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Sheila Malcolmson
Chair, Islands Trust Council

via e-mail: smalcolmson@islandstrust.bc.ca

Good Day, Ms. Malcolmson,

Thank you for your reply of May 10 regarding the presentation I made to Trust Council March 9 on behalf of the TAG (*Transparency and Accountability in Governance*) Team. Please note that although it was I who made the presentation at that meeting (and happen to live on Salt Spring Island), the network has participants from all thirteen of the major islands and many of the smaller ones within the Trust area...i.e., it is the *Islands'* TAG Team, not just *Salt Spring's*.

There have been ample assurances from the Trust, such as those in your letter, that "we share your commitment to transparency and accountability in governance". Regrettably, it is because evidence to the contrary is so pervasive, and the issues so systemic, that the TAG Team network has become so broadly based. Without a doubt, each and every one of us would prefer to spend our time on activities other than:

- 1 daily visits to local Trust offices to check the bulletin board in order to learn whether yet another Special Business Meeting has been called, since no other public notice is given;
- 2 posting items to computer hard-drives to assure that staff reports or other documents don't disappear;
- 3 audio/video-recording of public meetings (despite Trustee efforts, including your own, to prevent this lawful action) in order to assure accuracy in minutes and reporting.

Since your letter was directed to me, I will reply from my own experience and not presume to speak for anyone else on Salt Spring or the other islands. The following are a few of the more recent and egregious examples with which I am familiar:

1. Last fall I noticed obscure references on the SSI-LTC website about two "working groups"...one dealing with revisions of Land Use Bylaws and the other with changes to the Official Community Plan. There was no mention of minutes or schedules for either of these committees. I made inquiries with LTC staff and was informed that these committees had been meeting for several months but that committee members' names could not be divulged without their consent, that meetings were not open to the public, and that minutes would not be disclosed. Rather than the inclusion and transparency you speak of, there was only secrecy and opacity.

During the same period, neither the Advisory Planning Commission nor the Environment Planning Committee, whose meetings and minutes are supposedly open to the public, had been called upon by the LTC to meet. It was later learned that their members had been subsumed into the "working groups", to which were added other appointees. As you may recall, this was questioned during an LTC town hall for which, the following day, you gave this explanation to the press:

"This is a different animal," you stated. "Because the working groups [...] were established by Trust staff, as opposed to trustees, they don't fall under public notice or minute-taking requirements stipulated in the province's Community Charter."

Of course, without explicit direction from the trustees, staff has no authority to "establish" committees.....advisory or otherwise. It was only after this town hall exchange that the LTC agreed to release names and, for anyone wishing to stand at the front counter, to allow the public to read through minutes.....none of which, to the best of my knowledge, has yet to be posted to the LTC's website.

These committees were dealing with matters of utmost importance to the community, yet were allowed to be shielded from all public view and scrutiny through a cynical sleight of hand. How is this consistent

with a commitment to transparency or accountability?

2. During the last year the SSI-LTC has called at least three Special Business meetings, each dealing with matters of priority to the community (e.g., legalization of suites and cottages). Although members of the community may subscribe to an electronic notification service (as do I), the only "public notice" for any of these meetings was a slip of paper placed on the office bulletin board at least 48 hours prior to the meeting. On at least one occasion, the 48 hours included the weekend, with the meeting taking place on Monday morning. Even the press only learned of this retroactively, when minutes appeared as part of the subsequent month's regular meeting agenda package. The community has been told that this is sufficient and adheres to the letter of the law. Perhaps a single piece of paper displayed unobtrusively does meet the LTC's *legal* requirements. There is no question, however, that it fails to demonstrate a "commitment to transparency and accountability in governance".
3. One of the Special Business meetings referenced above (January 31, 2011) was called in order to obtain advice from a highly respected consultant on affordable housing. Draft minutes of that meeting, part of the February agenda package, were *four pages* detailing the consultant's perspective on the issue...a perspective at odds with what the trustees have been advocating. Adoption of these minutes was deferred without explanation and did not appear in the March agenda package. When they finally reappeared (if it can be called that), on the April agenda, they had been reduced to barely a *single page* and all reference to the consultant's advice had been expunged...as was mention that no members of the public had been present.

