



## FONVCA AGENDA THURSDAY March 17<sup>th</sup> 2005

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

**Time:** 7:00-9:00pm

**Chair:** Herman Mah –Pemberton Heights Community Association– Tel: 604-985-8597 [hermanmah@shaw.ca](mailto:hermanmah@shaw.ca)

### 1. Order/content of Agenda

### 2. Adoption of Minutes of February 17

### 3. Old Business

#### 3.1 Shirtsleeve session with council

#### 3.2 2005-2009 DNV Financial Plan

Feb 22/2005 minutes are available at [http://www.dnv.org/upload/documents/Council\\_Workshops/fp050222\\_minutes.htm](http://www.dnv.org/upload/documents/Council_Workshops/fp050222_minutes.htm) David Knee and Bill Tracey were there. Focus was Parkgate CPC – funding to \$150,000 but removed at Feb 28<sup>th</sup> meeting – see [http://www.dnv.org/upload/documents/Council\\_Agendas\\_Minutes/cm050228.htm](http://www.dnv.org/upload/documents/Council_Agendas_Minutes/cm050228.htm)

### 4. Correspondence Issues

**4.1 Business arising from record 114 regular emails → 61 posted from the Mountain Bike Issue!!!**

#### 4.2 Non-Posted letters

**12** this period. Will be circulated at meeting for discussion.

### 5. New Business

#### Council and other District issues.

#### 5.1 Seymour Escarpment Committee

To be or not to be separate?

#### 5.2 Community Policing

[www.gov.on.ca/opp/cpdc/english/](http://www.gov.on.ca/opp/cpdc/english/)

### 5.3 STV for Municipal Elections?

BC-STV illustrated at

[www.citizensassembly.bc.ca/public/extra/nimantions.xml](http://www.citizensassembly.bc.ca/public/extra/nimantions.xml) while municipal STV/FPP choice would require approval like at [http://www.dia.govt.nz/Pubforms.NSF/URL/Electoralcolour.pdf/\\$file/Electoralcolour.pdf](http://www.dia.govt.nz/Pubforms.NSF/URL/Electoralcolour.pdf/$file/Electoralcolour.pdf)

### 5.4 Presentation on Mountain Biking? -

Brian

### 5.5 Waterfront Access – CBC Mar 9<sup>th</sup> -

Maureen

### 5.6 DNV “Consent Agenda” – Legal/Ethical Issues – Corrie

<http://www.fonvca.org/agendas/mar2005/consent.pdf>

### 5.7 BOARDING OF ANIMALS – 2<sup>nd</sup> ROUND

– Corrie

### 5.8 Province compensates Jan 17-31 extreme weather victims up to 80%.

[http://www.pep.bc.ca/dfa\\_claims/DFA\\_Intent\\_to\\_Claim\\_Homeowner\\_2004-06.pdf](http://www.pep.bc.ca/dfa_claims/DFA_Intent_to_Claim_Homeowner_2004-06.pdf)

## 6. Any Other Business

### 6.1 - Legal issues to think about-

**Some Key References on Municipal Liabilities:**

Civil Liability in Canada – by Fraser Institute

[http://oldfraser.lexi.net/publications/books/laws\\_markets/civil\\_liability\\_in\\_canada\\_no\\_tip.html](http://oldfraser.lexi.net/publications/books/laws_markets/civil_liability_in_canada_no_tip.html)

Municipal Liability for Negligent Inspection:

<http://www.weirfoulds.com/publications/newsletters/0012.html>

Civil Liability Review by Attorney General to UBCM

<http://www.civicnet.bc.ca/files/%7B55717B2F-78CF-45A8-9438-7BBEDA0B19AB%7DCivilLiabilityReviewSept02.pdf>

Duty to Protect, Control, Warn by BC Law Institute:

[http://www.cba.org/abc/revue\\_du\\_barreau/pdf/dec03\\_03.pdf](http://www.cba.org/abc/revue_du_barreau/pdf/dec03_03.pdf)

