



## FONVCA AGENDA THURSDAY May 15<sup>th</sup> 2008

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

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

**Chair:** Herman Mah – Pemberton Heights CA

**Tel:** 604-985-8597 [hermanmah@shaw.ca](mailto:hermanmah@shaw.ca)

**Alternate:** Eric Andersen – Blueridge CA

Regrets:

### 1. Order/content of Agenda

### 2. Adoption of Minutes of Apr 17<sup>th</sup>

<http://www.fonvca.org/agendas/may2008/minutes-apr2008.pdf>

### 3. Old Business

### 4. Correspondence Issues

#### 4.1 Business arising from 6 regular emails:

#### 4.2 Non-Posted letters – 1 this period

<http://www.canada.com/vancouver/news/editorial/story.html?id=76d6ab6e-f8a3-4e65-835e-7d926708bfe6>

### 5. New Business

#### Council and other District issues.

#### 5.1 Bill 7 – Local Elections Amendments

- copies of voters list only available to candidates
- # required nominators may be increased by bylaw
- candidates must solemnly declare intent to take office if elected
- nomination documents and/or campaign expenses MAY be published on local government website.
- Advanced voting allowed for all electors
- More rules apply to all “campaign organizers”

#### 5.2 Living Smoke Free- Canadian Cancer Soc.

- need to adopt a bylaw which restricts smoking on patios, parks, playing fields
- no smoking within 7.5 metres of public entranceways

#### 5.3 The Right to Criticize Local Government

[http://www.fonvca.org/letters/2008/14apr-to/Corrie\\_Kost\\_3may2008.pdf](http://www.fonvca.org/letters/2008/14apr-to/Corrie_Kost_3may2008.pdf)

Powell River case – by Corrie Kost

For an interesting sidebar see

<http://www.empireclubfoundation.com/details.asp?SpeechID=1963&FT=yes>

#### 5.4 Consent Agenda – To be or not to be - that is the question. – Lyle Craver

- not OK if it is a Public Hearing Issue

- OK if just informational item

- In between...mmm..

- See items 5.6, 3.4 and 5.5 respectively of

<http://www.fonvca.org/agendas/apr2005/minutes-mar2005.pdf>

<http://www.fonvca.org/agendas/may2005/minutes-apr2005.pdf>

<http://www.fonvca.org/agendas/apr2007/minutes-mar2007.pdf>

#### 5.5 Popular Reporting – Lessons not learned.

- ALL must be able to participate – not just Webbers
- Pablum is not for everyone.

### 6. Any Other Business

#### 6.1 Legal Issues

##### Freedoms Trumps Safety

<http://scc.lexum.umontreal.ca/en/2008/2008scc19/2008scc19.html>

- Supreme Court rules against random search of student backpacks.
- Breach of section 8 of Charter of Rights - Everyone has the right to be secure against unreasonable search or seizure.

*No doubt ordinary businessmen and businesswomen riding along on public transit or going up and down on elevators in office towers would be outraged at any suggestion that the contents of their briefcases could randomly be inspected by the police without “reasonable suspicion” of illegality.*

*While teenagers may have little expectation of privacy from the searching eyes and fingers of their parents, I think it obvious that they expect the contents of their backpacks not to be open to the random and speculative scrutiny of the police. This expectation is a reasonable one that society should support.*

**“The end does not justify the means.”**

<http://www.canada.com/vancouver/news/editorial/story.html?id=61d31ae5-ccdc-4396-87ac-fc0c540e73c7&p=2>

America’s Benjamin Franklin warned that “they that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.”

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

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

**Thursday June 19<sup>th</sup> 2008**

#### 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;

Snow removal for single family homes bylaw.

