



FONVCA AGENDA THURSDAY July 17 /2003

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

Time: 7:00-9:00pm

Chair: John Miller – Lower Capilano Residents Association. Tel: 604-985-8594

1. Order/content of Agenda

2. Adoption of Minutes of June 19/2003

3. Old Business

3.1 Canlan Update – Response to Legality of CPP
<http://www.fonvca.org/agendas/jul2003/canlan-cpo.pdf>

3.2 Community Charter: 3rd read given May 8th/2003

http://www.legis.gov.bc.ca/37th4th/3rd_read/gov14-3-toc.htm Update by Corrie Kost

4. Correspondence Issues

4.1 Revised letter from FONVCA on new DNV Municipal Manager –
http://www.fonvca.org/letters/2003/16jun-to/Brian_Platts_26jun2003.pdf

4.2 Meeting with Council: 7pm Tues Sep 9th/2003
Agenda was to be discussed Jul 17th FONVCA mtg.

4.3 Business arising from regular emails - attached lists ~46 new letters submitted –

June 16/2003 – July13/2003 contained in a complete list of last 22 months but only for those subjects with recent entries.

4.3 Non-Posted letters. - one this period – opinions?

5. New Business Council and other District issues.

5.1 FONVCA July 17th input to search company on qualifications of new Municipal Manager - Dan & Corrie

6. Any Other Business

6.1 - Legal issues to think about-

Without prejudice:

A statements set onto a written document which qualifies the signatory as exempted from it's content to the extent that they may be interpreted as containing admissions or other interpretations which could later be used against the person signing; or as otherwise affecting any legal rights of the person signing. A lawyer will often send a letter "without prejudice" in case the letter makes admissions which could later prove inconvenient to the client.

Municipalities Enabling and Validating Act (MEVA)

“This Act is used in extreme circumstances to correct and make legal improper actions of local governments.”

(http://www.civicnet.bc.ca/ubcm/fact_sheets/1.shtml)

Summaries 1990-2000

http://www.qp.gov.bc.ca/statreg/stat/M/90061_01.htm

Eg. used for Naramata Issues:

http://www.legis.gov.bc.ca/1997/3rd_read/gov35-3.htm

http://www.legis.gov.bc.ca/37th2nd/3rd_read/gov25-3.htm

http://www.qp.gov.bc.ca/statreg/stat/M/01044_01.htm

Legal Standing of MEVAs:

<http://www.sms.bc.ca/logo/1998/december/meva.html>

Article on PPP and MEVA

<http://www.sms.bc.ca/logo/1998/september/partnerships.html>

7. Chairperson & Date of next meeting.

Attachments

*List of Email to FONVCA of last 22 months - **BUT ONLY FOR SUBJECTS WITH NEW ENTRIES**

OUTSTANDING FUTURE FONVCA ITEMS

A process to follow outstanding issues of Council, for example, where are the:

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

Correspondence Ordered by Subject

* means since new emails

16 June/2003 →
13 July/2003

Only subjects with new
entries are listed - ordered ~
by volume since 17 Sep/2001

