



## **FONVCA AGENDA**

### **THURSDAY May 17<sup>th</sup> 2007**

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

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

**Chair:** Dan Ellis – Lynn Valley C.A..

Telephone: 604-985-7880

Email: ellis7880@shaw.ca

Regrets: Val Moller

### **1. Order/content of Agenda**

### **2. Adoption of Minutes of Apr 19<sup>th</sup>**

<http://www.fonvca.org/agendas/may2007/minutes-apr2007.pdf>

### **3. Old Business**

#### **3.1 TRANSLINK parking tax:**

- **good:** parking tax gone, **bad:** DNV bill up 43%  
Source: SUN 24 Apr/2006 article by Don Cayo

#### **3.3 Smart Rail Group & Canexus**

Paul LeMay article to be distributed at meeting.

### **4. Correspondence Issues**

#### **4.1 Business arising from 3 regular emails:**

#### **4.2 Non-Posted letters – 0 this period**

### **5. New Business**

#### **Council and other District issues.**

#### **5.1 Powers of BC Transit Act**

[http://www.qp.gov.bc.ca/statreg/stat/B/96038\\_01.htm#section33](http://www.qp.gov.bc.ca/statreg/stat/B/96038_01.htm#section33)

- allows land use override (eg 8-3)
- allows different tax rates/caps for different regions (18-3-e)

#### **5.2 Recreational Needs Assessment Survey**

<http://www.northvanrec.com/article.asp?a=356&c=15>

- Sample skew -note that majority (60%) did not respond
- Validity of statements like “the vast majority of residents would use one or more of these facilities” is questionable.

<http://www.northvanrec.com/upload/documents/North%20Vancouver%20Recreation%20Facility%20Plan%20Recommendations%20-%20Executive%20Summary.pdf>

### **5.3 South Coast BC Transportation Authority**

**Bill 36:** [http://www.leg.bc.ca/38th3rd/1st\\_read/gov36-1.htm](http://www.leg.bc.ca/38th3rd/1st_read/gov36-1.htm)

- board of professionals appointed by screening committee which itself is selected by 5 bodies
- “token” mayor’s council to consider options by above and burden financial liability.

[http://www2.news.gov.bc.ca/news\\_releases\\_2005-2009/2007TRAN0017-000525-Attachment1.htm](http://www2.news.gov.bc.ca/news_releases_2005-2009/2007TRAN0017-000525-Attachment1.htm)

and <http://forum.skyscraperpage.com/showthread.php?t=130333>

### **5.4 Search for new CAO – CAs Involvement**

#### **5.5 Pedestrian Master Plan survey:**

Canvass FONVCA members re knowledge of / participation in. Survey validity?

## **6. Any Other Business**

### **6.1 Legal Issues**

#### **Executive Members of Community Associations:**

- Conflict of interest
- Standards of conduct:
  - o Fairly represent its members
  - o Avoiding even appearance of conflicts

#### **“Gifts” from developers to members of Council:**

- personal gain vs impartiality
- Mothers vs. Developers in China trip payments
- Difference of contributions before/after elections (campaign contributions after election are illegal)
- <http://www.fonvca.org/agendas/may2007/gift-disclosure.pdf>

#### **“Working Groups” and closed meetings:**

- April 26/2007 NorthShore Outlook article “Secret developments”
- “open meetings” apply to the entire range of local government bodies – page 146 of “Community Charter...” by William A. Buholzer

#### **Trade, Investment and Labour Mobility Agreement (TILMA) – April 16/2007 Agenda Addenda**

<http://ubcm.fileprosite.com/contentengine/launch.asp?ID=3155>

- 2 year transition/negotiation period (section 277 of CC)
- non-discriminatory (BC vs Albertans)
- assistance for recreation, non-profits, taxis, water, sewage, are exempted
- goods/services/construction tenders: \$10k/\$75k/\$100k
- no forced compliance with either AIT or TILMA
- pressure to lower standards to LCD
- Council requested staff for a report on implications

