



This is the 1st Affidavit
of Noba Anderson in this case
and was made on June 30, 2020

No. _____
Campbell River Registry

In the Supreme Court of British Columbia

Between

NOBA ANDERSON

Petitioner

and

STRATHCONA REGIONAL DISTRICT

Respondent

AFFIDAVIT

I, Noba Anderson, of 421 Whaletown Road, Cortes Island, British Columbia, Strathcona Regional District Director, AFFIRM THAT:

1. I am the petitioner in this matter, and as such I have personal knowledge of the facts and matters hereinafter deposed to, except where stated to be on information and belief, in which case I verily believe them to be true.

Relationship with Strathcona Regional District

2. In 2008 I ran for the position of Director of Electoral Area B (Cortes Island) on the Strathcona Regional District (“SRD”) Board of Directors.
3. In November 2008 I was elected to the Board of Directors (“the “Board”) of the SRD. I was re-elected to the Board in 2011 (acclaimed), 2014, and most recently in October 2018.
4. During my 11 years in office, I have attempted to focus my efforts on issues relating to regional collaboration, First Nations relations, and environmental and climate change issues. I have held leadership positions within the SRD, including as Chair of the Committee of the Whole, and have had the privilege of being appointed to various committees and external agencies including the First Nations Relations Committee, Strathcona Community Health Network, the Vancouver Island Regional Library Board, the Coast Sustainability Trust, and

North Island 911 Corporation. I was also involved in founding the first two of those bodies.

5. In my role as Board Director I have also sought to promote greater transparency and public accessibility to our work through advocating for the live streaming of our meetings, community budget open houses, and more frequent release of *in-camera* information relating to closed matters. I have also tried to advocate for a more respectful and cooperative Board culture.
6. The SRD is governed by a 13-member Board of elected officials (directors). Four of these directors are elected from rural Electoral Areas A-D and the remainder are appointed representatives of the municipalities within the SRD.
7. On a number of occasions since I was first elected, I have found myself being strongly ideologically opposed to positions supported by some, and in some cases most, of the other Board members. There have also been a number of instances in the last decade where I have been concerned that statements made to me or about me, and steps taken in respect of my role as a Board member, have exceeded the bounds of respectful political opposition. In the events set out below, I have attempted to minimize references to a substantial number of difficult interactions which I have had with other individuals on the Board and on staff over the years. However, as set forth below, it is also my view that some steps taken by the Board since 2019 have also infringed my legal rights and standing as a member of the Board. I am concerned that these events may adversely affect my ability to represent the best interests of my constituents on Cortes Island, and thus may affect their interests as well.

2018 Conflict Allegations and Subsequent Board Actions

8. Since 2007, I have lived at property which I co-own with Connie Quayle, Ryan and Lovena Harvey, Lukasz Biela and Allison Gregory.
9. In 2012 I added a cabin to the property, across the yard from my house, where I could care for my father. My father was experiencing advancing dementia, which had progressed to the point where he could no longer live without personal care being immediately available.
10. In January 2018, my father's cabin burnt to the ground and he lost everything he owned. He moved into the house where I live with my husband and daughter and took my daughter's room. Unfortunately, the house did not have sufficient space to accommodate all four of us comfortably in the long run.
11. My friend and land partner, Ms. Lovena Harvey, told me that she wanted to coordinate a go-fund-me fundraising effort to assist with the costs of rebuilding a space for my father. While initially hesitant, I eventually agreed to this because I could see no other viable way of financing the construction of a new space for my father. My father received only a modest government pension, and my family did not have the means to obtain suitable alternative accommodation. Ultimately we added an addition to our family home to accommodate my father as we determined that given his age it would be best if he lived with us.
12. The effort by Ms. Harvey to raise funds to help my father had nothing to do with my role as a director with the SRD.

13. As the fundraising effort advanced, I was surprised by the generosity of the donors, who included both individuals I knew well and individuals that I hardly knew. Overall, it is my understanding that Ms. Harvey's go-fund-me campaign raised approximately \$3700, which was used to pay for a labourer who worked on the addition.
14. On October 25, 2018 I was advised that the SRD Board had received certain complaints about me. I initially heard about the complaints during a closed meeting of the Board.
15. In early November, the Board received two confidential reports from staff, which were considered at an *in camera* meeting held November 7, 2018. I am prepared, and seek, to have those reports and the proceedings of the *in camera* meetings put before the Court on this Petition, but have not included them in this Affidavit as a result of concerns about the possible disclosure of confidential Board material.
16. Following the circulation of the staff reports, four SRD Directors suggested that I should resign immediately. Electoral Area C Director Jim Abram stated that I should resign now because I was unlikely to be able to finance my defence. Director Leigh stated that I was "morally corrupt" and that because my constituents had known about my actions and still re-elected me, the whole of Cortes was "morally corrupt." These statements were all made before the Board hired an investigator to look into the allegations, and before I had an opportunity to respond to the complaints before the Board. No one else at the Board meeting said anything in response to these comments.
17. At my request, my legal counsel wrote a letter to the Board on November 14, 2018, to address issues raised in the complaints. There was no response to this letter. The letter was marked "to be received in camera", and as with the staff reports, I am prepared, and seek, to have my counsel's letter put before the Court, but have not included it in this Affidavit as a result of concerns about the disclosure of confidential Board material. More generally, it would be my preference that all Board proceedings relating to these complaints be disclosed to the public, and that no part of the proceedings remain part of the closed record, but the Board has not been willing to do that.

2019 Investigation, Disqualification Petition and SRD Board Actions

18. Following the events described above, the SRD hired an investigator, Mr. Craig Peterson of Creative Solutions RMC, to conduct an investigation into the allegations. Mr. Peterson interviewed me twice, first during the week of January 14, 2019 and second in my home on January 28, 2019. He also interviewed numerous other local residents whom I knew, including Gillian and Garry Fast, Kristen Scholfield-Sweet, De Clark, Christine and Cec Robinson, Lovena and Ryan Harvey, Mary Lavelle, Martha Abelson and Morgan Tams. As a result of Mr. Peterson interviewing witnesses who were neither employees nor officers of the District, the existence of the investigation became known to the general public on Cortes Island.
19. In my discussion and interview with Mr. Peterson, he advised me that he had not been provided with any *in camera* materials by the SRD nor was he provided with any written terms of reference to frame his investigation.

20. Attached hereto and marked as **Exhibit "A"** is a true copy of an email exchange I had with the SRD Chief Administrative Officer, Mr. David Leitch, in relation to the investigation and my interview by Mr. Peterson. One sentence from this exhibit has been redacted as a result of concerns about the disclosure of confidential Board material. I am prepared, and seek, to have the unredacted copy of this email exchange put before the Court on this Petition.
21. In January 2019 I also became aware of a petition filed in the Campbell River Registry of the BC Supreme Court, in which a number of Cortes Island residents sought my disqualification from the SRD Board (the "**Disqualification Petition**"). The essential allegations of the Disqualification Petition were that I had acted in a conflict of interest as a Director of SRD Electoral Area B in voting on grants in aid to various non-profit organizations in the SRD. I considered the factual allegations and evidence put forward in support of the Disqualification Petition to be highly inaccurate and filed a Response. **Exhibits "B"** and "**C**" to this Affidavit are copies of the amended Disqualification Petition and my Response. I was personally served with the Disqualification Petition on January 15, 2019.
22. I also decided to seek indemnification for my legal costs in defending the Disqualification Petition under the SRD's Indemnification Bylaw No. 287 (the "**SRD Indemnification Bylaw**"), a copy of which is attached as **Exhibit "D"** to this Affidavit. As required under the SRD Indemnification Bylaw, I advised the SRD of the Disqualification Petition, through my legal counsel. **Exhibit "E"** to this Affidavit is a copy of a letter from my legal counsel to the SRD dated January 14, 2019, without enclosures.
23. **Exhibit "F"** to this Affidavit is a true copy of an email from Ms. Rebecca Coad to Mr. Leitch, dated January 16, 2019.
24. On or about January 24, 2019, at its regular open meeting, the SRD Board deferred 3 matters on its agenda pertaining to SRD Electoral Area B. These matters had nothing to do with the allegations in the Disqualification Petition, but rather pertained to the proposed Cortes Island community hall service, first responder service and appointments to the Advisory Planning Commission. The Board directed that "three matters on the agenda pertaining to Electoral Area B be deferred until the implications of the legal petition filed by the Cortes Island residents is fully understood by the Board." On January 31, 2019, the SRD published a Media Statement relating to the three matters, a copy of which is marked as **Exhibit "G"** to this Affidavit.
25. It is my understanding that at its *in camera* meeting on January 24, 2019, the Board considered Ms. Coad's letter of January 14, 2020. I declared a conflict and recused myself from any portion of the *in camera* meeting involving my indemnification.
26. On or about January 28, 2019, my counsel Ms. Coad was advised by Mr. Tom Yates, SRD Corporate Officer, that at the January 24, 2019 *in camera* SRD Board meeting, the Board adopted the following resolution:

THAT the Board "not" consider indemnification of Director Anderson until after the internal investigation is concluded and the legal petition put forward by Cortes Island constituents is finalized.

27. Attached hereto and marked as **Exhibit "H"** to this my Affidavit is a true copy of a letter from Mr. Yates to Ms. Coad dated January 28, 2019.
28. On January 29, 2019, in response to a the myriad of questions I was receiving from members of the public, including those who had been interviewed by Mr. Peterson, I published a question and answer article on www.cortesisland.com. In response to a question about whether the SRD would be making the results of the investigation by Mr. Peterson available to the public, I answered that I did not know and that I was not at liberty to comment while the investigation was underway.
29. When the Board gathered on January 30 and 31, 2019 for budget deliberations I was expressly reprimanded by the Board Chair for my public statement acknowledging the existence of the Disqualification Petition and the investigation, even though both were public knowledge.
30. On or about February 22, 2019, SRD Board members, including myself, received two staff reports from Mr. Leitch for consideration at the *in camera* portion of the February 28, 2019 SRD Board Meeting. Those reports attached the final investigative report of Mr. Peterson and a legal opinion from Ms. Kathryn Stuart. Following receipt of those reports, the Board passed two resolutions relating to them at the *in camera* portion of the February 28, 2019 meeting. As with the November 2018 staff reports referred to above, I am prepared, and seek, to have these February 2019 reports and the proceedings of the *in camera* meetings put before the Court on this Petition, but have not included them in this Affidavit as a result of concerns about the possible disclosure of confidential Board material.
31. As the reports being circulated to Board members concerned my personal interests, I sought legal advice concerning them. For that purpose, I provided those reports (including the report of Mr. Peterson and the legal opinion of Ms. Stuart) to my lawyer Mr. Matthew Voell. I disclosed those documents to Mr. Voell on a confidential basis, and for no purpose other than to seek independent legal advice with respect to how these reports affected me personally.
32. On March 7, 2019, Mr. Voell wrote a letter to the SRD Board taking issue with certain matters in the reports and the Board proceedings. Attached hereto and marked as **Exhibit "I"** to this my Affidavit is a true copy of Mr. Voell's email to Mr. Leitch enclosing that letter, which has not been attached. As with the other documents referred to above, I am prepared, and seek, to have Mr. Voell's letter put before the Court on this Petition, but have not included it in this Affidavit as a result of concerns about the possible disclosure of confidential Board material.
33. The SRD did not at any time provide a substantive response to Mr. Voell's letter of March 7, 2019, and I was never afforded the opportunity to make submissions to the SRD Board concerning the conclusions in, or use of, the report from Mr. Peterson, despite Mr. Voell's express request that I be given an opportunity to respond to the substance and release of the report.
34. On April 15, 2019, Ms. Stuart wrote a letter to Mr. Voell setting out the position of the SRD on certain issues, and Mr. Voell replied by letter date May 1, 2019. These letters were both marked "WITHOUT PREJUDICE", although neither appears to contain any communication

directed towards compromise or settlement of any dispute between any parties. As these documents are marked “WITHOUT PREJUDICE”, I have attached them to a separate Affidavit which I will seek to tender to the Court at the hearing of this Petition.

SRD Board Actions in the Spring of 2019

35. A meeting of the SRD Board was scheduled for April 10, 2019. In accordance with standard practice at the SRD, staff prepared and circulated separate reports for the open portion of the meeting and for matters which staff expected to be addressed in the closed portion of the meeting. The materials which I received in advance of the meeting included only the reports dealing with the open portion of the meeting. In order to determine whether or not I had a conflict of interest in any matters that might be considered at the closed portion of the meeting, I asked Mr. Leitch to provide me with a copy of those staff reports as well. He refused. I asked Mr. Leitch if a copy could be sent to my legal counsel and he told me no. I also asked Mr. Leitch if there was an intent to deny me access to SRD Board business. He said ‘yes’ and further added that I did not have the right to share SRD legal opinions with my legal counsel. I am unaware of who instructed Mr. Leitch to assert these positions or to refuse to provide me with the reports in question.
36. I was asked to leave the closed portion of the April 10, 2019 meeting even though I had not declared a conflict (not knowing what the meeting was about). The Board was very uncomfortable with my position that as I had not declared a conflict of interest I could not know whether I should recuse myself. The Board was not willing to proceed with me in the room, so I left the *in camera* portion of the meeting in good faith so as not to cause further discomfort for the Board members.
37. I have never been provided with copies of the *in camera* staff reports considered by the Board at the April 10, 2019 closed meeting.
38. Another meeting of the SRD Board was scheduled for May 8, 2019. As with the April 10 meeting, I did not receive copies of the staff reports for the closed section of the meeting. However, the agenda documents which I received stated the titles of two of the reports which I did not receive, which were “Director Anderson Indemnification” and “Release of Confidential Information”. At the May 8 meeting, the Board also received, in paper form, the minutes of the April 10, 2019 closed Board session. I recused myself from the May 8, 2019 closed meeting.
39. On or about May 14, 2018, I received a letter from Chair Babchuk of the SRD Board dated May 10, 2019, stating that the SRD Board had resolved on May 8, 2019 that I would not be indemnified in respect of the Disqualification Petition. **Exhibit “J”** to this Affidavit is a true copy of the letter. I was never given any reasoning for the Board’s decision.
40. Another meeting of the SRD Board was scheduled for May 22, 2019. The agenda for the meeting disclosed that other members of the Board had received a staff report from Mr. Leitch titled “Release of Investigative Report - Alleged Receipt of Gifts”. I have never received a copy of that report.
41. In addition at the open session of the May 22, 2019 meeting the Board discussed the 2020

applications from Cortes residents and organizations for grants in aid, which is an annual occurrence at the SRD. I stayed for some discussion as I had no conflict of interest in these matters, but again it became apparent that members of the Board were very uncomfortable with my attendance and were not willing to proceed with me in the room. I moved to award the grants and the Board decided to defer a decision on that motion to the *in camera* portion of the May 22 meeting. I left the *in camera* portion of the meeting in good faith until the discussions and the vote ended. While the minutes from the May 22, 2019 meeting state that I recused myself from this meeting due to a conflict of interest, this is incorrect as I had not declared any such conflict.

42. On or about May 22, 2019 and without giving me any advance notice or providing me with an opportunity to make submissions, the SRD released to the public a redacted version of the report of Mr. Petersen. **Exhibit “K”** to this Affidavit is a copy of the redacted report, as released, which was posted on the SRD website and remains posted there.

Dismissal of the 2019 Disqualification Petition

43. The Disqualification Petition was heard by Justice Skolrood on June 10, 2019. I was in attendance at the hearing.
44. My counsel made submissions to Justice Skolrood that there was no basis for the declarations sought by the petitioners, that I had not accepted a gift contrary to section 105 of the *Community Charter*, and that I was qualified to hold office.
45. While the petitioners conceded these points, fulsome submissions on the facts and the law of conflict and unlawful gifts were made to Justice Skolrood by my counsel Mr. Voell and counsel for the petitioners. At the hearing counsel for the petitioners stated to Justice Skolrood that his clients had been ‘put up’ to bringing the petition, but counsel for the petitioners did not say by whom.
46. Justice Skolrood dismissed the petition, with costs, finding that there was no basis for the declarations sought by the petitioners, that I had not accepted a gift contrary to section 105 of the *Community Charter*, and that I was qualified to hold office. **Exhibit “L”** to this Affidavit is a copy of the entered order of Mr. Justice Skolrood.

Censure Hearing

47. On June 12, 2019 the Board held another meeting and again, I was not provided with the materials prepared for the *in camera* portion of that meeting, even though the Disqualification Petition against me had already been dismissed and though I had no declared conflicts of interest at that time. I was told that I should leave the room without being told of the substance of the materials to be considered and told that I had a conflict and that if I did not leave the room I would be vulnerable to being disqualified from office. Again while the minutes of this meeting state that I recused myself from this meeting due to a conflict of interest, this is incorrect as I had not declared any such conflict.
48. **Exhibit “M”** to this Affidavit is a copy of a letter which Mr. Voell sent to Ms. Stuart on June 19, 2019.

