

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 **3:30 P.M.** on **MONDAY, JULY 22, 2019.**

DATE: JULY 22, 2019

MEETING TIME: 3:30 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), (b), (c), (d), (e), (g), (h), (i), (j), (k), (m) and 90 (2) (b) of the *Community Charter*:

90(1)

- (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;
- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (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;
- (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
- (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;
- (m) a matter that, under another enactment, is such that the public may be excluded from the meeting; and

90(2) (b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party

PURPOSE:

- Land, Litigation, Legal Advice
- Additional Committee Appointments (Advisory Design Panel, History and Heritage Advisory Committee and Parking Task Force)
- Personal Information
- Labour Relations
- Release of Closed Topics from July 2018 – June 30, 2019 (five (5) Closed Meetings plus two (2) Closed Council-to-Council meetings with the Semiahmoo First Nation have been held during this time period)

Date: July 17, 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

July 17, 2019

A **CLOSED MEETING** of CITY COUNCIL will be held in the **CITY HALL BOARD ROOM** on **Monday, July 22, 2019**, following the Special to Close Meeting at **3:30 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 July 22, 2019 closed meeting as circulated.

2. **PREVIOUS MINUTES**

June 17, 2019 Council-to-Council with Semiahmoo First Nation
June 24, 2019 Closed Council

Page
Page

RECOMMENDATION:

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

- June 17, 2019 Council-to-Council with the Semiahmoo First Nation; and
- June 24, 2019 Closed Council.

3.

Legal Privilege, Property Matter

Legal Privilege, Property Matter

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

Litigation

5. **2019 ADDITIONAL COMMITTEE APPOINTMENTS – ADVISORY DESIGN PANEL/ HISTORY AND HERITAGE ADVISORY COMMITTEE/ PARKING TASK FORCE**

Community Charter Section 90(1) (a)

Corporate report dated July 22, 2019 from the Director of Corporate Administration titled “2019 Additional Committee Appointments – Advisory Design Panel/ History and Heritage Advisory Committee/ Parking Task Force”.

RECOMMENDATION:

THAT Council:

1. Receive for information the July 22, 2019 closed corporate report from the Director of Corporate Administration titled “2019 Additional Committee Appointments – Advisory Design Panel/ History and Heritage Advisory Committee/ Parking Task Force”;
2. Appoint one (1) architect to fill a vacancy on the Advisory Design Panel, as provided by the Architectural Institute of British Columbia, with a term expiring December 31, 2020;
3. Appoint up to one (1) member to fill a vacancy on the History and Heritage Advisory Committee, with a term expiring December 31, 2020;
4. Select one (1) additional applicant to serve on the History and Heritage Advisory Committee as an alternate should the newly appointed person be unable to participate on the Committee at this time;
5. Appoint up to one (1) member to fill a vacancy on the Parking Task Force, with a term expiring December 31, 2019;
6. Select one (1) additional applicant to serve on the Parking Task Force should the newly appointed person be unable to participate on the Task Force at this time; and
7. Authorize the release of the 2019 Additional Committee Appointments – Advisory Design Panel/History and Heritage Advisory Committee/ Parking Task Force corporate report and the committee appointments, in accordance with Freedom of Information and Protection of Privacy legislation.

6.

Litigation

7.

CENSURE OF COUNCILLOR

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

Councillor Chesney has requested the matter of both his censures from the past Council term (2015 and 2106) be added to the agenda for discussion purposes.

The following motions are in relation to Councillor Chesney being censured by City Council as following:

March 2, 2015 Closed:

2015-IC-032 **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 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.

CARRIED

Councillor Fathers voted in the negative

2015-IC-033

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.

SECOND CENSURE

October 24, 2016

2016-IC-070

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 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, 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

2016-IC-071

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 following materials are attached for reference purposes:

Censure 1 (2015)

- a) 2015 Closed Minute Extracts
- b) 2015-02-15 Legal Opinion regarding “White Rock Sun Article “White Rock Rail Safety Task Farce”
- c) 2015-03-02 Notice to Councillor Chesney
- d) 2015-03-04 Release of Legal Opinion to Councillor Chesney
- e) 2015-03-12 Letter from Councillor Chesney’s Legal
- f) 2015-03-16 Letter from City Solicitor in response to the letter dated March 12, 2019
- g) 2015-03-30 Letter to Councillor Chesney from Mayor Baldwin regarding Council’s Adopted Motion of Censure (March 23, 2015)

Censure 2 (2016)

- a) 2016 Closed Minute Extracts
- b) 2016-09-17 Email from Councillor Chesney to Council, copied to Semiahmoo First Nation Councillor J. Charles
- c) 2016-09-23 Letter from staff to Councillor Chesney regarding notice of censure
- d) 2016-10-04 Letter from staff to Councillor Chesney regarding revised Closed meeting date for Submission in regard to consideration of Council censure (rescheduled to October 17, 2016)
- e) 2016-10-24 City Media Release presented On Table at the Regular Council meeting titled “White Rock City Councillor, David Chesney, Censured”

