



**ADMINISTRATIVE
RULES AND PROCEDURES**
(Revised November 10, 2009.)

TABLE OF CONTENTS

	<u>PAGE</u>
CALLING OF MEETINGS	1
MINUTES OF MEETINGS	2
ELECTIONS OF ACTING CHAIR	2
WORKING GROUPS	2
AGENDA FOR MEETINGS	3
ORDER OF BUSINESS	3
CONDUCT OF MEMBERS AND PRESERVATION OF ORDER AT MEETINGS	4
RULES OF DEBATE	5
Speaking to Questions and Motions	5
Voting	6
MEETINGS OPEN TO THE PUBLIC	7
FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY	7
TERMS OF APPOINT AND VACANCIES	7
REMOVAL OF MEMBERS FROM OFFICE	7
INDEMNITY	8
PROXY TO MEETINGS	8
SOURCE PROTECTION COMMITTEE LIAISON MEMBERS	10
DELEGATIONS	10

ADMINISTRATIVE RULES AND PROCEDURES

- (1) In these Rules and Procedures,
 - (a) "CWA" means The Clean Water Act
 - (b) "SPC" means The Source Protection Committee
 - (c) "SPA" means Source Protection Authority
 - (d) "Authority" means The Niagara Peninsula Conservation Authority
 - (e) "C.A.O." means Chief Administrative Officer

!

CALLING OF MEETINGS

- (2) Meetings of the SPC
 - (a) shall be held on the second (2nd) Tuesday during the months of September to June inclusive unless amended by SPC resolution.
 - (b) may be held during the months of July and August at the discretion of the SPC Chair.
 - (c) shall be scheduled for the first six months and every six months thereafter until proposed terms of reference are submitted to the Source Protection Authority. The current schedule shall be published on the Internet for the public to view.
- (3) The Chair may at any time summon a special meeting of the SPC and shall summon a special meeting of the SPC when requested to do so in writing by two-thirds of the members.
- (4) Written notice of every meeting held under Paragraph (2) and (3) shall be given to each member as follows:
 - (a)
 - i) by mailing of notice by prepaid ordinary post addressed to such member at the address according to the Authority's records at least 7 calendar days before the time of such meeting; or
 - ii) by the personal service or telephone notice or the delivery to and leaving of such notice at the said address of such member at least forty-eight (48) hours before the time of such meeting.
 - (b) no notice shall be required if all members are present or if those absent have waived notice of or otherwise signified consent of the holding of such meeting.
- (5) The notice calling a special meeting of the SPC shall state the business to be considered at the special meeting and no other business other than that stated in the notice shall be considered.

II

MINUTES OF MEETINGS

- (6) (a) The Source Protection Coordinator or a designate shall attend and record the minutes of all meetings;
- (b) The minutes shall contain the roll call and resolutions presented to the meeting and every resolution shall be numbered in the minutes.
- (c) Approved minutes shall be posted on the internet as required by the CWA and regulations.
- (d) Approved minutes shall be forwarded to the Niagara Peninsula Source Protection Authority for their information.
- (e) Minutes of in-camera sessions are also to be kept. These minutes are not available to the public but form part of the official record of the SPC.

III

ELECTION OF ACTING CHAIR

- (7) (a) The Chair of the SPC shall preside at all meetings of the SPC. If the Chair is absent from a meeting of the SPC, then the SPC shall elect an Acting Chair for the purposes of that meeting. The Acting Chair shall have all the powers and shall perform all duties of the Chair.
- (b) The election of the Acting Chair for that meeting shall be conducted by the Source Protection Coordinator or in their absence, another person duly appointed by the Authority.
- (c) Election shall be by vote of hands and no member may vote by proxy. The election votes shall be recorded in the minutes.
- (d) The SPC member who receives the most votes shall be elected as the Acting Chair.

IV

WORKING GROUPS

- (8) (a) The SPC may, from time to time, establish a Working Group to deal with particular matters specified by the SPC.
- (b) The matters to be dealt with by the Working Group shall be stated in the resolution establishing the Working Group.
- (c) The members of the Working Group shall be appointed in the resolution establishing the Working Group. Working Group members should not typically be SPC members.

- (9) (a) A member of the SPC, where practical, shall be appointed chair for each Working Group of the SPC.
- (b) The SPC Chair shall appoint the Working Group Chair.
- (10) The Rules and Regulations governing the procedures of the SPC shall be observed in Working Groups, as far as they are applicable and the words Working Group shall be substituted for the word SPC, where such is applicable.