49. On or about June 25, 2019 I was advised by Chair Babchuk that the Board would be considering whether to proceed with a censure decision regarding my seeking legal advice and providing confidential material to my legal counsel. I am prepared, and seek, to have this letter put before the Court on this Petition, but have not included it in this Affidavit as it is marked 'confidential' and as a result of concerns about the possible disclosure of confidential Board material.
50. Chair Babchuk subsequently confirmed by email on June 27, 2019 that I could seek legal advice in respect of the censure matter.
51. The agenda for the June 27, 2019 closed Board Meeting indicated that the Board received a report from Mr. Leitch titled "Investigation into Release of Confidential Information", which I have never received or has been provided to me.
52. The SRD Board had a further meeting scheduled for July 24, 2019. I was not provided with all of the materials prepared for the *in camera* portion of that meeting, even though the court petition against me had already been dismissed and though I had no declared conflicts of interest at that time. Once again I was told that I should leave the room without being told of the substance of the materials to be considered. I left despite not being provided the ability to review the *in camera* materials to determine whether or not I had a conflict.
53. **Exhibit "N"** to this Affidavit is a copy of a letter from Mr. Leitch to Mr. Voell dated July 30, 2019, concerning indemnification for my legal costs in respect of the court petition.
54. **Exhibit "O"** to this Affidavit is a copy of a letter from Mr. Voell to Chair Babchuk, dated September 3, 2019.
55. The SRD Board had a further meeting scheduled for September 11, 2019. I was not provided with the materials prepared for the *in camera* portion of that meeting, even though the court petition against me had already been dismissed, and though I had no declared conflicts of interest at that time.
56. **Exhibit "P"** to this Affidavit is a copy of an email chain between Mr. Voell and Mr. Yates, dated October 1, 2019.
57. The SRD Board had a further meeting scheduled for October 9, 2019. I was not provided with the materials prepared for the *in camera* portion of that meeting, even though the court petition against me had already been dismissed, and though I had no declared conflicts of interest at that time.
58. On or about October 10, 2019 I received a letter from the Board Chair advising that the Board would be proceeding with a censure hearing at its meeting of October 24, 2019. **Exhibit "Q"** to this Affidavit is a copy of Chair Babchuk's letter and enclosed Notice of Censure Hearing. With respect to the attachments (exhibits) to the Notice of Censure Hearing:
 - (a) Exhibits 1, 12, and 13 are letters from my legal counsel to the Board and its legal counsel. My counsel did not circulate those letters to any other parties. I provided certain confidential *in camera* council reports to my legal counsel, as described above, for the

purpose of seeking legal advice concerning my legal rights and obligations. I did not disclose confidential Board reports or proceedings from *in camera* meetings to anyone but my legal counsel. I have not attached Exhibits 1, 12 and 13 to Chair Babchuk's letter to this Affidavit due to possible confidentiality concerns however I am prepared, and will seek, to have these letters put before the Court at the hearing of this Petition.

- (b) Exhibits 2 – 9 include various e-mails, letters, and online press publications relating to the events described above. All of these documents are dated after the commencement of the court petition that was filed against me, and after Mr. Peterson had begun to interview members of the public. Accordingly, the allegations against me were in the public domain as a result of actions of the court petitioners and the SRD Board, prior to the dates of those documents. Cortes Island is a small community, and the allegations against me quickly became known in the community once the court petition was filed and Mr. Peterson began his interviews.
- (c) Exhibits 10 and 11 were not attached to Chair Babchuk's October 10, 2019 letter, were not before the Board at the October 24, 2019 censure hearing, and accordingly I have not attached them to this Affidavit.
- (d) The final Exhibit 14 is a document of the SRD Board, created and published by them (to the extent that it has been published).

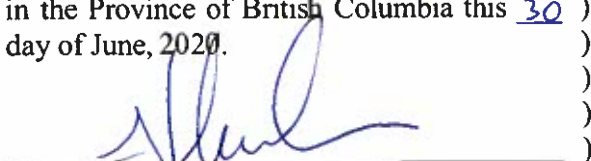
The material contained in Exhibit "Q" was the only material provided to me that the Board would consider at the October 24, 2019 censure hearing.

- 59. I attended the October 24, 2019 censure hearing with my legal counsel Mr. Voell.
- 60. At the outset Mr. Voell requested that the hearing be recorded and that the recording be kept for posterity, and that any submissions made to the Board by SRD legal counsel be recorded as well.
- 61. Mr. Voell made submissions to the Board verbally and in writing. I have not attached a copy of Mr. Voell's submissions to this Affidavit due to possible confidentiality concerns however I am prepared, and will seek, to have Mr. Voell's submissions put before the Court at the hearing of this Petition.
- 62. It would be my preference that all Board proceedings relating to the censure be disclosed to the public and that no part of the proceedings remain part of the closed record, but the Board has not been willing to do that.
- 63. Mr. Voell made his submissions and after answering one question from a Board Member, Mr. Voell and I were asked to leave the hearing, which we did. Legal counsel for the SRD also attended at the censure hearing. I am unaware if he made any submissions to the Board after we left. I was not provided with any submissions or material other than that contained in the October 10, 2019 letter.
- 64. I did not hear anything from the Board after the censure hearing until October 30, 2019, at

which time I received an email indicating that the SRD would be releasing a media statement that same day and enclosing a copy of that statement. **Exhibit "R"** to this Affidavit is a copy of the media statement that was released on October 30, 2019. The media statement was posted to the SRD's website, and remains posted there.

65. On November 7, 2019, the Board released from *in-camera* a decision not to indemnify me for my legal costs incurred in defending the Disqualification Petition and published a media statement in that regard. **Exhibit "S"** to this Affidavit is a copy of the media statement. The media statement was posted to the SRD's website, and remains posted there.

SWORN BEFORE ME at Campbell River,)
in the Province of British Columbia this 30)
day of June, 2020.)


A Commissioner for taking Affidavits within)
British Columbia)


NOBA ANDERSON

W. Jay Havelaar
BARRISTER & SOLICITOR
Suite 200 – 1260 Shoppers Row
Campbell River, BC V9W 2C8



Noba Anderson <director@cortesisland.com>

Speaking with the Investigator

3 messages

Noba Anderson <director@cortesisland.com>
 To: David Leitch <DLeitch@srd.ca>, Tom Yates <TYates@srd.ca>

Tue, Jan 15, 2019 at 1:37 PM

Hello Dave and Tom

I am just back from vacation, reached out to Craig Peterson and have an appointment to meet with him this week.

In speaking with him, it became clear that he has not been provided with any of the in-camera material to support or frame his investigation, nor has he been given any written scope of work for his investigation.

The SRD restricted in-camera resolution from the Nov 7 Minutes states [REDACTED] " I assumed that he would be given access to the full in-camera information to inform his investigation.

As a matter of procedural fairness, I am trying to get clear on:

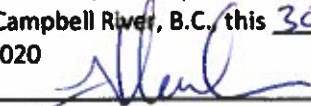
- the scope of his investigation,
- how that scope was determined and why, and
- if I can discuss with him matters from the restricted in-camera sessions.

Given that Craig has not been given the in-camera information on this matter, I need to make entirely clear that I am at liberty to speak with him about the in-camera information, otherwise I do not know how I can answer his questions, and it does not seem at all right, professional or fair for him to be able to speak with anyone he chooses but not myself.

Sincerely, Noba

—
 Director, Noba Anderson
 Cortes Island, Area B
 Strathcona Regional District
director@cortesisland.com
 Tel: 250-935-0320

This is Exhibit " A " to the Affidavit of
 Noba Anderson, sworn (or affirmed) before
 me at Campbell River, B.C. this 30 day of
 June, 2020


 A Commissioner/Notary Public for the
 Province of British Columbia

David Leitch <DLeitch@srd.ca>
 To: Noba Anderson <director@cortesisland.com>
 Cc: Michele Babchuk <mbabchuk@srd.ca>, Brad Unger <grbunger@conumacable.com>, Michele Babchuk
 <Michele.Babchuk@campbellriver.ca>

Wed, Jan 16, 2019 at 11:56 AM

Noba,

Mr. Peterson has in fact been given access to the in-camera material and you are free to speak to him about in-camera information. The fact is that 95% of the SRD's in-camera information is included in the current court petition.

I have met with and spoken to Mr. Peterson on several occasions and I believe both he and I are clear on the scope of the investigation. Mr. Peterson has decades of experience with the RCMP, has conducted hundreds of investigations and is a professional in his field. I feel discussing with you the manner in which he conducts his investigation, the methods he uses and the reasons why are inappropriate.

For your own best interests I believe discussing the details of the scope of the investigation, how and why it was determined does nothing to help the integrity of the process.

It has already come to my attention that more than one person that has been interviewed by Mr. Peterson has been in contact with yourself as well as contributed to a newspaper article consisting of topics that were discussed during his interview with them. Again I believe this does nothing to help support the integrity of the investigation.



Dave Leitch

Chief Administrative Officer

301 – 990 Cedar Street, Campbell River, BC V9W 7Z8

e. dleitch@srd.ca | t. 250.830.6703



[Quoted text hidden]

Noba Anderson <director@cortesisland.com>

Wed, Jan 16, 2019 at 4:54 PM

To: David Leitch <DLeitch@srd.ca>

Cc: Michele Babchuk <mbabchuk@srd.ca>, Brad Unger <grbunger@conumacable.com>, Michele Babchuk <Michele.Babchuk@campbellriver.ca>, Tom Yates <tyates@strathconard.ca>

Dave

I in no way was asking about "the manner in which he conducts his investigation, the methods he uses and the reasons why."

You are right that exactly two people who had already spoken with the investigator called me immediately upon my return to tell me of their experiences. This was not solicited, nor did I share anything with them or try to influence them in any way. I have since told people who have reached out in the same way that I will not even listen to them, and will continue to do so. This is a small place with a lot of people that care deeply about my well being and it is from that place that people are expressing their concern and empathy with me. I cannot and will not try to muzzle anyone who wants to speak with the investigator, the press, the board or anyone else.

Noba

[Quoted text hidden]

Original filed January 02, 2019

This is Exhibit " B " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 30 day of June, 2020



[Signature]
A Commissioner/Notary Public for the Province of British Columbia

Court File No: CAR-S-S-14585
Campbell River Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

**LUKE DANIEL DOUGLAS LAFLUER, WILLIAM JOHN CATHCART,
KENNY BRYAN CARPENTER HANUSE, MICHAEL EDWARD HANSEN,
JASON BARRY JEFFERY, BERTHA LOUISE JEFFERY,
WENDY MARIE LOTNICK, JUNE CAROL BARTON,
THOMAS JOHN DREW, RODERICK CHARLES GRAY LEE,
RICHARD PATRICK BOAS, MARY M. GEORGINA TALLON,
HELENE ANDREE OABES, EDWARD CHARLES MILAN**
PETITIONERS

AND:

NOBA ANDREA ANDERSON
RESPONDENT

AMENDED PETITION TO THE COURT

Name and address of each petitioner

LUKE DANIEL DOUGLAS LA FLUER, WILLIAM JOHN CATHCART, KENNY BRYAN CARPENTER HANUSE, MICHAEL EDWARD HANSEN, JASON BARRY JEFFERY, BERTHA LOUISE JEFFERY, WENDY MARIE LOTNICK, JUNE CAROL BARTON, THOMAS JOHN DREW, RODERICK CHARLES GRAY LEE, RICHARD PATRICK BOAS, MARY M. GEORGINA TALLON, HELENE ANDREE OABES, EDWARD CHARLES MILAN all of Suite 102 – 901 Island Hwy, Campbell River, B.C., V9W 2C2

Name and address of each respondent

NOBA ANDREA ANDERSON of Box 210, 427 Whaletown Road, Cortes Island, BC, V0P 1K0

THESE PROCEEDINGS have been commenced by the petitioners for the relief set out in Part 1 below.

If you intend to respond to this petitioner, you or your lawyer must:

- a. File a response to petitioner in Form 67 in the above-named registry of this court within the time for response to petition described below, and
- a. Serve on the petitioner
 - i. 2 copies of the filed response to petition and
 - ii. 2 copies of each filed affidavit on which you intend to rely at the hearing.

Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the response to petition within the time for response

TIME FOR RESPONSE TO PETITION

A response to petition must be filed and served on the petitioner,

- a. If you reside anywhere in Canada, within 21 days after the date on which a copy of the filed petition was served on you,
- b. If you reside in the United States of America, within 35 days after the date on which a copy of the filed petition was served on you,
- c. If you reside elsewhere, within 49 days after the date on which a copy of the filed petition was served on you, or
- d. If the time for response to civil claim has been set by order of the court, within that time.

1. The address of the registry is 500 – 13th Avenue, Campbell River, B.C., V9W 6P1

2. The address for service of the petitioners is c/o the petitioner's lawyer at:

Lighthouse Law Offices, Barristers & Solicitors
 Suite 102 – 901 Island Highway
 Campbell River, British Columbia, V9W 2C2
 Attn: Harry A. Wenngatz
 Fax: 778.346.4234

PART 1: ORDERS SOUGHT

1. That Anderson be disqualified from holding office until the next general local election-
2. That the municipality promptly pay the elector's costs within the meaning of the Supreme Court Civil Rules-

3. An accounting and tracing of the funds received by Anderson in contravention of the conflict provisions of Division 6 of Part 4 of the Community Charter
4. An accounting by Anderson of all funds received and dispersed by her him acting in a capacity as elected counsel member.
5. An accounting by Anderson of all voting privileges exercised by her acting in her capacity as an elected counsel member.
6. Alternatively, costs as to this Honourable Court seems just.
7. Such further and other relief as to this Honourable Court seems just.

PART 2: FACTUAL BASIS

The Parties

8. The petitioners plaintiffs, Luke Daniel Douglas Lafluer, William John Cathcart, Kenny Bryan Carpenter Hanuse, Michael Edward Hansen, Jason Barry Jeffery, bertha Louise Jeffery, Wendy Marie Lotnick, June Carol Barton, Thomas John Drew, Roderick Charles Gray Lee, Richard Patrick Boas, Mary M. Georgina Tallon, Helene Andree Oabes, Edward Charles Milan are individuals and residents of British Columbia all of whom have an address for service c/o Lighthouse Law Offices, Suite 102 – 901 Island Highway, Campbell River, British Columbia, V9W 2C2.
9. The defendant Noba Andrea Anderson (“Anderson”) is an individual residing on Cortes Island, British Columbia.

Background Facts

10. The defendant Anderson is a co-owner of realty property located on Cortes Island, British Columbia, which property is described as follows:
 Lot 1 Section 21 Cortes Island Sayward District Plan 4570,
 Except Parcel A (DD 1841881)
 PID: 006-098-835
 (“the Property”)
11. Title to the Property reflects the following ownership interests:
 - a. Conrad Jordan Dombrowski as to an undivided ¼ interest; and
 - b. Ryan Harvey and Lovena Harvey as to an undivided ¼ interest as Joint Tenants; and
 - c. Lukasz Emil Biela and Allison Petra Gregory as to an undivided ¼ interest as Joint Tenants; and

d. Noba Andrea Anderson as to an undivided ¼ interest
["the Titleholders"]

12. There are several residences located on the Property of which 2 in particular relevant to these proceedings are a cabin in which Anderson's father Bernie lived ("the Cabin") as well as a primary residence in which Anderson lives in ("the Anderson Residence").
13. Anderson was re-elected as the Area B Regional Director for the Strathcona Regional District ("the SRD") on October 20, 2018 .

Additional Facts

14. In particular, Anderson took money from her constituents for personal gain and a number of those same constituents received gifts and grants in return.
15. On January 31, 2018, Anderson's dad set fire to a cabin located on Anderson's property.
16. On March 13, 2018 Anderson's land partner Lovena Harvey started a go fund me campaign (<https://ca.gofundme.com/bernies-cabin-fire-rebuild>) ("the Go-Fund-Me Acct") on behalf of Anderson which fund account remains open to date.
17. There were 27 persons who donated to Anderson's fund of which 27 persons, the following benefitted either personally or through their own organizations from the SRD grant in aid of which Anderson applied for;
- a. Mary Lavelle as Hall Manager of the SCCA, was Anderson's alternate director and received a salary from the SRD when Anderson was on maternity leave. The SCCA received a grant for \$6,500 on April 27, 2017, the sum of \$4,500.00 on May 26, 2016 and a further sum of \$2,000.00 on August 13, 2014. Mary Lavelle contributed to the Go-Fund-Me Acct the sum of \$100.00; and
 - b. Ryan Harvey is on the board of the Friends of Cortes Island Society ("FOCIS") (<http://www.friendsofcortes.org/about/>). The most recent grant is a \$1,500 donation of funds to assist with the new Parks and Trails Committee work. The grant was approved at the October 10, 2018 SRD board meeting of which Anderson was a participant. Mr. Harvey is paid to do the trail repairs on Cortes Island parks. This position has never been placed for tender. Additional grants for FOCIS were \$2,000 on April 27, 2017 and \$1,700 on May 26, 2016. Mr. Harvey is a land partner and co-owner of the Property with Anderson and both Ryan and Lorena Harvey donated personally to the Go-Fund-Me Acct; and

- c. Kirsten Schofield Sweet is on the APC, Cortes Island Seafood Association ("CISA") and a member of FOCIS. Ms. Sweet was Anderson's alternate director in her previous term running from 2011 through to 2014. Ms Sweet also signed Anderson's nomination papers. CISA received an \$800 grant on April 27, 2018 and a further \$800 grant on May 26, 2016 from the SRD. Ms Sweet contributed personally to the Go-Fund-Me Acct; and
- d. Grazyna Trzesicka works at the museum which received a grant of \$1,800 on April 27, 2017, with further grants of \$800 in 2014, 2015 and 2016. Ms. Trzesicka is also a member of Cortes Island Business and Tourism ("CIBTA") which also received a grant as outlined below. Ms. Trzesicka publishes the Cortes Island Information booklet annually. Ms Trzesicka contributed personally to the Go-Fund-Me Acct; and
- e. Martha Ableson, a realtor on Cortes, is a member of the Board of Directors of the CIBTA which received the following grants. \$3,500 during the October 10, 2018 SRD board meeting, \$1,800 on April 27, 2017 and \$2,200 on March 26, 2016. Ms Ableson contributed personally to the Go-Fund-Me Acct; and
- f. Josee Gagnon is the janitor at the SCCA and her salary is paid by the SCCA. Ms Gagnon does a radio show for the Cortes Radio. Victor Van Buskirk also does a radio show for the Cortes Radio called Muse Garden. Additionally, Barry Glickman is a member at large at Cortes Radio. The Cortes Radio received SRD grants of \$1,400 in 2017 and \$2,000 in 2016. Ms. Gagnon, Mr. Buskirk and Mr. Glickman all contributed personally to the Go-Fund-Me Acct; and
- g. Garbage collection on Cortes Island is administered through an SRD contract which has never been publicly placed for bid. Morgan Tams does the garbage collection on Cortes Island and has personally contributed to the Go-Fund-Me Acct; and
- h. Cory Dow was appointed to the APC by Anderson and has personally contributed to the Go-Fund-Me Acct; and
- i. Amanda Glickman is on the ESS and runs a Ham radio course which is funded by the SRD. Ms. Glickman has personally contributed to the Go-Fund-Me Acct; and
- j. Anonymous or undisclosed donation for the sum of \$900.

