) The committee shall ensure that the rules of procedure contain the following rules:

1. The business of the committee shall be carried out at meetings of the committee at which a quorum is present.
2. The committee shall attempt to make decisions by consensus among the members.
3. If the chair determines that reasonable efforts have been made to achieve consensus but the committee has been unable to make a decision by consensus, the decision may be made by a vote of two-thirds of the members present, not counting the chair.
4. The chair shall not vote.

3.2 Code of Conduct and Conflict of Interest Policy Requirements

The Lakehead Source Protection Committee will prepare and follow the “Code of Conduct and Conflict of Interest Policy” in keeping with the “*Municipal Freedom of Information and Protection of Privacy Act*” (MFIPPA).

The “Code of Conduct and Conflict of Interest Policy”

- Must meet the satisfaction of the Lakehead Source Protection Authority.
- Will be reviewed and updated where applicable every five years with reappointment of the Source Protection Committee members.
- Must be published on the Internet at the www.sourceprotection.net website.

A “Code of Conduct and Conflict of Interest Policy” shall contain a minimum outline of appropriate behavior of Source Protection Committee Members during Meetings and Public Consultations so that Members will carry out their functions with integrity and good faith, act responsibly and fairly towards other Members and Chair of the Source Protection Committee, carry out their duties in such a way as to maintain public confidence in the administration of the Source Protection Committee, Members will not act in such a way that may be deemed as a “Conflict of Interest”, Members will respect the confidentiality of information received in the performance of their duties and deliberations of the Lakehead Source Protection Committee during their tenure as a Member and a two-year period after their term of office and members will not make use

of any information obtained in their capacity as a Member that is not generally available to public that would benefit them or a member of their family. All information of this manner must be kept in confidence without time limit.

**Ontario Regulation 288/07 – Source Protection Committee
Code of conduct and conflict of interest policy**

- 15.** (1) Within two months after a sufficient number of members to constitute a quorum are appointed to a source protection committee, a source protection committee shall prepare a written code of conduct and conflict of interest policy for members of the committee that are satisfactory to the source protection authority.
- (2) The committee shall publish its code of conduct and conflict of interest policy on the Internet.
- (3) The members of the committee shall comply with the code of conduct and conflict of interest policy.

4. Introduction

The Consolidated By-law, being a By-law to govern the administration of the Lakehead Source Protection Committee, its proceedings and work products, the conduct of its Members and the calling of Meetings;

Whereas the “*Clean Water Act, 2006*” provides that a Source Protection Committee may pass By-laws governing the administration, proceedings of Meetings, the conduct of its Members and the calling of Meetings;

And Whereas the Lakehead Source Protection Committee deems it desirable that there be rules governing the administration, the order and procedure to govern the proceedings of the Committee, Sub-Committees, Advisory Committees and work teams, the conduct of its Members and the calling of Meetings;

Now, therefore, the Lakehead Source Protection Committee enacts as follows:

5. Lakehead Source Protection Committee – Rules of Operation

5.1 *Fiscal year*

The fiscal year of the Lakehead Source Protection Committee shall be the calendar year.

5.2 *Source protection committee responsibilities*

- i. Develop and complete a “Source Protection Plan” to reduce or eliminate threats to Municipal residential drinking water supply.
- ii. Review and approve Annual Progress Report to the Ministry of the Environment and Climate Change.
- iii. Develop Section 36 work plan and update the Source Protection Plan where applicable.
- iv. Ensure public consultation transparency throughout.
- v. Act as liaison to bring forward common concerns from their knowledge and experience in their sector to the Committee and assist in communicating the Committee’s work.
- vi. Respect confidential information and abide by the process in place to safeguard confidential information.
- vii. Regularly attend Source Protection Committee meeting (anticipated to be two per year).

5.3 *The Chair*

The Chair of the Source Protection Committee will preside over all Meetings of the Lakehead Source Protection Committee.

In the absence of a Chair, the Committee shall appoint an Acting Chair, who will assume all powers and duties of the Chair. It is recommended that these appointments be made at the first Meeting after the Rules of Procedure have been accepted by the Lakehead Source Protection Authority. The Source Protection Committee may at this time determine whether a first and second Vice-chair appointment is necessary.

Ontario Regulation 288/07 – Source Protection Committee Chair

12. (1) The chair of a source protection committee shall preside at all meetings of the committee.
- (2) If the chair is absent or unable to act or the office of the chair is vacant, the remaining members shall appoint an acting chair from among themselves, and the acting chair has all the powers and shall perform all the duties of the chair.

5.4 *Duties of the Chair*

- Represent the Lakehead Source Protection Committee at such functions as warrant the interest of the Committee, except where this responsibility is specifically assigned to another person.
- Act as the Spokesperson (i.e. media, public announcements, etc.) for the Lakehead Source Protection Committee.
- Liaise with Project Manager for Source Protection Committee administration and technical duties.
- Ensure that all activities of the Committee are carried out correctly and with strict observance of all legal requirements and Regulations.
- Be an "Ex-officio" Member of all Working Groups, sub-committees and ad hoc Working Groups appointed from time to time by the Lakehead Source Protection Committee where applicable.

5.5 *Roles and Responsibilities of the Lakehead Source Protection Committee Members*

- Must attend Lakehead Source Protection Committee Meetings.
- Become aware and knowledgeable of programs, projects, and activities of the Lakehead Source Protection Committee.
- Attend public Meetings and consultations as scheduled.

- Keep the sector organizations and associations which you represent informed of Lakehead Source Protection Committee programs, projects and activities.
- Be prepared to discuss issues at all Lakehead Source Protection Committee Meetings.

5.6 Duties of Lakehead Source Protection Committee Members

- Attend public information sessions and participate in public consultation forums.
- Meet a minimum of once annually to discuss Drinking Water Source Protection Issues and review and comment on the mandatory Annual Progress Report to the Ministry of Environment and Climate Change.
- Review and comment on Section 36 Work Plan or other amendments to the Lakehead Source Protection Plan.
- Review any other Minister's Orders for the Lakehead Source Protection Plan.