### **6.2 Any Other Issues (2 min each)**

## **7. Chair & Date of next meeting.**

**June 21<sup>st</sup> 2007**

#### **Attachments**

-List of Email to FONVCA - **ONLY NEW ENTRIES**

#### **OUTSTANDING COUNCIL ITEMS**

- Cat Regulation Bylaw –District-wide OCP –Review of Zoning Bylaw
- Securing of vehicle load bylaw –District-wide OCP
- Snow removal for single family homes bylaw

**Correspondence/Subject Ordered by Date**  
**16 April 2007 → 13 May 2007**

| LINK  | SUBJECT    |
|---|------------|
| <a href="http://www.fonvca.org/letters/2007/16apr-to/Elizabeth_James_16apr2007.pdf">http://www.fonvca.org/letters/2007/16apr-to/Elizabeth_James_16apr2007.pdf</a> | COSTCO     |
| <a href="http://www.fonvca.org/letters/2007/16apr-to/Wendy_Qureshi_30apr2007.pdf">http://www.fonvca.org/letters/2007/16apr-to/Wendy_Qureshi_30apr2007.pdf</a>     | Billboards |
| <a href="http://www.fonvca.org/letters/2007/16apr-to/Elizabeth_James_7may2007.pdf">http://www.fonvca.org/letters/2007/16apr-to/Elizabeth_James_7may2007.pdf</a>   | Chima Trip |

For details/history see

<http://www.fonvca.org/letters/index-letters-total-may2007.html>

# FONVCA

## Minutes of April 19<sup>th</sup> 2007

Place: DNV Hall 355 West Queens Road

### Attendees:

|                             |                       |
|-----------------------------|-----------------------|
| John Miller (Chair Pro-Tem) | Lower Capilano C.R.A  |
| Cathy Adams                 | Lions Gate N.A.       |
| Diana Belhouse              | Delbrook C.A.         |
| Brian Platts                | Edgemont C.A.         |
| Lyle Craver                 | Mnt. Fromme R.A.      |
| Corrie Kost                 | Edgemont C.A.         |
| Hugh Murray                 | Lower Capilano C.R.A. |
| Dan Ellis                   | Lynn Valley C.A.      |
| Lisa Thon (notetaker)       | Mount Fromme N.A.     |
| Eric Andersen               | Blueridge C.A.        |
| Fred Gooch                  | Blueridge C.A.        |

Regrets: Val Moller  
Herman Mah

Meeting started: 7:05pm

## 1. ORDER/CONTENTS OF AGENDA

6.2 Council Workshop of next Monday

## 2. ADOPTION of Mar 15<sup>th</sup> MINUTES

Minutes were approved as circulated.

## 3. Old Business

### 3.1 Reply to Mar 15<sup>th</sup> FONVCA letter regarding Public Hearing Process

Only response so far was a call from Councillor Lisa Muri.

### 3.2 Council/FONVCA Shirtsleeve Mtg.

Group felt, in general, that more such opportunities should be provided. Mayor was out of town and thus no formal reply to topics so far. Councillor Mike Little: public input, protocol/performance. Councillor Alan Nixon: protocol for forming/running neighbourhood associations. FONVCA suggested topics for council:

- public involvement process
- planning, budget, quality of community recreation.
- Affordable housing, OCP/Local area plans and housing initiatives.

### 3.3 COSTCO Project Abandoned

Discussed abandonment of this project.

### 3.4 Smart Rail Group & Canexus

Paul Lemay article to be deferred to May 17<sup>th</sup> mtg.

### 3.5 Native Band Billboards

Corrie presented and reviewed correspondence and safety concerns as well as the letter to the editor (NSN) from a native elder.

## 4. Correspondence Issues

### 4.1 Business arising from 8 regular emails.

Letters reviewed. Only comments were related to Cathy Adams' letter related to district hall room usage by public bodies. **Action item:**

- what are criteria for use of these rooms by community groups?
- could bookings of these rooms be posted on the web (and marked "private" where appropriate)?

### 4.2 Non-Posted Letters

The 0 non-posted letters this period.

## Council & Other District Issues

### 5.1 DNV Staff proposed changes to

**Residential Solid Waste Collection:** Timing for garbage collection felt to be too early for restricting overnight placement curbside. Lively discussion took place of many aspects.