18. Appearing on the Go-Fund-Me Page was the following thank you note from Lovena Harvey;

Hello Friends, Bouquets of roses to everyone who donated to Bernie's Cabin Fire Rebuild fund! The rebuilding project of a room for Bernie, onto

Noba and Pete's home, is well underway. With cash donations we exceeded our fundraising goal and hope that this will be enough to get the space to 'lock up'. We have also had three successful work bees, with motivated inspiring local folks! What a huge success and tribute to our amazing Cortes community. We are so grateful for all the support – thank you, thank you, thank you.

19. A similar note of gratitude was posted by Anderson in the Tideline bulletin of September 16, 2018 stating;

Thank-you Cortes! Noba Anderson. After my father's wee sleeping cabin on my property was lost in January to fire, we decided to add a room onto our home so that he could be closer and all the more integrated into our daily lives, as he does now need our regular care. Great gratitude to all of you who helped with effort, money and goodwill. The donations of time helped the project along and the funds allowed us to hire Mike Malek to do much of the work. (I recommend him highly!) For that we are grateful. As our lives are so full these days, especially with Zyla, I just didn't have the time to complete the room addition on my own. It wouldn't have happened without this awesome community! We are now picking paint colours for the walls and expect that Bernie will move into his new room in the next few weeks. Much gratitude! Bernie, Noba, Peter & Zyla.

PART 3: LEGAL BASIS

1. Anderson has violated the requirements and terms of her elected position and the very standards of conduct, honesty and integrity required of an elected Regional government official
2. Anderson swore an oath of office where she would disclose direct or indirect pecuniary interest and would not participate or vote in respect of those matters.
3. Anderson has not declared the monies that she received from the Go Fund Me campaign and has voted to provide grants in aid to organizations in which a number of persons who donated to her Go Fund Me campaign are active.
4. The Community Charter Part 4 Division 6 Conflict of Interest permits of the disqualification from holding office on a council in the event that the elected member participates in a conflict of interest and exercises their powers contrary to the provisions of the charter.
5. The Community Charter permits application to the Supreme Court in the event that the disqualified person continues to act in office.

6. Anderson has contravened the conflict provisions of the Local Government Act of BC and the Community Charter and continues to act in office

PART 4: MATERIAL TO BE RELIED ON

1. Such affidavits as delivered up by the parties to this petition;
2. Such other evidence as these parties may submit and this Honourable Court permit.

The petitioner estimates that the hearing of the petition will take 2 hours if opposed.

DATED: January 02, 2019 ~~December 31, 2018~~



Signature of Harry A. Wenngatz
[X] Lawyer for Petitioner

Rule 7-1 (1) of the Supreme Court Civil Rules states:

- (1) Unless all parties of record consent or the court otherwise orders, each party of record to an action must, within 35 days after the end of the pleading period,
 - a. Prepare a list of documents in Form 22 that lists
 - i. All documents that are or have been in the party's possession or control and that could, if available, be used by any party at trial to prove or disprove a material fact, and
 - ii. All other documents to which the party intends to refer at trial, and
 - b. Serve the list on all parties of record.

APPENDIX

(The following information is provided for data collection purposes only and is of no legal effect).

Part 1: Concise Summary of Nature of Claim:

1. Breach of Contract and negligent misstatement.

Part 2: This Claim arises from the following:

A personal injury arising out of:

- a motor vehicle accident
- medical malpractice
- another cause

A dispute concerning:

- contaminated sites
- construction defects
- real property (real estate)
- personal property
- the provision of goods or services or other general commercial matters
- investment losses
- the lending of money
- an employment relationship
- a will or other issues concerning the probate of an estate
- a matter not listed here

Part 3: This claim involves:

- a class action
- maritime law
- aboriginal law
- constitutional law
- conflicts of law
- none of the above
- do not know

Part 4:



This is Exhibit " C " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 30 day of June, 2020

No. CAR-S-S-14585 Campbell River Registry

A Commissioner/Notary Public for the Province of British Columbia In the Supreme Court of British Columbia

Between

LUKE DANIEL DOUGLAS LAFLUER, WILLIAM JOHN CATHCART, KENNY BRYAN CARPENTER HANUSE, MICHAEL EDWARD HANSEN, JASON BARRY JEFFERY, BERTHA LOUISE JEFFERY, WENDY MARIE LOTNICK, JUNE CAROL BARTON, THOMAS JOHN DREW, RODERICK CHARLES GRAY LEE, RICHARD PATRICK BOAS, MARY M. GEORGINA TALLON, HELENE ANDREE OABES, EDWARD CHARLES MILAN

Petitioners

and

NOBA ANDREA ANDERSON

Respondent

RESPONSE TO PETITION

Filed by: Noba Andrea Anderson (the "Respondent")

THIS IS A RESPONSE TO the amended petition, filed 03 JAN 2019 (the "Petition")

Part 1: ORDERS CONSENTED TO

The Respondent consents to the granting of the orders set out in the following paragraphs of Part 1 of the Petition: NIL

Part 2: ORDERS OPPOSED

The Respondent opposes the granting of the orders set out in paragraphs 1-7 of Part 1 of the Petition.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The Respondent takes no position on the granting of the orders set out in paragraphs NIL of Part 1 of the Petition.

Part 4: FACTUAL BASIS

1. The Respondent is an individual residing on Cortes Island, British Columbia. The Respondent was elected as the Regional Director of Strathcona Regional District Electoral Area B in 2008, and has served as the Director of Electoral Area B since that time. The Respondent was most recently re-elected in October 2018.
2. The Petitioners have not provided any personal information in this matter, and in particular, other than Mr. William John Cathcart, have not provided evidence that they are electors within Electoral Area B of the Strathcona Regional District ("SRD").
3. At all material times, the SRD invited non-profit community organizations within the SRD to apply to the SRD Board of Directors (the "Board") for grants-in-aid of their organization. Applicants were required to submit applications to their respective Electoral Area Directors, who reviewed each request and provided recommendations to the Electoral Area Services Committee. The Electoral Area Services Committee made recommendations to the Board and the Board voted on whether or not to grant funding.
4. In the years 2008-2018, as a Board Member of the SRD, the Respondent voted in favour of various grants-in-aid to organizations within and outside Electoral Area B.
5. In January 2018, the Respondent's father's cabin burnt down. The cabin was located on a property on which the Respondent lives, and co-owns with 5 other people. As a result the Respondent's father moved into the home of the Respondent.
6. In or about March 2018, Ms. Lovena Harvey established a fundraiser (the "Fundraiser" or the "Fund-raising") to collect donations on behalf of the Respondent's father, to help build a new living space for him. Over the next months, various individuals made monetary donations to the fundraising campaign. The funds raised were used exclusively for the building project.
7. There was no express or implied connection between the donations made to assist the Respondent's father and the Respondent's position or role as the Director for SRD Electoral Area B.
8. With respect to the Fund-raising effort, the Respondent never explicitly or implicitly made any offer to, or received any request or suggestion from, any of the people who donated to her father, of anything in return for the personal donations. There was no express or implied connection to any past, present or future SRD grant-in-aid funding.
9. In April and October 2018, the Respondent voted in favour of grants-in-aid to 8 organizations, including the Cortes Island Seafood Association, Friends of Cortes Island Society, and Cortes Island Business and Tourism Association. The Respondent's votes in favour of these grants had no relation to the Fundraiser.

Part 5: LEGAL BASIS

1. The petitioners appear to assert that the Respondent was in a conflict of interest when voting to award grants-in-aid to various non-profit organizations in 2014-2018, because of donations made by various individuals (and not the non-profit organizations), to the Fundraiser in 2018.
2. The Respondent expressly denies the allegations set out in the Petition, and puts the petitioners to the strict proof thereof. Without limiting the generality of the foregoing, the Respondent expressly denies that she was in a conflict of interest when voting on any of the grants-in-aid referenced in the petition (the "Votes").
3. The Respondent did not have a direct or indirect pecuniary conflict of interest when participating in the Votes. Accordingly, the relief sought by the petitioners is unavailable to them pursuant to the provisions of the Divisions 6 and 7 of Part 4 of the *Community Charter*, S.B.C. 2003, c. 26 (the "*Community Charter*").
4. The Respondent did not have a common law conflict of interest when participating in the Votes.
5. In the alternative, if the Respondent did have a conflict of interest in the Votes, which is not admitted but expressly denied:
 - a. any pecuniary interest of the Respondent was held in common with the electors of Electoral Area B generally;
 - b. any pecuniary interest to the Respondent was so remote or insignificant that it cannot reasonably be regarded as likely to influence the Respondent in relation to the matter; and/or
 - c. the Respondent participated in the Votes inadvertently or because of an error in judgment made in good faith.
6. The Respondent did not accept, directly or indirectly, a gift or personal benefit that was connected with her performance of the duties of her office as Regional Director.
7. The petitioners have not demonstrated that they are electors of Electoral Area B, as required by section 111(1)(a) of the *Community Charter*.
8. The Board votes for which the petitioners allege the Respondent had a conflict of interest, came to the attention of the petitioners, or should have come to the attention of the petitioners, more than 45 days before the filing and hearing of this petition, contrary to section 111(4)(a) of the *Community Charter*.

Part 6: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Noba Anderson, sworn March 18, 2018;
2. Affidavit #1 of Lovena Harvey, sworn March 18, 2018;
3. Affidavit #1 of Martha Abelson, sworn March 18, 2018;
4. Affidavit #1 of Corry Dow, sworn March 18, 2018;
5. Affidavit #1 of Amanda Glickman, sworn March 18, 2018;
6. Affidavit #1 of Mary Lavelle, sworn March 18, 2018;
7. Affidavit #1 of Ryan Harvey, sworn March 18, 2018;
8. Affidavit #1 of Kristen Scholfield-Sweet, sworn March 18, 2018;
9. Affidavit #1 of Morgan Tams, sworn March 18, 2018;
10. Affidavit #1 of Victor Van Buskirk, sworn March 18, 2018;
11. The pleadings filed herein; and
12. Such further and other material as counsel may advise and this Court may allow.

The petition respondent estimates that the hearing of the petition will take 2 hours.

Dated: 20 MAR 2019



**Signature of Matthew R. Voell
Lawyer for the Respondent**

Petition respondent's address for service:

Matthew R. Voell
Barrister & Solicitor
1300-128 Pender Street West
Vancouver, BC V6B 1R8

Fax number address for service: 604-909-1684

Email address for service: NIL

Name of the petition respondent's lawyer:

Matthew R. Voell
Barrister & Solicitor
1300-128 Pender Street West
Vancouver, BC V6B 1R8



BYLAW NO. 287

This is Exhibit " D " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 30 day of June, 2020


A Commissioner/Notary Public for the Province of British Columbia

A BYLAW TO INDEMNIFY REGIONAL DISTRICT OFFICIALS AGAINST THE COST OF LEGAL PROCEEDINGS

WHEREAS the Regional District may, pursuant to Section 740 of the *Local Government Act*, provide indemnification against the cost of legal proceedings for Regional District officials when acting reasonably and in good faith to perform their duties and functions;

AND WHEREAS the Regional District wishes to provide for the indemnification of its officials in accordance with the provisions of the *Local Government Act*;

NOW THEREFORE the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

Definitions

1. In this bylaw,

'official' means a regional district official as defined in s.740 of the *Local Government Act*.

'indemnify' means to pay the amounts required:

- (a) to defend against a claim, action or prosecution brought against an official in connection with the exercise or intended exercise of the official's powers or the performance or intended performance of the official's duties or functions;
- (b) to satisfy a judgement, award or penalty imposed in connection with a claim, action or prosecution referred to in paragraph (a); or
- (c) in relation to an inquiry under the *Public Inquiry Act* or to another proceeding that involves the administration of the Regional District or the conduct of the Regional District's business;

but does not extend to a fine imposed as a result of a conviction for an offence, other than a strict or absolute liability offence.

'proceeding' means an action, trial, hearing or application before a court, tribunal or other body that has authority to impose civil or criminal penalties, but does not include a proceeding before the Board of Directors.

'reasonable legal costs' means the out of pocket costs, including disbursements, that are incurred by an official or by the Regional District in seeking, retaining or engaging legal counsel with respect to a proceeding covered by this bylaw.

Indemnification of Officials

2. The Regional District will indemnify an official against a claim, action or prosecution brought against the official, including reasonable legal costs incurred in relation to the proceeding, provided that the official for whom indemnification is sought complies with the provisions of this bylaw.

Requirement to Notify Regional District

3. Officials covered by this bylaw must, immediately upon receipt, provide to the Regional District every notice of civil claim, originating application, letter or other document relating to a claim made against them and for which indemnity is or may be claimed under this bylaw as soon as reasonably practicable.

Refusal to Indemnify Official

4. The Regional District may refuse indemnification in any case where an official has:
 - (a) failed to notify the Regional District in accordance with the requirements of this bylaw;
 - (b) failed to cooperate with the Regional District in its defence of the claim, prosecution, appeal or other proceeding;
 - (c) interfered with the Regional District's investigation into a claim, or with the settlement, negotiation or other proceeding related to that claim; or
 - (d) voluntarily assumed liability or settled a claim without notifying the Regional District beforehand.

Appointment of Legal Counsel

5. The Regional District or its insurer shall have sole discretion to appoint and instruct legal counsel with respect to defending against a claim, prosecution or other proceeding for which an official may seek indemnification under this bylaw.

Specific Cases

6. Nothing in this bylaw precludes an official from applying, pursuant to s.740(2)(b)(ii) of the *Local Government Act*, for a Regional Board resolution to indemnify the official in a specific case.

Repeal

7. Elected Officials, Directors, Officers and Employees Indemnification Bylaw No. 2186, 1999 as adopted on November 29, 1999 by the Board of Directors of the Comox-Strathcona Regional District is repealed in its entirety.

Citation

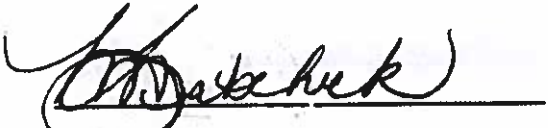
8. This bylaw may be cited for all purposes as Bylaw No. 287, being Regional District Officials Indemnification Bylaw 2017.

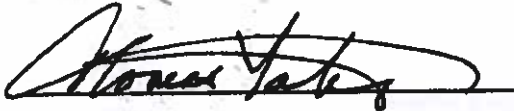
READ A FIRST TIME ON THE

11TH DAY OF

OCTOBER, 2017

READ A SECOND TIME ON THE 25TH DAY OF JANUARY, 2018
READ A THIRD TIME ON THE 25TH DAY OF JANUARY, 2018
RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE 25TH DAY OF JANUARY, 2018


Chair


Corporate Officer

LIDSTONE & COMPANY
BARRISTERS AND SOLICITORS

This is Exhibit "E" to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 30 day of June, 2020


A Commissioner/Notary Public for the Province of British Columbia

January 14, 2019

BY EMAIL (dleitch@srd.ca, tyates@srd.ca, schair@strathconard.ca)

Strathcona Regional District
301-990 Cedar Street
Campbell River, BC V9W 7Z8

Dear: Dave Leitch, Chief Administrative Officer
Tom Yates, Corporate Services Manager
Michele Babckuk, Chair of the Strathcona Regional District Board of Directors

Re: Court File No. CAR-S-S-14585
[File: 20173-101]

As you are aware, we have been assisting Director Noba Anderson with respect to the allegations of *Community Charter* violations that have been made against her in recent months. It has come to our attention that further to these allegations, in early January a petition was filed in the BC Supreme Court by various constituents under the above-referenced court file number (the "Petition"). As of the date of this letter, Director Anderson has not been served with a copy of the Petition. I have enclosed a copy of the Petition on behalf of Director Anderson.

Pursuant to the Strathcona Regional District's Indemnity Bylaw, Director Anderson is entitled to be indemnified by the Regional District for all reasonable legal fees incurred in defending the Petition. It is our understanding that Director Anderson wishes to retain our firm to represent her in this matter, however we note that the Indemnity Bylaw gives the Regional District the discretion to appoint and instruct legal counsel.

As we have significant experience defending claims of this nature and are already familiar with the facts underlying this matter, we would be happy to represent Director Anderson going forward. I have enclosed with this letter a draft retainer agreement for your consideration should the Regional District wish to retain our firm to represent Director Anderson.

Please also be advised that the Regional District should first notify its insurer and obtain confirmation that it does not intend to take conduct of the defence of the Petition directly.

Given the urgency of this matter, I kindly request that this matter be considered at the Regional District's earliest opportunity. Please do not hesitate to contact me if you have any questions or would like to discuss this further.

Sincerely,

LIDSTONE & COMPANY

**Rebecca Coad
Associate
coad@lidstone.ca**

RC/rc

Encl.

Matthew R. Voell

From: Rebecca Coad
Sent: Wednesday, January 16, 2019 4:04 PM
To: dleitch@srd.ca
Cc: tyates@srd.ca; schair@strathconard.ca; Don Lidstone; Matthew R. Voell; 'Noba Anderson'
Subject: RE: BCSC Court File No. CAR-S-S-14585

Dear Mr. Leitch,

To follow up on my letter from earlier this week, Director Anderson technically has 21 days to respond to the Petition (February 6, 2019). With that said, since she was served with an incomplete copy of the Petition and no affidavits, it is unlikely that the clock has actually started running on this deadline.

