



FONVCA AGENDA

THURSDAY February 17th 2005

Place: DNV Hall 355 W. Queens Rd V7N 2K6

Time: 7:00-9:00pm

Chair: David Knee –Norgate Park Community Association– Tel: 604-980-3863 pairofknees@telus.net

1. Order/content of Agenda

Presentation on LGH lands by member of Council of Canadians (5.4) be dealt with early.

2. Adoption of Minutes of January 20

3. Old Business

3.1 Shirtsleeve session with council

Update by Brian Platts

3.2 2005-2009 DNV Financial Plan

- Need for adequate public input
- \$250K removed from Mountain Biking lot
- Feb 1/2005 minutes - http://www.dnv.org/upload/documents/Council_Worksheets/fp050201_minutes.htm
- Land Development Projects

4. Correspondence Issues

4.1 Business arising from record 97 regular emails → 72 from the Mountain Bike Issue!!!

4.2 Non-Posted letters

6 this period. Will be circulated at meeting for discussion.

5. New Business

Council and other District issues.

5.1 Sharing Attendance at Budget Meetings – a proposal

5.2 The Lonsdale Citizens' Association

- see <http://www.tlca.ca>
Opportunities to work together.

5.3 Report on CCA-CNV meeting

of 10 Feb/2005 – Corrie Kost

5.4 Presentation on sale of Lions Gate Hospital Land – Council of Canadians.

5.5 Bylaw 7531 – Parks Pay Parking

- Council gives it 3 readings: \$2/hr, \$5/day
- Pros/Cons
- Motion?

5.6 Encroachments on Highway and Municipal Property

– Update on council decision of Feb 14/2005

6. Any Other Business

6.1 - Legal issues to think about-

Elements of Negligence re: Trucks- by Liz James

<http://www.fonvca.org/agendas/feb2005/lj.pdf>

Limits to council powers on development in hazardous areas – eg. see report

http://www.dnv.org/upload/documents/council_reports/133160.pdf of

http://www.dnv.org/upload/documents/council_agendas_minutes/cm980908.htm

7. Chair & Date of next meeting.

March 17th /2005

Attachments

*List of Email to FONVCA of last 26 months - **BUT ONLY FOR SUBJECTS WITH NEW ENTRIES**

OUTSTANDING COUNCIL ITEMS

- | | |
|---|-------------------------|
| -Cat Regulation Bylaw | -Review of Zoning Bylaw |
| -Securing of vehicle load bylaw | -District-wide OCP |
| -Taxicab regulations bylaw | |
| -Street-ends opening to Waterfront | |
| -Snow removal for single family homes bylaw | |

Correspondence Ordered by Subject

* means since new emails

16 Jan 2005 →

13 Feb 2005

Only subjects with new
entries are listed - ordered ~
by volume since 18 Nov/2002

