

Greater Sudbury Source Protection Committee

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

Proposed Revision, February 10, 2009

*Original document accepted by the Source Protection Committee
dated November 27, 2007*

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 Roles and Responsibilities of Committee Members

- Must attend Greater Sudbury Source Protection meetings;
- Become aware of and knowledgeable of programs, projects, and activities of the Committee;
- Attend and participate in public meetings, information sessions and open houses;
- Act as a liaison between the sector represented and the Committee; and
- Be prepared to discuss issues at all Committee meetings.

2.2 Meetings

- The chair of the source protection committee shall preside at all meetings of the committee.
- 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 Nickel District Conservation Authority’s drinking water source protection web site.
- 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.

2.3 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.

2.4 Quorum

- The business of the committee shall be carried out at meetings of the committee at which quorum is present.
- Quorum of the Sudbury source protection committee is the chair or acting chair plus two thirds of the committee members.
- 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.

2.5 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.

2.6 Proxy to Meeting

- A member of the source protection committee may participate in the meetings of the committee by proxy.

2.7 Project Manager / Source Protection Authority

- Once the terms of reference are approved the chair will report quarterly to the source protection authority through the project manager on progress in meeting the work plan defined in the terms of reference document.

2.8 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

2.9 Removal of Members from Office

- The committee can request the removal of a member from office should a member fail to comply with section 7 of the regulation which pertains to residing, owning or renting land or being employed within the source protection region.
- The 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.
- The chair can request that the source protection authority remove from office a member after providing a written statement of the reasons for the request.
- The source protection authority can, on request of the chair, remove the member from office, after it has provided the member with a copy of the chair's request.
- The 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, either publicly or 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.
- If a member is removed from office, the source protection authority shall as soon

as reasonably possible, appoint the person to fill the vacancy.

2.10 Indemnity

- 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.

3.0 Code of Conduct and Conflict of Interest Policy

3.1 Preamble

- 3.1.1 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.
- 3.1.2 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*.
- 3.1.3 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.

4.0 Definitions

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

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

- 4.1.2 “**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;
- 4.1.3 “**Committee**” means a source protection committee established by a source protection authority under section 7 of the *Clean Water Act, 2006*.
- 4.1.4 “**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 Nickel District Conservation Authority or Greater Sudbury Source Protection Authority policies, regulations and programs should not be given to the public.

The preceding is not an exclusive list.

- 4.1.5 “**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;

- 4.1.6 **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.

4.1.7 “**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*.

4.1.8 “**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;

4.1.9 “**Prohibited activities**” means:

4.1.9.1 Seeking or accepting a gift in connection with their capacity as member;

4.1.9.2 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;

4.1.9.3 Using confidential information for any improper purpose, which includes using confidential information to the benefit of the member’s private interest;

4.1.9.4 Disclosing confidential information to third parties without the consent of the party to whom the information relates;

- 4.1.9.5 Taking an action in their capacity as a member that involves dealing with oneself in a private capacity that confers a benefit on oneself;
- 4.1.9.6 Misrepresenting their role as a member to a third party to further the member's private interest;
- 4.1.9.7 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;
- 4.1.9.8 Making representations to a third party that the government of Ontario has endorsed the business activity that the member is engaged in;
- 4.1.9.9 Using the name, government of Ontario or Ministry of the Environment, for personal purposes or to further the member's private interest; and
- 4.1.9.10 Failing to disclose a conflict of interest to the chair or Minister as the case may be.

5.0 Conflict of Interest

- 5.1 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.
- 5.2 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 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.
- 5.3 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.

6.0 Application and Scope

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

7.0 Principles and Code of Conduct

7.1 Members of the committee are expected to:

- 7.1.1 Conduct themselves ethically, lawfully and with integrity;
- 7.1.2 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;
- 7.1.3 Maintain a sense of fairness, independence and objectivity and treat others with respect;
- 7.1.4 Refrain from placing themselves in conflict of interest situations;
- 7.1.5 Disclose any actual, potential or perceived conflict of interest to the chair of the committee and to the chair of the source protection authority or where the chair is reporting, to the minister and the chair of the source protection authority;
- 7.1.6 Refrain from engaging in any of the prohibited activities as described in this policy;
- 7.1.7 Educate other members on those matters within their own area of expertise with a goal of having the committee make decisions collectively;
- 7.1.8 Demonstrate their commitment to the committee and to the source protection planning process through high levels of attendance and participation at committee meetings;
- 7.1.9 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.

