

Wednesday September 17th 2014

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

Time: 7:00-9:00pm

Chair: John Miller – Lower Cap. Res. CA – email:
jimmam@shaw.ca Tel: 604-985-8594

Regrets:

1. Order/content of Agenda

a. Chair Pro-Tem Suggests:

2. Adoption of Minutes of May 21st

a. <http://www.fonvca.org/agendas/sep2014/minutes-jun2014.pdf>

b. Business arising from Minutes.

3. Roundtable on “Current Affairs”

A period of roughly 30 minutes for association members to exchange information of common concerns.

a. EUCCA

- Tree cutting permitting process flaw
- Impact of CASL (Canada's Anti-Spam Legislation) on Community Associations
- Feedback on FONVCA questions to municipal candidates.
- EUCCA “procedures” and need for common standards

b. Delbrook CA

c. Blueridge CA

4. Old Business

a) Fine tuning FONVCA “Procedures”

<http://www.fonvca.org/agendas/sep2012/Procedures-before-after.pdf>

5. Correspondence Issues

a) Business arising from **0** regular emails:
 Distributed with full package and posted on web-site

b) Non-Posted letters – **12** this period
 Distributed as non-posted addenda to the full package.

6. New Business

a) UBCM/4YR-Term/Democracy etc.

- Closed of nominations: Fri Oct 10/2014 (Oct 17)
- Voting Day Sat Nov 15th

b) Questions for 2014 Municipal Candidates
 - DNV 2011 FONVCA Questions/Replies:
<http://www.fonvca.org/Issues/Election-2011/q-letter.pdf>
<http://www.fonvca.org/Issues/Election-2011/replies>
 Previous Elections: <http://www.fonvca.org/municipal-elections.html>
 Suggested 2014 Questions?

c) Election promises unenforceable
<http://www.vancouver.sun.com/news/Opinion+hold+politicians+accountable/10052466/story.html>

7. Any Other Business

a) Ottawa allows secondary suites in Townhouses

b) DCC's Revised ?

http://www.cscd.gov.bc.ca/lgd/finance/development_cost_charges.htm

c) DWV / CNV/ DNV Coach Houses Update

<http://westvancouver.ca/sites/default/files/dwv/council-agendas/2014/may/05/14may05-5.pdf>

<http://www.cnv.org/Property%20and%20Development/Building%20and%20Development/Development%20Applications/Development%20Permits/Accessory%20Coach%20Houses>

<http://identity.dnv.org/article.asp?c=1152>

d) Too many Closed Council Meetings?

“Municipal law was changed to require that municipal governments hold meetings that are open to the public, in order to imbue municipal governments with a robust democratic legitimacy. The democratic legitimacy of municipal decisions does not spring solely from periodic elections, but also from a decision-making process that is transparent, accessible to the public, and mandated by law.” - The Supreme Court of Canada.

<https://www.ombudsman.bc.ca/how-to-make-a-complaint/online-complaint-form>
http://www.ombudsman.on.ca/Files/sitemedia/Images/Reports/1590-OMLETAR-ENGLISH-WebResolution_1.pdf

<http://www.fonvca.org/agendas/nov2012/walton-26oct2012.pdf>

Extract from Delbrook CA Sep 2014 Newsletter

8. For Your Information Items

a) Non-Legal Issues

i. News-Clips of the months Jul/Aug/Sep 2014

<http://www.fonvca.org/agendas/jul2014/news-clips/>

<http://www.fonvca.org/agendas/aug2014/news-clips/>

<http://www.fonvca.org/agendas/sep2014/news-clips/>

The annotated newspaper clips may be worth a read!

ii) Summary of DNV Rezoning Process

b) Legal Issues

i. Tsilhqot'in Nation v. British Columbia

<http://scc-csc.lexum.com/scc-csc/scc-csc/en/14246/1/document.do>

ii) Property taxes and SF rezoning

Section 19(8) of BC Assessment Act tax relief if lived there >10yrs

http://www.bclaws.ca/civix/document/id/complete/statreg/96020_01#section19

9. Chair & Date of next meeting

Wed. Oct 15th 2014

FONVCA

Draft Minutes of Regular Meeting, Wednesday June 18th , 2014

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

Time: 7:00-9:00pm

Chair: Dianna Belhouse – Delbrook C.A. **Email:** delbrookca@gmail.com

Regrets: Cathy Adams

Attendees:

Eric Andersen (note taker)	Blueridge Comm. Assoc.
Diana Belhouse (Chair Pro-tem)	Delbrook Community Assoc.
Corrie Kost	Edgemont & Upper Capilano Comm. Assoc.
John Miller	Lower Capilano Community Residents Assoc.
Val Moller	Assoc. of Woodcroft Councils

Guest: John Gilmour (left 7:30)

Guest Speaker: Don Evans, North Vancouver Museum & Archives

Video Presentation on North Vancouver Museum & Archives - <http://youtu.be/HIjII2pznfs>

Don Evans' presentation included that:

The opening date for the new museum is scheduled for July 1, 2017 (150th birthday of Canada)

Totally it will cover 17,000 square feet

\$5 million has been received from the North Vancouver City

The museum now has to fundraise for another \$5 million which is not considered impossible

At this point the museum is building awareness

Once in operation the museum will endeavour to remain affordable (admission based)

Various exhibits will move across the North Shore venues

Expect 50,000-60,000 attendees / year.

The name of the museum will be changed, as it also will be including West Vancouver exhibits.

At this point the museum is asking for suggestions for the new name.

For more information see the web site MY-MUSEUM.CA

1. Order/content of Agenda

- a) Call to Order at 7:00 pm
- b) Chair Pro-Tem Suggests: as is

2. Adoption of Minutes of April 9th, 2014

<http://www.fonvca.org/agendas/may2014/minutes-may2014.pdf>

- a. Minutes of May 21st/2014 were adopted as circulated.
- b. Business arising: None.

3. Roundtable on 'Current Affairs'

a) EUCCA – Corrie Kost

- There is now a proposal for the Edgemont Village old Supervalu site which includes 80 residential units and a new supermarket. More: <http://grosvenoredgemont.com/>
- The replacement of the Capilano main water pipes will have a big impact on the community during their construction. The start has now been delayed till mid-September, 2015. Sections of Capilano Rd. will be entirely closed during the day while the water pipes are being replaced, but one lane of traffic **may** be opened at night. The project will go from the Capilano Dam to Edgemont Boulevard. A public meeting was held at the DNV Hall, but most regrettably the doors were locked, so not everyone was eventually able to attend the meeting.

b) Woodcroft – Val Moller

- The Public Hearing on June 17 regarding Grouse Inn had many residents opposed to the project.

c) Delbrook Community Association – Diana Belhouse

- They finished the Speaker Series on May 29 with less attendance than at the first meeting.

d) Save our Shores – Diana Belhouse

- The SOS Walk on June 15 was well attended in spite of not entirely perfect weather conditions.

e) Blueridge Community Association – Eric Andersen

- Another very successful Blueridge Good Neighbour Day was held on June 8 with excellent attendance (nearly 1,000 residents).
- A newsletter was prepared before this event and distributed by volunteers to all residents in Blueridge/Seymour Heights. Copies of the newsletter was handed out to the meeting participants.

4. Old business

a) **Proposed changes to the FONVCA procedures** are to be sent to the community association executives for their input and endorsement over the summer.

As an example of **'What a Community Association should be'** (adapted from material by the Federation of Citizens' Associations of Ottawa-Carleton - <http://www.fca-fac.ca/>) is to be sent out to all Community Associations for perusal/feedback.

5. Correspondence issues

a) Business arising from regular emails:

Since all items were classed as non-posted this item has no comments.

b) Non-Posted letters – Five non-posted emails were distributed at the meeting. It was agreed to post items 4 and 5, whereas items 1, 2 and 3 are not to be posted.

6. New Business

a) Report on Future of Recycling on the North Shore Workshop

- A focus group meeting, sponsored by North Shore Recycling, and moderated by a representative from Reeveconsulting.com was held at DNV Hall on May 28.
- It was felt that somewhat biased questions were asked by the moderator. Only 13 members participated in the focus group.
- The end-result was that the group supported that the DNV should continue the work instead of the group outside of B.C., Multi Material BC (MMBC).
- It is the intention that glass will eventually be excluded from the recycling.

b) Questions for 2014 Municipal Candidates

DNV 2011 FONVCA Questions/Replies:

<http://www.fonvca.org/Issues/Election-2011/q-letter.pdf> (attached to agenda package)

<http://www.fonvca.org/Issues/Election-2011/replies>

Previous Municipal Elections: <http://www.fonvca.org/municipal-elections.html>

Questions to be asked of the municipal candidates are to be revisited at the FONVCA meeting in September.

c) The DNV 2014 Annual Report

Will be presented by staff and discussed by Council on June 23.