5.7 Working Groups

- Working Groups may be established as deemed necessary by the Source Protection Committee.
- Goals and work plans for Working Groups will be established by the Lakehead Source Protection Committee in advance of the formation of the group.
- The Chair of the Lakehead Source Protection Committee will act as an "Ex-officio" Member of all Working Groups, sub-committees and ad hoc Working Groups when established by the Lakehead Source Protection Committee. All other Source Protection Committee Members will be encouraged to participate in Working Group Meetings.
- A Member of the Lakehead Source Protection Committee will be appointed by consensus to be the Leader/Facilitator of the Working Group.
- The Leader/Facilitator of the Working Group will be responsible for reporting the progress and outcomes of Working Group Meetings to the Lakehead Source Protection Committee at Source Protection Committee Meetings.
- All Working Group Members must abide by the Lakehead Source Protection Committee Rules of Procedure, Code of Conduct, Conflict of Interest and Deputation Policies and the "*Municipal Freedom of Information and Protection of Privacy Act*" (MFIPPA).

5.8 Lakehead Source Protection Committee Liaison Members

- Committee Liaison Members may attend and participate in any or any part of a Lakehead Source Protection Committee Meeting, including In-Camera sessions.
- Liaison Members are non-voting Members and do not count towards the quorum or the reaching of consensus of the Lakehead Source Protection Committee.

- Liaison Members can be asked by the Lakehead Source Protection Committee to provide information pertinent to a matter in which a consensus based decision is being made.
- Liaison Members do not receive a per diem for Meetings, public consultations or training sessions.
- Three (3) Committee Liaison Members are designated to the Lakehead Source Protection Committee.
 1. Designate of the Provincial Government assigned by the Ministry of the Environment and Climate Change to meet the local needs of each Source Protection Area.
 2. A Health Representative designated by the Minister of Environment and Climate Change once provided with an interested representative from this sector within the local Source Protection Area.
 3. Designated and appointed by the Lakehead Source Protection Authority. Alternates are allowed to be appointed for this position.

**Ontario Regulation 288/07 – Source Protection Committee
Liaison**

19. The following persons may attend and participate in discussions at meetings of a source protection committee, including any meeting or part of a meeting that is closed to the public:

1. A person designated by the source protection authority as a representative of the authority.
2. A person designated by the Minister as a representative of the Ministry.
3. A person designated by the Minister as a representative of the medical officers of health for the health units in which any part of the source protection area or source protection region is located.

5.9 Quorum

The quorum for the Lakehead Source Protection Committee is the Chair or acting Chair, plus at least two-thirds of the Lakehead Source Protection Committee that the Lakehead Source Protection Authority is authorized to appoint.

Quorum for the Lakehead Source Protection Committee:

- Minimum quorum is based on the authorized size of the Committee
- Four (4) of six (6) appointed Members plus the Chair or acting Chair (5).
- Four (4) of six (6) appointed Members plus the Chair and a First Nations representative (6).

- A vacancy in Members does not prevent the Committee from conducting business as long as the number of Members remaining in office is sufficient for a quorum.
- Members are expected to regularly attend Meetings in person; attendance can be made by participation by telephone/teleconference.

If during the course of a Meeting a quorum is lost, then the Meeting will stand “Adjourned- Not Ended”, to reconvene at such other time and place as the Chair will then announce or be carried forward to the next scheduled regular Meeting. Notwithstanding, if a quorum is lost due to a declaration of conflict of interest, the Meeting will continue.

**Ontario Regulation 288/07 – Source Protection Committee
Quorum**

13. (1) The quorum of a source protection committee is the chair or acting chair, plus at least two-thirds of the number of members of the committee that the source protection authority is authorized to appoint.

(2) One or more vacancies in the membership of a source protection committee does not prevent the committee from conducting business as long as the number of members remaining in office is sufficient to maintain a quorum.

6. Meetings

6.1 *Timing of Meetings*

- At least one Meeting per year is required to review the Annual Progress Report submitted to the Source Protection Authority and the Ministry of Environment and Climate Change. Additional Meetings will be scheduled as deemed necessary to meet Regulatory requirements. Meetings held after this period will be determined by the Lakehead Source Protection Committee.
- Meeting dates will be posted on the Lakehead Source Protection website.

6.2 *Decision Making*

- The Lakehead Source Protection Committee shall attempt to make decisions by consensus among the Members.
- If the Chair determines that reasonable efforts have been made to achieve consensus but the Lakehead Source Protection Committee has been unable to make a decision by consensus, the decision may be made by a vote of the Members present, excluding the Chair.
- The Chair shall not vote.
- The voting process will follow “Robert’s Rules of Order” and be determined by a majority. The voting procedure will be recorded by formal Resolution.
- Proxy voting at Source Protection Committee Meetings is allowed under Ontario Regulation 288/07 – Source Protection Committee. As the Lakehead Source Protection Committee shall attempt to make decisions by consensus it is expected that proxy voting will not be deemed necessary but can be adapted if the need arises.

Ontario Regulation 288/07 – Source Protection Committee Proxies
17. A member of a source protection committee who is appointed by a source protection authority may participate in meetings of the committee by proxy and, for that purpose, a reference to a member in the provisions of this Regulation that relate to meetings includes the proxy.

6.3 *Notice of Meetings*

- Meeting dates, Short Agendas and approved Minutes will be posted to the website.
- Agenda packages will be prepared in advance of the Meeting and delivered by Courier to the designated delivery location of each Lakehead Source Protection Committee Member and Liaison Members by the Friday preceding the scheduled Meeting date. The Agenda package will include the time and place of the Meeting, all items to be discussed in the open portion of the Meeting and supplemental information as required.
- In-Camera Agendas concerning third party, property or personnel issues will only be provided to those in attendance of the Meeting and must be returned to the Project Manager or his or her designate at the conclusion of that Meeting for proper disposal.
- Notice of all Lakehead Source Protection Committee Meetings will be conveyed to Municipalities and local media at least 5 business days prior to the date of the Meetings via fax and website calendar.
- Public persons wishing notice of Meetings shall provide their name, address and email address with the Project Manager. The Project Manager or his or her designate will inform that person(s), by email, in writing or by telephone, in advance of Lakehead Source Protection Committee Meetings.
- Delegates interested in making a Deputation to the Committee must provide 14-days notice of their interest to make a presentation. Presentations are limited to 10 minutes plus discussion time. Delegations with written deputations for consideration of the Committee will provide same 14-days notice prior to the Meeting. See Deputation Policy for more detailed procedure.