7.2 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.

7.3 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 capacity as a source protection committee member.

7.4 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.

7.5 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.

8.0 Procedure for Disclosing a Conflict of Interest

8.1 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:

8.1.1 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 vice-chair or if there is no vice-chair, to the committee; and

8.1.2 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.

- 8.2 A member who has disclosed an actual, potential or perceived conflict of interest to the chair or the vice-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.
- 8.3 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.
- 8.4 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 source protection authority or the Minister and the chair of the source protection authority as the case may be.
- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 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*.

9.0 Procedure where Member has engaged in Prohibited Activities

- 9.1 Where a member, other than the chair, has engaged in a prohibited activity, the chair may:
- 9.1.1 Request the source protection authority to investigate the matter and report to the chair with his or her findings or recommendations;

- 9.1.2 Request that the member refrain from participating as a member of the committee pending the outcome of the investigation;
 - 9.1.3 Request that the member resign from the committee;
 - 9.1.4 Request that the source protection authority revoke the member's appointment in accordance with O. Reg. 288/07 (Source Protection Committees).
- 9.2 Where the chair has engaged in a prohibited activity, the Minister may:
- 9.2.1 Request the source protection authority to investigate the matter and report to the Minister with its findings or recommendations;
 - 9.2.2 Request that the chair refrain from participating as a member of the committee pending the outcome of the investigation;
 - 9.2.3 Request that the chair resign from the committee;
 - 9.2.4 Take steps to revoke the chair's appointment.

10.0 Acknowledgement

- 10.1 Each member shall be required to review a copy of this code and acknowledge in writing that he or she has done so.
- 10.2 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 Greater Sudbury Source Protection Area, 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
Name:

Signature: _____
Name: _____

Appendix 1



Notice of Proxy

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

As per the directions issued by the Director of Ontario's Drinking Water Source Protection program (see reverse), I wish to grant my Proxy to a voting member of the Greater Sudbury 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>										
Circle name of member that the proxy is granted to:	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Committee member 1</td> <td style="width: 50%;">Committee member 6</td> </tr> <tr> <td>Committee member 2</td> <td>Committee member 7</td> </tr> <tr> <td>Committee member 3</td> <td>Committee member 8</td> </tr> <tr> <td>Committee member 4</td> <td>Committee member 9</td> </tr> <tr> <td>Committee member 5</td> <td></td> </tr> </table>	Committee member 1	Committee member 6	Committee member 2	Committee member 7	Committee member 3	Committee member 8	Committee member 4	Committee member 9	Committee member 5	
Committee member 1	Committee member 6										
Committee member 2	Committee member 7										
Committee member 3	Committee member 8										
Committee member 4	Committee member 9										
Committee member 5											
Circle one proxy instruction for voting on agenda:	Yes - Approve of agenda No - Oppose the motion Any additional comments about agenda:										
Circle one proxy instruction for voting on minutes:	Yes - Approve of minutes No - Oppose the motion Any additional comments about minutes:										
Other motion*: [Insert information about other motion, if applicable]	Yes - Approve of motion No - Oppose the motion Opinion to be expressed on the matter of motion:										
Telephone number where I can be reached:											

Date: _____ **Name:** _____ Please print name

Signature: _____

*All agenda items discussed during this meeting will be adequately reflected in the minutes.



Procedure

- Choose a committee to act as proxy for you at the meeting and contact them
- Fill out form and fax (674-7939) or email it to a staff member
- A copy of the proxy form will be provided to the designated committee at the meeting and will also be kept as part of the official record of the meeting.

Committee Member Contacts

Committee Member	Phone Number	Email Address
Committee member 1		
Committee member 2		
Committee member 3		
Committee member 4		
Committee member 5		
Committee member 6		
Committee member 7		
Committee member 8		
Committee member 9		

**Ministry of
the Environment**
Source Protections Programs
Branch
8th Floor
2 St. Clair Ave West
Toronto ON M4V 1L5

**Ministère de
l' Environnement**
Directions des programmes de protection
des sources
8^e étage
2, avenue St. Clair Ouest
Toronto ON M4V 1L5



January 18, 2008

TO: Source Protection
Committee Chairs Source
Protection Project Managers

FROM: Ian Smith, Director
Source Protection Programs Branch
Drinking Water Management Division

Re: Clarifying and using proxies in accordance to the Source Protection Committee regulation (O.Reg 288/07)

In response to the discussion at our second chair meeting (Dec. 3rd-4th), we have consulted our legal services and offer the following clarification and guidance around the definition and use of proxies by source protection committee members.