5 Year Financial Plans / Public Input / Reserve Funds / Budget

Ernie_Crist_22sep2001.pdf
John_Hunter_4oct2001d.pdf
John_Hunter_8jan2002.pdf
Brian_Platts_12jan2002.pdf
Bill_Tracey_13jan2002.pdf
John_Hunter_13jan2002.pdf
Cathy_Adams_13jan2002.pdf
John_Hunter_13jan2002b.pdf
Ernie_Crist_13jan2002.pdf
John_Hunter_13jan2002.txt
Ernie_Crist_1feb2002.pdf
Ernie_Crist_2feb2002b.pdf
Ernie_Crist_4feb2002.pdf
Corrie_Kost_7feb2002.pdf
Ernie_Crist_7feb2002b.pdf
Corrie_Kost_10feb2002.pdf
Ernie_Crist_23feb2002.pdf
Corrie_Kost_27feb2002.pdf
Elizabeth_James_8mar2002.pdf
Ernie_Crist_5mar2002.pdf
Ernie_Crist_5mar2002b.pdf
Ernie_Crist_8mar2002.pdf
Ernie_Crist_8mar2002b.pdf
Ernie_Crist_10mar2002.pdf
Dave_Sadler_11mar2002.pdf
Ernie_Crist_13mar2002c.pdf
Dave_Sadler_13mar2002.pdf
Don_Bell_13mar2002.pdf
Dave_Sadler_13mar2002b.pdf
Dave_Sadler_13mar2002d.pdf
Dave_Sadler_13mar2002e.pdf
Ernie_Crist_17feb2002c.pdf
Ernie_Crist_16mar2002d.pdf
Ernie_Crist_16mar2002e.pdf
Bill_Tracey_17mar2002.pdf
Bill_Tracey_17mar2002-attach.pdf
Brian_Platts_17mar2002.pdf
Ernie_Crist_17mar2002b.pdf
Ernie_Crist_16mar2002.pdf
Ernie_Crist_18mar2002.pdf
Ernie_Crist_20mar2002d.pdf
Ernie_Crist_20mar2002b.pdf
Elizabeth_James_20mar2002.pdf
Heather_Dunsford_21mar2002.pdf
Ernie_Crist_22mar2002c.pdf
Ernie_Crist_23mar2002d.pdf
Dave_Sadler_25mar2002.pdf
Corrie_Kost_28mar2002.pdf
Dave_Sadler_28mar2002.pdf
Ernie_Crist_2apr2002c.pdf
Dave_Sadler_4apr2002.pdf
Ernie_Crist_12apr2002b.pdf
John_Hunter_12apr2002.pdf
Don_Bell_3may2002.pdf
John_Hunter_8may2002.pdf
Elizabeth_James_8may2002.pdf
Ernie_Crist_9may2002.pdf
Doug_Mackay-Dunn_9may2002.pdf
Corrie_Kost_12may2002.pdf
Corrie_Kost_12may2002b.pdf
Corrie_Kost_12may2002c.pdf

Corrie_Kost_20may2002.pdf
Ernie_Crist_21may2002.pdf
Ernie_Crist_21may2002b.pdf
Ernie_Crist_24may2002.pdf
Ernie_Crist_27may2002b.pdf
Ernie_Crist_28may2002b.pdf
Ernie_Crist_8jun2002e.pdf
Ernie_Crist_9jun2002b.pdf
Ernie_Crist_24jun2002.pdf
Elizabeth_James_17sep2002.pdf
Ernie_Crist_25dec2002.pdf
Corrie_Kost_31dec2002.pdf
Elizabeth_James_8jan2003.pdf
Ernie_Crist_6feb2003.pdf
Ernie_Crist_14feb2003b.pdf
Ernie_Crist_22mar2003.pdf
Ernie_Crist_24mar2003.pdf
Brian_Platts_7apr2003.pdf
Elizabeth_James_8apr2003.pdf
Corrie_Kost_22apr2003.pdf
Ernie_Crist_14apr2003.pdf
Ernie_Crist_15apr2003.pdf
Ernie_Crist_8may2003.pdf
* Corrie_Kost_25jun2003.pdf
* Ernie_Crist_26jun2003d.pdf

