

DRINKING WATER SOURCE PROTECTION

Our Actions Matter

MATTAGAMI REGION SOURCE PROTECTION COMMITTEE



Procedural Manual *Rules of Procedure, Code of Conduct & Conflict of Interest*



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Mattagami Region Source Protection Committee

Procedural Manual
Rules of Procedure, Code of Conduct &
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Preamble:

The Mattagami Region Source Protection Committee was formed as per *Ontario Regulation 288/07* under the *Clean Water Act, 2006*. The objective of the *Clean Water Act, 2006* was to establish a collaborative, locally driven, science-based, multi-stakeholder process to protect municipal drinking water sources in the Mattagami Region Source Protection Area. The formation of the Mattagami Region Source Protection Committee was the first step in this process.

The purpose of this document is to set out the Rules of Procedure, Code of Conduct and Conflict of Interest Policies for the Source Water Protection Committee and its members.

Mission Statement:

Members of the Mattagami Region 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 Committee and subscribe to its mission:

- to contribute to the Mattagami Region 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.

1. Introduction

The Consolidated By-law, being a By-law to govern the administration of the Mattagami Region Source Protection Committee, its proceedings and work products, the conduct of its Members and the scheduling 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 Mattagami Region 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 Mattagami Region Source Protection Committee enacts as follows:

2. Fiscal Year

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

3. Source Protection Committee Responsibilities

- 3.1** Develop and update a "Source Protection Plan" to reduce or eliminate threats to the Municipal drinking water supply.
- 3.2** Review Source Protection Annual Progress Reports to the Ministry of the Environment, Conservation and Parks.
- 3.3** Review and update the Assessment Report and Source Protection Plan where applicable.
- 3.4** Ensure public consultation transparency throughout.
- 3.5** Ensure public consultation throughout the planning process.

4. Function of Members, Duties and Working Groups

4.1 Duties of Chair:

- 4.1.1** Represent the Committee at such functions as warrant the interest of the Committee, except where this responsibility is specifically assigned to some other person;
- 4.1.2** Direct the Project Manager in the day-to-day operation and administration of the Committee;
- 4.1.3** Ensure that all financial activities of the Committee are carried out correctly and with strict observance of all legal requirements and regulations;
- 4.1.4** Be "ex-officio", a Member of all Working Groups, sub-committees and ad hoc Working Groups appointed from time to time by the Mattagami Region Source Protection Authority;
- 4.1.5** Preside over the Source Protection Committee meetings.

4.2 Duties of Members:

- 4.2.1** Attend Committee meetings;
- 4.2.2** Become aware and knowledgeable of programs, projects, and activities of the Committee;
- 4.2.3** Attend public meetings;
- 4.2.4** Keep the organizations which you represent informed of Committee programs, projects and activities;
- 4.2.5** Be prepared to discuss issues at all Committee meetings.

4.3 Working groups may be established as deemed necessary by the Source Protection Committee.

5. Election of the Acting Chair of the Mattagami Region Source Protection Committee

The Chair of the Source Protection Committee shall preside at all meetings of the Committee.

According to section 12. (2) of *O. Regulation 288/07* – “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.”

The following procedure will be used to elect the Acting Chair:

- 5.1** The Mattagami Region Source Protection Committee shall conduct an election, from available and present voting Members, by secret ballot, to fill the position of Committee Acting Chair at any meeting where the Chair cannot act, or in anticipation of the Chair being absent;
- 5.2** A nominee for the position of Acting Chair must:
 - 5.2.1 Be a voting Member of the Mattagami Region Source Protection Committee;
 - 5.2.2 Not become disqualified by any legislation or rules within this By-law;
 - 5.2.3 Be in attendance at the meeting when the ballot will take place;
 - 5.2.4 Agree to stand for nomination for the secret ballot;
 - 5.2.5 Agree to assume the Acting Chair position under the By-law rules establishing the practice for the Chair.
- 5.3** Prior to the vote being taken, each nominee shall be permitted to speak to the nomination for not more than two, (2) minutes. The speakers shall be called in order of the alphabetical listing of the surnames of the nominees;
- 5.4** To be elected as Acting Chair, a nominee shall obtain the vote of a majority of the Members present;
- 5.5** If there are more than two, (2) nominees who elect to stand, and if upon the first vote no nominee receives the majority required for election, the name of the nominee receiving the least number of votes shall be dropped and the Mattagami Region Source Protection Committee shall proceed to vote anew and so continue until either:
 - 5.5.1 A nominee receives the majority required for election at which time such nominee shall be declared elected; or
 - 5.5.2 It becomes apparent by reason of an equality of votes that no nominee can be elected.
- 5.6** In the case of a vote where no nominee receives the majority required for election and where two, (2) or more nominees are tied with the least number of votes, a special vote shall be taken to decide which one of such tied nominees' names shall be dropped from the list of names to be voted on in the next vote;

- 5.7 If only two, (2) candidates remain, and if on the first vote the nominees are tied, a ten, (10) minute recess shall be held, followed by a second vote. If on the second vote the nominees remain tied, a further ten, (10) minute recess shall be held, followed by a third vote. If the candidates remain tied after the third vote, the election of the Acting Chair shall be decided by lot drawn by the Source Protection Authority Project Manager.

6. Signing Officers

- 6.1 The signing officers of the Mattagami Region Source Protection Committee shall be the Chair and constituent Members, whose signatures shall be required as laid down in the following paragraphs:
- 6.1.1 All recommendations, plans, assignments, contracts and obligations recommended by the Mattagami Region Source Protection Committee must be signed by the Chair of the Mattagami Region Source Protection Committee or by the Acting Chair in the absence of the Chair.
- 6.1.2 Where required by law, two, (2) signatures shall be obtained:
- 6.1.2.1 The Chair or the Acting Chair of the Mattagami Region Source Protection Committee, plus
- 6.1.2.2 One, (1) of the voting Members of the Mattagami Region Source Protection Committee.

7. Freedom of Information and Protection of Privacy

- 7.1 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)*.
- 7.2 In the instance where a Committee Member vacates their position on the Source Protection Committee they will continue to be bound by *FIPPA* requirements. There is no expiry date for this requirement.
- 7.3 Upon receiving a request for information under the *FIPPA*, the Source Protection Committee may advise the requester that he may incur incidental costs applicable to the activity of collecting or printing the information on his behalf.

8. General Meeting Procedure

- 8.1 The rules of procedure contained in this section of the By-law shall be observed in all proceedings of the Mattagami Region Source Protection Committee and shall be the rules for the order and dispatch of business at all meetings.
- 8.2 A notice of the Source Protection Committee meeting must be sent to the Committee Members, Liaison Members and Source Protection Authority support staff one, (1) week before the meeting date:

