

## DECISION

### Case Number: 395039

The mandate of the Fairness and Transparency Advisor (FTA) is to ensure that various processes associated with the Core Area Sewage Water Treatment project are fair, transparent, impartial and objective. In this capacity, the FTA is an observer of, and commentator on, process. The FTA has no power to impose remedies.

## BACKGROUND

### The Issues as Raised in the Complaint:

This complaint raises two issues.

The first centers around the site selection/options evaluation process and the perceived emphasis on “single-family home residential neighbourhoods”. The complainant suggests that the process gives rise to issues of bias and unfair treatment of some residential property owners. The specific issue is whether the options evaluation process was unfair and shows a lack of impartiality in excluding multi-family dwellings as part of the evaluation process (presumably favoring the exclusion of options near single-family homes).

The complaint also raises several procedural concerns with the Phase 1 Eastside consultation process on the options sets, which the complainant suggests was inadequate on several fronts.

Two separate lines of inquiry are raised in this complaint.

#### 1. Was the process of evaluating the option sets fair and transparent?

The complainant suggests that several processes (and bodies) appear to be relying on the “single-family home” criterion (in fact, the correct term for this consideration as used in the process is ‘single-family residential neighbourhoods’) in the Phase 1 evaluation process. In particular, the Eastside Committee’s June 2015 document *‘Eastside Options Sets – Wastewater Treatment Options – Eastside Select Committee’* includes considerations related to “single-family residential neighborhoods”.

At issue is whether the “single-family residential neighborhoods” was part of the formal criteria used by the various teams involved in options evaluation processes, and if not, how this criterion emerged. I also believe that further to that is what role, if any, the consideration - “single-family residential neighborhood” had in the narrowing of options.

#### 2. Was the Eastside consultation process on the options sets adequate?

As it relates to the Eastside consultation process, the complaint points to the following procedural concerns:

- a) lack of reaching out to property owners other than through large group sessions;
- b) lack of appropriate notice of public sessions;
- c) singular use of computer based surveys;
- d) inadequate access to technical experts to answer public questions;
- e) incomplete information provided to the public in accessible formats (in particular, the complaint states that information was not summarized in a brief or organized manner, and that no information was provided on harmful effects or potential risks).

The complainant also asked the FTA to consider suggestions for improving practices going forward with respect to the above types of issues.

## FINDINGS

### 1. Was the process of evaluating the option sets fair and transparent?

In answering the question of whether the process used to evaluate the option sets was fair and transparent, I will turn to a few lines of evidence:

- a) The set of enabling documents which guided the various committees in evaluating options as these enabling documents may have included guidance relevant to procedures and/or criteria for narrowing options;
- b) The criteria used in the evaluation of the option sets by both the consultants and the Eastside Committee;
- c) The process used by the consultants and the TOP in evaluating option sets.

#### a) The enabling documents guiding the evaluations of the option sets

The first issue to be resolved in determining whether the process of evaluating the option sets was fair and transparent is to determine what guidance was provided to the various committees as set out in project documents. These guiding documents include the Project Charter and the terms of reference / scope of services for each of these bodies.

##### i. Project Charter

The Project Charter states the five project goals as:

- a) Meet or exceed federal regulations for secondary treatment by December 31, 2020
- b) Minimize costs to residents and businesses (life cycle cost) and provide value for money
- c) Produce an innovative project that brings in costs at less than original estimates
- d) Optimize opportunities for resource recovery to accomplish substantial net environmental benefit and reduce operating costs
- e) Optimize greenhouse gas reduction through the development, construction and operation phases and ensure best practice for climate change mitigation

The project charter is silent on any community factors (e.g., potential social impacts on neighbourhoods/ residents) in articulating the goals for the project.

##### ii. Scope of Services for Independent Consultant (Urban Systems)

Below is what was advertised as criteria for the feasibility and costing analysis, quoted directly from the RFP for the consultants.

