



MAYOR DARRYL WALKER
OFFICE OF THE MAYOR
WHITE ROCK, BC CANADA

December 16, 2019

Councillor David Chesney

Dear Councillor Chesney,

RE: APOLOGY / CENSURES OF COUNCILLOR CHESNEY

This is a formal letter of apology that White Rock City Council have endorsed be issued to Councillor David Chesney.

It was brought to Council's attention that Councillor Chesney was censured twice by the previous Council during the 2014 – 2018 Council term.

- **March 2, 2015: Subject of Censure:**
Council believes that Councillor Chesney has acted in a manner unbecoming a member of City Council and not in accordance with City Policy – Respectful Workplace Policy 405
- **October 24, 2016: Subject Censure:**
Breach of confidentiality in regard to the City's legal relationship with the Semiahmoo First Nation where the City currently is negotiating reserve servicing matters

Following a review of the documentation regarding the censures, Council adopted the following resolution:

THAT Council endorses an apology with all details in regard to payment of funds for Deputy Mayor and Legal expenses if applicable as they hereby rescind the resolutions of the previous Council (2014-2018 term) that censured Councillor Chesney.

Council further authorized:

- 1) Reimbursement for monies lost for four (4) years for the 2014 – 2018 Council term that would have been paid to Councillor Chesney for the role of Deputy Mayor.

The noted funds were released from the City's General Fund Contingency budget as follows:

<i>Deputy Mayor</i>	
<i>2015</i>	<i>\$2,620</i>
<i>2016</i>	<i>\$2,620</i>
<i>2017</i>	<i>\$2,620</i>
<i>2018</i>	<i>\$2,760</i>
<i>Total Payment</i>	<i>\$10,620</i>

- 2) Reimbursement for legal fees that Councillor Chesney paid to defend himself in regard to the censure(s) in the amount of \$1,097.60.

In accordance with your noted agreement, the documentation as reviewed by Council in order to make the determination to rescind the two censures will be made available on the City website. The documentation was also reviewed by the City's solicitor to ensure any release of information was done in accordance with the legislation.

Council are pleased to complete this review and with the result, and we look forward to a continued positive working relationship as Council for the City of White Rock.

Sincerely,



Darryl Walker, Mayor

cc: Mayor and Council

Excerpt from *White Rock Sun* article “*White Rock Rail Safety Task Force*”
published February 9, 2015

... Now here is where this TNT really goes off the rails. With the newly elected White Rock Council being sworn in, councilors attended a conference several weeks ago that is basically "Council 101" to learn the ins and outs of the process. They were asked for ideas that could be considered to help improve the City By The Sea in the future and I have learned from newly minted councillor David Chesney (Publisher of The White Rock Sun) that he was taken back when Councilor Grant Meyer offered, "Clear cut the Hump" as one of his suggestions. It would seem that there is a not too hidden agenda to continue to denude the Hump hillside of trees regardless of the known slide risks so that people living along Marine Drive get 180 degree unobstructed views of the ocean. **Subject Matter Under Consideration for Censure**

You either try to stop the number one cause of landslides from the slopes above the tracks here, or you want to clear-cut every tree off the bluff for views. Meyer seemingly ignores the environmental benefits of the Hump forest providing shade, nesting and living space for wild creatures, cleaning of the air and oxygen production, absorbing excess water from the ground and so on. He should also check the City of White Rock's Regional Context Statement as submitted to Metro Vancouver in 2013 that calls for protecting green spaces as natural resources, retaining mature trees plus the tree canopy, and to minimize natural hazards from marine lands...

Agenda for a Closed Meeting of
City of White Rock Council to be held in the
City Hall Board Room
March 2, 2015

[...]

6. **LEGAL OPINION REGARDING WHITE ROCK SUN ARTICLE - FEBRUARY
9, 2015**

[Community Charter 90(1) (i)]

*Discussion regarding legal advice with respect to “White Rock Sun” article published
February 9, 2015 titled “White Rock Rail Safety Task Farce.”*

Clerk's Note: *The noted legal opinion will be distributed on table.*

[...]

Minutes of a Closed Meeting of
City of White Rock Council held in the
City Hall Board Room
March 2, 2015

PRESENT: Mayor Baldwin
Councillor Chesney (arrived at the meeting at 4:55 p.m.)
Councillor Fathers
Councillor Knight
Councillor Lawrence
Councillor Meyer
Councillor Sinclair

STAFF: D. Bottrill, Chief Administrative Officer
T. Arthur, City Clerk

The Chairperson called the meeting to order at 4:37 p.m.

[...]

6. **LEGAL OPINION REGARDING WHITE ROCK SUN ARTICLE -
FEBRUARY 9, 2015**

[Community Charter 90(1)(i)]

Discussion took place regarding legal advice with respect to “White Rock Sun” article published February 9, 2015 titled “White Rock Rail Safety Task Farce.” Copies of the legal opinion / memorandum were distributed and an overview was given by D. Bottrill, Chief Administrative Officer.

It was MOVED and SECONDED

That Council authorizes a limited waiver of privilege of the February 15, 2015 memorandum from D. Lidstone, to Councillors Chesney and Meyer, to provide adequate and proper notice for the purposes of further review and discussion in accordance with the principles of procedural fairness and natural justice.

CARRIED

Councillors Chesney and Meyer returned to the meeting at 5:53 p.m.

7. **MOTION OF CENSURE - COUNCILLOR CHESNEY**

[Community Charter 90(1) (g) & (i)]

Mayor Baldwin noted legal advice was given in regard to the censure process. Mayor Baldwin read a Notice to Member of Council Consideration of Motion of Censure (attached to and forming part of the minutes as Appendix A).

Clerk's Note: Prior to reading the motion Mayor Baldwin added the following line which was written by hand at the bottom of the notice / motion of censure, signed by both the Mayor and City Clerk and the original with the amendment was given to Councillor Chesney:

FURTHER THAT Councillor Chesney be removed from all Committees of Council, exterior representations, and Acting Mayor duties until January 1, 2016.

All members of Council were given a copy for their review at that time. Following conclusion of the meeting all members of Council excluding Councillor Chesney returned the copies to the City Clerk. Councillor Chesney was able to retain his copy as notice, including the written addition.

It was noted that the item of Motion of Censure will be placed on the March 23, 2015 closed meeting agenda.

It was MOVED and SECONDED

That Council receives the information in regard to Item 7 Motion of Censure - Councillor Chesney as presented.

CARRIED



**NOTICE TO MEMBER OF COUNCIL CONSIDERATION OF
MOTION OF CENSURE**

March 2, 2015

Dear Councillor Chesney,


Please be advised that Council believes that you have acted in a manner that is unbecoming a member of City Council. I am placing this matter on the agenda of the Council meeting to be held on March 23, 2015. The reason for the meeting is to consider a resolution in relation to your conduct.