V

AGENDAS FOR MEETINGS

- (11) The C.A.O./Secretary-Treasurer or a designate in consultation with the Chair shall prepare for the use of the members of the SPC, an agenda in accordance with an agreed format.
- (12) The agenda for special meetings of the SPC shall be the responsibility of the Chair.
- (13) Written notice of motion may be given by any member of the SPC and shall be forthwith placed on the agenda of the next meeting.

VI

ORDER OF BUSINESS AT MEETING

- (14) When a quorum is first present after the hour fixed for a meeting, the Chair shall take the chair and call the meeting to order.
- (15) If no quorum is present, one-half hour after the time appointed for a meeting, the Chair shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next meeting. When no quorum is present, the per diem rate shall still be paid to those SPC members in attendance.
- (16) A quorum is defined as being two thirds (2/3) of the appointed SPC members plus the Chair or Acting Chair. This excludes designated liaisons who are not calculated in the quorum. Therefore six appointed SPC members and the Chair are required for quorum. A proxy does count for quorum.
- (17) When a meeting is duly constituted, the minutes of the preceding meeting shall be received and adopted as printed or as amended and signed by the Chair and the Recording Secretary.
- (18) The business of the SPC shall be taken up in order in which it stands on the agenda unless otherwise decided by the SPC.
- (19) No member shall present any matter to the SPC for its consideration unless the matter appears on the agenda for the meeting of the SPC or leave is granted to present the matter by the affirmative vote of a majority of members present.

- (20) The following matters shall have precedence over the usual order of business.
- (a) A point of order
 - (b) A matter of privilege
 - (c) A matter of clarification
 - (d) A motion to suspend a rule of procedure or to request compliance with the rule of procedure.
 - (e) A motion that the question be now put to a vote
 - (f) A motion to adjourn.

VII

CONDUCT OF MEMBERS AND PRESERVATION OF ORDER AT MEETINGS

- (21) No member at a meeting shall speak disrespectfully of the reigning Sovereign, any of the Royal Family, the Governor General, the Lieutenant-Governor, or of any person administering the Government of Canada or the Province of Ontario, or use offensive words in or against the SPC or against any member, speak on matters unrelated to the question in debate or reflect upon any vote of the SPC except for the purpose of moving that the question be reconsidered.
- (22) The Chair shall preserve order and decide questions of order.
- (23) (a) When a member rises to a point of order, the member shall ask leave of the Chair to raise a point of order and after leave is granted, the member shall state the point of order to the Chair and sit down and remain seated until the Chair rules of the point of order and thereafter no member shall address the Chair on the point of order except for the purpose of appealing from the Chair's decision.
- (b) Where there is no appeal, the decision of the Chair shall be final and, where there is an appeal, the SPC shall decide the question without debate and this decision shall be final.
- (24) The Chair shall have the power to eject an offending member from the meeting and the said member shall not return to the meeting until the remaining members record a majority vote to permit such return.
- (25) When a member is speaking, no other member shall pass between the speaker and the Chair or interrupt the speaker except to raise a point of order.
- (26) Any member may require a question or motion under debate to be read at any time, except while a member is speaking.
- (27) In all matters not regulated by these rules of order, Bourinot's Rules of Order shall govern.

VIII

RULES OF DEBATE

(A) SPEAKING TO QUESTIONS AND MOTIONS

- (28) (a) Prior to speaking to a question or motion, every member shall be recognized by the Chair and address the Chair.
- (b) Where two or more members rise to speak, the Chair shall designate the member who has the floor, who shall be the member who in the opinion of the Chair was first recognized.
- (29) (a) A motion may be presented to the SPC in writing or orally.
- (b) Where a motion is presented in writing, it shall be signed by the mover and seconder and shall be read before debate.
- (c) Where a motion is presented and seconded orally, it shall be stated before debate.
- (30) Notwithstanding any Rules or Regulations herein, any matter mentioned in paragraph 23 shall take precedence over any motion or other matter, and a motion to adjourn or put a question to the vote shall be put to a vote immediately without debate, except that the vote shall not be taken.
- (a) while a member is in possession of the floor or has previously indicated to the Chair the desire to speak on the matter before the SPC; or
- (b) after it has been decided to put a motion to the vote and before that vote is completed.
- (31) (a) Subject to sub-paragraph 2 hereof, no member shall speak more than once to the same question without leave of the Chair, except in explanation of a material part of the speech and when no new matter is introduced.
- (b) A member who has presented a motion, other than a motion to amend or dispose of a motion, may speak in reply before a motion to put the disposition of the member's motion to a vote is carried.
- (32) No member shall speak to a question or in reply for a longer period than 5 minutes without leave of the Chair.
- (33) Any member may ask a question of the previous speaker, but the question shall relate to the speaker's remarks.
- (34) When a motion is under debate, no motion shall be received other than a motion to amend, to defer action, to refer the question, to take a vote, to adjourn or to extend the hour of closing the proceedings.

