

**THE OTTAWA FIELD NATURALISTS' CLUB
MINUTES OF COUNCIL MEETING**

June 18, 2012

Fletcher Wildlife Garden Interpretation Centre, CEF, Ottawa, 7:00 p.m.

Chair: Ann MacKenzie

Council Members Present: Annie Bélair, Carolyn Callaghan, Barbara Chouinard, Dan Brunton, Don Hackett, Diane Kitching, Karen McLachlan Hamilton, David Hobden, Diane Lepage, Rémy Poulin, Jeff Skevington, Henry Steger, Ken Young, Eleanor Zurbrigg

Council Members Absent: Fenja Brodo, Jeff Saarela, Yi Zhang

1. Minutes of the May 28, 2012 meeting

Changes to be made: Karen's name must be added to the list of absent Council members.

Moved by A. Bélair/B. Chouinard that the
May 28th minutes be accepted with this modification.

Carried

2. Communications

The Ontario Ministry of Natural Resources has sent a letter in response to the petition on snapping turtle regulations, explaining what it intends to do to better monitor the take of snapping turtles.

3. Treasurer's Report K. Young

Yi Zhang has been performing capably as Treasurer's Assistant, but is now moving to Calgary. In particular, she established a good working relationship with Henry Steger and Jay Fitzsimmons, to the benefit of the Club. I am sure that Council will wish her well in Calgary.

Insurance

At the May meeting, Council asked whether Directors & Officers Insurance could cover actions of trip leaders and similar positions. Ken asked Ontario Nature if they could provide any information about our existing coverage (commercial general liability) and what we are considering (directors and officers). John Gunn of ON sent Ken the attachment – "Ontario Nature – Insurance Coverage Highlights". See [Annex 1](#) for PDF of letter.

From this it can be seen that both CGL and D&O insurance covers volunteers. What differs is the type of risk that is insured against.

Ken will ask Mr. Gunn about the specific example of Macoun Club field trips and see how that would be interpreted. Council members are welcome to send their questions about the insurance policies to Ken.

ACTION: The Finance Committee will consider this insurance and get back to Council in the fall with their recommendation.

4. Sponsorship of Educational Packages C. Callaghan

Carolyn asked Council if the OFNC would be interested in sponsoring the development of educational packages around natural history that could be given to teachers in the Ottawa-Gatineau region. Though she knows an environmental educator who could help, volunteers would also be needed.

Council agreed that this is a good idea. Ann indicated that a committee should be created to scope out the project and give an estimate of the cost to Council.

ACTION: Carolyn to write a short text to recruit volunteers for this new committee. Henry will send it to the email distribution list; it must also be forwarded to Sandy so it can be posted on the website. It can also be published in T&L. Carolyn will then collect the responses and report back to Council.

5. Book Reviews in CFN C. Callaghan

As editor-in-chief of the CFN, Carolyn directed Council's attention to the book reviews by Falk Huettmann in issues 125(2) and 125(3) and asked for Council's advice on how to respond. There was a general discussion and Carolyn will use the comments to help her determine how she will deal with this issue as the Editor of CFN.

6. Birds Committee Report R. Poulin

News from FalconWatch: the eggs in the nest downtown did not hatch and the plan is to send them for testing. Another peregrine pair was discovered in the Billings Bridge area (near the RA Centre) and they were successful in producing two chicks. Additional volunteers for the FalconWatch are welcomed.

The Birds Records Subcommittee is in the process of updating *A Birder's Checklist of Ottawa*. The plan is to publish the updated checklist in T&L and provide a PDF version for downloading. A minimal number of hard copies may also be printed.

The Birds Records Committee will be meeting with Nature Canada to discuss how the Club's bird records and associated data could be of use in support of the Lac Deschênes Important Bird Area (IBA) effort.

The Committee is examining options to improve the effectiveness of the current Rare Bird Alert process.

7. Lac Deschênes Important Bird Area Working Group R. Poulin

Rémy attended the first meeting of the Lac Deschênes IBA working group chaired by Nature Canada on May 30th. Other groups represented included Bird Studies Canada and the Club des ornithologues de l'Outaouais (COO). The group brainstormed ideas related to the main thrusts of the IBA effort:

celebration, education, conservation/protection, and monitoring. Nature Canada provided a list of potential roles for volunteers interested in contributing to this effort. These job descriptions will be communicated to the OFNC membership over the summer months to canvass for volunteers.

