



Governance Manual

“... no administrative machinery yet exists to provide the means by which local problems can be properly researched and identified and the necessary corrective or preventative measures developed and enforced. The Okanagan Basin Water Board should be established to fulfill this function...” (1969)

March 3, 2010

Drafted by the Okanagan Basin Water Board

1450 KLO Road
Kelowna BC V1W 3Z4
www.obwb.ca

This governance manual has been adopted by all three Okanagan regional districts, as of February 2010, and is the official terms of reference of the Okanagan Basin Water Board.

Executive Summary

“Providing leadership for sustainable water management to protect and enhance the quality of life and environment in the Okanagan Basin.”

The Okanagan Basin Water Board (OBWB) is an inter-regional local government agency founded in 1970 to promote the shared water interests of Okanagan communities. Its vision is to have a water system that meets the needs of residents and agriculture while supporting wildlife and natural areas – now and in the future. The OBWB acts on this vision through proactive leadership and by supplying timely information, communication and funding for water activities that benefit the Okanagan as a whole. This manual is a guide of OBWB rules and operating instructions.

The OBWB is a collaborative governance institution comprising elected public officials, ex officio members, and staff. The Board of Directors is the main decision-making body and includes elected or appointed representatives from the Okanagan regional districts, the Okanagan Nation Alliance, the Water Supply Association of B.C., and the Okanagan Water Stewardship Council (the Council). Directors represent the common water interests of all Okanagan citizens from the perspective of their own jurisdictions. The Board of Directors and staff receive water information and recommendations from the Council – a technical advisory committee to the OBWB consisting of water experts and volunteers – as well as input from citizens and member communities. With this inclusive and broadly representative structure, the OBWB is a leading example of watershed governance in B.C.

As an agency the OBWB has many roles – focusing on water concerns that affect the Basin as a whole, but taking broad action within that scope. It is a vehicle for pooling and directing funds to water activities. It is an information hub – communicating between communities, senior governments, universities, water stakeholders and citizens. It coordinates water projects, and brings together their funding and administration. However, the OBWB is not a regulatory agency.

The OBWB was legislated under the *Municipalities Enabling and Validating Act*, and by supplementary letters patent (SLP) to the Okanagan regional districts. Together with policies approved through resolution and basic municipal law, these set out the authority, objectives and purpose for OBWB activities. Regional districts participate voluntarily in the OBWB, accepting the commitments and responsibilities of the function. The OBWB was founded by consensus, and consensus among regional districts is needed for changes to its structure.

The structure and processes described in this manual have allowed the OBWB to be a stable organization with a 40-year record of water projects and programs supporting water sustainability in the Okanagan.

Acknowledgements

The structure and some of the basic policy descriptions in this manual have been adapted from the Governance Manual of the Columbia Basin Trust. The Okanagan Basin Water Board gratefully acknowledges the example and leadership shown by the Trust in furthering water governance in British Columbia.

We would also like to acknowledge the helpful comments of Michael Vaughan of Owen Bird Law Corporation, and for his ongoing mentoring in administrative law. Background legislative research would not have been possible without the excellent assistance of the librarians at the British Columbia Law Library in Kelowna.

This manual was also improved through the review and comments of Allan Neilson-Welch, of Neilson-Welch Consulting Inc.; and informed by the work of Oliver M. Brandes and Deborah Curran through the Water Sustainability Project of the Polis Project on Ecological Governance.

Finally, we would like to acknowledge the past guidance of former Okanagan Basin Water Board staff and Directors, especially Greg Armour, retired Program Manager; Robert Hobson, Chair of the Regional District of Central Okanagan; John Slater, Parliamentary Secretary for Water Supply and Allocation to the Minister of Environment; and the Honourable Tom Siddon, first Chair of the Okanagan Water Stewardship Council (OWSC).

We would additionally like to recognize the contributions of the many former OBWB and OWSC members who have served the region in working toward a sustainable water future for the Okanagan.

Definitions and Abbreviations

Okanagan Basin Water Board (OBWB) – in this document, the Okanagan Basin Water Board is usually referred to as the OBWB, but historically has also been abbreviated as the Water Board. These terms refer interchangeably to the Board of Directors and to the corporate entity of the OBWB, including its staff and operations. The term “OBWB Board of Directors” will be used in this document to refer to the twelve Directors of the OBWB.

Okanagan Water Stewardship Council (“the Council” or OWSC) – the Council was established in 2006 as a technical advisory body to the OBWB, and its membership includes a broad range of water sector, government and stakeholder organizations. It serves as the OBWB Liaison Committee, established in the original 1970 letters patent.

RDOS, RDCO, RDNO – Regional District of Okanagan-Similkameen, Regional District of Central Okanagan, Regional District of North Okanagan. Regional districts are local administrative and governance bodies, providing services to specific geographic regions within BC. They are governed by Regional District Boards comprised of representatives of their member municipalities and directors elected from rural areas.

Supplementary Letters Patent (SLP) – Letters Patent are the enabling legislation founding the regional districts. Supplementary Letters Patent allow additional actions such as participation in the OBWB. SLP can only be changed by order of the Lieutenant Governor in Council.

History and Context

The role of the OBWB has gradually shifted over 40 years, although its mandate and the call for basin-wide coordinated water management have stayed the same. Many positive changes have taken place since the OBWB was established, but sometimes water problems have only changed in location or degree. Water issues are still characterized by concerns over growth, water supply and water quality. Infrastructure capacity has increased, but so have the number of users and the overall sensitivity of the system. The need to prepare for climate change has increased the need for better management.

In the early to mid-1960s, water pollution was a serious concern in the Okanagan valley. Poorly-treated sewage wastes were dumped into the lakes, and odorous algae blooms spoiled public beaches. It was a problem that spanned the region: bad for tourism, public health, and civic enjoyment of the lakeshore. The Okanagan Watershed Pollution Control Council was formed in 1966 to address these problems. The Council included representatives from the 10 major Okanagan municipalities, but lacked legal authority or structure to make meaningful changes.

The Okanagan local governments and the Province all saw the need for an inter-regional mechanism to collaborate on problems across political boundaries. After exploring whether to establish a Pollution Control Board, the Okanagan Watershed Pollution Control Council and the Province agreed it would be best to create an Okanagan Basin Water Board, with elected officials from the Okanagan regional districts supported by a technical committee for water resource management.¹ The OBWB was given taxation authority to support its projects, and responsibilities for approving pollution discharge permits.

Once established, the OBWB immediately became a local partner on the Okanagan Basin Study, a Canada-BC initiative signed in 1969, which had the goal of improving all aspects of water resource management. The OBWB's initial role was to improve communication between the public, local governments, and the agencies conducting the Study. When the Study was completed in 1974, one of its main findings – based on extensive public consultation – was the strong need for coordinated water management. It recommended that the OBWB be the regional authority responsible for “those water resource management functions that pertain to the Valley as a whole ...”²

Enacting many of the recommendations – such as valley-wide flood plain zoning and recreational boating regulations - required the regional districts and the Province to delegate authority to the OBWB, which they were reluctant to do. Instead, the OBWB focused its efforts on two programs that had no overlap with local jurisdictions: funding for upgrading

¹ Okanagan Basin Study (1974). Chapter 10: The Public Involvement Program. Pp.251-252.

² Okanagan Basin Study (1974). Summary of Findings and Recommendations.

sewage treatment facilities, and Eurasian watermilfoil control. The OBWB partnered with the Province to undertake both these programs (which are successful and ongoing), providing local resources and expertise. Nonetheless, over the next several decades a series of studies repeated the recommendation that the OBWB take a broader role in Okanagan water management.

The dramatic expansion of the watershed's population at the turn of the millennium, together with research showing future impacts of climate change on water supply, a drought in 2003 that pitted farmers against fisheries regulators, and other factors raised public concern about the long-term sustainability of water in the Basin. Community and business leaders convinced the regional districts that this was a good time to refresh the Board's original mandate – finding collaborative solutions to valley-wide water concerns.