## 7. Chair & Date of next meeting.

**April 21<sup>st</sup> /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  
14 Feb 2005 →  
13 Mar 2005

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

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

Ernie\_Crist\_25dec2002.pdf  
Corrie\_Kost\_31dec2002.pdf  
Elizabeth\_James\_8jan2003.pdf  
Ernie\_Crist\_6feb2003.pdf  
Ernie\_Crist\_14feb2003b.pdf  
Ernie\_Crist\_22mar2003.pdf  
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Brian\_Platts\_17sep2003.pdf  
Don\_Bell\_17sep2003.pdf  
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John\_Harvey\_22nov2003.pdf  
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James\_Ridge\_28nov2004.pdf  
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Corrie\_Kost\_2jan2005.pdf  
Alan\_Nixon\_3jan2005.pdf  
\* Ernie\_Crist\_20feb2005.pdf  
\* Ernie\_Crist\_20feb2005b.pdf  
\* Ernie\_Crist\_1mar2005b.pdf  
\* Ernie\_Crist\_2mar2005b.pdf

## Water Mains Replacement /Street Maintenance / Infrastructure /Garbage /Litter

Ernie\_Crist\_23apr2003.pdf  
Ernie\_Crist\_23apr2003c.pdf  
Maureen\_Bragg\_23apr2003.pdf  
Ernie\_Crist\_26jul2003.pdf  
Ernie\_Crist\_14jul2004d.pdf

\* Allan\_Orr\_27feb2005.pdf  
\* Elizabeth\_James\_28feb2005.pdf  
\* Ernie\_Crist\_26feb2005.pdf  
\* Ernie\_Crist\_27feb2005.pdf  
\* Ernie\_Crist\_28feb2005.pdf

## Council Public Input/Delegations

Ernie\_Crist\_23jun2003d.pdf  
Ernie\_Crist\_14jul2003b.pdf  
Ernie\_Crist\_18jul2003.pdf  
Ernie\_Crist\_24aug2003b.pdf  
Brian\_Platts\_25oct2004.pdf  
Brian\_Platts\_26oct2004.pdf  
Ernie\_Crist\_27oct2004.pdf  
Valerie\_Moller\_27oct2004.pdf  
\* Ernie\_Crist\_2mar2005c.pdf

## Mountain biking/Parking issue/Alpine Plan /Pay Parking

Ernie\_Crist\_5jun2003.pdf  
Ernie\_Crist\_6jun2003b.pdf  
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\* Daina\_Carmichael\_1mar2005.pdf  
\* Ernie\_Crist\_1mar2005.pdf  
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### Health Care / LGH / MHR / Homeless

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\* Ernie\_Crist\_27feb2005b.pdf  
\* Ernie\_Crist\_10mar2005.pdf  
\* Ernie\_Crist\_10mar2005d.pdf

### District Elections / Ward System

Ernie\_Crist\_24nov2002.pdf  
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Ernie\_Crist\_9sep2004.pdf  
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### Affordable / Seniors Housing / Group Homes

Ernie\_Crist\_19dec2002b.pdf  
Ernie\_Crist\_15jan2003b.pdf  
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Ernie\_Crist\_16jan2003b.pdf  
John\_Hunter\_16jan2003.pdf  
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Elizabeth\_James\_15nov2004.pdf  
Robyn\_Newton\_15nov2004.pdf  
Elizabeth\_James\_15nov2004b.pdf  
\* Ernie\_Crist\_9mar2005.pdf

### District Taxes / BC Assessment Authority / Home Owners Grant

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Corrie\_Kost\_8nov2003.pdf  
Brian\_Platts\_10jan2004.pdf  
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### Community Policing Centres / Integrated Policing / Crime Statistics / Alerts

Ernie\_Crist\_13apr2003.pdf  
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### Industrial Pollution / Air Pollution / Risks / Dams

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\* Monica\_Craver\_8mar2005.pdf