Enclosed is a copy of the Resolution that will be considered at the meeting for discussion, debate and a vote. Note that one of the possible ultimate outcomes of the process described in the Resolution is that Council may be considering imposing sanctions flowing from your conduct, including censuring you and releasing a media release. Council may also consider progressive sanctioning if Council is not satisfied with the reasonableness of your conduct, including in relation to committee appointments, appointment as Deputy Mayor, and other things.

I wish to expressly notify you that you may retain legal counsel to represent your interests in this matter. Prior to Council voting on the resolution, you will be provided with the opportunity to address Council regarding the contents of the draft form of resolution and media release.

Following any submissions you (or your legal counsel) make at the meeting, Council will consider this resolution and media release.

In regard to any Council decisions, we will provide you with oral reasons for our decision(s).


Wayne Baldwin
Mayor

Encl.

{00314898; 1}

RESOLUTION

Whereas Council believes that Councillor Chesney has acted in a manner unbecoming a member of City Council and not in accordance with City Policy – Respectful Workplace Policy 405;

And Whereas Councillor Chesney has been afforded procedural fairness with respect to Council's consideration of this matter, and in particular Councillor Chesney was notified at least seven (7) days in advance:

- (a) that Council would be considering the matter and was given a copy of this draft Resolution and media release that may be considered by Council;
- (b) that Council may consider, subject to continuing procedural fairness, sanctions including a motion of censure and public notification of any sanction;

Whereas Councillor Chesney was expressly informed of their right to retain legal counsel and for their legal counsel to be present at the Council meeting in which this Resolution would be discussed and voted on;

Whereas Councillor Chesney was given the opportunity to personally, or via their legal counsel, make submissions to the rest of Council regarding their conduct in this matter;

Whereas Council has considered the submissions made by Councillor Chesney and/or their legal counsel;

Whereas Council has attempted to reach a consensus as to the appropriate action;

Whereas Council has provided united or separate verbal or written reasons so that

Councillor Chesney understands the basis for the decision to address the conduct of Councillor Chesney;

Be it Resolved as Follows:

- 1. That Council shall address what it believes to be conduct unbecoming a member of City Council and the City's Respectful Workplace Policy 405 by way of:
 - (a) a motion of censure;
 - (b) public notification of sanctions.
- 2. That the Corporate Officer be directed to publish a media release containing the information concerning this matter that may be released in keeping with the City's obligations pursuant to the *Freedom of Information and Protection of Privacy Act* substantially with the content of the following:

WHEREAS within the City of White Rock's Council and Committee Procedure Bylaw there is a provision in regard to a motion to censure that may be used to express Council's indignation with a Council member's conduct regarding Council business; and

WHEREAS Councillor Chesney is the noted Publisher / Editor of the internet newspaper titled the "White Rock Sun" and therefor has control over items published within that internet newspaper; and

WHEREAS on February 9, 2015 an article was published in the White Rock Sun that brings the conduct and integrity of a fellow member of Council that is possibly defamatory, at the very least was disrespectful and not in accordance with the City's Respectful Workplace Policy No. 405;

THEREFORE BE IT RESOLVED

THAT Council hereby formally censure Councillor Chesney for his actions taken while a member of City of White Rock Council by allowing the conduct and integrity of a fellow member of Council be brought into disrespect by facilitating the publication in the White Rock Sun.

Further, that Councillor Chesney be removed from all Committees of Council, exterior representations, and acting Mayor duties until January 1, 2016.

W. Baed
South



NOTICE TO MEMBER OF COUNCIL CONSIDERATION OF MOTION OF CENSURE

March 2, 2015

Dear Councillor Chesney,


Please be advised that Council believes that you have acted in a manner that is unbecoming a member of City Council. I am placing this matter on the agenda of the Council meeting to be held on March 23, 2015. The reason for the meeting is to consider a resolution in relation to your conduct.

Enclosed is a copy of the Resolution that will be considered at the meeting for discussion, debate and a vote. Note that one of the possible ultimate outcomes of the process described in the Resolution is that Council may be considering imposing sanctions flowing from your conduct, including censuring you and releasing a media release. Council may also consider progressive sanctioning if Council is not satisfied with the reasonableness of your conduct, including in relation to committee appointments, appointment as Deputy Mayor, and other things.

I wish to expressly notify you that you may retain legal counsel to represent your interests in this matter. Prior to Council voting on the resolution, you will be provided with the opportunity to address Council regarding the contents of the draft form of resolution and media release.

Following any submissions you (or your legal counsel) make at the meeting, Council will consider this resolution and media release.

In regard to any Council decisions, we will provide you with oral reasons for our decision(s).


Wayne Baldwin
Mayor

Encl.

{00314898; 1}

RESOLUTION

Whereas Council believes that Councillor Chesney has acted in a manner unbecoming a member of City Council and not in accordance with City Policy – Respectful Workplace Policy 405;

And Whereas Councillor Chesney has been afforded procedural fairness with respect to Council's consideration of this matter, and in particular Councillor Chesney was notified at least seven (7) days in advance:

- (a) that Council would be considering the matter and was given a copy of this draft Resolution and media release that may be considered by Council;
- (b) that Council may consider, subject to continuing procedural fairness, sanctions including a motion of censure and public notification of any sanction;

Whereas Councillor Chesney was expressly informed of their right to retain legal counsel and for their legal counsel to be present at the Council meeting in which this Resolution would be discussed and voted on;

Whereas Councillor Chesney was given the opportunity to personally, or via their legal counsel, make submissions to the rest of Council regarding their conduct in this matter;

Whereas Council has considered the submissions made by Councillor Chesney and/or their legal counsel;

Whereas Council has attempted to reach a consensus as to the appropriate action;

Whereas Council has provided united or separate verbal or written reasons so that

Councillor Chesney understands the basis for the decision to address the conduct of Councillor Chesney;

Be it Resolved as Follows:

1. That Council shall address what it believes to be conduct unbecoming a member of City Council and the City's Respectful Workplace Policy 405 by way of:
 - (a) a motion of censure;
 - (b) public notification of sanctions.
2. That the Corporate Officer be directed to publish a media release containing the information concerning this matter that may be released in keeping with the City's obligations pursuant to the *Freedom of Information and Protection of Privacy Act* substantially with the content of the following:

WHEREAS within the City of White Rock's Council and Committee Procedure Bylaw there is a provision in regard to a motion to censure that may be used to express Council's indignation with a Council member's conduct regarding Council business; and

WHEREAS Councillor Chesney is the noted Publisher / Editor of the internet newspaper titled the "White Rock Sun" and therefor has control over items published within that internet newspaper; and

WHEREAS on February 9, 2015 an article was published in the White Rock Sun that brings the conduct and integrity of a fellow member of Council that is possibly defamatory, at the very least was disrespectful and not in accordance with the City's Respectful Workplace Policy No. 405;

THEREFORE BE IT RESOLVED

THAT Council hereby formally censure Councillor Chesney for his actions taken while a member of City of White Rock Council by allowing the conduct and integrity of a fellow member of Council be brought into disrespect by facilitating the publication in the White Rock Sun.