I understand that the SRD Board will be meeting next week. Hopefully Director Anderson's counsel will be appointed at that time. In the event that we do not hear from you before early February, I intend to contact Harry Wengatz (counsel for the Petitioners) and advise him that Director Anderson is in the process of appointing counsel and ask that he not take any steps in the proceedings until she has had time to file a petition response. This would be to protect Director Anderson from any default filings.

Please feel free to contact me any time. Kind regards,
 Rebecca

This is Exhibit " F " to the Affidavit of
 Noba Anderson, sworn (or affirmed) before
 me at Campbell River, B.C., this 30 day of
 June, 2020


 A Commissioner/Notary Public for the
 Province of British Columbia

From: Noba Anderson <nobaanderson@gmail.com>
Sent: Tuesday, January 15, 2019 5:49 PM
To: Rebecca Coad <coad@lidstone.ca>
Cc: dleitch@srd.ca; tyates@srd.ca; schair@strathconard.ca; Don Lidstone <lidstone@lidstone.ca>; Matthew R. Voell <voell@lidstone.ca>
Subject: Re: BCSC Court File No. CAR-S-S-14585

Hello All

As an update to the letter from Rebecca attached, this is to advise you all that just a few minutes ago I was served in person at my home with the court petition.

Kind regards, Noba

On Mon, Jan 14, 2019 at 2:24 PM Rebecca Coad <coad@lidstone.ca> wrote:

Dear all,

Please find attached our letter of today's date regarding a petition that has been filed in the BC Supreme Court, naming Director Noba Anderson as a respondent.

Please do not hesitate to contact me to discuss.

Kind regards,

Rebecca

Rebecca Coad
Lawyer
LIDSTONE & COMPANY
BARRISTERS & SOLICITORS
The Merged Law Firm of Lidstone and Murdy & McAllister
Suite 1300 - Sun Tower
128 Pender Street West
Vancouver, BC V6B 1R8
604.899.2269 Phone
604.319.7989 Mobile
604.899.2962 Direct
1.877.339.2199 Toll Free
www.lidstone.ca

Please consider the environment before printing this email and any attachments.

This e-mail communication is CONFIDENTIAL AND LEGALLY PRIVILEGED. If you are not the intended recipient, please notify me at the telephone number shown above or by return e-mail and delete this communication and attachment, and any copy, immediately. Thank you.

--

Noba Anderson
250-935-0320

January 31st, 2019

Three Electoral Area B matters deferred at SRD Board Meeting

Media Statement

This is Exhibit "G" to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 30 day of June, 2020


A Commissioner/Notary Public for the Province of British Columbia

MEDIA STATEMENT – January 31, 2019**Three Electoral Area B matters deferred at SRD Board Meeting**

Campbell River, BC – Fourteen residents of Cortes Island filed a petition to the Supreme Court of BC on January 2, 2019, seeking an order that Noba Anderson be disqualified from holding office citing issues related to conflict of interest.

This petition was recently brought to the attention of the Strathcona Regional District (SRD) Board. At the regular meeting on January 24, 2019, the Board directed that three matters on the agenda pertaining to Electoral Area B be deferred until the implications of the legal petition filed by the Cortes Island residents is fully understood by the Board. These matters pertained to the proposed community hall service, first responder service and appointments to the Advisory Planning Commission.

Statement from the SRD Board Chair, Michele Babchuk: “The Board fully supports democratic process and recognizes the rights of citizens to challenge those processes in a court of law. The Board’s mandate is to serve all Cortes Island constituents, regardless of their position. We also recognize that this issue is divisive and unsettling but would like to remind the public that this legal action is not initiated by the Strathcona Regional District and, consequently we have no ability or jurisdiction to comment any further on the legal action. We are, however, working expeditiously to ensure we act responsibly so as not to prejudice any Board decisions, Electoral Area B initiatives or legal proceedings underway.”

The Strathcona Regional District is a partnership of four electoral areas and five municipalities providing services to approximately 43,000 residents.

-30-

Media contact:

Elaine Popove

Communications Coordinator

250-830-6724 (tel: 2508306724) | epopove@srd.ca (<mailto:epopove@srd.ca>)

Related Information

[Media Statement - 3 Cortes Island Matters Deferred](https://srd.ca/wp-content/uploads/2019/01/013119_Media-Statement-Cortes-Island-Matters-Deferred.pdf) [?](https://srd.ca/wp-content/uploads/2019/01/013119_Media-Statement-Cortes-Island-Matters-Deferred.pdf) (https://srd.ca/wp-content/uploads/2019/01/013119_Media-Statement-Cortes-Island-Matters-Deferred.pdf).

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[Electoral Area B \(/tag/electoral-area-b/\)](#)

[Electoral Area C \(/tag/electoral-area-c/\)](#)

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GOT IT

About Strathcona Regional District

The Strathcona Regional District (SRD) serves the residents of Vancouver Island from Campbell River to Cortes Island, providing a variety of services from water and sewage to Parks and Recreation. SRD is focused on providing the community with a healthy environment and social well-being that leads to a vibrant quality of life through responsible economic development and effective delivery of services.

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(<https://www.facebook.com/StrathconaRegionalDistrict/>)

twitter.com/strathconard (<https://twitter.com/StrathconaRD>)

Local: 250-830-6700 (tel:250-830-6700)

Toll-Free: 1-877-830-2990 (tel:1-877-830-2990)

Fax: 250-830-6710

Email: administration@srd.ca (mailto:administration@srd.ca)

990 Cedar Street
Campbell River, BC V9W 7Z8
Canada (<https://goo.gl/maps/DjHg8wYNvfm>)

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January 28, 2019

SENT VIA EMAIL ONLY: coad@lidstone.ca

Lidstone & Company
Barristers & Solicitors
Suite 1300 – Sun Tower
128 Pender Street West
Vancouver, BC V6B 1R8

Attention: Rebecca Coad, Lawyer

Dear Ms. Coad:

RE: BCSC COURT FILE NO. CAR-S-S-14585

Dear Ms. Coad.

This will confirm receipt of your letter dated January 14, 2019 regarding the indemnification of Director Noba Anderson. The Regional Board considered this matter at its January 24, 2019 restricted, closed meeting and passed the following resolution:

"THAT the Board "not" consider indemnification of Director Anderson until after the internal investigation is concluded and the legal petition put forward by Cortes Island constituents is finalized."

Accordingly, while your offer of a retainer agreement is appreciated, the Regional District respectfully declines the offer at this time.

Should you require additional clarification please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Yates", written over a horizontal line.

T. Yates
Corporate Services Manager

Cc: David Letch, Chief Administrative Officer
Michele Babchuk, Regional Board Chair

This is Exhibit " H " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 30 day of June, 2020


A Commissioner/Notary Public for the Province of British Columbia

CORPORATE AND LEGISLATIVE SERVICES

#301 – 990 Cedar Street, Campbell River, BC V9W 7Z8
Tel: 250-830-6700 Fax: 250-830-6710
Toll free: 1-877-830-2990 www.strathconard.ca

Subject: Confidential and In Camera - SRD Board and Director Noba Anderson
Date: Thursday, March 7, 2019 at 2:31:42 PM Pacific Standard Time
From: Matthew Voell
To: dleitch@srd.ca
Attachments: 2019 03 07 LT D. Leitch.pdf, image001.png

Dear Mr. Leitch –

I am legal counsel for Director Noba Anderson. Please see the attached confidential correspondence of today's date, which I ask that you bring to the SRD Board's attention at the next in camera Board meeting.

I would ask that you please acknowledge receipt of this email by return email, as well as confirmation of the inclusion of the attached correspondence in the in camera agenda.

Regards,

Matthew R. Voell
Barrister & Solicitor

1300 - 128 Pender Street West
Vancouver, BC V6B 1R8
Phone: 604.343.1969
Fax: 604.909.1684
www.voell.ca

This is Exhibit " 1 " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 30 day of June, 2020


A Commissioner/Notary Public for the Province of British Columbia

This email is privileged and contains confidential information intended only for the person to whom it is directed. Any other distribution, copying or disclosure is strictly prohibited. If you have received this communication in error, please notify us immediately. Please delete the original message. Thank you.



OFFICE OF THE CHAIR

This is Exhibit " J " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 30 day of June, 2020


 A Commissioner/Notary Public for the Province of British Columbia

File:

May 10, 2019

SENT VIA EMAIL ONLY: nanderson@srd.ca

Director Noba Anderson
 P.O. Box 394
 Whaletown, BC V0P 1Z0

Dear Director Anderson:

RE: Indemnification Request

You have requested that the Regional District Board indemnify you for the legal costs of your defence against a petition filed in the Supreme Court of British Columbia File No. CAR-S-S-14585 (the "Petition") by a group of electors seeking to disqualify you from office because of a pecuniary conflict of interest.

This is to advise that the Regional District Board adopted a resolution on May 8, 2019 in accordance with section 740(2)(b)(ii) of the *Local Government Act* to not indemnify you in relation to the defence of this Petition.

If you wish to make representations to the Board on this matter through your representative, please advise.

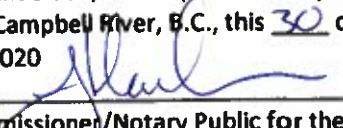
Sincerely,



Michele Babchuk
 Chair

CREATIVE SOLUTIONS RISK MANAGEMENT CONSULTING

This is Exhibit "K" to the Affidavit of
Noba Anderson, sworn (or affirmed) before
me at Campbell River, B.C., this 30 day of
June, 2020


A Commissioner/Notary Public for the
Province of British Columbia

Report Prepared for

Strathcona
REGIONAL DISTRICT



Craig Peterson
Creative Solutions RMC
February 18, 2019

Executive Summary

It is alleged Area B Regional Director Noba Anderson (hereinafter referred to as Director Anderson), has acted in a way that may or may not have contravened the Community Charter (*Reference '1'*) with reference to a Conflict of Interest whereby the acceptance of a gift and the SRD Code of Conduct (*Appendix 'A'*) in reference to compliance with relevant Regional District bylaws and policies.

[REDACTED]

[REDACTED] As this report is intended to document evidence-based information, it does not contain opinions of Craig Peterson or recommendations, unless expressly referenced by Craig Peterson. Concluding remarks are presented as a summation of this investigation and provided for the Strathcona Regional District to assess.

Background

The Strathcona Regional District, (hereinafter referred to as SRD) requested the services of Creative Solutions Risk Management Consulting, (hereinafter referred to as CSRMC) to undertake an investigation into the concerns of conduct, as to the receipt of gifts and conflict of interest by an elected official, electoral Area B Director Noba Anderson.

[REDACTED]

A petition was put forward to the BC Supreme Court by 14 residents of Cortes Island, alleging some of the donators of the GFM donated on the basis they have been recipients of gifts and Grants in Aid in return for their donation. These actions of Director Anderson as alleged, have raised concerns in that Director Anderson may be in contravention of the Community Charter regarding the accepting of gifts, (cash, labour and materials) to put an addition on Director Anderson's residence. This information was forwarded to the SRD from residents of Cortes Island, identifying a possible conflict of interest regarding the receipt of gifts. The SRD determined that an independent investigation from a neutral party would assist in providing clarity to the Board in terms of possible SRD liability. SRD retained the services of Craig Peterson of CSRMC to conduct this investigation.

Craig Peterson received several documents from the SRD, that were forwarded by Cortes residents, as well as receiving from the SRD a copy of the Petition (*Appendix 'C'*) that was put forward. These documents speak to the allegations of a possible conflict of interest by Director Anderson. From this information received an independent investigation by Craig Peterson was initiated and the following information obtained is detailed in this report.

Objective of Investigation

The objective is to investigate the allegations of Director Anderson receiving of gifts in her role in the forms of cash, labour and materials, as an elected official. This investigation will be utilized as a tool for exploring whether the SRD Board had or has any existing culpability in respect to conflict of interest and/or would the Board incur any liability if it decided not to perform its due diligence in investigating this matter once it was brought to their attention.

Those concerns/allegations raised by some residents of Cortes Island have resulted in the SRD requesting an independent investigation of all information provided to Craig Peterson, to ascertain if there is or has been any wrongdoings or breaches to the Community Charter or the SRD Code of Conduct by Director Anderson that could adversely affect the SRD as noted above. To ascertain if the receiving 'gifts' from the GFM campaign and to the cash and donations in kind contributed to Director Anderson, would indicate a conflict of interest, by way of receiving a gift while in the performance of the duties of office.

An investigation of the information received was completed to meet the objective as to those concerns/allegations against Director Anderson. The investigative findings are provided to the SRD in this report, for the SRD's review at their discretion. All future decisions to determine what if any next steps in addressing the allegations of Director Anderson breaching the Community Charter and or the SRD Code of Conduct are not a product of this report and rest with the SRD.

Scope of Investigation

The concerns/allegations which were raised by some residents of Cortes Island regarding Director Anderson, in which she may or may not have breached the Community Charter are contained in the documents and Petition, with the overarching allegation that Director Anderson took donations from her constituents for personal benefit, identified as an addition to her residence, where as a number of those same constituents may have in the past or will in future, receive grants in return for their donation. The following two points are the basis for the scope of this review;

- Alleged, Director Anderson received gifts, in conflict with acting in her role as an elected official, in the forms of cash from a Go Fund Me campaign as well as other cash, labour and material donations, in contravention of the Community Charter;
- As a result of those gifts received, has Director Anderson placed herself in a position of a conflict of interest past, present or future with various organizations, societies, committees and/or individuals that contributed money, cash or other donations in kind, in assisting with the addition to her home.

Authorities Governing the Regional Director Role

The authorities in which Director Anderson's role as a Regional Director fall under and are the basis of this investigation are identified as follows:

COMMUNITY CHARTER:

Restrictions on accepting gifts

105 (1) *A council member must not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the member's performance of the duties of office.*

(2) *Subsection (1) does not apply to*

(a) *a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office,*

(b) *compensation authorized by law, or*

(c) *a lawful contribution made to a member who is a candidate for election to a local government.*

(3) *A person who contravenes this section is disqualified from holding office as described in section 108.1 [disqualification for contravening conflict rules] unless the contravention was done inadvertently or because of an error in judgment made in good faith.*

Disclosure of gifts

106 (1) *This section applies if*

(a) *a council member receives a gift or personal benefit referred to in section 105 (2) (a) that exceeds \$250 in value, or*

(b) *the total value of such gifts and benefits, received directly or indirectly from one source in any 12month period, exceeds \$250.*

(2) *In the circumstances described in subsection (1), the council member must file with the corporate officer, as soon as reasonably practicable, a disclosure statement indicating*

(a) *the nature of the gift or benefit,*

(b) *its source, including, if it is from a corporation, the full names and addresses of at least 2 individuals who are directors of the corporation,*

(c) *when it was received, and*

(d) *the circumstances under which it was given and accepted.*

(3) A person who contravenes this section is disqualified from holding office as described in section 108.1 [disqualification for contravening conflict rules] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

SRD BYLAW 330 CODE OF CONDUCT:

Compliance with Laws

5. Directors must comply with all applicable federal, provincial and local laws in the performance of their public duties including:

- (a) the Constitution Act of Canada;*
- (b) the Provincial Human Rights Code;*
- (c) the Criminal Code;*
- (d) the Local Government Act;*
- (e) the Community Charter;*
- (f) laws pertaining to financial disclosures and employer responsibilities; and*
- (g) all relevant Regional District bylaws and policies.*

Investigation by Craig Peterson

A review of the documents as well as the Petition were completed by Craig Peterson. As noted under the Scope of the Investigation, there were two points from the information provided that were the primary focus of the review and are detailed as follows:

Part 1:

- ***Alleged, Director Anderson received gifts, in conflict with acting in her role as an elected official, in the forms of cash from a Go Fund Me campaign as well as other cash, labour and material donations, in contravention of the Community Charter;***

[REDACTED]

[REDACTED]

Update 1: (10 months ago)

[REDACTED]

Update 2: (9 months ago)

[REDACTED]

[Redacted]

Update 3: (7 months ago)

[Redacted]

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

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- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

- [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Part 2:

As a result of those gifts received, has Director Anderson placed herself in a position of a conflict of interest past, present or future with various organizations, societies, committees and/or individuals that contributed money, cash or other donations in kind, in assisting with the addition to her home;

On January 2, 2019, a formal Petition in court was filed in Campbell River, BC. The petitioners consisted of 14 residents from Cortes Island. In Part 1 of their Petition, they have identified seven orders be sought. Of these seven orders, they are for a judiciary conduct to rule on and do not make up part of this review.

What is identified in the Petition and has been investigated further by Craig Peterson, is Part 2; Additional Facts, where by, the Petition speaks to individuals who have donated to the GFM campaign, which is alleged that Director Anderson having taken money from her constituents for personal gain and a number of those same constituents received gifts and grants in return. This raises the concern, that Director Anderson by virtue of accepting those gifts, may have placed herself in a conflict of interest past, present or future.

Those identified in the petition are identified in the following nine points (and their donation amount);

- Mary Lavelle - \$100.00
- Ryan Harvey – Donation is identified as Harvey Family \$100.00
- Kristen Schofield Sweet - \$100.00
- Grazyna Trzesicka - \$50.00
- Martha Ableson - \$100.00
- Josee Gagnon; Victor Van Buskirk - \$75.00, \$100.00,
- Morgan Tams - \$20.00
- Cory Dow - \$40.00
- Barry & Amanda Glickman – \$50.00

[REDACTED]

In my review of the Petition filed I draw on and quote what may be considered a focal point;

Part 2. Paragraph 14. "In particular, Anderson took money from her constituents for personal gain and a number of those same constituents received gifts and grants in return."

