

# THE CREATION OF THE CENTRAL KOOTENAY FOOD POLICY COUNCIL

A CASE STUDY  
MAY 2017



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## THE CHALLENGE

Determine an effective structure and body that would:

- effectively link diverse communities and sectors across 22,000 square kilometres
- ameliorate the policy environment for the region's food systems
- increase the impact of financial and social investments in food systems across the Central Kootenay.

## THE OUTCOME

Founding of the Central Kootenay Food Policy Council that has:

- a 26 member Council with diverse community and sector representation
- a growing profile with local government as a policy advocate and advisor on food systems and policy
- strong participation of area funders and community leaders

Disclaimer: The opinions expressed within this report are those of the author, not of the Central Kootenay Food Policy Council nor of its partners and funders.

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**BACKGROUND**

Numerous reports over the past decade from various sources identified the need for a convening body to bring strategic coherence to food systems work in the Central Kootenay. Two key meetings in 2015 brought together community leaders in the region, including funders and policy makers. The outcome of those meetings was the creation of a fundraising initiative for a regional food policy council. The Council would positively influence the region’s food systems and related policy. It would also act as a means to reduce ad hoc and redundant investments of financial and social capital seeking to enhance Central Kootenay food economies and improve the food security of its residents.

Successful applications from multiple funding sources then launched a project tasked with determining the best model for a regional food policy council and with guiding its formation and ongoing activities in the Regional District of Central Kootenay.

While there are admittedly many food policy councils across North America from which to learn, few of them work across the rural - urban divide. The Central Kootenay Food Policy Council was always intended to be a hybrid rural-urban Council, mirroring the reality of Central Kootenay food systems and communities. It was hoped that the Food Policy Council would also enable a formal bridge between local government and the many civil society and industry organizations working on food systems in the region.



## THE OBSTACLES

### Big Geography Small Population

The 59,517<sup>1</sup> residents of the Central Kootenay are scattered across more than 22,000 square kilometres. Of the 9 municipalities in the Regional District, five have less than 2,000 people residing within their political boundaries, with even the largest, Nelson, having less than 11,000 residents. And bucking the global trend, more than 50% of RDCK residents live rurally. Each municipality is tucked into one of the many valleys that traverse and divide the region and that provide space for the rural homesteads that dot the landscape. From one end of the region to the other, Yahk to Nakusp, is almost a four hour drive.

### Competing Interests

Local government is united under the umbrella of the Regional District of Central Kootenay, with 20 Directors representing the 11 rural Electoral Areas and the 9 Municipalities. There is a great diversity of population, history, topography, culture, employment opportunities, and climate across the region. There is a practice in the RDCK, over time and across initiatives, of collaborating but also of withdrawing from collective efforts. Some services offered by the RDCK have a high level of support while others may see, for example, more interest and contributions from the rural Directors but perhaps not the municipalities. Building inspection, public facilities, sustainability services, waste and recycling, and transit are some examples that will have varying levels of support across the RDCK, based on how much a given municipality or electoral area wishes to participate, opt out, or provide their own.

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<sup>1</sup> As of the 2016 Census

## Policy?? Food Systems??

Among local government politicians and public servants, policy and its associated processes are well understood. However, for municipal government in particular, it can be hard to see where and how food systems is part of their purview. For many in local government, food systems is equated with agriculture. Frequently, the scope of food systems for municipal government is confined to backyard keeping of hens or bees and the odd community garden. The fact that there is a critical mass of eaters in a municipality, that the major markets for food are in municipalities, and that public transit routes can be critical in transporting people to food outlets point to just a few of the myriad ways in which municipalities can positively impact food systems.

And while most urban residents experience daily how food systems are inextricably integrated into city life, they rarely engage with policy and the public processes that help to create and amend it. Reacting to perceived or actual problems that can be laid at local government's door is much more common than participating in the opportunities that are regularly presented to shape a community's public policy and life. Policy is opaque, boring and not sexy, even if it has to do with food.