Further, that Councillor Chesney be removed from all Committees of Council, exterior representations, and acting Mayor duties until January 1, 2016.

W. B. ...
 ...

14

March 4, 2015


File No. 0560-00

Councillor Chesney
c/o City of White Rock
15322 Buena Vista Avenue
White Rock, BC V4B 1Y6

references and encloses privileged material



Sincerely,



Tracey Arthur
City Clerk

City Clerk's Office
P: 604.541.2212 | F: 604.541.9348
City of White Rock
15322 Buena Vista Avenue, White Rock BC, Canada V4B 1Y6

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Agenda for a Closed Meeting of
City of White Rock Council to be held in the
City Hall Board Room
March 23, 2015

[...]

8. **COUNCILLOR CENSURE (3:15 PM)**
[Community Charter 90(1) (a), (g) & (i)]

[...]

Minutes of a Closed Meeting of
City of White Rock Council held in the
City Hall Board Room
March 23, 2015

PRESENT: Mayor Baldwin
Councillor Chesney
Councillor Fathers
Councillor Knight
Councillor Lawrence
Councillor Meyer
Councillor Sinclair

STAFF: D. Bottrill, Chief Administrative Officer
T. Arthur, City Clerk

The Chairperson called the meeting to order at 1:05 p.m.

[...]

8. **COUNCILLOR CENSURE**
[Community Charter 90(1) (a), (g) & (i)]

[...]

Censure Process:

Hearing:

The following statement was read out by Mayor Baldwin:

The purpose of this procedural fairness hearing is to allow Councillor Chesney to make submissions to Council. He will be given a reasonable opportunity to make submissions to Council in regard to Council's consideration of a sanctioning motion further to the notice delivered to Councillor Chesney on March 2, 2015. Every document that Council might consider in relation to the motion was provided to Councillor Chesney along with the notice. Council members must keep an open mind during this hearing.

Councillor Chesney was invited, to address Council in regard to this matter.

Councillor Chesney statement included the following:

- Given a verbal apology to Councillor Meyer directly following the March 2, 2015 Council meeting;
- The noted statement within the February 9, 2015 White Rock Sun Article titled "Mayor's Rail Safety Task Farce" was removed that same week; and
- Submitted a written apology to Councillor Meyer February 22, 2015.

Requested Council consider following legal Counsel advice and keep the matter in closed.

Questions from Members of Council.

Mayor Baldwin stated that Council will now debate and vote on the motion.

Conflict of Interest

Councillor Chesney declared a conflict of interest due to possible pecuniary or other interest in the matter to be discussed and left the meeting at 3:42 p.m.

Council deliberated on the possible censure motion on Councillor Chesney that had been provided to him in draft form two weeks earlier.

Don Lidstone, Barrister and Solicitor, departed the meeting at 4:40 p.m. to discuss with Councillor Chesney his desire to keep the censure motion closed.

The Chairperson adjourned the meeting at 5:01 p.m. until the conclusion of the Governance and Legislation Committee meeting to be held following the conclusion of the regular Council meeting of March 23, 2015.

The Chairperson reconvened the meeting at 9:05 p.m. with all noted members of Council, the Chief Administrative Officer and the City Clerk in attendance.

Councillor Chesney stated his lawyer will not be available until later in the week in regard to the issue of keeping the motion closed.

Conflict of Interest

Councillor Chesney declared a conflict of interest due to possible pecuniary or other interest in the matter to be discussed and left the meeting at 9:10 p.m.

Following further Council deliberation, including the fact that further input from Councillor Chesney and his lawyer would relate solely to keeping the motion closed:

It was MOVED and SECONDED

Whereas Council believes that Councillor Chesney has acted in a manner unbecoming a member of City Council and not in accordance with the principles of City Policy- Respectful Workplace Policy No. 405;

And Whereas Councillor Chesney has been afforded procedural fairness with respect to Council's consideration of this matter, and in particular was notified at least seven (7) days in advance:

- (a) that Council would be considering the matter and was given a copy of this draft resolution that may be considered by Council;
- (b) that Council may consider, subject to continuing procedural fairness, sanctions including a motion of censure and public notification of any sanction;

Whereas Councillor Chesney was expressly informed of his right to retain legal counsel and for his legal counsel to be present at the Council meeting in which this resolution would be discussed and voted on;

Whereas Councillor Chesney was given the opportunity to personally, or via his legal counsel, make submissions to the rest of Council regarding his conduct in this matter;

Whereas Council has considered the submissions made by Councillor Chesney;

Whereas Council has attempted to reach a consensus as to the appropriate action;

Whereas this resolution contains reasons so that Councillor Chesney understands the basis for the decision to address the conduct of Councillor Chesney;

Be it Resolved that Council shall address what it believes to be conduct unbecoming a member of City Council by way of a motion of censure;

WHEREAS within the City of White Rock's Council and Committee Procedure Bylaw there is no provision in regard to a motion to censure that may be used to express Council's indignation with a Council member's conduct regarding Council business; and

WHEREAS Councillor Chesney is the noted Publisher / Editor of the internet newspaper titled the "White Rock Sun" and therefore has control over items published within that internet newspaper; and

WHEREAS on February 9, 2015 an article was published in the White Rock Sun that brings the conduct and integrity of a fellow member of Council that is possibly defamatory, at the very least was disrespectful and not in accordance with the principles of the City's Respectful Workplace Policy No. 405;

THEREFORE BE IT RESOLVED

THAT Council hereby formally censure Councillor Chesney for his actions taken while a member of City of White Rock Council by allowing the conduct and integrity of a fellow member of Council be brought into disrespect by facilitating the publication in the White Rock Sun.

Further, that Councillor Chesney be removed from all Committees of Council (excluding standing committees that are comprised of all members of Council), exterior representations, and Acting Mayor duties until January, 2016.

CARRIED

Councillor Fathers voted in the negative

It was MOVED and SECONDED

THAT Council directs the motion of censure of Councillor Chesney 2015-IC-032 remain in closed.

CARRIED

Councillor Chesney returned to the meeting at 9:20 p.m.

Mayor Baldwin notified Councillor Chesney that the motion of censure had taken place; a copy of the motion will be distributed to Councillor Chesney by the City Clerk. The motion was not released to the public and will remain confidential.

The stipulations of the censure included:

- Removal from all Committees of Council (excluding standing committees that are comprised of all members of Council);
- Exterior representations; and
- Acting Mayor duties until January, 2016.

[...]