6.4 *Meetings Open to the Public*

- All Meetings of the Lakehead Source Protection Committee, with the exception of In-Camera portions are open to the general public and media. In-Camera sessions are required to discuss third party, property or personal issues with the intent to protect private information.
- Notice to the public of all Lakehead Source Protection Committee Meetings is required by publishing the current Meeting schedule on the Internet or in another manner determined by the Committee.
- The Lakehead Source Protection Committee must agree by consensus to go In-Camera, by closing the Meeting, or a part of the Meeting to the public. Those Members declaring a conflict of interest must leave the room for the portion of the In-Camera session pertaining to their declaration of conflict. At which time public and media attendees will be vacated from the Meeting room and the door will be closed. Once the open part of the Meeting reconvenes, the public and media will be invited back into the room.

**Ontario Regulation 288/07 – Source Protection Committee
Meetings open to the public**

18. (1) All meetings of a source protection committee shall be open to the public.
- (2) Despite subsection (1), the committee may close a meeting or part of a meeting to the public if the subject matter to be discussed is a personal or financial matter about an identifiable individual.
- (3) The committee shall not close a meeting or part of a meeting to the public under subsection (2) unless it has passed a resolution that,
- (a) states that the meeting or part of the meeting is closed to the public; and
 - (b) states the general nature of the subject matter to be discussed in the absence of the public.

6.5 In-Camera Meetings

- At certain times, the Source Protection Committee may need to discuss or review information deemed private or proprietary. In order to protect the privacy of such matters under the “*Municipal Freedom of Information and Protection of Privacy Act*” (MFIPPA) the Source Protection Committee can choose to enter into an In-Camera session during or immediately after a Regular Source Protection Committee Meeting.
- The Lakehead Source Protection Committee must agree by consensus to go In-Camera, by closing the Meeting, or a part of the Meeting to the public. Those Members declaring a conflict of interest must leave the room for the portion of the In-Camera session pertaining to their declaration of conflict.
- Minutes will be recorded by the Project Manager for the In-Camera portion of the Meeting. Minutes of In-Camera Meetings will not be released to the public and will be locked in a file cabinet to which only the Lakehead Region Conservation Authority Chief Administrative Officer and the Project Manager have access to. Any materials accompanying In-Camera Meetings will be filed in the same manner.
- In-Camera Agendas will be prepared in advance of Source Protection Meetings by the Project Manager when it is known, and there will be a discussion of private, proprietary, personal and third party matters. In-Camera Agendas will be distributed at the Source Protection Committee Meeting to only those Members in attendance. In-Camera Agendas will be returned to the Project Manager at the conclusion of the In-Camera Meeting. The Project Manager will be responsible for confidential disposal of the In-Camera Agendas. Those Members participating by teleconference will not have access to the printed materials distributed at the Meeting but will be part of the discussion.
- Upon conclusion of the In-Camera Meeting, the Source Protection Committee must agree by consensus to adjourn the In-Camera meeting and then return to the Regular

Meeting open to the public. At this time, those deeming a conflict of interest may return to the open part of the Meeting.

- Only Source Protection Committee Members, Liaison Members and the Project Manager may attend In-Camera Meetings. If a situation arises that an outside party is crucial to the In-Camera discussion then the Source Protection Committee must agree by consensus that the outside party may participate in all or portion of the In-Camera Meeting directly related to them.

6.6 Minutes of Meetings

- The Lakehead Source Protection Committee is required to keep Minutes of its Meetings and make the Minutes available to the public by posting on the Internet. Only Minutes of the open portions of the Meeting will be made public. In-Camera session Agendas and Minutes will be managed under the *“Municipal Freedom of Information and Protection of Privacy Act”* (MFIPPA).
- The Minutes of all Lakehead Source Protection Committee Meetings will be recorded by the GIS Data Specialist or his/her designate.
- In-Camera Agendas and Minutes will be prepared and recorded by the Project Manager.
- Lakehead Source Protection Committee Members will receive a copy of the last Meeting Minutes within the current Meeting Agenda package.
- Only approved Minutes of Lakehead Source Protection Committee Meetings will be posted on the Internet and in a public binder at the Lakehead Region Conservation Authority. Approved Minutes will be distributed via e-mail by the Lakehead Region Conservation Authority to the Clerks of the Member Municipalities and the other Northern Ontario Source Protection Committees via their Project Manager. (Note: the five Northern Conservation Authorities share business matters on a regular basis and meet quarterly to discuss common issues).

Ontario Regulation 288/07 – Source Protection Committee Minutes of meetings

- 20.** A source protection committee shall keep minutes of its meetings and shall publish the minutes on the Internet.

6.7 *Term of Appointment and Vacancies*

- The Source Protection Committee Chair is appointed by the Minister of Environment and Climate Change. The term for the Chair is determined by the Minister of Environment.
- The term of appointment for municipal members of the Lakehead Source Protection Committee as determined by their respective council. Currently this term expires on November 30, 2018.
- The term of appointment for the non-municipal members of the Lakehead Source Protection Committee Members is five years.

6.7.1 Removal from Office

Committee Members can be removed from office by:

- Source Protection Authority,
- Request of the Chair,
- Municipal Members, by the Municipalities they represent.

Removal by Source Protection Authority

- Committee Member must be given a written statement of the reasons for their proposed removal by the Source Protection Authority.
- The Lakehead Source Protection Authority can remove a Member of the Lakehead Source Protection Committee if the Member is not meeting their responsibilities as a Lakehead Source Protection Committee Member or if the Member is in violation of the Code of Conduct or Conflict of Interest policy.
- The Lakehead Source Protection Authority must first provide a written statement of the reasons for removal.

6.7.2 Reasons for Removal

Failure to comply with the conditions of appointment to the Lakehead Source Protection Authority:

- Must reside in, own, rent, be employed or operate a business in the Source Protection Area.
- Must not be a Board Member or Employee of the Conservation Authority whose area of jurisdiction lies in whole or in part with the Source Protection Area or Region.
- Failure to attend Meetings.
- Engaging in activities contrary to the Code of Conduct or Conflict of Interest Policy established by the Source Protection Committee and approved by the Source Protection Authority.