- 8.2.1 The Agenda for the Source Protection Committee meeting will be e-mailed to the Source Protection Committee Members, Liaison Members and the Source Protection Authority support staff one, (1) week prior to the meeting.
 - 8.2.2 The Agenda for the Source Protection Committee meeting will be posted on the Drinking Water Source Protection website one, (1) week prior to the meeting.
 - 8.2.3 The Source Protection Committee Member for the *Mattagami First Nation* will post hard copies of the meeting notices and agendas in the appropriate community centers.
- 8.3 The Source Protection Committee shall keep minutes of its meeting and shall publish the minutes on the Internet:
 - 8.3.1 Within six, (6) business days after any meeting, a Draft copy of the meeting minutes shall be emailed to the Committee Members;
 - 8.3.2 The Draft meeting minutes will be approved at the following Source Protection Committee meeting;
 - 8.3.3 A copy of the approved minutes will be posted on the Drinking Water Source Protection website the day following.
 - 8.3.4 The Source Protection Committee Member for the *Mattagami First Nation* will post hard copies of the meeting minutes in the appropriate community centers.
- 8.4 Necessary changes to these procedures can be made at any meeting of the Mattagami Region Source Protection Committee where the following conditions are met:
 - 8.4.1 A quorum exists;
 - 8.4.2 A proper written notice of motion is placed before the Committee; as described in Section 17;
 - 8.4.3 The Chair is present and presiding over the meeting.
- 8.5 Except as provided elsewhere in this By-law, during a meeting of the Mattagami Region Source Protection Committee any one, (1) or more of the rules contained in this Section may be temporarily suspended, with consent of the majority of the Members present including:
 - 8.5.1 Rules with respect to a change in agenda order or proceedings and content;
 - 8.5.2 Rules respecting notice of delegation status;
 - 8.5.3 Rules with respect to the increase of delegation and debate limitations;
 - 8.5.4 Rules to introduce a motion without standard notice;
- 8.6 In Standing Committees, any one or more of the rules contained in Section 8 above, may be temporarily waived by the Committee, by a majority vote of the Members of the Committee present.
- 8.7 By-law Section 8 shall not be amended or repealed except by a majority vote of Members at a Mattagami Region Source Protection Committee meeting.
- 8.8 No amendment or repeal of By-law Section 8 shall be considered at any meeting of the Mattagami Region Source Protection Committee unless due notice of the proposed amendment or repeal has been given, as required by this By-law.

- 8.9** All points of order or procedure for which rules have not been provided in this By-law (and its appendices) shall be decided by the Chair in accordance, as far as is reasonably practicable, with guidance from the rules of parliamentary law as contained in *Robert's Rules of Order*.
- 8.10** Meetings shall be open to the public, save and except for those occasions when the subject matter under consideration warrants an *In-Camera* meeting as stipulated in Section 11, below, and no person shall be excluded from a meeting open to the public except for improper conduct.
- 8.10.1 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:
- 8.10.1.1 Personnel Records or issues;
 - 8.10.1.2 On-going Property Negotiations
 - 8.10.1.3 Court cases in which the Committee is involved;
 - 8.10.1.4 Discussions which could adversely affect the interests of a third party;
 - 8.10.1.5 A personal or financial matter about an identifiable individual

9. Electronic Participation, Emergencies

- 9.1** During any period where an emergency has been declared to exist by the Province or by municipalities (in all or part of an area over which a source protection authority has jurisdiction) that may prevent members of the SPC from meeting in person:
- 9.1.1 The Chair, Members, Liaisons of the Mattagami Region Source Protection Committee and Mattagami Region Source Protection Authority staff shall participate in meetings electronically (teleconferences, web-based, etc.), which shall include the ability of members participating electronically to register votes.
 - 9.1.2 Any member of the Mattagami Region Source Protection Committee who is participating electronically in a meeting shall be counted in determining whether or not a quorum of members is present at any point in time during the meeting.
 - 9.1.3 Any member of the Mattagami Region Source Protection Committee who participates in a meeting electronically is eligible to receive a meeting per diem. Mileage will not be paid in instances of electronic meetings.
- 9.2** The Mattagami Region Source Protection Committee shall ensure an alternative means to allow the public to participate in the Committee meetings electronically.
- 9.3** The Mattagami Region Source Protection Committee shall ensure that the electronic meeting information is publicly available on a website prior to the meeting date.

10. The Calling of Meetings to Order

- 10.1 The Chair or Acting Chair of a regular/special meeting of the Mattagami Region Source Protection Committee or Standing Committee or ad-hoc Committee, as the case may be, shall call the Members to order as soon after the hour of meeting, as there shall be a quorum present.
- 10.2 If a quorum for the regular/special Mattagami Region Source Protection Committee meeting or Standing Committee or ad-hoc Committee is not present within thirty, (30) minutes of the time fixed for the commencement of the meeting, the Chair or Project Manager, shall indicate that no quorum was present and the meeting shall stand adjourned until the next scheduled meeting of the Mattagami Region Source Protection Committee called in accordance with the provisions of this By-law.

11. Meeting In-Camera or Closed Meeting

- 11.1 A meeting or part of a meeting may be closed to the public if the subject matter being considered relates to:
 - 11.1.1 The security of the property or facilities owned by the Mattagami Region Conservation Authority, municipalities, private businesses or individuals;
 - 11.1.2 Personnel matters about an identifiable individual including associated Authority employees;
 - 11.1.3 Litigation or potential litigation including matters before administrative tribunals affecting the Mattagami Region Source Protection Authority, the Mattagami Region Conservation Authority or the Mattagami Region Source Protection Committee;
 - 11.1.4 The receiving of advice that is subject to solicitor-client privilege;
 - 11.1.5 Protected matters as defined by the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*;
 - 11.1.6 The following matters:
 - 11.1.6.1 Personnel Records or issues;
 - 11.1.6.2 On-going Property Negotiations;
 - 11.1.6.3 Court cases in which the Committee is involved;
 - 11.1.6.4 Discussions which could adversely affect the interest of a third party;
 - 11.1.6.5 A personal or financial matter about an identifiable individual.
- 11.2 A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*.
- 11.3 Before holding a meeting or part of a meeting that is to be closed to the public, the Chair shall state by resolution during the open session of the meeting that there will be a meeting closed to the public and the general nature of the matter to be considered at the closed meeting.
- 11.4 The *In-Camera* sessions MUST have recorded minutes. These minutes will be held in accordance with *FIPPA/MFIPPA*, thus not made public. The discussions and any decisions by the SPC in the In-Camera sessions must follow the rules of try consensus first and then vote in the case that consensus is not going to happen.

12. Meeting Schedule

- 12.1** The Chair of the Source Protection Committee and the Source Protection Authority Project Manager shall determine the time and location of the first meeting of the SPC.
- 12.2** The Committee shall hold at least one meeting per year to review the Source Protection Annual Progress Report that is submitted to the Source Protection Authority and the Ministry of Environment and Climate Change. Additional meetings will be scheduled as deemed necessary to meet the regulatory requirements
- 12.3** The Committee shall give notice of Source Protection Committee meetings to the public by publishing the current meeting schedule on the Internet and in such other manner as may be determined by the Committee:
- 12.4** Meeting agenda planning will attempt to afford a reasonable meeting duration not exceeding four, (4) hours in length.

13. Conflict of Interest

- 13.1** 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.
- 13.2** 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 MRSPC or its agents, the MRSPA and the MRCA). A conflict may occur when an interest benefits any Member of the Member's family (spouse, partner, children, parents and siblings), friends or business associates.
- 13.3** 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 (*Public Services Act of Ontario, 2006*). Where a Member is or becomes involved in such private employment, the Member must resign from the Committee.

14. Disclosure of Conflict of Interest

- 14.1** Where a Member, either on his own behalf or while acting for, by, with or through another, has any conflict of interest, direct or indirect, in any matter and is present at a meeting of the

Mattagami Region Source Protection Committee or Sub-Committee at which the matter is the subject of consideration, the Member shall:

- 14.1.1 Prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - 14.1.2 Not take part in the discussion of, or vote on any question in respect of the matter; and
 - 14.1.3 Not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- 14.2** Where a meeting is not open to the public, in addition to complying with the above requirements, the Member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.
- 14.3** Where the interest of a Member has not been disclosed by reason of his absence from the particular meeting, the Member shall disclose this interest and otherwise comply at the next meeting of the Mattagami Region Source Protection Committee or Sub-Committee, as the case may be, attended by him after the particular meeting.
- 14.4** The Mattagami Region Source Protection Authority Administrative Assistant (hereafter referred to as Administrative Assistant) shall record in reasonable detail the particulars of any disclosure of conflict of interest made by Members of the Mattagami Region Source Protection Committee or Sub-Committees, as the case may be, and any such record shall appear in the minutes/notes of that particular meeting of the Mattagami Region Source Protection Committee or of the Sub-Committee, as the case may be.
- 14.5** The Member declaring the Conflict of Interest will sign a written record of the declaration and the Mattagami Region Source Protection Committee will maintain the record.

