

Cowichan Watershed Board

Governance Manual

REVIEWED BY BOARD MEMBERS

March 2010

1. Introduction

The Cowichan Basin Water Management Plan (the Plan)

(http://www.cvrld.bc.ca/water_cowichan/index.htm) was completed in 2007 to provide a framework for:

- learning more about the basin system and water issues;
- protecting the ecological function of the system;
- balancing water supply and use; and
- building broad public understanding and support for the Plan.

The Plan was commissioned by the Cowichan Valley Regional District (CVRD), Cowichan Tribes, Ministry of Environment, Fisheries and Ocean Canada, Catalyst Paper, and the Pacific Salmon Commission who recognized that a more formal and proactive approach to water management was needed in the Basin in the face of continued population growth, climate change and the cumulative impacts of uncoordinated decision-making on the watershed in the past.

Effective water management in the Cowichan Basin has been hampered by the fact that legislative authority and responsibility for water and water resources is complex and spread among federal, provincial and local governments and agencies. Legislation associated with water lies in seven federal and 12 provincial *Acts*, as well as the *Community Charter* and *Local Government Acts*. As a result, leadership and coordinated decision making among the many agencies responsible for water and related resources have been challenging. In the Cowichan watershed crisis management associated with summer drought lead to the development of the Plan.

Goal Six of the Plan addresses the need to improve governance of Cowichan Basin water including how decisions about water are made and how the people making those decisions are held accountable for them. Specifically, the Plan proposes establishing and funding “a water management advisory council that represents basin-wide interests, maintains on-going dialogue among stakeholders, and builds trust and ownership among the participants and the public.” This advisory council herein referred to as the Cowichan Watershed Board (CWB) would essentially focus on guiding the implementation of the Plan. Its success would be judged by how well the CWB achieves progress in implementing the Plan and Plan related activities.

The CWB governance model presented here is intended to support collaborative, local decision making at the regional/watershed-scale within the existing institutional and legal water framework. As an advisory entity, the CWB’s role includes actively working with and encouraging the regulatory agencies to base their water management decisions on the Board’s recommendations. It is anticipated that as the province adopts water management reforms, the CWB model will co-evolve and could potentially receive some form of delegated authority to make some local water management decisions.

This governance manual is a living document that outlines Board’s governance framework and operating policies and procedures.

2. Governance Framework

2.1 Purpose

The purpose of the CWB is to serve as a formal entity to help guide the implementation of the Cowichan Basin Water Management Plan and improve the quality of water management decisions and the outcomes arising from those decisions within the Cowichan watershed.

2.2 Mandate

The CWB's mandate is to provide leadership for sustainable water management to protect and enhance environmental quality and the quality of life in the Cowichan watershed and adjoining areas.

The Board does not have regulatory authority but shall promote wise water management practices throughout the watershed by:

- advocating for the well-being of the watershed;
- guiding and coordinating the implementation of the Water Management Plan;
- providing timely, balanced and thoughtful advice to senior and local government authorities including First Nations;
- securing stable funding sources to support water management activities;
- engaging local stakeholders in water management decisions;
- gathering information on and monitoring the health of the watershed;
- providing and accessing specialized expertise and knowledge for sustainable water management in the Cowichan watershed; and
- developing public outreach and extension tools to enhance watershed thinking and to increase residents' understanding of water science, stewardship and management activities.

The Board is jointly established by the Department of Fisheries and Oceans, Ministry of Environment, CVRD, and Cowichan Tribes with the support of the Living Rivers Trust Fund, and Catalyst Paper and is accountable to those government partners.

2.3 Principles

The CWB is committed to the following principles:

- *Partnership*: The Board is built on a collaborative partnership among Cowichan Tribes, the CVRD, the Ministry of Environment, and the Department of Fisheries and Oceans, Catalyst Paper and the Living Rivers Trust Fund (the partners) and seeks to engage and bridge the interests of regulatory agencies, local water stakeholders and citizens.
- *Representation*: The Board members are appointed to serve the best interests of Cowichan Basin citizens and the region as a whole in a manner that is consistent with federal and provincial interests that support sound watershed management.

Members selected are to the greatest extent possible local community leaders and/or known water management champions-related experts.

- *Watershed Emphasis:* The CWB's priorities and activities are guided by a vision for the watershed as a whole that is based on ecological sustainability and balancing local needs.
- *Transparency:* To the greatest extent possible, the actions and decisions of the CWB will be transparent and open.