On Council Motions / Procedures / Freedom of Speech / Ombudsman

Ernie_Crist_19nov2002.pdf
Ernie_Crist_11dec2002.pdf
Ernie_Crist_15dec2002.pdf
Ernie_Crist_19dec2002.pdf
Ernie_Crist_21dec2002.pdf
John_Hunter_14jan2003.pdf
Ernie_Crist_4feb2003c.pdf
Ernie_Crist_20feb2003.pdf
Ernie_Crist_28feb2003c.pdf
Ernie_Crist_8mar2003b.pdf
Ernie_Crist_20apr2003.pdf
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Ernie_Crist_30apr2003c.pdf
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Ernie_Crist_10may2003.pdf
Ernie_Crist_15may2003.pdf
Ernie_Crist_24may2003c.pdf
Ernie_Crist_6jun2003.pdf
Ernie_Crist_9jun2003.pdf
Elizabeth_James_17jun2003.pdf
Alan_Nixon_9jul2003.pdf
Alan_Nixon_10jul2003.pdf
Ernie_Crist_10jul2003.pdf
Ernie_Crist_17jun2003.pdf
Ernie_Crist_17jun2003b.pdf
Ernie_Crist_25jun2003b.pdf
Ernie_Crist_8jul2003.pdf
Ernie_Crist_9jul2003c.pdf
Ernie_Crist_11jul2003.pdf
Elizabeth_James_11jul2003.pdf
Elizabeth_James_12jul2003.pdf
Ernie_Crist_18jul2003c.pdf
Corrie_Kost_7sep2003.pdf
Ernie_Crist_10oct2003.pdf
Corrie_Kost_14oct2003.pdf
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Ernie_Crist_29nov2003.pdf
Ernie_Crist_30nov2003.pdf
Ernie_Crist_5dec2003c.pdf
Ernie_Crist_24dec2003.pdf
Agnes_Hilsen_24dec2003.pdf
Ernie_Crist_16dec2003.pdf
Ernie_Crist_29dec2003b.pdf
Don_Bell_30dec2003.pdf
Ernie_Crist_30dec2003.pdf
Ernie_Crist_21jan2004.pdf
Elizabeth_James_22jan2004.pdf
Ernie_Crist_22jan2004b.pdf
Ernie_Crist_22jan2004c.pdf
Elizabeth_James_23jan2004.pdf
Ernie_Crist_23jan2004b.pdf
James_Ridge_23jan2004.pdf
Corrie_Kost_24jan2004.pdf
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Ernie_Crist_26jan2004c.pdf
Elizabeth_James_27jan2004.pdf

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James_Ridge_28jun2004.pdf
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Ernie_Crist_1jul2004.pdf
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James_Ridge_25aug2004.pdf
Corrie_Kost_11sep2004.pdf
Corrie_Kost_12sep2004.pdf
Ernie_Crist_14nov2004.pdf
Maureen_McKeon_Holmes_15nov2004.pdf
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Ernie_Crist_15jan2005.pdf
Corrie_Kost_16jan2005.pdf
* Ernie_Crist_31jan2005.pdf

Mountain biking / Parking issue / Alpine Plan / Pay Parking

Ernie_Crist_5jun2003.pdf
Ernie_Crist_6jun2003b.pdf
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John_Harvey_26oct2003e.pdf
Ernie_Crist_3nov2003.pdf
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Wayne_Lloyd_7nov2003.pdf
Monica_Craver_17nov2003.pdf
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Johnny_Smoke_1mar2004.pdf
Peter_Campbell_1mar2004.pdf
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* Marcus_Sawatzky_10feb2005.pdf
* Matt_Diemer_11feb2005.pdf
* Elizabeth_James_11feb2005.pdf
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* Josh_Phelps_11feb2005.pdf
* Elizabeth_James_12feb2005.pdf
* John_King_12feb2005.pdf
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* Ernie_Crist_12feb2005c.pdf
* Ernie_Crist_13feb2005.pdf
* Marc_Castanyer_13feb2005.pdf
* Ernie_Crist_13feb2005b.pdf

Billboards/Signage/Public Postings

Ernie_Crist_24may2003b.pdf
Ernie_Crist_12nov2003c.pdf
Brian_Platts_14dec2003.pdf
Ernie_Crist_17sep2004.pdf
* Ernie_Crist_17jan2005.pdf

Leasing of Public Land / DCYC / Encroachments

Ernie_Crist_26nov2002a.pdf
Ernie_Crist_26nov2002c.pdf
John_Harvey_15jun2003e.pdf
Brian_Platts_19oct2003.pdf
Elizabeth_James_20oct2003.pdf
John_Harvey_26oct2003b.pdf
John_Harvey_26oct2003c.pdf
Elizabeth_James_6nov2003b.pdf
John_Harvey_8nov003.pdf
Ernie_Crist_15nov2003c.pdf
Ernie_Crist_27apr2004d.pdf
* Ernie_Crist_31jan2005a.pdf
* Corrie_Kost_13feb2005.pdf
* Ernie_Crist_13feb2005c.pdf

