

THE CORPORATION OF THE
CITY OF WHITE ROCK

15322 BUENA VISTA AVENUE, WHITE ROCK, B.C. V4B 1Y6

MEETING NOTICE

Pursuant to the *Community Charter* a Special and Closed meeting of Council have been called to begin at **3:15 P.M.** on **MONDAY, SEPTEMBER 9, 2019.**

DATE: SEPTEMBER 9, 2019
MEETING TIME: 3:15 P.M.
LOCATION: WHITE ROCK COUNCIL CHAMBERS
15322 BUENA VISTA AVE., WHITE ROCK BC V4B 1Y6

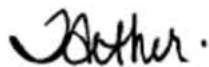
These meetings have been called to discuss items that are in accordance with Sections 90 (1) (a), (c), (d), (e), (g), (i), (k) and (m) of the *Community Charter*:

- (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;
- (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;
- (g) litigation or potential litigation affecting the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (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; and
- (m) a matter that, under another enactment, is such that the public may be excluded from the meeting.

PURPOSE:

- Personnel / Labour Matters
- Land, Litigation, Legal Advice
- Additional Committee Appointments (Dogs on the Promenade, Marine Drive Task Force)
- Legal Advice Labour Matter

Date: September 4, 2019



Tracey Arthur, Director of Corporate Administration

WHITE ROCK
My City by the Sea!

www.whiterockcity.ca



THE CORPORATION OF THE
CITY OF WHITE ROCK
15322 BUENA VISTA AVENUE, WHITE ROCK, B.C. V4B 1Y6

September 4, 2019

A **CLOSED MEETING** of CITY COUNCIL will be held in the **CITY HALL BOARD ROOM** on **MONDAY, SEPTEMBER 9, 2019**, following the Special to Close Meeting at **3:15 p.m.** for the transaction of business as listed below.

T. Arthur, Director of Corporate Administration

A G E N D A

1. AGENDA APPROVAL

RECOMMENDATION:

THAT the Corporation of the City of White Rock Council adopt the agenda for the September 9, 2019 closed meeting as circulated.

2. PREVIOUS MINUTES

July 22, 2019 Closed Council

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RECOMMENDATION:

THAT the Corporation of the City of White Rock Council adopt the following minutes of the closed meeting as circulated:

- July 22, 2019 Closed Council.

3. CHIEF ADMINISTRATIVE OFFICER (CAO) PERFORMANCE REVIEW

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Community Charter Section 90(1) (a) and (c)

Mayor Walker has brought this item forward for discussion to finalize an agreed to process for the Chief Administrative Officer (CAO) Review. Council Policy 126 – Chief Administrative Officer (CAO) Annual Performance Review has been included for reference purposes.

RECOMMENDATION

THAT Council directs staff to bring forward the 2017 CAO Performance Review for the purpose to use as a reference tool for the Chief Administrative Officer review.

RECOMMENDATION

THAT Council direct staff to bring forward the CAO's letter of employment.

Note: *The Director of Human Resources will be in attendance for this item.*

4. **UPDATE REGARDING 1510 JOHNSTON ROAD (IMPERIAL OIL SITE)**

Litigation

Litigation

5. Litigation

6. **2019 ADDITIONAL COMMITTEE APPOINTMENTS – DOGS ON THE PROMENADE TASK FORCE / MARINE DRIVE TASK FORCE**

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Community Charter Section 90(1) (a)

Corporate report dated September 9, 2019 from the Director of Corporate Administration titled “2019 Additional Committee Appointments – Dogs on the Promenade Task Force and the Marine Drive Task Force”.

RECOMMENDATION:

THAT Council:

1. Receive for information the September 9, 2019 closed corporate report from the Director of Corporate Administration titled “2019 Additional Committee Appointments – Dogs on the Promenade Task Force/ Marine Drive Task Force”;
2. Appoint up to three (3) members to fill vacancies on the Dogs on the Promenade Task Force, with a term expiring December 31, 2019;
3. Select one (1) additional applicant to serve on the Dogs on the Promenade Task Force as an alternate should one of the newly appointed persons be unable to participate on the Task Force at this time;
4. Appoint up to two (2) additional members to the Marine Drive Task Force (bringing the voting members of the Task Force from up to five (5) to up to seven (7) members, with a term expiring March 31, 2020;
5. Select one (1) additional applicant to serve on the Marine Drive Task Force as an alternate should one (1) of the newly appointed persons be unable to participate on the Committee at this time; and,
6. Authorize the release of the 2019 Additional Committee Appointments – Dogs on the Promenade Task Force/ Marine Drive Task Force corporate report and the committee appointments, in accordance with Freedom of Information and Protection of Privacy Legislation.