<http://dnv.org/annualreport2013>

d) Regarding Privately Owned Public Spaces

<http://www.metafilter.com/119525/Privately-Owned-Public-Spaces> (attached to agenda package)

It was agreed that some of the “public spaces” have no places to sit and others are very well hidden, so these are not spaces that everyone is able to enjoy all the time.

7. Any Other Business

a) Size of Council Membership

As indicated in the correspondence from DNV clerk (attached to agenda package) the size of the DNV Council will remain at 7 (including the Mayor) into the future, because a referendum was held in this respect a few elections ago – and none is required into the future no matter how many voters there are.

b) DCC’s Explained

http://www.cscd.gov.bc.ca/lgd/finance/development_cost_charges.htm

This material was attached to the distributed package for information and was not discussed.

c) DWV / CNV/ DNV Coach Houses

<http://westvancouver.ca/sites/default/files/dwv/council-agendas/2014/may/05/14may05-5.pdf>

<http://www.cnv.org/Property%20and%20Development/Building%20and%20Development/Development%20Applications/Development%20Permits/Accessory%20Coach%20Houses>

<http://identity.dnv.org/article.asp?c=1152>

This item was not discussed – for information only.

d) With growth Traffic Congestion is unavoidable

<http://www.uctc.net/access/25/Access%2025%20-%2004%20-%20Traffic%20Congestion%20is%20Here%20to%20Stay.pdf>

<http://cpi.probeinternational.org/tag/traffic-congestion/>

http://www.vtppi.org/cong_relief.pdf

This item, attached to the full agenda package, illustrates that Traffic Congestion is here to stay. No discussion.

8. For Your Information Items:

The items listed in this section were not discussed – except to point out the utility of having the title of the monthly collection of community related news-clips stored on the web site.

9. Chair and Date of next FONVCA meeting:

Social August 20: Corrie will send out a Doodle about a FONVCA social evening that night. Reservation for 6pm at Northlands Golf Club will be made if sufficient numbers can attend.

Next Regular Meeting: 7pm Wed. Sep 17th 2014 – Chair Pro-tem – John Miller



New Anti-Spam Legislation in Force July 1, 2014

Key provisions of the government of Canada's new legislation: *An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act*, otherwise known as "Canada's Anti-Spam Legislation", or "CASL", will come into force on July 1, 2014. While CASL will have a much larger impact on the private business sector, it will impact local governments who send electronic messages that contain any form of commercial content.

Among its key provisions, CASL governs the sending of "commercial electronic messages" ("CEM's"). A CEM is defined under CASL as:

"an electronic message that, having regard to the content of the message, the hyperlinks in the message to content on a website or other database, or the contact information contained in the message, it would be reasonable to conclude has as its purpose, or one of its purposes, to encourage participation in a commercial activity, including an electronic message that

(a) offers to purchase, sell, barter or lease a product, goods, a service, land or an interest or right in land;

(b) offers to provide a business, investment or gaming opportunity;

(c) *advertises or promotes anything referred to in paragraph (a) or (b); or*

(d) *promotes a person, including the public image of a person, as being a person who does anything referred to in any of paragraphs (a) to (c), or who intends to do so."*

A "commercial activity" is defined as:

"any particular transaction, act or conduct or any regular course of conduct that is of a commercial character, whether or not the person who carries it out does so in the expectation of profit, other than any transaction, act or conduct that is carried out for the purposes of law enforcement, public safety, the protection of Canada, the conduct of international affairs or the defence of Canada."

Under CASL, the sending of CEM's to an electronic address (which includes email, instant messaging, telephone and similar accounts) is prohibited unless the following requirements are met:

1. The receiver must have consented to receipt of the CEM. Consent can be either express, or can be implied if the limited circumstances described in CASL apply. As a matter of prudence, express consent should be obtained. CASL and its Regulations set out specific requirements for obtaining express consent. The CRTC has also released *Compliance and Enforcement Information Bulletin CRTC 2010-548* which offers some additional guidance about the requirements for obtaining consent.

CASL also includes transitional provisions under which consent may be implied for a period of up to three years beginning July 1, 2014, where there is an existing business or non-business relationship that includes the sending and receiving of CEMs.

The onus is on the sender of a CEM to prove that they have obtained consent. Once consent has been given, the sender of the CEM should obviously keep a record of the consent.

2. The CEM must identify the person who is sending the message and, if applicable, the person on whose behalf it is being sent. The message must also include the contact information for those persons. This contact information must be valid for a minimum of 60 days after the message is sent.
3. When a CEM is sent, it must include an unsubscribe mechanism. This provision is very important, as are

the following prescribed elements:

- (a) The recipient of the message must be able to unsubscribe at no cost using the same method as the message, or an alternate electronic method;
- (b) There must be a web or electronic address to which cancellation requests can be sent. These addresses must be valid for a minimum of 60 days after any CEM is sent; and
- (c) Once the unsubscribe request is received, the party who sent the CEM has no more than ten business days to complete the request.

Not all commercial electronic messages are affected by CASL. The following are examples of messages that are excepted from the application of CASL: responses to a request for a quote; ongoing commercial transactions; warranty information; factual information about a subscription, membership or account; messages sent to a person with whom the sender has a personal or family relationship; and interactive two-way messages between individuals.

The penalties for violating CASL can be significant, and after three years there will be a private right of action for individuals who receive CEM's without consent.

Local governments will need to carefully consider the content of electronic messages that are sent on their behalf as of July 1, 2014. Electronic messages that encourage participation in a "commercial activity", whether or not that is the primary purpose of the message, will need to comply with CASL, and the recipient's consent will be required. For example, emails and other electronic messages that advertise recreational, cultural and similar programs and events, especially where admission fees are to be charged, may well be caught by CASL.

New Anti-Spam Legislation in Force July 1, 2014

2nd Floor, 837 Burdett
Ave.
Victoria, British Columbia
Canada V8W 1B3

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SOURCE: <http://www.crtc.gc.ca/eng/com500/faq500.htm>

Q: Does section 6 of CASL apply to messages sent to my membership?

Yes, section 6 of CASL applies, but consent may be implied where CEMs [commercial electronic messages] are sent to members of an association, club or voluntary organization. When sending CEMs to your membership based on implied consent, you should ensure that you are only sending to members.

"Membership" means the status of having been accepted as a member of a club, association or voluntary organization in accordance with its membership requirements. You should also ensure that your organization is a club, association, or voluntary organization that is:

- a non-profit organization,
- organized and operated exclusively for social welfare, civic improvement, pleasure or recreation or for any purpose other than personal profit, and
- no part of its income is payable for the personal benefit of any member, proprietor or shareholder unless that entity is an organization whose primary purpose is the promotion of amateur athletics in Canada.

The CEM must still respect the other two requirements – it must contain the identification information and unsubscribe mechanism.

Q: Does section 6 of CASL apply to messages sent by political parties and candidates?

No. Pursuant to the Governor-in-Council Regulations, commercial electronic messages (CEMs) sent by or on behalf of a political party or a person who is a candidate for publicly elected office, are excluded from section 6 of CASL, if the primary purpose of the CEM is to solicit a contribution.

"Contribution" is defined in subsection 2(1) of the *Canada Elections Act*, and means a monetary contribution or a non-monetary contribution. Certain other terms are also defined in the *Canada Elections Act*, such as "political party" and "candidate."

Edgemont & Upper Capilano Community Association (EUCCA)

Organization and Procedural Rules

Boundaries

The area served by EUCCA is bounded on the west by the Capilano River, on the east by Mosquito Creek, on the north by Grouse Mountain, and on the south by the Trans-Canada Highway (plus the few residences in the DNV south of the highway near Fell Ave.).

Organization

The EUCCA is a non-profit community group formed in 1992 by residents of Upper Capilano who consider Edgemont Village to be their “Town Centre” and want to play a pro-active role in issues which affect the livability of the commercial area and residential neighbourhoods.