Recreation Commission / Shared Services Agreement

Ernie_Crist_23sep2001.pdf
Dave_Sadler_8oct2001b.pdf
Ernie_Crist_10oct2001.pdf
Ernie_Crist_12nov2001b.pdf
Ernie_Crist_12nov2001d.pdf
Margaret_Fraser_12nov2001.pdf
Margaret_Fraser_12nov2001b.pdf
Corrie_Kost_12nov2001.pdf
David_Potter_12nov2001.pdf
Corrie_Kost_12nov2001b.pdf
David_Potter_12nov2001b.pdf
David_Potter_12nov2001c.pdf
Ernie_Crist_1dec2001.pdf
Ernie_Crist_7dec2001.pdf
Ernie_Crist_9dec2001.pdf
Dave_Sadler_9dec2001.pdf
Dave_Sadler_11dec2001.pdf
Ernie_Crist_11dec2001.pdf
Dave_Sadler_11dec2001b.pdf
Ernie_Crist_26dec2001.pdf
Corrie_Kost_26dec2001.pdf
Ernie_Crist_17jan2002.pdf
Ernie_Crist_11feb2002.pdf
Ernie_Crist_13feb2002.pdf
Ernie_Crist_14feb2002.pdf
Ernie_Crist_15feb2002.pdf
Ernie_Crist_11apr2002.pdf
Ernie_Crist_11apr2002c.pdf
Wayne_Hunter_12apr2002.pdf
Ernie_Crist_5may2002.pdf
Ernie_Crist_8may2002.pdf
Doug_Mackay-Dunn_9may2002b.pdf
Ernie_Crist_10may2002.pdf
Ernie_Crist_11may2002b.pdf
Ernie_Crist_11may2002.pdf
Ernie_Crist_14may2002.pdf
John_Hunter_14may2002.pdf
Ernie_Crist_20may2002b.pdf
Ernie_Crist_2jul2002b.pdf
Ernie_Crist_6jul2002b.pdf
John_Harvey_19aug2002.pdf
Ernie_Crist_19aug2002.pdf
Ernie_Crist_19aug2002b.pdf
Ernie_Crist_1mar2003.pdf
Ernie_Crist_14mar2003c.pdf
* Ernie_Crist_23jun2003c.pdf

On Council Motions / Procedures / Freedom of Speech / Ombudsman

Ernie_crist_18oct2001.pdf
Pat_Munroe_17mar2002.pdf
Ernie_Crist_20mar2002e.pdf
Ernie_Crist_28may2002.pdf
Ernie_Crist_6jun2002.pdf
Ernie_Crist_6jun2002b.pdf
Ernie_Crist_8jun2002.pdf
Elizabeth_James_18jun2002.pdf
Ernie_Crist_17jun2002.pdf
Ernie_Crist_17jun2002b.pdf
Ernie_Crist_22jul2002b.pdf
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
Ernie_Crist_25apr2003.pdf
Ernie_Crist_25apr2003b.pdf
Ernie_Crist_30apr2003.pdf
Ernie_Crist_30apr2003c.pdf
Ernie_Crist_23apr2003d.pdf
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

Northlands Golf Course / Affair

Ernie_Crist_31dec2001b.pdf
Ernie_Crist_12may2002.pdf
John_Hunter_13may2002.pdf
Ernie_Crist_26nov2002b.pdf
Ernie_Crist_5dec2002.pdf
Ernie_Crist_7dec2002.pdf
Ernie_Crist_7dec2002b.pdf
Ernie_Crist_27dec2002.pdf
Ernie_Crist_4jan2003.pdf
Ernie_Crist_5jan2003.pdf
Ernie_Crist_5jan2003c.pdf
Elizabeth_James_8jan2003b.pdf
Ernie_Crist_9jan2003.pdf
Bill_Tracey_12jan2003.pdf
Laurie_Johnston_12jan2003.pdf
Elizabeth_James_3feb2003.pdf
Ernie_Crist_18jan2003c.pdf
Ernie_Crist_18jan2003d.pdf
Ernie_Crist_27feb2003.pdf
Ernie_Crist_28feb2003b.pdf
Ernie_Crist_14mar2003.pdf
Ernie_Crist_14mar2003b.pdf
Ernie_Crist_15mar2003.pdf
Elizabeth_James_11apr2003.pdf
Ernie_Crist_11apr2003.pdf
Maureen_Bragg_11apr2003.pdf
Ernie_Crist_29apr2003.pdf
Ernie_Crist_15may2003b.pdf
Ernie_Crist_21may2003.pdf

Ernie_Crist_21may2003b.pdf
Ernie_Crist_24may2003d.pdf
Corrie_Kost_9jun2003.pdf
* Ernie_Crist_17jun2003c.pdf