15. Delegations

- 15.1** Any person, group of persons, firm or organization not being a Member of the Mattagami Region Source Protection Committee, wishing to address the Committee or Sub-Committee, as the case may be, may be heard by leave of the Committee concerned, provided:
- 15.1.1 That such persons shall deliver to the Administrative Assistant, a request in writing setting out the particulars of the matters on which he / she, the group, the firm or the organization, as the case may be, wishes to address the Committee;
 - 15.1.2 The request is delivered at least six, (6) business days before the date and time of the meeting of the Committee or Sub-Committee, as the case may be;
 - 15.1.3 Persons speaking before the Committee or Sub-Committee, as the case may be, shall address their remarks to the stated business.
- 15.2** Depending on the particulars of the situation in question, delegations shall be encouraged by the Administrative Assistant to appear before the appropriate Sub-Committee prior to appearing before the Mattagami Region Source Protection Committee.

- 15.3** Upon receipt of the written notice requesting delegation status, the Administrative Assistant shall list the delegation on the next appropriate Mattagami Region Source Protection Committee meeting agenda.
- 15.4** When the request has been made for a delegation to a meeting of the Committee, the delegation may be listed on the agenda for the Committee meeting only if:
- 15.4.1 The matter is one, (1) which is to be dealt with by the Committee at its next regular meeting and, at the date of the request, it is not anticipated that the matter will be dealt with at sub-committee; or
 - 15.4.2 The person requesting the delegation has already appeared as a delegation on the same matter at a previous Committee meeting and the matter is, at the date of the request, anticipated to be placed on the Committee Agenda; or
 - 15.4.3 The Chair approves the listings of the delegation to the Committee.
- 15.5** Any person, group of persons, firm or organization not being a Member of the Committee or Sub-Committee concerned, or an appointed official of the Committee, may request delegation status at a Mattagami Region Source Protection Committee meeting up to twenty, (24) hours prior to the meeting date concerned.
- 15.6** Every such delegation shall be limited to ten, (10) minutes for speaking to the Committee and fifteen, (15) minutes for speaking to a Sub-Committee, unless prior approval is obtained by the Chair to extend the speaking time, for the delegation concerned.
- 15.7** Upon the completion of a presentation to the Committee by a delegation, any discourse between Members and the delegation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only.
- 15.8** Members shall not enter into debate with the delegation respecting the presentation.
- 15.9** No delegation shall:
- 15.9.1 Speak disrespectfully of any person, group of persons, firm or organization;
 - 15.9.2 Use offensive words or un-parliamentary language;
 - 15.9.3 Speak on any subject other than the subject for which they have received approval to address the Committee or Sub-Committee, as the case may be;
 - 15.9.4 Disobey the rules of procedure or a decision of the Chair of the Committee or Sub-Committee, as the case may be.
- 15.10** The Chair may curtail any delegation, any questions of the delegation or debate during a delegation, for disorder or any other breach of this By-law and, if the Chair rules that the delegation is concluded, the person or persons appearing shall withdraw.

16. Quorum

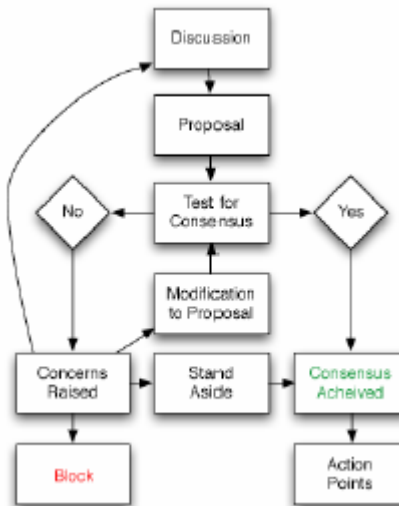
- 16.1** At any meeting of the Mattagami Region Source Protection Committee or Sub-Committee, as the case may be, a quorum shall consist of the Chair or Acting Chair plus at least two-thirds, (2/3) of the voting Members appointed by the Mattagami Region Source Protection Authority.

- 16.1.1 A quorum of the Mattagami Region Source Protection Committee will consist of the Chair or Acting Chair, plus four, (4) Members;
- 16.1.2 One, (1) 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;
- 16.1.3 The business of the Committee shall be carried out at meetings of the Committee at which quorum is present.
- 16.2** In circumstances that prevent a Member from attending a meeting in-person, one, (1) of two, (2) alternatives for participation can be elected (by notifying the Chair in advance of the meeting) and counted towards quorum:
 - 16.2.1 Telephone / teleconferencing;
 - 16.2.2 The use of a Proxy (i.e. the Chair is authorized to act on behalf of a voting Member with the Minutes recording all decisions made by filed Proxy).
- 16.3** If there is no quorum within one-half, (1/2) hour after the time appointed for the meeting, the Chair of the meeting shall declare the meeting adjourned due to a lack of a quorum and the recording Administrative Assistant shall record the names of the Members present and absent.
- 16.4** Where the number of Members, who by reason of a conflict of interest, are disabled from participating in a meeting is such that at the meeting the remaining Members are not of sufficient number to constitute a quorum, then the remaining number of Members shall be deemed to constitute a quorum, provided such number is not less than two, (2).
- 16.5** If during the course of the Mattagami Region Source Protection Committee or Sub-Committee meeting, as the case may be, a quorum is lost, then the Chair shall declare that the meeting shall stand recessed until the meeting can be reconvened with quorum within the same day or adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this By-law.

17. Rules of Debate

- 17.1** Every Member, before speaking to any question or motion at a Committee meeting or Sub-Committee, as the case may be, shall first receive recognition from the Chair and respectfully address the Chair.
- 17.2** When a Member does wish to speak to any question, motion, or item, he/she shall in orderly fashion, attempt to obtain the Chair's attention to indicate that interest, and the Chair shall keep a list of those Members who have so indicated a desire to speak. The Chair shall recognize the Members who wish to speak in the order in which their intentions have come to attention and so appear on the list. When the speakers' list is exhausted, the Chair, before putting the question or motion or leaving the item concerned, shall ask whether any additional Members wish to speak to the question, motion or item concerned. The speakers' list applies to the business at hand. A new amendment or amendment to an amendment requires a new speakers' list.

- 17.3** When a Member is speaking, no other Member shall pass between him/her and the Chair, or interrupt him/her, except to raise a Point of Order.
- 17.4** Any Member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt any Member who is speaking.
- 17.5** In Committee meetings, no Member shall speak more than twice on the same matter without the leave of the Chair, except in explanation of a material part of his remarks which may have been misunderstood, but then he/she shall not be permitted to introduce any new matter.
- 17.6** Any Member, before speaking to the matter, may ask of the Chair or the originator of the motion, questions for the purpose of obtaining information on the matter, to which the Member may wish to speak. All questions shall be stated succinctly and questions shall not be used as a means to make statements or assertions.
- 17.7** In Committee meetings, no Member, without leave of the Chair, shall speak to the same question for any longer than ten, (10) minutes each time. For the purpose of clarity, this rule only applies to Committee meetings.
- 17.8** Where possible, a method of agreeable discussion leading to consensus-based decision making will seek agreement of most Members while also attempting to resolve or mitigate the objections of the minority as shown in the Consensus Flow Chart:



- 17.9** When the Chair is putting a question to vote, no Member shall walk across or out of the room, or make any noise or disturbance.
- 17.10** After a question is put to vote by the Chair, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 17.11** If a Member considers that a ruling made by the Chair is not in order, an appeal may be made. When challenged, the Chair may give a brief explanation of the ruling and ask the Members “Is the ruling of the Chair/Committee Chair upheld?” In the event of a tie vote, the ruling is upheld. The decision of the Members under this Section is final.