**Correspondence/Subject Ordered by Date**  
**14 April 2008 → 11 May 2008**

LINK	SUBJECT
<a href="http://www.fonvca.org/letters/2008/14apr-to/Corrie_Kost_3may2008.pdf">http://www.fonvca.org/letters/2008/14apr-to/Corrie_Kost_3may2008.pdf</a>	The right to criticize government.
<a href="http://www.fonvca.org/letters/2008/14apr-to/John_Fair_5may2008.pdf">http://www.fonvca.org/letters/2008/14apr-to/John_Fair_5may2008.pdf</a>	Biking Skills
<a href="http://www.fonvca.org/letters/2008/14apr-to/Monica_Craver_25apr2008.pdf">http://www.fonvca.org/letters/2008/14apr-to/Monica_Craver_25apr2008.pdf</a>	Mountain Biking at night in parks.
<a href="http://www.fonvca.org/letters/2008/14apr-to/Monica_Craver_26apr2008.pdf">http://www.fonvca.org/letters/2008/14apr-to/Monica_Craver_26apr2008.pdf</a>	Mountain Biking at night in parks
<a href="http://www.fonvca.org/letters/2008/14apr-to/Wendy_Qureshi_27apr2008.pdf">http://www.fonvca.org/letters/2008/14apr-to/Wendy_Qureshi_27apr2008.pdf</a>	Densification and education
<a href="http://www.fonvca.org/letters/2008/14apr-to/Wendy_Qureshi_27apr2008b.pdf">http://www.fonvca.org/letters/2008/14apr-to/Wendy_Qureshi_27apr2008b.pdf</a>	Civic Parties

For details/history see

<http://www.fonvca.org/letters/index-letters-total-may2008.html>

# FONVCA

## Minutes Thursday April 17<sup>th</sup> 2008

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

### Attendees

Del Kristalovich ( <b>Chair/Notes</b> )	Seymour CA
Corrie Kost	Edgemont CA
Cathy Adams	Lions Gate CA
Dan Ellis	Lynn Valley CA
Val Moller	Lions Gate CA
John Miller	Lower Capilano RA
Hugh Murray	Lower Capilano RA
Diana Belhouse	Delbrook CA and NV Save Our Shores Soc
Eric Andersen	Blueridge CA

### Regrets:

Brian Platts	Edgemont CA
Lyle Craver	Mt. Fromme RA

## 1. ORDER / CONTENT OF AGENDA

### Added items:

- 6.2a – Lower Lynn Conceptual Land Use Plan
- 6.2b – Natural Hazards Risk – an assessment
- 6.2c – Save Mountainview Park petition
- 6.2d – BC Provincial Bill 27
- 6.2e – Agenda Items Monday's Council meeting.

## 2. ADOPTION OF MINUTES

March 27<sup>th</sup> minutes were approved with following correction - Eric Andersen requested that the spelling of his surname be corrected.

## 3. OLD BUSINESS

**3.1** Hugh questioned whether there had been any feedback from David Stuart regarding the budget discussed at the previous FONVCA meeting

- rates to be adopted by DNV Council Monday

**3.2** Dan discussed the Capilano/Seymour tunnel situation for the water treatment upgrade and the fact that there has been no further news

- a meeting is set or has been held so news will be forthcoming shortly.

## 4. CORRESPONDENCE ISSUES

### 4.1 Business arising from 1 regular e-mail

The subject of the email by Corrie Kost is more thoroughly discussed in item 5.1 below.

### 4.2 Non-posted letters – 0 this period.

### 4.3 Save Our Shores - Del Kristalovich

See background letter

<http://www.fonvca.org/agendas/apr2008/Save-Our-Shores.pdf>

- District-wide benefit to residents who wish to access beach.
- Society is now getting some feedback and attention from the Port Authority.
- Dan suggested a challenge to all CA's to step for with donations.
- Hugh suggested letters to Mayor and Councils of both CNV and DNV for support.
- Discussion re photographs and advertising in NS News.
- Corrie suggested we table a motion of support and encourage attendance.
- Eric suggested reminder about a month before the walk to all CA's.
- Funding application to Councils discussed.

## 5. NEW BUSINESS

### Council and other District Issues

### 5.1 Post Carbon Cities, Canadian Forest and Global Carbon – Corrie Kost

<http://postcarboncities.net/guidebook> and <http://www.postcarbon.org/>

Shows the need for local (ie. citizens) action.

