



**South Georgian Bay Lake Simcoe
Source Protection Committee**

**Procedural Manual
covering
Rules of Procedure, Code of Conduct and
Conflict of Interest Policy**

January, 2008

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1.0 Introduction

- Regulation O. Reg. 288/07 requires “written rules of procedure for conducting the business of the committee that are satisfactory to the Source Protection Authority”. These rules are subject to change by the committee from time to time.

2.0 Rules of Procedure

2.1 Meetings

- The Agenda for the Source Protection Committee meeting will be e-mailed to the Source Protection Committee Members, Liaison Members and the Drinking Water Source Protection support staff one week prior to the meeting.
- The Agenda for the Source Protection Committee meeting will be posted on the Drinking Water Source Protection website one week prior to the meeting.
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- Bourinot’s rules of order shall govern the committee in all matters not covered by these rules of procedure.
- 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 duties of the chair.
- The chair of the Source Protection Committee shall determine the time and location of the first meeting of the SPC.
- The committee shall at its first meeting and every six months thereafter establish a meeting schedule for the following six months.
- The committee shall give notice of committee meetings to the public by publishing the current meeting schedule on the Source Protection Region’s web site, and posting a schedule of meetings in public spaces across the region.
- All meetings of the Source Protection Committee are open to the public, except where the committee chooses to close a meeting or part of a meeting to the public to meet obligations under the *Freedom of Information and Protection of Privacy Act*.
- The Source Protection Committee shall not close a meeting or part of a meeting to the public unless it has passed a resolution that:
 - a. States that the meeting or part of the meeting is closed to the public
 - b. States the general nature of the subject matter to be discussed in the absence of the public.
- The Source Protection Committee shall keep minutes of its meeting and shall publish the minutes on the Internet.

- Within 6 business days after any meeting, a Draft copy of the meeting minutes shall be emailed to the Committee Members;
- The Draft meeting minutes will be approved at the following Source Protection Committee meeting;
- A copy of the approved minutes will be posted on the Drinking Water Source Protection website within three business days.

2.2 Freedom of Information and Protection of Privacy Act

- The Source Protection Committee members shall be governed at all times by the provisions of the *Freedom of Information and Protection of Privacy Act (FIPPA)*.
- In the instance where a committee member vacates their position on the Source Protection Committee they will continue to be bound by *FIPPA* requirements.

2.3 Quorum

- The business of the committee shall be carried out at meetings of the committee at which quorum is present.
- Quorum of the South Georgian Bay Lake Simcoe Source Protection Committee is the chair or acting chair plus two thirds of the committee members appointed by the lead Source Protection Authority.
- 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 quorum.

2.4 Decision Making

- The 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 committee has been unable to make a decision by consensus, the decision may be made by a vote of the two-thirds of the members present, excluding the chair.
- The chair shall not vote.

2.5 Proxy to Meeting

- Proxy can only be passed to another member of the committee.
- Any one member of the committee can only hold a single proxy.
- Proxy votes must be passed to a member and copied to the Chair in advance of the meeting with a specific reference to voting preference on a specific recommendation.

2.6 Source Protection Authority

- The chair will report quarterly to the three source protection authorities in the region on progress in meeting the work plan defined in the terms of reference document.

2.7 Term of Appointment and Vacancies

- The term of appointment shall be as outlined in O.Reg.288/07 in section 8 and section 9, respectively.
- In general, this means that the term of appointment for committee members is three years, except for the committee members appointed for the first term, in which case the terms shall expire as follows:
 - 1 municipal member, 1 economic member, and 1 other interest member upon approval of the source protection plan;
 - 1 municipal member, 1 economic member, and 1 other interest member on the first anniversary of the approval of the source protection plan ;
 - 1 municipal member, 1 economic member, and 1 other interest member on the second anniversary of the approval of the source protection plan;
 - It being understood that the terms for the first committee members could be 5, 6 and 7 years respectively, depending on the final approval date of the first source protection plan.
- For members that are appointed to replace vacancies, the term shall be the remaining tenure of the original member.

2.8 Removal of Members from Office

- The lead Source Protection Authority shall remove 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 source protection region.
- The lead Source Protection Authority can remove a member of the committee if the member is not meeting their responsibilities as a committee member or if the member is in violation of the code of conduct or conflict of interest policy. The authority must first provide a written statement of the reasons for removal.
- Missing three consecutive meetings in a calendar year is justification to remove a member from the committee.
- The chair can request that the lead Source Protection Authority remove from office a member after providing a written statement of the reasons for the request, and further request a replacement member be appointed.
- The lead Source Protection Authority can, on request of the chair, suspend the member from office, after it has provided the member with a copy of the chair's request, pending a review as detailed below.