18. Motions

- 18.1** In Committee meetings, the following matters and motions with respect thereto, may be introduced orally, without notice and without leave, except as otherwise provided by this By-law:
- 18.1.1 A point of order or personal privilege;
 - 18.1.2 To close debate; and
 - 18.1.3 To adjourn.
- 18.2** In Committee meetings, the following motions may be introduced without notice and without leave except as otherwise provided by this By-law:
- 17.2.1 To suspend the rules of procedure;
 - 17.2.2 To table;
 - 17.2.3 To postpone definitely;
 - 17.2.4 To refer;
 - 17.2.5 To amend;
 - 17.2.6 To postpone indefinitely (defer); and
 - 17.2.7 Any other procedural motion.
- 18.3** Except as provided in this section, all motions require a Mover and Second.
- 18.4** In voting, all motions may be supported or opposed by the Mover and/or Second.
- 18.5** The Mover and Second may withdraw a motion or a notice of motion at any time prior to its being called by the Chair.
- 18.6** After a motion has been called or stated by the Chair, it shall be deemed to be in the possession of the Committee, but may be withdrawn by the originator at any time before a decision or amendment, provided the Committee does not object.
- 18.7** Appendix B forms part of this By-law and shall describe the form and standard descriptive characteristics of motions commonly used in the Committee meetings.

19. Notice of Motion

- 19.1** Except as otherwise provided in this By-law, a notice of motion to be made at a Committee meeting shall be given in writing and shall be delivered to the Administrative Assistant, not less than five, (5) business days prior to the date and time of the meeting, to be included in the agenda for the Committee meeting at which the motion is to be introduced.
- 19.2** The Administrative Assistant shall include such notice of motion in full in the agenda for the meeting concerned.
- 19.3** Reports of the Committee, or Sub-Committee, as the case may be, included in the Committee agenda shall constitute notice of motion with respect to any matter contained in such reports and

recommended by any such Sub-Committee for adoption by the Mattagami Region Source Protection Committee.

- 19.4** Reports in the Committee agenda from the Mattagami Region Source Protection Authority Staff, which have not been considered by the Committee for adoption, shall constitute a notice of motion for the purposes of any motion brought to the Committee with respect thereto.
- 19.5** Notwithstanding the foregoing, any motion or other business may be introduced for consideration of the Committee provided that it is made clear that to delay such motion or other business for the consideration of an appropriate Sub-Committee would not be in the best interest of the Mattagami Region Source Protection Committee and that the introduction of the motion or other business shall be upon an affirmative vote of two-thirds, (2/3) of the Members present (as noted in Section 15 per Quorum).

Table 1: Break Out Quorum of 2/3 of Members Present

No. of Members present/Able to Vote	Required 2/3 of the Members
6	4
Note: Anything less than four, (4) does not constitute a quorum.	

- 19.6** Any motion called from the Chair and for whatever reason deferred in three successive regular meetings of the Committee, which is not proceeded with, shall be deemed to be withdrawn.

20. Decision Making

- 20.1** The Committee shall attempt to make decisions by consensus among the Members.
- 20.2** 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, (2/3) of the Members present, not counting the Chair.
- 20.3** The Chair shall not vote.

21. Voting

- 21.1** The manner of determining the decision of the Committee or Sub-Committee, as the case may be, on a motion where no recorded vote is called for, shall be at the discretion of the Committee Chair, as the case may be, and may be by a show of hands or by standing, but not by secret vote or ballot.
- 21.2** Each Member, except the Chair, is qualified to vote at all Committee meetings and shall have one, (1) vote.

- 21.3** In the case where pre-meeting arrangements have established that the Chair holds the Proxy of a Member, the Chair shall exercise the Proxy as appropriate to the vote on the question before the Committee. The absent Member must fill out the Notice of Proxy form provided in Appendix F and submit it to the Chair prior to the meeting.
- 21.4** Except as provided elsewhere in this By-law, a motion shall be deemed to have been carried when a two-thirds, (2/3) majority of the Members present and voting have expressed agreement with the question.
- 21.5** Immediately after a vote is taken, other than a recorded vote, the Administrative Assistant, upon the request of any Member, shall record the minority vote of such Member on the question.
- 21.6** Any Member at a Committee meeting, before or immediately after a vote is taken, may require a recorded vote to be taken on the question concerned. In such circumstances, the Chair shall have the right to speak to the question, prior to the commencement of the recorded vote. A recorded vote may be obtained upon the demand of a member present.
- 21.7** Where a recorded vote is required, the Chair shall call for those Members in favour to all rise, at which time the Administrative Assistant shall record the name of each Member standing and their vote in favour. Then the Chair shall call for those Members opposed to all rise, at which time the Administrative Assistant, shall record the name of each Member standing and their vote in opposition. The Administrative Assistant shall also record the names of any absent Members.
- 21.8** After a non-recorded vote is held and after the Chair or Sub-Committee Chair, as the case may be, declares the result, any Member may rise and declare his disagreement with the declaration, and thereafter another vote must be held or the Member may request a recorded vote and a recorded vote must be taken in accordance with this section.
- 21.9** Every Member who is present when a question is put shall vote thereon, unless prohibited in law or by this By-law.
- 21.10** When the Chair or Sub-Committee Chair, as the case may be, is satisfied that a question contains distinct proposals, he may divide the question or upon the request of a Member shall divide the question and a vote upon each proposal shall be taken separately.
- 21.11** In the event of the absence of the Chair from any meeting see Section 5.
- 21.12** Where any Member of the Committee is acting in the place and stead of the Chair or the Sub-Committee Chair, as the case may be, such Member shall have and may exercise all the rights and powers of the Chair or the Sub-Committee Chair, as the case may be, while so acting, but such a Member shall not be entitled to vote on the matters before the Committee while in an acting capacity.

22. Code of Conduct and Conflict of Interest Policy

- 22.1** The purpose of the Code of Conduct and Conflict of Interest Policy (as presented in Appendix D), is to set out the standard of conduct expected of Members of the Mattagami Region Source Protection Committee, as appointed by the Mattagami Region 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.
- 22.2** Each perspective Member of the Committee shall read and affix their signature to the Code of Conduct and Conflict of Interest Policy prior to appointment to the Committee.
- 22.3** A Member-signed original of the Code of Conduct and Conflict of Interest Policy shall be retained by the Mattagami Region Source Protection Authority.

23. Source Protection Committee Liaison Members

- 23.1** 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:
 - 23.1.1 A person designated by the Source Protection Authority as a representative of the Authority;
 - 23.1.2 A person designated by the Minister as a representative of the Ministry of the Environment;
 - 23.1.3 A person designated by the Minister as a representative of the Medical Officers of Health for the Health Unit(s) in which any part of the Source Protection Area is located;
 - 23.1.4 A person recognized by the Chair as having experience or information applicable and useful to the discussion according to the Agenda.

24. Term of Appointment and Vacancies

- 24.1 As per section 8 – Term of Appointment, of Ontario Regulation 288/07: The term of appointment for source protection committee members is five years.
- 24.2 As per section 9 – Vacancies, of *Ontario Regulation 288/07*: For a Member filling a vacancy that occurs before the date that the former Member's term would have expired, the term of appointment of the new Member expires on that date.
- 24.5 The Source Protection Authority shall, as soon as is reasonably possible, replace a Member of the Committee whose term has expired as in Section 25.2 above.