March 30, 2015

File No. 0220-20

Personal and Confidential

Councillor David Chesney
#404 - 1520 Vidal Street
White Rock, BC V4B 3T7

Dear Councillor Chesney:

RE: Adopted Motion of Censure – March 23, 2015

The following motion was adopted by City Council at the March 23, 2015 Closed meeting, the motion will not be released to the public and will remain confidential:

Whereas Council believes that Councillor Chesney has acted in a manner unbecoming a member of City Council and not in accordance with the principles of City Policy – Respectful Workplace Policy 405;

And Whereas Councillor Chesney has been afforded procedural fairness with respect to Council's consideration of this matter, and in particular was notified at least seven (7) days in advance:

(a) that Council would be considering the matter and was given a copy of this draft resolution that may be considered by Council;

(b) that Council may consider, subject to continuing procedural fairness, sanctions including a motion of censure and public notification of any sanction;

Whereas Councillor Chesney was expressly informed of his right to retain legal counsel and for his legal counsel to be present at the Council meeting in which this resolution would be discussed and voted on;

Whereas Councillor Chesney was given the opportunity to personally, or via his legal counsel, make submissions to the rest of Council regarding his conduct in this matter;

March 30, 2015
Councillor Chesney / Censure Motion

Whereas Council has considered the submissions made by Councillor Chesney;

Whereas Council has attempted to reach a consensus as to the appropriate action;

Whereas this resolution contains reasons so that Councillor Chesney understands the basis for the decision to address the conduct of Councillor Chesney;

Be it Resolved that Council shall address what it believes to be conduct unbecoming a member of City Council by way of a motion of censure;

WHEREAS *within the City of White Rock's Council and Committee Procedure Bylaw there is a provision in regard to a motion to censure that may be used to express Council's indignation with a Council member's conduct regarding Council business; and*

WHEREAS *Councillor Chesney is the noted Publisher / Editor of the internet newspaper titled the "White Rock Sun" and therefore has control over items published within that internet newspaper; and*

WHEREAS *on February 9, 2015 an article was published in the White Rock Sun that brings the conduct and integrity of a fellow member of Council that is possibly defamatory, at the very least was disrespectful and not in accordance with the principles of the City's Respectful Workplace Policy No. 405;*

THEREFORE BE IT RESOLVED

THAT Council hereby formally censure Councillor Chesney for his actions taken while a member of City of White Rock Council by allowing the conduct and integrity of a fellow member of Council be brought into disrespect by facilitating the publication in the White Rock Sun.

Further, that Councillor Chesney be removed from all Committees of Council (excluding standing committees that are comprised of all members of Council), exterior representations, and Acting Mayor duties until January, 2016.

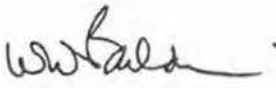
THAT Council directs the motion of censure of Councillor Chesney 2015-IC-033 remain in closed.

March 30, 2015
Councillor Chesney / Censure Motion

Councillor Chesney you are again reminded that given your unique circumstance vis a vis continuing to operate an internet newspaper while in public office, I must advise you that if there are any further incidents of a similar nature then Council will consider conducting this process publicly with a full review of further sanctions.

I am hopeful that following this process we can move forward, treating one another with the utmost of respect as we work together to represent the citizens of our community.

Yours truly,



Wayne Baldwin
Mayor

cc: City Council

April 24, 2015

File No. 0220-20

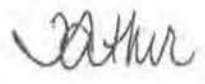
Councillor Chesney
c/o City of White Rock
15322 Buena Vista Avenue
White Rock, BC V4B 1Y6

**RE: CONSIDERATION OF RELEASE OF CENSURE MATTER OF
MARCH 23, 2015**

Attached, as Appendix A, is an excerpt from the April 27, 2015 closed Council agenda, Item 3. Consideration of Release of Censure Matter of March 23, 2015. The matter in regard to the consideration of the release of specific information of the censure would be permitted for you to discuss with your legal Counsel as it would be deemed as an extension of procedural fairness. This specific information has been supplied for you to discuss with your legal Counsel on the following conditions:

1. the information / excerpt remains confidential and privileged because Council has not waived confidentiality or privilege, noting that it has only been released to Council members in the form of a closed meeting agenda for April 27, 2015. Items on a closed agenda remain confidential unless released by a vote of Council, where the release will specifically state to the information that is to be made public;
2. you must not disclose the existence or content of the excerpt to any person other than your own lawyer for the purpose of preparing for the closed Council meeting related to consideration of the release of the matter of the March 23, 2015 censure; and
3. the City will consider you to be in breach of section 117 of the *Community Charter*, and accordingly reserves its options under that section, if you are found to be in breach of conditions outlined above.

Sincerely,



Tracey Arthur
City Clerk

Encl. Appendix A as noted above

City Clerk's Office
P: 604.541.2212 | F: 604.541.9348

City of White Rock
15322 Buena Vista Avenue, White Rock BC, Canada V4B 1Y6

WHITE ROCK
My City by the Sea!
www.whiterockcity.ca

ON TABLE

Date/Meeting April 27, 2015
Agenda Item # 3 Closed

3. CONSIDERATION OF RELEASE OF CENSURE MOTION OF MARCH 23, 2015
[Community Charter Section 90(1) (a) and (i)]

Due to circumstances where the public are inquiring in regard to Councillor Chesney being removed from the Acting Mayor rotation and committees / external representation Councillor Chesney requested consideration of release of the matter of the March 23, 2015 censure, following discussion with Council.

***Clerk's Note:** should Council wish to proceed with release of the matter of the March 23, 2015 censure, the following is a proposed resolution to be read out at the April 27, 2015 regular Council meeting.*

RECOMMENDATION

THAT Council authorize the specific information noted below be released at the April 27; 2015 regular Council meeting in regard to the matter of the censure motion of Councillor Chesney, endorsed by Council at the Closed Council meeting of March 23, 2015 as follows:

At the March 23, 2015 closed Council meeting Council passed a motion of censure against Councillor Chesney following a process that afforded Councillor Chesney procedural fairness and natural justice, including representation by legal counsel.

*The censure was a result of Councillor Chesney as Publisher / Editor of the White Rock Sun acting in a manner unbecoming of a City Councillor and not in accordance with the principles of City Policy – Respectful Workplace Policy 405 whereby comments considered to be defamatory were published in the online newspaper. **privileged***

Council's censuring stipulations included removal from:

- all Committees of Council (excluding standing committees that are comprised of all members of Council);*
- Exterior representations; and*
- Acting Mayor duties until January, 2016.*

At Councillor Chesney's request this matter was to be kept in-camera. It has now been decided to make the matter public.

Agenda for a Closed Meeting of
City of White Rock Council to be held in the
City Hall Board Room
April 17, 2015

[...]

3. **CONSIDERATION OF RELEASE OF CENSURE MOTION OF MARCH 23, 2015**
[Community Charter Section 90(1) (a) and (i)]

Due to circumstances where the public are inquiring in regard to Councillor Chesney being removed from the Acting Mayor rotation and committees / external representation Councillor Chesney requested consideration or release of the matter of the March 23, 2015 censure, following discussion with Council.

Clerk's Note: *should Council wish to proceed with release of the matter of the March 23, 2015 censure, the following is a proposed resolution to be read out at the April 27, 2015 regular Council meeting.*

RECOMMENDATION

THAT Council authorize the specific information noted below be released at the April 27, 2015 regular Council meeting in regard to the matter of the censure motion of Councillor Chesney, endorsed by Council at the Closed Council meeting of March 23, 2015 as follows:

At the March 23, 2015 closed Council meeting there was a motion of censure against Councillor Chesney endorsed by White Rock City Council further to a process that afforded Councillor Chesney procedural fairness and natural justice;

The censure was a result of Councillor Chesney as Publisher / Editor of the White Rock Sun acted in a manner unbecoming of a City Councillor and not in accordance with City Policy - Respectful Workplace Policy 405 where comments considered to be defamatory were published in the internet newspaper;

[...]