(35) (a) A motion to amend a motion (hereinafter called an “amending motion”) may be presented in the same manner as a motion.

(36) Only one (1) amending motion will be allowed after a motion has been put forth for debate.

(B) VOTING

(37) Interrelated motions shall be voted on in the following order:

(a) motions to refer the matter, and

(b) if no motion under Clause (a) is carried, the order for voting on the remaining motions shall be:

- i) amending motion,
- ii) the original motion.

(38) (a) Unless a member demands a recorded vote, a vote shall be by show of hands.

(b) Before a vote is taken, any member may require a recorded vote and it shall be taken alphabetically. The Chair (or acting Chair if the regular Chair is not present) shall not vote.

(c) After a vote is taken by show of hands, any member may require that the vote be taken again either by show of hands or recorded if:

- i) the member disagrees with the Chair’s declaration as to results of the vote; and
- ii) the member states the requirement immediately after the Chair’s declaration.

(39) While the Chair is putting a question to the vote, all members shall remain seated and not make any noise or disturbance until the result of the vote is declared.

(40) (a) After a question has been decided it shall not be reconsidered, except that any member who voted thereon with the majority may, subject to sub-paragraph 2 hereof, move for a consideration of the question at any regular meeting of the SPC.

(b) No discussion of the main question shall be allowed until the motion for reconsideration is carried by a majority vote, and no question shall be reconsidered more than once at any meeting.

(c) Where a question under consideration contains more than one item, upon the request of any member, a vote upon each item shall be taken separately.

IX

MEETINGS OPEN TO THE PUBLIC

- (41) In keeping with the *Freedom of Information and Protection of Privacy Act*, all meetings are open to the public; all matters arising out of committee meetings, and supporting technical reports shall form part of the public record and shall be available for public review immediately upon request. Exceptions to the foregoing include the following matters:
- a. Personnel Records or issues
 - b. On-going Property Negotiations
 - c. Court cases in which the Committee is involved
 - d. Discussions which could adversely affect the interests of a third party.
 - e. A personal or financial matter about an identifiable individual.

X

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

- (42) The 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 committee member vacates their position on the source protection committee they will continue to be bound by MFIPPA requirements.

XI

TERM OF APPOINT AND VACANCIES

- (43) The length of term of the SPC members, is governed by Section 8 (Term of appointment), and Section 9 (Vacancies), of Ontario Regulation 288/07 of the Clean Water Act.

XII

REMOVAL OF MEMBERS FROM OFFICE

- (44) As per Ontario Regulation 288/07 Section 22:
- (a) The Source Protection Authority, on its own initiative or by request of the Chair, can remove a member from office if a member has failed to comply with a condition of appointment set out in Section 7 of Ontario Regulation 288/07, which

pertains to residing, owning or renting land or being employed within the source protection region. In addition, a member may be removed by the source protection authority or the Chair of the committee. If the source protection authority proposes to remove a member of the committee, it shall give the member a written statement of the reasons for the proposed removal.

- (b) If the Chair requests removal from office of a member it shall be made in writing and shall include a written statement of the reasons for the request
- (c) If the Source Protection Authority proposes, on request of the Chair, to remove the member from office, it shall give the member a copy of the Chair's request

XIII

INDEMNITY

- (45) In keeping with Section 99 of the Clean Water Act, 2006, every member of the 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 committee from and against all costs charges, and expenses whatsoever which member of the 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 wilful neglect or default.

XIV

PROXY TO MEETINGS

- (46) A member of the SPC may participate in meetings of the committee by proxy, and, for that purpose, a reference to a member in the provisions of these Rules and Procedures includes the proxy. The proxy shall comply with the code of conduct and conflict of interest policy of the SPC, including compliance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and signing the declaration concerning conflict of interest.

