
Fw: Follow-Up — Coordination, Public Records, and Municipal Legal Defence

From Inquiry <inquiry@barriere.ca>

Date Wed 8/5/2026 10:57 AM

To Jamie Mosdell <jmosdell@barriere.ca>

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Follow_Up_Coordination_Public_Records_Municipal_Legal_Defence.pdf;

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Subject: Follow-Up — Coordination, Public Records, and Municipal Legal Defence

Dear Mayor and Council,

I am writing with a further update to my previous June 01 letter, *A Warning to Municipalities: False Independence, Special Advisors, and Local Democracy*, and with a broader call for municipalities to stand together when provincial intervention or sustained external pressure threatens local democratic authority.

North Saanich and Colwood now offer two different but related examples. The July 13 North Saanich meeting shows how provincial intervention, adviser-driven recommendations and institutional narratives can place an elected municipality under extraordinary pressure. Colwood shows how similar development objectives may also be advanced through individual applications, organized advocacy and large volumes of public correspondence, even where no provincial adviser has been appointed.

Together, these examples show why public participation, transparent records, shared municipal scrutiny and coordinated legal and administrative readiness are essential when institutional or organized narratives risk overshadowing the broader facts.

What Is Happening in North Saanich

North Saanich is currently responding to an extraordinary provincial housing intervention. After the district completed only 12 of the 60 units assigned under its first-year housing target, the Province appointed CBRE Development Strategy and Consulting as an external adviser to review the municipality's planning policies, development processes and governance conditions.

The adviser produced 19 recommendations. The Province then advised North Saanich that it intended to impose four directives and five enhanced reporting requirements affecting lot sizes, subdivision rules, parking standards, accessory housing, delegation of certain council decisions to staff, advisory-committee activity and the treatment of specific development applications.

North Saanich was given a limited period to respond while also dealing with staff conflict, constrained municipal capacity, confidential discussions with the Province and questions about the technical, financial and infrastructure consequences of the proposed changes.

Immediately before council considered the Province's proposed housing directives, Black Press published John Kafka's letter, "More transparency needed in North Saanich," while the *Times Colonist* published the closely related commentary, "Closed doors on decision-making in North Saanich erodes trust."

Both portrayed council's in-camera meetings as evidence of a widening gulf between council and residents and introduced the suggestion that perhaps it was time to "vote them all out." Neither adequately addressed the extraordinary environment created by the provincial adviser, proposed directives, enhanced reporting requirements, staff conflict and confidential intergovernmental discussions.

The July 13 meeting demonstrated something markedly different. Attendance was so large that additional chairs were required and the room's fire-safety capacity had to be checked. Council unanimously moved public participation ahead of its own deliberations and repeatedly extended the speaking period so everyone wishing to address the matter could be heard.

The vast majority of residents who spoke supported the mayor and council, defended the community's Official Community Plan, criticized the provincial intervention, questioned the adviser's evidence or independence, or urged council to resist provincial overreach.

Residents raised detailed concerns involving infrastructure, water, sewer and transportation capacity; agriculture and food security; flooding and environmental risks; affordability and taxpayer costs; the proposed expansion of the Urban Containment Boundary; the adviser's treatment of community advisory committees; and major recommendations apparently made before the technical studies needed to justify them had been completed.

Some support for the provincial position also appeared. Certain remarks were especially polished and closely aligned with the Province's framing. Those interventions represented a small minority of the overall public response.

Whatever concerns may remain about unrelated closed meetings or the suspension of advisory committees, the July 13 meeting did not resemble a community asking the Province to rescue it from its elected council. It showed residents appearing in substantial numbers to defend local planning, democratic authority, transparency and evidence-based decision-making.

I encourage mayors, councillors and residents throughout British Columbia to watch the July 13 meeting recording available through the District of North Saanich meeting webpage and YouTube channel. The complete meeting provides a much clearer account of public sentiment than isolated media commentary.

The Inversion of Accountability

North Saanich was not operating in an ordinary municipal environment. The Province had announced its intention to impose four directives and five enhanced reporting requirements. These proposals reach into lot sizes, subdivision rules, parking standards, accessory housing, delegation of certain council decisions to staff, advisory-committee activity and the handling of specific development applications.

The adviser's report also extended beyond technical housing analysis into council governance, staff culture, public communications and community participation. It relied partly on interviews with current and former staff, developers, municipal consultants and unidentified stakeholders.