[REDACTED]

The Petition identifies seven organizations, South Cortes Community Association (SCCA), Friends of Cortes Island Society (FOCIS), Cortes Island Seafood Association (CISFA), Museum, Cortes Island, Business and Tourism Association (CIBTA), Cortes Radio and ESS having received Grants in Aid from the SRD. Of these seven organizations, only two received Grants in Aid after the initiation of the GFM campaign. Those being FOCIS and CIBTA. All other Grants in Aid were received and or applied for, PRIOR to the initiation of the GFM and most trend over the past several years of receiving Grants in Aid.

The application form for SRD Grant In Aid Form states, "Grant-in-aid requests are usually considered by the board of directors in February of each year in conjunction with the establishment of the current year's budget." However, confirmation from the SRD was received that, Grants in Aid do occur throughout the year. This point is raised as there are past grants provided to these organizations as noted above, however, just two Grants in Aid issued in 2018 that are reflected on the petition. It is the words 'in return' that when looking closely into the allegation raised by the Petitioners, in which I have not found a direct correlation as to what gifts and grants were received by these donating constituents after they made their donation. A judiciary ruling on how 'in return' may be viewed when the concerns raised, relate to prior or future receiving of Grants in Aid may be considered.

[REDACTED]

[REDACTED]

Petition states: Mary Lavelle as Hall Manager of the SCCA, was Anderson's alternate director and received a salary from the SRD when Anderson was on maternity leave. The SCCA received a grant for \$6,500 on April 27, 2017, the sum of \$4,500.00 on May 26, 2016 and a further sum of \$2,000.00 on August 13, 2014. Mary Lavelle contributed to the Go-Fund-Me Acct the sum of \$100.00;

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petition States: Ryan Harvey is on the board of the Friends of Cortes Island Society ("FOCIS"). The most recent grant is a \$1,500 donation of funds to assist with the new Parks and Trails Committee work. The grant was approved at the October 10, 2018 SRD board meeting of which

Anderson was a participant. Mr. Harvey is paid to do the trail repairs on Cortes Island parks. This position has never been placed for tender. Additional grants for FOCIS were \$2,000 on April 27, 2017 and \$1,700 on May 26, 2016. Mr. Harvey is a land partner and co-owner of the Property with Anderson and both Ryan and Lorena Harvey donated personally to the Go-Fund-Me Acct;

[REDACTED]

A request was made to the SRD for Request for Proposals (RFP) and or Tenders relating to the work that is completed for the parks' maintenance. Both 2011 and 2012 show maintenance agreements between the SRD and FOCIS for a one-year term. 2017 has an agreement between the SRD and FOCIS for a three-year period. There were no copies of RFP's or Tender requests provided by the SRD as there were none found.

[REDACTED]

[REDACTED]

Petition States: *Kirsten Schofield Sweet is on the APC, Cortes Island Seafood Association ("CISA") and a member of FOCIS. Ms. Sweet was Anderson's alternate director in her previous term running from 2011 through to 2014. Ms Sweet also signed Anderson's nomination papers. CISA received an \$800 grant on April 27, 2018 and a further \$800 grant on May 26, 2016 from the SRD. Ms Sweet contributed personally to the Go-Fund-Me Acct;*

[REDACTED]

Petition States: *Martha Ableson, a realtor on Cortes, is a member of the Board of Directors of the CIBTA which received the following grants. \$3,500 during the October 10, 2018 SRD board meeting, \$1,800 on April 27, 2017 and \$2,200 on March 26, 2016. Ms Ableson contributed personally to the Go-Fund-Me Acct;*

[REDACTED]

Petition States: *Garbage collection on Cortes Island is administered through an SRD contract which has never been publicly placed for bid. Morgan Tams does the garbage collection on Cortes Island and has personally contributed to the Go-Fund-Me Acct;*

[REDACTED]

Of Note: Referenced in the Petition was concerns regarding the awarding of contracts. SRD did not provide copies of RFP or Tender regarding the waste/garbage collection.

PART 3.

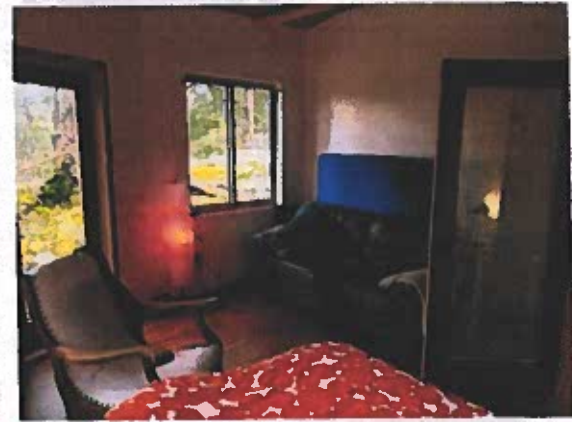
Construction of addition to Director Anderson's residence:

[REDACTED]

The following pictures depict the addition:



Option 2



Option 2

[Redacted text block]

[Redacted text block]

[Redacted text block]

[Redacted text block]

Petition

As noted above, Director Anderson has made no dispute to what has been received from the GFM. In part 2, the Petition was reviewed and several of those who contributed to the GFM campaign interviewed. Previous Grants in Aid have been given to committees, associations and societies over several years and continued into 2018. To consider that one person as a part of these groups may influence a Regional Director to then influence a Regional Board to provide a Grant in Aid, in hopes that in the future the Regional Director will somehow benefit, is what appears to be the allegation. As referenced previously, those who donated do not appear to be the conflict, it is the actual receiving of cash and donations in kind by Director Anderson, where the conflict of interest rests, whether that may be considered past, present or future.

In this investigation, there was no evidence discovered that clearly indicates a correlation of those donating to the GFM campaign and the points raised in the Petition. There is the unknown that exists of those unnamed whether as anonymous donors in the GFM or through direct donations to Director Anderson, that there may be a conflict of interest, however, can not be established as an unknown. It is understandable, given the publicity and social media attention in which this reverberated on Cortes Island that open discussions have occurred amongst the residents and Director Anderson.

Benefit of the Addition

[REDACTED]

Mitigating and Aggravating Circumstances

Mitigating:

Director Anderson has been open, communicative and respectful to the review being conducted. Director Anderson did not hesitate during interviews, phone conversations or email communication in which further clarification was sought by Craig Peterson.

Director Anderson did not contest the money, labour or materials received. Director Anderson did not suggest as to who should be spoken to or how this investigation should be conducted by Craig Peterson. Director Anderson showed compassion when speaking of her father and that her intent was purely to look after his well being.

[REDACTED]

Aggravating:

[REDACTED]

[REDACTED]

[REDACTED]

Concluding remarks.

Of the points covered in this report, the onus should be focused on the receiving of the cash and donations in kind by Director Anderson as the conflict of interest and not those who donated.

There is no evidence to say, that the donations made to the GFM by known community members did so, in hopes of receiving something in return. The donations may be viewed more in relation to a community providing a helping hand when needed. It is well known small communities are willing to help one another, as this was stated on numerous occasions in this investigation and has happened before on Cortes Island.

As noted, there is no dispute that donations were made and received by Director Anderson, directly or indirectly. The donators themselves, advise it was to help, no political reasoning for donating. Director Anderson in her belief had not felt there was any wrongdoing and thus no need for reporting any of the donations and assistance that was received from either those known or unknown.

Evidence to provide a direct correlation between those who donated to the GFM and Director Anderson directly as it relates to *accept a fee, gift or personal benefit that is connected with the member's performance of the duties of office*, was not discovered in this review. As previously stated, those 'known' to have donated shows no correlation, however, the unknown donators can not be assessed.

[REDACTED]

In determining all the information that has been presented, it is open to interpretation, subjectivity and public interest. A constant is the human factor of helping people in need first and foremost. How this help was implemented and received is very subjective and can not be defined easily. As stated, the conflict of interest may rest with the acceptance of gifts, that may be questioned in the future when Director Anderson supports or brings forward a Grant in Aid request.

I find no assistance in providing an opinion to this matter, only the information that I have obtained and articulated in this report for the SRD to consider upon review and further examination if deemed necessary.

Craig Peterson
President,
Creative Solutions Risk Management Consulting

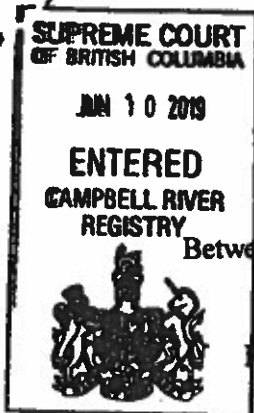
NOTE: Persons identified through this investigation and named in this report did not request their anonymity, however, disclosure beyond this report is at SRD discretion. [REDACTED]

[REDACTED] ***Those named through Go Fund Me and the Petition are public record.***

REFERENCES

1. http://www.bclaws.ca/civix/document/id/complete/statreg/03026_00
2. http://www.cortesisland.com/cgi-bin/tideline/show_articles.cgi?ID=10246&TOPIC=0
3. <https://www.gofundme.com/bernies-cabin-fire-rebuild>

Appendices are separate to this report:



This is Exhibit "L" to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 30 day of June, 2020

[Signature]
 A Commissioner/Notary Public for the Province of British Columbia

In the Supreme Court of British Columbia

No. CAR-S-S-14585
 Campbell River Registry

Between

LUKE DANIEL DOUGLAS LAFLUER, WILLIAM JOHN CATHCART,
 KENNY BRYAN CARPENTER HANUSE, MICHAEL EDWARD HANSEN,
 JASON BARRY JEFFERY, BERTHA LOUISE JEFFERY,
 WENDY MARIE LOTNICK, JUNE CAROL BARTON,
 THOMAS JOHN DREW, RODERICK CHARLES GRAY LEE,
 RICHARD PATRICK BOAS, MARY M. GEORGINA TALLON,
 HELENE ANDREE OABES, EDWARD CHARLES MILAN

Petitioners

and

NOBA ANDREA ANDERSON

Respondent

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE)
 JUSTICE SKOLROOD) June 10, 2019

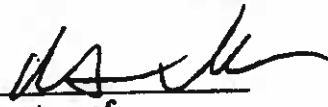
THIS PETITION coming on for a hearing at Campbell River, British Columbia on 10 JUNE 2019, AND ON HEARING Harry A. Wenngatz, counsel for the petitioners, and Matthew R. Voell, counsel for the respondent:

THIS COURT ORDERS AND DECLARES that:

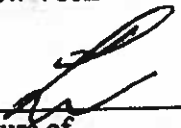
1. There is no basis for the declarations sought by the petitioners;
2. The Respondent did not accept a gift contrary to section 105 of the *Community Charter*;
3. Pursuant to s. 111(6) of the *Community Charter* the Respondent is qualified to hold office;
4. The petitioners shall pay to the Respondent costs in the lump sum of \$4,850; and

5. The petition is dismissed.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND
CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE
AS BEING BY CONSENT:

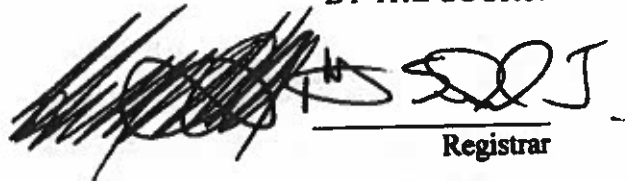


Signature of
 lawyer for Noba Anderson
Matthew Voell



Signature of
 lawyer for the petitioners
Harry A. Wengatz

BY THE COURT.



Registrar

Reply to: Matthew R. Voell
 Email: mrvoell@voell.ca
 Our File: 0031-001

Matthew R. Voell
 Barrister & Solicitor

1300 - 128 Pender Street W
 Vancouver, BC V6B 1R8
 Phone: 604.343.1969
 Fax: 604.909.1684

www.voell.ca

June 19, 2019

BY EMAIL (kstuart@sms.bc.ca)

Kathryn Stuart
 Stewart McDannold Stuart
 2nd Floor, 837 Burdett Ave
 Victoria, BC. V8W 1B3

Dear Ms. Stuart:

This is Exhibit "M" to the Affidavit of
 Noba Anderson, sworn (or affirmed) before
 me at Campbell River, B.C., this 30 day of
 June, 2020


 A Commissioner/Notary Public for the
 Province of British Columbia

Re: Director Noba Anderson and the Strathcona Regional District ("SRD")
Our file: 0031-001

I am legal counsel for Director Noba Anderson. I ask that you please bring this letter to the attention of the Board of Directors at your earliest convenience, and in advance of the upcoming Board meeting on June 27.

I write to you given that I have received correspondence from you relating to other matters involving my client and the SRD. If I should direct my correspondence directly to the SRD on this matter, I ask that you please advise no later than 12 noon on Friday, July 21 so that we can direct this letter to their attention for inclusion in the staff report for next week's Board meeting.

As you are no doubt aware, by Order dated June 10, 2019, Mr. Justice Skolrood made the following declarations in relation to the conflict of interest petition proceedings involving my client:

1. there was no basis for the conflict of interest declarations sought by the petitioners;
2. Director Anderson did not accept any gifts contrary to section 105 of the Community Charter;
3. Director Anderson is qualified to hold office;
4. the petitioners pay costs in the lump sum of \$4850 to Director Anderson; and
5. the petition is dismissed.

A copy of the entered order is enclosed for your reference.

Accordingly, it should now be eminently clear to your client that Director Anderson has no conflict of interest in any matters relating to the petition proceeding and the ongoing business involving Electoral Area B. As my client has not declared a conflict of interest in relation to any other matters

before the Board pursuant to section 100(2) of the *Community Charter*, I therefore request that Director Anderson immediately be provided with all staff reports and in camera meeting minutes that have been withheld from her by SRD staff and the Board, since and including the April 10, 2019 SRD Board meeting.

We are aware of no basis on which these materials may continue to be withheld from my client, an elected member of the SRD Board. Should Director Anderson have a conflict of interest in relation to any of these matters, she will declare such a conflict, after obtaining legal advice if required, according to the procedure set out in section 100(4) of the *Community Charter*.

We also insist that the SRD Board immediately cease its practice of forcing my client to leave portions of in camera Board meetings, which we note has been ongoing since April 10, 2019. There is simply no authority for this practice. Notably, this occurred again on June 12, 2019, after my client was declared not to be in a conflict of interest by a justice of the BC Supreme Court. As my client has not yet declared any conflict of interest in relation to any other matters (nor could she as she has been prohibited from even knowing what the staff reports are about):

1. We are aware of no basis on which the Board can exclude my client, a duly elected member of the SRD Board of Directors, from its meetings or from receiving the reports and information presented to the Board;
2. To the contrary, the *Community Charter* expressly sets out the procedure by which a Board member must consider the material to be decided upon, and declare a conflict if one arises; and
3. The Board's ongoing practice of exclusion does not comply with Roberts or Bourinot's Rules of Order. To the contrary, section 45 of Robert's Rules of Order expressly provides that no member can be compelled to refrain from voting, even if they have a conflict.

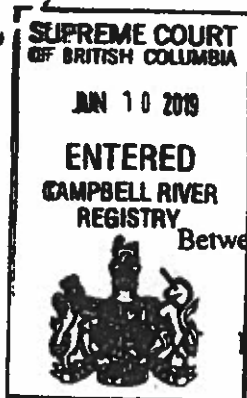
Similarly, in relation to the SRD's refusal to provide my client with in camera staff reports about which my client has not declared any conflict of interest, we are unaware of any legal basis or procedure by which this practice is permissible.

In the event your client wishes to proceed with these oppressive practices, we request that the Board provide authority on which it so conducts itself.

Yours sincerely,



Matthew R. Voell
Barrister & Solicitor



No. CAR-S-S-14585
Campbell River Registry

In the Supreme Court of British Columbia

Between

LUKE DANIEL DOUGLAS LAFLUER, WILLIAM JOHN CATHCART,
KENNY BRYAN CARPENTER HANUSE, MICHAEL EDWARD HANSEN,
JASON BARRY JEFFERY, BERTHA LOUISE JEFFERY,
WENDY MARIE LOTNICK, JUNE CAROL BARTON,
THOMAS JOHN DREW, RODERICK CHARLES GRAY LEE,
RICHARD PATRICK BOAS, MARY M. GEORGINA TALLON,
HELENE ANDREE OABES, EDWARD CHARLES MILAN

Petitioners

and

NOBA ANDREA ANDERSON

Respondent

ORDER MADE AFTER APPLICATION

BEFORE THE HONOURABLE)
JUSTICE SKOLROOD) June 10, 2019

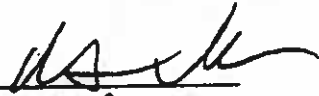
THIS PETITION coming on for a hearing at Campbell River, British Columbia on 10 JUNE 2019, AND ON HEARING Harry A. Wengatz, counsel for the petitioners, and Matthew R. Voell, counsel for the respondent:

THIS COURT ORDERS AND DECLARES that:

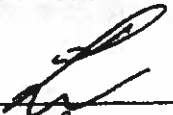
1. There is no basis for the declarations sought by the petitioners;
2. The Respondent did not accept a gift contrary to section 105 of the *Community Charter*;
3. Pursuant to s. 111(6) of the *Community Charter* the Respondent is qualified to hold office;
4. The petitioners shall pay to the Respondent costs in the lump sum of \$4,850; and

5. The petition is dismissed.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND
CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE
AS BEING BY CONSENT:

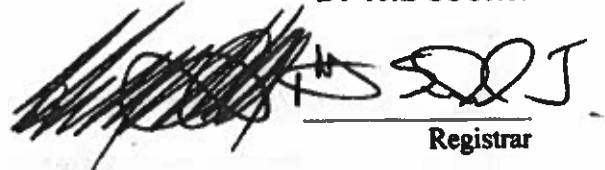


Signature of
 lawyer for Noba Anderson
Matthew Voell



Signature of
 lawyer for the petitioners
Harry A. Wengatz

BY THE COURT.



