

Subject: FW: Potential Conflict of Interest;

Date: Mon, 26 Jan 2004 17:23:03 -0800

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

To: "FONVCA (E-mail)" <fonvca@fonvca.org>, <Cagebc@yahoo.com>

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

> From: Ernie Crist

> Sent: January 26, 2004 5:22 PM

> To: James Ridge

> Cc: Heather Fleming; Mayor and Council - DNV

> Subject: RE: Potential Conflict of Interest;

>

> Mr Ridge:

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> Though I vehemently disagree with Mr. Lidstone's findings on this as well as on some other issues I appreciate your response. I will pursue this matter further through other legal channels which I will make public.

>

> Thank you,

>

> Ernie Crist

>

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

> From: James Ridge

> Sent: January 26, 2004 4:38 PM

> To: Ernie Crist

> Cc: Heather Fleming; Mayor and Council - DNV

> Subject: RE: Potential Conflict of Interest;

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> Councillor Crist,

>

> This issue was raised at our discussion last week on the Charter and the conflict provisions with Mr. Lidstone. I believe that session was taped for you. In short, Mr. Lidstone indicated that there are mechanisms the Commission can use to provide passes (should it wish to do so) without creating a conflict of interest. The Charter has a number of provisions that are exemptions to the general conflict policy. The Commission Policy Committee, which I'm told includes a lawyer, is reviewing those options now and will present a revised policy. In addition Mr. Lidstone has provided advice to the Commission on this issue. As an alternative to using the exemptions in the Charter, the Commission could also decide to terminate the practice, or individual members of Council could simply refuse the passes. Both courses would eliminate any conflict.

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> In short the advice as of last week from Mr. Lidstone (as I understand it) is that the extent to which the passes represent a conflict is a function of the steps the Commission takes next.

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> As for the appropriateness of Council referring this to the Commission, that was of course a political decision and it is not proper for me to comment.

>

> James Ridge

> CAO

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

> From: Ernie Crist

> Sent: Sunday, January 25, 2004 1:42 PM

> To: Heather Fleming; James Ridge

> Cc: Sue Mitchell

> Subject: RE: Potential Conflict of Interest;

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> Dear Mr. Ridge.

>

> The Recreation Commission has the mandate to issue free passes if they so desire. My question and my request was for a legal opinion in regards to the Council

representatives (District Councillors) on the Commission. My question was, as to whether in their capacity as Councillors who have received a gift in the form of free passes, they must forgo such benefits and/or whether they are required to excuse themselves, if and when recreation matters come before Council. My point is also, that the Mayor and Council in turning this matter over to the Rec Commission were in violation of their responsibility.

>
> My request was to seek a legal opinion whether they are in fact in a conflict of interest situation.

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> I would appreciate a response as I intend to follow through on this issue.

>
> Thank you,

>
> Ernie Crist

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

> From: Heather Fleming
> Sent: January 23, 2004 5:04 PM
> To: Ernie Crist; James Ridge
> Cc: Sue Mitchell
> Subject: RE: Potential Conflict of Interest;

>
> The Policy Committee met on this issue on Wednesday, January 21 and plan to present a report to the Commission at the February 12th Commission meeting.

>
> Regards,

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> Heather Fleming
> Director of Recreation

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

> From: Ernie Crist
> Sent: Friday, January 23, 2004 11:09 AM
> To: James Ridge; Mayor and Council - DNV; Senior Management

Committee

> Cc: FONVCA (E-mail); 'Cagebc@yahoo.com'
> Subject: Potential Conflict of Interest;

>
> Dear Mr. Ridge:

>
> According to the minutes of Jan 5,2004 item 6 "Request for Clarification Of Potential Conflict Of Interest" it was moved and seconded and passed " That the Director of Recreation report back advising which District Council members have requested and received free NVRC introductory passes within the past three years". I would appreciate an update on the status of this motion. >

>
> I also request that the resolution submitted by Councillor Crist at the Nov 17,2003 Regular Council Meeting which lost due to a seconder be followed up notwithstanding that, Council including Councillor Harris voted against it. As this resolution dealt with a legal matter i.e. conflict of interest, the Mayors substitute motion was in my opinion in contravention of appropriate procedure.

>
> That is to say, notwithstanding the Mayor's intervention to stop my request, I am entitled, as is the public, to a legal opinion. Mayor Bell, in my opinion did not have the authority to override my request as to whether the Council representatives presently serving on the Recreation Commission and who allegedly receive free passes for the use of Recreation facilities both for themselves and members of their family are obliged to either forego such benefits and/or whether they must excuse themselves if and when Recreation Commission issues are discussed by Council.

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> I would appreciate your response.

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> Thank you,

>
> Ernie Crist.

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