This creates a striking inversion. The elected municipality losing authority is portrayed as the transparency problem. The Province acquiring additional authority is portrayed as merely providing support. Council's confidential discussions are treated as suspicious, while the adviser's undisclosed interviews, participant-selection process and institutional assumptions receive comparatively little scrutiny. Residents are then encouraged to consider replacing the entire council immediately before that council must decide whether to resist or negotiate provincial demands.

Provincial intervention creates pressure, conflict and secrecy within the municipality. Those resulting conditions are then portrayed as evidence that the municipality cannot govern itself, helping justify still greater provincial control.

Adviser Independence Must Be Demonstrated

The North Saanich adviser was CBRE Development Strategy and Consulting, part of a major commercial real-estate organization. This does not automatically invalidate every observation in the report. It does create an obvious need for scrutiny when a development-oriented consultancy is appointed to determine whether a municipality is creating sufficiently favourable conditions for development.

At the July 13 meeting, Mayor Peter Jones stated that North Saanich had no role in selecting CBRE and expressed concern that the Province had appointed an organization whose work includes assisting development interests.

The report emphasizes development feasibility, market confidence, developer experiences and structural changes intended to improve development conditions. It also makes recommendations affecting governance, advisory processes and public communications.

Municipalities should therefore seek disclosure of adviser-selection criteria, conflicts and professional relationships, interview participants and selection methods, communications between the adviser and ministry, technical studies supporting each recommendation, and the extent to which conclusions originated with the adviser, ministry staff, developers, consultants or other stakeholders.

The SD61 experience demonstrated why "independent" cannot be accepted as a substitute for demonstrated independence. North Saanich's adviser was appointed before the full significance of the SD61 communications and adviser relationships became publicly understood, making careful retrospective scrutiny especially important.

What Is Happening in Colwood

Colwood presents an important contrast with North Saanich. North Saanich became subject to a provincially appointed housing adviser after falling short of its first-year housing target. Colwood, by comparison, has already experienced substantial housing growth, including the continuing build-out of Royal Bay, and has not faced the same form of provincial intervention.

That does not mean development pressure disappears once provincial expectations are being met. Instead, Colwood offers a view of how similar objectives can be advanced through individual applications, existing planning policy, developer advocacy and organized public correspondence.

The dispute surrounding 420 Tamarack Road is a useful example. The application attracted lengthy submissions from the developer, the Greater Victoria Chamber of Commerce, local businesses, tradespeople, families, neighbourhood residents and organized opponents. Many supportive letters repeated similar themes involving housing supply, future generations, walkability, local business growth and consistency with the Official Community Plan. Some writers stated that they were asked to consider

the proposal or that it had been brought to their attention through friends, relatives or business contacts.

At times, the volume gives the impression that every developer, business associate, spouse and perhaps even the family pet was invited to submit a detailed opinion.

Humour aside, the pattern matters. There is no basis to assume that every similar letter was written or supplied by the developer. However, the volume, common themes and highly polished presentation show how apparent public support can be amplified through professional, commercial and personal networks.

The opposition submissions were also substantial, but often focused more directly on council resolutions, neighbourhood designation, sewer capacity, transit, infrastructure, procedural fairness and specific planning evidence. Some included footnotes, meeting timestamps and proposed council directions.

Colwood and the Public Correspondence Record

This context makes Colwood's recent Council Procedure Bylaw review especially important. Staff initially proposed that written submissions continue to be circulated privately to council but no longer be appended to publicly available agendas, citing privacy, administrative workload and the growing length and complexity of AI-assisted correspondence.

After reviewing the 420 Tamarack record, the workload concern is understandable. The published packages run to dozens of pages with plenty of redactions. But that volume is also precisely why the correspondence must remain public.

Without publication, residents and journalists could not compare repeated themes, distinguish individual opinion from organized advocacy, identify template or professionally assisted campaigns, see which businesses and associations were participating, or assess whether later claims about public support matched the actual record.

Ironically, making correspondence private in response to AI or excessive volume would make coordinated or amplified campaigns harder to detect.

Continuing to publish submissions while imposing limitations when necessary is therefore a reasonable compromise for routine matters. Complex planning, infrastructure and governance issues may still require supporting material, which could be preserved through a one-page summary accompanied by appendices or a separate public archive.

The answer to excessive advocacy should not be to conceal the advocacy. Transparency allows the public to see not only what people said, but who mobilized, what arguments were repeated and how apparent public sentiment was constructed.