25. Removal of Members from Office

- 25.1** As per *Ontario Regulation 288/07, section 7*:
The Committee can 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 Area.
- 25.2** In addition, a Member may be removed by the Source Protection Authority or the Chair of the Committee:
- 25.2.1 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;
- 25.2.2 If the Chair requests removal of a Member from office it shall be made in writing to the Source Protection Authority and shall include a written statement of the reasons for the request;
- 25.2.3 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.
- 25.3** The Source Protection Authority shall provide the Member and the Chair with an opportunity to make submissions to the Authority before it makes a decision on whether or not to remove the Member from office.
- 25.4** The Source Protection Authority shall, as soon as is reasonably possible, remove from office a Member of the Committee.

26. Per Diems and Expenses

- 26.1** Compensation for the Chair of the Source Protection Committee will be as outlined by the Province in the Appointment Letter from the Minister of the Environment, Conservation and Parks to the Chair in keeping with the Chair's term of office.
- 26.2** As defined by the Province, a per diem is to be interpreted as the amount payable for work periods in excess of three, (3) hours up to seven and a half, (7.5) hours per calendar day:
- 26.2.1 When less than three, (3) hours of work is involved, one-half, (1/2) of the established per diem rate must be paid.
- 26.3** Only one, (1) per diem payment can be paid to an individual for each calendar day, regardless of hours worked in excess of seven and a half, (7.5) hours.
- 26.4** Source Protection Committee Members who are not being reimbursed by their employer to attend Source Protection Committee meetings will be entitled to a per diem. The per diem is to include preparation time such that members will be expected to review the Agenda and pertinent information/reports prior to their attendance at the meeting.

- 26.5** Where quorum for a Source Protection Committee meeting has not been met, the per diem rate shall be paid to those in attendance.
- 26.6** The Mattagami Region Source Protection Authority Board has approved a per diem rate of \$200.00 for the Source Protection Committee Members.
- 26.7** A “travel” per diem will be paid for exceptions such as travel required to attend out-of-town training sessions, as follows:
- 26.7.1 The “travel” per diem will be paid on an hourly rate;
 - 26.7.2 The hourly rate will be calculated by dividing the approved per diem of \$200.00 by the maximum hours of seven and a half (7.5) hours = \$26.67 per hour;
 - 26.7.3 Travel time to attend regular Source Protection Committee meetings will not qualify for the “travel” per diem.
- 26.9** Source Protection Committee Members may be required to attend training sessions and/or meetings that are out-of-town. They will be entitled to appropriate expenses such as accommodations, meals and travel expenses. Expenses such as meals and mileage will be reimbursed as per existing rates in the Ontario Government’s Travel, Meal and Hospitality Expenses Directive:
- 26.9.1 Members will be reimbursed for actual accommodation expenses and receipts will be required;
 - 26.9.2 Members will be reimbursed for actual mileage driven at the rate of \$0.41/Kilometer. Members will be expected to car-pool where possible.
 - 26.9.3 Members will be allowed meal expenses as follows:
 - 26.9.3.1 Breakfast - \$10.00 No receipts required
 - 26.9.3.2 Lunch - \$12.50 No receipts required
 - 26.9.3.3 Dinner - \$22.50 No receipts required.

The above-listed meal allowance for meals, snacks and gratuities may be claimed excepting where meal costs are included in a registration or conference fee.

27. Indemnity

- 27.1** 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.

Appendix A

1.0 General Definitions

1.1 For the purposes of this Consolidated By-law, the following definitions apply:

- 1.1.1 “**Act**” – refers to the *Clean Water Act, 2006*;
- 1.1.2 “**Acting Chair**” means the Acting Chair that the MRSPC Members appoint from among themselves in the situation where the Chair is absent or unable to act or the office of the Chair is vacant, and the Acting Chair has all the powers and shall perform all the duties of the Chair as per *O. Reg. 288/07, s. 12 (2)*;
- 1.1.3 “**Advisory Committee**” – refers to Resource Planning/Watershed Management Advisory Committee, Conservation Areas/Community Relations Advisory Committee, Finance and Administration Advisory Committee and Governance Committee;
- 1.1.4 “**Administrative Assistant**” – refers to the employee of the Mattagami Region Source Protection Authority designated to take minutes at any Source Protection Committee meetings;
- 1.1.5 “**Authority**” means the Mattagami Region Source Protection Authority, (MRSPC), established under section 7 of the *Clean Water Act, 2006*. The Mattagami Region Source Protection Authority, (MRSPA), is affiliated with the Mattagami Region Conservation Authority, (MRCA), established under the *Conservation Authorities Act, 1962*, Conservation Ontario, and the Council of the City of Timmins;
- 1.1.6 “**Board**” – refers to the Board of Directors of the Mattagami Region Source Protection Authority;
- 1.1.7 “**By-law**” – refers to the Mattagami Region Source Protection Committee Consolidated By-law;
- 1.1.8 “**Chair**” means the Minister of the Environment appointee presiding over the Mattagami Region Source Protection Committee meetings, in support of activities and processes leading to the definition of specific work products, as per *O. Reg. 288/07, s. 12 (1)*;
- 1.1.9 “**Code**” means this Code of Conduct and Conflict of Interest Policy;

- 1.1.10 “**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;
- 1.1.11 “**Committee**” means the Mattagami Region Source Protection Committee appointed and established by the Mattagami Region Source Protection Authority, under section 7 of the *Clean Water Act, 2006* ;
- 1.1.12 “**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:
- 1.1.12.1 Personal information about any individual;
 - 1.1.12.2 Personnel matters;
 - 1.1.12.3 Matters under litigation;
 - 1.1.12.4 Information about suppliers provided for evaluation which might be useful to competitors;
 - 1.1.12.5 Sources of complaints about a variety of matters where the identity of the complainant is given in confidence;
 - 1.1.12.6 Matters under negotiation;
 - 1.1.12.7 Information supplied in support of license applications, etc., where such information is not part of the public documentation;
 - 1.1.12.8 Schedule of prices in contract tenders;
 - 1.1.12.9 Personal opinions regarding MRCA, MRSPA, MRSPC policies, regulations and programs should not be given to the public.

The preceding is not an exclusive list.

- 1.1.13 “**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;
- 1.1.14 “**Harassment**” may include, but is not limited to the following:

1.1.14.1 **Sexual Harassment**

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

1.1.14.2 **Racial or Ethnic Harassment**

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

1.1.14.3 **Other Harassment**

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

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

- 1.1.16 **“Minister”** means a responsible individual empowered by the Cabinet to provide direction in the Ministry of the Environment, Conservation and Parks, Ministry of Natural Resources and Forestry, Ministry of Health etc.
- 1.1.17 **“Mover”** means a Member of the Mattagami Region Source Protection Committee who presents a motion to the Chair for consideration of the Committee.
- 1.1.18 **“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
- 1.1.19 **“Prohibited Activities”** means:
- 1.1.19.1 Seeking or accepting a Gift in connection with their capacity as Member;
 - 1.1.19.2 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;
 - 1.1.19.3 Using Confidential Information for any improper purpose, which includes using Confidential Information to the benefit of the Member’s Private Interest;
 - 1.1.19.4 Disclosing Confidential Information to third parties without the consent of the party to whom the information relates;
 - 1.1.19.5 Taking an action in their capacity as a Member that involves dealing with oneself in a private capacity that confers a benefit on oneself;
 - 1.1.19.6 Misrepresenting their role as a Member to a third party to further the Member’s Private Interest;
 - 1.1.19.7 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;
 - 1.1.19.8 Making representations to a third party where the Government of Ontario has not endorsed the business activity that the Member is engaged in;
 - 1.1.19.9 Using the name Government of Ontario or Ministry of the Environment, Conservation and Parks for personal purposes or to further the Member’s Private Interest; and

- 1.1.19.10 Failing to disclose a Conflict of Interest to the Chair or Minister as the case may be.
- 1.1.20 **“Project Manager”** means the Mattagami Region Source Protection Authority employee in charge of technical programs in support of Source Water Protection.
- 1.1.21 **“Proxy”** means the Chair is authorized to act on behalf of a voting Member, with the Minutes recording all decisions made by filed proxy, and the proxy vote counted toward the establishment of quorum.
- 1.1.22 **“Recording Administrative Assistant”** – refers to the employee of the Mattagami Region Source Protection Authority designated to take minutes at any Source Protection Committee meetings.
- 1.1.23 **“Recorded Vote”** – refers to the making of a written record of the name and vote of each director who votes on a question and of each director present who does not vote.
- 1.1.24 **“Second”** means a Member of the Mattagami Region Source Protection Committee who seconds a motion to the Chair for consideration of the Committee.
- 1.1.25 **“Watershed”** – refers to the geographical area whereby the Mattagami Region Conservation Authority has jurisdiction.