*“Each solution set is to be subjected to a comprehensive feasibility and costing analysis using the following intertwined general baseline criteria:*

- *the project must meet or exceed provincial and federal requirements*
- *the project must serve all existing sewered areas upon commissioning*
- *design for a 15-year horizon with additional “just in time” expansion options*
- *optimize climate change mitigation, resource recovery and environmental sustainability*
- *minimize project capital and operating costs*
- *minimize life cycle cost*

In these criteria, there appears to be some overlap between what the consultants were given as criteria for assessing feasibility and costing options, and the Project Charter. These are in the following areas:

- *the project must meet or exceed provincial and federal requirements*

- *optimize climate change mitigation, resource recovery and environmental sustainability*
- *minimize project capital and operating costs*
- *minimize life cycle cost “ (The latter two bullets are expressed in the Project Charter as “Minimize costs to residents and businesses (life cycle cost) and provide value for money”)*

While there is some overlap between criteria used in the Project Charter and the scope of services document, neither document include any social criteria related to impacts on neighbourhoods/residents. As such, the FTA turned to look for any criteria within the enabling documents for the other decision-making bodies in the evaluation of the options sets.

### *iii. Technical Oversight Panel Terms of Reference*

The Terms of Reference reveal that the Panel has a mandate, along with the consultants, in the options selection process.

“...The panel must be proactive, jointly preparing a work plan with the consultant..., **vetting the options in conjunction with the consultant...** The Technical Oversight Panel (TOP), in conjunction with experienced consultants, must undertake a “**rapid assessment**” to assess if a concept or configuration is feasible or not, and whether it should be taken to the next level of analysis or not.” [emphasis added]

So while it is clear from its TOR that the TOP has a role to play in evaluating the option sets, there are no criteria presented therein to guide that process.

### *iv. Terms of Reference Eastside Select Committee*

The last enabling document reviewed was the TOR for the Eastside Select Committee.

*“The mandate of the committee is to:*

- *evaluate options and develop a conceptual plan for a wastewater treatment and resource recovery plan for participating jurisdictions*
- the conceptual plan will:*
  - *optimize existing infrastructure, where practical*
  - *be developed in a collaborative manner with the participants*
  - *be environmentally sound*
  - *decisions will be based on the best business case scenario that maximizes benefit to the best value for taxpayers*
  - *meet the unique needs of the Eastside in a proactive and timely way*
  - *the process will be efficient and cost effective*
  - *form the basis for an amendment to the Core Area Liquid Waste Management Plan (CALWMP)*

While it is clear from the Terms of Reference that the Committee is to “evaluate options”, there is no detail with regard to them establishing evaluation criteria. As such, it is unclear whether they are to use criteria established by the CALWMC or if they would develop criteria specific to the eastside municipalities.

### *Summary*

In summary, the FTA’s review of the enabling documents guiding the evaluations of the option sets reveals an absence of any consistent overarching procedures or criteria to guide the options set evaluation process. Furthermore, it is not apparent what criteria were to be used by the Eastside Committee or by the TOP in overseeing the work of the consultants. While review of the Project Charter, the terms of reference and scope of services for the various decision-making bodies involved in the option sets evaluation process do present some criteria that may have been used in the process —

there are no social criteria presented under which impacts to neighbourhoods/ residents could potentially be grouped. This lack of clarity impairs the fairness and transparency of the process insofar as impacts to neighbourhoods/ residents may have been by the consultants or Eastside Select Committee in the evaluation of the option sets.

## **b) The criteria used in evaluation of the options sets**

### ***i. Criteria found in Eastside Committee's Options Sets document***

The FTA now turns to review the June 2015 document, titled '*Eastside Options Sets – Wastewater Treatment Options – Eastside Select Committee*'. According to the introduction, "[t]his document presents the Eastside Select Committee's Option Sets for wastewater treatment in the eastside of the Capital Regional District" based on public feedback earlier that spring (2015). The document also notes that continued public input via the Ethelo Survey platform will "help to identify preferred Option Sets to be chosen for more detailed technical and financial analyses". Therefore, it is understood that the document did not contain the final set of recommendations from the Eastside Committee, but rather was a step in the process prior to further narrowing of option sets moving forward (in Phase 2).

