

Monthly Report to the CRD from the Fairness and Transparency Advisor

February 2016

This report provides a summary of the FTA’s activities for the Core Area Sewage Treatment Project for the period from **January 30th to February 26th, 2016.**

FTA Activities

Monitoring Role

During this period, the FTA continued to review and monitor upcoming meetings of the various committees, flagging any potential issues associated with transparency, impartiality, or fairness. In this capacity, the FTA also reviewed minutes of committee meetings.

Requests for Review

A significant aspect of the FTA’s mandate and role is to screen and (if eligible) review submitted requests for review regarding the wastewater planning process. The table below summarizes the FTA’s activities in this capacity for the reporting period.

February 2016 Complaints Statistics

Number of applications received	19
Number of “eligible” complaints	17
Number of decisions rendered	5
Number of Complaints previously reported	8

Nineteen (19) formal requests for review were received, screened and reviewed in February. As noted below, eleven (11) of these complaints raised the same issue and were addressed in one decision. This brings the number of formal complaints received by the FTA to (27). A summary of the recent complaints and the FTA’s decisions are provided below.

Request #9 (ID no. 398043)

The FTA received notice of request no. 398043 (“the complaint”) on Sunday January 31st and proceeded with screening the complaint.

Summary of complaint:

The complainant stated that the survey outcomes had not been made clear to participants. The complainant claimed that option sets including site locations and transportation methods were not clearly defined within the survey tool. Without knowledge of the true costs and impacts associated with various options, the complainant argued that participants were unable to make reasonably informed decisions to guide the options selection process.

Summary of findings:

The final decision on the complaint was issued by the FTA on Tuesday February 9th and later posted to the CRD website.

Due to a lack of clarity on how the survey results would be used as well as missing information on Hartland, the FTA was unable to determine whether there was in fact a procedural fairness concern. If the survey was used as a determinative tool, then it would in fact be unfair to ask participants to rank choices; however, if the survey would not be used as a determinative instrument and simply as a further step in

Monthly Report to the CRD from the Fairness and Transparency Advisor February 2016

understanding public sentiment on various interests associated with the option sets (e.g. would not be used to further narrow options) then there was not a breach of procedural fairness.

Request #10 (ID no. 398130)

The FTA received notice of request no. 398130 (“the complaint”) on Monday February 1st and proceeded with screening the complaint.

Summary of complaint:

The issue raised by the complainant was a lack of public access to view and consider the proposed treatment site in Rock Bay. The complainant stated that given the proposed site's large footprint, close proximity to downtown, and inclusion in each of the considered option sets, the public should be allowed to tour the site as part of the ongoing public consultation.

Summary of findings:

Given that it was not obvious that a decision has been made to restrict access; and given that the complainant did not indicate that they had made any contact with CRD representatives to determine whether access was under consideration, was considered appropriate, or would be possible, the FTA did not proceed with investigation of this issue.

Request #11 (ID no. 398233)

The FTA received notice of request no. 398233 (“the complaint”) on Thursday February 4th and proceeded with screening the complaint.

Summary of complaint:

The complainant stated that the survey design led respondents to predetermined outcomes and was therefore biased. In particular, the complainant claimed that the survey asked respondents to select no more than 3 “acceptable options” from a list of 7 option sets, however, respondents were not given a mechanism to indicate a lack of support for these proposed option sets, (e.g., to select “none of the above”).

Summary of findings:

The final decision on the complaint was issued by the FTA on Tuesday February 9th and later posted to the CRD website.

The FTA was unable to determine whether the survey was a determinative tool intended to narrow the options, or if the CRD was continuing to search for new options. Based on these unknowns, the FTA recommended that the CALWMC do two things: help the public to more fully understand how the survey findings would be used; and edit the survey to allow for an option within the question the complainant raised issue with, to oppose all 7 current options (i.e., the option “none of the above”). The requirement to select “3 options” would have to be removed to accommodate this additional option.

Request #12 (ID no. 398418)

The FTA received notice of request no. 398418 (“the complaint”) on Tuesday February 16th and proceeded with screening the complaint.

Summary of complaint:

The complainant suggested that taxpayer costs with respect to water reuse were not considered in the wastewater options survey or supporting documents; whereas potential water reuse revenues were

Monthly Report to the CRD from the Fairness and Transparency Advisor February 2016

identified. The complainant questioned the absence of water reuse costs in the information provided to the public.

Summary of findings:

The final decision on the complaint was issued by the FTA on Tuesday February 23rd and later posted to the CRD website.

The FTA did not find that the current consultation process diminishes fairness. There was ample evidence that the CALWMC was provided with clear information that water reuse, from a purely financial perspective, was not advantageous. While it is absolutely true that the information which was available in the technical memos was not summarized in the survey instrument itself or in the Citizen's Guide, what was in the memos, was available to the CALWMC and to the public. The FTA recommended that next steps related to any decisions relative to water reuse include consolidated, summarized, and easy to understand information on costs and benefits of water reuse, in one single location.