Appendix B

Common Motions

1.0 Motion to Adjourn

1.1 Motion to Adjourn:

- 1.1.1 Is always in order except as provided by this By-law;
- 1.1.2 Is not debatable;
- 1.1.3 Is not amendable;
- 1.1.4 Is not in order when a Member is speaking or during the verification of the vote; and
- 1.1.5 Is not in order immediately following the affirmative resolution of a motion to close debate.

1.2 A motion to adjourn without qualification, if carried, brings a meeting or a session of the Mattagami Region Source Protection Committee to an end.

1.3 A motion to adjourn to a specific time, or to reconvene upon the happening of a specified event, suspends a meeting of the Mattagami Region Source Protection Committee to continue at such time.

1.4 A motion to adjourn is carried by majority vote of Members present.

2.0 Point of Personal Privilege

2.1 When a Member considers that his integrity or the integrity of the Mattagami Region Source Protection Committee or a Mattagami Region Source Protection Authority staff Member has been impugned, the Member may, as a matter of personal privilege and with the leave of the Chair, draw the attention of the Committee or Sub-Committee, as the case may be, to the matter by way of a point of personal privilege.

2.2 When a point of personal privilege is raised, it shall be considered and decided by the Chair or Sub-Committee Chair, as the case may be, immediately.

2.3 The decision of the Chair or Sub-Committee Chair, as the case may be, on a point of privilege may be appealed to the Mattagami Region Source Protection Authority or the Minister of the Environment, Conservation and Parks.

3.0 Motion to Table

3.1 A motion to table:

- 3.1.1 Is not debatable;
- 3.1.2 Is not amendable.

- 3.2** A motion to table a matter with some condition, opinion or qualification added to the motion shall be deemed to be a motion to postpone.
- 3.3** The matter tabled shall not be considered again by the Committee until a motion has been made to take up the tabled matter.
- 3.4** A motion to take up a tabled matter is not subject to debate or amendment.
- 3.5** A motion that has been tabled at a previous meeting of the Committee cannot be taken from the table unless notice thereof is given in accordance with this By-law.
- 3.6** A motion that has been tabled and not taken from the table for six, (6) months shall be deemed to be withdrawn and cannot be taken from the table.
- 3.7** A motion to table is carried by a majority vote of Members present.

4.0 Motion to Close Debate

- 4.1** A motion to close debate:
- 4.1.1 Is not debatable;
 - 4.1.2 Is not amendable;
 - 4.1.3 Cannot be moved with respect to the main motion when there is an amendment under consideration;
 - 4.1.4 Can only be moved in the following words; "I move to close debate";
 - 4.1.5 Requires a majority vote of Members present for passage; and
 - 4.1.6 When resolved in the affirmative, the question is to be put forward without debate or amendment.

5.0 Motion to Postpone Definitely

- 5.1** A motion to postpone definitely:
- 5.1.1 Is debatable, but only as to whether a matter should be postponed and to what time;
 - 5.1.2 Is amendable as to time;
 - 5.1.3 Requires a majority vote of Members present to be carried; and
 - 5.1.4 Shall have precedence over the motions to refer, to amend, and postpone indefinitely.

6.0 Motion to Refer (to Committee)

- 6.1** A motion to refer:
- 6.1.1 Is debatable;
 - 6.1.2 Is amendable;
 - 6.1.3 Requires a majority vote of Members present to be carried; and
 - 6.1.4 Shall take precedence over all amendments of the main question and any motion to postpone indefinitely, to postpone definitely or to table the question.

7.0 Motion to Amend

- 7.1** A motion to amend:
- 7.1.1 Is debatable;

- 7.1.2 Is amendable;
- 7.1.3 Shall be relevant and not contrary to the principle of the report or motion under consideration;
- 7.1.4 May propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue which was the subject matter or the question; and
- 7.1.5 Requires a majority vote of Members present to be carried.

8.0 Motion to Postpone Indefinitely

- 8.1 A motion to postpone indefinitely:
 - 8.1.1 Is not amendable;
 - 8.1.2 Is debatable, and debate may go into the merits of the main question, which effectively kills a motion and avoids a direct vote on the question;
 - 8.1.3 Requires a majority vote of Members present to be carried; and
 - 8.1.4 Shall have precedence over no other motion.

9.0 Point of Order

A **point of order** is a matter raised during consideration of a motion concerning the Rules of Procedure. A point of order may be raised if the Rules appear to have been broken. This may interrupt a speaker during debate, or anything else if the breach of the rules warrants it. The point is resolved before business continues.

For example – A City Councillor recommends going In-camera to discuss the motion as “a point of order” and the City Clerk provides a City By-law stating it is not an In-camera issue.

- 9.1 The Chair or Sub-Committee Chair, as the case may be, shall decide points of order.
- 9.2 When a Member wishes to raise a point of order, the Member shall ask leave of the Chair or Sub-Committee Chair, as the case may be, and after leave is granted, the Member shall state the point of order to the Chair or Sub-Committee Chair, as the case may be, after which the Chair or Sub-Committee Chair, as the case may be, shall decide on the point of order.
- 9.3 After leave is granted, the Member shall only address the Chair or Sub-Committee Chair, as the case may be, for the purpose of appealing the decision to the Committee or Sub-Committee, as the case may be.
- 9.4 If the Member does not appeal, the decision of the Chair or Sub-Committee Chair, as the case may be, shall be final.
- 9.5 If the Member appeals to the Chair or Sub-Committee Chair, as the case may be, the Chair or Sub-Committee Chair, as the case may be, shall decide the question, by a majority vote, without debate and the decision shall be final.

10.0 Motion to Suspend the Rules (Waive the Rules)

- 10.1 A motion to suspend the rules:
 - 10.1.1 Is not debatable;

- 10.1.2 Is not amendable;
- 10.1.3 Requires a majority vote of Members present to carry; and
- 10.1.4 Takes precedence over any motion if it is for a purpose connected with that motion and yields to a motion to table.

11.0 Motion to Reconsider

11.1 A motion to reconsider:

- 11.1.1 Is debatable;
- 11.1.2 Is not amendable; and

11.2 After any question, (except one of indefinite postponement), any Member may, at a subsequent meeting of the Committee, move for the reconsideration thereof, provided due notice of such intention is given as required by this By-law, but no discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted.

11.3 No question upon which a notice of reconsideration has been accepted shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

11.4 If a motion to reconsider is decided in the affirmative, reconsideration shall become the next order of business and debate on the question to be reconsidered shall proceed as though it had never previously been considered. A motion that effectively alters the original motion that is being reconsidered requires a majority vote of Members present to be carried.