Specifically, the FTA investigated whether the narrowing process to date may have used the "single-family residential neighborhoods" as a criterion in crafting this list of options, and/or if it will influence future evaluations of option sets.

Below I quote from the introduction to the document:

*"Earlier this spring, each participating municipality... brought forward "technically feasible" sites that could potentially host a wastewater treatment plant. These sites were introduced to the public for feedback through numerous public consultation events, several surveys and ongoing dialogue with the public. **Based on public priorities and emerging technical, social, economic and environmental considerations, the number of potential sites were reduced.**"* (emphasis added)

Implicit in the above statement is that the Committee undertook some form of evaluation of options which resulted in the elimination of some sites as options. Within the next paragraph of the introduction, criteria included in the development of the Option Sets are listed as follows:

*"...The Option Set considerations include site size, treatment of liquids and residuals, treatment level, resource recovery opportunities (including future growth areas), cost components and engineering standards."*

These "Option Set considerations" seem to include technical, economic and environmental criteria, while social criteria, that may include "single-family residential neighbourhoods", are not included here where these other criteria are introduced.

On the following page, the 'Reference Guide' for the Options Sets document lists "neighbourhood siting" as an options set consideration. This is defined as "**location based on current neighbourhoods and future growth areas as identified in Official Community Plans**".

However, the evaluation of each option (1 through 6) under the neighbourhood siting lens, references **proximity to single-family residential neighbourhoods**. It would appear then that proximity to "single-family residential neighbourhoods" has been used as a consideration for "location based on current neighbourhoods". However, no explanation is given as to how or why this social criterion inserted itself into the process.

## **ii. Criteria used per Communications with Urban Systems**

In response to a question from the FTA asking how the options sets were narrowed, and specifically, why this criterion was included in the Eastside Options Set document if single-family dwellings were not part of the criteria for narrowing the options, Urban Systems responded:

*“Single-family dwellings were never excluded as part of the criteria, which were based on a set of broader considerations such as: Access and Infrastructure; Land and Amenities; and Resource Recovery... The specific reference to “single family residential neighbourhoods” has to do with opportunities for neighbourhood benefit for things such as reclaimed water and heat recovery. Unfortunately it is currently uneconomical to retrofit existing single family neighbourhoods for water reuse (e.g. irrigation and toilet flushing) and/or heat recovery (e.g. boilers in commercial or multi-family developments). That is why there was also reference to “future growth areas”, which may include existing single family neighbourhoods with potential for re-development. Finally, there may be some component of “neighbourhood fit” as part of the plant siting, but it really has more to do with opportunities for beneficial reuse and resource recovery within each neighbourhood.”*

Was the intention of referring in the options set document to ‘single family residential neighbourhoods’ to indicate the potential for resource recovery (as per Urban Systems response), or to indicate a preference for avoiding single family neighbourhoods in the sites and/or options sets (as implied by the complaint)? This is not clear, as ‘single-family residential neighbourhoods’ are mentioned under ‘neighbourhood siting considerations’ for all six options, and not under ‘resource recovery considerations’ as set out in the reference guide of the Option Sets document. Regardless of what the criterion of single family residential neighbourhoods indicates, the ambiguity of its intention in the Options Sets document is still present.

### **Summary**

In reviewing other available project documentation, the FTA could find no other mention of “single-family residential neighbourhoods” expressed as a criterion for ranking and weighing option sets. It was not presented in the reference guide for the Committee’s Options Set document. Rather, it emerged without explanation as a consideration in the evaluation of the 6 option sets presented within that document.