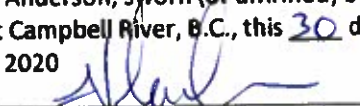
Registrar



**OFFICE OF THE CHIEF
ADMINISTRATIVE OFFICER**

July 30, 2019

This is Exhibit " N " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 30 day of June, 2020


A Commissioner/Notary Public for the
Province of British Columbia

File:

SENT VIA EMAIL ONLY: mrvuell@voell.ca

Matthew R. Voell
Barrister & Solicitor
1300-128 Pender Street W
Vancouver, BC
V6B 1R8

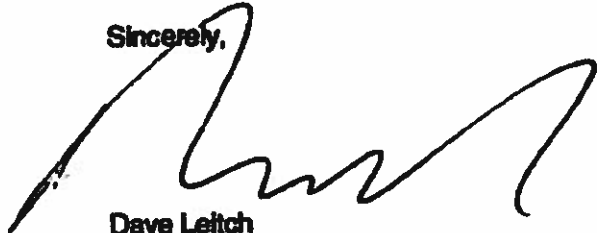
Dear sir:

RE: NOBA ANDERSON INDEMNIFICATION

This is to advise that the Board of the Strathcona Regional District received your correspondence of June 19, 2019 addressed to Kathryn Stuart of Stewart McDannold Stuart concerning the indemnification of Director Noba Anderson. In the correspondence you advised that Director Anderson was formally requesting that the Regional District indemnify her for the legal costs incurred in defense of the petition which sought to disqualify her from office.

Following receipt of the above noted correspondence the Board made no further decisions regarding the indemnification matter. Accordingly, the Board's decision of May 8, 2019 to not indemnify your client still stands.

Sincerely,



Dave Leitch
Chief Administrative Officer

Reply to: Matthew R. Voell
 Email: mrvoell@voell.ca
 Our File: 0031-001

Matthew R. Voell
 Barrister & Solicitor

1300 - 128 Pender Street W
 Vancouver, BC V6B 1R8
 Phone: 604.343.1969
 Fax: 604.909.1684

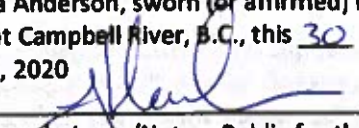
www.voell.ca

September 3, 2019

BY EMAIL

Strathcona Regional District
 #301-990 Cedar Street
 Campbell River, BC. V9W 7Z8
 c/o Tom Yates, Senior Manager Corporate Services

This is Exhibit " O " to the Affidavit of
 Noba Anderson, sworn (or affirmed) before
 me at Campbell River, B.C., this 30 day of
 June, 2020


 A Commissioner/Notary Public for the
 Province of British Columbia

Dear Chair Babchuk:

Re: Proposed Motion of Censure

I am counsel for Director Anderson and am in receipt of your letter of June 25, 2019. I would ask that you please bring this letter to the attention of the Board for consideration in advance of the September 11, 2019 Board meeting.

Director Anderson has requested that I set out her position with respect to the proposed censure hearing, but wishes to make clear at the outset that her preferred outcome is that this matter can be resolved without further Board or Court proceedings and that the entire Board can work together in the best interests of the citizens of the Strathcona Regional District.

Director Anderson appreciates that in this instance, the Board has provided her with notice of the September 11 meeting and an opportunity to respond to the Board before it decides whether to proceed with a censure hearing.

Alleged Breach of Confidentiality

As per your letter, it appears that Board will be determining whether to hold a censure hearing as a result of my client seeking legal advice with respect to three issues that involved her personal interests and interests as a Regional District director. Specifically, it is my understanding that the Board is concerned that in seeking legal advice, my client shared with her lawyer *in camera* materials relating to indemnification of the costs she incurred while defending a frivolous disqualification petition; allegations that she breached her oath of office; and an investigative report of which she was the sole subject.

When considering whether or not to proceed with a censure hearing, it is important to note that the confidentiality of any and all documents considered *in camera* is not breached or lost by seeking legal advice on the matter. Solicitor-client privilege exists between Director Anderson and her

legal counsel, and notably, solicitor-client privilege is even stronger than the confidentiality imposed by section 117 of the *Community Charter*. Simply put, there was no breach of confidentiality in this case.

Procedural Fairness

As you of course know, a member of the Board who is the subject of a proposed censure motion is entitled to procedural fairness. It is important that such a member be provided with a full disclosure of the proposed action and a meaningful opportunity to respond.

If the Board decides on September 11, 2019 to proceed with a censure hearing at a subsequent meeting, my client requests the opportunity to make oral and written submissions to the Board, through legal counsel, at the meeting where any censure will be considered.

In addition, Director Anderson requests that she be provided with the following at least 14 days in advance of any Board meeting where a censure is considered, in order to make meaningful submissions with respect to the proposed censure:

1. A draft resolution of the proposed censure;
2. The factual basis on which the Board is considering the censure motion; and
3. A copy of all materials considered by the Board in making its decision to proceed with a censure hearing, as well as all materials considered by the Board in relation to the vote on the proposed censure.

We look forward to hearing from you after the September 11, 2019 Board meeting.

Yours sincerely,



Matthew R. Voell
Barrister & Solicitor

cc. client
K. Stuart (by email)

Subject: RE: Proposed Censure - SRD
Date: Tuesday, October 1, 2019 at 8:40:27 AM Pacific Daylight Time
From: Tom Yates
To: Matthew Voell
CC: kstuart@sms.bc.ca
Attachments: image001.png, image002.png, image003.jpg, image004.png, image005.png, image006.png, image007.png

Good morning, Mr. Voell.

The Regional Board has scheduled a censure hearing for October 24, 2019 regarding allegations of misconduct against Director Anderson. The Regional District will be providing further information to you and your client following the October 9, 2019 Board meeting, including a copy of the proposed censure motion that will be considered on October 24.

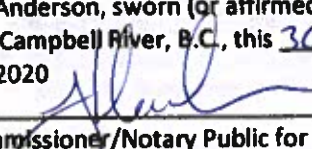
I trust this is the information that you require.

Regards,



Tom Yates
Corporate Services Manager
Tel: 250.830.6704
Toll free: 1.877.830.2990

This is Exhibit " P " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 30 day of June, 2020


A Commissioner/Notary Public for the Province of British Columbia

From: Matthew Voell <mrvoell@voell.ca>
Sent: September 30, 2019 1:01 PM
To: Tom Yates <TYates@srd.ca>
Cc: kstuart@sms.bc.ca
Subject: Re: Proposed Censure - SRD

Mr. Yates -

Further to our previous exchange of correspondence, I would appreciate it if you could please advise of the result of the September 11, 2019 Board meeting involving my client, Director Anderson.

Thank you,
Matt

Matthew R. Voell
Barrister & Solicitor

1300 - 128 Pender Street West

Vancouver, BC V6B 1R8

Phone: 604.343.1969

Fax: 604.909.1684

www.voell.ca

This email is privileged and contains confidential information intended only for the person to whom it is directed. Any other distribution, copying or disclosure is strictly prohibited. If you have received this communication in error, please notify us immediately. Please delete the original message. Thank you.

From: Tom Yates <TYates@srd.ca>
Sent: September 9, 2019 3:12 PM
To: Matthew Voell <mrvoell@voell.ca>
Cc: kstuart@sms.bc.ca <kstuart@sms.bc.ca>
Subject: RE: Proposed Censure - SRD

Good afternoon, Mr. Voell.

Yes, I can confirm that your letter of September 3, 2019 was received and will be presented for the Board's consideration at its September 11 meeting.

I apologize for not providing confirmation before today but have just returned from vacation.

Regards,



Tom Yates
Corporate Services Manager
Tel: 250.830.6704
Toll free: 1.877.830.2990

From: Matthew Voell <mrvoell@voell.ca>
Sent: September 9, 2019 2:59 PM
To: Tom Yates <TYates@srd.ca>
Cc: kstuart@sms.bc.ca
Subject: Re: Proposed Censure - SRD

Mr. Yates –

Further to my email request below, could you please confirm that you received my letter of September 3, 2019, and that the letter will go before the Board at their Sept 11 meeting.

Regards,

Matthew R. Voell
Barrister & Solicitor

1300 - 128 Pender Street West
Vancouver, BC V6B 1R8
Phone: 604.343.1969
Fax: 604.909.1684
www.voell.ca

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From: Matthew Voell <mrvoell@voell.ca>
Date: Wednesday, September 4, 2019 at 9:52 AM
To: Tom Yates <TYates@srd.ca>
Cc: "kstuart@sms.bc.ca" <kstuart@sms.bc.ca>
Subject: Re: Proposed Censure - SRD

Mr. Yates –

Please see the attached correspondence of yesterday's date. I would ask that you please bring it to the attention of Chair Babchuk and the SRD Board in advance of the September 11 Board meeting.

I would appreciate it if you would please confirm receipt by return email.

Regards,

Matthew R. Voell
Barrister & Solicitor

1300 - 128 Pender Street West
Vancouver, BC V6B 1R8
Phone: 604.343.1969
Fax: 604.909.1684
www.voell.ca

This email is privileged and contains confidential information intended only for the person to whom it is directed. Any other distribution, copying or disclosure is strictly prohibited. If you have received this communication in error, please notify us immediately. Please delete the original message. Thank you.

From: Tom Yates <TYates@srd.ca>
Date: June 26, 2019 at 3:00:02 PM PDT
To: Noba Anderson <nanderson@srd.ca>
Subject: Motion of Censure

Hello, Director Anderson.

Please see attached confidential correspondence from the Board Chair.


Respectfully,



OFFICE OF THE CHAIR

October 10, 2019

This is Exhibit " Q " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 30 day of June, 2020


A Commissioner/Notary Public for the Province of British Columbia

File:

SENT VIA EMAIL ONLY: nanderson@srd.ca

Director Noba Anderson
P.O. Box 394
Whaletown, BC V0P 1Z0

Dear Director Anderson:

RE: Motion of Censure

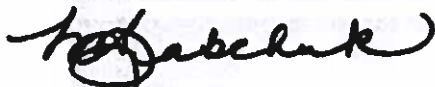
Further to my letter of June 25, 2019, this is to advise that the Regional Board, at its October 9, 2019 meeting, approved the attached motion for further consideration. Attached to the motion are various documents in support of the Board's decision to proceed with a censure hearing, with the exception of Exhibits 10 and 11 which you have previously provided to your lawyer and for which the Board has never waived solicitor-client privilege.

Before proceeding with a vote on the motion of censure the Board will be holding a hearing at which you and your legal representative are welcome to attend and make a submission to the Board.

The hearing is scheduled to take place in the Regional District's boardroom in Campbell River on October 24, 2019 starting at 9:45 a.m.

Should you have any questions regarding the information contained in this letter please let me know.

Sincerely,



Michele Babchuk
Chair



NOTICE OF CENSURE HEARING

TO: Director Noba Anderson

TAKE NOTICE that there will be a closed session hearing before the Board of Directors for the Strathcona Regional District in the Boardroom on Thursday, October 24, 2019 at 9:45 a.m. at which time the Board will consider the following resolution:

- A. **WHEREAS** the Regional Board passed a resolution in closed session on November 7, 2018 directing that a neutral third party with experience in such matters be retained to conduct an investigation into conflict of interest allegations involving Director Anderson;
- B. **AND WHEREAS** a November 14, 2018 letter from Lidstone & Company, Barristers and Solicitors (attached hereto as **Exhibit 1**) acting on behalf of Director Anderson and referencing the proposed investigation was received by the Regional Board at its November 22, 2018 closed session;
- C. **AND WHEREAS** the Regional Board received a report at a closed session held on November 22, 2018 that the Regional District had retained the services of Creative Solutions Risk Management Consulting to investigate the implications of the aforesaid conflict of interest allegations against Director Anderson;
- D. **AND WHEREAS** a document authored by De Clarke and entitled 'Open Letter to Cortes Islanders' (attached hereto as **Exhibit 2**) was distributed through the postal system to residents of Cortes Island on or about January 21, 2019 which referenced the hiring of an investigator by the Regional District's Chief Administrative Officer with the agreement of the Board;
- E. **AND WHEREAS** an article authored by Noba Anderson entitled 'Dear Fellow Cortes Islanders' (attached hereto as **Exhibit 3**) was published in the January 30, 2019 edition of the Cortes Tideline online newspaper which confirmed the name of the investigator hired by the Regional District;
- F. **AND WHEREAS** correspondence received by the Regional District from various Cortes Island residents between January 19, 2019 and February 4, 2019 (attached hereto as **Exhibits 4, 5 and 6**) referenced the hiring of an investigator by the Regional District;
- G. **AND WHEREAS** the Regional Board, at a closed session held on February 28, 2019, received the investigative report prepared by Creative Solutions Risk Management Consulting;

- H. **AND WHEREAS** the Regional District believes that Director Anderson provided a copy of the investigative report to her lawyer, Matthew R. Voell, as evidenced in correspondence from Mr. Voell dated March 7, 2019 (attached hereto as **Exhibit 12**) without seeking or obtaining a resolution of the Regional District Board to authorize its release;
- I. **AND WHEREAS** the existence of the aforesaid investigation was not made public by the Regional Board until May 22, 2019 at which time a redacted version of the report was released;
- J. **AND WHEREAS** the Board believes that Director Anderson failed to maintain confidentiality with respect to the hiring of an investigator, and the subsequent production and presentation of an investigative report, and wishes to sanction her for failing to keep these matters confidential contrary to section 117 of the *Community Charter* and section 27 of the Director Code of Conduct Bylaw 2018;
- K. **AND WHEREAS** the Regional Board has, in a closed session held on November 7, 2018, considered the matter of Director Anderson's indemnification against legal costs arising from conflict of interest allegations, and subsequently passed a resolution in closed session on January 24, 2019 to not consider the matter of Director Anderson's indemnification until after the petition to remove her from office had been dealt with by the Courts;
- L. **AND WHEREAS** correspondence and presentations received by the Regional District from various Cortes Island residents between January 21, 2019 and February 28, 2019 (attached hereto as **Exhibits 7, 8 and 9**) requested that the Regional District cover Director Anderson's legal costs;
- M. **AND WHEREAS** the decision whether or not to indemnify Director Anderson was made by the Regional Board in closed session on May 8, 2019 and communicated to her shortly thereafter;
- N. **AND WHEREAS** the Board believes that Director Anderson failed to maintain confidentiality with respect to the matter of indemnification of her legal costs and wishes to sanction her for failing to keep this matter confidential contrary to section 117 of the *Community Charter* and section 27 of the Director Code of Conduct Bylaw 2018;
- O. **AND WHEREAS** Director Anderson received two letters addressed to the Strathcona Regional District (attached hereto as **Exhibits 10 and 11**) that were subject to solicitor/client privilege and included as part of the agenda packages for the February 28, 2019 and April 10, 2019 closed meetings of the Regional Board;
- P. **AND WHEREAS** the Board has never waived privilege with respect to the aforesaid letters;
- Q. **AND WHEREAS** the Regional District believes that Director Anderson provided copies of the letters to her lawyer, Matthew R. Voell, as evidenced in correspondence from Mr. Voell dated March 7, 2019 and May 1, 2019 (attached hereto as **Exhibits 12 and 13**) without seeking or obtaining a resolution of the Regional District Board to authorize their release;
- R. **AND WHEREAS** the Board wishes to sanction Director Anderson for her conduct in disclosing the legal opinion letters without obtaining a Board resolution to authorize their release contrary to s.117 of the *Community Charter* and s.27 of the Director Code of Conduct Bylaw 2018;

- S. **AND WHEREAS** Director Anderson has been a director on the Regional Board since 2008 and has received training with respect to her role as an elected official and her legal obligation to respect confidential and privileged information;
- T. **AND WHEREAS** Director Anderson was provided with a copy of Bylaw No. 330, being Director Code of Conduct Bylaw 2018, and was present for three readings and adoption of Bylaw No. 330 at the July 18, 2018 meeting of the Regional Board as evidenced by the minutes of the meeting (attached hereto as Exhibit 14).

NOW THEREFORE be it resolved:

1. **THAT** the Board disapproves of Director Anderson's conduct in revealing confidential and privileged information contrary to the *Community Charter* and the Director Code of Conduct Bylaw 2018;
2. **THAT** Director Anderson be directed to comply with s.117 of the *Community Charter* and the Director Code of Conduct Bylaw 2018 in the future;
3. **THAT**, for the remainder of her current term of office, Director Anderson be excluded from being appointed to any select committees established by the Board or any public hearing delegations established by the Board except for public hearing delegations established to consider matters affecting Electoral Area B;
4. **THAT**, for the remainder of her current term of office, Director Anderson be excluded from being designated, nominated or appointed by the Regional Board to any external organization or agency to represent the interests of the Regional District;
5. **THAT**, for the remainder of her current term of office, Director Anderson's electronic access to confidential agendas, reports and attachments be revoked and that she be provided with paper copies of those documents;
6. **THAT** Director Anderson be required to issue a written apology to the Board acknowledging her transgressions against the *Community Charter* and the Director Code of Conduct Bylaw 2018 with respect to maintaining confidentiality;
7. **THAT** Director Anderson be required to take additional training for elected officials regarding the rules of confidentiality associated with her position as a Director of the Regional District.

Open Letter to Cortes Islanders January 21, 2019

By now most of you have heard the news: 14 Cortes residents filed a petition (Jan 2/3 2019) to initiate a lawsuit to remove our Regional Director, Noba Anderson, from office.

The primary allegation in this petition is that Director Anderson solicited bribes and delivered kickbacks in return. A quote: *Anderson took money from her constituents for personal gain and a number of those same constituents received gifts and grants in return.* (Campbell River Mirror, Jan 7 2019). According to the signatories, this bribery took place in the late spring of 2018. During that time a GoFundMe page was established by Lovena Harvey to ask the community to support a fundraising effort for Noba's dad Bernie -- an elderly man suffering from dementia who burned down his small cabin and was lucky to survive the fire. The cabin was completely destroyed, and so were all his possessions.

