

May 29th, 2011
via e-mail: smalcolmson@islandstrust.bc.ca

Sheila Malcolmson
Chair, Islands Trust Council

Dear Ms. Malcolmson:

Please excuse the lack of signature and hard copy. I am travelling.

Julia Lucich forwarded your response to her Islands TAG Team presentation at the March Trust Council meeting on Galiano. In your letter, you suggest that she document specific cases of breach of administrative fairness. Julia tells me that she will be sending a reply. I expect that there will be duplication but can't help that.

Individually, the issues below are minor and none merit a formal complaint. Collectively, they speak to a prevailing and damaging culture at the Trust, at the Salt Spring LTC, and among staff. Your letter states a commitment to transparency and accountability. Islands Trust actions are a mockery of those principles. Trustees and staff act as if the public are barely tolerable nuisances from whom legally public information must be hidden. This happens despite the fact that the public pays your salaries and that openness is mandated by both law and policy.

I begin with a Trust Council matter. During this spring's Trust budget consultation process, I looked at the Trust's annual reports. Because it was the budget, I was most interested in financial items and I found all of those reports, but I noticed something curious about the more comprehensive annual reports which discuss projects, priorities, and progress. 2009-10 was missing. I inquired of staff and was told it was not ready. Trust Council Policy 6.10.i.5.4 states, "The Annual Report for the previous fiscal year will be released by May 15 of each year." The 2009-10 fiscal year ended March 31, 2010. By policy then, the annual report was due May 15, 2010. It's on the Trust website now, first published on April 21, 2011 and then revised on May 11, 2011. In other words, the Trust reported its activities in fiscal 2009-10 to the public and the Minister three weeks short of a *year* late. That's not accountability.

I continue with Salt Spring Local Trust Committee problems. Your letter was written as chair of Trust Council and you suggest that LTC issues are better addressed to the LTC. I don't agree. For one thing, no form of government other than absolute monarchy operates under the theory that one begs for redress from the same person or body responsible for the abuse. Second, you preside over our LTC. Trust policy states that your role as chair is to represent the interests and perspectives of Trust Council at the local level. What has happened with the Salt Spring LTC in the last year is thus either your personal doing or you represent Trust Council's intent in these matters. Neither choice is palatable, I know, but what our LTC chair has done to tolerate, encourage, and defend the indefensible hasn't tasted very good either.

Early last year as chair of the Salt Spring LTC, you began to restrict recording of what is said at public meetings. Salt Spring has about 8000 voters and it's a rare LTC meeting that more than 50 attend. People have lives, jobs, disabilities, and family obligations that preclude their attendance.

If they are interested in how their local government works and what it's doing, the ability to watch or listen to a recording of the proceedings is vital to their understanding. Restricting the reporting of a public meeting of an elected body is unreasonable and unwarranted. I suspect you have no basis in law for the restrictions you impose and it belies your espoused commitment to transparency and accountability.

In the summer last year, the LTC created working groups to advise on revisions to the Official Community Plan and the Land Use Bylaw. As a subterfuge, the LTC did not do so directly but suggested that staff do it instead to avoid the open meetings rules of the Community Charter. These working groups met for months before their existence was disclosed by happenstance. In two consecutive LTC meetings last fall, you as chair told members of the public that they were not entitled to know who the members of the working groups were, when they met, or what was discussed at their meetings. You denied that open meetings rules applied, you said that the public need not be given notice of the time and place of their meetings, and you insisted that agendas, notes, minutes, and reports of these working groups should not be available to the public. Only after these astonishing claims were printed in the local paper did the LTC grudgingly agree to disclose who was doing what.

You have chaired three special meetings of the Salt Spring LTC already in 2011. The LTC has an email notification system to inform the public of meeting times, but it was not used in any of the three cases. Consequently, two of the "public" meetings had no public or press present, while the third was discovered only by chance. I realize you meet a minimum statutory requirement by posting a notice of meeting on the office bulletin board, but your letter promises transparency, not some legal minimum. It is disappointing that, when it is no extra work to do the right thing and not just the legal thing, the Trust makes the bad choice. Once is a mistake. Three times in four months is a pattern.