The question then becomes, how did this criterion /consideration insert itself into the process, and what was the intention? Specifically, were single-family residential neighbourhoods given priority consideration over multi-family residential neighbourhoods?

This confusion speaks to a larger issue which is an apparent lack of any clearly set, overarching criteria guiding the site options evaluation process.

The concern that the documentation seems to suggest a narrowing of options based on the criteria of single family dwellings is tenuous, but plausible. While the evidence does certainly point to a shifting standpoint, it is difficult to say with any certainty what impact that shift really had in the end.

## **c) An examination of the evaluation process used by the consultants and the TOP**

The next issue to be resolved is an examination of the actual process used by the consultants and the TOP for evaluating the refined options sets. This is a specific issue the complainant brings up surrounding the fairness and transparency of the process with respect to the presumed weighting of social factors above other (technical, economic and environmental) considerations.

The complainant specifically referred to the November 27, 2015 Core Group meeting at which Director Atwell asked the TOP Chair Ms. Coady what weighting was being used by Urban Systems and the TOP in

the site selection process with respect to various social, environmental and financial components, and how that weighting was being applied to their decision-making. The TOP Chair responded as follows:

**“Technically we often do very clear *weighted assessments* and *that’s not being done here* when it comes to evaluating the site options and the permutations of the possible infrastructure connections. So what is being done here is priority set, where, because of the intense engagement of the community and the high level of care, **social license is front and centre and that’s tested against resource recovery and environmental impact...so if we can meet the community desire to have plans and upgrades in certain areas with the highest level of resource recovery and the lowest level of environmental impact, then we move forward on that. And as long as that’s within the cost and engineering envelope of reasonableness, then that goes on the table. And that is how those four options were arrived at”**<sup>1</sup> [emphasis added].**

This statement has resulted in confusion, and there remains no clear answer. My interpretation is that Ms. Coady’s reference to ‘social licence’ is not referring to the prioritization of ‘social criteria’ and/or a ‘single-family home residential neighbourhood’ criterion used by the consultants and/or the Committee to evaluate option sets.

According to communications the FTA received from Urban Systems as part of the investigation of this complaint, site options have been evaluated in accordance with the following factors:

***“Each of the criterion were not given any specific numbered score or weighting, but were considered within the overall considerations of “Land and Amenities”. Following the initial engagement process which used the broad considerations (Access and Infrastructure, Land and Amenities, and Resource Recovery), site options were further analyzed based on a variety of factors...”*** (emphasis added)

Considering these statements from the TOP and the consultants, and the lack of a clearly defined and consistently applied process guiding the evaluation of the options sets across the various project decision-making bodies, the FTA cannot adequately determine whether some factors were given priority weighting over others.

### **Conclusion**

It is a fair assessment to state that there has definitely been some confusion around what “criteria” are being used in the process and how. The FTA is hesitant to provide too much interpretation into the intention of the various bodies involved in evaluating the option sets.

If, as Urban Systems states, proximity to single family residential neighbourhoods was used as a criterion for resource recovery, it is foreseeable that single family residential neighbourhoods were not given priority over those of multi-family residential neighbourhoods. However, it remains unclear how the evaluation process unfolded, and that is the issue. It is fair to state that there has been a lack of transparency around these criteria (intentional or not). In that sense, the transparency and fairness of the process has been impaired.

At a minimum, the evidence does point to the lack of a clear, overarching site options evaluation process. What effect (or prejudice) this ultimately had on the choice of options and whether the options selected at this point is based on flimsy or shifting grounds cannot be determined. Reconciling the two makes decision-making substantively and operationally more difficult and certainly does create a reasonable apprehension of bias. However, I also believe that the process is still unfolding and that this lesson can be carried forward to ensure that, as the options are further assessed and understood, that the criteria to be used in assessing the options be clearly delineated, articulated and understood.