The OFNC has agreed to help promote the IBA at Lac Deschênes; therefore, Rémy asked Nature Canada for a short “script” on the IBA that could be used by OFNC tour leaders.

8. 2013 BirdLife World Congress R Poulin

Nature Canada is meeting this week with an advance team from BirdLife to review the logistics for next year’s World Congress. Following that meeting, Rémy will meet Nature Canada to further discuss how the OFNC can support this event. A call for volunteers will then be generated. An article will also be prepared for the next issue of T&L.

9. Advertisements in Trail & Landscape

Ann and Don announced that two businesses have agreed to publish ads in T&L. They noted that it seems to be more effective to approach businesses in person rather than to just mail information.

10. Committee Reports

See [Annex 2](#) for the Fletcher Wildlife Garden report.

11. Motion to adjourn:

Moved by E. Zurbrigg/J. Skevington that the meeting be adjourned at 9:10 p.m.

CARRIED

Recording Secretary: A. Bélair

Meetings in 2012:

September 17
October 15
November 19
December 10?



ONTARIO NATURE – INSURANCE COVERAGE HIGHLIGHTS

The protection provided under your Ontario Nature Insurance Program was developed to provide a broad range of Insurance protection anticipating most of your nature clubs activities and risks arising from your operations.

While the exact coverages are subject to the limits, terms, conditions and exclusions of the Policy, and your own Certificate of Insurance, the following outline is intended to provide a brief summary of the protection provided.

Commercial General Liability

What protection does this policy provide?

Essentially, this policy provides for a limit of \$5,000,000.00 per occurrence with a \$5,000,000.00 annual Aggregate to protect your Club for those sums that you become legally obligated to pay as compensatory damages because of "bodily injury", "personal injury" or "property damage" to which this insurance applies. It also provides coverage for legal costs to "defend" your Nature Club against those actions, which are covered under this policy.

The intention is to protect your Nature Club from actions taken against it from third parties for allegations of negligence on the part of your organization.

Who Is Protected?

Under the definitions of the Commercial General Liability Policy, "who is an Insured" defines who is protected under this policy. In part it reads: "Your 'organization', your 'executive officers' and 'directors', trustees' if a trust. In addition your 'employees', 'volunteer workers' and 'members in good standing' are insured with respect to acts within the scope of their employment by you or while performing duties related to the conduct of your business."

The Commercial General Liability Policy also provides:

Voluntary Compensation and Employers Liability

"Voluntary compensation" and "Employers Liability" offers limited benefits to "employees" not eligible for compensation under federal, provincial or technical workers compensation law and who can not elect to come under such plans.

Medical Payments

A \$10,000.00 Limit is provided under "Medical Payment" for medical expenses such as first aid administered at the time of an accident, necessary medical, surgical, x-ray, dental services, ambulances etc. for injuries to a **third party or volunteer**.

This coverage **excludes** injury to a participant of physical exercises or games, sports, or athletic contests.

Tenants Legal Liability

Provides up to a \$500,000.00 Limit, coverage where you become legally liable for "property damages" to premises rented or occupied by you, where such property is not owned by your nature club.

Abuse Limited Liability

Coverage is provided up to a limit of \$500,000.00 per occurrence for sums that you become legally obligated to pay as compensatory damages because of bodily injury arising out of "abuse". Abuse is defined as any act, or threat involving molestation, harassment, corporal punishment or any other form of physical, sexual or mental abuse. It is important to understand that once again this coverage is intended to protect you against the allegations of third parties only and **does not** cover actions alleging abuse to employees or volunteers while performing duties related to the conduct of your business.

Abuse coverage is written on a "claims made" basis which, essentially means that the policy provides coverage only for "bodily injury" **which occurs during the policy period** and for which the claim is **first made against any insured during the policy period**.

Non-Owned Automobile

This provincially regulated form of coverage is very complex, however is intended to indemnify the Insured against liability imposed by law upon the Insured for loss or damages arising from the use or operation of any automobile not owned in whole or in part by or licensed in the name of the Insured and resulting from bodily injury to or the death of any person or damage to property of others not in the care, custody or control of the Insured. It also provides some coverage where "employees" may rent cars for use on behalf of your Nature Club.