### Trees / Clear-Cut

Ernie\_Crist\_14feb2003.pdf  
Ernie\_Crist\_4mar2003b.pdf  
Ernie\_Crist\_6mar2003b.pdf  
Ernie\_Crist\_9apr2003.pdf  
Ernie\_Crist\_9apr2003c.pdf  
Ernie\_Crist\_23jun2003b.pdf  
Ernie\_Crist\_19mar2004b.pdf  
Elizabeth\_James\_14apr2004b.pdf  
Ernie\_Crist\_14apr2004d.pdf  
Elizabeth\_James\_6dec2004.pdf  
Ernie\_Crist\_6dec2004.pdf  
Brian\_Platts\_16jan2005.pdf  
\* Elizabeth\_James\_8mar2005.pdf  
\* Lyle\_Craver\_9mar2005.pdf

### Waterfront Plan

Elizabeth\_James\_30jul2003.pdf  
Ernie\_Crist\_30jul2003.pdf  
Maureen\_Bragg\_30jul2003.pdf  
Ernie\_Crist\_8dec2003c.pdf  
Ernie\_Crist\_25mar2004g.pdf  
\* Ernie\_Crist\_8mar2005d.pdf  
\* Brian\_Platts\_10mar2005.pdf  
\* Maureen\_Bragg\_10mar2005.pdf  
\* Ernie\_Crist\_10mar2005c.pdf

### Election Reform / STV

\* Allan\_Orr\_1mar2005.pdf

# FONVCA

## Minutes of February 17<sup>th</sup> 2005

### Attendees:

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

Jenny Knee – Notetaker

Guest Speaker:

Betty Griffin N. S. Chapter Council of Canadians

Meeting Started at 7:10pm

### 1. ORDER/CONTENT OF AGENDA

- Move 5.4 (Betty Griffen on sale of Lions Gate Hospital Lands) as first issue.
- Add 6.2 Miscellaneous Council items

### 2. ADOPTION of January 20<sup>th</sup> MINUTES

The minutes move/seconded by Brian/Val were approved.

#### 5.4

Betty gave out a presentation package and spoke re: the sale of the Lions Gate lands and is looking for support for a public forum on health issues for the North Shore. There is an agenda item re: location of a hospice at Council Meeting Monday 21 - Corrie will speak to that issue and suggested that Betty and other organizations speak at the public input (7-7:30pm) of the council meeting.

### 3. OLD BUSINESS

**3.1 Shirtsleeves meeting:** Brian reported for Cathy - 26 April - clerk's office has been asked to get a topic from council and our topic will be discussed at March FONVCA meeting.

**3.2 2005 - 2009 DNV Financial Plan** - Corrie reported Council has cancelled installing 'pay parking' in parks. To compensate for the projected income - this will increase taxes from 3.5% to 3.66% (about \$2/household) and take

\$100k from council reserves which will then have a balance of \$375,000.

### 4. CORRESPONDENCE ISSUES

**4.1 Business arising from 97 regular emails** – 72 being on the Mountain Biking issue. Brian commented that the FONVCA website is 'out there' in the Mountain Bike world.

#### 4.2 Non-posted letters

There were 6 – with all authors agreeing with them not being posted.

### 5. NEW BUSINESS

**5.1 Sharing attendance at Budget meetings** - Corrie and others thought these meetings were too early (5pm) for public participation and a motion was proposed -

Motion - To suggest to council that any future financial/special meetings start at 7:00pm during the week or on Saturday - Eric/John. Passed unanimously. Brian will write a letter.

There was also a request that the load of attending budget meeting be shared among FONVCA members. Dave will attend financial meeting Tuesday 22 at 5:00 pm.

#### 5.2 Lonsdale Citizen Association – see

<http://www.tlca.ca> -Corrie reported that this association and others had acquired a 10 minute public input period at beginning of City of North Vancouver Council Meetings, maximum 5 - 2 minute presentations, this for a 6 week trial period. They are also looking for help on how to organize All Candidates Meetings. Brian is to post his notes on the FONVCA web site – **ACTION**.

**5.3 Report on CCA - CNV meeting** - Corrie gave a report...

**5.4 See presentation above**

**5.5 Pay Parking - see 3.2**

**5.6 Encroachments on Highway and Municipal property** - Corrie reported Council passed motion for 2.5% on bare land uses and an additional 2 1/2% if there were buildings on it.