In 2006, the OBWB was permitted to undertake a new water management initiative, focused on improving communication, water policy, and water science to support decision making. These activities closely match the original purpose of the OBWB, and primarily focus on incentives and knowledge transfer. Projects and programs avoid overlap with programs under municipal jurisdiction, and focus on valley-wide benefits.

There is high interest in improving Okanagan water governance, at every level. Municipalities and other water purveyors want to improve the efficiency of their delivery systems, and partnerships are being created between neighbouring communities for water delivery and wastewater treatment. The OBWB provides information about how communities are linked together throughout the watershed, and makes resources available to its member governments.

The structure of the OBWB is unique in BC, bridging local governments within a region and connecting with water stakeholders. This manual lays out the framework of the organization.

Table of Contents

Executive Summary.....	ii
Acknowledgements.....	iii
Definitions and Abbreviations.....	iv
History and Context.....	v
1.0 Overview.....	1
2.0 OBWB Operating Policies & Procedures.....	4
3.0 Chair and Vice Chair.....	6
4.0 Roles and Responsibilities of the Board.....	7
5.0 Committees of the Board.....	8
6.0 Roles and Responsibilities of the Executive Director and Management Staff.....	10
7.0 Financial Policies.....	11
8.0 Relationship with Local and Senior Government.....	14

List of Appendices

Appendix I. <i>Municipalities Enabling and Validating Act (MEVA) Legislation Establishing the Okanagan Basin Water Board (OBWB).....</i>	18
Appendix II. Okanagan Basin Water Board Supplementary Letters Patent.....	19
Appendix III. Water Stewardship Council Terms of Reference.....	24
Appendix IV. Terms of Reference for Proposed Executive Committee.....	30
Appendix V. Map of the Okanagan Basin and area of OBWB jurisdiction.....	32

1.0 Overview

The Okanagan Basin Water Board (OBWB) is an inter-regional local governance entity serving the Okanagan regional districts by addressing their shared water interests and concerns. Its jurisdiction spans the geographic boundary of the Okanagan watershed.³ The OBWB was established in 1970^{4,5} by the Okanagan regional districts to address water quality and water supply problems that can only be managed at the scale of the watershed.⁶ It has legislated authority through the BC *Municipalities Enabling and Validating Act*⁷ and through Supplementary Letters Patent to the regional districts.⁸ This manual provides a general guide of OBWB rules and operating procedures.

1.1 Purpose of this Governance Manual

Governance is defined as the set of principles and processes that direct and control the actions of the OBWB. Governance structures are established through the Supplementary Letters Patent (SLP), by OBWB and regional district resolution, the *Local Government Act* and *Community Charter*, as well as by standard practices and precedent.

Governance includes:

- 1.1.1. The relationship between the OBWB, the Okanagan regional districts, and the Province of BC.
- 1.1.2. The relationship between OBWB Directors, OBWB Management Staff, the Okanagan Water Stewardship Council (OWSC), and OBWB stakeholders (Okanagan regional districts, member municipalities, and Basin residents);
- 1.1.3. The division of responsibilities between the Board of Directors, Management Staff, and stakeholders; and
- 1.1.4. The execution of responsibilities related to the OBWB.

³ Appendix V.

⁴ First meeting of the OBWB was in July 1968 in Penticton. OBWB terms of reference and budgets were developed in 1968-1969 and adopted by the regional districts. Formal legislated authority was granted in 1970.

⁵ OBWB minutes (1968-2009) are available online at www.obwb.ca/obwb_minutes.

⁶ From the OBWB Aims and Objects (1969): "... *no administrative machinery yet exists to provide the means by which local problems can be properly researched and identified and the necessary corrective or preventative measures developed and enforced. The Okanagan Basin Water Board should be established to fulfill this function...*"

⁷ Appendix I.

⁸ Appendix II.

The OBWB Board of Directors is committed to carrying out its mission on behalf of Basin residents in a transparent and accountable manner. This manual is intended to help facilitate and realize that commitment.

1.2 OBWB Vision

*The Vision of the OBWB is to have a sustainable water system, meeting the needs of residents and agriculture while supporting wildlife and natural areas – now and in the future.*⁹

1.3 OBWB Objects and Purpose

The objectives and purpose of the OBWB, summarized below, are set by the SLP and subsequent amendments dated 1970 - 2006.¹⁰

- I. To organize or receive proposals from private interests, organizations or agencies and all levels of governments regarding best practices for water use and management;
- II. To define water problems and priorities, economic feasibility of solutions, responsibility, necessary legislation and required action;
- III. To communicate and coordinate between levels of government and their agencies about water use and management;
- IV. To present proposals and recommendations to local or senior governments, according to jurisdiction and responsibility;
- V. To participate financially or otherwise, in surveys, investigations or projects on behalf of Okanagan local governments;¹¹
- VI. To coordinate implementation of the Okanagan Basin Study Plan (1974) – for water management activities that affect the Valley as a whole;
- VII. To advise local or senior government agencies when proposed actions, regulations or bylaws are contrary to the Okanagan Basin Study Plan or a recommendation of the OBWB;¹² and
- VIII. To participate in an aquatic weed control program for Okanagan lakes.¹³

⁹ OBWB resolution, adopting the “OBWB Strategic Vision” (November 2007).

¹⁰ The consolidated SLP are given in Appendix II and online (see: http://www.obwb.ca/structure_governance/).

¹¹ SLP Clause 3, Items I through V date from 1970.

¹² SLP Clause 3, Items VI and VII adopted through amendment in 1975.

¹³ SLP Clause 3, Item VIII adopted through amendment in 1981.

1.4 OBWB Mandate

“To provide leadership for sustainable water management to protect and enhance the quality of life and environment in the Okanagan Basin.”¹⁴

The OBWB promotes best water-management practices by supplying science, information, grants and other incentives. As every resident in the Basin contributes financially to the OBWB, the focus is on projects and programs that benefit the Okanagan watershed as a whole. The OBWB is not a regulatory agency and does not enact or enforce law.

1.5 Principles

The Board of Directors is committed to acting in accordance with the following principles:

- 1.5.1 *Transparency:* To the greatest extent possible, the actions and decisions of the OBWB, including those of the Board of Directors and Staff, will be transparent and open.
- 1.5.2 *Service:* The Board of Directors will act in the best interests of the mandate of the OBWB, which serves the Okanagan Basin region as a whole.
- 1.5.3 *Collaboration:* The OBWB seeks collaborative solutions to water resource concerns, bridging the interests of all Okanagan and senior levels of government, as well as water stakeholders and citizens of the region.
- 1.5.4 *Representation:* OBWB Directors are appointed to represent the common water interests of Okanagan citizens even though they provide the perspective of their respective regional district or water constituency.
- 1.5.5 *Basin Emphasis:* OBWB projects and programs focus on activities with broad geographic scope, benefiting the entire watershed.
- 1.5.6 *Legacy:* The OBWB will consider the needs of future generations – our children and grandchildren – as well as those of the present, looking ahead to protect the resource in times of change and uncertainty.

1.6 Basis of OBWB Governance and How Changes are Made

Each of the Okanagan regional districts is empowered to participate in the OBWB through their SLP, which establish commitments and responsibilities of the participating partners. The structures and processes given in this manual can be changed and adapted according to processes that originally established them.

¹⁴ “OBWB Strategic Vision” adopted November 2007. The mandate summarizes the OBWB objects and purpose.

- 1.6.1 *Governance Established in the SLP:* SLP can be changed through an order of the Lieutenant Governor in Council. This has always occurred through a request, via resolution, by all three Okanagan regional districts.¹⁵
- 1.6.2 *Governance Formalized by the Regional Districts:* The OBWB is permitted to establish its own operational procedures with unanimous approval of the regional districts.¹⁶ These can be amended by new regional district resolutions.
- 1.6.3 *Procedures Established by the OBWB:* The OBWB may establish internal operating procedures unilaterally if they are in a form pre-approved by the regional districts – for example, procedures necessary to carry out approved activities or procedures following local government standard practices. Procedures approved by OBWB resolution can also be changed through OBWB resolution.
- 1.6.4 *Processes Adopted Through Practice or Precedent:* Some OBWB processes, such as rotating meeting locations between the regional districts, have been established through long practice. The OBWB may make any practice a policy through resolution. This policy can be further formalized by endorsement of all three regional districts (see 1.6.2).