Money collected via the GoFundMe page was placed in a separate bank account in Bernie's name. Noba used it to cover part of the cost of adding a bedroom for Bernie to her house, as he now requires more supervised care. 28 people contributed. \$2700 was raised locally to help Bernie. The petitioners allege that donors to this GoFundMe effort had connections to island organisations which receive GIA funds from SRD, and that Director Anderson preferentially directed funding to these organisations in response to bribes received.

We, the undersigned, believe these allegations to be unfounded and mean-spirited. While some of us disagree with Noba on various issues, and not all of us voted for her in the last election, we feel that this lawsuit is politically motivated and not in keeping with Cortes community spirit.

We are asking you to consider seriously whether you truly find these allegations against our Director -- and against several of our community organisations and their members-- believable. We ask you to consider the following questions, regardless of whether you voted for Noba Anderson or for George Sirk in our last election:

1. Defamation of our Regional Director...

Most of the 14 signatories to this lawsuit are political opponents of Director Anderson. SRD has also been apprised of these allegations against her. Their CAO, David Leitch, with the agreement of the SRD board, has hired a private investigator to look into the matter. This investigator has been interviewing Cortes residents during the first half of January. Was this costly response appropriate, given such flimsy and partisan allegations?

2. Irregular Process at SRD Affects Cortes Issues...

Regional Director Leigh, representative for Oyster River, explained her vote to further delay our tax service referendum as follows: *She said she had heard concerns from Cortes residents via email.* (Campbell River Mirror, Nov 28 2018) Does this mean some people on Cortes are lobbying a Regional Director other than their own, to influence SRD votes on Cortes affairs? RD Leigh has not made the number or contents of these emails public, has not entered them into the SRD record as Correspondence Received, and has not shared them with our own Regional Director.

3. Delays and Inconsistencies in Referendum Process...

A clear majority desired a tax service referendum in petitions and delegations in 2017; the October 2018 vote favoured proceeding with a referendum by the same margin. In the summer of 2018, SRD promised that if the October vote passed, SRD would expedite the process with a deciding vote in the spring of 2019. However, in November, a further indefinite delay was imposed. Why has SRD delayed that referendum at considerable cost to the taxpayer?

4. Voter Harassment on Cortes Island...

In December 2018, RCMP appeared on Cortes Island, questioning individuals about their length of residence and ID. They said a complaint had been filed alleging "illegal voting" in our most recent election, and that they had been given a list of names. Only nine names were given to the RCMP and as of this date we know of none who were disqualified from voting. Is this a case of partisan voter harassment?

For quite some time now there has been apparent resistance at SRD to proposals brought by RD Anderson, even when they reflect the majority opinion of her constituents. SRD appears to be influenced somehow by minority opinion on Cortes. This seems to be encouraging more and more extreme and un-Cortes-like political tactics from Director Anderson's opponents, culminating now in an attempt to remove her from office.

If you are concerned, as we are, about any or all of the above questions as indicators of an erosion of our democratic process and community spirit, we encourage you to join us in expressing your opinion in an individual letter to the SRD: administration@srd.ca
Please address your letter clearly to SRD Board of Directors.

We feel SRD needs to explain... why secret lobbying is permitted; why Cortes issues are handled differently from those of other SRD Areas; why they have imposed so much delay and expense on a simple referendum issue; how much they have spent on their acceptance of weak allegations against our RD; plus any other questions you may have about this situation.

More complete information may be found at this URL:
http://www.declarke.org/Cortes/RDNA_Litigation.html
or by contacting De Clarke who is hosting these documents and can help you access them. At this URL, you can read the complete text of the original petition.

Yours for a kinder and more democratic Cortes,

Aaron Ellingsen	Derek MackMumford	John Shook	Phil Allen
Adam McKenty	Devon Johnston	John Sprungman	Priya Huffman
Adam Schick	Diane Brussel	Jon Knowles	Ralph Garrison
Amanda Glickman	Diane Elliott	Jonas Fineman	Ray Kendall
Amber Sprungman	Dilani Hippola	Joy Kerfoot	Rex Weyler
Amy Bockner	Donna Dryer	Juli Nelson	Richard Andrews
Amy Robertson	Dr Peter Elliott	Kai Harvey	Richard Gaudette
Andrew Baskin	Elinore Harwood	Karen Hansen	Richard Yensen
Andrew Smyth	Elizabeth Anderson	Kate Archibald	Rick Bockner
Andrew Weil	Emilie Hansen	Kate Maddigan	Risa Selsberg
Andy Ellingsen	Emilie Wapnick	Kirsten Vidulich	Roland Boudreau
Angela Hales	Fawn Baron	Kristen	Ron Bazar
Ann Hiatt	Gabriel Dinim	Schofield-Sweet	Ron Wolda
Anna Ochsenbein	Gail Ringwood	Kristina Purcell	Rose Flitcyk
Anne-Lise Hollier	Gary Cork	Laura Heslin	Rose Woodridge
Ashe Biela	George Lerchs	Leila Gmeiner	Roy Hales
Ashley Zarbatany	Gerry Watson	Leonard Woywitka	Ruth Riddell
Barry Glickman	Gillian Nagle	Lisa Gibbons	Ryan Harvey
Becky Knutson	Giorgio Giovinazzo	Lloyd Yendall	Sachia Kron
Bernice McGowan	Glenna Foerster	Lore MackMumford	Sadhu Johnston
Bill Dougan	Grazyna Trzesicki	Lovena Harvey	Sandra Wood
Bill Weaver	Hannes Grosse	Lucas Biela	Scott Knutson
Bill Wheeler	Hannu Huustonen	Lynne Barker	Sean Sprungman
Bianca Scanton-Sharpe	Hanyu Wasyliv	Manda	Serene Watson
Bob Katzko	Hayley Newell	Aufuchs Gillespie	Shery Sprungman
Bob Tracy	Heather Oglivy	Margaret Verschuur	Sheryl Thompson
Brian Genn	Heidi Gerrard	Mark Braaten	Siobhan Robinsong
Brittany Baxter	Helen T	Mark Vonesch	Sonya Friesen
Carle Fischtein	Cliffon-Woodridge	Martha Abelson	Steve Brady
Carina Verhoeve	Henry Verschuur	MaryClare Preston	Steve London
Carol London	Howie Roman	Matt Cuscama	Steve Ringwood
Carole Thacker	Hubert Havelaar	Maureen Williams	Sue Ellingsen
Carole Waddell	Ian Le Cheminant	Max Thaysen	SueJohn Allen
Caroline Baker	Ian Ross	Maya Budner	Susan Blackburn
Carrie Saxifrage	Ian Watson	Melnsje Vlaming	Suzanne Minogue
Catharine Bushé	Irene Blueth	Michelle Malley	Tamara McPhail
Cez Ratcliffe	Iris Steigemann	Mike Malek	Tammy Allwork
Cec Robinson	Isabel Steigemann	Mike Moore	Theresa Hargrave
Chris Napper	J Wayne Roberts	Miki Bellemare	Thomas Huffman
Chris Walker	Jane Newman	Miranda Cross	Toby Roman
Christine Robinson	Janet Turpin	Mitchell McCoy	Toni Smorodin
Connie Brill	Jason Andrews	Myann Woolley	Tony Toledo
Dan Peters	Jean Le Cheminant	Nancy Kendall	Travis Pawlak
Dana Bass Solomon	Jessica Pinder	Natasha Meredith	Valerie Wemet
Daniel Nagle	Jodie Brady	Nori Fletcher	Victoria Watson
David Hiatt	Joe Grassi	Norm Gibbons	Wendy Havelaar
David Hughes	Joel Doyle	Odetta Auger	Xuan Ly Betz
David Rousseau	Joel Solomon	Paul Kimmse	Yifan Li
De Clarke	Johanna Robertson	Peter Henbury	Yvonne Kip
Denise Wolda	John Preston	Peter Jacket	

Tom Yates

Subject: FW: cortesiland.com Tideline Article: Dear Fellow Cortes Islanders

General News

Dear Fellow Cortes Islanders

Noba Anderson

I returned in mid-January from Christmas holidays to legal proceedings intended to remove me from office, a SRD investigation into allegations against me, many distraught friends as well as irregular and disturbing governance practices. I have been carefully navigating what I can and cannot say and do, legally, ethically and as a member of the SRD team.

As there are so many interconnected moving parts to this quickly evolving situation, I struggle to know what to say and what is relevant to people. So, as a beginning, please find below some questions submitted by you and my responses. I welcome specific questions like these and will do my best to answer them as they come in.

1. What can you talk about and report on while the litigation case is underway? What limitations do you have on your communications to the Cortes community?

In a small place where people and issues are so interconnected, this is a delicate task. During this time, I have been consulting legal counsel and other authorities to find my feet, and in times of uncertainty just planting garlic. I have a limited ability to discuss the petition filed with the court to have me removed from office, although I will be responding formally. I cannot discuss the SRD's investigation into allegations against me nor any other matters that the board is keeping in closed session, including all legal correspondence and consideration of how legal bills will be covered. However, I can continue to discuss all other business and am very willing to answer any questions I can as we figure out how to respond, both individually and collectively.

2. The 2019 SRD budget process is underway. How do you see the timeline? What Cortes issues will and will not be affected in the 2019 budget with the SRD decision to table the 3 current key issues (APC, hall service tax, first responder). How do you anticipate the GIA funding will be handled?

The SRD budget is finalized in February or March of each year. This year will be no different. I do not expect that the Cortes portion of that budget will be adversely affected or delayed. I expect that through the budget process we will set aside Cortes Grant in Aids for future distribution, as we do every year. The actual allocation of those funds and the timing thereof may well be affected depending on the outcome of the investigation and when the SRD Board again decides to deal with Cortes business.

3. When submitting letters to the Regional District, where do we send them and by when?

If the intent is to have letters received by the Board, address them directly to the SRD Board and submit them as soon as you can. The next meeting is February 13th and letters should be submitted no later than the 6th for inclusion on the agenda. Write to administration@srd.ca or 301-990 Cedar St, Campbell River, BC, V9W 7Z8.

4. How do you expect the SRD will respond to the issue of secret, anonymous, unrecorded lobbying of SRD directors?

Although I have witnessed this practice to be commonplace during my decade in office, and although multiple Board Chairs and Chief Administrative Officers have asked that it stop, the Board has not so far taken any decisive action on this matter, nor am I clear what options (or how much will) the Board has to effect change, or its will to do so. I have brought this matter up verbally many times over the years and just submitted a report to the Board this month asking that this practice cease. We have all just recently been offered corporate email addresses for the first time, and I have accepted. Perhaps if other directors make this shift it will help. Beyond that I do not

know.

5. What length of time have you been told to expect for the litigation case to be completed?
Many months.

6. Is there any provision for the SRD to give you any financial support towards your legal defence?
As I understand the SRD's policy, the District will pay for a director's legal costs unless the director fails to follow the bylaw, fails to cooperate or otherwise interferes. However, the bylaw is silent on the timing of payment which is left to the discretion of the board on a case by case basis. The Board may either reimburse a director for costs after a legal matter is settled or cover costs as they are incurred, either by taking control of the case and directly appointing legal counsel or by paying a director's legal bills as they are incurred.

7. What is the state of your legal defence to date?
I engaged my own legal counsel at the end of last year on this matter. I have been paying my own bills and need to make provision for continuing to do so.

8. Can you accept any financial support for your legal defence?
If I accept donations (or presumably even loans) from my constituents to assist with my ongoing out-of-pocket legal expenses I would indeed be doing exactly what I am accused of doing (but did not do) in the fire relief go-fund-me campaign; that being accepting funds from my constituents related to my elected duties in office. Beyond that I am still trying to figure out.

9. Will the SRD make the results of the investigation by Craig Peterson, the private investigator hired by the SRD, available to the public?

I do not know and I am really not at liberty to comment on this matter while the investigation is underway.

I still sit in deep gratitude for calling this island home and offer a daily prayer that all the relevant truth be revealed and that we find our feet in restored community wellness.

Noba Anderson
director(at)[cortesisland.com](mailto:director@cortesisland.com)
250-935-0320

To view [this and other articles](#) visit [cortesisland.com](http://www.cortesisland.com) Tideline at <http://www.cortesisland.com/tideline>

Edith Watson

From: Anne Dzakovic <annedzakovic@gmail.com>
Sent: Tuesday, January 22, 2019 9:16 PM
To: Email - administration@strathconard.ca
Subject: letter of concern

To: The Chair and Board of Directors,

As a member of the Cortes community I have several serious concerns and questions as to how the SRD has been conducting itself over the past months. Below are a summary of my concerns.

Irregular process at SRD

Brenda Leigh, representative for Oyster River, explained her vote on a Cortes Island issue as follows: She said she had heard concerns from Cortes residents via email. (Campbell River Mirror Nov 28 2018). Brenda Leigh has not made the number or contents of these emails public, has not entered them into the SRD record as Correspondence Received, has not shared them with other Board members or even with our own Regional Director.

Questions on this issue:

- Why are Directors from other Areas such as Oyster River receiving undisclosed lobbying emails from Cortes Island, and allowing these emails to influence their votes on Cortes affairs?
- Why are these emails not being shared with Cortes' elected RD and with the rest of the Board?
- How are we to know whether these emails are from a hundred people, or six people, or one person?
- How are we to fact-check their content?
- Do they represent in any way the majority opinion on Cortes?
- Is this normal operating procedure at SRD?
- What is SRD's policy on Correspondence Received? Is there any policy?
- What does SRD's Code of Ethics for Directors say about this issue?

Why the Delays and Inconsistencies in the Referendum Process?

Despite a clear majority (in both the 2017 petitions and delegations and the October 2018 vote) in favour of proceeding with a hall tax referendum, SRD has delayed that referendum at considerable cost to the taxpayer. In the summer of 2018, SRD promised us that if the October vote passed, SRD would expedite the process so that we could have a deciding vote in the Spring of 2019. However, in November, further indefinite delay was imposed. Brenda Leigh cited receiving undisclosed emails as the reason for her own vote for delay.

Questions on this issue:

- How many times has any Regional District held *a referendum on whether to have a referendum*? If this is as rare an event as local knowledge suggests, why was this costly half-measure used in the relatively simple matter of a tax service for Cortes Island?
- Why did SRD reverse its position between summer 2018 and Nov 2018, rescinding the promise that the long-delayed hall tax referendum would be expedited if the "non-binding" referendum passed?
- Why were we ever forced to go through the non-binding referendum, whose results showed the same 66/33 percent Pro/Anti percentages that have been consistently demonstrated by petition?
- Why is the majority will on this issue being blocked and delayed?
- Is the minority opposition (to the tax service, and to the holding of a vote on the issue) somehow taking precedence at SRD, and if so how and why is this happening?

- Are Regional Directors in the habit of blocking and delaying voter initiatives from other Areas which do not affect their own Area? Or is this only happening to Cortes initiatives? If so, why?

Allegations against our Regional Director

In early January 2019, 14 Cortes residents filed a petition to litigate against our re-elected Regional Director (RD) Noba Anderson, accusing her of bribery and corruption. The 14 signatures on this petition are entirely those of our director's political opponents. Meanwhile, a private investigator has appeared on the island, hired by SRD, to investigate these allegations against our RD.

Questions on this issue:

- At what point were these allegations against RD Anderson made known to SRD?
- Why were they not made known immediately to the voters of Cortes? Why did we not find out about this until public record showed the filing of petition on Jan 2/3 2019?
- What process has taken place at SRD regarding this matter?
- Have there been in camera meetings and if so, how many?
- By what process was the private investigator hired, how much has all this cost, and when will his report be made public?

Thank you for your time, I look forward to hearing back from you.
Anne Dzakovic

Edith Watson

From: Bryan McKinnon <bryanjmckinnon@gmail.com>
Sent: Saturday, January 19, 2019 9:54 AM
To: Email - administration@strathconard.ca
Subject: Cortes Needs Some Answers

To The Chair and Board of Directors

I am very concerned about recent events taken against Noba Anderson, and I am writing with a specific list of questions that I believe need to be addressed.

1) Handling of Correspondence by SRD Board:

- Why are Directors from other Areas such as Oyster River receiving undisclosed lobbying emails from Cortes Island, and allowing these emails to influence their votes on Cortes affairs?
- Why are these emails not being shared with Cortes' elected RD and with the rest of the Board?
- How are we to know whether these emails are from a hundred people, or six people, or one person?
- How are we to fact-check their content?
- Do they represent in any way the majority opinion on Cortes?
Is this normal operating procedure at SRD?
- Or is it only Cortes issues which are interfered with in this way?
- What is SRD's policy on Correspondence Received? Is there any policy?
- What does SRD's Code of Ethics for Directors say about this issue?

2) Delays and Inconsistencies:

- Why did SRD reverse its position between summer 2018 and Nov 2018, rescinding the promise that the long-delayed hall tax referendum would be expedited if the "non-binding" referendum passed?
- Why were we ever forced to go through the pointless non-binding referendum, whose results showed the same 66/33 percent Pro/Anti percentages that have been consistently demonstrated by petition?
- Why is the majority will on this issue being blocked and delayed?
- Is the minority opposition (to the tax service, and to the holding of a vote on the issue) somehow taking precedence at SRD, and if so how and why is this happening?
- Are Regional Directors in the habit of blocking and delaying voter initiatives from other Areas which do not affect their own Area? Or is this only happening to Cortes initiatives? If so, why?

3) Defamation of our Regional Director:

- At what point were these allegations against RD Anderson made known to SRD?