The Council stipulations included:

- Censure of Councillor Chesney;-*
- Removal from all Committees of Council (excluding standing committees that are comprised of all members of Council);*
- Exterior representations; and*
- Acting Mayor duties until January, 2016.*

Minutes of a Closed Meeting of
City of White Rock Council held in the
City Hall Board Room
April 27, 2015

PRESENT: Mayor Baldwin
Councillor Chesney
Councillor Fathers
Councillor Knight
Councillor Lawrence
Councillor Meyer
Councillor Sinclair

STAFF: D. Bottrill, Chief Administrative Officer
T. Arthur, City Clerk

The Chairperson called the meeting to order at 6:05 p.m.

[...]

3. **CONSIDERATION OF RELEASE OF CENSURE MOTION OF MARCH 23, 2015**

[Community Charter Section 90(1) (a) and (i)]

Due to circumstances where the public are inquiring in regard to Councillor Chesney being removed from the Acting Mayor rotation and committees / external external representation Councillor Chesney requested consideration of release of the matter of the March 23, 2015 censure, following discussion with Council.

It was MOVED and SECONDED

THAT Council authorizes the specific information noted below be released at the April 27, 2015 regular Council meeting in regard to the matter of the censure motion of Councillor Chesney, endorsed by Council at the closed meeting of March 23, 2015 as follows:

At the March 23, 2015 closed Council meeting Council passed a motion of censure against Councillor Chesney following a process that afforded Councillor Chesney procedural fairness and natural justice, including representation by legal counsel;

The censure was a result of Councillor Chesney as Publisher / Editor of the White Rock Sun acting in a manner unbecoming of a City Councillor and not in accordance with the principles of City Policy - Respectful Workplace Policy 405 whereby comments considered to be defamatory were published in the internet newspaper. The defamatory nature of the comments were confirmed by legal counsel;

Council's censuring stipulations included removal from:

- all Committees of Council (excluding standing committees that are comprised of all members of Council);

- *Exterior representations; and*
- *Acting Mayor duties until January, 2016.*

At Councillor Chesney 's request this matter was to be kept in-camera. It has now been decided to make the matter public.

CARRIED

Councillors Chesney and Fathers voted in the negative

Clerk's Note: Clarified prior to the vote was the following:

The first part of the motion is a preamble, the motion where italicized and as read out by the Mayor is what is permitted to be released to the public in regard to this matter.

The Agenda was amended in accordance with Motion 2015-IC-040 where Item 4 was inserted with the remaining agenda to be completed as circulated.

[...]

ON TABLE

Date/Meeting April 27, 2015.
Agenda Item # 3 Closed.

3. CONSIDERATION OF RELEASE OF CENSURE MOTION OF MARCH 23, 2015
[Community Charter Section 90(1) (a) and (i)]

Due to circumstances where the public are inquiring in regard to Councillor Chesney being removed from the Acting Mayor rotation and committees / external representation Councillor Chesney requested consideration of release of the matter of the March 23, 2015 censure, following discussion with Council.

***Clerk's Note:** should Council wish to proceed with release of the matter of the March 23, 2015 censure, the following is a proposed resolution to be read out at the April 27, 2015 regular Council meeting.*

RECOMMENDATION

THAT Council authorize the specific information noted below be released at the April 27; 2015 regular Council meeting in regard to the matter of the censure motion of Councillor Chesney, endorsed by Council at the Closed Council meeting of March 23, 2015 as follows:

At the March 23, 2015 closed Council meeting Council passed a motion of censure against Councillor Chesney following a process that afforded Councillor Chesney procedural fairness and natural justice, including representation by legal counsel.

*The censure was a result of Councillor Chesney as Publisher / Editor of the White Rock Sun acting in a manner unbecoming of a City Councillor and not in accordance with the principles of City Policy – Respectful Workplace Policy 405 whereby comments considered to be defamatory were published in the online newspaper. **privileged***

Council's censuring stipulations included removal from:

- all Committees of Council (excluding standing committees that are comprised of all members of Council);
- Exterior representations; and
- Acting Mayor duties until January, 2016.

At Councillor Chesney's request this matter was to be kept in-camera. It has now been decided to make the matter public.

Minutes of a Closed Meeting of
City of White Rock Council held in the
City Hall Boardroom
June 27, 2016

PRESENT: Mayor Baldwin
Councillor Chesney
Councillor Knight
Councillor Lawrence
Councillor Meyer
Councillor Sinclair

ABSENT: Councillor Fathers

STAFF: D. Bottrill, Chief Administrative Officer
T. Arthur, City Clerk

1. **CALL MEETING TO ORDER**

The meeting was called to order at 6:17 p.m.

[...]

5. **SEMIAHMOO FIRST NATION - LEGAL UPDATE**

[Community Charter Section 90(1) (d), (i) and (g)]

Lidstone & Company draft letter dated June 20, 2016 to Adam Munnings Barrister & Solicitor regarding Semiahmoo First Nation

Note: It was noted at this time as a reminder to all attending Closed Council meetings that discussion and comments made at these meetings cannot be shared, even if it appears to be non-consequential. Discussion / comments made at closed meetings are strictly confidential and are not to be noted outside of the meeting.

The Chief Administrative Officer gave a verbal update in regard to discussions and interactions with the Semiahmoo First Nation (SFN) including the following:

Following the June 13, 2016 closed meeting, contact was made with the City Solicitor who drafted a letter to the SFN to notify of motions / action determined at the meeting. A copy of the draft letter was included in the June 27 closed agenda package.

Prior to any actions being taken the Chief Administrative Officer brought forward the draft letter for discussion with Council:

[...]

4

From: [David Chesney](#)
To: [Wayne Baldwin](#); [Helen Fathers](#); [Megan Knight](#); [Grant Meyer](#); [Lynne Sinclair](#); [Bill Lawrence](#); [Dan Bottrill](#)
Cc: **personal information**
Subject: Council - Council
Date: Saturday, September 17, 2016 8:00:57 AM

Yesterday afternoon I had the opportunity to have a lengthy conversation with Joanne Charles regarding the situation we now find ourselves in.

Joanne provided me with a great deal of information leading up to the current situation that as a councillor I had not been informed of.

Yesterday I requested from the city (CAO Bottrill) a copy of the letter that was sent to SFN. I still do not have a copy.

I am embarrassed and dismayed that despite a clear directive from council any negotiations with SFN should occur in a personal meeting and not through an impersonal letter or email. I have now learned from CAO Bottrill that in fact they were notified of our intentions by mail.

I am requesting a full council to council meeting ASAP with staff including Paul Slack who seems to have been very involved in the lead up to the current impasse.

