

Columbia River Treaty Local Governments Committee
Terms of Reference
August 2022

Background

Whereas:

1. The Columbia River Treaty (CRT) ratified by Canada and the USA in 1964 provided benefits for Pacific Northwest region as a whole but has specific regional and local impacts to the area known as the Canadian Columbia Basin (the Region).
2. The USA and Canada initiated negotiations to modernize the Treaty in 2018. These negotiations have the potential to create further regional and local benefits and/or impacts to the Region. .
3. Local governments within the Region (Local Governments) have expressed a desire to actively and meaningfully engage in decisions around the future of the CRT on behalf of the residents of the Region (Basin Residents).

Therefore:

Local Governments have agreed to work together in creating the **Columbia River Treaty Committee** (CRT Committee) to assist Local Governments and Region residents to engage in decisions around the future of the CRT and work collaboratively with Columbia Basin Trust (CBT) on this issue.

1. Role:

The CRT Committee will provide a coordinated venue to:

- Ensure Local Governments of the region are actively engaged in CRT related issues.
- Create opportunities for dialogue and consultation with Canadian Provincial and Federal agencies around CRT related issues
- Work with CBT to create education and awareness activities in the Region to increase Local Government and Basin Residents understanding around CRT related issues.
- Work to help Canadian Provincial and Federal agencies to understand regional views, values and interests with respect to the CRT.
- Create mechanisms that consider Basin Residents' views in any discussions related to the future of the CRT and where appropriate, advocate for specific interests of the region.

CBT will provide support and expert advice to the Committee as required and agreed to between CBT and the Committee.

2. Responsibility:

- a) The CRT Committee will be responsible for developing a workplan that identifies specific actions to address the items identified in section 1 above.

- b) Local government members of the CRT Committee will be responsible for reporting back to the Local Government that appointed them to the Committee. The CRT Committee Chair will be responsible for reporting back to the Association of Kootenay Boundary Local Governments.
- c) Participation by Local Government representatives on the Committee does not preclude any Local Government from taking independent action with respect to any CRT matter.

3. Authority:

The CRT Committee's authority is limited to the roles identified in section 1 above and the tasks and projects outlined in the CRT Committee workplan that is to be developed.

The CRT Committee, and members of the Committee, will not represent the interests of the individual Local Governments unless explicit authority is provided by these entities.

4. Membership:

Initial CRTC membership (Members) will consist of 10 Members appointed as follows:

- 2 by Regional District of Central Kootenay
- 2 by Regional District of East Kootenays
- 2 by Regional District of Kootenay Boundary
- 2 by Columbia Shuswap Regional District
- 1 by the Village of Valemout
- 1 by the Association of Kootenay Boundary Local Government (AKBLG). An individual who is appointed by one of the Regional Districts may also be appointed by the Association.

Membership may be expanded to include other Local Governments, including First Nations, as and when determined by the Committee.

The Committee will select its own Chair and Vice Chair. Terms will coincide with local government election terms.

The Committee may decide to invite the Past Chair to serve as a non-voting member for 1 year who is called-upon to support the Committee as and when needed.

If an appointing organization is not able to appoint a currently elected official, the organization may appoint an individual who has been a Committee member in the past and who can meet the Membership Commitment requirements.

5. Appointment and Removal Process

Appointments to the CRTC will be for a term of 4 years and may be renewed by the organization that made the original appointment.

Members may be removed or replaced at the discretion of the organization that made the appointment.

The CRT Committee may request that individual Members be replaced by the organization that made their appointment.

6. Membership Commitment:

Members will be expected to

- a) Attend a minimum of 4 annual meetings in person (generally held in the Region).
- b) Attend teleconferences and other meetings as required and schedule permits.
- c) To the best of their abilities assist in carrying out the roles and responsibilities of the CRT Committee as identified in Sections 1 & 2 above.
- d) Abide by the attached Appendix 1 Conflict of Interest and Confidentiality Policy and Appendix 2 Code of Conduct.

7. Financial Remuneration:

Members will be reimbursed for all travel, accommodation, meal, registration fees and phone/fax expenses incurred while carrying out the work of the CRT Committee by and in accordance with the policies of the organization that appoints the member.

APPENDIX 1

CONFLICT OF INTEREST AND CONFIDENTIALITY POLICY

1. Definition

1.1 A conflict of interest is defined as an actual or perceived interest by a Committee member in an action that results in or has the appearance of resulting in, personal, organizational or professional gain. More generally, conflict of interest can be defined as any situation in which an individual is in a position to exploit a professional or official capacity to advance:

- their personal interests; or
- the interests of a related person; or
- the interests of their business associate, corporation, union or partnership; or
- the interests of a person to whom the individual owes an obligation.

1.2 The definition of conflict of interest includes any bias or the appearance of bias in a decision-making process that would reflect a dual role played by a Committee member(s).

2. Principles

2.1 Committee members shall avoid conflict of interest or the appearance of conflict of interest, either directly or indirectly. Their personal interests must not be in conflict with the interests of the steering committee. For example, Committee members must be alert to such situations as:

- (a) participating in decisions which will substantially influence the probability of obtaining a contract as an administrative agent or a project of interest' being funded through the Committee.
- (b) disclosing Committee information for personal gain; and/or
- (c) advocating personal or organizational interests rather than the broad geographic interests of all of the Basin.

2.2 In addition, Committee members should recognize that their membership on the committee provides them with information, which could be used or seen to be used to the advantage of their own organizations or those they have contact with. The Committee members must respect the confidentiality of any information which could be used or seen to be used for the advantage of some individuals or organizations until that information is made public.