- A pessimistic warning by Corrie Kost – with discussion. See

<http://www.fonvca.org/agendas/apr2008/warning.pdf>

### 5.2 More on Smart Growth

Corrie suggested members review the latest material found at

<http://www.smartgrowthtoolkit.net/>

### 5.3 Metro Liq/Solid Waste Management MTG

- Meeting to be held 6:30 Tuesday April 22 at Capilano College Sportsplex
- It is an important meeting for CA's to attend.

### 5.4. DNV Waives Public Hearing

Bylaw 7718 – Media Related Uses. Amended to remove this change from C2 and C9. See agenda item 8 of

[http://www.dnv.org/upload/documents/Council\\_Agendas\\_Minutes/ca080407.htm](http://www.dnv.org/upload/documents/Council_Agendas_Minutes/ca080407.htm)

Discussions took place re amendment to Zoning Bylaw re Media Related Uses and concerns about not holding a public hearing when uses are being changed. Need to address this when reviewing the OCP.

### 5.5 DNV Taxes for 2008

- Discussion re reasons for resident tax increases (4.65%) over those of major industries (3%)
- Concern re discounted rate for new investment especially if it includes Canexus' Expansion
- Discussion on fee based taxes (which unlike municipal taxes, whose payment cannot be deferred) and whether seniors would be adversely affected.
- Discussion on industrial consumption assessment/impacts which is forthcoming.

### 5.6 Capilano Suspension Bridge Rezoning

- Discussion regarding the alleged "error" in zoning in 1995
- Discussion re Nancy Stibbart's article in the local newspaper
- Concern expressed re rezoning property without specific purpose/design being applied.

### 5.7 Need for Horizon Scanners?

Corrie tabled a short document from Conference Board of Canada re above.

To quote what is horizon (sometimes coined environmental) scanning – it is *"a process used to search out early signs of new trends, opportunities, and risks that might become important. The resulting information is analyzed and used as an input to the organization's policy development and strategic planning cycles"*

## 6. ANY OTHER BUSINESS

### 6.1 Cancer Risks from Chemicals and Radiation - for summary see

[http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/98ehd-dhm216/exsum-sommaire\\_e.html](http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/98ehd-dhm216/exsum-sommaire_e.html)

For full (pdf) report see [http://www.hc-sc.gc.ca/ewh-semt/alt\\_formats/hecs-sesc/pdf/pubs/radiation/98ehd-dhm216/98ehd-dhm216\\_e.pdf](http://www.hc-sc.gc.ca/ewh-semt/alt_formats/hecs-sesc/pdf/pubs/radiation/98ehd-dhm216/98ehd-dhm216_e.pdf)

Bottom line- these risks appear to be minor compared to other causes of risk to life and particularly as the cause of cancers.

### 6.2a Lower Lynnmour Conceptual Land Use plan

Short discussion re attendance at Tuesday's meeting.

### 6.2b Natural Hazards Risk – an assessment

Why should 1:100,000 be acceptable as risk for certain new properties when vast majority of existing properties in District are 1:1,000,000?

### 6.2c Save Mountainview Park Petition

Petition being circulated by Monica Craver  
Discussion re the use of new petition website  
<http://www.thepetitionsite.com/>

### 6.2d Bill 27 – Local Government Amendments

Discussion paper for green, compact, sustainable communities. See  
<http://www.leg.bc.ca/38th4th/1stread/gov27-1.htm>  
**This is enabling legislation – not dictatorial.**

### 6.2e Agenda Items for next Monday's Council meeting

Discussion re possible impropriety on Monday's Council agenda re appropriateness of CSB rezoning as a consent item when there were two dissenting votes on Council at previous readings of this bylaw. Issue is a matter of proper process.