- (47) While the regulation does not define who the proxy may be, it is strongly recommended that the proxy be another committee member of the SPC. The following reasons are cited by the MOE for this recommendation:
- a. The province does not have funding for non-SPC members (either per diems or for training initiatives).
 - b. All those present and able to make decisions should understand and abide by the rules of procedures, code of conduct and conflict of interest policy.
 - c. Committee meetings will have ambitious agendas, all those present should be familiar with the context of the matters (which may have occurred from previous meetings) and able to make decisions without unnecessary delays.
 - d. Relationship between the committee members may provide a more trusting environment for those who wish to provide general authority over their opinion to the proxy.
- (48) For a proxy to be used, the SPC member must notify the SPC Chair, at least one day prior to the SPC meeting, that they will be absent from the SPC meeting and that they wish to use a proxy. The proxy must be identified when the Chair is notified. A proxy may only be assigned for one meeting at a time. A SPC member shall not hold more than one proxy vote for a given decision by resolution.
- (49) Requests for the use of proxy will be received by the Chair on a 'first requested' basis. If more than two SPC members request a proxy for any one meeting, the Chair may reschedule the SPC meeting to another date, in order to allow for better participation by the SPC members in making their decisions.
- (50) A member who, by way of proxy, has participated in decision making at a SPC meeting, and upon receiving the results disagrees with the decision vote of their proxy, may request a recall of a decision made by resolution, provided that:
- a. The request to recall the decision is made at the next SPC meeting following the use of the proxy.
 - b. A change in the proxy vote will change the majority decision of the SPC for that resolution. If the recall cannot change the majority vote decision, then the power of recall would be redundant and of no value to carry out.
 - c. For the purposes of subsection 50 (b) a majority vote is greater than 50 percent of the member votes cast.
 - d. Where there is a proxy vote, the resolution shall be a recorded vote in the minutes.

XV

SOURCE PROTECTION COMMITTEE DESIGNATED LIAISONS

- (51) The following persons may attend and participate in discussions at meetings of a source protection committee including any meetings or part of a meeting that is closed to the public:
- a. A person designated by the source protection authority as a representative of the authority;
 - b. A person designated by the Minister as a representative of the Ministry of the Environment;
 - c. 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/source protection region is located.

XVI

DELEGATIONS

- (52) (a) Any person or organization desiring an opportunity to address the SPC may make a request, in writing, to the C.A.O./Secretary-Treasurer or a designate eight (8) days in advance of a scheduled meeting if such request is to be included in the agenda of that meeting. The request should comprise a brief statement of the issue or matter involved and indicate the names of the proposed speakers.
- (b) The C.A.O./Secretary-Treasurer or a designate preparing the agenda shall:
- i) List all requests received pursuant to paragraph (a) hereof before the closing of the agenda in a section called "Delegations" and indicate the source of the request and a brief description of the issue or matter involved; and
 - ii) Provide an item at the end of the section of the agenda called "Delegations" for the meeting to consider hearing any other delegation present.
- (c) The C.A.O./Secretary-Treasurer or a designate shall advise any person or organization requesting an opportunity to address the SPC not having made a written request in accordance with Section (a), that said delegation may appear before such meeting, but will be heard only if approved by a ruling of the meeting. The C.A.O./Secretary-Treasurer or a designate shall inform the applicant of the date, time, and place of meeting, and obtain a brief statement of the issue or matter involved.
- (d) No delegation, whether or not listed on the agenda pursuant to sub-paragraph (a) hereof, shall be heard without a ruling by the Chair of the meeting giving leave, but

such ruling may be immediately appealed by proper motion and the ruling of the meeting shall govern.

- (e) Delegations shall be heard only when the meeting is dealing with the item "Delegations" on the agenda, except that the meeting may, at that time, by proper motion, defer the hearing of any specific delegation until the meeting is considering a particular item or matter at a later time.
- (f) With respect to a delegation not listed on the agenda, but desiring an opportunity to be heard pursuant to sub-paragraph (b)(ii) hereof, the procedure shall be:
 - i) a motion shall be made by a member of the meeting that the delegation be added to the agenda.
 - ii) If that motion passes, but if the Chair immediately rules that the hearing of the delegation would be unfair or prejudicial to members or other persons not present because of lack of advance notice, the hearing of the delegation shall be deferred to the next meeting and listed on that agenda pursuant to sub-paragraph (b)(i) hereof, specific item or matter to the next meeting.
 - iv) If the ruling in sub-paragraph (ii) hereof is not made, the procedure in sub-paragraph (d) hereof shall be followed.
- (g) Except by leave of the Chair or an appeal by the leave of the meeting, delegations shall be limited to one (1) speaker for not more than ten (10) minutes. A delegation of more than five (5) persons present shall be limited to two (2) speakers for not more than ten (10) minutes each.