Complaints related to matters above may be received about a Committee Member from:

- Source Protection Authority
- Chair of the Committee
- Other Members of Committee
- The Public

6.7.3 Removal by Chair of Source Protection Committee

- The Lakehead Source Protection Committee can request the removal of a Member from office should a Member fail to comply with Section 7 of the Regulation which pertains to residing, owning or renting land or being employed within the Lakehead Source Protection Area.
- The request will be made in writing to the Lakehead Source Protection Authority.
- The request will include a written statement of the reasons for the request.
- The Lakehead Source Protection Authority would then give a copy of the request to the Member in question.
- The Lakehead Source Protection Authority will provide the Member in question and the Chair an opportunity to make submissions to the Authority at an In-Camera Meeting, before it makes a decision on whether or not to remove the Member from office.
- The Lakehead Source Protection Authority will provide written notice of its decision to both the Member and the Chair, along with reasons for the decision.
- If the decision is made to remove the Member, the process should be completed as soon as reasonably possible.
- A new Member will be appointed by the Source Protection Authority within the requirements of the Regulation for the Source Protection Committee.
- Exceptions can be made with consent of the Minister of Environment and Climate Change.

6.7.5 Removal by Municipalities

- Municipal council(s) must make the request.
- Source Protection Authority is required to remove the Member from office as soon as reasonably possible upon receiving written notice of the request.
- Municipal council(s) submits the name of a replacement to fill the vacancy.
- Source Protection Authority will appoint the submitted replacement.

**Ontario Regulation 288/07 – Source Protection Committee
Removal from office**

22. (1) A source protection authority that has established a source protection committee may, on its own initiative or on the request of the chair of the committee, remove from office a member of the committee who was appointed by the authority if the authority is of the opinion that the member has failed to comply with a condition of the appointment referred to in section 7.

(2) If the source protection authority proposes, on its own initiative, to remove a member of a source protection committee from office, it shall give the member a written statement of the reasons for the proposed removal.

(3) If the chair of the source protection committee requests the removal from office of a member of the committee,

(a) the request shall be made in writing and shall include a written statement of the reasons for the request; and

(b) if the source protection authority proposes, on the request of the chair, to remove the member from office, it shall give the member a copy of the chair's request.

(4) The source protection authority shall provide the member and the chair of the source protection committee with an opportunity to make submissions to the authority before it makes a decision on whether or not to remove the member from office under subsection (1).

(5) The source protection authority shall give written notice of its decision on whether or not to remove a member from office under subsection (1) to the member and to the chair of the source protection committee, together with the authority's reasons.

(6) A source protection authority shall, as soon as reasonably possible, remove from office a member of the committee who was appointed by the authority pursuant to paragraph 1 of section 2 if,

(a) the member was appointed from a list of persons that was submitted jointly by the councils of the municipalities that are in a group established under clause 3 (1) (a);

(b) the removal of the member from office is jointly requested by the councils of the municipalities referred to in clause (a); and

(c) the councils of the municipalities referred to in clause (a) jointly submit the name of a person to be appointed to fill the vacancy created by the removal of the member.

(7) If a member is removed from office under subsection (6), the source protection authority shall, pursuant to paragraph 1 of section 2 and as soon as reasonably possible, appoint the person whose name was submitted under clause (6) (c) as a member of the source protection committee.

7. Other Considerations

7.1 *Media Relations*

The Chair is the spokesperson for the Source Protection Committee. The Chair is the only person allowed to comment to the media on matters relating to the Source Protection Committee. This policy is not intended to restrict the ability of Members to express an opinion on non-Committee general interest matters, where the Member makes it clear that he/she is commenting as a private citizen and not in his capacity as a Lakehead Source Protection Committee Member.

7.2 *Per Diem*

The Chair shall receive compensation from the Province in keeping with their terms of office.

Members of the Committee shall receive a per diem for attending Lakehead Source Protection Committee Meetings, and any other such Meetings to which they are appointed or directed by the Lakehead Source Protection Committee to attend in advance of the Meeting.

Payment of Per Diems

- Lakehead Source Protection Committee will be paid for expenses incurred on authorized Committee business.
- If no quorum is present, the per diem rate shall be paid to those in attendance.
- First Nations and other Liaison Members will be compensated in keeping with Ministry guidance.
- All per diem expenses, mileage and allowances to be in accordance with provincial guidance.

7.3 *Elections and Appointments*

The Chair is appointed by the Minister of Environment and Climate Change.

The Members of the Lakehead Source Protection Committee have been appointed in one of three ways (future appointments will follow the same procedure):

Municipal Sector: Municipalities have passed a Council Resolution indicating the individual to represent their seat on the Lakehead Source Protection Committee. The Lakehead Source Protection Authority is responsible for making the final decision on the appointment of the representative to the Lakehead Source Protection Committee.

Agricultural, Commercial and Industrial Sector: Applications were accepted as per the Regulation from individuals interested in a seat on the Lakehead Source Protection Committee. The Source Protection Authority appointed the two (2) Members from this sector from the applications received. Selections were made without bias and based on the applicants skills set applicable to working on a technical Committee dealing with Municipal drinking water systems.

Environmental, Health and Other Interests of the General Public Sector: Applications were accepted as per the Regulation from individuals interested in a seat on the Lakehead Source Protection Committee. The Source Protection Authority appointed the two (2) Members from this sector from the applications received. Selections were made without bias and based on the applicants skills set applicable to working on a technical Committee dealing with Municipal drinking water systems.

8. Indemnity

In keeping with Section 99 of the *"Clean Water Act, 2006"*, every Member of the Lakehead Source Protection Committee and his heirs, executors, administrators and estate and effects respectively shall from time to time and at all times be indemnified and saved harmless out of the funds of the Lakehead Region Conservation Authority from and against all costs charges, and expenses whatsoever which Member of the Lakehead Source Protection Committee sustains or incurs in or about any action, suit or proceeding which is brought, commenced, or prosecuted against him for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him in or about the execution of the duties of his office; all other costs, charges and expenses he sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own willful neglect or default.

9. Amendments to Rules of Operations

Necessary changes or amendments to these procedures can be made by the Lakehead Source Protection Committee where the following conditions are met:

- A quorum exists.
- A proper written notice of the change is placed before the Lakehead Source Protection Committee and agreed to by consensus.
- The Chair or designated alternate is present and presiding over the Meeting.
- The change is presented to and meets the satisfaction of the Lakehead Source Protection Authority.