Seymour Local Area Plan / Native Band Development

Ernie_Crist_5feb2003.pdf
Elizabeth_James_22sep2003.pdf
* Ernie_Crist_7feb2005a.pdf

Growth / Smart Growth / Livable Communities / SVCA Plan

Ernie_Crist_22oct2003.pdf
Ernie_Crist_4dec2003.pdf
Brian_Platts_4dec2003.pdf
Bill_Tracey_5dec2003.pdf
Ernie_Crist_5dec2003.pdf
Maureen_Bragg_5dec2003.pdf
Ernie_Crist_6dec2003.pdf
Maureen_Bragg_6dec2003.pdf
Bill_Tracey_7dec2003.pdf
Corrie_Kost_7dec2003a.pdf
Bill_Tracey_7dec2003b.pdf
Bill_Maurer_7dec2003.pdf
Ernie_Crist_7dec2003b.pdf
Corrie_Kost_8dec2003.pdf
Bill_Maurer_8dec2003.pdf
Maureen_Bragg_8dec2003.pdf
Elizabeth_James_9dec2003.pdf
Elizabeth_James_8jan2004.pdf
Ernie_Crist_9jan2004.pdf
Elizabeth_James_9jan2004.pdf
Ernie_Crist_18mar2004.pdf
Ernie_Crist_22mar2004.pdf
Elizabeth_James_23mar2004.pdf
* Ernie_Crist_2feb2005a.pdf

District Taxes /BC Assessment Authority / Home Owners Grant

Ernie_Crist_7jan2003.pdf
Ernie_Crist_1jul2003.pdf
Ernie_Crist_21jul2003.pdf
Corrie_Kost_8nov2003.pdf
Brian_Platts_10jan2004.pdf
Ernie_Crist_10jan2004.pdf
Corrie_Kost_10jan2004.pdf
Ernie_Crist_11jan2004c.pdf
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Ernie_Crist_31may2004b.pdf
Ernie_Crist_9jun2004.pdf
Ernie_Crist_12jun2004c.pdf

Ernie_Crist_19jun2004.pdf
Elizabeth_James_23aug2004.pdf
Ernie_Crist_7nov2004c.pdf
Ernie_Crist_9nov2004.pdf
Ernie_Crist_5jan2005b.pdf
* Ernie_Crist_4feb2005.pdf

New Lynn Valley Library / 1996 Referendum

Ernie_Crist_5sep2003c.pdf
Ernie_Crist_3nov2003c.pdf
Ernie_Crist_15dec2003.pdf
Ernie_Crist_1jan2004.pdf
Ernie_Crist_5feb2004.pdf
Ernie_Crist_10mar2004.pdf
Elizabeth_James_27apr2004.pdf
Ernie_Crist_27apr2004b.pdf
Ernie_Crist_30apr2004.pdf
Ernie_Crist_5may2004b.pdf
Elizabeth_James_6may2004.pdf
Elizabeth_James_21may2004.pdf
Ernie_Crist_23may2004.pdf
Ernie_Crist_19jul2004d.pdf
Ernie_Crist_4aug2004.pdf
Elizabeth_James_13aug2004.pdf
Elizabeth_James_14aug2004.pdf
Elizabeth_James_25aug2004.pdf
Ernie_Crist_25aug2004b.pdf
Elizabeth_James_26aug2004.pdf
Elizabeth_James_2sep2004b.pdf
Maureen_Bragg_2sep2004.pdf
Brian_Platts_2sep2004.pdf
Ernie_Crist_2sep2004.pdf
Maureen_Bragg_3sep2004.pdf
Maureen_Bragg_3sep2004b.pdf
Maureen_Bragg_3sep2004c.pdf
David_Potter_3sep2004.pdf
Ernie_Crist_3sep2004.pdf
Ernie_Crist_3sep2004b.pdf
David_Potter_3sep2004b.pdf
Ernie_Crist_3sep2004c.pdf
Dan_Ellis_3sep2004.pdf
David_Potter_4sep2004.pdf
Maureen_Bragg_4sep2004.pdf
Maureen_Bragg_8sep2004.pdf
John_Hunter_13sep2004.pdf
Ernie_Crist_16sep2004.pdf
John_Hunter_16sep2004.pdf
Ernie_Crist_18sep2004.pdf
Ernie_Crist_20sep2004.pdf
Elizabeth_James_4dec2004.pdf
Maureen_Bragg_4dec2004.pdf
Ernie_Crist_7dec2004.pdf
Ernie_Crist_18dec2004.pdf
Richard_Walton_18dec2004.pdf
Ernie_Crist_19dec2004.pdf
Eric_Andersen_19dec2004.pdf
John_Hunter_20dec2004.pdf
Corrie_Kost_20dec2004.pdf
James_Ridge_20dec2004.pdf
Elizabeth_James_20dec2004b.pdf
Elizabeth_James_21dec2004.pdf
John_Hunter_22dec2004.pdf
John_Hunter_22dec2004b.pdf
* Ernie_Crist_25jan2005.pdf
* Ernie_Crist_3feb2005c.pdf

