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April 1, 2011

To Chair Blackwell and Members of the Core Area Waste Management Committee

The Minutes of the CALWMC Meeting of February 23 2011 contain in Item 4.b) the statement "Staff will provide the delegate (David Langley) with a link to the Ernst and Young resource recovery report"

In the week prior to the CALWMC Meeting of March 23 2011, having received no further information regarding the missing report, I submitted my name as a delegate to that meeting to speak to the matter. I was advised by your administration staff as follows:

Unfortunately, your request does not comply with the CRD Procedures for delegation requests. Agenda item 2, being the adoption of the minutes, does not qualify as an item that can be addressed, since it is a procedural item, and not an action item. Thus, your request to speak will not appear on the supplementary agenda.

Section 12(1) of the CRD Procedure Bylaw allows for "an individual or a delegation to address the meeting on the subject of an agenda item...."

Adoption of the Minutes is considered a routine item and the action proposed here is for the Committee to indicate that the minutes are an accurate reflection of what happened at the previous meeting and not an opportunity to revisit decisions already made.

The idea behind a delegation is to allow the delegate to speak to and provide additional information regarding an item that is before the Committee for discussion and possibly action. The item you wish to speak to is not specifically listed on the agenda as an item for consideration.

There is not one word in Section 12 (1) of CRD Bylaw No. 3708 that relates to the decision that was made to deny me the opportunity to speak at the March 23 2011 CALWMC meeting. The grounds for denial seem to be that "Adoption of Minutes" of the previous meeting is not a real agenda item.

My concerns relate to a commitment made at the Feb 23 meeting that is accurately presented in the minutes. I did not want to suggest that the minutes be changed. My aim was to inform Committee that the commitment has failed and seemingly cannot be accomplished unless some new action is taken by Committee.

Committee has always been very open and courteous to members of the public who wished to bring forward any matters of concern. I was very surprised that I was not allowed to speak at the March 23 2011 meeting.

Regarding the missing report, I received the following information from Mr Jack Hull:

There are 2 reasons the E&Y report was never posted on or made available: first it was never completed and taken to the CALWMC, we only have a draft: second the report contains proprietary information from identified organizations which cannot be released to the public. Unlike the recent market sounding on procurement which contained no attribution of feedback to the company's interviewed, the E&Y report does attribute responses to individual companies

Regardless it is practice not to release reports to the public until they have been received by the committee. We have the added difficulty that the author of the report no longer works for E&Y.

My understanding of the history of the resource recovery market survey report is as follows:

1. The survey was commissioned jointly by the Province and CRD
2. At the CALWMC meeting on Oct 28, 2009 Ernst & Young were awarded a \$292,000 extension to their overall CRD contract.
3. One of the Ernst & Young commitments at that meeting was to complete the market survey report and, if requested by CRD, present the results to CALWMC
4. I received by email on March 22, 2010 from Dwayne Kalynchuck the following *"With respect to the Market Sounding on Resource Recovery, the committee was briefed last September as to the results. Unfortunately we neglected to post the report on our website. I appreciate you bringing this to our attention and we will put it up on the website in the next few days."*
5. With regard to point 4 above there was nothing presented in public to CALWMC in Sept 2009. The report was never posted on the CRD website.
6. From points 3 and 4, it seems E&Y were not documenting the market survey results until late 2009 or 2010. How could the committee be briefed on the survey results in Sept 2009 before E&Y had completed their work?

The recent procurement market sounding report indicates that clarity regarding CRD requirements on resource recovery from sewage treatment is very important to the procurement process.

Surely full review and careful consideration by CALWMC of the resource recovery market sounding results are essential in determining CRD policy.

The matters I raise are not trivial. Lack of clarity in the resource recovery area exposes CRD taxpayers to high financial risk in initial and ongoing annual costs of the system.

An edited version of the Ernst and Young report that retains the market sounding findings for resource recovery without attributions to specific organisations should be brought forward for review by CALWMC and for public access. That is what was done very effectively with the recent procurement sounding report.

Yours truly,

David Langley