The agenda web page for the Salt Spring LTC makes this promise: "Business meeting agendas are published to our website 5 business days prior to the start of the next scheduled meeting." (Web pages for other islands make the same promise.) On Salt Spring regular meetings are scheduled for 10:30 a.m. on the first Thursday of every month. Five business days prior would be 10:30 a.m. on the last Thursday of the previous month (Wednesday if there is a three day weekend). Not once in the last 12 months has the agenda package been published before Friday afternoon. The public is getting about three days notice, though you promise five. When items of public import are under discussion, the public should be informed well ahead of time so that they can properly prepare. Either publish the agenda on Thursday mornings, or promise three days notice. Empty promises are worse than none.

We come to minutes. The Salt Spring LTC held both a regular and special meeting in January. The two sets of January minutes were not adopted until the April regular meeting. That delay is unconscionable. I had numerous conversations with the Regional Planning Manager, and once with you just before the March LTC meeting, about the delay in adopting these minutes. I was fobbed off with excuses over and over again. A week before the April meeting, I was told that adoption of January minutes would finally be on the April agenda. Then, late Friday afternoon, when the agenda package was published, I received a note from the RPM apologizing that the agenda omitted them. I sent an angry email to the RPM, with carbons to the LTC, the Trust's

chief administrative officer and the local planning manager threatening to file a written complaint. The next Thursday, the agenda was amended as the meeting opened and, two months late, the January minutes were finally adopted. This is not acceptable.

First, I was one of only two members of the public in attendance when the LTC adopted the minutes and saw what happened. It was an embarrassment. When a question arose about one possible correction to the special meeting minutes, one Trustee had a foggy recollection of what had occurred in January, while the other two remembered it not at all. (It's no surprise after three months.) Thus the correction, which may have been required for accuracy, was not made. Secondly, the public can't attend all meetings. The minutes are their record of what their governments are doing and should be available on a timely basis. Three months later, and perhaps inaccurate because no one can recall details, is not transparency or accountability.

Finally, let's talk about your accountability as chair of the Salt Spring LTC. You owe your position as LTC chair to being elected to another position by less than 5% of the Trust area's electorate. No voter on Salt Spring voted for you. You aren't accountable to anyone on our island. I realize that this is not your doing. The province has imposed a ridiculous and unfair governance structure on the Trust area, Salt Spring included, and you just operate in this absurdity as best you can. But let's end the fiction that you are accountable to anyone here. You can restrict recording at public meetings on our island, you can form advisory groups in secret, you can chair "public" meetings of which no member of the public is notified, and we have no recourse. When we complain to the Ministry, we are told to elect different people. How can that help us, when we didn't elect you in the first place?

Summing up, I know most of these issues are individually petty, procedural and administrative trivia. An organization that is truly committed to transparency and accountability to the people they serve might run aground on minor items occasionally. Occasionally is not the word for the Islands Trust. I submit to you that it is Trust habit and culture to ignore (and in some instances actively thwart) disclosure obligations to the people it serves. The Trust hides things it does not need to, and the very act of concealment makes the public suspect that something fishy is going on. As chair of the Salt Spring LTC, you could try to make the best of a bad situation but you have done nothing. If anything, you have made things worse by participating in and defending bad practices. Talk is cheap. I can't imagine how the Trust developed this habit or why it believes talking transparency and accountability while being opaque and unresponsive can be seen as anything but parody if not farce. Something needs to change. You're the chair.

Yours sincerely,

Norbert Schlenker
Salt Spring Island

cc: Linda Adams, Chief Administrative Office, Islands Trust
Islands Trust Council
Islands TAG Team
Honourable Ida Chong, Minister, Community, Sport and Cultural Development