Ironically, in a June 30, 2010 letter to the Driftwood, you explained that *"Minutes are the official recording of the LTC's proceedings, and are absolutely the right place to record what was decided and why."*

In spite of this noble rhetoric, the adopted minutes, without explanation, had been transformed. You were present at each of these meetings. You said nothing about the impropriety of this example of historical revisionism. How is this consistent with a "commitment to transparency and accountability"?

4. Finally, Ms. Malcolmson, you mention that *"In my experience, all Council members are committed to hearing different voices and input. I believe all trustees do their best to balance the very divergent input they receive and to make decisions that they believe are in the best interests of their communities."*

On February 6, 2009, a community "Climate Action Workshop" was held at Salt Spring's Gulf Islands Secondary School. The announcement encouraged the public to attend, which, out of curiosity, I did. There had been no mention that this "workshop" would subsequently be deemed to have met the "community consultation" requirements prior to considering an amendment to the OCP. The 'welcoming address' was given by Trustee George Ehring. It included the following:

"This is not a meeting of the climate deniers... is this happening, or that it's not caused by human intervention or that it's the stars or the moon or something else.....that's not it...that's not what this meeting ...if you came to debate the science with us you're in the wrong room. I've been asked to say that as politely as I could but [obscured by laughter] if we're here to save energy, that's one of the ways we're not going to waste energy."

You were there, Ms. Malcolmson....two seats to my right. How is this evidence of commitment "to hearing different voices and input"?

You propose that complaints and concerns be sent to you, yet, in your dual role as Chair of both the SSI-LTC and the Islands Trust Council, you have witnessed or participated in the very matters described above, allowing them to go unchecked and unchallenged. Sending formal complaints to the Local Trust Committee offers no remedy, particularly when the complaints involve the same officials. What remediation may the hens expect from a complaint lodged with the fox? Similarly, what is the point of filing a complaint with the Trust Executive, when that body has no authority to censure the Trustees?

Ms. Malcolmson, I spent years studying criminology; years working in government. I have a deep respect for the rule of law and democratic process, coupled with a belief that elected officials owe a duty to the public

they serve if that respect is to be maintained. In the eleven years that we have lived in the Gulf Islands, in the eleven years we have observed the operation of the Islands Trust, we have seen little to warrant that respect. Increasingly, we are witness to an agency inflated with a sense of self-importance, overseen by zealots convinced of their own righteousness, and driven by ideology. It is an agency seemingly accountable to no one...not the communities it claims to represent; not the Province which, having created it, appears to take no responsibility for oversight. The message which reverberates in response to aggrieved citizens is that they can either take their grievances to the courts or wait until the next election. The former is expensive and inordinately lengthy. The latter presumes that a change of incumbents will rectify a problem which is systemically flawed, and refuses to acknowledge the fact that democratic principles should not need to rely on the whim of a benevolent incumbent...they are to be imbedded in the fabric of the institution.

Such is not the case with the Islands Trust.

Sincerely,

Julia Lucich

cc: Hon Christy Clark, Premier of British Columbia
Hon Ida Chong, Minister of Community, Sport and Cultural Development
Elizabeth May, Saanich Gulf Islands MP
Murray Coell, MLA Saanich North and the Islands
Islands Trust Council trustees
Linda Adams, Islands Trust CAO
TAG Team

[Note: I will be happy to provide a copy of the letter from Ms. Malcolmson, to which this letter replies, or the text of the March 9 delegation to Trust Council (to which Ms. Malcolmson has responded) upon request, or you may find them at www.islandtagteam.com .]