In the mean time I hope both parties will agree to work this out privately and respectfully.

Councillor Chesney

Sent from my iPhone

Minutes of a Closed Meeting of
City of White Rock Council held in the
City Hall Boardroom
September 19, 2016

PRESENT: Mayor Baldwin
Councillor Fathers
Councillor Knight
Councillor Lawrence
Councillor Meyer
Councillor Sinclair

ABSENT: Councillor Chesney

STAFF: D. Bottrill, Chief Administrative Officer
T. Arthur, City Clerk

The meeting was called to order at 2:07 p.m.

[...]

3 – Part A **SEPTEMBER 17, 2016 E-MAIL CIRCULATED TO COUNCIL BY
COUNCILLOR CHESNEY REGARDING SEMIAHMOO FIRST NATION
COUNCIL - COUNCIL**

[Community Charter Section 90(1) (a), (g) and (i)]

The noted e-mail circulated by Councillor Chesney was provided On Table for discussion.

A member of Council sighted the e-mail as a confidentiality breach, given the City was in current negotiations with the Semiahmoo First Nation (SFN). Also noted was this was not the first occurrence, an example given was in early summer Councillor Chesney upon leaving a closed meeting, shared comments made during the closed meeting regarding SFN with Roxanne Charles, a SFN band member. He came back to the evening Council meeting where he told a member of Council of this.

It was because of this that the member of Council made a statement at the June 27, 2016 closed meeting prior to discussion again on the topic of SFN as a reminder to all attending closed Council meetings that discussion and comments made at the meetings cannot be shared.

It was MOVED and SECONDED

THIAT Council:

1. Shall consider passing the following resolution after Councillor Chesney has had a reasonable opportunity to be heard by Council in a closed meeting:
 - (a) censures Councillor Chesney for breach of confidentiality in regard to the City's legal relationship with the Semiahmoo First Nation, where the City currently is negotiating reserve servicing matters;
 - (b) removes Councillor Chesney from the Deputy Mayor rotation for the remainder of the current Council term;
 - (c) cancels City funding for Councillor Chesney to attend Union of British Columbia Municipalities (UBCM), Federation of Canadian Municipalities (FCM) and Lower Mainland Local Government Association (LGLMA) conferences / conventions / meetings;
 - (d) cancels Councillor Chesney's utilization of the Council Expenses authorized under Council Policy 106 Council Remuneration and Expenses (Discretionary & Educational Conferences) & annual reimbursement to cover expenses for attending and representing the City of White Rock, as individual Councillors at local community events;
 - (e) shall review the conduct of Councillor Chesney to ascertain whether his conduct results in financial loss to the City in relation to the negotiations re: servicing the Semiahmoo Reserve;
2. Directs the City Clerk to deliver a letter to Councillor Chesney to invite him to make a submission, with or without a lawyer, to Council before Council considers the draft resolution set out in paragraph 1, and that the letter shall give Councillor Chesney at least a week's notice of the meeting and be accompanied by any records that Council might consider before it considers the resolution; and

[...]

3 - Part B

SEMIAHMOO FIRST NATION UPDATE

[Community Charter Section 90(1) (d), (g) and (i)]

Verbal update from the Chief Administrative Officer in regard Semiahmoo First Nation (SFN).

- September 14, 2016 Media Release from SFN
- September 13, 2016, Correspondence from SFN legal counsel
- July 27, 2016, Correspondence from D. Lidstone to SFN legal counsel
- June 28, 2016, Correspondence from D. Lidstone to SFN legal counsel
- June 7, 2016, Correspondence from D. Lidstone to SFN legal counsel
- Excerpt from May 30, 2016 Closed Minutes
- Excerpt from June 13, 2016 Closed Minutes
- Excerpt from June 27, 2016 Closed Minutes
- Excerpt from July 25, 2016 Closed Minutes

[...]

9.

DISCUSSION / CONSIDERATION OF ITEMS TO BE RELEASED FROM THE CLOSED SESSION TO THE PUBLIC

The required notice regarding consideration of censure of Councillor Chesney should be given so the matter can be addressed at the October 3, 2016 closed meeting.

[...]

Arthur

From: David Chesney
Sent: Friday, September 23, 2016 11:42 AM
To: Tracey Arthur
Cc: Dan Bottrill
Subject: Censure Meeting

I am unhappy with the proposed meeting taking place on October 3.

I am in Victoria all next week which will preclude an opportunity to seek legal council should I choose to do so.

Councillor Chesney

Sent from my iPhone

EXCERPT FROM THE JUNE 27, 2016 CLOSED MINUTES

5.

SEMIAHMOO FIRST NATION – LEGAL UPDATE

[Community Charter Section 90(1) (d), (i) and (g)]

Lidstone & Company draft letter dated June 20, 2016 to Adam Munnings Barrister & Solicitor regarding Semiahmoo First Nation

Note: It was noted at this time as a reminder to all attending Closed Council meetings that discussion and comments made at these meetings cannot be shared, even if it appears to be non-consequential. Discussion / comments made at closed meetings are strictly confidential and are not to be noted outside of the meeting.

The Chief Administrative Officer gave a verbal update in regard to discussions and interactions with the Semiahmoo First Nation (SFN) including the following:

Unapproved

October 4, 2016

File No. 0220-20

Personal and Confidential

Councillor David Chesney

personal information

Dear Councillor Chesney:

RE: Closed Council Meeting: Monday, October 17, 2016 at 3:00 p.m., White Rock Community Centre, Gallery / Submission in Regard to Consideration of Council Censure

This is follow up correspondence to our letter dated September 23, 2016 indicating the meeting date to occur, Monday, October 3, 2016. Upon receipt of the correspondence you responded stating you would not be available to attend at that date and time, however you would be available October 17, 2016 or October 24, 2016.

A new meeting has now been scheduled for Monday, October 17, 2016 at 3:00 pm at the White Rock Community Centre located at 15154 Russell Avenue. In regard to the following:

City of White Rock Council at their September 19, 2016 closed meeting adopted the following motion:

THAT Council shall consider passing the following resolution after Councillor Chesney has had a reasonable opportunity to be heard by Council in a closed meeting:

"THAT Council:

- (a) censures Councillor Chesney for breach of confidentiality in regard to the City's legal relationship with the Semiahmoo First Nation, where the City currently is negotiating reserve servicing matters;*
- (b) removes Councillor Chesney from the Deputy Mayor rotation for the remainder of the current Council term;*
- (c) cancels City funding for Councillor Chesney to attend Union of British Columbia Municipalities (UBCM), Federation of Canadian Municipalities (FCM) and Lower Mainland Local Government Association (LGLMA) conferences / conventions / meetings;*

City Clerk's Office
P: 604.541.2212 | F: 604.541.9348

City of White Rock
15322 Buena Vista Avenue, White Rock BC, Canada V4B 1Y6



www.whiterockcity.ca

(d) cancels Councillor Chesney's utilization of the Council Expenses authorized under Council Policy 106 Council Remuneration and Expenses (Discretionary & Educational Conferences) & annual reimbursement to cover expenses for attending and representing the City of White Rock, as individual Councillors, at local community events;