2.0 OBWB Operating Policies & Procedures

2.1 Composition and Appointment of the Board of Directors

The process for appointing OBWB Directors and the overall composition of the OBWB is established through the SLP of each Okanagan regional district.

- 2.1.1 The OBWB has twelve appointed Directors.
- 2.1.2 The regional districts of North Okanagan, Central Okanagan, and Okanagan-Similkameen each appoint three Directors from the Regional Boards, which consist of elected representatives from their respective regions. These OBWB Directors are appointed for a one-year term at the first Regional Board meeting each calendar year.¹⁷ Regional Boards may also appoint Alternate

¹⁵ Consensus likely a requirement of the Province.

¹⁶ OBWB SLP, Clause 9 (1970). See Appendix II.

¹⁷ SLP, Clause 7a. Originally 2 members, amended to 3 members (1970, 1972).

Directors,¹⁸ and both Directors and Alternates are eligible for reappointment for subsequent terms.¹⁹

- 2.1.3 Appointments from regional districts should include one representative from each major urban centre, depending on the capacity of those jurisdictions.²⁰
- 2.1.4 One Director is appointed by the Okanagan Nation Alliance; one Director is appointed by the Water Supply Association of BC; and one Director is appointed by the Okanagan Water Stewardship Council.²¹ The Council position is occupied by the Stewardship Council Chair as per their procedures. These three Directors are appointed for terms set by their parent organizations.²²
- 2.1.5 The Regional District of Columbia Shuswap may become a member of the Water Board.²³

2.2 Operating Procedures

The following meeting procedures have been established by the Board through legislation, resolution, or practice.

- 2.2.1 The OBWB may establish its own procedures provided they are in a form agreed to by the Regional Boards of the participating regional districts.²⁴
- 2.2.2 Representatives appointed to the OBWB have one equal vote each.²⁵
- 2.2.3 All decisions of the Board require a quorum at the meeting, defined as a majority of Directors physically present. All decisions then require a simple majority at the meeting.²⁶
- 2.2.4 Only Directors appointed by regional districts may vote on financial decisions, but all other matters are decided by the entire Board.²⁷
- 2.2.5 For financial decisions, there must be a majority of Directors present at the meeting who have been appointed from the regional districts.²⁸

¹⁸ OBWB Resolution, October 1969.

¹⁹ This is established by practice rather than law.

²⁰ OBWB resolution (1974)

²¹ SLP, Clause 7b. (2006)

²² Joint regional district resolution approving *Proposal to Enhance the Effectiveness of the OBWB* (2005). The original 3-year term was renewed in 2008.

²³ SLP, Clause 12 (1970) and see Appendix I. The CSRD has never requested to become a member of the OBWB.

²⁴ SLP, Clause 9 (1970); Appendix II.

²⁵ Joint regional district resolution (1969) as part of the original OBWB terms of reference.

²⁶ Ibid. "all decisions of the Board shall be by a simple majority."

²⁷ The SLP do not constrain the voting power of the non-elected Directors. The limitation on financial voting was established by joint regional district resolution when they agreed to the addition of new Directors through the "Proposal to Enhance the Effectiveness of the OBWB" (2005).

- 2.2.6 OBWB meetings are held regularly (typically monthly) and at the call of the Chair.²⁹
- 2.2.7 The location of meetings is rotated between Vernon, Kelowna and Penticton at the regional district offices as a matter of precedent. On occasion, they may be held at other locations.³⁰
- 2.2.8 Meetings are open to the public, except when the OBWB closes the meeting for reasons given in Section 90 of the Community Charter.³¹ Meeting schedules and locations are posted on the OBWB website.
- 2.2.9 If a decision is made during a closed meeting, the Board must adjourn to open meeting and formally report on the decision before it becomes official.³²
- 2.2.10 The Board follows conflict of interest policies of the Community Charter.³³

3.0 Chair and Vice Chair

3.1 Appointment

- 3.1.1 The Directors of the OBWB elect a Chair and Vice Chair from among the membership at the first regular Board meeting of each calendar year,³⁴ or as necessary in the event of a vacancy.
- 3.1.2 The positions of Chair and Vice Chair are not intended to duplicate or overlap with the role of the Executive Director or other senior managers.
- 3.1.3 If for any reason the Chair permanently withdraws from his or her duties, the Vice Chair temporarily assumes the duties of the Chair and a new Chair will be elected at the next OBWB meeting to complete the remainder of the calendar year.

3.2 Duties and Responsibilities of the Chair

- 3.2.1 The Chair has the responsibility to:

²⁸ Established practice, as a corollary to 2.2.3 and 2.2.4.

²⁹ OBWB resolution, May 1969.

³⁰ Established by practice.

³¹ The SLP do not require open meetings, but this has been established practice.

³² Established practice, following Section 90 of the Community Charter.

³³ Required for public officials, following Part 4, Division 6, Sections 100-109: "Conflict of Interest."

³⁴ Established by SLP (1970)

- Call and preside over Board meetings, and ensure the Board follows its adopted meeting procedures;
- Provide leadership to the Board and assist the Board in reviewing and monitoring the implementation of the strategies and policies of the Board;
- Build consensus, foster effectiveness and develop teamwork within the Board;
- Act as the spokesperson for the Board;
- Establish positive working relationships with the regional districts, the Okanagan Nation, various stakeholders and senior government ministries responsible for aspects of water management;
- Consult with Directors on issues requiring clarification related to the Board's Conflict of Interest policy;
- Receive complaints about OBWB policies, governance, mandate and the Executive Director and bring them to the Board for their consideration;
- Ensure the evaluation of the Executive Director takes place in a timely manner; and
- Ensure the Vice Chair is kept informed of current and pending Board issues.

3.3 Duties and Responsibilities of the Vice Chair

- 3.3.1 The Vice Chair carries out the responsibilities of the Board Chair in the Chair's absence.

4.0 Roles and Responsibilities of the Board

4.1 Governing the OBWB

The Board of Directors is responsible for governing the OBWB effectively and responsibly.

4.2 Responsibilities of the Board

The Board's responsibilities include (but are not necessarily limited to):

- 4.2.1 Adhering to the Objects and Purpose of the OBWB and principles set out in Section 1;
- 4.2.2 Preparing and reviewing a strategic plan, annual objectives and budget;
- 4.2.3 Appointing, monitoring and evaluating the Executive Director;

- 4.2.4 Developing channels for communication from Basin residents on OBWB activities and for reporting back to communities;
- 4.2.5 Ensuring appropriate financial controls are in place;
- 4.2.6 Preparing an annual report, including audited financial statements; and
- 4.2.7 Establishing certain policies, ensuring they are implemented, and periodically reviewing those policies. These policies include but are not limited to:
 - OBWB procedures;
 - Policies related to water resource matters in the Okanagan Basin, including the operation of the OBWB Water Management Program;
 - Policies related to OBWB service delivery of Eurasian watermilfoil and Sewerage Facilities Grants programs;
 - Communications; and
 - Human resources and compensation

5.0 Committees of the Board

Since its inception, the OBWB has formed committees to address matters under its responsibility and authority. For example, the SLP require the OBWB to maintain a Liaison Committee.³⁵ The following formalizes other committee establishment. Committees do not have delegated authority, and can only make recommendations to the full Board.

5.1 Establishing Committees of the Board

- 5.1.1 The Board may establish committees of Board Directors and staff to review or address matters within the Board's areas of responsibility.
- 5.1.2 The Executive Director may attend all meetings of committees of the Board and may delegate attendance to other staff members as alternates. The Executive Director may not attend meetings where his or her performance is being discussed except by invitation.

5.2 Types of Committees of the Board

- 5.2.1 A committee of the Board falls into one of the following three categories:

³⁵ SLP Clause 14 (from 1975 amendment). "The Water Board shall establish a Liaison Committee consisting of persons appointed by such municipalities, regional districts, improvement districts and Government agencies as the Water Board may determine, and the Liaison Committee shall advise on such matters as may from time to time be referred to it by the Water Board."