12.0 Motion to Censure

12.1 A motion to censure an individual Member of the Mattagami Region Source Protection Committee for conduct unbecoming a Member:

- 12.1.1.1 Is non-debatable;
- 12.1.1.2 Is non-amendable;
- 12.1.1.3 Requires a majority vote of Members present to pass; and
- 12.1.1.4 Must be dealt with immediately.

12.2 Should a motion to censure shall be approved by the Mattagami Region Source Protection Committee.

Appendix C

Table of Common Motions

1.0 Table of Motions

Motions	Debatable	Non-debatable	Amendable	Non-amendable	Majority Vote	Other Vote
Adjourn		X		X	X	
Amend a pending motion	X		X		X	
Amend a previously adopted motion	X		X			2/3
Close debate		X		X		2/3
Call up motion to be reconsidered		X		X	X	
Close nominations		X		X	X	
Suspend indefinitely		X		X	X	
Limit debate		X	X			2/3
Nominations	X			X	X	
Point of order		X		X	X	
Point of personal privilege		X		X	X	
Postpone or defer	X		X		X	
Postpone or defer indefinitely	X			X	X	
Recess		X	X		X	
Reconsider	X			X		2/3
Refer	X		X		X	
Amend the By-law						2/3
Suspend rules		X		X		2/3
Introduction of new business	X					2/3

Appendix D

Code of Conduct for Members of the Mattagami Region Source Protection Committee

1.0 Preamble and Context

- 1.1 Source Protection Committees, as established by Source Protection Authorities under section 7 of the *Clean Water Act, 2006* developed a number of work products specific to the Source Protection Area, in accordance with the *Act*, its governing regulations and communicated Ministry of the Environment, Conservation and Parks *Technical Rules*.
- 1.2 The Mattagami Region Source Protection Committee work products were developed and finalized according to the regulated guidelines established by the *Technical Rules*.
- 1.3 The Mattagami Region Source Protection Committee work products included, but are not exclusively limited to the preparation of:
 - 1.3.1 *The Terms of Reference*;
 - 1.3.2 Progress Report(s);
 - 1.3.3 Assessment Report;
 - 1.3.4 Source Protection Plan;
 - 1.3.5 Recommendation(s); and
 - 1.3.6 Supporting Procedures, Processes and Regulations.
- 1.4 Members of the Mattagami Region Source Protection Committee (MRSPC) 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 and subscribe to its mission:
 - 1.4.1 To contribute to the Mattagami Region source water protection planning process under the *Clean Water Act, 2006*;
 - 1.4.2 To ensure that the points of view of the stakeholder groups sharing in the source protection area and its watersheds are considered, and
 - 1.4.3 To utilize full disclosure within an ordered, public and transparent forum.
- 1.5 The purpose of this Code of Conduct and Conflict of Interest Policy is to set out the standard of conduct expected of Members of the Mattagami Region Source Protection Committee, as appointed by the Mattagami Region 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.

2.0 Definitions

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

- 2.1** “**Acting Chair**” means the Acting Chair that the MRSPC Members appoint from among themselves in the situation where the Chair is absent or unable to act or the office of the Chair is vacant, and the Acting Chair has all the powers and shall perform all the duties of the Chair as per *O. Reg. 288/07, s. 12 (2)*.
- 2.2** “**Authority**” means the Mattagami Region Source Protection Authority, (MRSPA), established under section 7 of the *Clean Water Act, 2006*. The Mattagami Region Source Protection Authority is affiliated with the Mattagami Region Conservation Authority, (MRCA), established under the *Conservation Authorities Act, 1946*.
- 2.3** “**Chair**” means the Minister of the Environment, Conservation and Parks appointee, as per *O. Reg. 288/07, s. 12 (1)*, presiding over the Mattagami Region Source Protection Committee meetings, in support of activities and processes leading to the definition of specific work products.
- 2.4** “**Code**” means this Code of Conduct and Conflict of Interest Policy;
- 2.5** “**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;
- 2.6** “**Committee**” means the Mattagami Region Source Protection Committee established by the Mattagami Region Source Protection Authority, under section 7 of the *Clean Water Act, 2006* ;
- 2.7** “**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:
- 2.7.1 Personal information about any individual;
 - 2.7.2 Personnel matters;
 - 2.7.3 Matters under litigation;
 - 2.7.4 Information about suppliers provided for evaluation which might be useful to competitors;
 - 2.7.5 Sources of complaints about a variety of matters where the identity of the complainant is given in confidence;
 - 2.7.6 Matters under negotiation; Information supplied in support of license applications, etc., where such information is not part of the public record;
 - 2.7.7 Schedule of prices in contract tenders;
 - 2.7.8 Personal opinions regarding MRCA, MRSPA, MRSPC policies, regulations and programs should not be given to the public.
- The preceding is not an exclusive list.
- 2.8** “**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;

2.9 “**Harassment**” may include, but is not limited to the following:

2.9.1 Sexual Harassment

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

2.9.2 Racial or Ethnic Harassment

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

2.9.3 Other Harassment

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

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

2.11 “**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.

2.12 “**Prohibited Activities**” means:

- 2.12.1 Seeking or accepting a Gift in connection with their capacity as Member;
- 2.12.2 Attempting to influence committee decisions in order to further the Member’s Private Interest or the interests of a third party including the following:
 - 2.12.2.1 Participating in a matter before the Committee dealing with the member’s special interest;
 - 2.12.2.2 Attempting to influence another Committee Member’s decision or making representations to another Member about certain recommendations or decisions that the Member should undertake, knowing that this action may provide an opportunity or the appearance thereof to further this Member’s Private Interest(s).
- 2.12.3 Using Confidential Information for any improper purpose, which includes using Confidential Information to the benefit of the Member’s Private Interest;

- 2.12.4 Disclosing Confidential Information to third parties without the consent of party to whom the information relates;
- 2.12.5 Taking any action that promotes a member's self interest;
- 2.12.6 Misrepresenting their role as a Member to a third party to further the Member's Private Interest;
- 2.12.7 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;
- 2.12.8 Making representations to a third party that the Government of Ontario has endorsed the business activity that the Member is engaged in;
- 2.12.9 Using the name Government of Ontario or Ministry of the Environment for personal purposes or to further the Member's Private Interest; and
- 2.12.10 Failing to disclose a Conflict of Interest to the Chair or Minister as the case may be.

2.13 “**Project Manager**” means the MRSPA employee in charge of technical programs in support of Drinking Water Source Protection.

3.0 Conflict of Interest

- 3.1** A Conflict of Interest refers to a situation in which the Private Interests or personal considerations or the Member could compromise, or could reasonably appear to compromise the Member's judgment in acting objectively therefore affecting decisions which are not in the best interests of the Committee. It is not necessary that compromise takes place.
- 3.2** 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 MRSPC or its agents, the MRSPA and the MRCA). A conflict may occur when an interest benefits any member of the Member's family (spouse, partner, children, parents, siblings), friends or business associates.
- 3.3** 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.

4.0 Application and Scope

- 4.1** This Code applies to all persons appointed to a Committee under section 7 of the *Clean Water Act, 2006*.