(e) shall review the conduct of Councillor Chesney to ascertain whether his conduct results in financial loss to the City in relation to the negotiations re: servicing the Semiahmoo Reserve;

2. *THAT Council directs the City Clerk to deliver a letter to Councillor Chesney to invite him to make a submission, with or without a lawyer, to Council before Council considers the draft resolution set out in paragraph 1, and that the letter shall give Councillor Chesney at least a week's notice of the meeting and be accompanied by any records that Council might consider before it considers the resolution;*

scope of disclosure determined by OIPC and City Council



Attachments that Council may refer and reflect on before consideration of the noted resolution:

- September 17, 2016 e-mail from Councillor Chesney titled Council – Council;
- Excerpt from June 27, 2016 closed Council meeting where confidentiality from a closed meeting was reiterated; and
- September 19, 2016 Draft closed meeting minutes, adding an item to the agenda / September 17, 2016 e-mail circulated to Council by Councillor Chesney regarding Semiahmoo First Nation Council – Council, discussion and action.

Closed Council Meeting: Monday, October 17, 2016 at 3:00 p.m.,
White Rock Community Centre / Submission in Regard to Consideration of Council Censure
Page 3

If you have any questions regarding the above or in regard to the process please contact me.

Yours truly,



Tracey Arthur, City Clerk



September 23, 2016

File No. 0220-20

Personal and Confidential

Councillor David Chesney
personal information

Dear Councillor Chesney:

RE: Closed Council Meeting: Monday, October 3, 2016 at 2:00 p.m., City Hall Boardroom / Submission in Regard to Consideration of Council Censure

City of White Rock Council at their September 19, 2016 closed meeting adopted the following motion:

THAT Council shall consider passing the following resolution after Councillor Chesney has had a reasonable opportunity to be heard by Council in a closed meeting:

"THAT Council:

- (a) censures Councillor Chesney for breach of confidentiality in regard to the City's legal relationship with the Semiahmoo First Nation, where the City currently is negotiating reserve servicing matters;*
- (b) removes Councillor Chesney from the Deputy Mayor rotation for the remainder of the current Council term;*
- (c) cancels City funding for Councillor Chesney to attend Union of British Columbia Municipalities (UBCM), Federation of Canadian Municipalities (FCM) and Lower Mainland Local Government Association (LGLMA) conferences / conventions / meetings;*
- (d) cancels Councillor Chesney's utilization of the Council Expenses authorized under Council Policy 106 Council Remuneration and Expenses (Discretionary & Educational Conferences) & annual reimbursement to cover expenses for attending and representing the City of White Rock, as individual Councillors, at local community events;*
- (e) shall review the conduct of Councillor Chesney to ascertain whether his conduct results in financial loss to the City in relation to the negotiations re: servicing the Semiahmoo Reserve;*

City Clerk's Office
P: 604.541.2212 | F: 604.541.9348

City of White Rock
15322 Buena Vista Avenue, White Rock BC, Canada V4B 1Y6

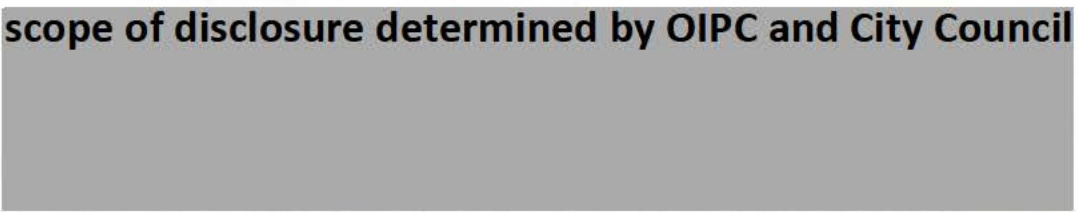
WHITE ROCK
My City by the Sea!

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Closed Council Meeting: Monday, October 3, 2016 at 2:00 p.m.,
City Hall Boardroom / Submission in Regard to Consideration of Council Censure
Page 2

- 2. *THAT Council directs the City Clerk to deliver a letter to Councillor Chesney to invite him to make a submission, with or without a lawyer, to Council before Council considers the draft resolution set out in paragraph 1, and that the letter shall give Councillor Chesney at least a week's notice of the meeting and be accompanied by any records that Council might consider before it considers the resolution;*

scope of disclosure determined by OIPC and City Council



The noted closed meeting has been scheduled for Monday, October 3, 2016 at 2:00 pm at City Hall in the Boardroom.

Attachments that Council may refer and reflect on before consideration of the noted resolution:

- September 17, 2016 e-mail from Councillor Chesney titled Council – Council;
- Excerpt from June 27, 2016 closed Council meeting where confidentiality from a closed meeting was reiterated; and
- September 19, 2016 Draft closed meeting minutes, adding an item to the agenda / September 17, 2016 e-mail circulated to Council by Councillor Chesney regarding Semiahmoo First Nation Council – Council, discussion and action.

If you have any questions regarding the above or in regard to the process you may contact me.

Yours truly,
S.A. Lam for

Tracey Arthur, City Clerk

att

Minutes of a Closed Meeting of
City of White Rock Council held in the
City Hall Board Room
October 24, 2016

PRESENT: Mayor Baldwin
Councillor Chesney
Councillor Fathers
Councillor Knight
Councillor Lawrence
Councillor Meyer
Councillor Sinclair

STAFF: D. Bottrill, Chief Administrative Officer
T. Arthur, City Clerk

The meeting was called to order at 2:35 p.m.

[...]

5. **COUNCILLOR CENSURE** [*Community Charter 90(1) (a), (g) (i) and (m)*]
The following statement was read by the Chairperson:

“The purpose of this procedural fairness hearing is to allow Councillor Chesney and his solicitor or representative to make submissions to Council. He and his counsel / representative will be given a reasonable opportunity to make submissions to Council in regard to Council's consideration of a motion further to the notice delivered to Councillor Chesney on September 23 / October 4 followed by a Calendar invite for today October 24th, 2016. Every document that Council might consider in relation to the motion was provided to Councillor Chesney along with the notice. Council members must keep an open mind during this hearing.

I would now invite Councillor Chesney, and his solicitor or representative if so desired, to address Council in regard to this matter. If you have a written copy, I would like you to hand a copy to the City Clerk”.

Councillor Chesney made a statement, notes were not provided to staff.