The bottom line is we hope the district makes more money than under the previous conditions. This remains to be determined. It was felt many members of council do not understand the fine print on the agreement – such as – the assessments being based on District average – not the assessment of the actual property.

## 6. ANY OTHER BUSINESS

**6.1 Legal Issues:** Corrie referred to references in the agenda – especially noting limitations on district powers to curb development in hazardous areas.

**6.2 Miscellaneous Council items** - Council still seems to violate/misunderstand the 40 foot height restrictions for flat roofed buildings by allowing higher flat roofed structures – reasoning that they are still lower than the permitted 46 foot pitched roofs.

Council members are no longer allowed to ask questions of the public at **public hearings**. Their questions must be put in writing – for submission until after almost all public input completed. Corrie observed this as cumbersome and not very satisfactory. Public input is curtailed to an initial 5 minutes per speaker but they have unlimited time at subsequent additional input. Ironically the first public input was by the developer – lasting some 45 minutes.

Definition of a **'town house'** needs to be clarified as the legal definition is not in line with common definition expected by community.

**DCC charges** are not keeping pace with increased property values. In particular, the price of providing more parkland as a result of densification is outpacing DCC income.

**Marine Drive Improvement** Committee meeting Tuesday 22nd Feb to finalize the presentation to council 28th Feb. before then going to a public meeting.

**Community Policing** issue - since Lynn Valley office has been relocated to an obscure location usage has fallen off. The space proposed for the Seymour/Parkgate CPC to accommodate community police, seems larger than required, 1000 - 1500 sq. ft. was felt as more than adequate in the current model.

## 7. CHAIR AND DATE OF NEXT MEETING

**Next Meeting February 17<sup>th</sup>, 2005.**

**Chairperson, Herman Han – Pemberton Heights**

**C.A.  
604-**

Meeting adjourned 9:35 p.m.

## CONSENT AGENDA

By definition a “consent agenda” (CA) is an agenda for which all parties have given prior consent to all items on that agenda. It requires that consensus has been achieved for every item on the agenda. Any item for which this is not so MUST be removed from the CA. To require that two or more members must object, in order to remove any item from the CA, means that by definition that agenda was NOT a CA but is a “majority agenda” (MA). In addition, when any member of the public can have the item removed from the CA, while a single member of council cannot do so constitutes a serious breach of the democratic process. A procedure bylaw that incorporates an MA is, in my opinion, ultra vires.

Division 2 – specifically sections 122-124 of the Community Charter, implies that every councilor be able to vote (and MUST vote) on every question before them. An MA does not allow all members of council to do so for all bylaws or questions put forth. A single member of council may, for example, wish to object to one of the items on the MA but approve of the others. With the MA this is not possible. Let’s illustrate with a simple, if somewhat atypical, example. Suppose there are 5 members present at a council meeting and there are 3 items on the MA. Suppose one of the members objects to passage of item 1 but agrees to items 2 & 3. The rules of the MA do not allow that particular member to express his/her opinion on item 1 unless at least another member concurs. This is not democratic. It is also not conducive to an open and fair process where members of council “shall publicly share substantive information” with one another (see 7 of District Corporate Policy 01-0530-11 – Code of Ethics).

Under section 124(3) of the Community Charter the procedure bylaw can only be amended after first giving notice in accordance with section 94 of the Community Charter. A public notice to this effect was published in the 13 Mar 2005 issue of the North Shore News but was, in my opinion, deficient in two aspects. First, it failed to correctly provide the section (124(3)) of the Community Charter requiring the notification, while secondly, it failed to provide, in general terms, the nature of the new provisions by using a term “consent agenda” when no such provision is actually being proposed.

Finally, since there appears to be no restriction as to what items can be placed on the CA or MA, it should be noted that even if all members concur, this is not allowed for some bylaws. I leave it as an exercise to determine which ones!

The solution to all this is simple. Require, as is done elsewhere, consensus (all members of council must agree) for the provision of a CA.

Yours truly,

Corrie Kost