

# Reprint **Island Tides**

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## **Galiano goings-on**

~ Helena Chambers

On April 4, Chair of the Islands Trust Executive Committee (ITEC) Kim Benson responded to those who had claimed bias on the part of Trustee Smith in connection with the upcoming review of the Galiano Land Use Bylaw. Chair Benson explained that the executive committee were not in a position to 'judicially review the conduct of a trustee, or to remove an elected trustee from a decision-making role.' She described their primary role as 'making recommendations...to modify a Trustee's decisions or actions.'

In deciding the issue, ITEC consulted the minutes of recent LTC meetings, the Islands Trust Policy Manual, the *Local Government Act*, and their legal counsel. The executive committee concluded that 'Trustee Smith has not demonstrated bias that would prejudice his review of the subject Galiano bylaws.'

The issue of perception of bias was not addressed (see 'Bias and Officials in a Decision-making Process,' April 6, *Island Tides*, available online at [www.islandtides.com](http://www.islandtides.com)).

On April 7, a communication addressing this issue was sent to the ITEC. The writer, a Galiano resident with thirty years experience as a trial lawyer, cautioned ITEC of the danger that 'any involvement with Roy Smith respecting the consideration, review, or amendments of the Galiano OCP or bylaws respecting forest land, may be used for a legal action to have any changes ruled invalid. This would include the facilitation process currently being pursued by the Islands Trust.'

### **'Hands Are Off' the LUB Review, say trustees**

A full-house again greeted the April 19 LTC meeting. A number of topics were discussed, both trustees stated that the Forest lands review was in the domain of the facilitator and that they would be taking a 'hands off' approach. Later in the meeting, questions raised involving the conduct of the review were refused answer by the trustees, who responded 'It's nothing to do with us. That's the job of the facilitator. Ask him.' (However, in a letter to *Islands Tides*, April 20 edition, Trustee Sharp had said, 'Responsibility for the timing, facilitation, and review of Galiano's Forest OCP [sic] rests with the Galiano Local Trust Committee.')

### **Facilitator Selected**

The facilitator chosen to determine 'Community Acceptance of a Facilitation Process for Discussion of Forest Land

Policies' is Gordon Sloan, senior partner in ADR Education. He will be assisted by his partner, Jamie Chicanot. Their resumes are impressive and enquiries of Sloan's associates, and individuals who know his work, characterize him as 'an ultimate professional.'

Concern had been growing in the community that the facilitator may be given prejudicially 'edited' information. This arose from the Request for Proposal inviting applicants for the contract, written by the Trust staff, in which ambiguous statements and incorrect data were given. Many protests had been made.

At the LTC meeting, planner Brodie Porter produced a 'Fact Sheet' dated March 2003. While the status of some Forest Land rezonings and the zoning options available need to be updated, the work is accurate, clearly worded, and unambiguous. When appropriately updated it will be part of the information supporting Sloan's understanding of the present and historical chronology of the development of the Forest Land Use Bylaw.

### **Losing Salt Spring?**

At the meeting, in her Chair's report, Gisele Rudischer referred to concerns that Salt Spring may leave the governance of the Trust. This would be a devastating financial (and fraternal) loss to the Trust. Salt Spring contributes 50% of Trust revenue.

### **Mail-in Ballots Quashed**

Since attending the Association of Vancouver Island and Coastal Communities Conference, Rudischer was pleased that the proposal to allow mail-in ballots at local elections and other voting opportunities was defeated by large majority.

### **First Steps at Taming the PMFL?**

At the same conference a significant motion was tabled. It was resolved that the AVICC and the Union of BC Municipalities petition the provincial government to change legislation and policies to allow local governments to establish a Community Watershed Bylaw that extends over any public or private lands within a watershed. Further, to include representatives from ... the Islands Trust on the Pacific Marine Forest Legacy Council and to require a drinking water protection plan for each community watershed.

### **Time and Timelines**

The Galiano FLUB Review is scheduled to commence June

30 and is 'ideally' expected to conclude in September or October or 'as long as it takes.' Brodie Porter announced that the OCP review is scheduled for April 2007, and not, as previously indicated, in 2008. As these two reviews move closer together, Galianoites continue to question why the two should not be integrated. ☞

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