A cursory summary of the statement included the following:

- Apologized, if I could do it over I would have handled things differently
- The e-mail that Councillor Joanne Charles, Semiahmoo First Nation (SFN) was included on, Council must take into consideration the severity of what was actually said

- The dealings staff had with SFN should have been done in person / this was not adhered to as it was discussed by Council, was trying to smooth over the actions as Councillor Charles was upset by the letter sent from the City
- Again if I had to do this again I would have taken another action and I apologize for the action that was taken
- When the SFN media release was seen, I was shocked
- Sent 3 - 4 e-mails to the Chief Administrative Officer following a chance meeting with Councillor Charles where I was told the March 2016 meeting between the Councils was not satisfactory
- Seeing there were two (2) versions of what occurred at the March 2016 meeting I thought a further meeting between the two (2) Councils would be beneficial and so I sent the e-mail and included Councillor Charles in the e-mail hoping that it would bring SFN back to the table
- My motivation was to bring both Councils back together so we can work to solve the matter

Council at this time had the opportunity to ask questions.

Discussion included:

- This is not the first time confidential information has been released by Councillor Chesney, earlier this year he admitted to another member of Council that he had had a conversation with a SFN member following discussion held in a closed meeting
- Concern Councillor Chesney took it upon himself to get involved individually in the matter when staff and the City Solicitor were working on a solution including negotiations
- We are as a Council we need to act together and trust we are acting together, don't need to agree on everything, everyone has their opinion but when action is being taken we need to act together
- Concern about the understanding of what the closed meeting means: material and discussion must remain in closed

Councillor Chesney left the meeting at 3:44 p.m.

The Chairperson read the following:

Whereas Council believes that Councillor Chesney has breached confidentiality in regard to the City's legal relationship with the Semiahmoo First Nation (SFN), where the City currently is negotiating reserve servicing matters;

And Whereas Councillor Chesney has been afforded procedural fairness with respect to Council's consideration of this matter, and in particular was notified at least seven (7) days in advance:

- (a) that Council would be considering the matter and was given a copy of this draft Resolution that may be considered by Council;
- (b) that Council may consider, subject to continuing procedural fairness, sanctions including a motion of censure and public notification of any sanction;
Whereas Councillor Chesney was expressly informed of his right to retain legal counsel and for his legal counsel to be present at the Council meeting in which this resolution would be discussed and voted on;
Whereas Councillor Chesney was given the opportunity to personally, or via his legal counsel / legal representative, make submissions to the rest of Council regarding his conduct in this matter;
Whereas Council has considered the submissions made by Councillor Chesney and / or their legal counsel / representative;
Whereas Council has attempted to reach a consensus as to the appropriate action;
Whereas Council has provided united or separate verbal or written reasons so that Councillor Chesney understands the basis for the decision to address the conduct of Councillor Chesney:

Be it Resolved as Follows:

1. That Council shall address what it believes to be a breach of confidentiality in regard to the City's legal relationship with the Semiahmoo First Nation, where the City currently is negotiating reserve servicing matters by way of:
 - (a) a motion of censure;
 - (b) public notification of sanctions.
2. That the Corporate Officer be directed to publish a media release containing the information concerning this matter that may be released in keeping with the District's obligations pursuant to the *Freedom of Information and Protection of Privacy Act*, substantially with the content of the following:

“WHEREAS within the City of White Rock's Council and Committee Procedure Bylaw there is a provision in regard to a motion to censure that may be used to express Council's indignation with a Council member's conduct regarding Council business;

THEREFORE BE IT RESOLVED ...”

It was MOVED and SECONDED

THAT Council hereby formally:

- (a) censures Councillor Chesney for Breach of confidentiality in regard to the City's legal relationship with the Semiahmoo First Nation, where the City currently is negotiating reserve servicing matters;
 - (b) removes Councillor Chesney from the Deputy Mayor rotation, for the remainder of the current Council term;
 - (c) cancels City funding for Councillor Chesney to attend Union of British Columbia Municipalities (UBCM), Federation of Canadian Municipalities (FCM) and Lower Mainland Local Government Association (LGLMA) conferences / conventions / meetings, for the remainder of the current Council term;
 - (d) cancels Councillor Chesney's utilization of the Council Expenses authorized under Council Policy 106 Council Remuneration und Expenses (Discretionary & Educational Conferences) & annual reimbursement to cover expenses for attending and representing the City of White Rock, as individual Councillors, at local community events, for the remainder of the current Council term;
 - (e) shall review the conduct of Councillor Chesney to ascertain whether his conduct results in financial loss to the City in relation to the negotiations re: servicing the Semiahmoo Reserve;
- (2) Directs staff to bring forward an amendment to the Council and Committee Procedure Bylaw to create an offence where any Breach of Confidentiality by a Council member occurs, such that a contravention of the bylaw provision may result in a statutory injunction and ultimately contempt of court proceedings in the event of continuing contravention.

Council debated the motion

Question was called on the motion with the clarification that items c) and d) were for the remainder of the Council term and the motion was

CARRIED
Councillor Fathers and
Mayor Baldwin voted in the negative

Subsequent Motion

It was MOVED and SECONDED

THAT Council authorizes the release of information regarding the censure as follows:

- Councillor Chesney has been censured a second time.
- Following a process in accordance with Procedural Fairness City Council determined that Councillor Chesney has breached trust and has shared confidential information that may result in impeding of closed negotiations.

- The result of the censure removes Councillor Chesney from the Deputy Mayor rotation for the remainder of the current Council term.
- The public will be notified of the censure through a media release, the draft media release was provided on table, and the information will be stated at the October 24, 2016 regular Council meeting, that a media release will be issued regarding the censure.

CARRIED

[...]

The Chairperson called a recess at 4:41 p.m.

The meeting was reconvened at 4:50 p.m. with all noted members of Council, City staff and P. Hildebrand, City Solicitor, in attendance.

The Chairperson informed Councillor Chesney the motion of censure was endorsed and clarification was made that items c) and d) also were for the remainder of the Council term.

And further stated to Councillor Chesney the importance of working with Council, not alone and of operating within the legislation. The negotiations underway with the SFN involved millions of dollars and we are all concerned this act has compromised or will compromise the City's position.

Each member of Council has noted they are very concerned with the lack of trust they feel.

Councillor Chesney was given the opportunity to respond and stated he did not feel this was a team environment.

Mr. Hildebrand, City Solicitor, departed the meeting at 4:57 p.m.

[...]

October 24, 2016

Item 11

MEDIA RELEASE

FOR IMMEDIATE RELEASE
October 24, 2016

White Rock City Councillor, David Chesney, Censured

WHITE ROCK – City of White Rock Council have had to make the difficult decision to censure City Councillor, David Chesney.

Breach of Trust and Sharing of Confidential/Classified Information

Over the last few weeks, it was brought to Council's attention that Councillor Chesney had gone against Council's direction and divulged confidential information regarding the City's negotiations of a very sensitive and critical matter.

Any person who is elected or appointed to office, on a municipal council, must make an oath or solemn affirmation of office, under section 120 of the *Community Charter* and are bound by duty to section 117 of the *Community Charter* to respect confidentiality. Regrettably, City of White Rock Council has lost faith and trust in Councillor David Chesney's ability to respect and uphold the integrity of the members' office and oath.

-30-

Media Contact:

Ms. Farnaz Farrokhi
Manager, Communications and Government Relations | City of White Rock
Tel: 604.541.2138
Email: ffarrokhi@whiterockcity.ca