8. CHIEF ADMINISTRATIVE OFFICER PERFORMANCE REVIEW / WORKPLAN

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

Introduction of Process, Time Line for Year End Performance Review

The following is included in the agenda for reference purposes

- Chief Administrative Officer Annual Performance Review-Council Policy 126 **PAGE**
- Officers and Indemnification Bylaw, 2012, No. 1994 **PAGE**
- Chief Administrative Officer Work Plan - 2019 **PAGE**
- Chief Administrative Offer / City Manager Position Description **PAGE**

9. THE ROLE OF COUNCIL AND THE CHIEF ADMINISTRATIVE OFFICER

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

Mayor Walker and the Chief Administrative Officer placed this item on the agenda for discussion purposes.

The following is included in the agenda for reference purposes

- Community Charter excerpt sections 115 and 116 Roles of Mayor and Council **PAGE**
- George Cuff, Orientation Seminar, November 9, 2018 “Good Governance”: Principles, Processes, Practices – Copy of Power Point **PAGE**

10. TOPICS OF COUNCIL CLOSED MEETINGS FROM JULY 2018 – JUNE 30, 2019 / CLOSED MOTION TRACKING

Community Charter Section 90(1) (a), (b), (c), (d), (e), (g), (h), (i), (j), (k) and 90(2) (b)

Corporate report dated July 22, 2019 from the Director of Corporate Administration titled “Topics of Council Closed Meetings from July 2018 – June 30, 2019 / Closed Motion Tracking”.

RECOMMENDATION:

THAT Council:

1. Receive for information the closed corporate report dated July 22, 2019, from the Director of Corporate Administration, titled “Topics of Council Closed Meetings from July 2018 – June 30, 2019 / Closed Motion Tracking”;
2. Authorize the public release of Appendix A of this corporate report noting the Topics of Closed Council Meetings from July 2018 – June 30, 2019 at a regular Council meeting; and

3. Authorize the public release of this closed report in accordance with Freedom of Information and Protection of Privacy legislation.

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

12. CONCLUSION OF THE JULY 22, 2019 CLOSED COUNCIL MEETING

THE CORPORATION OF THE
CITY OF WHITE ROCK
CLOSED CORPORATE REPORT



DATE: July 22, 2019

TO: Mayor and Council

FROM: Tracey Arthur, Director of Corporate Administration

SUBJECT: Content of Council Closed Meetings from July 2018 – June 30, 2019 / Closed Motion Tracking

RECOMMENDATIONS

THAT Council:

1. Receive for information the closed corporate report dated July 22, 2019, from the Director of Corporate Administration, titled “Topics of Council Closed Meetings from July 2018 – June 30, 2019 / Closed Motion Tracking”;
 2. Authorize the public release of Appendix A of this corporate report noting the Topics of Closed Council Meetings from July 2018 – June 30, 2019 at a regular Council meeting; and
 3. Authorize the public release of this closed report in accordance with *Freedom of Information and Protection of Privacy* legislation.
-

PURPOSE

As City practice, since 2015, Council considers a corporate report that outlines the topics of Council closed meetings for release to the public on a quarterly basis (Appendix A).

In response to Council’s request to have Closed Motion Tracking brought forward for information, that document is also included as part of the Closed Quarterly reporting (Appendix B).

ANALYSIS

Release of Closed Items

From July 2018 – June 30, 2019 there were five (5) closed Council meetings held and in addition there were two (2) closed Council-to-Council meetings with the Semiahmoo First Nation. Appendix A, attached to and forming part of this corporate report, states topics from each of the closed meetings held during the noted time period.

Closed Motion Tracking

Appendix B attached to and forming part of this corporate report is the Closed Motion Tracking document that gives a summary of all motions requiring action within the closed meetings held from July 2018 – June 30, 2019.

CONCLUSION

Council is requested to review Appendix A and Appendix B as presented and consider the recommendations noted in the corporate report.

Respectfully submitted,



Tracey Arthur,
Director of Corporate Administration

Comments from the Acting Chief Administrative Officer:

I concur with the recommendations of this closed corporate report.