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<sup>1</sup> Transcription from discussion approximately 20 minutes into the meeting recording;

## Recommendations

There are 'lessons learned' that will inform the future detailed feasibility/costing evaluation of option set(s) during Phase 2 in 2016. These include:

1. Ensuring that the criteria that will inform the decision making process are clearly articulated and made known to the public; Prior to entering Phase 2 consultations, the Phase 1 evaluation process and its outcomes should be clearly communicated in a summary fashion, including:
  - a. The criteria/considerations used in describing sites (May 2015) and options sets (June 2015) and how they were narrowed down, including the impact of consultation on the outcomes.
  - b. Whether/how 'single family residential neighbourhoods' informed the review of sites/options sets, and how the option set(s) will be evaluated in Phase 2.
2. Incorporating 'lessons learned' with respect to the consultation process in Phase 2 (see the separate Conclusion below with respect to the adequacy of the Eastside consultation for Phase 1).

## 2. Was the Eastside consultation process on the options sets adequate?

The complainant raises numerous concerns with the Eastside consultation process.

I begin this section by pointing out that there are no statutorily prescribed procedures for consultation within the CRD therefore the decision-maker has broad discretion as to how a consultation exercise should be carried out, subject to general procedural fairness principles. The decision-maker's discretion is not unbounded; however, as it is commonly accepted that certain fundamental propositions or principles must be adhered to.

Generally speaking, a public policy decision such as that associated with waste water treatment should be developed, crystallized, canvassed and considered. This is thus the purpose of public consultation – it should reflect a desire to develop options and to crystalize them by canvassing opinions and reflecting those considerations in options going forward.

Below I consider first, some general guidelines, as it relates to public consultation processes and principles of procedural fairness.

A governing principle in any public consultation undertaking should be "proportionality". This means that the type and scale of consultation should be proportional to the potential impacts of the proposal or decision being taken, and thought should be given to achieving real engagement rather than merely following bureaucratic process. In this instance, I find that the level of consultation undertaken was proportional to the issues at hand and the opportunities for real engagement, were robust.

Now I turn to more specific principles of fair consultation:

The first principle of fair public consultation, based on a public policy discussion paper prepared in the UK<sup>2</sup>, is **determining the subjects of consultation** – that is – what will government consult about. In this instance, the CRD made explicit efforts to consult on costing as a formal stage of the process.

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<sup>2</sup> The guidelines were drawn from a discussion paper prepared in the UK.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/255180/Consultation-Principles-Oct-2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf)

The next issue is the **timing of consultations**. Engagement should begin early in policy development when the policy is still under consideration and views can genuinely be taken into account. In this instance, the CRD (through the Eastside Committee) began the community consultations on costing as soon as costing information became available. Every effort was made to make available the evidence base at an early stage to enable contestability and challenge. Timeframes for consultation should be proportionate and realistic to allow stakeholders sufficient time to provide a considered response. The amount of time required should depend on the nature and impact of the proposal (for example, the diversity of interested parties or the complexity of the issue). The timing and length of a consultation is decided on a case-by-case basis; there is no set formula for establishing the right length.

The third issue is **making information useful and available**. Decision makers should be able to demonstrate that they have considered who needs to be consulted and ensure that the consultation captures the full range of stakeholders affected. In particular, decision makers should take the necessary actions to determine in advance, who the populations of interest are (the affected interests) and should engage effectively with such groups. Information should be disseminated and presented in a way likely to be accessible and useful to the stakeholders with a substantial interest in the subject matter. The choice of the form of consultation will largely depend on: the issues under consideration, who needs to be consulted, and the available time and resources. Information provided should be easy to comprehend – it should be in an easily understandable format, use plain language and clarify the key issues, particularly where the consultation deals with complex subject matter.

The final principle relates to **transparency**. The purpose of the consultation process should be clearly stated as should the stage of the development that the policy has reached. Also, to avoid creating unrealistic expectations, it should be apparent what aspects of the issue being consulted on are open to change and what decisions have already been taken. Being clear about the areas on which views are sought will increase the usefulness of responses. Sufficient information should be made available to stakeholders to enable them to make informed comments. Relevant documentation should be posted online to enhance accessibility and opportunities for reuse.

