

NEWS RELEASE

FOR IMMEDIATE RELEASE

10 February 2022

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Residents Call on Mayor, City Manager to Stop Withholding Evidence and Provide Citizens Transparency in Apparent Subversion of Developer Requirements to Pay Their Fair Share

Kelowna, BC – On 11 August 11 2021 Mayor Basran publicly went on record to state “there was nobody to blame, it was just an honest mistake that this particular information was not shared”, after a public hearing regarding a proposed development in McKinley recommended for approval by the City Manager was suspended at the behest of the City Clerk due to information not being provided to the public.

At the 25 January 2022 City Council meeting, Kelowna’s City Manager provided a very trite explanation to City Council “saying traffic patterns have shifted”, without offering any corroborating evidence, to justify negating a signed 2009 agreement obligating the McKinley Beach developer to fully pay for Glenmore Road upgrades worth \$31.4M. The approval of the TMP at the 25 January 2022 has now shifted the burden to other developers and to taxpayers for the \$31.4M upgrade. This was followed by a press release issued by the City on 2 February 2022 referring to a project value of \$10M, not \$31.4M, without explanation as to why the City is referring to two different project values at the same time.

A clear, legally binding ruling made by the City Clerks department for the City to release the information to the public on 26 August 2021 has being ignored by senior City staff. For months since, numerous City staff avoided responding to, or intentionally ignored information requests pertaining to this file, including the City Manager himself in December 2021 (email chain provided as an attachment to this media release).

Furthermore, in response to the call for transparency ahead of the January meeting, Mr. Gilchrist suggested to Mr. Wayne Moore of Castanet News following the Council meeting that “those who believe something untoward is going on seem to be ‘purposely omitting some information’.

On behalf of the citizens of Kelowna, Peter Truch is calling on the Mayor, the City Manager and his staff to themselves stop ‘purposely omitting information’, and *immediately release all information* with respect to this project, including those items he has requested for months. A detailed list is provided after the conclusion of this release.

Truch says, “there appears to be an orchestrated, intentional withholding of evidence by City staff of all ranks, including the City Manager, on this file and City Council appears not to be concerned with the lack of transparency by City staff. If this was indeed an ‘honest’ staff error, as Mayor Basran proclaimed in August 2021, why does it continue to happen under his watch? Why does the City Manager intentionally contravene legal requirement to release the information? There is much more to this story than is being told by the City, and it is important to have transparency and understand why the City of Kelowna is not providing information as legally required. Where else has the the TMP been used as an instrument to negate other signed servicing agreements? The City has had more than half a year to release some of this information, and more than two months on the remaining. Continued delay of releasing this information further bolsters the appearance that something is being hidden or a coverup is taking place.”

About Peter A. Truch: Peter is a father to two, a professional engineer, minor hockey manager who loves Kelowna and cares deeply it remains democratic, prosperous today and for future generations.

A detailed list of requested items:

- Detailed cost estimate referenced in the 2009 McKinley Servicing Agreement.
- 2009 traffic percentages using Glenmore Road, and forecasted traffic percentages (from 2009) expected to use Glenmore Road upon completion of the development.
- Reports and details of how the McKinley Beach developer contribution was determined to drop from 100% of the project value to a fixed \$1.5M (15% of \$10M) in 2021. Which engineer's report has determined this, and based on what analyses?
- Traffic volume projections (and percentages of source) as part of the Regional Transportation Plan
- Traffic volume projections (and percentages of source) as part of the City's Transportation Master Plan
- An explanation as to why Glenmore Road twinning north of John Hindle Drive is no longer required, when traffic volumes are expected to increase.
- Project details (elements included for construction, cost estimates, cost breakdown by funding source) for each of the road projects proposed in the City's TMP.
- An explanation as to why
- How much (in percentage and dollar value) the McKinley Beach development is contributing towards upgrades of Glenmore Road?
- How many DCC credits McKinley Beach will be provided back to the McKinley Beach development with the adoption of the City's Transportation Master Plan.
- Where else the Transportation Master Plan changes previously signed servicing agreements.