7. **COUNCILLOR CHESNEY RELEASE OF CENSURE INFORMATION**

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Community Charter Section 90(1) (a), (c), (d), (g), (i) and (m)

Motions from the July 22, 2019 Closed Council meeting regarding the Councillor Chesney Release of Censure Information

2019-IC-050

It was MOVED and SECONDED

THAT Council authorizes the reimbursement to Councillor Chesney for monies lost for four (4) years for the 2014 – 2018 Council term that would be paid for the role of Deputy Mayor and requests the following information to be provided at the next closed Council meeting:

1. What the dollar amount would be; and
2. Where will the funds come from.

CARRIED

***Note:** The following calculations have been provided by the Finance Department in regard payment of Deputy Mayor during the 2014-2018 Council Term.*

<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>

It has been noted that the funding source will be from the City's General Fund Contingency Budget.

2019-IC-051

It was MOVED and SECONDED

THAT Council authorizes the reimbursement to Councillor Chesney for legal fees paid to defend himself in regard to the censure (approximately \$4,000) **Legal Privilege**

CARRIED

***Note:** From Legal Counsel:*

Legal Privilege

2019-IC-052

It was MOVED and SECONDED

THAT Council authorizes the full release of the closed details from the first censure of Councillor Chesney from the 2014 – 2018 Council Term; following the review of the documentation by the City’s Legal Counsel.

CARRIED

***Note:** It was noted that the details from the second censure were already released through a Freedom of Information and Protection of Privacy file.*

2019-IC-053

It was MOVED and SECONDED

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.

CARRIED

***Note:** The apology will be completed following the September 9, 2019 closed meeting, staff will work on the document for Mayor Walker’s review and signature.*

8.



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

10. **CONCLUSION OF THE SEPTEMBER 9, 2019 CLOSED COUNCIL MEETING**

THE CORPORATION OF THE
CITY OF WHITE ROCK
CLOSED CORPORATE REPORT



DATE: September 9, 2019

TO: Mayor and Council

FROM: Tracey Arthur, Director of Corporate Administration

SUBJECT: 2019 Additional Committee Appointments – Dogs on the Promenade Task Force/
Marine Drive Task Force

RECOMMENDATIONS

THAT Council:

1. Receive for information the September 9, 2019 closed corporate report from the Director of Corporate Administration titled “2019 Additional Committee Appointments – Dogs on the Promenade Task Force/ Marine Drive Task Force”;
 2. Appoint up to three (3) members to fill vacancies on the Dogs on the Promenade Task Force, with a term expiring December 31, 2019;
 3. Select one (1) additional applicant to serve on the Dogs on the Promenade Task Force as an alternate should one of the newly appointed persons be unable to participate on the Task Force at this time;
 4. Appoint up to two (2) additional members to the Marine Drive Task Force (bringing the voting members of the Task Force from up to five (5) to up to seven (7) members, with a term expiring March 31, 2020;
 5. Select one (1) additional applicant to serve on the Marine Drive Task Force as an alternate should one (1) of the newly appointed persons be unable to participate on the Committee at this time; and,
 6. Authorize the release of the 2019 Additional Committee Appointments – Dogs on the Promenade Task Force/ Marine Drive Task Force corporate report and the committee appointments, in accordance with Freedom of Information and Protection of Privacy Legislation.
-

INTRODUCTION

The purpose of this corporate report is to fill vacancies on the Dogs on the Promenade Task Force, and to increase the number of voting members on the Marine Drive Task Force from up to five (5) to up to seven (7). In addition, it is recommended that Council also suggest one (1) additional member to serve on both the Dogs on the Promenade Task Force and the Marine Drive Task Force, should one of the newly appointed members be unable to serve.

Council Policies – Terms of Reference for each committee are included for reference under the appendices as follows:

- Dogs on the Promenade Task Force – Appendix A; and
- Marine Drive Task Force – Appendix B.

PAST PRACTICE/POLICY

Committee appointments are discussed by Council in a closed meeting in accordance with Section 90(1)(a) of the *Community Charter* to allow for discussion including personal information about an identifiable individual.

Attached as Appendix C is Council Policy 120 – Code of Conduct for Committee Members as a reference for further consideration during the Committee appointment process.