## **THE PROCESS**

### Phase 1: Initiating the Project

A Project Advisory Committee was struck, drawing on the community leaders and funders who had participated in the seminal 2015 meetings. This Committee guided the Project Co-ordinator in the development of a governance model that would bring diverse perspectives and voices around the eventual Council table. Careful research and community consultation sought to ensure that the Council would be representative of the range of

factors and needs related to food systems in our area, from hunger and access to production and markets. Additionally, the Committee guided the decision on how people got on the Council - which in the end was a combination of dedicated seats for a representative of Yaqan Nukiy (Lower Kootenay Band), local government appointees, and the region's solitary Ministry of Agriculture staff, with the remainder filled through an application process. (see Appendix A: Application form)

A Selection Committee was struck from amongst the Advisory Committee members. The Selection Committee screened applicants, filtering their sector, geography and experience qualifications through a matrix derived from the governance model (see Appendix B for the Governance Proposal). The Governance Matrix was developed to ensure that, with each succeeding Council, there would be diverse representation around the table and that voices not recently or not yet present would be prioritized.

The Project Advisory Committee also directed the creation of the Council branding, foundational for the ever-increasing outreach and education about the project and the Council that was being proposed. In addition to the creation of a website and its content, a series of information sheets were developed for various audiences. Multiple media releases were created and released through the RDCK's channels as well as by project partners. An introductory presentation was made to the RDCK Board and to the Municipal Councils of Salmo, Creston, Nelson, Castlegar and Nakusp.

The Advisory Committee determined that the Council needed to establish itself as a legitimate entity so that it could assume the necessary legal, financial and administrative functions without needing a sponsor. It was decided to register the Council as a Society with the province as a first step, and subsequently to pursue charitable status. The Council obtained Society status in February 2017

The Advisory Committee's final task was to respond to a slate for the Council presented by the Selection Committee. The Committee disbanded following the November 2016 meeting at which the slate for the Central Kootenay Food Policy Council was approved.

## Phase 2: Council formation

The shift from creating a Council to actually functioning as a Council was made easier due to the fact that 8 members of the Advisory Committee joined the Food Policy Council. Their deep understanding of the origins and rationale for creating the food policy council, as well as how it was intended to function, helped to advance the Council as a whole. Thus it did not fall solely on the shoulders of the Project Co-ordinator, who transitioned to the Council Co-ordinator role, to educate and support the Council members.

Between the inauguration of the Council and the end of this project (December 2016 through the end of May 2017), the Council met a total of 4 times, one of which was a day-long meeting in early March, the remainder by teleconference.

The March meeting of the Council was very successful and served multiple purposes. Bringing people together in person enabled everyone to put a face to the voices they may have only heard on the telephone. The Agenda and content were the result of collaborations with key partners: Interior Health, the Rural Development Institute, and Community Futures Central Kootenay. We also benefitted enormously from the contributions of an intern completing a Masters in Public Health at the University of Victoria, Danielle Campbell. Danielle donated 450 hours to the Council, during which she collated the recommendations in the many regional food systems reports, analyzed them, and then used them to create a logic model and evaluation framework for the Council. The Logic Model (see Appendix C) and Evaluation Framework



were presented to and discussed with the Council members and community guests who were present at the March 6th meeting.

Participants at the March meeting worked in large and small groups, developed draft mission statements, learned about the health of the region's communities and heard about the important link between the Council's mandate and economic development. An invitation to sit on the Council's executive was extended, accompanied by an overview of the responsibilities. The meeting wrapped up with an exercise to make explicit the ways and needs related to each Council member's engagement with their respective community or sector, creating a baseline against which we will be able to measure progress on the efficacy of that vital link.



The subsequent Council meetings have served to strengthen the relationships and to support information exchanges between Council members. They have also served as forums to clarify how we will institutionalize our processes, determine priorities and activities, and deepen the understanding of Council members of their role and responsibilities.