TLCA

* Pam_Bookham_3feb2005.pdf

Local Transportation Issues

John_Fair_25apr2003.pdf
John_Harvey_15jun2003b.pdf
John_Harvey_15jun2003c.pdf
Elizabeth_James_9jun2004.pdf
* Ernie_Crist_27jan2005.pdf

Safety of Taxis / Trucks

Elizabeth_James_21nov2003.pdf
Don_Bell_21nov2003.pdf
Elizabeth_James_22nov2003.pdf
Elizabeth_James_23dec2003.pdf
* Elizabeth_James_28jan2005.pdf

Subdivisions

Ernie_Crist_27apr2004c.pdf
* Ernie_Crist_5feb2005.pdf

Environmental Protection / Land Slides / Debris Flow

Ernie_Crist_3feb2004.pdf
Ernie_Crist_8jan2004.pdf
Ernie_Crist_18feb2004c.pdf
* Elizabeth_James_21jan2005.pdf
* Ernie_Crist_21jan2005.pdf
* Ernie_Crist_22jan2005.pdf

World Peace/Harmony

Ernie_Crist_23nov2003.pdf
Ernie_Crist_21apr2004b.pdf
Ernie_Crist_1dec2004.pdf
* Ernie_Crist_1feb2005a.pdf

FONVCA

Minutes of January 20th 2005

Attendees:

Dan Ellis Lynn Valley CA (**Chair – Pro Tem**)
John Miller Lower Capilano C.R.A.
Diana Belhouse Delbrook CA
Val Moller Lions Gate NA
Cathy Adams Lions Gate NA
Brian Platts Edgemont CA
Corrie Kost Edgemont CA
Eric Andersen Blueridge CA
David Knee Norgate Park CA
Maureen Bragg Save Lynn Canyaon Park
Hugh Murray Lower Capilano Community RA
Herman Mah Pemberton Heights CA

Jenny Knee – Notetaker

Meeting Started at 7:10pm

1. ORDER/CONTENT OF AGENDA

Items added: 6.2 - Shirtsleeves meeting with council
6.3 – Riverside Dr. area slide
6.4 – GVWD Water main break

2. ADOPTION of December 16th MINUTES

Changes/additions

– that from now on that instead of using term Acting Chair we use term Chair – Pro Tem
- that in 5.2, 4th bulleted paragraph the word “overview” be changed to “oversight”
The minutes move/seconded by Diana/Maureen were adopted as amended.