### 5.2 Comparing household salt to 2,4-D

Corrie presented a comparison between the dangers of table salt and lawn fertilizer (in particular, the to be restricted 1% component 2,4,D). According to Corrie salt is 25 times more lethal in the hands of children.

**5.3 Province Funds 35Km NS Trail** – Sun article, showing North Shore Spirit Trail, linking Deep Cove to Horseshoe Bay, was shown. Many part in

## 6. Any Other Business

### 6.1 Legal Issues:

**Mayors and the Law** – April 9/2007 SUN article and it's relationship to section 110(b) of Community Charter was discussed.

**Dog Tax Regulation Bylaw** – legality of giving preference to previously licenced (as opposed to local preference) was deemed illegal.

**GVRD Parks Dog Rules** – some parks in DNV are under jurisdiction of GVRD and have dog rules differing from those now imposed by DNV.

### 6.2 Any Other Information?

- lots of discussion took place on the proposed traffic calming issues to be discussed by a Council Workshop on April 23.

[http://www.dnv.org/upload/documents/Council\\_Workshops/cwm070423.htm](http://www.dnv.org/upload/documents/Council_Workshops/cwm070423.htm)  
Traffic calmers were discussed as a means to improve traffic flow in some areas.

**Next meeting** – 7:00pm **May 17<sup>th</sup>, 2007**

**Chair:** Dan Ellis – Lynn Valley C.A.

**Tel:** 604-985-7880

**Email:** ellis7880@shaw.ca

***City (village, town, district, regional district) of Somewhere***

**COUNCIL/BOARD BRIEFING NOTE  
DISCLOSURE OF GIFTS**

**BACKGROUND:**

The *Community Charter* specifies that a council or board member must not, directly or indirectly, accept a fee, gift, or personal benefit that is connected with the member's performance of the duties of office except for a gift or personal benefit that is received as an incident of protocol or social obligations that accompany the responsibilities of office.

**PURPOSE:**

To assist members of Council (the Board) in interpreting and complying with the provisions of the *Community Charter* regarding restrictions on accepting, and the disclosure of gifts.

**DISCUSSION:**

With the adoption of the *Community Charter* legislation, there will be a restriction on council/board members accepting a fee, gift or personal benefit that is connected with the member's performance of the duties of office. This restriction **will not** apply to the following, so long as appropriate disclosure is made:

- a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office or employment;
- compensation authorized by law, or
- a lawful contribution made to a member who is a candidate for election to a local government.

The first challenge for Councillors/Board members will be to determine if an item is a gift or benefit. On first blush, this might appear to be a straightforward question, but as the examples below will illustrate, the answer is not always clear:

- A single free or discounted meal at a local restaurant?
- A weekly free or discounted meal at a restaurant?
- A free cup of coffee?
- A free cup of coffee every working day of the week?
- A free meal at a restaurant while making a speech to the local Rotary Club?

- A free or discounted meal paid for by a person having dealings with the Municipality or Council (Board)?
- A ham or turkey or bottle of wine at Christmas time?
- A one pound box of chocolates valued at \$10?
- A five pound box of chocolate truffles valued at \$60;
- A wedding gift for a Councillor's (board member's) son or daughter?
- Discounts from local merchants that are not otherwise available to all customers?
- Hiring of Councillor's (board member's) family member by an organization having dealings with the municipality?
- The use of a developer/constituent/contractor's condominium at Whistler?
- A free trip to Washington to accompany the BC Forest Industry representatives who are meeting with US trade officials regarding softwood lumber tariffs?
- A ride to the Council (board) meeting provided by a person making an application to Council (the board)?
- Hockey game tickets?
- Gifts from sister city delegations?
- Lapel pins?

In some of the cases above, the answer might be different depending on the circumstances. The task for Councillors/Board members will be to distinguish between items which are a strictly prohibited gift/benefit and those which might be considered as a gift that has been received as an incident of the protocol of office or social obligations that normally accompany the responsibilities of the office.