2.4 Roles and Responsibilities of the CWB

- Advocating for the well-being of the watershed and policies and decisions that reflect watershed thinking and positive outcomes for the watershed;
- Developing a process for seeking input from basin residents on CWB activities and for reporting back on activities;
- Reviewing and updating the Cowichan Basin Water Management Plan;
- Seeking input from the Technical Advisory Committee, governments, watershed groups, interests and residents as part of the annual business planning process;
- Preparing an annual business plan and budget based on the Plan;
- Ensuring appropriate financial controls;
- Preparing and distributing an annual report/business plan;
- Adhering to the principles and carrying out the responsibilities set out in the governance manual;
- Appointing, monitoring and evaluating the coordinator;
- Regularly reviewing and revising policies and procedures to ensure that the CWB is effective.

3. Operating Policies and Procedures

3.1 Membership

3.1.1 Appointment

The Board is 12 members who will be appointed by the government partners as follows:

- The CVRD will appoint three members from the CVRD Board including one member who will serve as Chair of the Board.
- Cowichan Tribes will appoint two members from among the chief and councillors of Cowichan Tribes.
- The CVRD and Cowichan Tribes will jointly appoint three or four members-at-large from the community to provide specific local watershed knowledge.
- One or two members will be recommended by the federal government.
- Two members will be recommended by the provincial Ministry of Environment.

A member may be removed if the Co-Chairs and a majority of the other members believe such action is in the best interest of Board's deliberations and effectiveness.

3.1.2 Terms

The Board's initial mandate will be for two years, notionally ending on December 31, 2011. Subsequent mandates will be for three years beginning January 1, 2012, consistent with the local government election cycle.

Subsequently, terms of elected officials will be commensurate with their respective terms of office. Other members will serve for two years. All members may be reappointed for subsequent terms. If a member resigns before the full term the appropriate government partner(s) will nominate a successor to complete the term.

3.2 Co-Chairs

3.2.1 Appointment

The Co-Chairs will be a CVRD Director and Cowichan Tribe's Chief/Councillor selected jointly by the CVRD and Cowichan Tribes.

3.2.2 Duties

The Co-Chairs will work with the coordinator to lead CWB in fulfilling its mandate. A Co-Chair has the responsibility to:

- Set agendas, call and preside over meetings to:
 - ensure that the CWB follows its adopted meeting procedures,
 - ensure that priorities are addressed, the best possible information is brought to the table, and all issues are thoroughly discussed and views fairly heard and represented, and

- influence the course of meetings as necessary to meet the agenda;
- Provide leadership to the CWB and assist it in reviewing and monitoring implementation of its strategies and policies;
- Build consensus, foster effectiveness and develop teamwork within the CWB;
- Coordinate CWB communications and activities and act as spokespersons for the Board;
- Liaise with and establish positive relationships with the senior government partners, funding partners and others;
- Consult with CWB members and address any issues that arise relating to Board's governance and operating policies,
- Based on consultation with Board members appoint special advisors to provide specialized expertise and advice to the Board as required;
- Ensure the evaluation of the coordinator takes place in a timely manner; and
- Ensure the other Co-Chair is kept informed of current and pending CWB issues.

3.3 CWB Meetings

- The CWB may establish its own procedures by consensus of the members.
- Regular meeting dates will be established at the first meeting of each calendar year. Other meeting dates will be determined at a minimum of every two months and at the call of the Co-Chairs.
- Members who are unable to attend a meeting can provide their written input to the Co-Chairs and/or coordinator prior to a given meeting. If required members will be given the opportunity to join meetings via teleconference.
- Meetings are open to the public except when the CWB closes the meeting for reasons given in Section 90 of the Community Charter, which include discussions involving personnel, land or legal matters that require confidentiality.
- Public notification of meetings will be provided at least one week in advance of regularly scheduled meetings.
- A Co-Chair may extend invitations to resource people or community representatives to attend meetings where their input would be of benefit.
- Members who are not covered by their employers or organizations for travel expenses are entitled to claim expenses for travel to and from the meetings at rates consistent with "industry standards" for local/regional government officials.

3.3.1 Quorum

A quorum exists when seven board members are present.

3.3.2 Minutes

Minutes of Board meetings will be prepared by the coordinator, reviewed and approved by the Board and made available publicly.

3.3.2 Decision-making

- Members will work to achieve consensus as much as possible.
- For routine, procedural, minor and non controversial decision making the Board will use “general consensus” decision making to move forward efficiently in meetings. If decisions are complex or substantive or if there is significant disagreement among members then the decision making process will be according to Robert’s Rules of Order.
- In consensus decision making a motion, a second, and as required discussion will take place before calls for a response on the motion.
- In consensus decision making a position of “I can live with that’ can contribute to consensus.
- Members will be mindful and make best efforts to act in accordance with the “Ground rules” itemized in Attachment 1.

