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# Full Authority Agenda

April 15, 2020

KCCA Admin Centre

10:00 a.m.

## **Special Meeting**

On March 26, 2020, the Minister of the Environment, Conservation and Parks issued a Direction to all Conservation Authorities (“CAs”) recommending amendments to CAs Administrative by-laws to allow for certain electronic processes during declared states of emergencies. This Direction is posted on KCCA’s web site and included in this Agenda on page 2.

This Special Meeting is being called in order to update KCCA’s Administrative By-Law as per the Minister’s Direction. As the Administrative Building is closed to the public at this time, and the facility does not provide for social distancing of attendees, this Special Meeting will be held electronically. The public may view the meeting live at the following links:

Youtube - <https://www.youtube.com/channel/UCsRj8PQR0y41BlosTZ84yhQ>

Facebook Page - <https://www.facebook.com/KettleCreekCA/>

Draft minutes of the meeting will be posted to KCCA’s web site on April 16, 2020.

## **Audio/Video Recording Notice**

*“Board members, staff, guests and members of the public are reminded that the Full Authority Board/Committee meeting is being recorded, and will be posted to the Authority’s web site along with the official written minutes. As such, comments and opinions expressed may be published and any comments expressed by individual Board members, guests and the general public are their own, and do not, represent the opinions or comments of the Full Authority and/or the KCCA Board of Directors.*

*The recorded video of the Full Authority meeting is not considered the official record of that meeting. The official record of the Full Authority meeting shall consist solely of the Minutes approved by the Full Authority.”*

## **Introductions and Declarations of Pecuniary Interest**

**Minister’s Direction for CAs during the COVID 19 Outbreak.....2**

**Administrative By-Law Amendment.....10**

## **Up Coming Meetings**

Full Authority Meeting to immediately follow Special Meeting on April 15, 2020

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

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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**

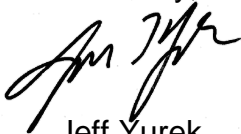
9. This Direction is effective immediately. If it is in the public interest to do so, I will provide further direction or clarification, at a later date, related to the matters set out in this Direction.

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

Chloe Stuart  
Assistant Deputy Minister, Land and Water Division, MECP  
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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**

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### **Catfish Creek CA**

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## Administrative By-Law Amendment Minister's Direction (March 26, 2020)

**Whereas** the Minister of Environment, Conservation and Parks issued Direction on March 26, 2020 pursuant to subsection 19.1 (7) of the *Conservation Authorities Act* to all Conservation Authorities in Ontario, including Source Protection Authorities, to enable conservation authorities to convene a meeting electronically in order to make necessary amendments to their by-laws to deal with emergencies;

**And Whereas** it is necessary to make certain amendments to Kettle Creek Conservation Authority's By-Law dated September 19, 2018 to permit Board members who are participating in a meeting electronically to be counted towards quorum during an emergency declared pursuant to the *Emergency Management Civil Protection Act* ("Declared Emergency");

**Now Therefore** the Board of Directors of the Kettle Creek Conservation Authority Hereby Enacts as Follows:

1. **That** the Administrative By-Law dated September 19, 2018 is hereby amended by adding the following in order to enable electronic meetings to be held during a period of declared emergency:

- a) That the following definitions be added to Section A Definitions:

"Declared Emergency" is any emergency declared pursuant to the Emergency Management Civil Protection Act that has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act.

"Electronic Meeting" means a meeting called and held in full or in part via electronic means (including, but not limited to, video conference, audio conference, teleconference or other appropriate electronic means), and with or without in-person attendance.

- b) That the following be added to Section C. Meeting Procedures

### **20. Electronic Meetings During a Declared Emergency**

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.0.1 of the Emergency

Management and Civil Protection Act, that may prevent the General Membership from meeting in person, a regular or special meeting or Executive Committee meeting may be conducted by an Electronic Meeting in accordance with this section.

Members may participate in a meeting held under this section electronically and shall have the ability to:

- a. register a vote;
- b. be counted towards determining quorum; and
- c. participate in meetings closed to the public.

Where necessary, an electronic meeting held under this section may be held without physical attendance by members, staff or the public.

In accordance with subsection 15(3) of the Conservation Authorities Act any meeting held under this section shall be open to the public, subject to the exceptions and rules of procedure outlined in Section C “Meetings with Closed Session.”