A Council Executive was established based on those who responded to the invitation to participate. The Executive is choosing to meet in person for several hours every six weeks and is proving very effective in supporting the Council Co-ordinator and helping to refine the focus and mission of the Council. The Executive will be formally approved by the Council following the June meeting of the whole Council.

## **THE OUTCOME**

The Central Kootenay Food Policy Council has been successfully established. Drawing on the lessons learned and captured in Rod MacRae and Kendal Donahue's excellent report on food policy councils in Canada<sup>2</sup>, it was decided to create a council that is arms-length from local government but that has formal ties. This allows the Council to operate unconstrained by the Local Government Act and fosters the deepening of the relationship with local government and the credibility of the Council.

More than just having a roster of members and a website, the Council is made up of dedicated individuals from diverse sectors and circumstances, across the geography of the Central Kootenay, who bring an enthusiasm and curiosity to the task at hand. The Project was successful in generating interest beyond the "usual suspects" and so the Council is bringing together new voices and conversations to food systems work in the Central Kootenay.

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<sup>2</sup> Municipal Food Policy Entrepreneurs: A Preliminary Analysis of how Canadian cities and regional districts are involved in food systems change.

The Council is an emergent work-in-progress, and so benefits enormously from the contributions, questions, and comments by the new Councillors. The resulting conversations are helpful in bringing to the surface assumptions and needs to be addressed so that the Council can be as effective as is hoped.

Through consistent outreach to as well as champions within local government, the Food Policy Council is known across the Region. The local media have regularly covered the activities and presentations of the Council, helping to heighten its profile and generate interest within the broader community. The Council has secured \$31,000 as well as significant in-kind contributions towards core activities for the next year, a luxury rarely privileged community-based groups. It is expected that this will be augmented by project-specific funding for initiatives that advance the mission and purpose of the Council.

Right from the start, even while the Council was still in the project phase (pre-formation), it was receiving invitations to comment, to participate, to be consulted. The Project Co-ordinator responded as was appropriate and possible. It augurs well for the future influence of the Council that it is already seen as a credible advocate and advisory body on food systems policy and issues in the Central Kootenay.

The project to create the Council was initiated by local government champions. They have continued to support and champion the project and the Council. The relationship between the Council and local government was formalized with the appointment by the RDCK Board to have two of its Directors and its General Manager of Development Services sit on the Food Policy Council. Additionally, amongst the Council membership is a third RDCK Board Director, a Nelson City Councillor and a Senior Planner, following their respective successful applications. This has resulted in effective two-way communications, notification of funding and policy opportunities, and consistent and generous administrative supports.

## LESSONS LEARNED

### Champions

A major contributor to the successful creation of the Food Policy Council was the meeting in 2015 which brought together select public servants, politicians and local funders. During that key meeting, community-based food systems experts guided the participants in an exploration of their role in the food systems of the Central Kootenay. An outcome of the meeting was a declaration by the Mayor of the City of Nelson that we need a food policy council, which garnered immediate support from other area politicians present. That set in motion the effort to secure funding to create a Council. The encouragement and support of the Real Estate Foundation early on in the process was also instrumental in successfully establishing the Council.

The active involvement of local politicians and public servants throughout the process resulted in many lessons learned. They are the experts in the purview and boundaries of local government. As this Food Policy Council is intended to work within the political boundaries of the Central Kootenay Regional District, this expertise from key and consistent actors in the process has helped to identify feasible funding and program options for the fledgling Council as well as to open doors to other important contacts within local government and the region.

Local government partners have also been instrumental in helping to build an understanding of the complex processes and laws that govern the functions of local government and where and how the Council can be engaged and seek to have influence. It has been necessary to develop patience and an appreciation for the length of time it can take to move things along within local government, though with the right mix of champions, serendipitous timing, and activities that fall under existing services, sometimes change can happen rapidly. The Council has been allocated core funding under the

Regional District's Sustainability Services. This Service has an existing tax base but is in early development, determining what the scope and application of the service would be. Happily, the Food Policy Council has been deemed a suitable recipient of funds from the Sustainability Service, thanks in large part to internal local government champions who are involved in the Committee that is developing the scope of the Service.