- **Standing Committees:** These are committees whose permanent existence is of fundamental importance to the ongoing effective governance of the OBWB.
- **Program Committees:** These committees are intended to exist in the long-term and to address a significant area of OBWB business, but may not be permanent committees.
- **Task Forces:** These are committees intended to address issues in the short-term, and to be dissolved upon completion of their duties.

5.2.2 The Okanagan Water Stewardship Council (the Council) is a permanent Standing Committee of the Board and is composed of technical experts and water stakeholders.³⁶

- The OBWB established the Council as an advisory committee to enhance the effectiveness of OBWB recommendations and to provide a communication channel to water stakeholders, consistent with the requirement of establishing a liaison committee.
- The Council was designed to include a diversity of stakeholder organizations to expand two-way communication with Okanagan water sectors, and decreases conflict among these groups.
- The Council does not have delegated authority and reports directly to the OBWB.
- The Council recommends only those actions that can be undertaken within the bounds of the OBWB mandate.

5.3 Terms of Reference of Committees of the Board

5.3.1 The duties and responsibilities of committees are described in their Terms of Reference, as approved by the Board.

5.3.2 The Terms of Reference for all committees of the Board are made available to the public, including posting on the OBWB website.

5.4 Review of Committee Performance

5.4.1 The Board annually assesses the performance of each Board committee against its Terms of Reference and any other relevant established policies.

³⁶ Established in the SLP as the Liaison Committee (1975). The Okanagan Water Stewardship Council was established in its current form through joint regional district resolution (2005, 2008), on approval of the “Proposal to Enhance the Effectiveness of the OBWB.” See Appendix III for terms of reference.

6.0 Roles and Responsibilities of the Executive Director and Management Staff

6.1 Roles and Responsibilities of the Executive Director³⁷

The OBWB Board of Directors has delegated the following responsibilities to the Executive Director.

- 6.1.1 The role of the Executive Director is to provide leadership for the implementation and operation of OBWB programs; hiring and managing staff; overseeing financial management; and working with the Board and the Council to develop long-term strategic plans.
- 6.1.2 The Executive Director reports directly to the Board, and acts as Board representative and primary point of contact for political leaders, First Nations, senior government officials and staff.
- 6.1.3 The Board Chair and the Executive Director are the primary spokespeople for the Board.
- 6.1.4 The Executive Director attends all meetings of the Board, although the Board may request his or her absence in certain circumstances.
- 6.1.5 Board members have full access to the Executive Director.

6.2 Other Roles and Responsibilities of Management

- 6.2.1 The Water Stewardship Director is the primary staff member with responsibility for the Okanagan Water Stewardship Council.³⁸ Responsibilities include strategic planning, project development and management, communication with stakeholders and media, and representing the OBWB and the OWSC at meetings and conferences, as required.
- 6.2.2 All senior management are responsible for advising the appropriate parties, including the Board of Directors, of any concerns related to potential misconduct or mismanagement within the OBWB, without fear of recourse.

³⁷ The administrative position was established in 1969 through joint regional district resolution: “An administrator to be appointed by the Board, who shall be responsible for carrying out the policy of the Board and the administration of its affairs.” Detailed responsibilities for the administrator were re-formalized by OBWB resolution in April 2009.

³⁸ Joint regional district resolution approving the “Proposal to Enhance the Effectiveness of the OBWB.” OBWB resolution to fill Water Stewardship Director position approved January 2006.

7.0 Financial Policies

7.1 General

Every municipal or regional district resident and business in the Okanagan Basin contributes at the same rate to the finances of the Board, and therefore shares equitably in the benefits of basin-wide water management initiatives.

- 7.1.1 The costs are apportioned among the participating regional districts in the ratio that the total taxable values in the regional district bears to the total assessed values in the Basin. For example, if the assessed values in one regional district account for 25% of the assessed values within the Basin, that regional district contributes 25% of OBWB finances.³⁹
- 7.1.2 The cost to each participating regional district is apportioned among that regional district's participating member municipalities on the basis of assessed values.⁴⁰ Municipalities and rural areas that lie outside the Basin watershed boundaries do not contribute.⁴¹
- 7.1.3 With the exception of the costs of the Sewerage Facilities Grants Program, the annual contribution to the Board has a ceiling of \$0.036 per \$1,000 on assessed values within the Basin unless an increase is approved by a referendum of voters from the Basin or there is a change to the SLP.⁴²

7.2 Eurasian Watermilfoil Control Program

The Board administers and implements an aquatic weed control program within the Okanagan Basin, targeting invasive Eurasian watermilfoil. This program requires use of specialized heavy equipment and specially trained staff.⁴³

- 7.2.1 Revenue associated with the operation of the program from contract work or interest is applied to the cost of the program.⁴⁴
- 7.2.2 A reserve is maintained to accommodate replacement costs for watermilfoil control equipment.⁴⁵
- 7.2.3 Only those portions of the participating regional districts that lie within the Basin participate and share in the costs of the program.⁴⁶

³⁹ SLP, Clause 4, Appendix II.

⁴⁰ SLP, Clause 5, Appendix II.

⁴¹ SLP, Clause 1, Appendix II.

⁴² SLP, Clause 6, Appendix II.

⁴³ Program details are available at: www.obwb.ca.

⁴⁴ SLP, Clause 5, Appendix II.

⁴⁵ Follows best practices for maintaining operational infrastructure.

⁴⁶ SLP, Clause 16, Appendix II.

7.3 Sewerage Facilities Grants Program

The OBWB Sewerage Facilities Grant Program⁴⁷ was established in 1975, by recommendation of the Okanagan Basin Study.⁴⁸ The study found sewage pollution from municipal treatment plant outfalls and leaking sewer systems harmed lake water quality. The purpose of the program is to subsidize upgrades of sewage treatment plants and community sewer collection systems to reduce nutrient inputs to streams and lakes.

- 7.3.1 The Board may require that all participating regional districts – except those portions outside the Basin – contribute to the OBWB Sewerage Facilities Grants Program.⁴⁹
- 7.3.2 The total contribution to the Sewerage Facilities Grants Program cannot exceed \$0.21 per \$1,000 on the net taxable value of land and improvements.⁵⁰
- 7.3.3 The Board may establish a reserve fund for the Sewerage Facilities Grants program.⁵¹
- 7.3.4 Changes to the scope of the Sewerage Facilities Grants Program, such as allowing support for storm water management grants, require approval by resolution of the three regional districts or a change to the SLP.⁵²

7.4 Water Management Program

- 7.4.1 The OBWB Water Management Program was formalized in 2005 by the participating regional districts.⁵³ Basic elements include:
 - Reinstatement of the Liaison Committee⁵⁴ as the Okanagan Water Stewardship Council;

⁴⁷ Terms of Reference are available at: www.obwb.ca.

⁴⁸ "That a program of pollution control for tributary streams be established by instituting strict regulations on feedlot and septic tank developments, removing all direct discharges to streams of industrial and municipal wastes causing pollution and protecting streams with appropriate green strips in areas where logging or cultivation is practiced or where there are concentrations of cattle, horses, or livestock." And "That a waste management program aimed at reducing phosphorus loadings to control rooted aquatic plant and algae growth in the main valley lakes be undertaken immediately by the regional authority [i.e., the OBWB]."

⁴⁹ SLP, Clause 13, Appendix II.

⁵⁰ SLP, Clause 13, Appendix II. Based on 2008 assessments, \$0.21 per \$1000 is approximately \$12,000,000. The actual OBWB requisition as of 2008 was \$2,000,000.

⁵¹ SLP, Clause 15, Appendix II.

⁵² See section 1.6.

⁵³ Joint regional district resolution approving *Proposal to Enhance the Effectiveness of the OBWB*, (2005, 2008).

⁵⁴ SLP Clause 14. "The Water Board shall establish a Liaison Committee consisting of persons appointed by such municipalities, regional districts, improvement districts and Government agencies as the Water Board may determine, and the Liaison Committee shall advise on such matters as may from time to time be referred to it by the Water Board."