Council Public Input/Delegations

Elizabeth_James_9jan2002.pdf
Elizabeth_James_14jan2002.pdf
Elizabeth_James_14jan2002b.pdf
Heather_Dunsford_14jan2002.pdf
Don_Bell_14jan2002.pdf
Bill_Tracey_5feb2002.pdf
Agnes_Hilsen_6feb2002.pdf
Agnes_Hilsen_6feb2002b.pdf
Bill_Tracey_6feb2002.pdf
Bill_Tracey_6feb2002a.pdf
Brian_Platts_17feb2002.pdf
Ernie_Crist_23feb2002c.pdf
Ernie_Crist_13mar2002.pdf
Ernie_Crist_21mar2002.pdf
* Ernie_Crist_23jun2003d.pdf

TRANSLINK / RAV/ Transportation / Fuel Taxes

Dave_Sadler_4oct2001.pdf
Dave_Sadler_21nov2001.pdf
Ernie_Crist_21nov2001.pdf
Ernie_Crist_28nov2001.pdf
Elizabeth_James_28nov2001.pdf
Elizabeth_James_29nov2001.pdf
Ernie_Crist_30nov2001b.pdf
Elizabeth_James_18feb2002.pdf
Ernie_Crist_18feb2002.pdf
Elizabeth_James_22feb2002.pdf
Ernie_Crist_28jun2002b.pdf
Elizabeth_James_12aug2002.pdf
Elizabeth_James_12aug2002b.pdf
Dave_Sadler_11sep2002.pdf
Dan_Ellis_9jan2003.pdf
Elizabeth_James_3feb2003.pdf
Maureen_Bragg_4feb2003.pdf
Ernie_Crist_14feb2003c.pdf
Ernie_Crist_26feb2003.pdf
Ernie_Crist_30apr2003b.pdf
Ernie_Crist_24may2003.pdf
Elizabeth_James_28may2003.pdf
John_Hunter_7jun2003.pdf
Ernie_Crist_8jun2003.pdf
* Elizabeth_James_26jun2003.pdf

Inappropriate Development Variance Permits

Dave_Sadler_22oct2001.pdf
Brian_Platts_2dec2001.pdf
Ernie_Crist_2dec2001.pdf
Platts-Crist-Denault-Hunter-3dec2001.pdf
Corrie_Kost_3feb2002.pdf
Brian_Platts_3feb2002.pdf
Brian_Platts_7may2002.pdf
Brian_Platts_6oct2002.pdf
Brian_Platts_10mar2003.pdf
Brian_Platts_7mar2003.pdf
Brian_Platts_11may2003.pdf
Ernie_Crist_12may2003.pdf
Ernie_Crist_1jun2003.pdf
Ernie_Crist_9jun2003b.pdf
Brian_Platts_10jun2003.pdf
Ernie_Crist_11jun2003.pdf
Brian_Platts_15jun2003.pdf
* Brian_Platts_7jul2003.pdf

Tax Exemptions / Canlan

Dave_Sadler_17sep2001b.pdf
Dave_Sadler_28sep2001.pdf
Dave_Sadler_13oct2002.pdf
Elizabeth_James_6mar2003.pdf
Ernie_Crist_1mar2003b.pdf
Ernie_Crist_3mar2003.pdf
Ernie_Crist_4mar2003.pdf
Agnes_Hilsen_4mar2003.pdf
Ernie_Crist_6mar2003.pdf
Ernie_Crist_8mar2003c.pdf
Ernie_Crist_11mar2003.pdf
Ernie_Crist_25mar2003.pdf
Ernie_Crist_27mar2003.pdf
John_Hunter_21apr2003b.pdf
Bill_Tracey_5may2003.pdf
* Corrie_Kost_23jun2003.pdf
* Ernie_Crist_25jun2003c.pdf