The Sustainability Service funding allocation provides leverage for the Council to obtain funds from the six Central Kootenay municipalities that do not contribute to the Service. It will be necessary to continue to provide outreach and education to these municipalities to demonstrate that the Council can help them to achieve their respective sustainability goals. But the precedent set by the Regional District's Sustainability Service funding the Council will undoubtedly support this effort.

## Public Good

As a result of the Council's close relationship with local government, we were prompted to learn about the legal constraints associated with managing potential conflict of interest when local politicians are involved. Given that the Food Policy Council receives funding from the local government and has an explicit mandate to seek to influence the policy of local government, the potential for at least perceived if not actual conflict of interest is high. The issue was raised by a Council member who is both a local politician and sits on the Board of a large Foundation. With assistance from public servants at the Ministry of Community, Sport and Cultural Development, we discovered the recently created Conflict of Interest Exception Regulation. This Regulation recognizes that the public good can be and is provided through the efforts of community based groups. As long as the group is a registered society within the province of British Columbia and the elected official has been appointed by their respective local government, they are not in a conflict of interest. (See

Backgrounder, Appendix D). This is a vital piece of information that will help to ensure the full and free participation of elected officials in our Food Policy Council, which is a registered BC Society.

The Food Policy Council will need to be consistent in its messaging that it seeks to further the public good related to food systems - in the realms of hunger and food access, fostering viable farm enterprises and supportive policy, and addressing the environmental impacts of food systems from field production to our kitchens. The Council will need to continue to deepen its understanding of the processes of local government and seize opportunities when they arise to positively influence those processes. It will also be necessary to understand local politics since the power dynamics and differing needs of communities and sectors within the region are real and cannot be ignored if we want to effect long term positive change.

## Governance

Governance and proper decision-making processes had to be addressed within the project and the Council as well. The oversight and decision-making for the Project to create the Council was pretty straightforward: the Project Co-ordinator had co-supervisors, one from the fiscal host and a second from local government. An Advisory Committee was created and provided input and direction to the Project which was clearly defined within the several successful funding applications and subsequent contracts to form the Council. However, when the Council was established, it ostensibly took over the governance and oversight duties.

The Project Advisory Committee had approved a Terms of Reference which was to be adopted by the newly formed Council. In creating a registered Society, it was also necessary to draft and submit Bylaws and a Constitution for the Council. These documents outline the scope and functions of the

Council. Nonetheless, there remains a need to formalize and institutionalize the decision-making processes of the Council, from appointing the Executive, to providing supervision of the Council Co-ordinator, its finances, work plan and public engagement activities. This process is underway. The challenge lies in the fact that the activities of the Council and its co-ordinator continue in the interim, including speaking engagements, the development of project concepts and partnerships, analysis of policy engagement opportunities and ongoing communications, to name a few. Nevertheless, this chicken and egg reality is not insurmountable, aided by an active Executive, an enthusiastic, diligent and engaged Council, an experienced Co-ordinator, and a growing mutual trust based in part on pre-existing relationships.

### Ongoing Education

Food Systems are incredibly complex, as are the regulatory regimes that govern them. Regulation and policy related to food systems are embedded at all levels of government, in agencies and departments where the connection is obvious and also in those where it is less so, such as transportation, land titles, and employment standards. As a result, both within government and civil society, there is a constant need to provide information about food systems, to disentangle the web of legislation that governs them, and to explain the role of a food policy council. Food Policy Council members need to be informed about policy processes and how and when they impact food systems in the Central Kootenay. And local government needs to be educated about the intersections between their purview and food systems.

## **FINAL THOUGHTS**

The creation of the Central Kootenay Food Policy Council was, in some ways, a quick process, from a critical meeting in March of 2015 through to the formal appointment of the Council in December 2016. This was possible due to the

involvement of key actors within both civil society and local government as well as the partnership with high profile agencies like Community Futures of Central Kootenay and the support of funders like the Real Estate and Osprey Foundations. However, it built upon decades of work by agricultural and civil society organizations, by individuals and businesses seeking to enhance the food systems of the region.