- The lead Source Protection Authority shall provide the member and the chair with an opportunity to make in-person submissions to the authority before it considers the request, in-camera, to remove the member from office, and further, the member and chair will be entitled to be present to receive the Authority's decision, including the reasons for the final decision.
- The lead Source Protection Authority can remove a member from office after consideration of the in-person submissions after providing reasons for its actions.
- If a member is removed from office, the lead Source Protection Authority shall as soon as reasonably possible, appoint a person to fill the vacancy following the process originally used to select the member.

2.9 Indemnity

- In keeping with section 99 of the *Clean Water Act*, 2006, every member of the committee and his/her 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/her for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him/her in or about the execution of the duties of his/her office; all other costs, charges and expenses he or she sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his/her own wilful neglect or default.

2.10 Delegations

- Delegations to the Source Protection Committee are permitted to a maximum of two per meeting so as to allow the committee to complete its scheduled business.
- Parties wishing to make delegations to the committee should notify the project manager two weeks in advance of the meeting.
- Delegations with written information for the committee to consider should also be provided two weeks in advance of the meeting.
- Delegations are limited to a 10 minute presentation plus discussion by the committee.

2.11 Changes to Rules of Procedure

Except as provided elsewhere in this By-law, during a meeting of the Source Protection Committee any one or more of the rules contained in this Section may be temporarily suspended, with consent of the majority of the Members present.

Necessary changes to these procedures can be made at any meeting of the Source Protection Committee where the following conditions are met:

- A quorum exists;
- A proper written notice of motion is placed before the Committee; as described in Section 12;
- The Chair is present and presiding over the meeting.

3.0 Per Diems and Expenses

- The per diem rate has been set at \$200 for the Source Protection Committee members
- Committee members will receive a per diem for;
 - Each Source Protection Committee meeting attended.
 - Training sessions as identified by the Ministry of the Environment or the Chair.
 - Other meetings where members are assigned to represent the Source Protection Committee (e.g., public consultation meetings, meetings with other Source Protection Committees).
- Travel expenses to and from meetings, in the form of mileage, will be paid to members quarterly.

4.0 Code of Conduct and Conflict of Interest Policy

Source Protection Committees established by source protection authorities under section 7 of the *Clean Water Act, 2006* are responsible for the preparation of terms of references, assessment reports and source protection plans for source protection areas in accordance with the Act, regulations and Director's rules.

Members of a 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 committee to contribute to the source protection planning process under the *Clean Water Act, 2006*.

The purpose of this code of conduct and conflict of interest policy is to set out the standard of conduct expected of members of committees appointed by source protection authorities. 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.

4.1 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 exchanging 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 committee. For example, particular care should be exercised in releasing information relating to the following matters:

- Personal information about any individual
- Items under litigation
- Information about suppliers provided for evaluation which might be useful to competitors
- Sources of complaints about a variety of matters where the identity of the complainant is given in confidence
- Items under negotiation
- Information supplied in support of license applications, etc., where such information is not part of the public documentation
- Schedule of prices in contract tenders
- Personal opinions regarding South Georgian Bay Lake Simcoe Source Protection Authority policies, regulations and programs should not be given to the public.

*The preceding is not an inclusive list.

“Gift” includes any money, thing, intangible or personal benefit exceeding \$100.00 in 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 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 the member’s immediate family;

“**Prohibited activities**” means:

- Seeking or accepting a gift in connection with their capacity as member;
- Attempting to influence 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, for personal purposes or to further the member’s private interest; and
- Failing to disclose a conflict of interest to the chair or Minister as the case may be.

4.2 Conflict of Interest

It is the responsibility of each member to remove themselves if and when committee discussions and decisions could represent a conflict of interest.

- 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 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 Committee). A conflict may occur when an interest benefits any member of the member's family (spouse, partner, children, parents, siblings), friends or business associates.
- Members should not engage in private employment or render services for any person or corporation where such employment or services are considered a conflict of interest as defined by the Province of Ontario Conflict of Interest legislation. Where a member is or becomes involved in such private employment, the member must resign from the committee.

4.3 Application and Scope

This code applies to all persons appointed to a committee under section 7 of the *Clean Water Act, 2006*.

4.4 Functions and Duties

4.4.1 Responsibilities of the Chair

- Represent the committee at such functions as warrant the interest of the committee;
- Liaise with designated staff in the day-to-day operation and administration of the committee;
- Be an ex-officio member of all working groups or sub-committees designated by the Source Protection Committee;
- Preside over Source Protection Committee meetings.

4.4.2 Responsibilities of the Source Protection Committee

- Attend Committee meetings;
- Become aware and knowledgeable of programs, projects, and activities of the Committee;
- Oversee the preparation of the Rules of Procedure including a Code of Conduct and Conflict of Interest policy within the required timeframe;
- Oversee the preparation and submission of a Terms Of Reference in the prescribed manner and in keeping with *O. Regulation 287/07* within the required timeframe;
- Provide notice of a drinking water hazard in keeping with *O. Regulation 286/07*;
- Oversee the preparation and submission of the Assessment Report in keeping with the Regulations, and technical guidance modules within the prescribed timeframe;
- Oversee the preparation and submission of a Source Protection Plan in keeping with the Regulations within the prescribed timeframe;
- Undertake public consultation as required by Regulation;
- Working groups may be established as deemed necessary by the Source Protection Committee.