The complainant raises issues with all aspects of the consultation.

In addressing this question, I have reviewed the public consultation record for the period April 2015 to November 2015 with respect to the following issues raised in the complaint.

- a) lack of reaching out to property owners other than through large group sessions;
- b) lack of appropriate notice of public sessions;
- c) singular use of computer based surveys;
- d) inadequate access to technical experts to answer public questions;
- e) incomplete information provided to the public in accessible formats (in particular, the complaint states that information was not summarized in a brief or organized manner, and that no information was provided on harmful effects or potential risks).

Each issue raised in the complaint is explored separately below.

**a) Lack of reaching out to property owners other than through large group sessions;**

The importance of this process relates mainly to issues associated with procedural fairness. In order for a process to be considered fair, one would expect the decision maker to ensure that those potentially affected by a decision (those with an interest) would be consulted. In this instance, the complainant suggests that the process did not sufficiently reach out to property owners in the affected area. Below I examine the public record with respect to consultation.

A review of evidence suggests that the Eastside consultation process relied on a number of deliberative processes over the period April to July 2015 to review the technically feasible sites and option sets. Techniques included:

- Four public dialogue sessions
- A random sample survey/poll
- Self-Selecting, open link survey
- *Release of 47 technically feasible sites, and site profiles*
- Two workshops to review the 47 technically feasible sites and gain insights into public support/acceptability for each
- Eastside Community Dialogue consultation on initial findings – Belfry Theatre
- Release of *Eastside Options Sets – Wastewater Treatment Options* document
- One Open house
- On-line survey to confirm criteria with broader audience, assess trade-offs

At the public events, comments were captured on flipcharts; participants were also offered feedback forms, an invitation to email further comments, and to participate in on-line survey(s).

### **Conclusion:**

I find that the various methods used in the Eastside consultation process were both diverse and appropriate and went beyond simply relying on large group sessions. There was a mix of tools and methods used to reach out to interested parties. These included open houses; on-line surveys; targeted meetings with select groups; publication of reports; as well as workshops.

While there were no targeted sessions set up with any of the multi-family dwellings in the potential site areas or any mail outs to residents in the affected areas, there was a meeting held with the James Bay Neighbourhood Association in May (an area which accounts for many multi-family dwellings).

Might the process have been strengthened by more targeted inclusion of multi-family dwellings? Perhaps. But as in any consultation process, policy makers must make choices about how to effectively and efficiently structure a given process to ensure appropriate coverage. In this instance, I would find it difficult to fault the process based on the fact that they did not specifically target multi-family dwellings. If I did find fault on that aspect, I might need to consider what other specific target groups should have received focused attention other than a consideration based on the number of units in a dwelling such as characteristics of inhabitants of dwellings; private versus public, etc.

### **b) Lack of appropriate notice of public sessions;**

The purpose of notice is to alert persons whose interests may be affected by a decision so that they may take steps to protect their interests, including attending any public sessions. Generally, it is expected that there would “adequate” notice provided. What “adequate” or “reasonable” is depends on the circumstances and is usually determined by common law principles of fairness. It would also be fair in this instance to suggest that the methods to be used, given the number of interests, should be matched against what would be reasonable in terms of best options to reach those interested. As such, the review focused on the methods/mediums used to reach the affected interests as well as the notice period itself.

### **Mediums Used**

Notice generally can be of two forms:

- Direct notice to the interested parties (via ordinary mail out; electronic transmission or phone calls);

- Notice made through various public mediums such as the media. Such “constructive notice” is generally used when the number of potentially interested individuals is large and other methods (e.g., direct mail out) would be cost-and/or time prohibitive.