## 7. CHAIR AND DATE OF NEXT MEETING

(1) Herman Mah – Pemberton Heights CA

[hermanmah@shaw.ca](mailto:hermanmah@shaw.ca) or

(2) Bill Mauer – Seymour Valley CA

[billm@millsoft.ca](mailto:billm@millsoft.ca) or

(3) Eric Andersen – Blueridge Ca

[EricGAndersen@shaw.ca](mailto:EricGAndersen@shaw.ca)

Thursday, May 15, 2008-04-18

Meeting was adjourned at 9:00PM.

**Subject:** Democracy - the right to criticize local government.

**From:** Corrie Kost <kost@triumf.ca>

**Date:** Sat, 03 May 2008 19:51:18 -0700

**To:** "FONVCA" <fonvca@fonvca.org>, Mayor and Council - DNV <Council@dnv.org>, Ron & Jen Johnstone <rjstone@telus.net>, Brian Albinson <brianalbinson@shaw.ca>, Corrie Kost <kost@triumf.ca>, David Culbards <culbards@shaw.ca>, Grig Cameron <grig.cameron@shaw.ca>, James Walsh <jwalsh11@shaw.ca>, Peter J Thompson <peterjthompson@shaw.ca>, Brian Platts <bplatts@shaw.ca>, Alan Magelund <alanmags@telus.net>, Kitty Castle <kcastle@shaw.ca>

To all those who value democracy,

I have followed the Powell River case with great interest as it can have a profound influence on citizen participation in local governance. The issue first surfaced (for me) in the SUN article of April 25th "Civil rights group files lawsuit against city of Powell River" and continued with the SUN article of May 3rd "Lessons in democracy, Powell River Style".

For more details see

[http://www.zwire.com/site/news.cfm?newsid=19449139&BRD=1998&PAG=461&dept\\_id=221589&rfi=6](http://www.zwire.com/site/news.cfm?newsid=19449139&BRD=1998&PAG=461&dept_id=221589&rfi=6)

<http://www.canada.com/vancouvernews/news/editorial/story.html?id=b9d0062d-0e36-4324-b0cb-b90de2477129>

The important quote to remember is

*"Speech About Government Is Absolutely Privileged: The reason for the prohibition of defamation suits by government lies not with the use of taxes, or with some abstruse theory about the indivisibility of the state and the people who make up the state. Rather, it lies in the nature of democracy itself. Governments are accountable to the people through the ballot box, and not to judges or juries in courts of law. When a government is criticized, its recourse is in the public domain, not the courts. The government may not imprison, or fine, or sue, those who criticize it. The government may respond. This is fundamental. Litigation is a form of force, and the government must not silence its critics by force."*

- Justice Corbett, *Halton Hills (Town) v. Kerouac*, Ontario Superior Court 2006

<http://www.canlii.org/en/on/onsc/doc/2006/2006canlii12970/2006canlii12970.html>

The further extract from the above reads

[1] In this case, a local internet-based news purveyor is sued by the Town of Halton Hills in defamation. It is also sued by the Town's Director of Parks and Recreation, Terry Alyman. The plaintiffs allege that the defendant called Mr. Alyman "corrupt" in connection with his work for the Town.

[2] The defendant says that the claim asserted by the Town ought to be dismissed as disclosing no cause of action. The defendant seeks this order on two bases:

- (a) the statements complained of do not refer to the Town, and thus cannot constitute a libel of the Town; and
- (b) in any event, a government may not sue in defamation.

[3] The first argument is correct on a simple reading of the statement of claim. However, this deficiency could be addressed by amendment.

[4] The second argument is also correct, and is a complete answer to the claim made by the Town. No government may bring an action in defamation: authority in support of this conclusion from the United Kingdom, the United States of America, South Africa and Australia, is correct and ought to be followed. Canadian authority to the contrary, which predates the *Charter of Rights and Freedoms*, and relies upon English authority now expressly overruled, is no longer the law of Canada.

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**Keep this in mind when a citizen is critical of a municipal council. The exercise of our freedoms is the only way to retain them.**

Yours truly,

Corrie Kost  
2851 Colwood Dr.  
N. Vancouver, V7R2R3