5.0 Principles and Code of Conduct

- 5.1** Members of the Committee are expected to:
 - 5.1.1 Conduct themselves ethically, lawfully and with integrity;
 - 5.1.2 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;
 - 5.1.3 Maintain a sense of fairness, independence and objectivity and treat others with respect;

- 5.1.4 Refrain from placing themselves in Conflict of Interest situations;
- 5.1.5 Disclose any actual, potential or perceived Conflict of Interest to the Chair of the MRSPC and to the Chair of the MRSPA or where the Chair is reporting, to the Minister and the Chair of the Mattagami Region Source Protection Authority;
- 5.1.6 Refrain from engaging in any of the Prohibited Activities as described in this policy;
- 5.1.7 Educate other Members on those matters within their own area of expertise with a goal of having the Committee make decisions collectively;
- 5.1.8 Demonstrate their commitment to the Committee and to the Source Protection Planning Process through high levels of attendance and participation at Committee meetings;
- 5.1.9 Every Member of the Committee, the staff or engaged 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;
- 5.1.10 A Member or volunteer who feels they are being harassed at work should:
 - 5.1.10.1 Make it clearly known to the offender that their conduct is unacceptable and should not be repeated;
 - 5.1.10.2 Discuss the situation, in confidence, with the Chair or Project Manager;
 - 5.1.10.3 Keep a short written record of dates, incidents and names of witnesses, if any;
 - 5.1.10.4 If necessary, prepare a written complaint.
- 5.1.11 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 or staff who issued the complaint will be informed of the results of the investigation and of any action taken.

5.2 Confidential Information

- 5.2.1 Members have access to confidential information by reason of their participation on the Mattagami Region Source Protection Committee;
- 5.2.2 Members must not make such information available unless it is deemed public information;
- 5.2.3 Where a Member is unsure of the status of information, before making any release he/she shall discuss it with the Chair of the Source Protection Committee who may see fit to consult with the Project Manager.

5.3 Media Relations

- 5.3.1 Only the Chair or the Project Manager or his/her designate should comment to the media on policy matters.
- 5.3.2 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 SPC Member.

5.4 Obligation to Inform

- 5.4.1 All Members appointed to a Committee by the Mattagami Region Source Protection Authority have an obligation to raise any concern regarding their compliance to this code with the Committee Chair. The Chair will determine an appropriate response and communicate this to the Member;
- 5.4.2 The Chair of the MRSPC has an obligation to raise any concern with the Minister and the Chair of the Mattagami Region 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 MRSPA.

6.0 Procedure for Disclosing a Conflict of Interest

- 6.1 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:
 - 6.1.1 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 Acting Chair or if there is no Acting Chair, to the Committee; and
 - 6.1.2 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 before the Committee.
- 6.2 A Member who has disclosed an actual, potential or perceived Conflict of Interest to the Chair or the Acting 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.
- 6.3 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.
- 6.4 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 and the Chair of the MRSPA or the Minister and the Chair of the Source Protection Authority as the case may be.
- 6.5 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.
- 6.6 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.
- 6.7 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.

- 6.8** 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*.

7.0 Procedure where Member has engaged in Prohibited Activities

- 7.1** Where a Member, other than the Chair, has engaged in a Prohibited Activity, the Chair may:

- 7.1.1 Request the MRSPA to investigate the matter and report to the Chair with its findings or recommendations;
- 7.1.2 Request that the Member refrain from participating as a Member of the Committee pending the outcome of the investigation;
- 7.1.3 Request that the Member resign from the Committee;
- 7.1.4 Request that the MRSPA revoke the Member's appointment in accordance with *O. Reg. 288/07, s. 22 (Source Protection Committees)*.

- 7.2** Where the Chair has engaged in a Prohibited Activity, the Minister may:

- 7.2.1 Request the MRSPA to investigate the matter and report to the Minister with its findings or recommendations;
- 7.2.2 Request that the Chair refrain from participating as the Chair of the Committee pending the outcome of the investigation;
- 7.2.3 Request that the Chair resign from the Committee;
- 7.2.4 Take steps to revoke the Chair's appointment.

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 Mattagami Region Source Protection Authority will retain a copy of each Member's signed acknowledgement.

Acknowledgement

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

Witness: _____	Signature _____
Print Name: _____	Print Name: _____
Date _____	Date _____

Appendix E

Legal Process Definitions

1.0 Legal Process Definitions Used In Source Water Protection Legislation:

1.1 **“Technical Rules”** are the rules establishing requirements relating to risk assessments, risk management plans and any matter that is authorized or required to be included in an assessment report. Examples:

- 1.1.1 Require vulnerable areas to be identified and their boundaries determined or mapped in accordance with the rules;
- 1.1.2 Require drinking water threats to be identified in accordance with the rules;
- 1.1.3 Require risk assessments to be prepared in accordance with the rules;
- 1.1.4 Require significant drinking water threats to be identified in accordance with the rules;
- 1.1.5 Require risk management plans to be prepared in accordance with the rules, including requiring a risk management plan to be prepared to achieve standards set out in the rules.

2.0 **“Discussion Paper”** has the objective to stimulate debate amongst the participants in order to identify the pros and cons of proposed legislation. Discussion Papers provide some background information and further discussion of the issues raised by interested parties.

3.0 **“Environmental Bill of Rights Registry” (EBR)** means the "Public Notices" about environmental matters being proposed by all government ministries covered by the *Environmental Bill of Rights*. The public notices may contain information about proposed new laws, regulations, policies and programs or about proposals to change or eliminate existing ones. Each notice indicates where the details about the proposals can be found as well as how and where comments may be sent for consideration as well as the deadline for receiving commentary. When final decisions become available, the number of comments by type will be described including details on how these may have impacted the process. Decisions will be accompanied by information and directions describing the appeal process, if available.

4.0 **Guidance Documents** An official record providing information to assist external stakeholders in complying with government statutes and regulations. Guidance documents provide assistance on how the mandate and objectives of a proposed bill should be implemented or interpreted in a manner that is fair, consistent and effective. Guidance documents are administrative instruments not having force of law and, as such, allow for flexibility in approach.

5.0 **Proclamation** A proclamation is a formal announcement (**“Royal Proclamation”**) made under the *great seal*, of some matter which the *King in Council* or *Queen in Council* (under English Law which Canadian Law follows) desires to make known to his subjects. Royal proclamations of

this character, made in furtherance of the executive power of *the Crown*, are binding on the subject.

- 6.0 Promulgation** The act of formally proclaiming or declaring new statutory or administrative law when it receives final approval.
- 7.0 Regulation** A law, rule, or order issued by a government department or agency that has the force of the law stating what may or may not be done or how something must be done.
- 8.0 Royal Assent** Is the formal method to complete the legislative process of lawmaking. In Ontario, when a bill is passed by the Legislative Assembly after Third Reading, the Lieutenant Governor, on behalf of the Queen, assents to the bill by signing it.
- 9.0 Writ** A judicial order. A formal written command, issued from the court, requiring the performance of a specific act. A mandatory precept issued by the authority, and in the name of the sovereign or the state, for the purpose of compelling the defendant to do something therein mentioned.

Notice of Proxy

Re: Notice to grant a Mattagami Region Source Protection Committee Member the Right of Proxy under *O.Reg. 288/07 Section 17*.

To: The Chair, Mattagami Region Source Protection Committee.

As per the directions issued by the Director of Ontario's Drinking Water Source Protection program (which I have read, acknowledged by my initials and attached to this Notice), I wish to grant my Proxy to a voting member of the Mattagami Region Source Protection Committee, for the meeting to take place on _____ with the following instructions:

Month, Day, Year.

Specification	Member's Instructions <i>(Please Print Clearly)</i>
Motion Number or Formal Statement of Motion:	
Opinion to be expressed on the matter or motion:	
Circle Name of Member That The Proxy Is Granted To:	<div> <div>Scott Tam</div> <div>Christina Beaton</div> <div>Wendy Cudmore</div> </div> <div> <div>Mark Joron</div> <div>Daryl Firlotte</div> <div>Stephanie Thibeault</div> </div>
Circle One Proxy Instruction For Voting:	<div>Consensus</div> <div>Yes (support the motion)</div> <div>No (oppose the motion)</div>
Telephone number where I can be reached .	

Date: _____
Month, Day, Year.

Name: _____
Please Print Name of Proxy Grantor

Signature: _____

"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 that proxy."