Where possible, the Authority will provide for alternative means for the public to participate in the meetings electronically.

Whenever possible, the posted agenda for a meeting held under this section will include sufficient information for the public to electronically access the open session. This may include posting the audio or video recording of the meeting on-line or posting the draft minutes of the meeting in an expeditious manner following the electronic meeting.

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, that may prevent the General Membership from meeting in person, any date or timeline requirement established under any Section in this By-law shall be postponed until such time as the General Membership can reasonably address the issue either by meeting in person or meeting electronically.

During any period where an emergency has been declared to exist, in all or part of an area over which the Authority has jurisdiction, under Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act, that may prevent the General Membership from meeting in person, any delegation, hearing or appeal dealt with in this By-law may be conducted electronically with provisions for applicants and their agents to participate if the Authority decides to hear any delegation or hold any such hearing or appeal.

## **21. Electronic Meetings During a Declared Emergency Protocol**

Amendments to this Electronic Meeting During a Declared Emergency Protocol (hereinafter, “Protocol”) may be permitted to be made by simple majority vote of members to accommodate an effective and efficient meeting, so long as any such amendments are not contrary to prevailing Provincial legislation, order or direction.

The protocol for such emergency electronic meetings is as follows:

- a) The agenda material will be posted publicly.
- b) The method and technology used for an Electronic Meeting in Open Session or Closed Session will be determined by the General Manager or his/her designate and the Chair or Vice Chair based on resources available and the prevailing circumstances of the emergency.
- c) Each member participating in the Electronic Meeting shall be available at least fifteen (15) minutes before the beginning of the meeting to assist staff in establishing the electronic connection.
- d) Electronic devices are to be muted when not speaking to avoid technical disruption.
- e) The Chair will conduct a roll call at the beginning of both the Open and Closed Sessions.
- f) In addition to a roll call, at the beginning of each Closed Session the following preamble will be read to which each member must verbally commit to understanding and accepting:

Each member here present and accounted for in roll call confirm that they are participating electronically in this Closed Session in a private setting with no member of the public able to listen to or view the meeting. All members are bound by the Authority's Code of Conduct and Rules and Procedures outlined within the Administrative By-Law. Members are reminded that this Closed Session is confidential and that all information, documents or deliberations received, reviewed or taken in closed session are confidential. Members shall not disclose or release by any means to any member of the public, either in verbal, electronic or written form, any confidential information acquired by virtue of their office, except when required by law to do so. Members are directed to delete all documents distributed at the conclusion of this meeting.

- g) The Chair will announce each agenda item. The Chair will canvass members participating electronically about their intentions to speak to a matter on the floor and will notify each member when it is their turn to speak.
- h) Each Member will identify themselves and speak through the Chair.
- i) After a Member is finished speaking, the Chair may confirm verbally if there are remaining Members who wish to speak and will call out the name of the next members assigned to the floor.
- j) The Chair will confirm that no further Members wish to speak before voting commences.
- k) After putting a motion to a vote, each Member participating by electronic means will be required to identify how he or she wishes to vote. The Chair will determine the method of voting to be used.
- l) If a Member is present in-person or electronically and their respective name is called and no response to indicate a vote is provided the Chair will ask one more time, and if there is no indication of a vote, the vote will be recorded in negative unless directed otherwise by the Chair.
- m) The Chair will announce the results of the vote.
- n) Each Member shall remain silent and attentive to the proceeding when not assigned the floor by the Chair.

- o) Each Member will listen for their name to be assigned the floor to speak or to vote.
- p) A Member participating by electronic means shall inform the Chair about their intentions to leave the meeting either on a temporary or permanent basis.
- q) A member participating by electronic means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
- r) The Chair may direct that the connection be terminated if the Member cannot be clearly understood, or if a poor connection or background noise is deemed to be disruptive to the meeting.
- s) In the case of a loss of connection, or any connection issue which impedes the ability of a Member to participate in the meeting in real time, the meeting will continue without attempts by staff to reconnect them to the meeting.
- t) If electronic communication is interrupted during a meeting and remains interrupted while a vote is taken, the Member affected is deemed to have left the meeting prior to the vote.

**2. That** this amendment to Kettle Creek Conservation Authority's Administrative By-Law dated September 19, 2018 come into force and takes effect immediately.