Objectives

- To direct activities towards the welfare of the community at large
- To be a credible and representative voice for the community
- To encourage public participation in civic affairs, particularly knowledge and awareness of municipal issues and voting by citizens in elections for all levels of government

Membership

Membership is open to all persons over the age of 18 whose primary residence is within the Association’s boundaries. Depending on the activity program agreed to at the Executive and/or General Meetings and the state of the budget, Registered Members may be invited at the Annual General Meeting to make a recommended voluntary donation to the EUCCA to cover operating expenses.

Meetings

The EUCCA will hold an Annual General Meeting (AGM) generally in the first Quarter and circulate the minutes to Registered Members with a copy to Council. 2 or 3 other General Meetings (GM) will be scheduled throughout the year to feature and discuss items of interest to the community. All general meetings, including the AGM, are open to the public.

The affairs of the Association will be managed by an Executive Committee formed from the membership. The Executive will be elected by public nomination at each AGM. The maximum number of Executives is 12. If more than 12 are nominated, the selection will be by vote at the AGM. Voting is open to all members who were on the registry of the previous General, Special, or AGM meeting. Proxy voting is not permitted.

The EUCCA will register with Council the names and phone numbers of the Secretary and all members of the Executive and will update this information when changes occur.

Conduct of Executive Committee Meetings

Committee meetings will generally be held monthly with breaks for the holiday seasons.

Meetings will be chaired by a member, generally taking turns on a rotational basis. The Chair will encourage efficiency and productivity by limiting or avoiding sidebar or off-topic discussions.

For a formal meeting to take place, a quorum must be present which is defined as **50% plus one** of the elected committee members.

The primary goal of the committee is to conduct business through frank and amiable discussion to arrive at consensus with most decisions ratified by a simple “show of hands”.

In the occasional situation where this is not feasible due to the complexity of an issue, the matter will be the subject of formal debate using the following procedure condensed from Robert’s Rules:

- (a) Members speak only after being recognized by the Chair. Recognition will be on a “first-come-first served” basis, except:
 - The maker of a motion has the right to speak first in preference to others.
 - To speak a second time on a motion, a member must wait for those who wish to speak on it for the first time.
 - If possible, the Chair alternates between proponents and opponents of the motion.
- b) Rules of decorum:
 - Remarks must be confined to the pending motion.
 - Members must remain courteous and avoid personal attacks.
- (c) Limitations:
 - Speeches should be limited to 2 minutes in duration.
 - No member may speak more than twice on a motion.
- (d) Handling of Motions:
 - A member makes a motion.
 - Another member seconds the motion.
 - The Chair states the motion (if it is clear and in order)
 - Debate and amendment take place
 - The Chair puts the motion to a vote. Proxy voting is not permitted on any motion.
 - The Chair announces the result.

Conduct of General Meetings

All General Meetings (including the AGM) will be advertised not less than 14 days prior to the meeting by email or phone to all registered members and by flyers throughout the Edgemont Village (except in an emergency – agreed to by a 2/3 majority of the Executive - with a minimum of 5 days).

All General Meetings will be chaired by a member nominated by the Executive.

Records of GM and AGM meetings will be readily made available to the membership, including posting them on a community website.

If (say 10%) of the eligible voting members petition the Executive to address an item of business, the Executive, at its next meeting, shall place the item on the next GM or AGM agenda. For a lower % the Executive may use its discretion, although the item can still be brought up at the meeting by a member under AOB.

The conduct of all General Meetings will be based on the concept of the “New England Town Hall Rules”, condensed as follows:

- (a) All residents of the EUCCA in attendance will have an opportunity to speak, but may vote only if a Registered Member and have attended at least one prior GM or AGM. Proxy voting is not permitted on any issue.
- (b) The audience should listen respectfully.
- (c) Those wishing to speak should draw the Chair’s attention by a raised hand.
- (d) Comments should be brief and avoid repetition of previous comments or points made by others.
- (e) Courtesy is required for all statements with no personal criticism of previous speakers permitted – however all prior arguments are open to rebuttal.
- (f) The protocol, where not described herein, will in general conform to Robert’s Rules of Order
- (g) Reminder - cell phones should be turned off!

Amendments

This document is intended to structure and guide the affairs of the Association and may be amended by resolution of the Executive Committee.

Procedures for FONVCA , the Federation of North Vancouver Community Associations

Note: "The Federation" refers to the organization named in this document. "Council" refers to the Corporation of the District of North Vancouver. "Members" are North Vancouver Community Associations meeting the Membership Criteria described below. "Representatives" are those individuals sent to a Federations meeting by a Member Association.

Boundaries: The Federation considers its boundaries to be those of the District of North Vancouver. Any Association partly or fully inside these boundaries is eligible for membership. Those fully inside the City of North Vancouver are welcome to join as non-voting participants.

Mandate: The mandate of the Federation is to improve the quality of life in our neighbourhoods. Furthermore, the Federation is a forum for the common concerns of member associations and its purpose is to strengthen these organizations through the sharing of information and experience. Full autonomy of each Community Association is to be maintained.

Attendees: Each Community Association may send up to two duly authorized representatives to each meeting. One vote per Association.

Officers: The Federation will register with Council the names, addresses, and phone numbers of the members and will update this information when changes occur. The **Chair** rotates among member organizations at each meeting. The Chair of the next meeting is chosen at each meeting and this person arranges the agenda with other representatives and provides for minutes, agendas, and copies of necessary materials. The Chair will provide a general mailing address for the Federation, although representatives with specific tasks assigned by the Federation may use their own mailing addresses. The Chair arranges meeting times and places (normally District Hall on the third Wed. of each month September-June, at 7:00PM). Council will inform the Federation Chair of any other group in the described geographic area which is making representation.

Communications: There will be regular communications of the activities of the Federation with the member Associations through reports to these associations by their representatives. All communications between the Federation and Council will be open. The September meeting will be considered the Annual General Meeting. The Federation will provide Council with the necessary information regarding the time and place where the AGM will be held. This would be an open meeting.

Procedures for FONVCA , the Federation of North Vancouver Community Associations

Note: "The Federation" refers to the **Federation of North Vancouver Community Association.**

"Council" refers to the Corporation of the District of North Vancouver. "Members" are **District of** North Vancouver Community Associations meeting the Membership Criteria described below. "Representatives" are those individuals sent to a Federation's meeting by a **Member.**

Boundaries: The Federation considers its boundaries to be those of the District of North Vancouver. Any association partly or fully inside these boundaries is eligible for membership. Those fully inside the City of North Vancouver are welcome to join as non-voting participants.

Mandate: The mandate of the Federation is to improve the quality of life in our neighbourhoods. Furthermore, the Federation is a forum for the common concerns of **Members** associations and its purpose is to strengthen these organizations through the sharing of information and experience. Full autonomy of each Community Association is to be maintained; that is, FONVCA does not, and has no authority to "police" or interfere in the internal affairs of its Members.

Attendees: Each Community Association may send **1 or more** duly authorized representatives to each meeting. One vote per Association.

Officers: The Federation will register with Council the names, addresses, and phone numbers of the **M**embers and will update this information when changes occur. The **Chair** rotates among member organizations at each meeting. The Chair of the next meeting is chosen at each meeting and this person arranges the agenda with other representatives and provides for minutes, agendas, and copies of necessary materials. The Chair will provide a general mailing address for the Federation, although representatives with specific tasks assigned by the Federation may use their own mailing addresses. The Chair arranges meeting times and places (normally District Hall on the third **Wed.** of each month September-June, at 7:00PM). **~~Council will inform the Federation Chair of any other group in the described geographic area which is making representation.~~**

Communications: There **should** be regular communications of the activities of the Federation with the member associations through reports to these associations by their representatives. All communications between the Federation and Council will be open. The September meeting will be considered the Annual General Meeting. The Federation will provide Council with the necessary information regarding the time and place where the AGM will be held. This would be an open meeting.

Records: Records of the Federation will be kept.

Members Concerns: The process by which member Associations may bring concerns to the Federation is to ask a Representative to move that the concern be an agenda item of a Federation meeting. The Federation is not bound to discuss any issue - whether arising out of the concerns of an individual, Association, municipal staff, or Council, unless a majority of Representatives wish it. Guests may be invited to make representations to a Federation meeting if that is approved by a majority of the Representatives attending a previous meeting, or if, subsequently, two-thirds of those attending the previous meeting agree.

Membership Criteria: Membership is based on meeting the criteria, as outlined below, according to majority assent by the Representatives

Records: Federation records will be kept and be public.