Council /Board members may wish to ask themselves the following questions when trying to determine if a gift or benefit might be considered as an incident of the protocol of office or a social obligation that normally accompanies the responsibilities of office:

- Is the item a gift or benefit to the Councillor/ Board member personally either directly or indirectly. (e.g., will the Councillor/Board member or a member of his/her family take personal possession of the gift or is it a gift over which the municipality will take control and custody?)
- Is the gift or benefit being given with any expectation whatsoever that the Councillor/Board member will either currently or at some point in the future take some action (e.g., vote on a matter, intervene with municipal officials on the gift giver's behalf, etc) that will benefit the giver of the gift;
- Is the value of the gift or benefit likely to influence any decision or action of the Councillor/ Board member?

If the answer to all three questions is yes, then the member should not accept the gift under any circumstances. If, however, the answer to the first question is yes, but the answer to the others is no, then the gift might be considered to be incidental to the duties of office. If this is the case, any gifts received which exceeds \$250 in value or an accumulation of individual gifts from the same person exceeds \$250 in the course of a year, then members are obligated to file a disclosure statement with the Corporate Officer as soon as reasonably practicable (for example, within one week of the gift being received) indicating the nature of the gift, who it was received from, when it was received and the circumstances under which it was given and accepted. This disclosure statement must be available for public inspection at the municipal hall/ board office.

If the value of the gift is unknown, an attempt should be made to determine the fair market value. The best way to determine the value is to ask the donor, but sometimes that may be awkward. In some situations it might be possible to determine the value by attempting to locate the value of the gift in a store or on-line. If the gift is truly unique, then the donor should be asked for its value, despite the awkwardness.

In an effort to assist Councillors/ Board members with their new responsibilities under the *Community Charter*, staff have prepared disclosure forms (copy attached) which can be used for tracking and reporting gifts as required.

This information is being provided to Councillors/ Board members for information only. A copy of the relevant excerpt from the Community Charter is attached.

Corporate Officer

## Excerpt from Community Charter

### Restrictions on accepting gifts

**105** (1) A council member must not, directly or indirectly, accept a fee, gift or personal benefit that is connected with the member's performance of the duties of office.

(2) Subsection (1) does not apply to

(a) a gift or personal benefit that is received as an incident of the protocol or social obligations that normally accompany the responsibilities of office,

(b) compensation authorized by law, or

(c) a lawful contribution made to a member who is a candidate for election to a local government.

(3) A person who contravenes this section is disqualified from holding local government office for the period established by section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.

### Disclosure of gifts

**106** (1) This section applies if

(a) a member receives a gift or personal benefit referred to in section 105 (2) that exceeds \$250 in value, or

(b) the total value of such gifts and benefits, received directly or indirectly from one source in any 12 month period, exceeds \$250.

(2) In the circumstances described in subsection (1), the council member must file with the corporate officer, as soon as reasonably practicable, a disclosure statement indicating

(a) the nature of the gift or benefit,

(b) its source, including, if it is from a corporation, the full names and addresses of at least 2 individuals who are directors of the corporation,

(c) when it was received, and

(d) the circumstances under which it was given and accepted.

(3) A person who contravenes this section is disqualified from holding local government office for the period established by section 110 (2), unless the contravention was done inadvertently or because of an error in judgment made in good faith.



**Municipality/Regional District of \_\_\_\_\_**  
**Disclosure of gifts or benefits pursuant to Section 106(2) of the *Community Charter***

I, \_\_\_\_\_ (name of elected official) hereby disclose that I have received a gift or benefit that is connected with my position as \_\_\_\_\_ (mayor/Councillor) for the Municipality of \_\_\_\_\_, the details of which are as follows:

| Date Gift Received | Description of Gift or Benefit | The value of the gift or benefit, if known, or a reasonable estimate of that value | The full names and addresses of the person(s) or Corporation (See Note 1) from whom the gift was received. | The circumstances under which the gift was given and accepted |
|--------------------|--------------------------------|--|--|---|
|                    |                                |  |  |   |
|                    |                                |  |  |   |

Note 1: If the gift is from a corporation, the disclosure must indicate the full names and addresses of at least two individuals who are directors of the corporation.

I hereby declare that to the best of my knowledge the information contained herein is correct .

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signature of Councillor \_\_\_\_\_

Received this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 Signature of Corporate Officer for the Municipality of \_\_\_\_\_