3. Steering Committee Member Conduct Regarding Conflict of interest

3.1 Disclosure:

A Committee member shall declare a possible conflict of interest or the appearance of a conflict of interest as soon as practicable. Committee members are required to maintain a sense of fairness, civility, ethics and personal integrity while making decisions as a Committee member.

3.2 Absent themselves from the discussion:

Following a declaration of a possible conflict of interest by a Committee member, the Committee shall consider the information regarding the conflict and determine if the member in potential conflict should leave the meeting for the duration of the discussion and any related decision-making.

Further, after having declared a conflict of interest and left the discussion, no further information pertaining to that item shall be distributed to the Committee member.

3.3 Failure to Comply:

In the event that a Committee member knowingly fails to declare a conflict of interest, they will be subject to dismissal from the Committee immediately. In addition, the Committee will consider termination of any administrative contract or project of interest awarded or considered with the participation of the Committee member in conflict.

4. Members Conduct Regarding Confidentiality

4.1 Committee members should also avoid the perception that their access to privileged Committee information might give the organizations of which they are part an unfair advantage over others.

4.2 Members can avoid this perception of unfair advantage by:

Ensuring that the information Committee members are privy to by being part of the Committee is kept strictly confidential until such time as it is released to the public.

APPENDIX 2

CODE OF CONDUCT

Approved – February 24, 2021

This Code of Conduct applies to the members of the Columbia River Treaty Local Governments Committee. It is each member's individual responsibility to uphold both the letter and the spirit of this Code of Conduct in their dealings with other members, the Executive Director, and the public.

Elected officials must conduct themselves in accordance with the law. This Code of Conduct is intended to be developed, interpreted and applied by members in a manner that is consistent with all applicable Federal and Provincial Laws, as well as the common law and any other legal obligations which apply to members individually or as a collective.

A. FOUNDATIONAL PRINCIPLES OF RESPONSIBLE CONDUCT

1. ***Integrity*** – means being honest and demonstrating strong ethical principles. Conduct under this principle upholds the public interest, is truthful and honourable.
2. ***Respect*** – means having due regard for others' perspectives, wishes and rights; it also means displaying deference to the offices of the committee, and the role of the committee. Conduct under this principle is demonstrated when a member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others and an understanding of the role of the committee.
3. ***Accountability*** – means an obligation and willingness to accept responsibility or to account for one's actions. Conduct under this principle is demonstrated when members, individually and collectively, accept responsibility for their actions and decisions.
4. ***Leadership and Collaboration*** – means an ability to lead, listen to, and positively influence others; it also means coming together to create or meet a common goal through collective efforts. Conduct under this principle is demonstrated when a member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others.

B. STANDARDS OF CONDUCT

1. ***Integrity***: Integrity is demonstrated by the following conduct:
 - Members will be truthful, honest, and open in all dealings, including those with other members, the Executive Director and the public.
 - Members will ensure that their actions are consistent with the shared principles collectively agreed to by the committee.

- Members will follow through on their commitments, correct errors in a timely and transparent manner, and engage in positive communication with the community.
 - Members will direct their minds to the merits of the decisions before them, ensuring that they act on the basis of relevant information and principles and in consideration of the consequences of those decisions.
 - Members will behave in a manner that promotes public confidence in all of their dealings.
2. **Respect:** Respect is demonstrated through the following conduct:
- Members will treat every person with dignity, understanding, and respect.
 - Members will show consideration for every person’s values, beliefs, and contributions to discussions.
 - Members will demonstrate awareness of their own conduct, and consider how their words or actions may be perceived as offensive or demeaning.
 - Members will not engage in behaviour that is indecent, insulting or abusive. This behaviour includes bullying, unwanted physical contact, or other aggressive actions that may cause any person harm or makes them feel threatened.
3. **Accountability:** Accountability is demonstrated through the following conduct:
- Members will be responsible for the decisions that they make and be accountable for their own actions and the actions of the collective committee.
 - Members will listen to and consider the opinions and needs of Basin communities in all decision- making, and allow for appropriate opportunities for discourse and feedback. When a member is advocating for their constituents interests, they will check in with neighbouring Indigenous Nations and potentially impacted downstream local governments and share any concerns with their constituents and their local government. If there are concerns, they will advocate for appropriate opportunities for discourse and feedback with regional Indigenous Nations, other potentially impacted governments and the public to seek mutually beneficial solutions.
 - Members will carry out their duties in an open and transparent manner so that the public can understand the process and rationale used to reach decisions and the reasons for taking certain actions.
4. **Leadership and Collaboration:** Leadership and collaboration is demonstrated through the following conduct:
- Members will behave in a manner that builds public trust and confidence in the committee both internally and externally.
 - Members will consider the issues before them and make decisions as a collective body. As such, members will actively participate in debate about the merits of a decision, but once a decision has been made, all members will recognize the

democratic majority, ideally acknowledging its rationale, when articulating their opinions on a decision.

- Members will recognize that debate is an essential part of the democratic process and encourage constructive discourse while empowering other members and staff to provide their perspectives on relevant issues.
- As leaders of their communities, members will calmly face challenges, and provide considered direction on issues they face as part of their roles and responsibilities while empowering their colleagues and the Executive Director to do the same.

Members will recognize, respect and value the distinct roles and responsibilities others play in providing good governance and commit to fostering a positive working relationship with and among other members, the Executive Director, all orders of government, including Indigenous Nations, and the public. Individual Committee members will continue to engage with neighbouring Indigenous Nations on local CRT related topics. Individual members will not engage with Indigenous Nations on sub-regional or Basin-wide CRT related topics.