- Why were they not made known immediately to the voters of Cortes? Why did we not find out about this until public record showed the filing of petition on Jan 2/3 2019?
- What process has taken place at SRD regarding this matter and why has it been kept secret? The community could and would have responded sooner in defence of our RD's integrity if there had been more transparency in this process.
- Have there been in camera meetings and if so, how many?
- By what process was the private investigator hired, how much has all this cost, and when will his report be made public?
- Is SRD supporting its Board member who is under attack from a tiny handful of her constituents, or is it joining in the attack? If so, why?
- How can any elected representative do his or her job if SRD responds with credulity to any random accusation no matter how unlikely, from that rep's political opponents? Are libel and litigation to replace the democratic vote as our method of choosing an RD?
- How is our RD, who is not wealthy, expected to pay for her legal defence against these absurd allegations? If SRD is not going to follow normal Board practise (use Directors' Insurance to cover her legal fees), why not?
- If SRD refuses to bear our RD's legal fees, and her community rallies to support her by creating a legal defence fund, will we face further libellous accusatations of bribery?
- Since the case against RD Anderson is so flimsy, is the object to force her resignation by applying financial pressure?

4) Post-Election Harassment of Cortes Voters:

- Who made this claim of illegal voting and obliged RCMP to come to the island with a list of names to investigate?
- Is this an official claim by our legal scrutineers?
- If our scrutineers made the claim, why did they not raise the issue on voting day as per normal process (tallying questionable votes separately, pending voter verification)?
- Were any of these claims valid? Has anyone's vote been struck?
- What purpose was served by the expenditure of so much RCMP time and resources?
- How many of our scrutineers were political opponents of RD Anderson?

thanks,

Bryan McKinnon
1237 Seaford Road
Cortes Island



Box 239 Manson's Landing

B.C. VOP 1K0

Tuesday January 29, 2019

To: Chair and Board of Directors of the Strathcona Regional District.
By e-mail to: administration@srd.ca.
By mail to: Strathcona Regional District, 301 - 990 Cedar Street, Campbell River, BC, V9W 7Z8

Dear Sirs/Mesdames

We are writing to express our support for Director Noba Anderson as she faces corruption allegations in a lawsuit filed by a group of Cortes Island residents.

As you will be aware the main issues in the lawsuit concern the characterisation of contributions to a Go Fund Me campaign (organised to raise funds to build new accommodation for Ms. Anderson's father after a fire) and whether those donations created a conflict of interest in the context of Ms. Anderson's voting on grants to various community organisations.

We understand the SRD is carrying out its own investigation into the circumstances detailed in the lawsuit. We can only hope that the SRD's investigations result in the conclusion that the gifts made to the Go Fund Me campaign were just that, gifts, with no strings attached and no expectation on the part of the giver or receiver, of any debts owed or owing. This conclusion would be in keeping with our knowledge of the character of the people involved, and the way in which community members on Cortes help one another in times of crisis.

We wish to state clearly that as 10 year residents of Cortes Island, we have never known Ms. Anderson to conduct herself other than with the utmost honesty and integrity. We also believe that she conducted herself openly and scrupulously in relation to the Go Fund Me campaign and the grants referred to in the lawsuit.

We call on the SRD to support Ms. Anderson to the full extent legally possible in her defence of the lawsuit. Ms. Anderson will undoubtedly need substantial resources to be able to defend herself adequately in these court proceedings. The lawsuit seeks an extreme remedy in the removal of our elected representative, and without support with her legal defence costs, there is a very real risk that, even if innocent of the charges against her, Ms. Anderson could face the prospect of removal from office through lack of the financial resources to mount an adequate legal defence. We hope you agree with us that this would represent a grave injustice as well as undermining democracy in our community.

Yours truly

Andrew Smyth

Jason Andrews

Two handwritten signatures in black ink. The first signature is "A. Smyth" and the second is "J. Andrews".

Edith Watson

From: Sandra Wood <sandrawood@twincomm.ca>
Sent: Monday, January 21, 2019 2:23 PM
To: Email - administration@strathconard.ca
Subject: Letter of Support for Noba Anderson's Legal Defense
Attachments: Letter to SRD re Noba from Sandra Wood.docx

TO: SRD Chair & Board of Directors via administration@srd.ca
RE: Letter of Support for Noba Anderson's Legal Defense

Many of us have known Noba Anderson since childhood, born and raised in the Discovery Islands; we've seen her step up to become the youngest elected SRD Regional Director, successfully winning 3 terms by implementing progressive policies and diplomatically dealing with the many complicated and contentious issues that arise in public service. This personal attack against her & on democracy itself is deeply disturbing.

Noba's father Bernie Anderson survived the destruction of his little un-insured cabin when it burned to the ground on Jan 31/2018. The fact that the fire did not spread over the grass and through the trees, to engulf her own 2-bedroom home on the remote bluff they share, accessible only by a steep foot path that no fire department could reach in time to salvage, is nothing short of miraculous.

So when local community members rallied to personally donate \$2,700 into Bernie's bank account for the purposes of building of a new room onto the house Noba shares with her husband and baby, for her elderly father to age in place – we did what islanders do to help others in need – bringing out the best of community spirit in action with financial support, building materials, and some volunteer labour.

Cortes Island is inviting the 14 people and their "anonymous" organizers who have raised a legal case against Noba for accepting this heartfelt personal gift towards her father's wellbeing: please join us in building a kinder, more generous, compassionate community who take care of each other by dropping this lawsuit.

I am also asking the SRD Board to support Noba as their member who is under attack from a tiny handful of constituents under the guise of her political opponents. The majority of Cortes Islanders elected her as our Regional Director for another 4 year term, in order for her to do her job I am specifically requesting that the SRD's legal counsel represent her case, or use the SRD's Directors' Insurance to cover her legal fees in defense of democracy.

Sincerely,

Sandra Wood

Sandra Wood, sandrawood@twincomm.ca
Box 88, Squirrel Cove, Cortes Island, V0P1T0

Steve and Carol London
758 Ellingsen Way, PO Box # 360,
Manson's Landing, B.C., Canada V0P 1K0
Phone 250-935-6711 Email: london@twincomm.ca

To the Chair and Board of Directors of the Strathcona Regional District,

We have been following the extraordinary situation on Cortes Island in which 14 people have petitioned the Regional District (SRD) to have our legitimately and democratically elected Regional Director (RD), Noba Anderson, removed from her position for taking bribes and delivering kickbacks to some constituents. The allegations in the petition reference the fact that some concerned neighbours and friends came together to offer a small amount of financial help (\$100 or less pp to a total of \$2700) to her elderly father after a fire destroyed his cabin and he needed a new home. There is a longstanding history on Cortes of Islanders helping one another in this way....it is one of the great blessings of living on this Island, and certainly no criminal intent was present.

It stretches credulity that the petitioners accuse the RD of "taking money from her constituents for personal gain" and at the same time accuse the contributing friends and neighbours of seeking personal benefit or advantage in return. The alleged benefit relates to the fact that some of these folks happen to sit on boards of Island organizations which received grant-in-aid funds. REALLY?? Having sat on several of the boards named in the petition during our 30+ years on Cortes, often in the position of treasurer or accountant, I know first hand that the only personal benefit these folks get in return for days and weeks of dedicated work is personal satisfaction for serving the community.

When we first read about the petition, we felt that it was mean-spirited and inappropriate, but we could not imagine that it would be taken seriously by the SRD. When we realized that it has led to defamation in newspaper articles in the larger community, RCMP interviews and an investigation of criminal offenses, our reaction turned to anger.

We believe the allegations to be an attempt to undo the results of a fair and democratic election—an attempt by a few disgruntled citizens who did not get the election result they wanted. We believe that they may be the same people who have been actively trying to block a hall tax referendum which a large majority of Cortes Islanders voted in favour of, and which was perhaps a motivating factor in the drafting of the petition. It is likely that some of the same people may have been behind allegations of voter fraud during the recent election, and that they may have tried to block the efforts of our RD to move forward with her Cortes agenda by appealing to directors from other areas to block her.

We firmly believe that we cannot allow a small group to undermine our democratic process and social fabric. We believe in accepting the results of fair elections and we believe in community unity, even when we don't all share the same opinions. We live on Cortes because of the underlying respect and care all residents have for each other...we believe that we cannot allow a few misguided citizens to destroy that. We ask therefore that the SRD Board carefully examine the facts and respond immediately to all Cortes residents, clarifying the steps the SRD will take to right the wrong that has been done here, and that legal costs incurred by the RD to defend herself be covered by the SRD. We also respectfully request a personal reply to this letter.

Yours sincerely,

Carol and Steve London

Cortes Delegation Presentation to the SRD Board Meeting – Feb 28, 2019

STRATHCONA REGIONAL DISTRICT GOVERNANCE FOR CORTES ISLAND

To Board Chair Babchuk, Mr. Leitch, Mr. Yates, the SRD Board & Associate Member, and members of the public,

Thank you for the opportunity to make a presentation on behalf of Cortes Island constituents. We ask that the presentation be recorded as part of the public record.

We are speaking for 320 constituents of Cortes Island, whose names you see before you on the screen. The purpose of this delegation is to highlight current, troubling issues of governance for Cortes Island.

We wish the SRD Board to understand that this presentation is being given entirely by constituents of Cortes Island, independent of input or direction from Director Anderson, who has remained at 'arms length' throughout the past 2 months.

We bring your attention to the Open Letter of January 21, which was delivered to all 490 post office boxes by January 23. The people who signed onto the Open Letter were either property owners or residents on Cortes Island. We also bring your attention to the 35+ letters to the SRD Chair & Board from Cortes constituents in January & February.

We want the SRD Board to understand that the people who signed onto the Open Letter, and who wrote individual letters, reflect a significant majority of Cortes Islanders. We want the SRD Board to understand the depth and breadth of dissatisfaction amongst Cortes constituents regarding governance and procedures by the SRD.

We seek a response from the SRD Board or staff on the following governance issues:

1) Support for Director Anderson's legal defence costs arising from the lawsuit initiated against her by 14 Cortes Island residents:

We urge you to indemnify Director Anderson's full legal costs as incurred and in an expeditious manner.

We reference the SRD 'Bylaw No. 287 - A Bylaw to Indemnify Regional District Officials Against the Cost of Legal Proceedings' that states that "the Regional District will indemnify an official against a claim, action or prosecution brought against the official, including reasonable legal costs."

We believe that it is incumbent on the SRD to uphold democracy by supporting Director Anderson to the full extent legally possible as she defends herself against this lawsuit which seeks to remove her from office.

We seek an explanation as to why there has been no public commitment from the SRD to reimburse Director Anderson's legal defence fees as they are incurred.



CERTIFIED COPY OF BOARD RESOLUTIONS

Bylaw No. 330 – Director Code of Conduct

- | | |
|--------------------------------------|--|
| <p>Leigh/Unger
SRD 650/18</p> | <p>THAT the report from the Chief Administrative Officer be received.
CARRIED</p> |
| <p>Unger/Comfield
SRD 651/18</p> | <p>THAT Bylaw No. 330, being a bylaw to establish a code of conduct for Regional District directors, be now introduced and read a first time.</p> |
| <p>Anderson/Leigh
SRD 652/18</p> | <p>THAT the matter be referred to staff for a further report.

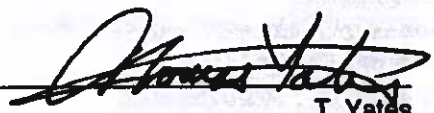
With consent from the seconder the Chair permitted the mover to withdraw the motion.

A vote was held on the pending motion and it was
CARRIED Director
Whalley opposed</p> |
| <p>Samson/Unger
SRD 653/18</p> | <p>THAT the rules be suspended and Bylaw No. 330 be given second and third readings.

CARRIED Directors
Anderson, Leigh
and Whalley
opposed</p> |
| <p>Unger/Overton
SRD 654/18</p> | <p>THAT Bylaw No. 330, being Director Code of Conduct Bylaw 2018, be reconsidered, finally passed and adopted.

CARRIED Directors Leigh
and Whalley
opposed</p> |

I hereby certify the foregoing to be true and correct copies of Resolution #'s SRD 650/18, SRD 651/18, SRD 653/18 and SRD 654/18 passed by the Board of the Strathcona Regional District at its regular meeting on July 18, 2018.


 T. Yates
 Corporate Officer

Dated at Campbell River, BC
this 3rd day of October, 2019.

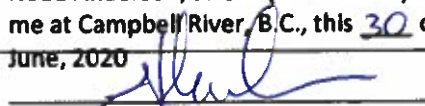
NB: Until such time as they are adopted, minutes of the meetings of the Board of the Strathcona Regional District remain tentative. Although the wording of resolutions is confirmed to be correct at the time of certification, they are subject to amendment up until the minutes are adopted by the Board.



This is Exhibit " R " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 30 day of June, 2020

MEDIA STATEMENT

October 30, 2019


A Commissioner/Notary Public for the Province of British Columbia

SRD Board Passes Censure Motions

Campbell River, BC - The SRD Board of Directors held a Censure hearing for Electoral Area B (Cortes Island) Director Noba Anderson on October 24, 2019.

Censure is a quasi-judicial authority that the Board of Directors is given to protect governance and procedural fairness should a bylaw or code of conduct be contravened or a breach of the Local Government Act occur. The Board may apply a range of penalties to an elected official as long as they do not fetter or limit the ability of the elected official to govern their constituents.

In this case, Electoral Area B Director Noba Anderson was called into question for releasing information distributed and discussed at in-camera meetings and deemed by the Board to be confidential. This is in violation of the Community Charter, SRD Bylaw No. 330 (Director Code of Conduct Bylaw 2018) and the Directors Oath of Office. Director Anderson and her legal representation were given the opportunity to speak to and respond to the allegations and censure motions.

At the conclusion of the hearing the SRD Board of Directors deemed that there was sufficient evidence to conclude that Director Anderson released 2 in-camera legal opinions and an investigation report (known as the Peterson Report) without the Boards authority. With this decision debated the SRD Board of Directors passed the attached motions of Censure that the Board felt were measured and relevant.

"We respect that this process has been complex, lengthy and challenging for Directors, staff and the public, but believe that this process shows that the Board takes its responsibilities in regards to governance and confidentiality seriously," says Strathcona Regional District Chair Michele Babchuk. "With the Censure process now concluded, the Board intends to look toward getting back to its regular business and serving all the constituents of the Regional District."

Due to the sensitivity of the confidential in-camera reports, the Board is not able to comment further on their content at this time.

The Strathcona Regional District is a partnership of four electoral areas and five municipalities providing services to approximately 44,000 residents.

-30-

Media contact:
David Leitch, Chief Administrative Officer
Strathcona Regional District
250-830-6703 | dleitch@srd.ca

Attached - Censure Motions

Censure motions adopted by the Board on October 24, 2019

Abram/Unger: SRD 951/19

THAT the Board disapproves of Director Anderson's conduct in revealing confidential and privileged information, specifically the February 18, 2019 report by Creative Solutions Risk Management Consulting and the February 19, 2019 and March 14, 2019 legal opinions prepared for the Regional District by Kathryn Stuart of Stuart, McDannold and Stewart, contrary to the Community Charter and the Director Code of Conduct Bylaw 2018; and

THAT Director Anderson be directed to comply with s.117 of the Community Charter and the Director Code of Conduct Bylaw 2018 in the future; and

THAT, for the remainder of her current term of office, Director Anderson be excluded from being appointed to any select committees established by the Board or any public hearing delegations established by the Board except for public hearing delegations established to consider matters affecting Electoral Area B; and

THAT, for the remainder of her current term of office, Director Anderson be excluded from being designated, nominated or appointed by the Regional Board to any external organization or agency to represent the interests of the Regional District; and

THAT Director Anderson be required to issue a written apology to the Board acknowledging her transgressions against the Community Charter and the Director Code of Conduct Bylaw 2018 with respect to maintaining confidentiality; and

THAT Director Anderson be required to take additional training for elected officials regarding the rules of confidentiality associated with her position as a Director of the Regional District.

CARRIED

November 22nd, 2019

SRD Board Decides to Not Indemnify Director Anderson

Electoral Area B Director Noba Anderson's costs incurred to defend against the petition filed by a number of Cortes Island electors seeking her disqualification for conflict of interest, will not be covered by the SRD.

This is Exhibit " S " to the Affidavit of Noba Anderson, sworn (or affirmed) before me at Campbell River, B.C., this 30 day of June, 2020


A Commissioner/Notary Public for the Province of British Columbia

Campbell River, B.C. – The Strathcona Regional District (SRD) Board released its decision at the Inaugural Board meeting on November 6th to not indemnify Electoral Area B Director Noba Anderson.

Director Anderson's costs incurred to defend against the petition filed by a number of Cortes Island electors seeking her disqualification for conflict of interest, will not be covered by the SRD.

Indemnification (as per the Local Government Act), is to pay the amounts required to defend against a claim, action or prosecution brought against an elected official.

Generally speaking, local governments have a responsibility to indemnify their elected officials against legal actions arising from performance of their duties of office. It also has the authority to deny indemnification when elected officials have failed to comply with the Board's indemnification bylaw or have acted in contravention of the conflict of interest rules applicable to local government officials through their Oath of Office, SRD Code of Conduct bylaw and/or Local Government Act.

"No Board likes to have to go through this type of process especially when it deals with one of its own members. We recognize the impact this has had on Director Anderson, members of the Board and staff and the residents of Cortes Island" says Strathcona Regional District Chair Michele Babchuk. "Its been a tough year with processes and challenges that this Board has never dealt with before, and this was not an easy decision for the Board. We look forward to putting this behind us and serving all the constituents of the SRD."

The Board understands from the Nov 18 Campbell River Mirror article, that Director Anderson is considering her legal options on this issue. We would like to respect her right to any further legal process and will not comment or add any more detail at this time.

The Strathcona Regional District Board is cognizant of the role of governance and strives to uphold the rules of confidentiality.

The Strathcona Regional District is a partnership of four electoral areas and five municipalities providing services to approximately 44,000 residents.

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About Strathcona Regional District

The Strathcona Regional District (SRD) serves the residents of Vancouver Island from Campbell River to Cortes Island, providing a variety of services from water and sewage to Parks and Recreation. SRD is focused on providing the community with a healthy environment and social well-being that leads to a vibrant quality of life through responsible economic development and effective delivery of services.

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