

Subject: FW: That Don Bell provide a written explanation re his press statement that he urged Council to vote for "Canlan" while knowing that it was illegal.

Date: Mon, 3 Mar 2003 10:34:00 -0800

From: "Ernie Crist" <ernie_crist@dnv.org>

To: "FONVCA (E-mail)" <fonvca@fonvca.org>

CC: <cagebc@yahoo.com>, <hunterjohn@telus.net>

> -----Original Message-----

> From: Ernie Crist

> Sent: Monday, March 03, 2003 10:27 AM

> To: Nathalie Valdes

> Subject: That Don Bell provide a written explanation re his press statement that he urged Council to vote for "Canlan" while knowing that it was illegal.

> Importance: High

> AGENDA ADDENDA

> Notice of Motion - Report Councillor Crist;

> That Mayor Don Bell provide Council with a written explanation as to why, as reported in the press, despite his knowledge that an agreement between the District of North Vancouver and Canlan for the financing and operation of an Ice Rink facility in Seymour (Canlan) was contrary to the provisions of the Local Government Act, he failed to prevent such an agreement and further

> as to why the public was not provided with an opportunity to vote on this matter either via a referendum and/or a counter petition as called for in the Act and further that

> the District now seek legal advice on the implications to both the District and all members of Council regarding this matter and that this advice be sought from a law firm other than the present firm under contract to the District and/or any other firm in the past involved in any contract between the District and Canlan and further

> that those findings be made public.

> Rationale

> In 1999 the District signed a contract with Canlan for the construction and operation of an Ice Rink in Seymour. Mayor Bell in the OUTLOOK of Feb. 27-2003 is quoted as saying that the public private partnership (signed between Canlan and the District) "was crafted on the understanding that the soon-to-be-in place LGA (Local Government Act) would provide for what the municipality was doing". But, Mayor Bell, according to the OUTLOOK, continued, "the new Act (Local Government Act) only removed the need to hold a referendum and replaced it with the right for citizens to hold a counter petition on the proposal" and further that "We did what we thought would be the right intention, and if for some reason, it did not fall in line with the (provincial) legislation, we would address it".


> The situation arising from this statement has potentially serious consequences not only for the taxpayers of the District in general but also for members of Council. Not only did the District, as revealed by Mayor Bell, sign an agreement with Canlan in full knowledge that it was illegal but as recent court proceedings in another Municipality (Maple Ridge) have shown, an illegal agreement of that nature also makes individual members of Council personally liable. Neither was a referendum ever held by the District nor did Council ever provide an opportunity to the citizens for a counter petition .

> In the case of Maple Ridge the court failed to take into consideration that it's Council was unaware that signing of a similar agreement was illegal and that the Council of Maple Ridge subsequently may have acted in good faith. But, in any case this is not so in the District where the agreement between the District and Canlan as has now been revealed by Mayor Bell, was made in full knowledge that it was illegal.

> The agreement in the District was signed even though two members of Council namely Councillor Munroe and Councillor Crist, pointed to the serious shortcomings of this agreement and voted against it. This included the concern regarding a tax concession to Canlan which is clearly in contravention of the spirit of the LGA. Notwithstanding such warnings, three members of the present Council voted in favor of the agreement.

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> In light of the serious implications of this issue, including for individual Councillors, it behooves the District to get a comprehensive legal opinion on all salient points of this matter. However, this opinion should be sought from a law firm which has not acted on behalf of the Distirct of North Vancouver in connection with Canlan either presently or in the past. >

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