In order to fulfill its potential as a respected and effective intervenor in the policies affecting food systems of the Central Kootenay, the Council will need to demonstrate that it is indeed an organization with expertise and interest in policy. And it will only know what is needed in the way of policy amelioration if it truly convenes and hears the voices of diverse actors, communities and sectors of the region. If it does so, it will achieve its mission of building a just, sustainable and prosperous food system in our region by identifying challenges and opportunities and by advocating for effective policy.



Appendix A

**Central Kootenay Food Policy Council  
Councilor Application Form**



Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone number \_\_\_\_\_  
Email Address \_\_\_\_\_  
Occupation (optional) \_\_\_\_\_  
Employer (optional) \_\_\_\_\_

Please mark the categories below in which you have direct experience or expertise.

**Governmental**

- Health
- Education

**Food Sector**

- Commercial Farming
- Homesteading
- Processing
- Retailer
- Restaurant
- Distributors

- Waste management

**Stakeholders / Community**

- Community food initiatives (emergency or otherwise)
- Youth
- Indigenous
- Environment
- Community Foundation
- Economic Development
- Real Estate

If you have marked more than one category above, please indicate which ones best represent your role on the Council by ranking them in order, with 1 being the strongest.

- 1 \_\_\_\_\_
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_

Please explain how your expertise / experience makes you a suitable candidate for the food policy council, referencing the categories you have chosen above.

Why would you like to serve on the Central Kootenay Food Policy Council?

Please tell us about contributions you have made to food systems and / or community in the Central Kootenays.

Please describe the contributions you believe you can make to the Food Policy Council.

Please explain how you will report back and receive input from your constituency.

Please provide a brief (no more than 150 words) biography of yourself.

Please provide two references of individuals who can speak to your suitability as a candidate for the Food Policy Council.

Name \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Email \_\_\_\_\_  
Relationship \_\_\_\_\_

Name \_\_\_\_\_  
Phone Number \_\_\_\_\_  
Email \_\_\_\_\_  
Relationship \_\_\_\_\_

Declaration:

- I understand that the Central Kootenay Food Policy Council members are appointed for a term of 2 years<sup>1</sup> with the possibility of one renewal. If appointed to the Council, I will be available to serve the full term.
- I understand that the Central Kootenay Food Policy Council will meet up to 8 times per year and that I will do my best to attend all meetings.
- I give permission to the Selection Committee to contact me for more information, as necessary, about my application.
- I give permission to the Selection Committee to contact the provided references about my application to sit on the Council.
- I understand that the biography I have provided in this application may be used in promotional materials of the Central Kootenay Food Policy Council if I am selected to become a councilor.

Applicant Signature \_\_\_\_\_

Please complete the online form or send the completed application to [admin@ckfoodpolicy.ca](mailto:admin@ckfoodpolicy.ca) **no later than October 17<sup>th</sup>**. If there is more you would like to tell us about yourself, please include this in a covering letter. If you have one available, please include a current Resumé.

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<sup>1</sup> With the exception of the inaugural Council, where terms will be a mix of 1, 2 and 3 year terms in order to ensure that they are staggered and that there is adequate continuity on the Council.

## Appendix B

Governance Proposal for the Central Kootenay Food Policy Council  
Working document  
Drafted by Abra Brynne, Project Co-ordinator  
August 2016

### **Council mandate**

The primary functions of the Food Policy Council are:

1. To serve as forums for discussing food issues;
2. To foster co-ordination between sectors implicated in food systems;
3. To evaluate and influence policy,
4. To discern priorities and;
5. To launch or support programs and services that address local needs.

Through formal ties with local government, the Central Kootenay Food Policy Council will provide strategic direction to planning activities of local government, at the level of the RDCK and sub-governmental (electoral areas and municipalities). Because the Council will be representative of implicated sectors and stakeholders in the Central Kootenays, it will enable the co-ordination of initiatives across the region, reducing redundancy and enhancing the impact of the many but frequently disconnected human and financial resources invested in food systems in the RDCK.