Attachment: Email Correspondence

From: Peter Truch peter.truch@icloud.com
Subject: Re: McKinley Est
Date: Dec 6, 2021 at 15:10:01
To: Doug Gilchrist DGilchrist@kelowna.ca
Cc: Stephen Fleming sfleming@kelowna.ca

Hi Doug,

I have outlined this clearly in every email I have sent, but will repeat again; the information needed is pertaining to 2021 files presented to council, not 11 years ago as you suggest. The two pieces of outstanding info are:

- the 2009 estimate referenced in the McKinley service agreement
- which "TIA/analysis" that set the percentage attributing to the development to 15%.

I very much appreciate that everyone has incredibly busy schedules. I have refined my request to be mindful of this. My first request was made in August, and had it been made available at the initial request, I would not have had to bother neither Ryan nor yourself with such an "other, irrelevant priority"

I appreciate your attention to providing this info by the end of the week.

Cheers | way' liimlmt,
Peter

I am grateful to work, reside and raise my kids within the spectacular ancestral, traditional and unceded territory of the Syilx Nation.

On Dec 6, 2021, at 14:39, Doug Gilchrist <DGilchrist@kelowna.ca> wrote:

You promised to provide me two additional pieces of information to the info below; the 2009 estimate referenced in the McKinley service agreement, and which "TIA/analysis" that set the percentage attributing to the development (that you indicate below is 16%).

From: Doug Gilchrist DGilchrist@kelowna.ca
Subject: RE: McKinley Est
Date: Dec 6, 2021 at 14:39:21
To: Peter Truch peter.truch@icloud.com
Cc: Stephen Fleming sfleming@kelowna.ca

Thanks Peter.

Given the record setting pace of development this year, I'm sure Ryan is working on other, more relevant priorities.

Perhaps you can advise what the need is for the 11 year old traffic information and costing you've noted below?

Thanks,

Doug

From: Peter Truch <peter.truch@icloud.com>
Sent: Monday, December 6, 2021 2:17 PM
To: Doug Gilchrist <DGilchrist@kelowna.ca>
Cc: Stephen Fleming <sfleming@kelowna.ca>
Subject: Re: McKinley Est

CAUTION: External email - Check before you click!

Hello Doug,

It has been two weeks since my email to you on this matter... I'm just following up to make sure this wasn't lost in the shuffle of your likely very busy schedule. Can you please follow up on this request?

Thank you.

Cheers I way' lirlm't,
Peter

I am grateful to work, reside and raise my kids within the spectacular ancestral, traditional and unceded territory of the Syilx Nation.

On Nov 22, 2021, at 12:01, Peter Truch <peter.truch@icloud.com> wrote:

Hello Doug,

I am writing to you as City Manager with ultimate responsibility for City Staff. As you are likely aware, as a resident of Kelowna, I have been requesting this information (see email spool below) for some time. My latest email to Mr. Smith has not received a response.

The City Clerk has ruled that this information is not subject to FOIPP, and was to be provided by City staff. You're now the fifth person I've made the request to.

I really would like to receive the requested information by Friday noon this week, or an explanation as to why it will not be sent.

Thank you for your attention to this matter.

Cheers I way' li'ml'mt,
Peter

I am grateful to work, reside and raise my kids within the spectacular ancestral, traditional and unceded territory of the Syilx Nation.

Begin forwarded message:

From: Peter Truch <peter.truch@me.com>
Date: October 25, 2021 at 21:17:08 PDT
To: Ryan Smith <rsmith@kelowna.ca>
Cc: Stephen Fleming <sfleming@kelowna.ca>
Subject: Re: McKinley Est

Hi Ryan,

Just following up on our conversation we had on October 1.

You promised to provide me two additional pieces of information to the info below; the 2009 estimate referenced in the McKinley service agreement, and which "TIA/analysis" that set the percentage attributing to the development (that you indicate below is 16%).

It's been more than three months since I first requested this info, and almost a month since you promised it to me. Can you please explain what the holdup is?

Cheers I way' li'ml'mt,
Peter