Common Questions under the Commercial General Liability Section

1) **What is "Personal injury"?**

Personal Injury means injury arising out of false arrest, detention or imprisonment, malicious prosecution, wrongful eviction or entry and oral or written publication that slanders or libels a person or violates privacy copyright infringement in advertisements.

2) **Can proof of Insurance be provided where required?**

Yes, upon request to Atrens-Counsel Insurance Brokers Inc., a Certificate of Insurance can be provided very quickly for satisfying landlords, owners of buildings, municipal or park authorities who require such documentation usually when your organization utilizes their premises or property.

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3) **Can coverage be provided for land owned or managed by my organization?**

Yes, full coverage can be provided and will be declared on your policy.

4) **Is our organization's coverage affected by any charges we may levy to individuals participating or attending our events?**

No, full coverage is provided for activities whether a charge is made or not.

5) **Is my organization covered for the use of watercraft used during our activities?**

Both owned and non-owned watercraft being used **for which no charge is made for carrying passengers or property**, is covered if less than 10 meters in length, otherwise full details are needed to add a special extension to your policy to add coverage.

Directors and Officers Liability

What protection does this policy provide?

Provides up to a \$5,000,000.00 Limit to protect the **entity**, its **Directors and Officers** or **employees** and **volunteers (acting on their behalf)**, for claims made for a "wrongful act" committed within and reported within the policy period. This coverage is intended to provide protection for those above for claims alleging wrongful management acts while performing their duties. Typically they can include actual or alleged errors or omissions, misleading statements or neglect or breach of duty.

It is important to note that unlike the Commercial General Liability coverage, the Directors and Officers Liability coverage does not provide coverage for bodily injury, personal injury or property damage. It is intended to protect against allegations of financial loss such as loss of use, loss of income or other incurred loss where no bodily or personal injury or property damage to tangible property takes place. Once again this coverage is written on a "claims made" basis and would exclude any wrongful act or claim presented occurring outside the policy term except in those cases where the Directors & Officers had no knowledge of any incident which may give rise to a claim and then only if reported during the policy term.

Common Question under Directors & Officers Section

1) **Can Directors and Officers coverage be provided to Non-Incorporated clubs?**

Yes, while the structure of organization may differ, the risk of lawsuits and the coverage provided remain the same.

Accident Coverage

This optional coverage can provide up to \$25,000.00 'principal sum Insured' to Directors, Officers and Full Time Employees for accidental bodily injuries sustained while the Accident Coverage is in force. Coverage applies 24 hours a day – 7 days per week.

Other Common Questions

1) Is my \$5,000,000.00 Limit of Liability a shared limit or does it protect only my organization?

The Limit of Liability outlined in your Policy Declaration is solely for the protection of your organization and is not a shared limit.

2) What do I do in the event of an accident at one of our activities or a claim is presented by someone?

You should forward, as soon as possible, any Statement of Claim or provide a written statement of the incident to Atrens-Counsel Insurance Brokers Inc. at: 7145 West Credit Avenue, Building 3, Suite 201, Mississauga, Ontario L5N 6J7, Phone Number 905-567-6222, Fax Number 905-567-6226 or if unavailable or an emergency, contact Aviva Claims at 1-866-MY-AVIVA (692-8482) 24 hours a day, 7 days a week. If required an Aviva claims representative will contact you and provide further direction.

Summary

The foregoing is intended solely to provide a brief overview of coverages and the actual coverage is subject to the actual limits, terms, conditions and exclusions contained in the Policy. Specific questions can be directed to Bob Maynard at 905-567-6222 or b.maynard@atrens-counsel.com.

**Report for Fletcher Wildlife Garden
2012 06 18**

Our plant sale on June 2nd was a success, despite poor weather, and raised about \$4400. We still have plants available to sell so the final total will be greater than this.

The PricewaterhouseCoopers group came as expected on June 1st and did a significant amount of planting work in the Butterfly Meadow. Since there is still a lot more planting to do we are running our own planting bee on June 16th. There are plans for other weekend working groups. The web site will have details of these. The contact with volunteer Ottawa has resulted in at least one more group planning a day working for us.

The Friday morning volunteer group which was, almost exclusively, a Backyard Garden working group, seems to be evolving into a general purpose group which takes on projects all through the garden.

submitted by David Hobden