### **Council Make-up**

The Central Kootenay Food Policy Council will be made up of up to 26 individuals who must reside within the boundaries of the RDCK. The Council will include residents from throughout the region. This geographic requirement will be factored into the selection of representatives from these key sectors with proposed numbers for each:

#### **Governmental**

- Local Government – elected (2)
- Civil Servant (2)
- Min of Ag (1)
- Health (1)
- Education (2)

#### **Food Sector**

- Commercial Farming (2)
- Homesteading (1)
- Processing (1)
- Retailer (1)
- Restaurant (1)
- Distributors (1)
- Waste management (1)

#### **Stakeholders / Community**

- Social Services (1)
- Non-profit (2)
- Youth (1)
- Indigenous (1)
- Environment (1)
- Community Foundation (1)
- Economic Development (2)

## **Representation**

Where a sector or stakeholder category has some form of umbrella agency, the agency will be responsible for proposing representative(s) on the Council according to their standard practice. It will be expected of that representative that s/he will function as a communication bridge between the Council and the respective sector.

Where no umbrella organization exists, individuals will apply to fill specific positions on the Council and will be eligible depending on their qualifications and ability to represent that sector's perspective and needs.

Each Councilor may have an alternate who will be determined through the same process as the lead Councilor (by appointment from the sector or through application).

## **Terms**

All Councilors will serve 2-year terms. This will be waived for the inaugural Council, whose members will self-select for a 1, 2 or 3 year term, in order to have a mix of term endings to ensure that there will be sufficient continuity on the Council at all times. A Term will commence on November 1<sup>st</sup> and end October 31<sup>st</sup>. Should an opening occur between those dates, the remaining Councilors may choose to fill it, following the standard procedure to do so.

## **Application Process**

The Council staff will put out a call for prospective Councilors by July 31<sup>st</sup> each year with applications due by September 15th. The call will include information on the positions available as well as the application and selection process. A paper and on-line application form will be available to applicants.

A Selection Committee of the Council, supported by Council staff, will be responsible for reviewing applications, undertaking interviews and reference checks, and recommending candidates for Council approval. The selection criteria will be determined by the positions to be filled as well as the individual's relevant expertise and willingness to commit to the time commitment and work of the Council.

Both the selection criteria and decision-making process will be publicly available.

## Logic Model for the Central Kootenay Food Policy Council (CKFPC)\*

Inputs → (Resources we invest)	Activities → (What we do)	Outputs → (Indicates level of activity taking place)	Outcomes		
			Short- to mid-term Outcomes → (Change in learning)	Mid-term Indicators → (Change in action)	Long-term Impacts (Change in condition)
CKFPC member's time, engagement, & expertise	CKFPC members attend meetings & coordinate activities	Data gathered regularly based on established indicators	Increase community understanding of food systems	Residents purchase more regional food	Increase regional food self-reliance
Financial support by** : IHA, CBT, OCF, RDCK, CFCK, & REFFBC	Develop clear action agendas	Regularly edit which data are collected to maximize data efficiency & CKFPC effectiveness	Improve awareness of regionally unique goals & initiatives (e.g. promoting regional ecosystems & farming stimulates local economies)	Land is protected by enforced policies that sustain a healthy regional food system	Improved population health
Ongoing funding support	Research & evaluate policy, presenting multiple options to influence policy	Track & evaluate indicator changes, report findings & use for strategic planning	Recognition that the CKFPC exists, the purpose it serves & its value to communities supports CKFPC credibility	Government, civil sector, & businesses adopt policies that support a regional food system	Thriving economy
Time & direction from municipal, regional & provincial government representatives	Foster a collaborative spirit, coordinating between food system sectors	Land use assessments inform planning & decision-making	Food practices & food system learning is embedded in school curriculum	Government, civil sector, & businesses engage in activities that support healthy regional food systems	Adequate & culturally-appropriate food for all
	Launch or support programs & services that address regional needs		Increased support for farmers (e.g. education, research, infrastructure, land protection, fee exemptions, & adequate financial return)	Improved collaboration between food system players: production, processing, distribution, consumption, & waste recovery	Food sovereignty: residents' right to define the Central Kootenay food & agriculture system
	Identify regional research needs & priorities		Municipal & regional government's understanding of supporting a regional food system with effective policies	Farm programs provide apprenticeships, career development & mentorship opportunities	Environmental sustainability
	Identify & pursue future funding			Farming viability improves, enticing younger generations	Transformed food systems