Affordable Housing

Ernie_Crist_12nov2002.pdf
Ernie_Crist_19dec2002b.pdf
Ernie_Crist_15jan2003b.pdf
Ernie_Crist_16jan2003a.pdf
Ernie_Crist_16jan2003b.pdf
John_Hunter_16jan2003.pdf
Maureen_Bragg_16jan2003.pdf
John_Hunter_16jan2003b.pdf
Maureen_Bragg_17jan2003.pdf
Bill_Tracey_17jan2003.pdf
Maureen_Bragg_17jan2003b.pdf
Ernie_Crist_17jan2003.pdf
Ernie_Crist_18jan2003b.pdf
* Brian_Platts_13jul2003.pdf

Noise Bylaw / Leaf Blowers / Youth Disturbances

Ernie_Crist_6nov2001.pdf
Corrie_Kost_6nov2001.pdf
Bill_Tracey_20mar2002.pdf
Ernie_Crist_11may2002c.pdf
Dave_Sadler_5jun2002.pdf
Brian_Platts_17sep2002.pdf
Ernie_Crist_26dec2002.pdf
Ernie_Crist_19mar2003.pdf
Elizabeth_James_19mar2003.pdf
* Elizabeth_James_8jul2003.pdf
* Ernie_Crist_8jul2003b.pdf

Qualifications of District Manager

Brian_Platts_8jun2003.pdf
Bill_Tracey_13jun2003.pdf
Bill_Tracey_13jun2003b.pdf
* Brian_Platts_26jun2003.pdf
* Elizabeth_James_27jun2003.pdf
* Elizabeth_James_27jun2003.pdfb
* Ernie_Crist_26jun2003.pdf
* Ernie_Crist_26jun2003b.pdf

Health Care

Don_Bell_22mar2002.pdf
Ernie_Crist_3apr2002c.pdf
Elizabeth_James_3apr2002.pdf
Ernie_Crist_10jul2002.pdf
Ernie_Crist_30jan2003b.pdf
Ernie_Crist_20may2003.pdf
Ernie_Crist_4jun2003.pdf
* Ernie_Crist_17jun2003.pdf
* Ernie_Crist_19jun2003.pdf

Industrial Pollution / Air Pollution

Elizabeth_James_14may2002.pdf
Ernie_Crist_14may2002b.pdf
Ernie_Crist_14may2002c.pdf
Ernie_Crist_28jun2002.pdf
Ernie_Crist_28jun2002c.pdf
* Ernie_Crist_23jun2003.pdf
* Ernie_Crist_24jun2003b.pdf

Trees

Ernie_Crist_10jul2002b.pdf
Ernie_Crist_14feb2003.pdf
Ernie_Crist_4mar2003b.pdf
Ernie_Crist_6mar2003b.pdf
Ernie_Crist_9apr2003.pdf
Ernie_Crist_9apr2003c.pdf
* Ernie_Crist_23jun2003b.pdf

BC Assessment Authority

Ernie_Crist_14jul2002.pdf
Ernie_Crist_27jul2002.pdf
Ernie_Crist_7jan2003.pdf
* Ernie_Crist_1jul2003.pdf

Mountain Biking/Parking

Ernie_Crist_5jun2003.pdf
Ernie_Crist_6jun2003b.pdf
* Ernie_Crist_24jun2003.pdf
* Ernie_Crist_26jun2003c.pdf
* Ernie_Crist_27jun2003.pdf
* Ernie_Crist_8jul2003c.pdf

Where are we heading?

Ernie_Crist_23sep2001b.pdf
* Ernie_Crist_30jun2003a.pdf
* Ernie_Crist_30jun2003b.pdf
* Brian_Platts_30jun2003.pdf

Council Crist's 75th Birthday

Ernie_Crist_28may2003.pdf
* Ernie_Crist_30jun2003.pdf

Bank Closures

* Ernie_Crist_21jun2003b.pdf

Elected GVRD / Per diem- salary increases

* Ernie_Crist_25jun2003.pdf
* Ernie_Crist_9jul2003.pdf

Bike Lanes

* John_Fair_25apr2003.pdf

FONVCA

Minutes of June 19th 2003

Attendees:

