



Monday, November 7, 2022

**Attention: Municipal Clerks**

Town of Amherstburg

Town of Essex

Town of Kingsville

Town of LaSalle

Municipality of Leamington

Municipality of Lakeshore

Township of Pelee

Town of Tecumseh

City of Windsor

**Re: Appointments to the Essex Region Conservation Authority Board of Directors**

As we anticipate members to be appointed by resolution, to our Board throughout November and December 2022, we would like to be prepared to welcome any returning and new members. I would respectfully request that you confirm, through resolution, your municipal appointments to the Essex Region Conservation Authority before December 14, 2022.

Section 2 (2) of the *Conservation Authorities Act*, outlines the Essex Region Conservation Authority Board of Directors council representatives:

- 2 representatives      Town of Amherstburg
- 2 representatives      Town of Essex
- 2 representatives      Town of Kingsville
- 2 representatives      Town of LaSalle
- 2 representatives      Municipality of Leamington
- 2 representatives      Municipality of Lakeshore
- 1 representative      Township of Pelee
- 2 representatives      Town of Tecumseh
- 4 representatives      City of Windsor

In the event that there are delays in appointments beyond December 2022, current appointed members need to continue to represent your municipality as permitted under ERCA's Administrative By-Law, November 2020:

### **3.1.2 Term of Member Appointments**

*In accordance with Section 14 of the Act, a Member shall be appointed for a term of up to four years at the discretion of the appointing participating municipality; such term beginning at the first meeting of the Authority following his or her appointment and ending immediately before the first meeting of the Authority following the appointment of his or her replacement.*

*The Secretary-Treasurer shall notify the appropriate municipality in advance of the expiration date of any Member's term, unless notified by the municipality of the Member's reappointment or the appointment of his or her replacement.*

*A Member is eligible for reappointment.*

*A Member can be replaced by a Participating Municipality at the municipality's discretion prior to the end of their term.*

ERCA's Annual General Meeting is scheduled to occur on January 19, 2023. At that time, we will properly recognize both outgoing, and incoming Board members; and elect our Chair and Vice-Chair.

I have attached Section 14 of the *Conservation Authorities Act*, which describes member appointments, terms, and qualifications. I would note that amendments to the *Conservation Authorities Act* (R.S.O. 1990, c. C.27, s. 14) in 2017 now allows for members to be appointed for up to four years, and that municipalities may reappoint members to our Board of Directors.

Our hope is to contact appointed Board members to provide information, schedule an orientation session and request input on preferences for committees, in advance of our Annual General Meeting to be held January 19, 2023, beginning at 6:00 at the County of Essex Civic Centre.

Should you have any questions, or if you are not be able to confirm municipal appointments prior to December 14, 2022, please contact me at 519-776-5209 extension 350.

Sincerely,

Regards,

A handwritten signature in black ink, appearing to read 'Tim Byrne', with a long horizontal stroke extending to the right.

Tim Byrne, CAO/Secretary-Treasurer

## **Conservation Authorities Act, R.S.O. 1990, c. C.27**

<https://www.ontario.ca/laws/statute/90c27>

### **PART IV MEMBERSHIP AND GOVERNANCE**

#### *Members of authority*

**14** (1) Subject to subsection (3), members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers set out in subsection 2 (2) for the appointment of representatives. 2017, c. 23, Sched. 4, s. 12 (1); 2020, c. 36, Sched. 6, s. 2 (1).

#### *Members of council appointed*

(1.1) When appointing members of an authority, the council of a participating municipality shall ensure that at least 70 per cent of its appointees are selected from among the members of the municipal council, subject to subsection (1.2). 2020, c. 36, Sched. 6, s. 2 (2).

#### *Exception*

(1.2) Upon application by a participating municipality, the Minister may grant permission to the municipality to select less than 70 per cent of its appointees to an authority from among the members of the municipal council, subject to such conditions or restrictions as the Minister considers appropriate. 2020, c. 36, Sched. 6, s. 2 (2).

#### *Changes in number of members*

(2) The total number of municipally appointed members of the authority and the number of municipal councillors that each participating municipality may appoint shall be adjusted as required to ensure compliance with subsection (1) if the municipalities that are participating municipalities change or the population of a participating municipality changes. 2001, c. 9, Sched. K, s. 1 (6); 2020, c. 36, Sched. 6, s. 2 (3).