3. OLD BUSINESS

3.1 FONVCA letter to Councillor Crist

Brian had responded to Councillor Crist on policy of posting correspondence - discussion followed. Brian reviewed the policy for the benefit of the new representative from Pemberton Heights regarding the posting of e-mails on the FONVCA website. There were 5 e-mails since last FONVCA meeting that were not posted on the website as the authors had declined.

3.2 Tree cutting by GVRD

In response to FONVCA letter to council Brian noted that the GVRD has apologized for the error and that the district is satisfied that full restoration will be made in due course.

4. CORRESPONDENCE ISSUES

4.1 Business arising from 43 regular emails –
There was a general discussion of some of these letters.

4.2 Non-posted letters

See 3.1 above

5. NEW BUSINESS

5.1 Lynn Valley Library & Town Centre

Council re-considered Dec 20th and 21st new options with respect to the scope of the project. Plan “C” was unanimously adopted by council.

5.2 Alpine Recreation Strategic Study Workshop

A council workshop held in the Committee Rm. (open to public) District hall on Jan 5th:

<http://www.dnv.org/upload/pdocsdocuments/b29d01%21%2EPPT>

- an adaptive (as opposed to pro-active) management strategy was adopted which has tendency to wait for problem to occur before fixing them
- C. Cuthbert suggested the current Alpine plan be put on the website.

Some FONVCA members felt suggestion for a \$10 parking fee for new parking lot(s) to accommodate mountain bikers would be self defeating.

Suggestion for trial - no bikes on Baden Powell trail.

5.3 2005-2009 Budget Workbook

Booklet will be available at the workshop Jan 25 '05 - suggestion that, in accordance with requirements for the annual report, that this equally important document should be available at least 2 weeks prior to its public input meeting. See it now at

<http://www.dnv.org/article.asp?a=2689&c=107>

- the taxes are up 3.5% despite 2% more new net revenue
- the overall budget is up about 5%
- pay parking is to be introduced in the spring of 2005 at 4 district parks.
- no allowance for inflation and no external borrowing for 2005.

Membership felt that 5 minutes input at meeting is not adequate.

5.4 Boarding of animals - revisions to regulations were rejected will be reviewed at the bylaw level and

presented to council with changes suggested at the Jan 11th public hearing.

- Clarification will be needed for 3 dogs per dwelling.
- 50 meters from residential property line adopted

5.5 Translink

Should adjust tax rate down from 47.38 cents/\$1000 assessment to recover original intended amount. Mayor Sharp to request changes.

DNV representation on board - Mayor Sharp was re-appointed as other potential N.S. representative and mayors do not seem interested in position.

5.6 Property Assessments – homeowner's grant base changes and cut-off slopes are fairer this year. Dave gave a handout and an overview on history of apparent inconsistent assessment of some key properties.

5.7 Public notice for commercial lease – the value of the assistance given was not specified in the notification on the lease to the Capilano Tennis Club. Such (improper) notifications could be an item for future discussion at a council shirt sleeve meeting.

6. ANY OTHER BUSINESS

6.1 Legal Issues:

Corrie gave handout on 2001 population/dwelling census – DNV growing 7.0% from 1991 to 1996, and 2.4% from 1996 to 2001 (82,310).

The Development Variance Permit procedures and criteria for Merritt B.C. were distributed - Corrie suggested DNV examine adopting similar criteria.

6.2 Shirtsleeve meeting Date and agenda

Cathy suggested April/May time frame for meeting. Dan suggested both parties have a topic. Deadline for topic a month prior to meeting. Dan to chair meeting. Any staff relevant to topic to attend meeting.

6.3 Riverside Drive area slide - lots of information / GIS at DNV site - <http://www.dnv.org/article.asp?c=755> Corrie distributed copies of some of the material and lauded quality of postings.

6.4 Water main break - area of break fortuitous as it caused little damage. Relationship of this event to the switching back to water use of Seymour reservoir remains unknown.

7. CHAIR AND DATE OF NEXT MEETING

Next Meeting February 17th, 2005.