A review of the record points to the following processes which were used to provide notice of public sessions:

- Use of both paid and non-paid media – media advisories, press releases, talk radio, editorial board meetings, and invitations to bloggers/mainstream media
- Paid media – advertising in regional and community print media, radio ads and digital media
- Social media – CRD website, Twitter, and networks of municipal partners, politicians and individuals
- Email outreach – to CRD’s list of community associations/individuals who expressed interest in the project
- Networks – citizen advisors, directors and team members
- Written and other visual materials – videos, booklets and key information packages

### **Conclusion**

As it pertains to the notice methods employed, I find that there was an appropriate mix of methods used to provide notice. I also find that there was a strict reliance on constructive notice methods but am unable to state unequivocally that this harmed the process in any way as there was no evidence tendered with respect to groups of individuals excluded from the process as a result of lack of notice.

#### **c) Timeliness of Notice**

Sufficient time should elapse between the receipt of notice of events and the commencement of the event to enable a party to either prepare or to make known the sessions.

### **Conclusion**

As it pertains to the notice period and timeliness of notice, while the record indicates that multiple tools for advertising the sessions were used, it is not clear what the specific lead times were with respect to public notice of various public events and therefore no comment can be made as to the sufficiency of the notice provided

#### **d) Singular use of computer based surveys;**

The complaint suggested that the sole tool relied upon to collect feedback was an on-line survey. A review of the record suggests that there were three surveys used during Phase 1; at least two of which were on-line:

1. A random-sample public survey conducted by Ipsos Reid administered in May/June 2015, though it is not clear what format was used for the survey (i.e., online, telephone, etc.).
2. A self-selected open-link online survey was administered by Ipsos Reid in May/June 2015.
3. The Ethelos online survey tool was used in June July 2015 to prioritize option sets.

In addition, at the various participation/engagement events listed above and described in the report, comments were captured on flipcharts; participants were also offered feedback forms, an invitation to email further comments, and to participate in on-line survey(s).

### **Conclusion**

I find that there was use of computer based surveys coupled with other methods including provisions being made for dialogue during public sessions; feedback forms made available at sessions; along with invitations for submissions via electronic mail. That said I also find that questionnaires were not mailed to households and/or made available in public places/venues and could have been.

Based on this evidence, I must find that the process does not fall short of reasonable standards. I do however suggest that in moving forward, consideration be given to mail outs in select instances.

**e) Inadequate access to technical experts to answer public questions;**

The consultants for the Eastside committee consultation report that there were on average 4-5 engineers and planners on site during public sessions.

**Conclusion**

It would appear that technical experts were present at most, if not all, of the public participation/engagement events in Phase 1.

**f) Incomplete information provided to the public.**

In particular, the complaint states that during the engagement, no information was provided on detrimental effects or potential risks. A review of the project documentation reveals that there was no specific information included in any of the information provided to the public on potential risks and harmful effects of the proposed facility

**Conclusion**

I find that the process was lacking with respect to the provision of all relevant information related to facilities, in particular in this instance, there does not appear to have been any discussion on the effects of a breakdown of any facility (the impacts of such a break or the processes to inform the public, etc.).

**Recommendations for Moving Forward Relative to Consultation**

A review of the evidence, summarized above, indicates that the consultation process in Phase 1 was adequate. The engagement process was subject to very tight timelines imposed as part of the larger process. However, there are 'lessons learned' that will further improve consultation during Phase 2 in 2016. These include:

1. Ensuring that the decision-making process (e.g., timelines; criteria; the roles and responsibilities of consultants/the Committee, TOP and others; how public engagement will be used to inform outcomes) is clear to all participants.
2. Exploring the feasibility for mail outs to targeted areas. If the costs are prohibitive, this should be made known so that the public understands that the policy maker has turned their mind to this issue.
3. Ensuring that the engagement materials (e.g., reports, presentations) are complete and address issues related to potential break downs.
4. Eastside consultants should provide details in their reporting on notice periods so that it is easier to track if sufficient notice was in fact provided.