

Subject: RE: Notice of Motion - Report Councillor Crist in the matter of "Report of Harassment Inquiry Select Committee";

Date: Wed, 7 Jul 2004 19:56:17 -0700

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

To: "Agnes Hilsen" <Agnes_Hilsen@dnv.org>, "James Ridge" <James_Ridge@dnv.org>,

"Mayor and Council - DNV" <Council@dnv.org>, "Senior Management Committee" <managecomm@dnv.org>

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

Ms Hilsen:

None of the points you have stated (below) are reasons to prevent this motion from going forward as a regular agenda item to be debated in public as requested.

To begin with, any and all matters pertaining to this issue are not "closed" as you state but are regular and public agenda items. This is to say, the public has a right to know what the reasons are why their elected representative is being denied to face his accusers or the right to state his case in full view of the public. What is more this issue has been debated since day one in public. However, there is a pattern which suggests that the rules have been applied selectively from day one.

Secondly, Councillor Nixon is in a conflict of interest and has no legal authority not only of being a member of such a "committee" but also to make any kind of statement as he did with his motion at a closed meeting of Council. His appointed status in such a capacity is simply not valid and flies in the face of every single aspect of natural justice. The fact that in the District such fundamental considerations are violated even though it has been described as a judicial absurdity is irrelevant.

If and when Council and/or the Clerk following a debate at a regular Council meeting, states the reasons as to why this item must be In Camera then this is an entirely different matter. However, the public has the right to know what those reasons are. It is simply not good enough for a hostile member of Council and/or Staff to arbitrarily decide that this is not a regular agenda item. Given the circumstances of this whole issue, such a decision is itself a gross violation of any semblance of natural justice. I am not a chattel of Council or of any solicitor paid for by the accusers and or any hostile member of District Staff you can deal with at your whim. I am an elected representative of the public, therefore I challenge you to put this item on a regular Council agenda in full view of the public to whom I am responsible.

I strongly suggest that those involved with this issue, be they elected and or staff, show more respect for the fundamentals of democratic procedure and natural justice.

Yours truly,

Ernie Crist

CC undisclosed list

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

> From: Agnes Hilsen

> Sent: July 7, 2004 9:53 AM

> To: Ernie Crist; James Ridge; Mayor and Council - DNV; Senior Management Committee

> Subject: RE: Notice of Motion - Report Councillor Crist in the matter of "Report of Harassment Inquiry Select Committee";

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> Councillor Crist:

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> Your proposed Notice of Motion requesting that Council rescind its decision to approve an extension for the Select Committee to report back to Council and that this issue be discussed at a Regular Council meeting, is actually a request for reconsideration.

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> Under the rules for reconsideration in the new Procedure Bylaw, only a member that voted in the affirmative on the original motion can propose a reconsideration.

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> At the June 21 Closed meeting, Councillor Nixon did provide a verbal report advising that the Select Committee report was not yet available. He also indicated that he would provide a status report back to Council in this regard at the next meeting. At the June

29 Closed meeting, Councillor Nixon, via his Notice of Motion, provided the status report and requested that Council extend the deadline for receiving the report due to the reasons provided in the Notice of Motion.

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> This issue was one that was originally considered at a Closed meeting of Council since the subject matter related to members of staff. The question of extending the deadline for the report was, therefore, also considered at a Closed meeting. Given the nature of this subject, it would be reasonable to expect that the discussion on the reasons for the extension could very well have involved identifiable members of staff. For this reason, it was discussed at a Closed meeting. The decision will be released at the July 12 Regular Council meeting. >

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> With respect to the last part of your proposed Notice of Motion regarding the legal cost of taking this action, I believe that this is covered under another one of your Notices of Motion that will be considered at the July 12 Regular Council meeting.

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> Agnes Hilsen
> Municipal Clerk
> District of North Vancouver
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> ahilsen@dnv.org
> Tel: 604-990-2207 Fax:604-984-9637

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> -----Original Message-----
> From: Ernie Crist
> Sent: July 1, 2004 10:30 PM
> To: Agnes Hilsen; James Ridge; Mayor and Council - DNV; Senior Management
Committee
> Cc: FONVCA (E-mail); 'cagebc@yahoo.com'
> Subject: Notice of Motion - Report Councillor Crist in the matter of
"Report of Harassment Inquiry Select Committee";

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> Notice of Motion;
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> Whereas the recent motion submitted by District Councillor Alan Nixon asking for an extension "to report its findings and opinion to Council" in the matter of "Report Of Harassment Inquiry Select Committee - Request for Extension" against Councillor Crist, according to the rules and regulations of the Municipal Charter is not an In Camera item and

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> Whereas the public has a right to hear first hand the reasons for such a request and

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> Whereas North Vancouver District Councillor Alan Nixon along with District Councillor Janice Harris, Councillor McKeon Holmes and Richard Walton (but not Councillor Crist) were endorsed by the same civic party (NET) during the last Municipal election and

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> Whereas this puts the above mentioned members of Council in a position of political bias and a potential conflict of interest situation and

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> Whereas the proceedings by this Committee so far have been conducted in the absence of Councillor Crist and without providing him with any legal representation and without any opportunity to cross examine any potential witnesses testifying against him and

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> Whereas any opportunity for Councillor Crist to cross examine witnesses testifying against him as laid out in the terms of reference of the "Harassment Inquiry Select Committee" as would be the case in a Court of Law guided by Natural Justice, has been denied by the NET endorsed members of District Council including Councillor Nixon, Councillor Janice Harris, Councillor McKeon Holmes and Councillor Richard Walton and

> *Whereas, notwithstanding this fact, they all voted in favor of the motion to extend the deadline in this matter of the "Harassment Inquiry Select Committee - Request for extension against Councillor Crist" and*

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> *Whereas the same members of Council voted against Councillor Crist's Motion to have an audit in the matter of "Northlands" and "Canlan", which was an additional factor in Sanctions against Councillor Crist, and*

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> *Whereas the reasons for such an extension voted on by Council on June 29,2004 In Camera do not fall within the criteria laid out in the Municipal Charter*

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> *Therefore be it resolved that Council rescind it's In Camera decision of June 29,2004, pertaining to this issue and that the item be referred to a regular meeting of Council in full view of the public and further that*

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> *Council at that time be informed of the full legal cost, to the taxpayers of the District of North Vancouver arising out of this action up to the present time.*

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> *cc Press,*
> *VDLC*
> *BCFL*
> *LJIO*
> *MWBIU.*

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