Members Concerns: The process by which Members may bring concerns to the Federation is to ask a Representative to move that the concern be an agenda item of a Federation meeting. The Federation is not bound to discuss any issue - whether arising out of the concerns of an individual, association, municipal staff, or Council, unless a majority of Representatives wish it. Guests may be invited to make representations to a Federation meeting if that is approved by a majority of the voting Representatives attending a previous meeting, or if, subsequently by email, two-thirds of those voting Representatives attending the previous meeting agree.

Membership Criteria: Membership is based on meeting the criteria, as outlined below, according to majority assent by the Representatives

FONVCA Criteria for Official Recognition of a Community Association

- A mandate which included improving the quality of life in the neighbourhood.
- Membership is open to all persons residing in a general geographic area described as follows...
- The Association* will register with Council** the names and phone numbers of all officers and directors and will update this information when changes occur. The Council will inform the Association of any other group in the described geographical area which is making representations.
- There will be a regular communication of the activities of the Community Association with the members.
- There must be a duly advertised and open AGM.
- Records of the Association are kept as follows...
- The process by which residents may bring concerns to the Association is as follows:...

* Association refers to the community Association named in the Procedures for FONVCA, the Federation of North Vancouver Community Associations

** Council refers to District of North Vancouver and/or City of North Vancouver Council as applicable.

Previous Criteria for Official Recognition of a Community Association

- A mandate which included improving the quality of life in the neighbourhood.
- Membership is open to all persons residing in a general geographic area described as follows...
- The Association* will register with Council** the names and phone numbers of all officers and directors and will update this information when changes occur. The Council will inform the Association of any other group in the described geographical area which is making representations.
- There will be a regular communication of the activities of the Community Association with the members.
- There must be a duly advertised and open AGM.
- Records of the Association are kept as follows...
- The process by which residents may bring concerns to the Association is as follows:...

* Association refers to the community Association named in the Procedures for FONVCA, the Federation of North Vancouver Community Associations

** Council refers to District of North Vancouver and/or City of North Vancouver Council as applicable.

AGENDA ITEM 6(b)

Oct 14/2011

To: All Candidates running for Mayor/Council
in the District of North Vancouver

From: FONVCA (Federation of North
Vancouver Community Associations)

Dear Candidate,

As you may be aware, a number of community associations in the District of North Vancouver regularly meet to discuss common concerns and communicate information with each other. At our FONVCA meeting of September 15/2011 a list of 10 questions was drafted by members of community associations for prospective members of Council, including the Mayor, to which we kindly request a written reply. We ask that these replies be **emailed to fonvca@fonvca.org**

All replies will be collated and subsequently:

- redistributed to FONVCA members
- displayed at subsequent all-candidates meetings
- placed on our web site www.fonvca.org

Knowing your position on these important **ISSUES & PRINCIPLES** will enable our communities to make more informed decisions at the polls on November 19th.

We ask that you return your answers as soon as possible but **no later than Friday Oct 28/2011.** When appropriate, please feel free to keep your responses brief!

Yours truly,

John Hunter (FONVCA Chair pro-tem)

The 10 questions...

1. What practical experience and accomplishments qualify you for local governance?
2. What three major issues are you most concerned about in the DNV, and how can they be addressed?
3. How would you encourage greater civic involvement by the public?
4. What role should community associations play?
5. What can be done to reduce the three largest municipal costs: policing, the fire department and NS Recreation Commission?
6. Will you commit to the removal, during the next term of Council, of all encroachments which block access to widely-used public lands such as the waterfront?
7. Aside from mandatory legislated requirements, do you believe DNV should undertake "green" initiatives which are uneconomic in a commercial sense? Why?
8. Under what circumstances do you believe ratepayers should subsidize those who realistically cannot afford to live in the DNV?
9. Will you push for and support doing a published review of DNV salaries, wages and especially benefits as compared to the private sector?
10. Which of the complex DNV by-laws and regulations governing our lives do you commit to simplifying or eliminating within the next term of Council?

<http://www.vancouversun.com/news/Opinion+hold+politicians+accountable/10052466/story.html>

Opinion: Can we hold politicians accountable?

We vote for promises but are stymied when they're broken

BY BRIAN FIXTER, SPECIAL TO THE VANCOUVER SUN JULY 22, 2014



NPA mayoralty candidate Kirk LaPointe said he'd sign a written code of conduct promising to resign if the his party's campaign goes negative, and challenged Mayor Gregor Robertson to do the same. While it demonstrates conviction to a promise, it would not be enforceable as a contractual guarantee, Brian Fixter writes.

Photograph by: Wayne Leidenfrost, PNG

"Can we ever successfully sue a politician for a broken promise?" That was a very simple question posed by one of my students during a recent contract law lecture.

The question drives to the heart of a critical democratic issue: do we have enough measures in place to hold politicians accountable for election promises? Arguably, there is no grander or more important stage for a promise than coming from someone seeking public office, but when there's little accountability for that promise, what's a voter to do?

Heading into the Vancouver municipal elections this fall, there have already been the rumblings of electoral platforms from the major parties. Both the NPA and Vision Vancouver are developing policy planks and trying to convince voters of how they would run the city. However, what happens if they're elected and fail to follow through. What can those who voted in reliance of all those campaign promises do to demand accountability? Here's the unhappy answer: we can't do that much.

The idea of holding politicians' feet to the fire begins and ends with voting. Our vote is considered our true leverage. So if politicians break their promise, our power is to vote them out in the next election. Unfortunately, that does little for the intervening years, and we are left with someone who, at best, has failed to live to their stated promises and, at worst, negligently or fraudulently deceived voters during their campaign. Also, there's no guarantee that highlighting broken promises will result in an opposition victory in the next election, just look at the recent provincial Liberal party victories in

B.C. and Ontario.

Other than just our votes, provincial politicians are accountable to the B.C. Elections Act, which prohibits someone from engaging in fraud. The language of the act (which is also in some other jurisdictions) makes it an offence to compel or persuade a vote using “fraudulent means.”

This prohibition was the linchpin of a lawsuit during the 1990s, when a group of voters sued the NDP and individual NDP MLAs over the “fudge-it budget.” Ultimately, acquittals were issued, but it remains a live option to sue politicians if their promises rise to the level of fraud.

While in practice this seems like a great safety net, the Elections Act is more of a blunt hammer and appears intended to address more severe forms of fraud rather than a mere unkept promise or general dishonesty.

What about my student’s idea of considering an election promise to be a contract? That idea has some definite appeal, but **courts have routinely stated that campaign promises do not rise to the level of a contractual promise.** The same argument was raised in 2004 when Dalton McGuinty, the former premier of Ontario, was sued by the Canadian Taxpayers Federation for breach of contract.

At issue was McGuinty’s signing of the CTF taxpayer protection promise, for which he agreed to not raise taxes in Ontario. That promise burst when the McGuinty government announced the imposition of a health tax. The case went to the **Ontario Superior Court, which ultimately held that election promises do not equate to binding contracts.** So for better or worse, there is no valid breach of contract claim when a politician promises a course of action and fails to deliver.

Recently, NPA mayoral candidate Kirk LaPointe issued a challenge to Vancouver Mayor Gregor Robertson to run a clean campaign.

LaPointe proposed to sign a written code of conduct promising he will resign if the NPA campaign goes negative. That’s a nice way to demonstrate your conviction to a promise, but it likely would not be enforceable as a contractual guarantee. Even more damning, at the federal level such written pledges to resign if the politician acts or fails to act after elected are prohibited.

Assessing the angles, the short answer is there’s not much voters can do outside of not re-electing the politician in the next election or attempting to gathering support for a recall or referendum; we can look to the repeal of the harmonized sales tax for an example of where that resulted in accountability. But such examples are extraordinarily rare and are tough to repeat.

The sad reality of all this is that the issue of broken election promises is one that has real democratic consequences. **Elections Canada has been adamant that broken promises by politicians are a key driver of voter apathy and the stunningly bad voter turnout rates seen at the municipal, provincial, and federal levels.** If we don’t expect politicians to live by their word, why bother voting in the first place. **That is not only a rational conclusion, but a horrifying one for our democracy.**

Until more institutional checks are developed, we are left with our vote and the hope that our politicians will remain honest. Let’s hope as the parties gear for the fall municipal elections, we see some of that honesty and that their political rhetoric matches reality.