ANALYSIS

Dogs on the Promenade Task Force

A trial period for dogs on leash to be allowed on the Waterfront Promenade for the period of October 1, 2019 to March 31, 2020 was approved by White Rock City Council in January, 2019. Following this, Council directed that a Dogs on the Promenade Task Force (DotPTF) be established in advance of the trial period to determine the approach that will be used to assess the relative success or failure of allowing dogs on the promenade.

Appointments were made to the DotPTF at the June 24, 2019 Closed Council meeting.

Following these appointments three (3) members of the Task Force have resigned. Resignation letters were provided by the Task Force members to Corporate Administration.

In accordance with the Terms of Reference, Council may appoint up to three (3) additional members to serve on the Task Force, with a term expiring December 31, 2019.

In addition, Council could also suggest one (1) applicant to serve should one of the selected applicants no longer be available to serve on the Task Force and thus saving having to bring this forward again for this circumstance in 2019.

Four (4) community members applied to serve on the DotPTF that were not selected at the June 24, 2019 Closed Council meeting, all of which have noted that they currently live in White Rock. In addition, one (1) application was submitted to Corporate Administration in August, 2019 (as noted in attachment A).

Marine Drive Task Force

The Marine Drive Task Force (MDTF) will advise Council on Marine Drive issues such as: business viability, economic development, tourism, redevelopment, building and public realm design and character, signage, sidewalk use and programming, beautification, events and Marine Drive business areas relationship to the Promenade/Pier, beach, and parking.

Appointments were made to the MDTF at the April 29, 2019 Closed Council meeting. Since that time, Mayor Walker has indicated he would like to increase the membership from up to five (5) to up to seven (7) committee members.

In accordance with the Terms of Reference, members will serve with a term expiring December 31, 2020. Preference will be given to Marine Drive residents and/or business residents.

Thirteen (13) community members applied to serve on the MDTF that were not selected at the April 29, 2019 Closed Council meeting, ten (10) of which have noted that they currently live in White Rock.

CONCLUSION

Council is requested to make appointments to the relative committees:

1. Dogs on the Promenade Task Force (consider appointment of three (3) community members to fill current vacancies, and one (1) alternate, if required); and
2. Marine Drive Task Force (consider appointment of two (2) additional community members to increase Task Force membership, and one (1) alternate, if required).

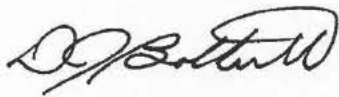
Respectfully submitted,



Tracey Arthur
Director of Corporate Administration

Comments from the Chief Administrative Officer:

This corporate report is provided to Council in order to facilitate appointments to the task force and committees as described in the report.



Dan Bottrill,
Chief Administrative Officer

Appendix A: Dogs on the Promenade Task Force
Terms of Reference
Committee Application Index
Committee Application Worksheet
Committee Applications

Appendix B: Marine Drive Task Force
Terms of Reference
Committee Application Index
Committee Application Worksheet
Committee Applications

Appendix C: Council Policy 120- Council Code of Conduct for Committee Members

THE CORPORATION OF THE
CITY OF WHITE ROCK
CLOSED CORPORATE REPORT



DATE: September 9, 2019
TO: Mayor and Council
FROM: Tracey Arthur, Director of Corporate Administration
SUBJECT: Litigation [REDACTED]

Litigation

Litigation

Litigation

Respectfully submitted,



Tracey Arthur, Director of Corporate Administration

Comments from the Chief Administrative Officer:

This corporate report is provided for information.



Dan Bottrill, Chief Administrative Officer

Appendix A:
Appendix B:

Litigation

PRESENT: Mayor Walker
Councillor Chesney
Councillor Fathers
Councillor Johanson
Councillor Kristjanson
Councillor Trevelyan

ABSENT: Councillor Manning

STAFF: S. Kurylo, Director of Financial Services / Acting Chief Administrative Officer
T. Arthur, Director of Corporate Administration

The meeting was called to order at 3:19 p.m.

1. AGENDA APPROVAL

2019-IC-056 **It was MOVED and SECONDED**
THAT the Corporation of the City of White Rock Council adopts the agenda for the
September 9, 2019 closed meeting as circulated.

CARRIED

2. PREVIOUS MINUTES
July 22, 2019 Closed Council

2019-IC-057 **It was MOVED and SECONDED**
THAT the Corporation of the City of White Rock Council adopts the following
minutes of the closed meeting as circulated:

- July 22, 2019 Closed Council.

CARRIED

3. CHIEF ADMINISTRATIVE OFFICER (CAO) PERFORMANCE REVIEW
Community Charter Section 90(1) (a) and (c)
Mayor Walker brought this item forward for discussion to finalize an agreed to process
for the Chief Administrative Officer (CAO) Review.