Dan Bottrill,
Chief Administrative Officer

Appendix A: Content of Council Closed Meetings from July 2018 – June 30, 2019
Appendix B: Closed Motion Tracking document

Confidential

THE CORPORATION OF THE
CITY OF WHITE ROCK
CLOSED CORPORATE REPORT



DATE: July 22, 2019

TO: Chief Administration Officer

FROM: Tracey Arthur, Director of Corporate Administration

SUBJECT: 2019 Additional Committee Appointments – Advisory Design Panel/ History and Heritage Advisory Committee/ Parking Task Force

RECOMMENDATIONS

THAT Council:

1. Receive for information the July 22, 2019 closed corporate report from the Director of Corporate Administration titled “2019 Additional Committee Appointments – Advisory Design Panel/ History and Heritage Advisory Committee/ Parking Task Force”;
 2. Appoint one (1) architect to fill a vacancy on the Advisory Design Panel, as provided by the Architectural Institute of British Columbia, with a term expiring December 31, 2020;
 3. Appoint up to one (1) member to fill a vacancy on the History and Heritage Advisory Committee, with a term expiring December 31, 2020;
 4. Select one (1) additional applicant to serve on the History and Heritage Advisory Committee as an alternate should the newly appointed person be unable to participate on the Committee at this time;
 5. Appoint up to one (1) member to fill a vacancy on the Parking Task Force, with a term expiring December 31, 2019;
 6. Select one (1) additional applicant to serve on the Parking Task Force should the newly appointed person be unable to participate on the Task Force at this time; and
 7. Authorize the release of the 2019 Additional Committee Appointments – Advisory Design Panel/History and Heritage Advisory Committee/ Parking 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 committee member vacancies on the Advisory Design Panel, the History and Heritage Advisory Committee and the Parking Task Force. In addition, it is recommended that Council also suggest one (1) additional member to serve on the History and Heritage Advisory Committee and the Parking Task Force, should the newly appointed member be unable to serve.

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

- Advisory Design Panel – Appendix A;
- History and Heritage Advisory Committee – Appendix B; and
- Parking Task Force – Appendix C.

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

ANALYSIS

Advisory Design Panel

The Advisory Design Panel (ADP) is appointed by Council to advise Council on the quality of the built environment of the City, and specifically to provide comments and suggestions to improve the design quality of new development and redevelopment in the City. The ADP is regulated by the White Rock Planning Procedures Bylaw and the ADP Terms of Reference.

Appointments were made to the ADP at the February 11, 2019 Closed Council Meeting. In April a resignation letter was submitted by one (1) architect due to health reasons.

Architect applications are submitted to the City by the Architectural Institute of British Columbia (AIBC). In follow-up to the resignation letter, the AIBC has provided one (1) potential nomination for Council's consideration.

History and Heritage Advisory Committee

The History and Heritage Advisory Committee (HHAC) shall act as an advisory body to Council on matters relating to White Rock's built, natural, and cultural heritage resources.

Appointments to the HHAC were made by Council at a Closed Council meeting on April 29 and June 24, 2019.

Following these appointments one (1) member advised that he would not be able to serve on the Committee on a monthly basis due to **Personal Information**. A resignation letter was provided by the Committee member to Corporate Administration.

In accordance with the Terms of Reference, Council may appoint up to one (1) additional member with an interest in local heritage conservation and history, architecture, planning and design, and environmental and cultural preservation and interpretation. The majority of members are to be White Rock residents, or representatives of local organizations.

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

Five (5) community members applied to serve on the HHAC that were not selected at the April 29, 2019 Closed Council meeting. Four (4) of these applicants have noted that they currently live in White Rock.

Parking Task Force

The Parking Task Force (PTF) will review and potentially revise pay parking in White Rock, including rates, parking permits, and the integration of the new parkade. Members of the Task Force are to represent a cross section of interested parties including waterfront businesses, and interested residents.

Appointments to the PTF were made by Council on February 11, 2019 at a Closed Council meeting. Recently one (1) member of the Task Force has resigned, due to scheduling conflicts.

In accordance with the Terms of Reference, Council may appoint up to one (1) additional member 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 the selected applicant no longer be available to serve on the Task Force and thus saving having to bring this forward again for this circumstance in 2019.

Three (3) applicants were not selected at the February 11, 2019 Closed Council meeting, all of which are White Rock residents.

CONCLUSION

Council is requested to make appointments to the relative committees:

1. Advisory Design Panel (consider appointment of one (1) architect to fill current vacancy;
2. History and Heritage Advisory Committee (consider appointment of one (1) additional member, and one (1) alternate if required); and,
3. Parking Task Force (consider appointment of one (1) additional member, and one (1) alternate if required).

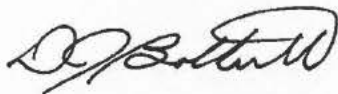
Respectfully submitted,



Tracey Arthur
Director of Corporate Administration

Comments from the Chief Administrative Officer:

I concur with the recommendations of this closed corporate report.