Cathy Adams (chair)	Lions Gate N.A.
Val Moller	Lions Gate N.A.
Brian Platts	Edgemont C.A.
Corrie Kost	Edgemont C.A.
Diana Bellhouse	Delbrook C.A.
Maureen Bragg	Save Lynn Canyon Park
Dan Ellis	Lynn Valley C.A.
David Knee	Norgate Park C.A.
Eric Andersen	Blueridge C.A.
John Miller	Lower Capilano C.R.A.
Hugh Murray	Lower Capilano C.R.A.
Tom Hodson	Panorama R.A.
John Fair	Lynnmour Inter River

TPAC Committee

Notetaker: Jenny Knee

Presentation by Grig Cameron on behalf of TPAC (Transportation Planning Advisory Committee)

- Redefining TPAC Mandate
- TPAC Expectations
- Council Expectations
- TPAC 2003 Workplan
- Membership list

After the presentation a discussion with FONVCA members followed on various concerns with transportation issues.

Regular part of meeting started 7:50pm

1. ORDER/CONTENT OF AGENDA

Add:

- 6.2 Cleveland Dam - Cathy
- 6.3 Bridgman Park/Lynnmour - Tom

2. ADOPTION OF May 15TH MINUTES

May 15th minutes amended to read

- 4.1 "the **responsibility should be** on the property owner"
- Minutes approved Dan/Hugh

3. OLD BUSINESS

3.1 Northlands update - Corrie referred to recent articles in Vancouver Sun and Outlook. No word on when committee would meet with council and/or when further meetings would be held.

3.2 CANLAN update - Corrie – discussed recent notice of counter petition opportunity and lack of details/bottom-line on exactly what liabilities are being undertaken by District. Suggested that proper accountability could be accomplished by appropriate re-notification.

3.3 Non-profit leases - Corrie recommended guidelines similar to W. Vancouver's (distributed at meeting) be followed for Deep Cove Yacht Club Marina lease.

4. CORRESPONDENCE ISSUES

4.1 Beverage vending machines - Corrie/Brian updated us on communications with Chief Librarian Noreen Ballantyne.

4.2 Business arising from ~39 emails:

It was noted that the vast majority of emails came from Councillor Crist. Corrie presented updates on issues referred to in some of last month's e-mails.

4.3 Non posted e-mails - none

5. NEW BUSINESS

5.1 TPAC Presentation (scheduled before regular business)

5.2 Qualification For New Municipal Manager. – It was recommended that, in the future, time-sensitive responses by partial representation of FONVCA be labeled as "draft". Discussion followed with further recommendations – the updated version will highlight the changes to the original document – and will be sent to Council.

5.3 Canada Health Act – A CUPE prompted agenda item at Council – discussion followed with concerns expressed as to:

- What is causing the increase in costs.
- Existence of 2 tiers
- Delay of services

5.4 Report on the Financial Plan Workshop

Corrie reported on June 11 meeting. Presentation by staff held no surprises as it was largely based on common sense in the ways budgeting could be handled. Pros/Cons of each approach (eg. incremental, zero based, etc) were presented at the workshop.

5.5 Report on Seymour Local Plan process – Eric reported on the public hearing which is still in process.

5.6 District has an Economic Development Strategy

Corrie confirmed the existence of a District Economic Development Strategy (often denied to exist by others). He and other FONVCA members recall attended the relevant meetings.

6. ANY OTHER BUSINESS

6.1 No other "legal issues to think about" this month.

6.2 Cleveland Dam - Cathy reported on the computer generated incident in March – the response from staff had been poor and much delayed.

6.3 Bridgman Park/Lynnmour - John reported on recommended changes to park to prevent further damage by off leash dogs. No concerns were noted with proposal.

7. CHAIR AND DATE OF NEXT MEETING –

Chair: John Miller - Lower Capilano R.A.

Tel# 604-985-8594

7:00 p.m. Thursday July 17 2003 at District Hall

Meeting adjourned 10:05 p.m.