Brian Fixter is an instructor in the faculty of commerce and business administration at Douglas College.

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[Previous](#)

[Next](#)

From page 38 of issuu.com/emcorleans/docs/orleans_0724



NOTICE OF PASSING OF A ZONING BY-LAW BY THE CITY OF OTTAWA

ottawa.ca
3-1-1    
TTY 613-580-2401

TAKE NOTICE that the Council of the City of Ottawa passed By-law Number 2014-298 on **July 9, 2014** under Section 34 of *The PLANNING ACT*.

AND TAKE NOTE THAT Sections 17(24.1) and 34(19.1) of the Planning Act, R.S.O. 1990, c. P. 13 stipulate that there is no appeal with respect to a by-law that gives effect to the **policies for second residential dwelling units** as described in Section 16(3) of the Act including, for greater clarity, no appeal in respect of any requirement or standard in such a by-law.

An explanation of the purpose and effect of the By-law is attached.

Dated at the City of Ottawa on July 24, 2014.

Clerk of the City of Ottawa
City Hall
110 Laurier Avenue West
Ottawa, ON K1P 1J1

EXPLANATORY NOTE TO BY-LAW No. 2014-298

By-law No. 2014-298 amends the City of Ottawa Zoning By-law 2008-250. The amendment affects properties city-wide.

The **proposed amendment will add Townhouse Dwelling to the list of residential uses that may have a secondary dwelling unit.** This amendment is in accordance with Section 3.1.1 of the Official Plan, as amended by Official Plan Amendment 150, and the requirements of the Planning Act as amended by Bill 140.

For further information, please contact:

Carol Ruddy, Planner
Tel: 613-580-2424, ext. 28457
E-mail: carol.ruddy@ottawa.ca.

Community Charter

Meetings that may or must be closed to the public

90 (1) A part of a council meeting **may** be closed to the public if the subject matter being considered relates to or is one or more of the following:

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

(b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;

(c) **labour relations or other employee relations;**

(d) the security of the property of the municipality;

(e) the acquisition, disposition or expropriation of land or improvements, **if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;**

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

(g) **litigation or potential litigation affecting the municipality;**

(h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;

(i) **the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;**

(j) information that is prohibited, or information that if it were presented in a document would be prohibited, from

disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;

(k) **negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;**

(l) **discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [annual municipal report];**

(m) a matter that, under another enactment, is such that the public may be excluded from the meeting;

(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

(o) the consideration of whether the authority under section 91 [*other persons attending closed meetings*] should be exercised in relation to a council meeting.

(2) A part of a council meeting **must** be closed to the public if the subject matter being considered relates to one or more of the following:

(a) a request under the *Freedom of Information and Protection of Privacy Act*, if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;

(c) a matter that is being investigated under the *Ombudsperson Act* of which the municipality has been notified under section 14 [*ombudsperson to notify authority*] of that Act;

(d) a matter that, under another enactment, is such that the public must be excluded from the meeting.

(e) a review of a proposed final performance audit report for the purpose of providing comments to the auditor general on the proposed report under section 23 (2) of the *Auditor General for Local Government Act*.

(3) If the only subject matter being considered at a council meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.

355 West Queens Road
North Vancouver BC
V7N 4N5

www.dnv.org



Mayor Richard Walton
Phone: 604 990 2208
Fax: 604 990 2403
rwalton@dnv.org

October 16, 2012

Ms. Diana Belhouse, Chair
Delbrook Community Association
580 Granada Crescent
North Vancouver, BC V7N 3A8

Dear Ms. Belhouse:

Re: Special Closed Meetings - District of North Vancouver

Thank you for your letter wherein you express concerns about closed meetings of Council.

In response, the District of North Vancouver does make every effort to be transparent and accountable, which is why the majority of Council business and discussion takes place in the open forum of Regular Council Meetings, Public Council Workshops, and Public Hearings. In 2011 there were 52 public meetings and 39 closed meetings. To date in 2012 there have been 35 public meetings and 30 closed meetings. Every one of these meetings' agenda was reviewed under the terms of the Community Charter and held publicly if possible. Mayor and Council are encouraged as individuals to question the closed status of meetings and advocate public discussion wherever possible.

The purpose of closed meetings is to enable Council to discuss topics covered under the Charter for which the public may be excluded including protection of privacy, personnel matters, land matters where disclosure could harm municipal interests, law enforcement, legal matters, preliminary discussions regarding delivery of municipal services, discussions regarding preparation of the annual report, negotiations with other levels of government, investigations by the Ombudsman and review of the final audit report. In many cases the topics under discussion are at a preliminary stage and ultimately find their way into a report which is then dealt with by Council in an open meeting.

In those instances where action will be taken prior to the matter being discussed in a public meeting and Council feels that some portion of the report or decision should be released to the public for reasons of timeliness or transparency, Council by resolution authorizes the release in a specific public Council meeting. There are no set policy guidelines with respect to release of closed meetings as each circumstance is unique and as indicated above the topics which may be referred to a closed meeting are quite varied.

Yours very truly,

Richard Walton, FCA

cc: Council

4 October 2012

Mayor and Council
District of North Vancouver

Re: Special Closed Meetings, 2011, 2012 [January to August inclusive]

It has been brought to my attention that the DNV Council held the following:

- In 2011: 14 Special Closed Meetings
- In 2012 [January to August inclusive] 31 Special Closed Meetings

The DNV Council does release Closed Meeting Decisions.

Could you kindly respond to the following:

1. Does DNV Council record minutes of Special Closed Meetings?
2. Does DNV Council have a policy for the release to the public of the minutes of Special Closed Meetings?
3. If so, what is that policy? What is the criterion that must be met in order for minutes of Special Closed Meetings to be released to the public?
4. For Special Closed Meetings, which Special Closed Meeting Minutes from January 1st, 2011 to August 30th, 2012, meet the criteria and can be released to the public?

Thank you for your attention to this matter and I look forward to your early response.

Diana Belhouse, Chair
Delbrook Community Association
580 Granada Crescent
North Vancouver, BC
V7N 3A8

DELBROOK DIGEST

ISSUE #5 September 2014



Local Government Transparency

Sharlene Hertz

In September 2012, BC Ombudsperson Kim Carter, submitted to the BC Legislature her report entitled ‘Open Meetings: Best Practices Guide for Local Governments’.

The Ombudsperson investigated and evaluated complaints concerning the implementation of open meeting provisions in the BC’s *Community Charter* and in receiving information from local governments, some common challenges emerged and effective ways of addressing them.

‘One of the cornerstones of open and transparent government in British Columbia is the requirement for local governments to conduct meetings that are open and accessible to the public’. [source: Ombudsperson report]

Councils throughout BC, including our DNV, work very hard on behalf of constituents attending many meetings and countless hours in discussions. They have all sorts of meetings: open, closed, finance, special, committee of the whole, public hearings, etc. We applaud them for their work on our behalf. And we further encourage the continuance of the ‘cornerstone of open and transparent government’.

There are circumstances under which local councils must or may hold closed [in-camera] meetings under the *Community Charter*. It is to be

expected that councils are required to discuss issues of a very sensitive nature and there is information that cannot and should not be released to the public [see *Community Charter* particularly Section 90]. Often these discussions revolve around legal or personnel matters, and land issues, among others. One can anticipate that some of these discussions will be very

challenging as councils undertake due diligence in assessing information and ultimately making decisions.

However, closed meetings must adhere to very strict standards. ‘During a closed meeting local governments should be careful to discuss only subjects authorized by the resolution to close the meeting, the prohibition against voting on the reading or adoption of bylaws and the importance of keeping detailed minutes. If the conversation strays from the topic covered by the paragraph referenced in the resolution, the closed meeting may no longer be authorized’.

[source Ombudsperson’s report, p. 18].

To determine the extent to which local councils engage in ‘closed meetings’ I filed a Freedom of Information request with metro councils. The chart lists my findings.

The Ombudsperson’s report states ‘In general the spirit of the open meetings provision will be satisfied most effectively if local governments avoid regularly scheduled closed meetings.’

See <http://www.dnv.org/article.asp?a=5252&c=83> for a list of DNV ‘Closed Special Meetings’ and how these are scheduled. I calculated 23 closed council meetings at DNV to date in 2014. It is an interesting question: Why DNV requires almost twice as many ‘closed’ meetings as other municipalities?