#### *Agreement on number of members*

(2.1) Despite subsections (1), (2) and (5), the total number of members of the authority and the number of members that each participating municipality may appoint may be determined by an agreement that is confirmed by resolutions passed by the councils of all of the participating municipalities. 2001, c. 9, Sched. K, s. 1 (6).

*Municipal agreement*

(2.2) If the participating municipalities of an authority enter into an agreement with respect to the total number of municipally appointed members of the authority and the total number of members each municipality may appoint, the authority shall, within 60 days after the agreement is executed,

- (a) provide a copy of the agreement to the Minister; and
- (b) make the agreement available to the public by posting it on the authority's website and by any other means the authority considers appropriate. 2020, c. 36, Sched. 6, s. 2 (4).

*Same, transition*

(2.3) If an agreement referred to in subsection (2.2) is in force on the day subsection 2 (4) of Schedule 6 to the *Protect, Support and Recover from COVID-19 Act (Budget Measures)*, 2020 comes into force, the relevant authority shall provide a copy of the agreement to the Minister within 60 days after that day. 2020, c. 36, Sched. 6, s. 2 (4).

*Qualification*

(3) Every member of an authority shall be resident in a participating municipality in which the authority has jurisdiction. R.S.O. 1990, c. C.27, s. 14 (3).

*Member from agricultural sector appointed*

(4) In addition to the members of an authority appointed in accordance with subsections (1) to (2.1), an additional member may be appointed to the authority by the Minister as a representative of the agricultural sector. 2020, c. 36, Sched. 6, s. 2 (5).

*Limitation on voting*

(4.0.1) The member of an authority appointed under subsection (4) shall not vote on,

- (a) a resolution to enlarge an authority's area of jurisdiction that is presented at a meeting called under section 10;
- (b) a resolution to amalgamate an authority with another authority that is presented at a meeting called under section 11;
- (c) a resolution to dissolve the authority that is presented at a meeting called under section 13.1; or
- (d) a resolution relating to any budgetary matter that is presented at a meeting held under section 16. 2020, c. 36, Sched. 6, s. 2 (5).

*Term*

(4.1) A member shall be appointed for a term of up to four years, as may be determined by the council that appoints the member or, in the case of a member appointed under subsection (4), by the Minister. 2017, c. 23, Sched. 4, s. 12 (2); 2020, c. 36, Sched. 6, s. 2 (6).

*Same*

(4.2) A member's term begins at the first meeting of the authority after his or her appointment and expires immediately before the first meeting of the authority after the appointment of his or her replacement. 2017, c. 23, Sched. 4, s. 12 (2).

*Replacement of member*

(4.3) Despite subsections (4.1) and (4.2), a member may be replaced by the council of the participating municipality that appointed the member or, in the case of a member appointed under subsection (4), by the Minister. 2017, c. 23, Sched. 4, s. 12 (2); 2020, c. 36, Sched. 6, s. 2 (7).

*Reappointment*

(4.4) A member is eligible to be reappointed. 2017, c. 23, Sched. 4, s. 12 (2).

*Where part of municipality in authority's area*

# Credentials Form

Municipality

Total Population

Number of Members

Name of Member

Social Insurance Number (SIN)

Date of Birth (mm/dd/yyyy)

Home Address of Member

City/Town

Postal Code

Home Phone

Business Phone

Email

Term Ending\*

Is member on Council?

*\*Term Ending: Members are permitted to hold office on the Board of Directors until the Annual Meeting in the year following the expiration date of the appointment.*

Name of Member

Social Insurance Number (SIN)

Date of Birth (mm/dd/yyyy)

Home Address of Member

City/Town

Postal Code

Home Phone

Business Phone

Email

Term Ending\*

Is member on Council?

*\*Term Ending: Members are permitted to hold office on the Board of Directors until the Annual Meeting in the year following the expiration date of the appointment.*

Please attach copy of Resolution passed at a meeting of the Municipal Council appointing the above named Member(s):

Moved by

Seconded by

Clerk:

Date:

Place:



Municipal Seal