Subject: Canlan Counter Petition Opportunity Letter - original will be mailed.

Date: Mon, 7 Jul 2003 15:10:45 -0700

From: "Linda Brick" <Linda_Brick@dnv.org>

To: <corrie@kost.ca>

July 3, 2003

File: 3900-01/12

Dr. Corrie Kost

2851 Colwood Drive

North Vancouver, BC

V7R 2R3

Dear Dr. Kost:

Re: Canlan Counter Petition Opportunity

This will acknowledge receipt of your letter to Mayor and Council dated June 23, 2003 regarding the above noted subject. Your comments were referred to our Solicitors who have advised as follows:

1. The District, subject to the outcome of the counter petition opportunity, has entered into a three-way agreement with the Toronto Dominion Bank and Canlan (the "Tripartite Agreement"). The District is not incurring any liability under the Tripartite Agreement and therefore no counter petition is necessary in relation to that agreement. The Tripartite Agreement does permit the Toronto Dominion Bank in certain circumstances to put a receiver or other part in the place of Canlan. In that sense, the Tripartite Agreement is a related document. As such, it has been made available for public inspection as required by section 177 of the Local Government Act.

2. The counter petition notice published by the District gives the amount of the annual payment for the 2003 season, states what the

payment is for, explains that the payment must be made each year during the term of the agreement and states that the term of the agreement is 45 years ending in 2048. The notice also explains that the annual payment will be adjusted in each year after 2003 based on the Vancouver average all-items consumer price index (which indices are of course unknowable at this time). The counter petition notice also says that the District will incur a liability to pay in each year during the term all property taxes (if assessed, levied and payable) in respect of the portions of the facility where the public programs are conducted. Thus, the counter petition notice clearly meets the requirements of the *Act* to describe the nature, extent and amount of the liability under the proposed Ice Facility Partnering Agreement.

3. The services to be provided by Canlan under the Ice Facility Partnering Agreement and the District's obligation to pay for those services are coterminous and thus section 33.1(1)(b) has been complied with.

With respect to the form of counter petition, Section 172.5 of the *Local Government Act* sets out certain requirements for the form of counter petition, but there are currently no regulations that prescribe the form and content. The form must include the full name and residential address of the signatory and, if applicable, the address of the property in relation to which the person is entitled to register as a non-resident property elector.

Prior to commencing with our first counter petition process in the District, the form of counter petition was discussed with the Municipal Solicitor. The Solicitor recommended that the form of counter petition to be used in the District for all counter petition opportunities also include the following information:

- Ø A general description of the proposed bylaw, action or other matter to which the counter petition relates;
- Ø A statement that, for the purposes of signing the counter petition, the term "elector" means a person who, at the time of signing this counter petition, meets the qualifications of the Local Government Act for registration as a resident elector or as a non-resident property elector of the municipality of the affected area, as the case may be;
- Ø A statement that accurate copies of the counter petition form may be made and used for signing;
- Ø A statement that a person may not withdraw his or her name from a counter petition after the deadline;
- Ø A statement that a person who presents a counter petition form to another person for signing must not knowingly make any false or misleading statements to the other person about the proposed bylaw, action or other matter to which the counter petition relates, and that a person who contravenes this prohibition commits an offence; and
- Ø The deadline for returning signed counter petition forms and the location where they must be delivered.

Given the fact that all of this information is to be printed on each page of the form, it would be difficult to provide space for more than one or two signatures on the page without reducing the print size considerably. This is not recommended as it would make it more difficult to read. It is my understanding that our form is similar to the form provided by other municipalities. I have attached a copy of the City of North Vancouver's form for your information.

I trust this addresses the issues you have raised regarding this counter petition opportunity.

Yours truly,

Agnes Hilsen

Municipal Clerk

Xc: Mayor and Council

Richard Zerr, Director of Planning, Engineering, Parks & Regulatory Services

John MacPherson, Director of Financial Services

Don Sigston, Manager of Regulatory Services

Attachment:

Sample of City of North Vancouver's counter petition form