Council Policy 126 – Chief Administrative Officer (CAO) Annual Performance
Review was included with the agenda for reference purposes.

2019-IC-058 **It was MOVED and SECONDED**
THAT Council directs staff to bring forward the 2017 CAO Performance Review for
the purpose to use as a reference tool for the Chief Administrative Officer review.

CARRIED

Note: Item provided On Table for viewing and handed back in at the end of the meeting.

2019-IC-059

It was MOVED and SECONDED

THAT Council directs staff to bring forward the CAO's letter of employment.

CARRIED

Note: Item provided On Table for viewing and handed back in at the end of the meeting.

J. Johnstone, Director of Human Resources arrived at the meeting at 3:26 p.m.

A member of Council distributed a copy of the ICMA's City Manager Performance Evaluation Criteria form "On Table" for discussion and consideration to be used for the City's Chief Administrative Officer's review.

2019-IC-060

It was MOVED and SECONDED

THAT Council directs staff to bring forward the CAO's 2016 Performance Review for Council's information.

CARRIED

The Director of Human Resources noted that in the past the surveys were forwarded back to the Director of Human Resources who gave them as a package to the Mayor.

It was noted that it would be preferable that there be an averaging of the question markings (similar to a Council vote); that a median instead be used.

The Director of Human Resources noted that evaluation of the CAO is to be done for this Council's current term, in relation to the CAO's work plan and Council's Corporate Priorities. It would give feedback as to what the CAO is doing well and where improvement can be made. This can also be a time to ensure that the Council's Corporate Priorities are being communicated and that they are included in the work plan to the satisfaction of Council.

Next Steps:

Council will receive a copy of the ICMA's City Manager Performance Evaluation Criteria form along with a blank copy of the previous format.

Further information for Council to refer to for reference purposes:

- Copies of the CAO work plan

- Leadership Competency Benchmarks
- Copies of the 2016 and 2017 CAO performance review

A meeting to be scheduled following giving Council time to complete CAO evaluation, so there can be discussion with all of Council. Following discussion there is this time as the opportunity to amend the scoring by the individual members of Council.

This is an important step as there is time to discuss as a group in order for there to be clear direction / clear picture of expectations to give to the CAO.

Following the meeting, the completed forms are to be submitted to the Director of Human Resources.

The CAO will also do a self-assessment but given this is the first year with many new members of Council this step may not be completed via a form but there must be an opportunity for the CAO to weigh in on the assessment.

Once results are all in the CAO is entitled to copies to review and a closed meeting scheduled so there is time to discuss the information and opportunity to seek to understand the information.

There also needs to be the opportunity for the CAO to weigh in and talk about the goals for next year.

Final documents need to be signed off on, original to the CAO personal file.

2019-IC-060

It was MOVED and SECONDED

THAT Council directs that a Chief Administrative Officer (CAO) review be conducted with the following elements:

- the ICMA's City Manager Performance Evaluation as distributed "On Table" be utilized as the basis of the review;
- Blank copy of the previous CAO evaluation form to be used for reference as it may help with elements if something in the ICMA's is not addressed it could give further areas to consider under comments;
- Copies of the CAO work plan;
- Median summary of the results per section to be the determination of the final mark (similar to a Council vote being taken);
- Leadership Competency Benchmarks be included for reference; and
- Copies of the 2016 and 2017 CAO performance review for reference.

CARRIED

The Director of Human Resources departed the meeting at 3:52 p.m.

The agenda was varied at this time to bring in Paul Hildebrand City Solicitor via conference call so he can review the hearing in regard to

Legal Privilege, Litigation

5.

Legal Privilege, Litigation



The City Solicitor departed the meeting though conference call at 4:03 p.m.

Litigation

4.

UPDATE REGARDING 1510 JOHNSTON ROAD (IMPERIAL OIL SITE)

Litigation

Litigation

2019-IC-061

6. **2019 ADDITIONAL COMMITTEE APPOINTMENTS – DOGS ON THE PROMEN. TASK FORCE / MARINE DRIVE TASK FORCE**
Community Charter Section 90(1) (a)
Corporate report dated September 9, 2019 from the Director of Corporate Administration titled “2019 Additional Committee Appointments – Dogs on the Promenade Task Force and the Marine Drive Task Force”.

2019-IC-062

It was MOVED and SECONDED

THAT Council appoints the following three (3) members to fill vacancies on the Dogs on the Promenade Task Force, with a term expiring December 31, 2019

- Arlene MacDonald;
- Diane Scott; and
- Gary Wolgemuth.