Section 17 of the Source Protection Committee regulation (O. Reg 288/07) states, "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."

The intent of the proxy is to act on behalf of a source protection committee member who, for whatever reason, is not able to participate at the meeting in person or by other means (e.g. teleconference). This is an authority that is provided to a source protection committee member in the regulation and the rules of procedure cannot remove that authority. In addition, the proxy does count for quorum.

While the regulation does not define who the proxy may be, we strongly advise that the **proxy be another existing member of the source protection committee.**

Our reason for this advice is due to the following;

- The Province does not have funding for non-SPC members (either per diems or for training initiatives)
- All those present and able to make decisions should understand and abide by the rules of procedures, code of conduct and conflict of interest policy.
- Committee meetings will have ambitious agendas, all those present should be familiar with the context of the matters (which may have occurred from previous meetings) and able to make decisions without unnecessary delays.
- Relationship between the committee members may provide a more trusting environment for those who wish to provide general authority over their opinion to the proxy.

I recommend that the rules of procedure define the proxy and establish the process for its use. Below are two approaches for consideration:

- 1) Informal procedure whereby the member who is absent notifies the chair and informs him/her of the person who will be acting as proxy and the extent by which an opinion for consensus or vote will be provided. This approach is flexible and conditions may be applied on case-by-case bases as determined by the chair.
- 2) A formal procedure that requires:
 - A template or form that has to be completed and submitted by a specified time;
 - In the template or form, a detailed outline of what the opinion and/or vote is for particular issues by the absentee member;
 - In the template or form, a description of conditions that apply to the proxy. This approach is more structured but clearly defines expectations for all members who may wish to use a proxy at one point or another.

Should you have any other questions or comments, please do not hesitate to call Keith Willson, Manager of Source Protection Approvals (416) 314 – 0560 or keith.willson@ontario.ca

Sincerely,

A handwritten signature in black ink, appearing to read 'Ian Smith', with a long horizontal flourish extending to the right.

Ian Smith, Director of Source Protection Programs Branch

Appendix 2



Protocol for Attending Source Protection Committee Meetings

The following guidelines must be followed in preparing and presenting to the Greater Sudbury Source Protection Committee.

Persons desiring to address or present a brief to the Greater Sudbury Source Protection Committee shall be permitted to do so provided they notify the Source Protection Committee Chair or Project Manager at least fourteen (14) days prior to the meeting. The request should comprise a brief statement of the issue or matters involved and copies of handouts. French language services are available for those wishing to make presentations in French.

The public is allowed a maximum of 10 (ten) minutes in which to make a presentation, following which individual Members of the Source Protection Committee may ask for points of clarification. Presentations will be scheduled on the agenda as "Communication from Visitors"

Speakers must identify themselves to the Source Protection Committee Chair or the Project Manager prior to the commencement of the meeting.

Guest presentations are for the information of committee members. Presentation topics will not be debated at committee meetings. Any comments made by members of the public should be addressed through the Source Protection Committee Chair.

While at committee meetings, members of the public shall speak respectively of individuals, groups of people, firms and organizations. Guests will speak only on the subject for which they have received approval to address the committee and obey the rules of procedure and any decisions of the chair of the committee.

During the course of the meeting any additional questions or comments can be made via the attached comment sheet (See reverse). After the meeting a staff member or the Source Protection Committee Chair may answer further questions.

See Comment Sheet on Reverse Side of Page



Source Protection Committee
Public Comment Form

Name: _____

Address: _____

Phone Number: _____

Email Address: _____

Questions or Comments:

(Questions may be answered by the Chair or staff at the end of the meeting)

How did you hear about the Source Protection Committee?

Newsletter

Advertisement

Community bulletin

Other:

Your name and contact information will not be made public as your personal information is protected from disclosure under the Municipal Freedom of Information and Protection of Privacy Act.

Additional comments can be mailed or faxed to: Nels Conroy, SPC Chair
c/o Nickel District Conservation Authority
200 Brady Street, Tom Davies Square
Sudbury, ON P3E 5K3
Phone: (705) 674-5249 Fax: (705)674-7939