10. Code of Conduct and Conflict of Interest Policy

This Code applies to all persons appointed to a Source Protection Committee under Section 7 of the *“Clean Water Act, 2006”*.

10.1 Objective

Source Protection Committees established by Source Protection Authorities under section 7 of the *“Clean Water Act, 2006”* are responsible for the preparation of a Terms of Reference, Assessment Report and Source Protection Plans for the Source Protection Areas in accordance with the Act, Regulations and Director’s rules.

Members of a Source Protection Committee bring to the Committee a wide range of relevant knowledge and expertise relating to the Committee’s role, acquired as a result of experience in both the private and public sector. Committee members join the Source Protection Committee to contribute to the Source Protection Planning process under the *“Clean Water Act, 2006”*.

Effective governance of the Lakehead Source Protection Committee depends on deliberate, thoughtful, and fair decision making by Lakehead Source Protection Committee Members. The ability to make good decisions is sometimes affected by other interests - personal or professional - of individual Committee Members.

One cannot eliminate conflicts of interest, they are a regular part of organizational and personal life. The objective of this policy is to permit Members of the Lakehead Source Protection Committee to manage potential conflicts of interest successfully, when they do occur, in regards to Committee Members. Conflicts of interests may occur with Board Members of Source Protection Authority, Board Members and Staff of the Lakehead Region Conservation Authority and Municipal representatives involved in the Source Protection Planning process.

The purpose of this “Code of Conduct and Conflict of Interest Policy” is to set out the standard of conduct expected of Members the Lakehead Source Protection Committee appointed by the Lakehead Source Protection Authority. It also sets out the procedure to be followed by Members in disclosing conflicts and perceived conflicts, as well as the consequences of failure to comply with that procedure.

10.2 Definitions

For the purposes of this code, the following definitions apply:

“Code” means this code of conduct and conflict of interest policy;

“Commercial information” means information that relates solely to the buying selling or exchange of merchandise or services by both profit-making enterprises and non-profit organizations;

“Committee” means a Source Protection Committee established by a Source Protection Authority under section 7 of the *“Clean Water Act, 2006”*.

“Confidential information” means commercial information, information about a third party, material information about a pending government decision or announcement or any other information that is not in the public domain regardless of whether it is identified as confidential that is obtained by the member in the course of serving on the Lakehead Source Protection Committee. For example, particular care should be exercised in releasing information relating to the following matters:

- i. Personal information about any individual.
- ii. Items under litigation.
- iii. Information about suppliers provided for evaluation which might be useful to competitors.
- iv. Sources of complaints about a variety of matters where the identity of the complainant is given in confidence.
- v. Items under negotiation.
- vi. Information supplied in support of license applications, etc., where such information is not part of the public documentation.
- vii. Schedule of prices in contract tenders.
- viii. Personal opinions regarding Lakehead Region Conservation Authority or Lakehead Source Protection Authority Policies, Regulations and Programs should not be given to the public.

The preceding is not an exclusive list.

“Gift” includes any money, thing, intangible or personal benefit with monetary value or anything that may reasonably be seen to compromise the personal judgement or integrity of a Member, but does not include nominal gifts, gratuities, hospitality or favours that do not create a sense of business obligation to the giver;

Harassment may include, but is not limited to the following:

(a) Sexual Harassment

- Unwelcome remarks, jokes, and innuendos or taunting about a person's body, attire, sexual orientation or gender.
- Practical jokes of a sexual nature which cause awkwardness or embarrassment.
- Displaying pornographic pictures or other offensive material.
- Leering (suggestive staring) or other gestures.
- Unnecessary physical contact such as touching, patting or pinching.
- Physical assault.
- Demands for sexual favours or repeated unwanted social invitations.

(b) Racial or Ethnic Harassment

- Unwelcome remarks, jokes, innuendos or taunting about a person's racial or ethnic background, colour, place of birth, citizenship or ancestry.
- Displaying of derogatory or offensive racist pictures or material.
- Refusing to converse or work with a Member or volunteer because of his or her racial or ethnic background.
- Insulting gestures or practical jokes based on racial or ethnic grounds, which cause embarrassment or awkwardness.

(c) Other Harassment

- Unwelcome remarks jokes, innuendo or taunting about a person's age, record of offenses, marital status, family status, handicap or creed.

“Member” means a Member of a Source Protection Committee appointed by the Minister or a Source Protection Authority under section 7 of the *“Clean Water Act, 2006”*.

“Private interest” includes the financial or material interests of a Member and the financial or material interests of a Member of the Member’s immediate family;

“Prohibited” activities” means:

- Seeking or accepting a gift in connection with their capacity as Member;
- Attempting to influence Lakehead Source Protection Committee decisions in order to further the Member’s private interest or the interests of a third party, including participating in a matter before the Committee, or making representations to another Member about a recommendation or decision that the Member should make and, at the same time, knowing or ought to know that in the recommendation or decision is the opportunity, or the reasonable appearance of an opportunity, for the Member to further his or her own private interest;

- Using confidential information for any improper purpose, which includes using confidential information to the benefit of the Member's private interest;
- Disclosing confidential information to third parties without the consent of the party to whom the information relates.
- Taking an action in their capacity as a Member that involves dealing with oneself in a private capacity that confers a benefit on oneself.
- Misrepresenting their role as a Member to a third party to further the Member's private interest.
- Holding oneself out as an official of the government of Ontario or inferring to a third party that the Member has the capacity to deliver a favourable decision from the government.
- Making representations to a third party that the government of Ontario has endorsed the business activity that the Member is engaged in.
- Using the name, government of Ontario or Ministry of the Environment and Climate Change, for personal purposes or to further the Member's private interest.
- Failing to disclose a conflict of interest to the Lakehead Source Protection Committee Chair or Minister of Environment and Climate Change as the case may be.

11. Definition of Conflict of Interest

A conflict of interest arises when a person able to influence a decision, whether by official vote or moral and/or intellectual persuasion, is liable to gain:

- some personal advantage from the outcome of the decision in which they are involved, and/or
- some advantage for an organization or association with which the individual is directly involved.

A conflict of interest also arises when as individual Committee Members outside duties, interests or obligations may or do differ fundamentally from his/her obligations as a Member of the Source Protection Committee.