The Ombudsperson has recommended a series of best practices. We encourage all elected representatives of BC councils to follow best practices. ♻️

Municipality	2012 Closed Meetings	2013 Closed Meetings
Village of Anmore	26	26
Village of Belcarra	13	8
Bowen Island Municipality	17	23
*City of Burnaby	30	24
City of Coquitlam	18	15
Corporation of Delta	31	29
City of Langley	18	21
Township of Langley	29	28
District of Maple Ridge	20	23
City of New Westminster	26	29
*City of North Vancouver	27	27
District of North Vancouver	57	47
City of Pitt Meadows	25	23
City of Port Moody	37	29
City of Richmond	27	24
City of Surrey	18	19
*City of Vancouver	20	15
*District of West Vancouver	No search	27
City of White Rock	15	16

(*) indicates information obtained via municipality’s website

Meeting Times			
Regular Council			
	Number	Total	Average
<u>Year</u>	<u>Of Meetings</u>	<u>Hours</u>	<u>Meeting Time</u>
2012	19	47:04:00	2:28
2013	22	49:12:00	2:14
Special Council (In-Camera)			
	Number	Total	Average
<u>Year</u>	<u>of Meetings</u>	<u>Hours</u>	<u>Meeting Time</u>
2012	57	90:58:00	1:35
2013	47	81:46:00	1:44
CoW/Workshops/Public Meetings			
	Number	Total	Average
<u>Year</u>	<u>of Meetings</u>	<u>Hours</u>	<u>Meeting Time</u>
2012	21	33:47:00	1:36
2013	18	28:51:00	1:36
Public Hearings			
	Number	Total	Average
<u>Year</u>	<u>Of Meetings</u>	<u>Hours</u>	<u>Meeting Time</u>
2012	11	9:45:00	0:53
2013	13	13:24:00	1:01

Time to break addiction to secret meetings

(Victoria, 19 December 2012) – Secret or in camera meetings are becoming too routine at city halls, school boards and police boards across the province with little if any oversight regarding the justifications for such meetings and no penalties for violating the statutes that permit them, according to IntegrityBC.

The organization is calling on local B.C. councils and boards to take Toronto's lead and institute an [Open Data Policy as one check on the practice](#).

Toronto's data policy allows citizens to verify meeting attendance, the total time councils meet in closed session, the number of items considered, and the number of closed sessions themselves.

The organization is also calling on the B.C. government to amend the [Community Charter](#) to set penalties if the privilege of holding in camera meetings is abused, allow for citizens to request an independent investigation into a meeting they believe was improperly held in camera, and to reduce the number of reasons that permit in camera meetings in the first place.

IntegrityBC noted that Toronto, whose 45 member city council oversees an annual budget of \$9.4 billion and 50,000 employees, has met 12 times in camera in 2012 for less than 10 hours to discuss 24 items (to 2 November). The in camera sessions represent five per cent of the total time council has sat during this period.

In contrast, Central Saanich with a seven member council and an operating budget of \$32.2 million has met 17 times in camera for at least nine hours and 15 minutes in 2012, according to a review of its council minutes.

“Ontario's Ombudsman has gone so far as [to propose jail time](#) for councillors who hold unnecessary in camera meetings,” said IntegrityBC executive director Dermot Travis. “The B.C. government could at least start by putting some teeth into the law through penalties escalating from fines, removal from office to barring councillors from running for public office in the future.”

According to the Union of B.C. Municipalities there are four reasons that councils must go in camera and over a dozen reasons why they ‘may’ close a meeting.

“Many of those ‘maybe we should’ reasons provide too much latitude through wording which is often so opaque as to be devoid of any real meaning,” said Travis who pointed to just one to underline his point: “discussions with municipal officers and employees for the purposes of preparing an annual report.”

“It defies belief that such discussions would need to be held in camera,” said Travis.

Victoria's city council recently held a series of in camera meetings to discuss budget proposals to keep the city's property tax rate increase to 3.25 per cent. The proposals will now go to the public who will not benefit from the substance of the debate councillors had during those in camera sessions.

Victoria's Police Board also held an in camera meeting to discuss the future of its automated licence-plate cameras after B.C.'s privacy commissioner raised concerns about the cameras.

For more information:

Dermot Travis, Executive Director IntegrityBC 250-590-5126 info@integritybc.ca

All B.C. communities need to take warning from Penticton

Posted: Saturday, September 13, 2014 1:36 pm

Recent developments in Penticton should be of grave concern to all of us.

City employees suing a taxpayer for being critical of them is a clear case of the tail wagging the dog. Most people already believe that is the case. Public servants work for the taxpayers, not the other way around.

It might be a good idea for voters to pay more attention at election time. Check out candidates for qualifications, knowledge and, yes, a backbone.

Everyone deserves to be treated with respect, including public servants, but having a big shot lawyer from Vancouver write a threatening letter to a senior citizen in the hopes of “shutting her up” is a new one, even for me. The situation in Penticton is a warning to us all.

Carol Gran,

Kelowna

Penticton senior not alone in targeting city hall

James Miller | Posted: Saturday, September 13, 2014 9:08 pm

Elvena Slump isn't the only one who thinks local government is conducting too much of the public's business in private.

A non-partisan watchdog group based in Victoria agrees with the Penticton senior, who has been threatened with legal action for criticizing employees at City Hall.

IntegrityBC has reviewed more than three dozen letters to the editor that Slump wrote to the Penticton Herald.

"While some of those letters may get under the skin of some at City Hall," the group says, "many of the concerns she raises are shared by residents in other municipalities across B.C."

Just before the Labour Day weekend, the 75-year-old Slump received a two-page letter from Harper Grey Barristers and Solicitors, a firm of libel lawyers from Vancouver.

The firm advised her that statements in two letters she sent to the mayor and council, and carbon-copied to the Herald, were unfounded. In the letters, Slump was critical of three top officials at City Hall, including CAO Annette Antoniak.

The letter from the law firm said Slump should immediately retract her statements and apologize to all those involved.

She did neither. Instead, she called a press conference to tell the media about the legal threat from the city and hired Penticton lawyer Paul Varga. A fundraiser to help with her expenses will be held Wednesday at The Barking Parrot.

IntegrityBC executive director Dermod Travis notes that at the provincial level, the filing of a defamation suit can only commence if the province's Legal Services Branch provides the administrator with a legal opinion that there's cause for action.

A common theme in many of the letters published by Slump was a need for more openness and transparency. She said city council conducts too much business in camera, or in private.

Travis agrees with Slump, saying it's a problem not only in Penticton, but provincewide.

"Councils should operate from one simple principle: if you don't have anything to hide, don't hide it," Travis said. "If a decision or an expense was authorized, politicians should stand by it. And if it wasn't authorized, then they have even bigger problems."

Mayor Garry Litke said Friday it's unlikely there will be any followup action against Slump, but she has received no such official notice from the city.

"At this time, Mr. (Bryan) Baynham (Harper Grey lawyer) has not advised us this matter is at an end," said Varga.

Founded in 2011 by Vancouver businessman Wayne Crookes, IntegrityBC is run by staff and volunteers. The group has 6,000 supporters.



Elvena Slump

Slump

The issue is not me, says Elvena Slump

Posted: Saturday, September 13, 2014 1:38 pm

According to Mayor Litke (Penticton Western, Sept.12) speaking on the issue of the defamation suit against me: “We’ve invested enough time and energy to let her know that her behaviour is inappropriate, but it’s up to her to decide now whether she wants to change it or not,” he said.

“We’ve got really important issues facing the city right now, and we can’t afford any further distractions of that nature.”

For an unimportant issue; Mayor Litke makes it very clear that the sword of Damocles hangs over my head. He failed to mention this is paid for with unlimited tax dollars.

I am sorry Mr. Mayor but no one can live in those conditions.

The issue is not me. I am not important in this. The issue is free speech; wasted tax dollars and the ability of the taxpayer to hold the people running this city accountable for how our tax dollars are spent.

The approx. \$110,000 wasted on the City/PHA lawsuit would have hired a firefighter. Not content with this bad decision; you threaten me with legal action at any time in the future if I open my mouth. There goes another \$100,000 or perhaps more.

Senior civil servants are not unionized they make decisions that affect everyone in Penticton, they sit on boards and influence city councils without the ability of the public to criticize them for the decisions they make or even know they are responsible for those decisions.