4.4.3 Liaisons to the Source Protection Committee

The following persons may participate in the Source Protection Committee meetings as resources to the committee with non-voting status;

- A person designated by the Minister of the Environment to represent the source protection authorities in the region.
- A person designated by the Minister of the Environment to represent the Province.
- A person designated by the Minister of the Environment to represent medical officers of health from the source protection region.

4.4.4 Code of Conduct

Members of the committee are expected to:

- Conduct themselves ethically, lawfully and with integrity;
- Act in the public interest, serving the mandate of the 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 committee, or where the chair is reporting, to the Minister of the Environment and the chair of the lead 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 committee make decisions collectively;
- Demonstrate their commitment to the committee and to the source protection planning process through high levels of attendance and participation at committee meetings;
- Communicate with the sector(s) they represent to keep their colleagues informed of the Source Protection Planning progress and to bring to the attention of the committee any issues, questions or concerns raised by their sector;
- Every member of the 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 committee will deal with their fellows in a fair and equitable manner free from discrimination and/or harassment;
- A member or volunteer who feels they are being harassed while doing 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 or project manager;
 - 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 or project manager 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.
- Confidential Information
Members have access to confidential information by reason of their participation on the 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 project manager.

- Only the chair or the project manager or his/her designate 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/her capacity as a Source Protection Committee member.
- All members appointed to a committee by a Source Protection Authority have an obligation to raise any concern with the chair with respect to their compliance with this code. The chair will determine an appropriate response and communicate this to the member.
- A chair of a committee has an obligation to raise any concern with the Minister and the chair of the Source Protection Authority with respect to their compliance with this code. The Minister will determine an appropriate response and communicate this to the chair and the chair of the Source Protection Authority.

5.0 Procedure for Disclosing a Conflict of Interest

- A member who has 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 committee shall:
 - Promptly disclose (verbally or in writing) the actual, potential or perceived conflict of interest to the chair or to the committee; and
 - Excuse him or herself from the committee meeting while the matter is under consideration.
- 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, and shall leave the meeting until the discussion is closed.
- 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.
- If it is not entirely clear whether or not an actual, potential or perceived conflict of interest exists, then the member with the potential conflict of interest shall disclose the circumstances to the chair of, or where the chair is reporting, to the Minister of the Environment and the chair of the lead Source Protection Authority.
- The chair or the Minister, as the case may be, will determine if there is a conflict of interest or if the member's conduct has violated this policy, in a timely fashion, dependent on the complexity of the situations and will communicate his or her decision directly to the member.

- A member who has concerns about the conduct of another member regarding compliance with this Code should raise those concerns with the chair. The chair will follow essentially the same process for addressing complaints as for dealing with declared conflicts of interest with modifications to suit the different circumstances.
- A member who has concerns about the conduct of the chair regarding compliance with this code should raise those concerns with the Minister. The Minister will follow essentially the same process for addressing complaints as for dealing with declared conflicts of interest by the chair with modifications to suit the different circumstances.
- All correspondence between the chair and the Minister respecting the disclosure of a conflict of interest shall be treated as personal information under the *Freedom of Information and Protection of Privacy Act*.

6.0 Procedure where Member has engaged in Prohibited Activities

- Where a member, other than the chair, has engaged in a prohibited activity, the chair may:
 - Request the Source Protection Authority to investigate the matter and report to the chair with his or her findings or recommendations;
 - Request that the member refrain from participating as a member of the committee pending the outcome of the investigation;
 - Suspend the member until such time as the lead Source Protection Authority can evaluate the activity;
 - Request that the Source Protection Authority revoke the member's appointment in accordance with O. Reg. 288/07 (Source Protection Committees).
- Where the chair has engaged in a prohibited activity, the Minister may:
 - Request the Source Protection Authority to investigate the matter and report to the Minister with its findings or recommendations;
 - Request that the chair refrain from participating as a member of the committee pending the outcome of the investigation;
 - Request that the chair resign from the committee;
 - Take steps to revoke the chair's appointment.

7.0 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 Source Protection Authority will retain a copy of each member's signed acknowledgement.

Acknowledgement

I, _____, a member of the Source Protection Committee for the South Georgian Bay Lake Simcoe Source Protection Region, hereby acknowledge that I have reviewed the code of conduct and conflict of interest policy for Source Protection Committee members dated _____ and further acknowledge that I understand that it is a condition of my appointment to the Source Protection Committee that I will comply with the code of conduct and conflict of interest policy.

Date: _____

Witness: _____

Signature: _____

Name: _____

Name: _____