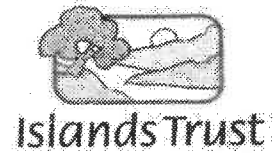


Trustee Notebook *By Laura Busheikin*



Questions about Governance

It's a complicated business, this job of Local Trustee. Being an elected official is already a complex undertaking. Even more so when part of a special-purpose, hard-to-explain governing agency that's unique in all of Canada. And then there's that environmental mandate! Do we represent voters, or the earth?

I'm not writing this to complain about my job. I love this role, including its complexity. In fact, that's what I'm writing about. Because complexity is interesting, and also because I believe that if we all think more about this stuff, we can work better as a community.

Here are some questions trustees ponder when we're trying to figure out our role:

Question #1: "Do we have a special duty to listen to our voters?" We all hear this sometimes: "I voted for you, so you better do what I want!" Is that actually so? Lawyer Bill Buholzer, who literally wrote the book on local government law in BC, has an answer: "I believe it's uncontroversial that, once an election is over in a representative democracy, the successful candidates are considered to have a duty to represent all of the electors and not just their supporters."

Question #2: "Where to stand on the *mandate vs independent* thesis?" I'll let theorist Hanna Pitkin explain what that means (apologies for the inaccurate pronoun use). "A mandate theorist," she writes, "might maintain that true representation occurs only when the representative acts on explicit instructions from his constituents... A more moderate position might be that he may exercise some discretion, but must consult his constituents before doing anything new or controversial, and then do as they wish or resign..."

"A still less extreme position might be that the representative may act as he thinks his constituents would want, unless he receives instructions from them, and then he must obey... At the other extreme is the idea of complete independence, that constituents have no right even to exact campaign promises."

Many people feel *democracy* means the former—listen to the people! But there are problems with this. It's really hard to hear from the whole spectrum of "the people." The loudest voices, the angriest residents, the people who understand the system, the people with the time and confidence to come to meetings and otherwise engage, tend to dominate. That's not fair.

Also, members of decision-making councils are generally charged with looking at the long game—the bird's eye view, the seven-generation span (three in the past, three in the future, and the current one). We're also expected to educate ourselves, make evidence-based decisions, pay attention to policy, budget, and legal ramifications, and consider multiple points of view. So maybe we should listen to constituents, but, ultimately, make independent decisions.

Question #3: "Where does the Trust mandate fit in?" The Islands Trust Act tells trustees "to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally..."

On the one hand, hooray for the local control the Trust offers. Decisions get made on island, mostly by local people you run into at recycling or the General Store. We can be truly grassroots: islanders taking care of island needs and priorities. On the other hand—we aren't alone. Maybe our needs and priorities are not the most important things to consider, or at least, not the only things.

Here's Bill Buholzer's analysis: "...it doesn't seem that the Legislature [in creating the Islands Trust] was satisfied that what's good for the residents of the trust area would necessarily be good for the residents of BC generally; otherwise the [mandate] would refer only to the residents of the trust area." This, he says, makes trustees different from regional district directors and municipal councillors.

Question #4 (last but not least!): "What about the natural environment?" The mandate suggests the needs of the natural environment might come *above* the needs of the human community. But how far above? We all love the earth, but we also care about our communities, and—let's be honest—our own self-interest. What about economic needs? Housing needs? How do we feel about placing the environment above them?

I don't have any fancy lawyer quote to answer this one. Ideally, we find ways to meet human needs while safeguarding the water, the forest, the ocean, the animals, the soil, and the miraculous interwoven relationships between them. But as I wrote at the beginning, it's a complex business!