Many taxpayers will remember Dave Stigant, when he was a former principal of Pen-Hi. The Prince Rupert School District had been paying consultant Dave Stigant \$800 per day for work done over several years. Criticism by the public on an issue over banning a Dr. Seuss box was spread far and wide reaching the Vancouver Sun.

Unionized staff goes to work every day; earn their keep; receive few accolades and keep our city running smoothly. They also are dependent and powerless against senior staff decisions. They are not the issue. Taxpayers should have the right to criticise senior staff and hold them accountable for how our hard-earned tax dollars are used.

Elvena Slump

Penticton

The Barking Parrot hosting a fundraiser for Elvena Slump

Herald staff | Posted: Thursday, September 11, 2014 6:00 pm

A local businessman is speaking out in support of Elvena Slump.

David Prystay, general manager of the Penticton Lakeside Resort, believes recent legal action against the Penticton senior is a violation of freedom of speech and a waste of taxpayers' dollars.

Prystay has organized a Free Elvena night for Wednesday at The Barking Parrot as a chance for the public to offer its support to the 75-year-old woman who is a frequent contributor to letters to the editor in both The Herald and the Penticton Western News.

Earlier this month Slump received a letter from Harper Grey Barristers and Solicitors in Vancouver demanding a retraction and apology to city staff members for statements made in a letter to council members, carbon copied to The Herald (but never published as a letter to the editor.)

Instead Slump held a press conference, hired local attorney Paul Varga and has refused to apologize.

"I too was viciously hunted down and persecuted by a City of Penticton councillor back in 2005," said Prystay in why he's supporting Slump.

"I know how Elvena must be feeling after receiving this threatening legal action. Her blood pressure has probably gone up, she's probably not sleeping."

Prystay is referencing a lawyer's letter from a former city councillor, whose name he would not reveal, who took objection to a newspaper advertisement he purchased which was perceived to be mocking the council of the day. Prystay immediately phoned the law firm and he never heard back from them.

"Everybody should have the right to complain against a public body," said Prystay. "Freedom of speech is so important in this country. This WorkSafe BC thing, oh my God, what a crutch. WorkSafe BC is to protect workers from unsafe conditions and should not be used as a vessel to silence free speech and a person's opinion."

He also said many men and women died during wars fighting for the many freedoms Canadians enjoy such as freedom of speech and freedom of the press.

Prystay's announcement comes at the same time that Integrity B.C., an independent watchdog monitoring government in B.C., issued a press release which agreed with many concerns addressed in Slump's letters.

"At best the letter was ill-advised and at worse it was foolhardy for one simple reason – the same one Brian Mulroney learned at the hands of Solange Denis – don't mess with seniors," said IntegrityBC executive director Dermod Travis.

(The case he refers to is an altercation between the prime minister and senior citizen who heckled, "you lied" in 1985.)

Slump, who went on vacation shortly after her announcement, said she's touched by Prystay's generosity and is pleased with the support she's received thus far. She realizes she does have detractors, which is fine, as "everyone is entitled to have an opinion."

Prystay said he will personally invite all of the city councilors to attend and jokes, "They won't need to bring a video camera, the Barking Parrot has plenty of surveillance in place." (He refers to a senior staffers video taping a non-partisan event last week when John Vassilaki announced his candidacy for mayor.)

Free Elvena will be held Sept. 17 from 5 - 6:30 p.m. and offers free hamburgers and music by folk/rock musician Gord McLaren, who is waiving his performer's fee for the event. The evening is free with donations being accepted for Slump's legal defence. Should the city drop the legal action, all money collected will be returned or forwarded to a charity of the donor's choice.



Fundraiser

Penticton senior Elvena Slump, centre, is flanked by musician Gord McLaren, left and David Prystay, right, as Prystay announced the "Free Elvena" fundraiser, scheduled for Wednesday at The Barking Parrot.

Integrity BC says City should learn from Brian Mulroney

Special to The Herald | Posted: Friday, September 12, 2014 6:30 am

Penticton city council needs to set down guidelines on the issuance of lawyer's letters following Mayor Garry Litke's arbitrary decision to have one sent to Elvena Slump, age 75, demanding apologies for alleged defamatory comments related to three senior staff at City Hall.

“At best the letter was ill-advised and at worse it was foolhardy for one simple reason – the same one Brian Mulroney learned at the hands of Solange Denis – don't mess with seniors,” said IntegrityBC executive director Dermot Travis.

In 1985, Denis confronted Mulroney on Parliament Hill after then finance minister, Michael Wilson, announced plans to de-index old age pensions. Denis's "you lied" shouted at Mulroney and captured on national television ultimately forced the government to back down from its cuts.

In drafting guidelines, Penticton should consider those at the provincial level where the filing of defamation suits can only be commenced if the province's Legal Services Branch provides the administrator with a legal opinion that there's a cause of action.

IntegrityBC has reviewed nearly three dozen letters to the editor from Slump and while some of those letters may get under the skin of some at city hall, many of the concerns she raises are shared by residents in other municipalities across B.C.

Slump has taken issue with in camera council meetings and the reasons for those closed-door meetings. For many local governments in B.C., in camera meetings have almost become standard operating procedure, with little or no regard to the purpose, length or the number of items under consideration.

In 2011, Toronto's city council – in a city with an operating budget of \$9.6 billion – had 17 in camera meetings. Nineteen items were under consideration at those meetings and all told they lasted less than 17 hours. In 2012, while they considered 24 items, they did so in fewer sessions (13) and in less time. All data that is readily available from the City of Toronto's website.

In Ontario, citizens can also complain to that province's ombudsman if they believe an in camera meeting was improperly held.

Slump has also rightly pointed to another growing problem at city halls in B.C.: secrecy. And it's a trait that breeds distrust among citizens.

“Councils should operate from one simple principle: if you don't have anything to hide, don't hide it,” said Travis. “If a decision or an expense was authorized, politicians should stand by it. And if it wasn't authorized then they have even bigger problems.”

Integrity BC is a not-for-profit organization which serves as a watchdog on government spending. It was founded in 2011 by a prominent Vancouver businessman and presently has more than 6,000 supporters.



Outside organization weighs in on the debate

Elvena Slump is pictured at this month's press conference on the steps of City Hall.

Too many in-camera council meetings lead to mistrust

Times Colonist

Saturday, July 07, 2012

British Columbia's Community Charter stipulates that municipal council meetings must generally be open to the public, then offers a wide range of circumstances under which closed meetings can be held. It gives wide scope to anyone inclined to discuss public business out of the public eye.

But just because you can doesn't mean you should. Closed meetings should be the last option considered, not the first.

Victoria's city council has been criticized for too many in-camera meetings. (In camera, by the way, has nothing to do with cameras, it is Latin for "in a chamber.")

Former Victoria mayoral candidate Paul Brown calculates that since the start of the current term, 75% of Victoria council and committee meetings have been held behind closed doors, compared with Saanich with 35% and Nanaimo at 23%.

Mayor Dean Fortin doesn't dispute Brown's numbers, but says Victoria has been involved in a high number of sensitive issues lately. The council doesn't always have a choice - provincial law dictates that certain matters must be dealt with in closed meetings, such as negotiations with other levels of government and investigations under the Ombudsperson Act.

It is prudent and professional for certain city business to be discussed in private, such as labour negotiations, the potential sale or acquisition of property, or law-enforcement issues where a current investigation might be affected. If untimely access to information could endanger lives or allow someone to profit unfairly, that information should be kept out of the public eye until the appropriate time.

Sometimes discussions might touch on personal aspects that are not germane to the issue at hand - that would be a question of privacy, not secrecy. Discussions with legal staff are appropriately held behind closed doors.

http://www.cscd.gov.bc.ca/lgd/gov_structure/community_charter/governance/open_meetings.htm

And it should be noted that motions cannot be made nor votes taken in those meetings. The official actions arising from those confidential discussions must be done in public.

Closed meetings are a necessary tool as government goes about its business, but as in makeup, garlic and drums in a band, too much spoils the intended purpose.

It's a bad habit to hold closed meetings because the issue is controversial or unpopular, and that habit can too easily become an addiction. It's a solution that should never be used to mitigate political risk - that would be a conflict of interest of sorts.

Municipal councillors should have the confidence and grit to ride out the storm, if they believe their course is the right one.

Timidity is probably more to blame, rather than an outright desire to keep

something hidden, but public business needs to be conducted in public as much as possible. It's not good enough to say, "Trust me," for that immediately plants the seeds of mistrust.