A conflict of interest refers to a situation in which the private interests or personal considerations of the Member could compromise, or could reasonably appear to compromise, the member's judgment in acting objectively and in the best interest of the Lakehead Source Protection Committee. It is important to note that a conflict of interest exists if the decision could be, or could appear to be compromised. It is not necessary that compromise takes place.

A conflict of interest also includes using a Member's position or confidential information for private gain or advancement or the expectation of private gain or advancement (e.g. direct or indirect financial interest in a matter, a contract or proposed contract with the Source Protection Committee or its agent, the Source Protection Authority). A conflict may occur when an interest benefits any member of the Member's family (spouse, partner, children, parents, siblings), friends or business associates.

11.1 Assumptions

1. No Committee Member shall use his or her position, or the knowledge gained there from, in such a manner that a conflict between the interest of Lakehead Source Protection Committee and his or her interests arises, but is not disclosed.
2. When functioning as a Committee Member, each person has a duty to place the interest of Lakehead Source Protection Committee foremost in any dealings pertaining to the Committee and has a continuing responsibility to comply with the requirements of this Policy.
3. Committee Members are not eligible for employment or service contracts with Lakehead Source Protection Committee, Lakehead Source Protection Authority or Lakehead Region Conservation Authority during their tenure. If a Committee

- Member wishes to apply for a permanent position to any of the above listed organizations, he/she must immediately withdraw from active participation on the Committee. If the Committee Member is the successful candidate, he/she must resign from the Committee upon accepting the position.
4. Any Committee Member who becomes aware of a potential conflict of interest with respect to any matter coming before the Source Protection Committee or a working group of the Committee shall make this potential conflict known immediately in any discussion relating to the matter.
 5. It may be necessary in certain circumstances for the Source Protection Committee to secure the confidentiality of those present in a decision making process which is likely to affect someone or an organization known to those making the decision. The meeting must move into In-Camera.
 6. Decisions taken by the Source Protection Committee, regarding the management of a conflict of interest, must be fair and agreeable.

11.2 Conflicts of Interest

A Member is in a "Conflict of Interest" if,

1. The Member participates in an advisory or decision-making role in respect to a matter before the Source Protection Committee knowing the decision is an opportunity, or has the reasonable appearance of an opportunity, for the Member to further his or her private interest.
2. The Member uses information that he or she acquires by virtue of his or her position on the Source Protection Committee, which is not available or accessible to the general public, to further his or her own private interest.
3. The Member uses their position to further his or her private interest by influencing a decision or recommendation to be made by another Member.
4. The Member discloses confidential Committee information, to which they have access, to other persons or organizations not approved by the Committee.
5. The Member accepts employment, an appointment or shares in an organization or association that might reasonably conflict with their responsibilities to the Source Protection Committee.

6. The Member accepts a gift, benefit or fee from an individual or organization for favoring or promoting that individual or organization by virtue of their position on the Source Protection Committee.
7. The Member is of the opinion that he or she cannot provide an objective review of a matter before the Source Protection Committee.

Examples

Some examples of situations which may indicate a conflict of interest are:

- Where a Committee Member is in a position to influence the creation of employment or a service contract and then becomes a candidate for such a position or contract.
- Where a Member of the Committee influences the selection of a supplier of goods and/or services and the Member has an ownership interest in that supplier.
- Where a Committee Member uses Lakehead Source Protection Committee name and resources for personal benefit.
- Where a Committee Member could influence the giving of a grant, funds or project approval which would benefit themselves or an organization they are associated with as Staff or volunteers.

11.3 Procedure for Disclosing a Conflict of Interest

It is the responsibility of the Member to determine if they have a conflict. A Member who does have reasonable grounds to believe that he or she may have a conflict of interest or that there may be an appearance of a conflict of interest, in respect of a matter that is before the Lakehead Source Protection Committee shall:

- i. Promptly disclose (verbally or in writing) the actual, potential or perceived conflict of interest to the Chair or where the Member is the Chair, promptly disclose the conflict of interest to the vice-chair or if there is no Vice-Chair, to the Lakehead Source Protection Committee in the presence of the Source Protection Committee and
 - ii. Excuse him or herself from the Committee Meeting while the matter is under consideration. If the Member is participating via telephone or other electronic means, the Chair shall ensure that the Member is not able to listen to or participate in the discussion of the matter.
1. A Member who has disclosed an actual, potential or perceived conflict of interest to the Chair or the Committee, as the case may be, shall refrain from voting or participating in the consideration of the matter, or from commenting on,

- discussing or attempting to exert his or her personal influence on another Member with respect to the matter.
2. The Minutes of the Meeting shall reflect the disclosure of the actual, potential or perceived conflict of interest and whether the Member withdrew from the discussion of the matter.
 3. All correspondence between the Chair and the Minister respecting the disclosure of a conflict of interest shall be treated as personal information under the *"Municipal Freedom of Information and Protection of Privacy Act"*.

11.4 Procedure when Member Has Engaged in Prohibited Activities

Where a Member, other than the Chair, has engaged in a prohibited activity, the Chair may:

1. Request the Lakehead Source Protection Authority to investigate the matter and report to the Lakehead Source Protection Committee Chair with his or her findings or recommendations.
2. Request that the Member refrain from participating as a Member of the Lakehead Source Protection Committee pending the outcome of the investigation.
3. Request that the Member resign from the Lakehead Source Protection Committee.
4. Request that the Lakehead Source Protection Authority revoke the Member's appointment in accordance with O. Reg. 288/07 (Source Protection Committees).

Where the Lakehead Source Protection Committee Chair has engaged in a prohibited activity, the Minister may:

1. Request the Lakehead Source Protection Authority investigate the matter and report to the Minister of Environment and Climate Change with its findings or recommendations.
2. Request that the Lakehead Source Protection Committee Chair refrain from participating as a Member of the Lakehead Source Protection Committee pending the outcome of the investigation.
3. Request that the Lakehead Source Protection Committee Chair resign from the Committee.

