

WITHOUT PREJUDICE

Date: March 31, 2022

In the matter between:

Gonzales Neighbourhood Association

("GNA")

And

Fairfield Gonzales Community Association

("FGCA")

Jointly referred to as "the Parties"

Mediation Report

Prepared for the Parties and the City of Victoria, by agreement of the Parties

Introduction

This Mediation Progress Report was prepared by the mediator, Kathleen Bellamano of Ambitus Consulting. The parties entered into mediation with Kathleen Bellamano to address the issues between them. Neither party had legal counsel present for this mediation. This report summarizes the writer's understanding of their 2.2 hour mediation session on March 12, 2022, and their 2.25 hour mediation session on March 18, 2022. GNA was represented by three of their members at mediation and FGCA was represented by four of their members at mediation.

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The following was clearly explained to the parties during mediation:

- The mediation was conducted on a without prejudice basis, which means discussions and disclosures in mediation are not to be used in any further court proceedings.
- The Mediator is not a compellable witness in the event of further court proceedings and that the Mediation Report produced from the mediation cannot be relied upon in any further court or administrative proceedings.
- The contents of this Mediation Report are intended as a working draft to be used to inform an Agreement. This Mediation Report is not a binding or enforceable Agreement.
- Parties are strongly encouraged to obtain independent legal advice before formalizing the terms of any agreement.

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Neither GNA nor FGCA have reviewed this Mediation Report nor have had the opportunity to ask questions or bring to the Mediator's attention any changes they consider relevant, to ensure it accurately reflects the outcome of the mediation.

Background and Information reviewed

My office was initially contacted on December 6, 2021, by a representative of GNA to canvas availability to be included in a list of three potential mediators to be submitted to the City of Victoria to be chosen to mediate between GNA and FGCA. On December 14, 2021, that representative contacted my office again requesting additional professional background and experience information. A short summary was provided the same day. On January 31, 2022, my office received a joint email from representatives of both organizations stating that the two groups would like to participate mediation subject to confirmation of the hourly rate, the approximate number hours expected and receipt of a draft Agreement to Mediate, for approval. The email stated that mediation was requested and would be funded by the City of Victoria and that the purposes of the mediation were to:

- Build good will and reduce acrimony within the Gonzales neighbourhood;
- Explore opportunities for recognizing the Gonzales Neighbourhood Association in municipal and / or FGCA processes; and
- Honour the FGCA's long-standing role in the Fairfield and Gonzales neighbourhoods.

My office accepted the appointment on February 6, 2022, by email and included a copy of an Agreement to Participate template, hourly rate, and an estimate of time and costs. On February 7, 2022, the representatives emailed stating that the deadline for completion of the process was the end of March. A proposed timeline was sent to representatives of each organization on February 10, 2022. On February 22, 2022, my office circulated a background questionnaire for the groups to complete with a revised timeline of the process. Each Party returned one completed questionnaire, Technology Consent form, Privacy Waiver and Agreement to Participate and submitted payment.

In summary, I reviewed:

- Questionnaires completed by both parties
- Technology Consent Forms completed by all participants
- Privacy Waiver completed by all participants
- Agreement to Participate in Mediation completed by all participants
- City of Victoria Community Assn Land Use Committee Terms of Reference
- Multiple pieces of correspondence
- City of Victoria website
- FGCA website
- GNA website

Process Used

Separate pre-sessions were held with each community organization, via Zoom on March 2, 2022 (1.3 hrs) and March 10, 2022 (1.5 hrs), respectively. There was a separate short phone call with one of the representatives who was unable to attend the pre-session, on March 10, 2022 (.3 hrs). Joint sessions were held via Zoom on March 12, 2022 (2.2 hrs) and March 18, 2022 (2.25 hrs).

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Key Issue

FGCA is a neighbourhood association that represents both the Fairfield and Gonzales neighbourhoods to the City of Victoria. GNA's perspective is that Gonzales residents should have their own separate neighbourhood association recognized by the City of Victoria, which FGCA's perspective is that Gonzales residents should continue to be represented by the FGCA at this time.

FGCA gave the following reasons for their perspective:

- i. FGCA is not confident that the majority of residents of the Gonzales neighbourhood want a separate neighbourhood association.
- ii. FGCA believes that the current structure, with some improvements, is the most effective and appropriate model.
- iii. The group is confident that they are doing an effective job representing both neighbourhoods adequately.
- v. FGCA would support a separate association for Gonzales in the future, but believe it is too early in GNA's development. FGCA believes that the following steps need to occur beforehand;
 - a. Create more buy in and support from Gonzales residents and City of Victoria for a separate association;
 - b. For GNA to develop and acquire resources; and
 - c. For GNA to develop more structure.

GNA believes that separation is in the neighbourhood's best interest because:

- i. GNA is a defined neighbourhood with their own neighborhood plan.
- ii. The Gonzales neighbourhood has a distinct character.
- iii. Two separate associations would be would smaller, like most neighbourhood associations.
- iv. Residents of the Gonzales neighbourhood are requesting the separation.
- v. GNA is seeking more defined representation.
- vi. They disagree with FGCA's policy on land use engagement
- vii. They would gain access to the City of Victoria's base and CALUC funding.

Further Discussion

- i. In response to an inquiry from FGCA, GNA identified that their objective is to serve Gonzales residents on issues typically addressed by neighbourhood associations, such as:
 - a. Land use (CALUC)
 - b. Transportation
 - c. Community events & gatherings such as Gonzales Days
 - d. Graffiti control
- ii. GNA identified that they have no intention of offering childcare or developing a childcare centre.
- iii. There was discussion of the history and inception of the Rockland Neighbourhood Association and the GNA indicated that their goal is model their development in a very way.

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- iv. The organizations noted that the 3 options regarding CALUC that were proposed in the recent City of Victoria survey may have fueled division between the organizations.

Proposals for Solution

- i. FGCA proposed a referendum for residents of Gonzales residents regarding how they want to be represented. Proposal was not supported by GNA.
- ii. FGCA proposed specific proportionate representation for GNA within leadership & committees. Proposal was not supported by GNA.
- iii. FGCA proposed an education campaign for Gonzales and Fairfield residents regarding the differences in the two organizations and pros & cons of one organization or two before making a decision. Proposal was not supported by GNA.
- iv. FGCA proposed a long-term plan GNA to assume representation for Gonzales residents during which time FGCA would provide guidance and support on developing resources and infrastructure. Proposal was not supported by GNA.
- v. GNA proposed that they assume responsibility for representing Gonzales residents as soon as possible; within a few months. Proposal was not supported by FGCA.

Agreements

While there were no comprehensive agreements reached that would resolve the key issue, GNA and FGCA did reach some agreements:

- i. GNA and FGCA agree not to disparage one another publicly.
- ii. FGCA and GNA agree to continue to work together collaboratively and informally for the residents of their respective neighbourhoods.

Respectfully submitted,



Kathleen Bellamano, Mediator

March 31, 2022