- Establishing the Water Conservation and Quality Improvement Grants program;
 - Expanding the Board to include representatives from the Okanagan Nation Alliance, the Water Supply Association of BC, and the Okanagan Water Stewardship Council.
 - Granting OBWB authority to approve its operating and capital budgets.
- 7.4.2 Funding for the Water Management Program is capped at \$0.02 per \$1000 assessed property values within the Basin.⁵⁵
- 7.4.3 The OBWB carries over project funds across fiscal years.⁵⁶
- 7.4.4 The total cost of the Water Management Program and the Eurasian Watermilfoil Control Program cannot exceed the ceiling of \$0.036/\$1000 as given in 7.1.3, above.⁵⁷
- 7.4.5 The Water Management Program has a 3-year renewal period.⁵⁸ It is next scheduled for renewal in 2012.
- 7.4.6 The OBWB must document the activities of this program in their annual report.⁵⁹
- 7.4.7 The Water Conservation and Quality Improvement Grants Program provides funding to Okanagan local governments for water management projects with Basin-wide significance.⁶⁰

7.5 Financial Approvals

The following financial approval policies have been established for the OBWB.

- 7.5.1 The OBWB fiscal year begins April 1st.⁶¹
- 7.5.2 The OBWB annual operating budget for the succeeding year is presented for approval to the OBWB by the Executive Director in November each year.⁶²

⁵⁵ Joint regional district resolution approving *Proposal to Enhance the Effectiveness of the OBWB*, (2005, 2008).

⁵⁶ SLP, Clause 5 (ref. to Municipal Act Sect. 782 (2)), Appendix II.

⁵⁷ SLP, Clause 6, Appendix II.

⁵⁸ Joint regional district resolution approving *Proposal to Enhance the Effectiveness of the OBWB*, (2005, 2008).

⁵⁹ Joint regional district resolution, on renewal of the Water Management Program, (2008).

⁶⁰ Terms of reference available on www.obwb.ca. Program must be renewed by March 2012, and every three years.

⁶¹ Established by practice.

⁶² Established by practice.

- 7.5.3 The OBWB may approve its own detail capital and operating budgets, subject to the general annual budget process. This authority is subject to renewal every three years, and is currently in place through March 31, 2012.⁶³
- 7.5.4 The approved OBWB budget for the succeeding year is presented to the Regional Boards of the participating regional districts for incorporation into their own budget process on or before December 15 each year.⁶⁴
- 7.5.5 The OBWB budget is approved through a weighted vote of the entire Regional Board during each regional district's budgeting process.⁶⁵
- 7.5.6 Major capital expenditures by the OBWB must be approved in the form of resolution by the Regional Boards of the participating regional districts.⁶⁶
- 7.5.7 Financial approvals by regional district Boards for major capital expenditures are given through a vote of representatives from jurisdictions within the watershed boundaries – that is, representatives of areas that pay into OBWB.⁶⁷

7.6 Director Remuneration for Meeting Attendance

Remuneration for meeting attendance by OBWB Directors is targeted at the average rate provided for meeting attendance by participating regional districts.⁶⁸

8.0 Relationship with Local and Senior Government

8.1 OBWB and Local Government

OBWB is a local governance entity providing an inter-regional service to the three Okanagan regional districts for areas within the Okanagan watershed.

- 8.1.1 OBWB was established at the request of Okanagan local governments, who are the primary constituency.
- 8.1.2 The OBWB mandate is set by Supplementary Letters Patent to the three Okanagan regional districts.⁶⁹

⁶³ Joint regional district resolution approving *Proposal to Enhance the Effectiveness of the OBWB*, (2005, 2008).

⁶⁴ SLP, Clause 11, Appendix II.

⁶⁵ Budget approval process established by the Local Government Act.

⁶⁶ SLP, Clause 10, Appendix II.

⁶⁷ Follows Local Government Act policy for voting on decisions within service areas.

⁶⁸ Established by practice.

⁶⁹ See Appendix II.

- 8.1.3 The majority of OBWB Directors are appointed by the Regional Board Chairs from among local government elected representatives.
- 8.1.4 OBWB provides a mechanism for local governments to share resources and address local problems.
- 8.1.5 OBWB is supported through local property tax assessments.
- 8.1.6 OBWB policies and procedures are established either directly by or at the request of Okanagan local/regional governments.
- 8.1.7 The OBWB provides grant funding for sewage facilities upgrades and water conservation and quality improvement projects by local/regional governments.

8.2 OBWB and the Province of B.C.

- 8.2.1 The Province of B.C. has primary responsibility for water management and regulation in British Columbia through the *B.C. Water Act* and other legislation.
- 8.2.2 The OBWB was established through provincial legislation, under the *B.C. Municipalities Enabling and Validating Act*.⁷⁰
- 8.2.3 The Lieutenant Governor in Council has the authority to amend the OBWB SLP to the Okanagan regional districts. In the past, this has only been done in response to a request of the Okanagan regional districts.
- 8.2.4 The Province looks to the OBWB, as an inter-regional agency, to provide communication about inter-jurisdictional water issues; and to coordinate and participate in Provincial partnerships with Okanagan governments and water stakeholders.
- 8.2.5 The OBWB receives Provincial grant funding for water management projects and planning initiatives.

8.3 OBWB and the Government of Canada

- 8.3.1 The Government of Canada has delegated most direct water management responsibility to the provinces. The federal government maintains an active role in Okanagan water monitoring and research, and species protection. The federal government also has primary responsibility for transboundary water issues and related matters with Osoyoos Lake management.

⁷⁰ See Appendix I.

- 8.3.2 Federal agencies partner with the OBWB and Provincial Government on many water management planning and research initiatives.
- 8.3.3 The OBWB receives federal grant funding for water management planning and research projects.
- 8.3.4 The OBWB communicates directly to federal agencies and elected representatives about Okanagan water concerns.

8.4 OBWB and First Nations

- 8.4.1 The Chiefs' Executive Council of the Okanagan Nation Alliance appoints one OBWB Director and one Alternate Director.^{71, 72}
- 8.4.2 The spiritual aspects and value of water are central to culture of the Syilx people whose Bands form the Okanagan Nation Alliance.
- 8.4.3 The Syilx people recognize that water is essential to protecting the Okanagan environment, and for the economic and social health of their communities.
- 8.4.4 The Okanagan Nation Alliance wishes to partner with OBWB to facilitate communication and greater understanding about water to all residents of the Okanagan.

8.5 Reporting Back

The OBWB's primary constituents are Okanagan local governments, and there are established processes for Directors and staff to report back to these bodies.

- 8.5.1 OBWB Directors report back directly to their individual regional district Boards or organizations following each OBWB meeting.⁷³
- 8.5.2 Minutes of OBWB meetings are posted on the OBWB website (www.obwb.ca) as soon as they are approved, and are accessed by local governments as desired.⁷⁴ Minutes are available from all OBWB open meetings of 1968 to present.
- 8.5.3 A Board Report with meeting highlights is distributed to all regional districts, municipalities, media and stakeholders (on request) within two days of each regular meeting, and posted to the website.⁷⁵

⁷¹ SLP, Clause 7, Appendix II.

⁷² Corrected March 3, 2010. Original text: "The Okanagan Nation Alliance appoints one OBWB Director and one Alternate Director from the Chiefs' Executive Council," but see (footnote 71) above.

⁷³ Established by practice.

⁷⁴ Established by practice.

⁷⁵ Initiated May 2008.

- 8.5.4 An Annual Report is released each year to accompany the Audited Financial Statements, and is distributed to each local government jurisdiction.⁷⁶
- 8.5.5 An Annual General Meeting is held each year to coincide with the release of their Annual Report and Audited Financial Statements. The meeting details the Board's activities for the previous fiscal and upcoming projects and solicits input from member governments.⁷⁷
- 8.5.6 The Executive Director visits each Okanagan local government annually or on request to update them on the activities of the OBWB and answer questions.⁷⁸
- 8.5.7 At the beginning of each year, the annual operational Goals and Objectives are approved by the Board of Directors and posted on the OBWB website.
- 8.5.8 The OBWB maintains an up-to-date Outreach and Education strategy for increasing communication with local governments and citizens.⁷⁹
- 8.5.9 All finalized OBWB project documents and program terms of reference are available on the OBWB website.
- 8.5.10 Meetings of the OBWB and OWSC are open to the public.

