

FURTHER TO WATERSHED MANAGEMENT ADVISORY BOARD #6/06  
To be held Friday, February 9, 2007

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FURTHER TO:

8. SECTION I - ITEMS FOR AUTHORITY ACTION

NEW ITEM - ITEM 8.5

8.5 NOMINATIONS FOR CHAIR OF THE PROPOSED CTC SOURCE  
PROTECTION COMMITTEE UNDER THE CLEAN WATER ACT, 2006

35-37

**TO:** Chair and Members of the Watershed Management Advisory Board  
Meeting #6/06, February 9, 2007

**FROM:** Adele Freeman, Director, Watershed Management

**RE:** **NOMINATIONS FOR CHAIR OF THE PROPOSED CTC SOURCE  
PROTECTION COMMITTEE UNDER THE CLEAN WATER ACT, 2006**

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**KEY ISSUE**

Approval to start public search for nominees for the position of the CTC Source Protection Chair.

**RECOMMENDATION**

**WHEREAS** at Authority Meeting #11/06, held January 26, 2007, Resolution #A307/06 was approved authorizing staff to send comments in response to the Ministry of the Environment's posting on the Environmental Bill of Rights (EBR) Registry of the "Discussion Paper on Source Protection Committees Under the Clean Water Act, 2006";

**WHEREAS** the ministry's discussion paper sets out proposed qualifications and selection process for three nominees and recommendation for the position of Chair of the Source Protection Committee (SPC);

**WHEREAS** it is anticipated that the Clean Water Act, 2006 will be proclaimed in mid-2007 coincident with the regulations establishing the source protection regions, lead source protection authorities, and requirement to establish source protection committees;

**WHEREAS** the province will be establishing mandatory timelines for establishment of the SPC and submission by the SPC of Terms of Reference for preparation of the required assessment report;

**AND WHEREAS** Toronto and Region Conservation Authority (TRCA) is the proposed lead conservation authority for the proposed Credit Valley -Toronto and Region-Central Lake Ontario conservation authorities (CTC) Watershed Region which will make TRCA responsible for ensuring certain legislative and proposed regulatory responsibilities and timelines are complied with;

**THEREFORE LET IT BE RESOLVED THAT THE BOARD RECOMMENDS TO THE AUTHORITY THAT** staff be authorized to commence the public process for selecting nominees for the position of CTC Source Protection Region Chair;

**THAT** staff be authorized and directed to place advertisements in local and regional newspapers, to place notices on the websites of TRCA and the other partner conservation authorities in the CTC, to advise all local and regional municipalities within the CTC, and to make direct contact with key individuals who may be interested in applying for or nominating a person to serve as the chair;

THAT the closing date for expressions of interest from individuals be April 16, 2007 at 4:30 pm;

AND FURTHER THAT the Chief Administrative Officers of TRCA, Credit Valley Conservation (CVC) and Central Lake Ontario Conservation Authority (CLOCA), review the applications received in concert with the proposed qualifications for the position of chair as set out in the ministry's discussion paper, and report back to the Authority on the recommended next steps as soon as possible following proclamation of the Clean Water Act, 2006 and regulations.

#### BACKGROUND

The Ministry of the Environment posted for comment on the Environmental Bill of Rights registry their "Discussion Paper on Source Water Protection Committees under the *Clean Water Act, 2006*" (EBR Registry Number PA06E0013). Comments were submitted on behalf of the Authority pursuant to Resolution #A307/06, approved at Authority Meeting #11/06, held on January 26, 2007.

The *Clean Water Act, 2006* gives the Minister of the Environment the authority to make regulations governing the size of a SPC, the appointment of chair and members to the SPC, the qualifications for chair and members and the committee operations.

The Ministry of the Environment (MOE) has proposed that source protection authorities use an open and transparent process to seek out potential committee chair candidates. It is suggested that:

1. The source protection authority could advertise and/or invite interested parties through advertisements in local newspapers that have wide circulation across the communities in the source protection region or source protection area.
2. The source protection authority could also use other forms of communication such as placing advertisements/flyers in libraries, municipal offices, community centres, universities, etc., specifying minimum qualifications as well as the application process.
3. Coupled with the other methods for solicitation, the source protection authority could also approach key watershed stakeholders directly and ask them to submit a potential candidate.

MOE further proposes in their discussion document that after submissions have been received, the source protection authority would be advised to review the candidates against the qualifications set out in section 2.2.1 and generate a short list of names of persons with whom they would hold interviews. MOE's guidance documents are expected to strongly recommend that the source protection authority make provisions to ensure that the other source protection authorities within the source protection region participate in the review and the interview process.

MOE intends to post a draft regulation and guidance document following consideration of comments received. It is anticipated that the draft regulation will be posted in March 2007, with the final regulation being posted in June-July 2007. Proclamation of the Act is expected to coincide with the promulgation of this and other necessary regulations. At this point the Minister is empowered to consider the submissions by the source protection authority of nominees and appoint the chair of the SPC.

It is recommended to have nominations for the SPC chair before the Minister as early as possible so that the chair can be appointed and in place to assist the source protection authority in selecting the members of the SPC, and to prepare for the work that the SPC is required to undertake. MOE has discussed setting time limits on the establishment of the SPC (within six months of the Act coming into force) and for submission of the Terms of Reference to the Minister for approval (within nine months of the Act coming into force).

Other proposed source protection regions have already begun to publicly identify nominees for the position of chair of their SPC. The proposed Ausable Bayfield-Maitland source protection region has completed their public advertisements, selection of candidates to be interviewed and interviews with selected candidates. MOE continues to encourage early action by the source protection authorities in advance of the regulations being in place. The release of the discussion document by the ministry provides sufficient guidance to begin the public process within the CTC watershed region.

The stipend for this position has not been established by the province and further discussion will be required. Advertisements will identify that the position will require approximately 2 days per week and the stipend is under review. The incumbent will be compensated for out-of-pocket expenses in accordance with TRCA policies and practices.

It is recommended that the Chief Administrative Officers of the three conservation authorities review the applications and report back to Authority on next steps to finalize the selection of three nominees and the recommended candidate for submission to the Minister of the Environment. Under the Clean Water Act, 2006, the Minister may appoint any one of the nominated candidates or may appoint another individual.

**Report prepared by: Beverley Thorpe, extension 5577**  
**For Information contact: Beverley Thorpe, extension 5577**  
**Date: February 06, 2007**