4. Take steps to revoke the Chair's appointment.

11.5 Principles and Code of Conduct

Members of the Lakehead Source Protection Committee are expected to:

- Conduct themselves ethically, lawfully and with integrity;
- Act in the public interest, serving the mandate of the Lakehead Source Protection Committee as a whole, rather than serving the Member's private interest or other interests;
- Maintain a sense of fairness, independence and objectivity and treat others with respect;
- Refrain from placing themselves in conflict of interest situations;
- Disclose any actual, potential or perceived conflict of interest to the Chair of the Lakehead Source Protection Committee and to the Chair of the Lakehead Source Protection Authority, or where the Chair is reporting to the Minister and the Chair of the Lakehead Source Protection Authority;
- Refrain from engaging in any of the prohibited activities as described in this policy;
- Educate other Members on those matters within their own area of expertise with a goal of having the Lakehead Source Protection Committee make decisions collectively;
- Demonstrate their commitment to the Lakehead Source Protection Committee and to the Source Protection Planning process through high levels of attendance and participation at Committee Meetings;
- Every Member of the Lakehead Source Protection Committee, the staff or consultants are entitled to work in an environment that is free from discrimination and/or harassment. The Chair will take prompt and appropriate action to prevent, discourage or respond to incidents of discrimination or harassment. Every Member, staff or consultant of the Lakehead Source Protection Committee will deal with their fellows in a fair and equitable manner free from discrimination and/or harassment.

Any Member or volunteer who feels they are being harassed while doing Lakehead Source Protection Committee work should:

- Make it clearly known to the offender that their conduct is unacceptable and should not be repeated; and/or,
- Discuss the situation, in confidence, with the Chair;
- Keep a short written record of dates, incidents and names of witnesses, if any;
- If necessary, prepare a written complaint.
- Upon receipt of a verbal or written complaint, the Chair will conduct an investigation in confidence. If the investigation concludes that harassment has occurred,

appropriate disciplinary action will be taken (this may include suspension or termination). If the investigation concludes that the complaint is unfounded the complaint and investigation file will be destroyed. The Member who issued the complaint will be informed of the results of the investigation and of any action taken.

11.6 Confidential Information

Members have access to confidential information by reason of their participation on the Lakehead Source Protection Committee. Members must not make such information available unless it is public information. Where a Member is unsure of the status of information, before making any release he/she shall discuss it with the Chair of the Lakehead Source Protection Committee.

- The Lakehead Source Protection Committee Members shall be governed at all times by the provisions of the *“Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)”*.
- In the instance where a Lakehead Source Protection Committee Member vacates their position on the Lakehead Source Protection Committee they will continue to be bound by *“Municipal Freedom of Information and Protection of Privacy Act”* requirements.

Only the Chair of the Lakehead Source Protection Committee should comment to the media on policy matters. This policy is not intended to restrict the ability of Members to express an opinion on non-Committee general interest matters, where the Member makes it clear that he/she is commenting as a private citizen and not in his capacity as a Lakehead Source Protection Committee Member.

All Members appointed to the Lakehead Source Protection Committee by the Lakehead Source Protection Authority have an obligation to raise any concern with the Lakehead Source Protection Committee Chair with respect to their compliance with this Code.

The Chair of the Lakehead Source Protection Committee has an obligation to raise any concern with the Minister and the Chair of the Lakehead Source Protection Authority with respect to their compliance with this code. The Minister will determine an appropriate response and communicate this to the Chair of the Lakehead Source Protection Committee and the Chair of the Lakehead Source Protection Authority.

12. Acknowledgement

Each Member shall be required to review a copy of this Code and acknowledge in writing that he or she has done so.

The Lakehead Source Protection Authority will retain a copy of each Member's signed acknowledgement.

13. Deputation Policy

1. a) Persons desiring to address or present a brief to the Lakehead Source Protection Committee shall be permitted to do so provided,
 - i) They notify the Source Protection Project Manager, in writing, at least fourteen (14) days prior to the Meeting of the Lakehead Source Protection Committee at which they wish to appear;
 - ii) File with the Source Protection Project Manager, not less than seven (7) days in advance of their appearance, a written statement or brief setting forth the particulars of the address or brief to the Lakehead Source Protection Committee.
 - iii) The same organization can only be represented by one deputation on the same subject. The Same applies to the individual also.
- 1.1 a) The presentation of an address or brief shall be scheduled as a Deputation and presented on the Agenda:
 - i) As a presentation or brief to the Lakehead Source Protection Committee not necessarily related to any item on the Agenda;
 - ii) As a presentation or brief in connection with an item in the Agenda, and such presentation or brief shall be considered at the time the Agenda is considered;
 - iii) As a presentation or brief by commercial enterprises, government agencies, consultants, be considered as an Agenda item and scheduled as in Clause 1.1 (a)(ii);
- b)
 - i) In presenting an address or brief to the Lakehead Source Protection Committee, no person shall be permitted to speak more than (10) minutes;
 - ii) If additional information is provided by the presenter, it must follow the initial outline of the purpose of the deputation;
 - iii) The presenter will need to bring the correct number of copies and these are distributed by the Source Protection Project Manager.

c) No person shall speak disrespectfully or use offensive words in or against the Lakehead Source Protection Committee nor against any Member thereof. No person shall reflect upon any vote of the Lakehead Source Protection Committee except for the purpose of requesting that such vote be rescinded or reconsidered.

d) No person shall:

- i) Use offensive words in or against the Lakehead Source Protection Committee or any Member;
- ii) Speak on any subject other than the subject as stated in accordance with Clause 1.1(a);
- iii) Disobey the rules of the Lakehead Source Protection Committee or a decision of the Chair of the Lakehead Source Protection Committee or of the Lakehead Source Protection Committee on questions of order or practice or upon the interpretation of the Lakehead Source Protection Committee;

and in case a person in any such disobedience after having been warned by the Chair of the Lakehead Source Protection Committee, the Chair of the Lakehead Source Protection Committee may forthwith put the question, no adjournment, amendment or debate being allowed, "that such person(s) be ordered to leave the Boardroom for the duration of the Meeting."

e) There shall be no debate between such speakers and Members of the Lakehead Source Protection Committee provided however that questions may be asked by Members of the Lakehead Source Protection Committee following the presentation of the speaker(s).

1.2 a) If there is a resolution put forward after the deputation, then the resolution MUST be dealt with under New Business.

b) Under "New Business" the matter can be:

- i) Dealt with immediately, or;
- ii) Request a Report from the Staff, or;
- iii) Refer the matter to another Meeting at which time a Report is to be presented by Staff.