⁷⁶ Joint regional district resolution as a condition of renewal for the Water Management Program (2008). The first OBWB Annual Report is for the 2008-2009 fiscal year.

⁷⁷ Joint regional district resolution as a condition of renewal for the Water Management Program (2008). The first OBWB Annual General Meeting is September 2009.

⁷⁸ Practice established by Board request, 2008.

⁷⁹ By Board request, 2008.

Appendix I. *Municipalities Enabling and Validating Act (MEVA)* Legislation Establishing the Okanagan Basin Water Board (OBWB)

Okanagan Basin Water Board

138. (1) The Lieutenant-Governor in Council may, upon the recommendation of the Minister, issue supplementary Letters Patent to the Regional Districts of Okanagan-Similkameen, Central Okanagan, North Okanagan, and Columbia-Shuswap, or any of them, providing that such regional district is empowered to participate with any other regional district in the establishment and operation of a board to be known as the “Okanagan Basin Water Board” (referred to as the “Water Board”), and the provisions of subsection (4) of section 766⁸⁰ of the *Municipal Act* do not apply to supplementary Letter Patent issued pursuant to this section.
- (2) The supplementary Letters Patent issued pursuant to this section shall set out
- (a) the member municipalities of the regional districts participating in the Water Board;
 - (b) the objects and purposes of the Water Board;
 - (c) the basis for sharing cost of the Water Board between the regional districts;
 - (d) the basis of sharing the portion of the cost of the regional district between its participating member municipalities;
 - (e) a limitation of the cost of the function of the Water Board;
 - (f) the representation of the regional district on the Water Board; and
 - (g) such other provisions and conditions as the Lieutenant-Governor in Council may deem proper and necessary. 1969, c. 23, s. 2.

⁸⁰ Subsection (4) of Municipal Act section 766 (1969) reads “*Before advancing a request under subsection (3) the Regional Board shall have received the consent of the Council of each municipality which is to participate in the function or functions and have submitted for and received the assent of the owners of the land in each electoral area which is to participate in the function or functions, except where the function is of a regulatory nature or where the exercise of the function is subject to a subsequent vote or petition under this Act or under Letters Patent or where the function is the power to provide a work or service for a member municipality by Contract.*” This corresponds to section 796.1 of the current Local Government Act.

Appendix II. Okanagan Basin Water Board Supplementary Letters Patent

Note: These supplementary Letters Patent have been consolidated from the Supplementary Letters Patents of the three Regional Districts of the Okanagan valley: North Okanagan Regional District; Central Okanagan Regional District; Regional District of Okanagan Similkameen and all amendments (1970-2006). Official versions are individual for each regional district and have separate amendments.

CANADA
PROVINCE OF BRITISH COLUMBIA

ELIZABETH the SECOND, by the Grace of God, of the United Kingdom, Canada and Her other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith.

To all to whom these presents shall come -

GREETING (WHEREAS by section 766(2)⁸¹ of
(the Municipal Act in addition
(to the functions conferred by
(the Act, a regional district
Minister of (has such functions as are
Municipal Affairs (provided by Letters Patent or
supplementary Letters Patent and for this purpose the Lieutenant-Governor in Council may, on the recommendation of the Minister, provide in the Letters Patent or supplementary Letters Patent such further objects, powers, obligations, duties, limitations and conditions in respect to any or all functions requested pursuant to the said section:

AND WHEREAS by section 138⁸² of the Municipalities Enabling and Validating Act, the Lieutenant-Governor in Council may, upon the recommendations of the Minister, issue supplementary Letters Patent to the Regional Districts of Okanagan-Similkameen, Central Okanagan, North Okanagan and Columbia-Shuswap, or any of them, providing that such regional district is empowered to participate with any other regional district in the establishment and operation of a Board to be known as the “Okanagan Basin Water Board” (referred to as the “Water Board”) and the provisions of subsection (4) of section

⁸¹ Language in this paragraph exactly follows language given in section 766(2) of the Municipal Act in the year 1969: “...in addition to the functions conferred by the Act....pursuant to [the said] section.”

⁸² See Appendix I.

766 of the Municipal Act do not apply to supplementary Letters Patent issued pursuant thereto:

AND WHEREAS under the said section 138 of the Municipalities Enabling and Validating Act the Regional Districts of North Okanagan, Okanagan-Similkameen and Central Okanagan have had supplementary Letters patent issued to them:

DIVISION IX – OKANAGAN BASIN WATER BOARD

1. All member municipalities of the Regional District of North Okanagan, Central Okanagan and Okanagan-Similkameen except in respect of those municipalities, electoral areas or parts thereof lying outside the Okanagan Basin boundaries as described in Section 13 shall participate and share in the cost of the Regional District, pursuant to this Division.
2. The Regional Boards of the Regional District of North Okanagan, Central Okanagan and Okanagan-Similkameen are hereby empowered jointly to participate in the Okanagan Basin Water Board hereinafter referred to as the “Water Board”.
3. The objects and purpose of the Water Board shall be:
 - (i) to organize or receive proposals from private interests, local organizations or agencies and all levels of governments concerning water resources utilization and management in the best interests of man;
 - (ii) to define problems and determine such factors as priorities, economic feasibility, responsibility, necessary support legislation and required action;
 - (iii) to provide communication and coordination between various levels of government and government agencies involved with water resources utilization and management;
 - (iv) to present proposals and recommendations to appropriate agencies, being municipalities or governments, according to jurisdiction and responsibility;
 - (v) to participate financially or otherwise, in such surveys, investigations or projects on behalf of municipalities, electoral areas or regional districts as may be authorized by the participating regional districts.
 - (vi) The Water Board shall be the regional authority referred to in Recommendation 1(b)⁸³ of the Comprehensive Framework Plan attached to

⁸³ Recommendation 1(b) of the Comprehensive Framework Plan reads: *“That the Okanagan Basin Water Board be reconstructed and Letters Patent amended to give the Board authority to carry out water resource management functions described above, in Alternative 1 [a].”* These are given in 1(a) as follows: *“to be responsible for those water resource management functions that pertain to the Valley as a whole and in particular, the implementation of the recommendations in this report that are Valley-wide in scope, especially*

and forming part of the Canada-British Columbia Okanagan Basin Implementation Agreement and the Water Board shall act as the co-ordinating agency in the implementation of any of the recommendations of the Comprehensive Framework Plan of the Okanagan Basin Study involving the regional authority.

- (vii) The Water Board may advise any municipality or regional district and any Provincial Department or Agency that any proposed action, regulation or by-law is contrary to the recommendations of the Comprehensive Framework Plan of the Okanagan Basin Study or any recommendation of the Water Board made pursuant to sub-paragraph (iv).
 - (viii) to participate in and to undertake an aquatic weed control program under a cost-sharing agreement with the Province.
4. The costs of the Water Board shall be apportioned between or amongst the participating regional districts in the ratio that the total of the taxable values as fixed for taxation for school purposes for the current year excluding the property that is taxable for school purposes only by special Act, in those participating member municipalities within each of the participating regional districts bears to the total of such assessed values of all of the participating member municipalities in all the participating regional districts.
5. The cost apportioned to each participating regional district for this function as determined under paragraph 4 hereof, shall be apportioned among the participating member municipalities of such regional districts on the basis referred to in section 782⁸⁴ of the Municipal Act.

Waste Treatment, the orderly development of shoreline recreational facilities and flood plain zoning." (1974 Okanagan Basin Study).

⁸⁴ From the original SLP of 1970. The apportionment of costs by Municipal Act section 782 corresponds to section 804 of the current Local Government Act. The Municipal Act section 782 as given in 1970 is as follows:

"(1) Except as otherwise specified in the Letters Patent or supplementary Letters Patent, the annual cost attributable to each function of the regional district shall be apportioned among the member municipalities on the basis of one hundred per centum of the assessed value of land and seventy-five per centum of the assessed value of improvements as fixed for taxation for school purposes in the current year, excluding property that is taxable for school purposes only by special Act; and the Assessment Commissioner and the Surveyor of Taxes, as the case may be, shall certify and forward to the Secretary the current-year net taxable assessed values of all land and improvements within each member municipality and specified area (if applicable) required for the purposes of this subsection."

