

June 6th, 2011

The Executive Committee
Islands Trust
200 – 1627 Fort Street
Victoria, BC V8R 1H8

Dear Executive Committee:

We received a letter from Linda Adams, the Trust's chief administrative officer, dated May 26th, 2011. It acknowledges the receipt of our complaint on May 25th. We assume that Ms. Adams has provided your Committee a copy of her letter. The Trust internal file number is GF/AF-1 COM-2011-03.

In her letter, Ms. Adams describes the bounds of the Executive Committee's authority. Please read our complaint carefully and note what remedies we seek. We know that you are not a court of law and cannot judicially review the actions of the Salt Spring LTC. However, we know that you do have the authority to review the actions of a Local Trust Committee, to provide advice and recommendations to the LTC where appropriate, and to advise Trust Council on how to proceed. We also know that Trust Council has established standards of conduct for Trustees, the moral authority and the obligation to enforce those standards, and the power of the purse.

The facts in this case are not difficult to understand. Ms. Malcolmson, Mr. Ehring, and Ms. Torgrimson collaborated to falsify the official proceedings of a local government body. Documents and recordings show what they did. Trust Council's Standard of Conduct 1.3 states that an elected official shall “[c]onduct him/herself in a manner that does not detract from the image, integrity or responsibilities of the Islands Trust.” Standard 3.1 states that Trustees shall “[m]aintain the highest ideals of honour and integrity in the discharge of his/her duties.” We are hard pressed to imagine behaviour that is less honourable and honest or that detracts more from the Trust's image and integrity than the adoption and publication of a false record of a business meeting.

If you feel your Committee cannot grant relief, we insist that you present the complaint to Trust Council for decision when it meets next. You have the ability to add items to the agenda on short notice, and the Committee and Trust Council should deal with this matter expeditiously.

It is clear that the Executive Committee, with its authority to review and oversee what LTCs do, can:

- formally reprimand the members of the Salt Spring LTC for concealing from an official record questionable and possibly disqualifying acts that are expressly forbidden by provincial law, because such a coverup is a basic violation of propriety, the duty of elected officials to the public, and the Trust's Standards of Conduct; and
- consider whether the falsification of an official record merits requesting the resignation of the members of the LTC from their elected offices, though we know you cannot force an elected official to resign.

We sympathize regarding the difficulty the Committee and Trust Council might have with annotating already adopted minutes of an LTC meeting with an accurate account of events and in a form that complies with provincial law but, since the Executive Committee has the authority to advise and recommend to LTCs how they conduct business, they surely want to be on the record deploring in principle the adoption of false minutes and encouraging Trust Council to adopt policies that prevent

any re-occurrence on Salt Spring or elsewhere.

Trust Council has unquestionable authority to:

- reprimand and request the resignations of Trustees for misconduct;
- remove the chair of Trust Council and elect a new chair;
- have the new chair of Trust Council remove and appoint a new chair of the Salt Spring LTC;
- remove Trustees from any positions and offices to which Trust Council has appointed them, including Trust Council committees and the Islands Trust Fund Board, as the power to appoint implies power to remove and appoint replacements;
- consider the question of whether Mr. Ehring disqualified himself from office on January 14th, and whether any subsequent acts of the Salt Spring LTC and Trust Council (including its committees) in which he was involved are valid;
- refuse to allocate staff and funding to the Salt Spring LTC's work plan, and instruct staff to ignore direction from the LTC, until the complaint is resolved and, if necessary, new Trustees are seated;
- notify the Salt Spring LTC that the Trust will not treat as valid and will not defend against legal challenge its resolutions and bylaws after misconduct and through resolution of our complaint;
- forcefully remind Trustees that publishing a false official record is not an official act to which qualified immunity applies; and
- refer the conduct documented in the complaint to the Attorney General of B.C., the Office of the Ombudsperson, and/or the proposed Office of the Municipal Auditor General.

We ask that your Committee and Trust Council act swiftly and decisively. You have Standards of Conduct of which all Trustees are aware. If you and Trust Council ignore the complaint, if you brush us off, if you will not condemn without equivocation the unprincipled behaviour of these Trustees, you give tacit approval to the adoption and publishing of falsehoods and reveal that what you call Standards are meaningless platitudes. The harm these three individuals have done to the Trust's reputation is already severe. Do not compound it by turning a blind eye.

Yours sincerely,

Susan Cunningham
Arlene Dashwood
Jean Elder
Peter Lake
Mark Lucich
Brandi MacKinnon
John Macpherson
Shelley Nitikman
Patsy Siemens

cc: Linda Adams, Chief Administrative Officer, Islands Trust
Hon. Ida Chong, Minister, Community, Sport and Cultural Development