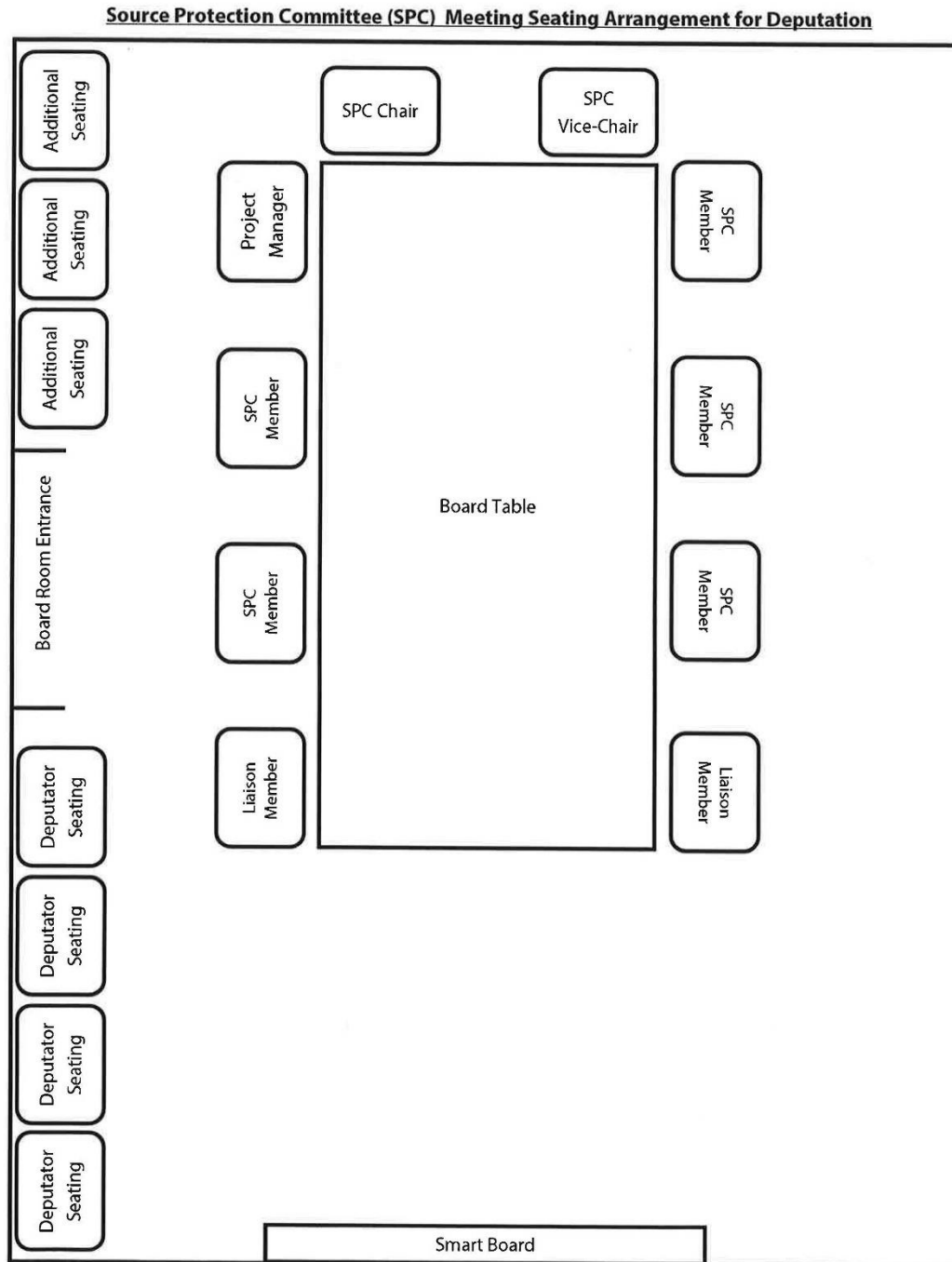
13.1 Deputation Information Sheet

Members of the Lakehead Source Protection Committee are expected to:

The following guidelines must be followed in preparing and presenting your deputation to the Lakehead Source Protection Committee.

- 1) Deputation outline and any additional information pertaining to your deputation must be submitted by date noted in letter, on white paper of 8 ½" X 11" dimension and information typed or written in blue or black ink.
- 2) At the Meeting, your deputation will be called by the Chairman, following which you are to present and seat yourself as shown on the attached diagram. Once seated, commence your presentation by introducing yourself and any other people with you to the Members of the Lakehead Source Protection Committee.
- 3) You are allowed a maximum of 10 (ten) minutes per deputation in which to make your presentation following which individual Members of the Lakehead Source Protection Committee may ask questions of you.
- 4) You are not permitted to engage in debate with Members of the Lakehead Source Protection Committee and any comments which you wish to make should be addressed through the Lakehead Source Protection Committee Chairman.
- 5) Only two speakers per deputation are allowed. The Request for Deputation must identify the speaker or speakers (maximum two allowed). Only those identified in the request will be allowed to speak at the Meeting.
- 6) Speakers must identify themselves to the Source Protection Committee Chair or the Project Manager prior to the commencement of the Meeting.

13.2 Boardroom Seating Assignment



Appendix A:
Acknowledgement of Policy Forms

Acknowledgement of Policy Form

I, _____, a Member of the Lakehead Source Protection Committee for the Lakehead Source Protection Area, hereby acknowledge that I have reviewed the "Code of Conduct and Conflict of Interest Policy" for Lakehead Source Protection Committee Members dated _____ and further acknowledge that I understand that it is a condition of my appointment to the Lakehead Source Protection Committee that I will comply with the "Code of Conduct and Conflict of Interest Policy".

Date _____

Name: _____ Signature: _____

Witness: _____ Signature: _____

Member Copy

Acknowledgement of Policy Form

I, _____, a Member of the Lakehead Source Protection Committee for the Lakehead Source Protection Area, hereby acknowledge that I have reviewed the “Code of Conduct and Conflict of Interest Policy” for Lakehead Source Protection Committee Members dated _____ and further acknowledge that I understand that it is a condition of my appointment to the Lakehead Source Protection Committee that I will comply with the “Code of Conduct and Conflict of Interest Policy”.

Date _____

Name: _____ Signature: _____

Witness: _____ Signature: _____

Conservation Authority Copy