North Saanich shows pressure imposed from above through an adviser and proposed directives. Colwood shows how similar pressure may be assembled around a particular application through planning policy, organized stakeholder advocacy and correspondence.

In both cases, the public record is essential. North Saanich demonstrates why residents must sometimes appear in person to prevent a narrow narrative from standing in for the community. Colwood demonstrates why the written record must remain visible so the public can understand how that narrative developed.

Affordability, Infrastructure and Local Authority

The experiences of North Saanich and Colwood reinforce concerns raised by View Royal Mayor Sid Tobias.

Mayor Tobias has warned that housing supply and housing affordability are too often treated as interchangeable, even though additional market units do not necessarily become affordable to workers, families or seniors. He has also questioned policies that shift authority away from elected councils, limit public participation or leave municipalities and existing taxpayers responsible for the consequences of provincially driven growth.

North Saanich and Colwood face different forms of pressure, but both demonstrate why housing decisions cannot responsibly be reduced to unit counts alone. Municipal councils must retain the ability to consider affordability, cumulative impacts, community plans and local evidence before major and potentially irreversible decisions are made.

Mayor Tobias's Call for Coordinated Judicial Review

Mayor Sid Tobias deserves credit for placing coordinated municipal judicial review of provincial housing legislation squarely on the public agenda.

I believe this is an excellent and necessary idea. Municipalities should give it practical force by contributing modest amounts in advance to a shared **Municipal Democracy and Judicial Review Fund**, rather than waiting until one community is already under severe pressure and must carry the entire legal and administrative burden alone.

The fund could be organized through UBCM, regional partnerships or another lawful intermunicipal structure. It could support independent legal opinions, coordinated judicial-review applications, expert evidence, document preservation and emergency assistance where serious questions arise concerning legality, jurisdiction, procedural fairness, consultation or democratic authority.

It could also provide temporary administrative support when a municipality receives an unusually large volume of public correspondence. That support could help with intake, indexing, duplicate identification, lawful redaction, preparation of public agenda packages and maintenance of a searchable public record.

This matters because one municipality cannot necessarily solve the problem simply by asking staff from another municipality to process its correspondence. Unredacted submissions may contain personal information, confidential material or other records that can only be handled by authorized recipients under the municipality's own privacy and records-management obligations. A shared fund could instead allow the affected municipality to hire additional authorized staff or qualified contractors while retaining control over the records.

That would address the workload problem without making public correspondence private.

The fund would not commit municipalities to opposing every provincial housing measure or automatically pursuing litigation. It would simply ensure that municipalities have the practical capacity to obtain independent advice, preserve public participation and respond effectively when ordinary staffing and legal resources are insufficient.

The circumstances in North Saanich show the danger of leaving one municipality to respond alone to extraordinary provincial intervention. Colwood shows how a large correspondence campaign can overwhelm staff even when keeping the written record public is essential to accountability.

A coordinated fund would therefore protect both municipal authority and public transparency. It would also strengthen negotiations by ensuring that action affecting one community could be examined collectively, supported by shared financial resources rather than resisted by an isolated council with a limited budget.

Rights that cannot realistically be defended remain largely at the discretion of the more powerful government. Public participation that cannot realistically be processed may likewise become vulnerable to restriction. Mayor Tobias's proposal offers municipalities a practical way to protect both.

A Call to Unite

Municipalities should unite around several basic principles: evidence before directives; independence that is demonstrated rather than merely declared; affordability rather than unit counts alone; meaningful public participation; a transparent public record; and coordinated judicial review when consultation and negotiation fail.

North Saanich and Colwood illustrate different ways in which local authority and public accountability may come under pressure. Their experiences should not be treated as isolated disputes. They raise broader questions about the balance of authority between municipalities and the Province and about who bears responsibility for the long-term consequences of growth.

Councils should compare experiences, preserve records, share legal research, support residents who participate in good faith and begin setting aside practical resources to defend local democratic authority.

Transparency and accountability must not become standards applied only to elected councils while governments, advisers, consultants, developers, media organizations and organized interests avoid equivalent scrutiny.

The residents who attended the North Saanich meeting demonstrated what genuine public accountability looks like.

The published Colwood correspondence demonstrates why the written record must remain visible.

Mayor Tobias has shown what coordinated municipal leadership could look like.

Municipalities should now demonstrate what unity looks like.

Respectfully,

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