Chairperson, David Knee –Norgate Park C.A.

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Tel: 604-980-3863

Meeting adjourned 9:50 p.m.

Subject: Truck Safety

Date: Fri, 28 Jan 2005 19:44:58 +0000 (GMT)

From: Elizabeth James <cagebc@yahoo.com>

To: "James Ridge, CAO" <james_ridge@dnv.org>, Mayor and Council <council@dnv.org>

CC: Brian Platts <bplatts@shaw.ca>, Corrie Kost <kost@triumf.ca>, Allan Orr <allandorr@shaw.ca>, Eric Andersen <eric_g_andersen@hotmail.com>, Cathy Adams <cathyadams@canada.com>, fonvca@fonvca.org

28 January 2005

Dear Mr. Ridge:

First, matters hydrologic, and now truck safety. It's as though I'm operating on ESP these days.

No sooner did I have the thought to write to ask you for an update to the issue of truck safety in the District, than we learn a recent disturbing report revealed that 60% of dump trucks operating and inspected in another Lower Mainland jurisdiction were found to have serious defects.

You may remember that former-Mayor Bell indicated he would be contacting local RCMP and the government in Victoria to see what measures could be taken to tighten regulations and improve truck maintenance. Further, following last November's tragic event on the Upper Levels Highway, more investigation was to be undertaken. Yet still police find 60% of dump trucks which were pulled over at the Patullo Bridge have serious safety problems - the Patullo Bridge yet! That is one of the most hazardous traffic locations in the Lower Mainland.

This is my position: Truck drivers and their companies who, for whatever economic or "can't be bothered" reason, do not maintain their vehicles in safe condition, are deliberately putting the lives of innocent citizens at risk. In other, international, law, deaths resulting from such negligence can be deemed *negligent homicide* or *corporate manslaughter*. As such, a company and/or an individual who *knew, or should have known* that the vehicle is unsafe can be held criminally responsible for death or injury resulting from that negligence.

I do not know what law applies in Canada but the following excerpt from the English House of Lords [Supreme Court] reads as follows:

Involuntary manslaughter by gross negligence

The House of Lords laid down a four stage test for involuntary manslaughter by means of a grossly negligent act or omission in <*R.v. Adomako (1995) 1 AC 171*>:

- Did the defendant owe a duty of care towards the victim who has died?
- If so, has the defendant breached that duty of care?
- has such breach caused the victim's death? (The law of negligence must be applied to ascertain whether or not there has been a breach of the duty);
- If so, was that breach of duty so bad as to amount, when viewed objectively, to gross negligence warranting a criminal conviction?

Consideration of those questions will involve the application of legal principles which are usually regarded as forming part of the civil law of tort, not the criminal law.

There are a wide variety of circumstances in which consideration may need to be given to indicting a company for manslaughter arising out of its operations. The victims of fatal accidents may be employees or customers of the company in question or members of the public. Common examples are:

- work-related fatal accidents arising out of unsafe systems of work,
- fatal accidents resulting from the provision of unsafe goods or services,
- fatal road traffic accidents in cases where company vehicles are unsafe.

A company may be a potential defendant by reason of its capacity, for example, as an employer, a supplier of goods, or as a contractor. In appropriate cases, therefore, you should consider whether the company itself - in addition to any individuals - should be prosecuted for manslaughter but this depends on the following evidential requirements.

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The Causal Link and Controlling Mind

A company acts through the human agency of its directors, managers and staff. In order to convict a company of manslaughter it must be shown that a causal link existed between a grossly negligent act or omission by a person who is the "controlling mind" of the company and the immediate cause of death.....

Many other references - including North American - can be found which refer to individual and/or corporate responsibility.

In any event, it would be much appreciated if Staff could determine the status of the District file on this issue, and make District residents aware of the steps that are being taken to ensure their protection against unsafe trucks on North Shore streets.

Many thanks for your assistance....

Sincerely,

Liz James

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