"(2) Any surplus or deficit existing at the end of any year for that function shall be taken into account as revenue or expenditure, as the case may be, for that function for the immediately succeeding year."

"(3) There shall be apportioned among all member municipalities on the basis provided under subsection (1)

*"(a) the remuneration and expenses of the Chairman and the Directors of the Regional Board; and
 "(b) that portion of the costs of administration not specifically attributable to a function."*

"(4) The costs of administration attributable to a function shall be added to the costs of that function."

6. Subject to paragraph 13 the annual cost of the Water Board shall not exceed the product of \$0.036 per \$1,000 on the assessed values within the regional Districts of North Okanagan, Central Okanagan and Okanagan-Similkameen referred to in paragraph 4 above unless assented to by the owner-electors of the participating member municipalities thereof.
- 7.a) The representation of the Regional Districts of North Okanagan, Central Okanagan and Okanagan-Similkameen on the Water Board shall be three Directors of the Regional Board who shall be appointed for a one year term at the first meeting of the Regional Board in each year.
- b) In addition to the three directors from each of the three participating Regional Districts there shall be three Directors on the Water Board, as follows:
1. One Director who shall be a representative from the Okanagan Nation Alliance;
 2. One Director who shall be a representative from the Okanagan Water Stewardship Council; and
 3. One Director who shall be a representative of the Water Supply Association of BC.
8. At the first meeting in each year a Chairman of the Water Board shall be elected from amongst and by the members thereof.
9. The Water Board may regulate its procedures provided such regulations are in a form agreed to by all the Regional Boards of the participating regional districts.
10. No capital expenditures shall be undertaken by the Water Board without prior approval in the form of a resolution by the Regional Boards of the participating regional districts.
11. The annual operating budget of the Water Board for the next succeeding year shall be presented to the Regional Boards of all the participating member regional districts for approval on or before the 15th day of December of each year.
12. Nothing in these supplementary Letters Patent shall affect the rights of the Regional District of Columbia-Shuswap from becoming a member of the Water Board pursuant to section 138 of the Municipalities Enabling and Validating Act.
13. In addition to all other powers the Water Board, commencing in the year 1976, may require that all participating regional districts except in respect of those municipalities, electoral areas or parts thereof lying outside the Okanagan Basin hereinafter described as –

“(5) Costs of election of Directors shall be apportioned in the same manner as administrative costs under clause (b) of subsection (3), except that no part thereof shall be apportioned to a municipality represented by an appointed Director or appointed Directors.

“(6) Any revenue attributable to a function shall be set off against the cost of such function.”

[*Legal description of boundary of Okanagan Basin Watershed: see Appendix V. and http://www.obwb.ca/structure_governance/*]

shall contribute to the cost of constructing or up-grading sewage facilities in accordance with a formula to be determined by the Board and approved by the Inspector of Municipalities; but the total contribution required from all participating member municipalities in all participating Regional Districts shall not exceed the amount raised by a levy of \$0.21 per \$1,000 on the net taxable value of land and improvements for regional hospital district tax purposes.

- 14.** The Water Board shall establish a Liaison Committee consisting of persons appointed by such municipalities, regional districts, improvement districts and Government agencies as the Water Board may determine, and the Liaison Committee shall advise on such matters as may from time to time be referred to it by the Water Board.
- 15.** For the purposes as set out in paragraph 13 the Water Board may, by by-law, establish a reserve fund and the provisions of section 287⁸⁵ of the Municipal Act shall apply to the investment of monies at the credit of the fund.
- 16.** The Water Board shall administer and undertake an aquatic weed control program only within the Okanagan Basin, the boundaries of which are described in paragraph 13, and only those portions of the participating regional districts that lie within the Basin shall participate and share in the costs of the program.

AND THAT the Letters Patent of the Regional Districts of North Okanagan, Central Okanagan and Okanagan-Similkameen be deemed to be amended so as to conform to the premises as and from the date of these supplementary Letters Patent:

In testimony whereof, We have caused these Our Letters to be made Patent and the Great Seal of Our said Province to be hereunto affixed.

WITNESS, Colonel the Honourable John R. Nicholson, P.C., O.B.E., Q.C., LL.D., Lieutenant-Governor of Our said Province of British Columbia, in Our City of Victoria, in Our said Province, this twenty-fifth day of February, in the year of our Lord one thousand nine hundred and seventy, and in the nineteenth year of Our Reign.

By Command.

Provincial Secretary

⁸⁵ This amendment is dated 1975. Section 287 in that year specifies the type of fund, investments and institution it can be established within. This corresponds to section 183 of the current Community Charter.

Appendix III. Water Stewardship Council Terms of Reference⁸⁶

“The Water Board shall establish a Liaison Committee consisting of persons appointed by such municipalities, regional districts, improvement districts and Government agencies as the Water Board may determine, and the Liaison Committee shall advise on such matters as may from time to time be referred to it by the Water Board.” OBWB SLPs section 14 (October 1975)

1. Vision

The Vision of the Okanagan Water Stewardship Council is that the Basin will have clean and healthy water in sufficient abundance to support the Okanagan’s natural ecosystems, agricultural lands and high quality of life for perpetuity. Accurate, up-to-date water information and scientific knowledge will support community and regional planning. Water will be managed in a spirit of cooperation, and a valley-wide ethic of conservation will create a lasting legacy of sustainable water resources for future generations.

2. Mission

Council’s mission is to be a trusted source of expertise and knowledge for sustainable water management in the Okanagan, providing balanced and considered advice to the Okanagan Basin Water Board – and through them to the community at large. The Council will draw upon its member’s diverse range of knowledge and experience to develop the recommendations and implement the actions needed to achieve the Vision.

3. Function of the Okanagan Water Stewardship Council

The Council was established by the Okanagan Basin Water Board as an advisory body and communication channel to water stakeholder communities throughout the Okanagan. The Council provides independent advice supporting sustainable water management in the Okanagan, using its collective expertise to identify basin-wide water issues and develop workable solutions that reflect the best available science, innovative policy, and consensus approaches. The Council recommends only those actions that can be undertaken within the bounds of the OBWB mandate. In addition to its role as an advisory council, the Council will develop programs that contribute to the local knowledge base and provide stewardship tools for the watershed community, as well as providing *ad hoc* technical advice on Board projects.

4. Funding and Resources

The Council will be supported by funds allocated under the Okanagan Basin Water Board’s Regional Water Management Initiative. The Board will approve an operating budget for the Council, and Board staff will organize Council meetings, produce agendas and record minutes, provide information requested by the Council, and participate in special meetings, events and projects organized by the Council. The Council may recommend projects for funding by Board that promote basin-wide water management.

5. Council Goals

The goals of the Okanagan Water Stewardship Council are:

⁸⁶ Terms of Reference adopted by OBWB resolution on October 3, 2006.

- 5.1. To adopt an ecosystem-based approach for water resource management planning;
- 5.2. To increase understanding among all stakeholder of the value of water and knowledge about the state of the Basin's water resources;
- 5.3. To promote changes in human behaviour related to water resources, leading to greater water conservation and protection of water quality;
- 5.4. To advance effective and innovative water policy, promote good governance, and build support for wise management of water resources in the Basin; and
- 5.5. To engage the public and all stakeholders in shaping water policy for the Basin.