"In all secrets there is a kind of guilt, however beautiful or joyful they may be, or for what good end they may be set to serve," said Canadian novelist and British politician Gilbert Parker. "Secrecy means evasion, and evasion means a problem to the moral mind."

Undue secrecy creates a vacuum of information and into the void will rush all sorts of conspiracy theories, harebrained conclusions and nasty accusations. Too many in-camera meetings raise the suspicion that someone is hiding something. Unpleasant, smelly things tend to grow in the dark, while the strong light of public view is a good disinfectant.

Information is the oxygen that lets democracy breathe. Without access to that information, people cannot fully participate in the public process. Confidentiality is good within proper boundaries, but those boundaries must be limited rather than expansive.

This is an editorial that originally appeared in the Times Colonist newspaper. To submit a guest column, contact the managing editor.

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Some additional references on OPEN Meeting requirements:

<http://www2.canada.com/nanaimodailynews/news/story.html?id=524231c9-95ef-4f7f-8ffd-739b07066142&p=1>

http://www.cscd.gov.bc.ca/lgd/gov_structure/community_charter/governance/open_meetings.htm

http://www.integritybc.ca/?page_id=997

http://rosslandtelegraph.com/news/comment-problematic-process-respect-new-cao-21026#.UTuyRFd4__k

http://www.bcombudsperson.ca/images/resources/reports/Special_Reports/Open_Meetings_Web.pdf

Key extracts from the above BC ombudsperson report:

"...Section 92 states that a local government must pass a resolution in an open meeting before closing a meeting or part of a meeting. This resolution must include two things and should include a third. It must state:

- "1. That a meeting or part of a meeting is to be closed, and
- "2. The reason for the decision to close the meeting. It should also reference the specific paragraph of section 90 that authorizes the closure.

"In practice, while resolutions consistently state that a meeting or part of it is to be closed with reference to the authorizing paragraph of section 90, the basis for the decision is not always specifically stated. **Local governments should provide as much detail as possible about the basis for closing the meeting without undermining the reason for closing the meeting in the first place.** This will help to limit speculation, increase public trust and enhance the credibility of the local government."

The ombudsperson also writes specifically about 90 (e) and (k):

"...this authority may be exercised only if it is determined that discussion of the matter could reasonably be expected to harm either the conduct of the investigation, the enforcement of an enactment or the interests of the municipality. In *Local Government under the Community Charter 4th ed.*, William Buholzer proposes that use of these provisions requires local governments to **'first make an express determination (by resolution) that such discussion would be harmful, and then adopt a resolution to deal with the matter in the absence of the public.'** ..."

EXTRACT from Freedom of Information and Protection of Privacy Act

Cabinet and local public body confidences

12 (1) The head of a public body must refuse to disclose to an applicant information that would reveal the substance of deliberations of the Executive Council or any of its committees, including any advice, recommendations, policy considerations or draft legislation or regulations submitted or prepared for submission to the Executive Council or any of its committees.

(2) Subsection (1) **does not apply to**

(a) information in a record that has been in existence for 15 or more years,

(b) information in a record of a decision made by the Executive Council or any of its committees on an appeal under an Act, or

(c) information in a record the purpose of which is to present background explanations or analysis to the Executive Council or any of its committees for its consideration in making a decision if

(i) the decision has been made public,

(ii) the decision has been implemented, or

(iii) 5 or more years have passed since the decision was made or considered.

(3) The head of a local public body may refuse to disclose to an applicant information that would reveal

(a) a draft of a resolution, bylaw or other legal instrument by which the local public body acts or a draft of a private Bill, or

(b) the substance of deliberations of a meeting of its elected officials or of its governing body or a committee of its governing body, if an Act or a regulation under this Act authorizes the holding of that meeting in the absence of the public.

(4) Subsection (3) does not apply if

(a) the draft of the resolution, bylaw, other legal instrument or private Bill or the subject matter of the deliberations has been considered in a meeting open to the public, or

(b) the information referred to in that subsection is in a record that has been in existence for 15 or more years.

(5) The Lieutenant Governor in Council by regulation may designate a committee for the purposes of this section.

(6) A committee may be designated under subsection (5) only if

(a) the Lieutenant Governor in Council considers that

(i) the deliberations of the committee relate to the deliberations of the Executive Council, and

(ii) the committee exercises functions of the Executive Council, and

(b) at least 1/3 of the members of the committee are members of the Executive Council.

(7) In subsections (1) and (2), "**committee**" includes a committee designated under subsection (5).

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 Metro worried B.C.'s water is becoming a hot commodity.pdf
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 Building new schools is cheaper than seismic upgrades.pdf
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 City, district still dispute police bill.pdf
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 Keep our roads safe - ban cars.pdf
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 Water meters make sense.pdf
 Water-Use-Plan-for-Capilano-and-Seymour-Watersheds.pdf

The Rezoning Process

Pre-Application

Very early phase, everything is still very preliminary

1

The company that wants to develop a property first reviews the Official Community Plan and relevant Town Centre Implementation Plan to find out what type of building can be put there, how tall it can be and how much of the piece of land it can cover. Developer also has to know what the transportation network needs of the neighbourhood are and what kind of community spaces and amenities are needed for the area.

2

Developer creates a preliminary development application and submits it to District Planning for technical review, which includes transportation and environment.

3

PUBLIC INPUT

Developer may hold early input mtg with community to hear their ideas and concerns, get feedback.

Application

4

Community feedback incorporated in next version of draft proposal that developer submits for review.

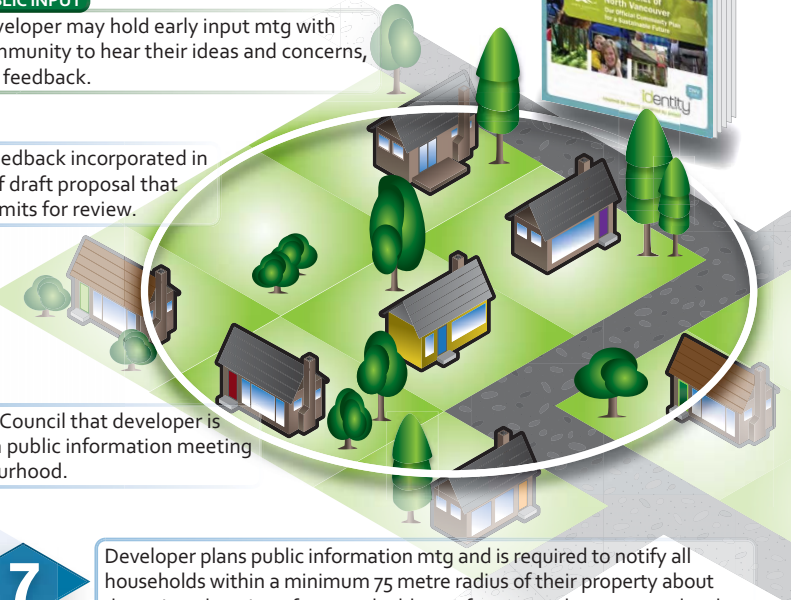
5

PUBLIC INPUT

District staff and an external expert advisory panel review draft proposal and provide feedback to developer.

6

Staff report to Council that developer is going to hold a public information meeting in the neighbourhood.



7

Developer plans public information mtg and is required to notify all households within a minimum 75 metre radius of their property about date, time, location of mtg and address of property they want to develop.

8

At mtg developer shows illustrations of the building(s), relative size, and discusses how the building(s) will fit with the neighbourhood and what the development will contribute to the community in terms of transportation and public spaces. Community can ask questions, provide feedback and voice concerns.

9

Developer reports on comments from public and responds to District Planning, who incorporate that information, along with developer's proposal, into a report to Council. Report also includes technical review of whether proposal meets District's requirements and policies.

10

When Council receives report, it can ask the developer to make revisions, send the matter directly to Public Hearing, or reject the proposal.

11

PUBLIC INPUT

When proposal goes to Public Hearing, it is advertised in advance. Community is encouraged to attend and speak.

12

PUBLIC INPUT

At Public Hearing, Council hears comments from Community, developer and staff. Council can ask questions of staff for clarification. Council then refers the matter for vote to Council meeting.

13

If vote passes, developer can apply for Development Permit which covers the design of the building(s), the streetscape, public space, and environmental protection if required.

14

Once Development Permit and Building Permit are obtained, developer can begin construction. A Development Permit is valid for two years.