CARRIED

2019-IC-063

It was MOVED and SECONDED

THAT Council appoints the following two (2) additional members to the Marine Drive Task Force (bringing the voting members of the Task Force from up to five (5) to up

to seven (7) members, with a term expiring
March 31, 2020:

- Sharon Greysen; and
- Susan MacDonald.

CARRIED

2019-IC-064

It was MOVED and SECONDED

THAT Council selects ^{Personal Information} as an additional appointment to serve on the Marine Drive Task Force should one (1) of the newly appointed persons in notion 2019-IC-063 not be able to participate on the Committee at this time.

CARRIED

2019-IC-065

It was MOVED and SECONDED

THAT Council:

1. Receives for information the September 9, 2019 closed corporate report from the Director of Corporate Administration titled “2019 Additional Committee Appointments – Dogs on the Promenade Task Force/ Marine Drive Task Force”; and
2. Authorizes the release of the 2019 Additional Committee Appointments – Dogs on the Promenade Task Force / Marine Drive Task Force corporate report and the committee appointments, in accordance with Freedom of Information and Protection of Privacy Legislation.

CARRIED

7.

COUNCILLOR CHESNEY RELEASE OF CENSURE INFORMATION

Community Charter Section 90(1) (a), (c), (d), (g), (i) and (m)

Motions from the July 22, 2019 Closed Council meeting regarding the Councillor Chesney Release of Censure Information

July 22, 2019-IC-050 It was MOVED and SECONDED

THAT Council authorizes the reimbursement to Councillor Chesney for monies lost for four (4) years for the 2014 – 2018 Council term that would be paid for the role of Deputy Mayor and requests the following information to be provided at the next closed Council meeting:

1. *What the dollar amount would be; and*
2. *Where will the funds come from.*

CARRIED

Note: *The following calculations have been provided by the Finance Department in regard payment of Deputy Mayor during the 2014-2018 Council Term.*

Deputy Mayor	
2015	\$2,620
2016	\$2,620
2017	\$2,620
2018	\$2,760
Total Payment	\$10,620

It has been noted that the funding source will be from the City's General Fund Contingency Budget.

July 22, 2019-IC-051

It was MOVED and SECONDED

THAT Council authorizes the reimbursement to Councillor Chesney for legal fees paid to defend himself in regard to the censure (approximately \$4,000) **Legal Privilege**

CARRIED

Note: From Legal Counsel:

Legal Privilege

July 22, 2019-IC-052

It was MOVED and SECONDED

THAT Council authorizes the full release of the closed details from the first censure of Councillor Chesney from the 2014 – 2018 Council Term; following the review of the documentation by the City's Legal Counsel.

CARRIED

Note: It was noted that the details from the second censure were already released through a Freedom of Information and Protection of Privacy file.

July 22, 2019-IC-053

It was MOVED and SECONDED

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.

CARRIED

***Note:** The apology will be completed following the September 9, 2019 closed meeting, staff will work on the document for Mayor Walker's review and signature.*

Councillor Chesney did not vote on any of the following motions in relation to Item 7.

2019-IC-066

It was MOVED and SECONDED

THAT Council directs staff to complete the direction in motion 2019-IC-050, as the amount of \$10,620 with a funding source from the City's General Fund Contingency Budget have now been identified.

CARRIED

2019-IC-067

It was MOVED and SECONDED

THAT Council directs staff to complete the direction in motion 2019-IC-051, as
Legal Privilege

CARRIED

2019-IC-068

It was MOVED and SECONDED

THAT Council defers consideration of motion 2019-IC-052 and the information provided, until the next closed Council meeting so there can be further discussion in regard to the release of information.

CARRIED

2019-IC-069

It was MOVED and SECONDED

THAT Council directs staff to complete the direction in motion 2019-IC-053, once the legal fee invoices are received so all noted information can be included in a letter of apology to be drawn up for Mayor Walker to sign in order to notify that the motions to censure Councillor Chesney (2014-2018) have been rescinded.

CARRIED

8.

2019-IC-070

Litigation

Litigation

9. **DISCUSSION / CONSIDERATION OF ITEMS TO BE
RELEASED FROM THE CLOSED SESSION TO THE PUBLIC**
None

10. **CONCLUSION OF THE SEPTEMBER 9, 2019 CLOSED COUNCIL MEETING**
The Chairperson declared the meeting concluded at 4:43 p.m.



Mayor Walker



Tracey Arthur, Director of
Corporate Administration