6. Council Objectives

The Council will achieve these goals by taking the following actions:

- 6.1. Advising the Water Board on basin-wide water issues that require timely action to address current needs or ensure future sustainability.
- 6.2. Consolidating information and expertise – compiling a strategy for sustainable water management that will:
 - a. identify critical information gaps and strategies to fill them;
 - b. advise on existing or proposed water legislation and policies;
 - c. propose changes to existing legislation, and identify needs for new legislation or policies;
 - d. develop priorities for OBWB projects and grant programs based on valley-wide water resource objectives;
 - e. recommend stewardship practices to protect water quality and quantity;
 - f. alleviate allocation disputes during times of drought;
 - g. address the needs of fisheries, wildlife and other environmental resources;
 - h. advise on integrating water, land use and recreation planning;
 - i. provide standards for demand-side management;
 - j. evaluate changes in the value and economics of water in the Okanagan;
 - k. advise on costs, benefits and timetables for water management projects;
 - l. identify, track and increase coordination between all water-related projects in the Okanagan.
- 6.3. Integrating research into water management recommendations including:
 - the Groundwater Assessment of the Okanagan Basin;
 - the Okanagan Water Supply and Demand Study;
 - emerging research on Global Climate Change impacts;
 - new technologies and approaches.
- 6.4. Submitting position papers or verbal presentations on water related matters to the Okanagan Basin Water Board – to be used at the Board's discretion to support their response to these issues.

- 6.5.** Increasing public communication and awareness about water resource issues by:
- assisting in the development of a report on the state of water in the Okanagan Basin;
 - developing strategies to educate the public and engage stewardship groups;
 - supporting water conservation education programs.
- 6.6.** Developing programs and other implementation tools that conserve or enhance water quality and supply.
- 6.7.** Building and strengthening partnerships between water stakeholders in the Okanagan – among these: all levels of government including First Nations; agricultural and industrial user groups; environmental organizations; community groups and water supply districts.

7. Council Membership Criteria and Mandate

The Okanagan Basin Water Board supports membership to the Council on the following basis:

- 7.1.** The Okanagan Water Stewardship Council has a three-year mandate ending March 31, 2012. The term may be extended with the agreement of the three Okanagan Regional Districts.
- 7.2.** The Okanagan Basin Water Board will invite selected organizations and jurisdictions to designate a representative to the Council – subject to Board ratification.
- 7.3.** The total number of members is by decision of the Board and the willingness of invitees to participate.
- 7.4.** Council members shall be appointed for eighteen-month terms. Members having to resign may nominate a successor appointee to complete their term, subject to Board ratification.
- 7.5.** Council members may designate alternates. Alternates do not need to be ratified by the Board.
- 7.6.** The Board may remove a member if it considers that this action would be in the best interest of the Council.
- 7.7.** A Council Chair and Vice Chair will be elected by a simple majority of the Council. The vote requires the presence of no less than two thirds of the members. The Chair will be ex-officio, and does not vote.⁸⁷
- 7.8.** The Chair and Vice Chair will serve for an eighteen month period. After that time elections will be held for both positions.
- 7.9.** The Council Chair will be a full voting member of the Okanagan Basin Water Board with the exception of financial matters. The Vice Chair will represent the Council in the absence of the Chair.

⁸⁷ OBWB resolution, January 2006.

8. Council Procedures

The Okanagan Water Stewardship Council will operate under the following procedures:

- 8.1. A simple majority of current Council members or alternates must be present to constitute a quorum.⁸⁸
- 8.2. The Council will operate on a consensus basis. The Council is a group with common values respecting the importance of water in the Okanagan. The Council has a responsibility to ensure that everyone is heard and that decisions are based on the best possible alternative.
- 8.3. The Chair will ensure that proposals being considered are well understood by everyone; that all objections or reservations have been heard before affirming that agreement has been reached.
- 8.4. Objections may be registered in the minutes through:
 - *Reservations or Non Support* – the Council Member disagrees with the decision but he or she will not stop the group from supporting it;
 - *Request for Postponement* – if a Council member strongly objects to a decision, they may request the Chair to postpone action on the item until the next scheduled meeting, to allow for a period of negotiation and sober second thought. Following the postponement period and additional Council discussion, the group may move forward with a decision based on majority opinion.
- 8.5. The Okanagan Basin Water Board will provide staff to prepare agendas and minutes, and to research matters directed by the Council. Staff will also act as liaison between the Council and the Board.
- 8.6. Council members can request items to be included in the agenda; however the final draft agenda will be developed by the Chair and approved at the beginning of each meeting.
- 8.7. The Council may invite resource people or other members of the public to make presentations or otherwise participate in the meetings.
- 8.8. The Council may form sub-committees or task groups to assess and report on specific issues as established by the Council.
- 8.9. The Council will meet at the call of the Chair.
- 8.10 Council Members who are not reimbursed by their employers or organizations may claim vehicle mileage at the current rate set by the Okanagan Basin Water Board.
- 8.11. Council meetings will be open to the public.
- 8.12. The Council sessions may be held in camera if the discussions involve personnel, land or legal matters.

9. Council Procedures

⁸⁸ OBWB recommendation, March 2006

Communications between the Council and the Board will follow the following protocol:

- 9.1. The Council may submit position papers, written letters or recommendations, or verbal presentations to the Board for consideration during regular Board meetings.
- 9.2. The Board may then take the recommendation under advisement or pursue further action as permitted under the Board's mandate.
- 9.3. If an issue requires timely action, the Council may submit written materials to the Board via staff or the Board Chair. The Board Chair may then choose to convene a special meeting to address the issue if deemed necessary.
- 9.4. The Board may request the Council, as a body, to submit recommendations on particular water stewardship concerns.
- 9.5. The Board or individual Board directors may request *ad hoc* technical advice from individual Council members on particular water stewardship concerns. The request may be made through staff, the Council Chair, or directly to Council members.
- 9.6. Individual Council members wishing to address the Board on their own behalf should request in advance to be added to the agenda of a regular Board meeting.
- 9.7. The Council will communicate with the public in the following way:
 - the Council will provide recommendations directly to the Board. These recommendations then become public documents unless they regard personnel, land or legal matters;
 - the Chair of the Council and Council staff may speak to the public on the Council's behalf;
 - the Board Chair may designate another member of the Council to act as spokesperson on a particular issue;
 - individual Council members may not communicate with the public on behalf of the Council, except as given, above;
 - Council members must clarify that they are not speaking for the Council when they speak for themselves or their organization on a Council-related issue.
- 9.8. Media releases, web-postings and other outreach materials produced by the Council must be approved in advance by staff or the Board Chair.

10. Conflict of Interest Policy

The Okanagan Basin Water Board does not wish to discourage Council members from bringing forward worthy project proposals for funding consideration by the Council and the Board. However, as an advisory body to the Okanagan Basin Water Board, the Conflict of Interest provisions of the community charter apply.⁸⁹

⁸⁹ Part 4, Division 6, Sections 100-109: "Conflict of Interest."

Appendix IV. Terms of Reference for Executive Committee

The Executive Committee provides advice and support to the Chair and Executive Director on OBWB matters as needed. The Executive Committee will report on all matters to the full Board, and will not take independent action without the direction and support of the Board.

1. Composition and Appointment

- 1.1. The OBWB Executive Committee is constituted as a committee of the Board, and consists of the Chair, the Vice Chair, the Executive Director, and two other Directors appointed by nomination of the Board such that there is representation on the committee from each regional district; and from at least one large municipality, one small municipality, and one rural area.
- 1.2. At the first meeting of the OBWB, the Board shall appoint members of the executive committee and their alternates for the ensuing year.
- 1.3. The executive committee may invite other Directors, members of the public, or other parties to attend meetings as it sees fit from time to time and assist in the discussion and considerations of the committee.

2. Purpose, Duties and Responsibilities and Decision-making Authority

- 2.1. The purpose of the executive committee is to support the Chair and Executive Director to make recommendations on OBWB policy, address personnel issues and review sensitive political matters before bringing them to the full Board for discussion and action.
- 2.2. As a sub-committee of the OBWB, the executive committee is intended to provide a smaller forum with the flexibility to meet between scheduled Board meetings.
- 2.3. The executive committee does not have decision-making authority, but is advisory to the Chair, Executive Director, and the full Board.

3. Meeting Procedures

- 3.1. A quorum for the executive committee is when there is a majority of members present.
- 3.2. The executive committee shall meet at the call of the Chair, or any two members of the committee.
- 3.3. The Vice-Chair, or in his absence, the Chair, shall preside at all meetings of the executive committee.

4. Reporting to the Board

- 4.1. The executive committee reports its activities to the OBWB at each regular meeting of the Board.

Appendix V. Map of the Okanagan Basin