\*Please note: this logic model should be read as entire columns proceeding from left to right

\*\*IHA= Interior Health Authority, CBT= Columbia Basin Trust, OCF= Osprey Community Foundation, RDCK= Regional District of Central Kootenay, CFCK= Community Futures Central Kootenay, REFFBC= Real Estate Foundation of BC

Created by: Campbell, 2017

## Appendix D: Backgrounder on Conflict of Interest

### Backgrounder

#### *Conflict of Interest Rules*

The *Community Charter* (Charter) conflict of interest rules provide that local government elected officials who have a financial (pecuniary) interest in a matter that will be discussed or voted on at their council or board meetings must declare that interest in the matter. Following their declaration, they may not participate in discussions, vote or exercise influence on the matter. The Charter conflict of interest provisions apply to municipal council members, regional district board directors and Island Trust trustees; the *Vancouver Charter* has parallel rules for City of Vancouver members.

#### *Schlenker vs Torgrimson Court Cases*

In 2011, two Islands Trust trustees voted at a local trust committee meeting to give money to societies but they did not declare their roles as directors of those societies. They were challenged, and the BC Supreme Court found that they did not have a financial interest. On January 11, 2013, the BC Court of Appeal (BCCA) reversed the decision and found the trustees did have an indirect financial interest. The key basis for this decision was the “divided loyalty” the court found inherent in being both a local elected official and serving on a society/corporate board that may receive financial benefit from the local government.

Based on the broad language in the BCCA decision, the resulting interpretation was that sitting both as a local elected official and as director on the board of a society or corporation that receives funding from a local government creates a potential conflict due to an indirect pecuniary interest. The result was that local elected officials were stepping back from society and corporate director roles to protect themselves from potential disqualification.

#### **Quick Facts**

- The regulations are necessary to address the impact of the 2013 BCCA decision. Local governments routinely provide services through societies or corporations and make financial decisions affecting them. The BCCA decision caused challenges for local governments trying to effectively use societies or corporations to provide services including confusion and delays at council and board meetings when important financial decisions were being made.
- The regulations will be applicable to local government elected officials when they are appointed to any society and some types of corporate boards by their local government. Appointments to society and corporate boards must be done by the governing body (i.e. a municipal council, a regional district board, or the Islands Trust council). This helps to ensure accountability and reinforces that the appointed elected official is serving a public interest as their local government’s representative (rather than a personal interest).

- Under the regulations, when those representatives are officially appointed by their respective local governments, they will not be in a pecuniary conflict simply by virtue of their appointment when discussing and voting on matters concerning the society or corporation at their respective meetings (and thus no risk of disqualification if challenged on the basis of that appointment).
- A council or board can appoint a representative to any society incorporated or registered under the *Society Act*. All societies are included because of their non-profit nature, their focus on local communities, and their common role as local government service providers.
- Corporations that were incorporated by public authorities (e.g. government bodies), and which provide a service to the appointing local government, are covered by the regulations.
- In order to appoint a representative to a society or board, a municipal council/regional district board/or the Islands Trust Council must adopt a resolution by a majority vote. The appointment is then on public record and the resolution makes it official. The appointed representative is then acting in their capacity as a local elected official when they sit on that board, rather than as a private individual.
- There is a separate, though similar, regulation for the City of Vancouver because the City's conflict of interest rules (and authority for a regulation for conflict of interest exceptions) are in the *Vancouver Charter*.