Request #13 (ID no. 398541)

The FTA received notice of request no. 398541 ("the complaint") on Thursday February 18th and proceeded with screening the complaint.

Summary of complaint:

The complainant claimed that innovative treatment alternatives are being overlooked in the options process, and that this is undermining the fairness of the process to identify a wastewater treatment solution. Specifically, the complainant took issue with the CRD's position at this time to not consider alternatives to the seven option sets currently under consideration.

Summary of findings:

The final decision on the complaint was issued by the FTA on Tuesday February 23rd and later posted to the CRD website.

The FTA concluded that if the CRD is now entertaining additional options outside of the narrowed options currently being considered, it certainly has the discretion to do so; however, in order to ensure fairness, they would need to alert the public to the change in process; would need to ensure that the new process was clear and that timelines and milestones were clearly communicated; and that the new process included opportunities for public views to be heard.

Request #14 (ID no. 398566)

The FTA received notice of request no. 398566 ("the complaint") on Friday February 19th and proceeded with screening the complaint. Issue no. 2 and 3 raised by the complainant did not proceed to investigation.

Summary of complaint:

The complainant raised issue with the fairness and transparency of decision-making processes and the ways in which the option sets have been presented for feedback in the public consultation process as it relates to:

1. The leadership and transparency in the decision-making process with regards to the Eastside Public Advisory Committee (EPAC);
2. The CALWMC's release of final reports on Project costs, sites and technology after the completion of the public consultation period; and
3. The fact that each of the seven costed option sets include a common site.

Monthly Report to the CRD from the Fairness and Transparency Advisor February 2016

Summary of findings:

The final decision on the complaint was issued by the FTA on Friday February 26th and later posted to the CRD website.

The FTA determined that that questioning the survey on procedural grounds for not having afforded the Committee a final review of the survey questions, is unsupported neither by the Committee's Terms of Reference nor by the facts. In this instance, the record is clear that "advice" was sought at key junctures with respect to the recent survey's development.

[Request #15 \(ID no. 394806\)](#)

The FTA received notice of request no. 394806 ("the complaint") on Tuesday February 23rd and proceeded with screening the complaint. Issue no. 7 raised by the complainant did not proceed to investigation.

Summary of complaint:

The complaint raised issue with the fairness and transparency of public consultation on the options sets with respect to both interference in the process by decision-makers and the adequacy of consultation methods and materials. In particular, the complainant raised issue with:

1. Bias in an op-ed piece authored by the CALWMC Chair;
2. Insufficient information in the survey on project break downs;
3. Corrupt data gathered through the survey tool;
4. Inadequate provision of notice for a public consultation meeting;
5. Inadequate use of mail-outs;
6. Unavailability of technical experts at a public consultation meeting; and
7. A lack of dignity and respect for the public in the consultation process.

Summary of findings:

The final decision on the complaint is forthcoming from the FTA and will be posted to the CRD website.

[Request #16 \(ID no. 398719\)](#)

The FTA received notice of request no. 398719 ("the complaint") on Thursday February 25th and proceeded with screening the complaint.

Summary of complaint:

The complainant claimed their company provided a proposal and presentation to the CALWMC on a particular wastewater technology (the JOR-Vic Sewage Reclaim-Treatment Alternative) and that no feedback or intent to review the feasibility of the technology was subsequently communicated by the CRD.

Summary of findings:

Based on the FTA's review concerning the details of this complaint, the issue raised appears to be of a historic nature (e.g., dating back to 2010). As such, this issue was not germane to the current process for which the FTA has a mandate to provide process oversight and did not proceed to investigation.

[Requests #17-27 \(ID no. 17 \(398761\), 18 \(398763\), 19 \(398766\), 20 \(398772\), 21 \(398776\), 22 \(398783\), 23 \(398802\), 24 \(398806\), 25 \(398762\), 26 \(398875\) and 27 \(398886\)](#)

The FTA received 11 notice of requests (no.s 17 to 27; "the complaints") between Thursday February 25th and Monday February 29th and proceeded with screening the complaints.

Monthly Report to the CRD from the Fairness and Transparency Advisor

February 2016

Summary of complaint:

These complainants raised issue with the fairness of the CALWMC's February 24th, 2016 motion to alter the process for selecting an option for wastewater treatment by allowing for new options to be assessed and considered. It was argued that allowing such an option (i.e., McLoughlin Point) to be introduced at this juncture ignored the agreed upon process of having municipalities put forward their recommended sites.

Summary of findings:

The final decision on the complaint is forthcoming from the FTA and will be posted to the CRD website.

Activities Summary

Provided in the table below is a summary of the FTA's Project hours devoted to each of the abovementioned activities.

February 2016 Activities

Activity	Hours Worked
Setting up procedures	0
Monitoring	3.9
Meetings	0
Complaints	202.7
Other admin	10.4
Advice	0
Total	217

The total number of hours to be billed for this period (spanning January 30th to February 26th) is 217 hours, which totals \$38,353.50 before tax.

The FTA has billed a total of \$131,770.00 for 689.5 hours worked on the project from August 2015 to February 26th, 2016.