3.4 Committees

- The CWB may form sub-committees or task groups to assess and report on specific issues.
- Terms of reference will be established for each committee or task group and the CWB will assess the performance of that committee against its terms of reference annually.
- The CWB will seek technical advice from and will refer research and restoration decisions to a Cowichan Watershed Technical Working Committee comprised of the partners and other knowledgeable individuals as well as the Cowichan Stewardship Round Table and other local stewardship groups like the Cowichan Lake and River Stewardship Committee, Somenos Marsh Wildlife Society, and Quamichan Watershed Stewardship Committee.

3.5 Timelines

- The Cowichan Basin Water Management Plan will be reviewed and revised every three years or sooner if required.
- An annual CWB report/business plan will be prepared by February 15th each year. The business plan will be based on priorities derived from the Plan and the previous year’s achievements and findings.

3.6 Roles and Responsibilities of the CWB Coordinator

The role of the coordinator is to provide leadership and administrative and technical support for the establishment and implementation of the Board. The coordinator reports directly to the Co-Chairs and with the Co-Chairs is the primary spokesperson for the Board. The CWB members have full access to the coordinator.

Specific responsibilities include:

- Implement code of conduct, dispute resolution and communication protocols to guide Board members in their deliberations and decision-making.

- Prepare and coordinate CWB meeting agendas, backgrounders, briefing notes, minutes, press releases, and responses to public inquiries about the Board's mandate and business outcomes.
- Provide administrative and technical support to the Co-Chairs and Board on emerging water management issues and programs/actions pursuant to recommendations of the Plan.
- Manage jointly contributed funds dedicated to the CWB's formation and operations.
- Liaise/consult with governments elected officials and staff, NGO's and individual citizens on water-related issues, particularly those identified as priorities by the CWB and its member organizations.
- Develop RFP's, terms of reference, award and manage contracts for specific tasks approved by the Board. Certify contractor performance and recommend payment of fees/expenses.
- Prepare progress reports and prepare/oversee production of the CWB's annual business report/business plan for public distribution summarizing the CWB's business achievements towards its primary goals and objectives.
- Coordinate and/or attend media interviews related to major water issues before the Board; prepare media advisories/backgrounders; lead development of a public education strategy in cooperation with the Board and communications consultants.

3.7 Funding and Resources

- Funding for the establishment and basic operations of the CWB, including a part time coordinator and in-kind administrative support like meeting rooms, communications, and secretarial services, will be provided, in the short term, by the partners.
- Project funding will be pursued opportunistically and as required.
- For the long term sustainability of the CWB, options will be explored with the partners for acquiring a stable revenue stream or streams to support Board activities. Revenue sources may include surcharges on water licenses, and possibly water use, sewerage fees or other sources.

3.8 Communication Policies

- The Coordinator, on behalf of the CWB, may prepare and submit briefing notes, position papers, letters or verbal presentations to various levels of government reflecting the Board's decisions and recommendations.
- CWB will communicate with the public in the following manner:
 - It will provide its decisions and recommendations directly to government elected officials and/or agency staff, at which time they will become public unless involving personnel, land or legal matters;
 - The Co-Chairs may speak publicly about CWB's business on behalf of the members;
 - The Co-Chairs may designate the Coordinator or another member of CWB to speak on the Board's behalf;

- Individual CWB members will not speak to the public on behalf of Board unless so designated; and
- CWB members must clarify they are not speaking for Board if they speak publicly on behalf of their organizations on a Board-related matter.
- Media releases, interviews, web-postings and other outreach materials produced by the CWB must be approved by the one of the Co-Chairs in advance as determined by procedures agreed upon by the Co-Chairs.

3.9 Evaluation

- An internal review of the CWB will be conducted at the end of the first mandate (December 2011).
- A third party external evaluation of the CWB will be conducted at the end of the second mandate (December 2014).

Attachment 1 – Ground Rules for Members

1. Members accept the responsibility to educate themselves on issues and come to meetings prepared for discussion.
2. Members will recognize the legitimacy of the concerns and interests of others, whether or not they are in agreement with them.
3. Members will seek to share discussion time, encouraging everyone to participate fully.
4. Members will seek to state their own concerns and interests clearly, listen carefully to others, and explore issues from all points of view before forming conclusions.
5. Members commit to:
 - Creatively searching for opportunities.
 - Speaking with respect and courtesy and not interrupting. This includes not holding side conversations when others are speaking.
 - Suspending judgments and assumptions and checking rumours prior to drawing conclusions.
 - Attempting to reach consensus on major decisions.
 - Advocating for the adopted plan.
6. All members will be mindful of the impacts of their public and private statements will have on the climate of this effort; particularly the spirit of attempting to solve problems collectively. Members shall also take special care to differentiate between representing the CWB versus personal opinion when writing or speaking independently.