Dan Bottrill
Chief Administrative Officer

Attachments: Appendix A: Advisory Design Panel
Terms of Reference
Architect Application

Appendix B: History and Heritage Advisory Committee
Terms of Reference
Committee Application Index
Committee Application Worksheet
Committee Applications

Appendix C: Parking Task Force
Terms of Reference
Committee Application Index
Committee Application Worksheet
Committee Applications

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

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

STAFF: D. Bottrill, Chief Administrative Officer
T. Arthur, Director of Corporate Administration

The meeting was called to order at 3:34 p.m.

1. AGENDA APPROVAL

2019-IC-043 **It was MOVED and SECONDED**
THAT the Corporation of the City of White Rock Council adopts the agenda for the July 22, 2019 closed meeting as circulated.

CARRIED

2. PREVIOUS MINUTES

- a) June 17, 2019 Council-to-Council with Semiahmoo First Nation
- b) June 24, 2019 Closed Council

2019-IC-044 **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:

- June 17, 2019 Council-to-Council with the Semiahmoo First Nation; and
- June 24, 2019 Closed Council.

CARRIED

S. Kurylo, Director of Financial Services arrived at the meeting at 3:36 p.m.

3.

Legal Privilege, Property Matter



Legal Privilege, Property Matter

2019-IC-044

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

Litigation

Litigation

2019-IC-045

S. Kurylo, Director of Financial Services departed the meeting at 3:36 p.m.

5.

2019 ADDITIONAL COMMITTEE APPOINTMENTS – ADVISORY DESIGN PANEL/ HISTORY AND HERITAGE ADVISORY COMMITTEE/ PARKING TASK FORCE

Community Charter Section 90(1) (a)

Corporate report dated July 22, 2019 from the Director of Corporate Administration titled “2019 Additional Committee Appointments – Advisory Design Panel/ History and Heritage Advisory Committee/ Parking Task Force”.

2019-IC-046

It was MOVED and SECONDED

THAT Council:

1. Receives for information the July 22, 2019 closed corporate report from the Director of Corporate Administration titled “2019 Additional Committee Appointments – Advisory Design Panel/ History and Heritage Advisory Committee/ Parking Task Force”; and
2. Appoints Joe Muego, architect to fill a vacancy on the Advisory Design Panel, as provided by the Architectural Institute of British Columbia, with a term expiring December 31, 2020.

CARRIED

2019-IC-047

It was MOVED and SECONDED

THAT Council:

1. Appoints Sherry Moir to fill a vacancy on the History and Heritage Advisory Committee, with a term expiring December 31, 2020; and

2. Appoints Personal Information to fill the vacancy if Sherry Moir is unable to accept the appointment, with a term expiring December 31, 2020.

CARRIED

2019-IC-047

It was MOVED and SECONDED
THAT Council:

1. Appoints Alan Gray to fill a vacancy on the Parking Task Force, with a term expiring December 31, 2020; and
2. Appoints Personal Information to fill the vacancy if Alan Gray is unable to accept the appointment, with a term expiring December 31, 2020.

CARRIED

2019-IC-048

It was MOVED and SECONDED

THAT Council authorizes the release of the 2019 Additional Committee Appointments – Advisory Design Panel/History and Heritage Advisory Committee/ Parking Task Force corporate report and the committee appointments, in accordance with Freedom of Information and Protection of Privacy legislation.

CARRIED

6.

Litigation

2019-IC-049

7.

CENSURE OF COUNCILLOR

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

Councillor Chesney requested the matter of both his censures from the past Council term (2015 and 2106) be added to the agenda for discussion purposes.

Councillor Chesney gave an overview of the censure processes for the two (2) censures made by the previous Council:

The following motions are in relation to Councillor Chesney being censured by City Council as following:

March 2, 2015 Closed:

2015-IC-032

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 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.

CARRIED

Councillor Fathers voted in the negative

2015-IC-033

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.

SECOND CENSURE

October 24, 2016

2016-IC-070

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 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, 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 following materials are attached for reference purposes:

Censure 1 (2015)

- a) 2015 Closed Minute Extracts
- b) 2015-02-15 Legal Opinion regarding “White Rock Sun Article “White Rock Rail Safety Task Farce”
- c) 2015-03-02 Notice to Councillor Chesney
- d) 2015-03-04 Release of Legal Opinion to Councillor Chesney
- e) 2015-03-12 Letter from Councillor Chesney’s Legal
- f) 2015-03-16 Letter from City Solicitor in response to the letter dated March 12, 2019
- g) 2015-03-30 Letter to Councillor Chesney from Mayor Baldwin regarding Council’s Adopted Motion of Censure (March 23, 2015)

Censure 2 (2016)

- a) 2016 Closed Minute Extracts
- b) 2016-09-17 Email from Councillor Chesney to Council, copied to Semiahmoo First Nation Councillor J. Charles
- c) 2016-09-23 Letter from staff to Councillor Chesney regarding notice of censure
- d) 2016-10-04 Letter from staff to Councillor Chesney regarding revised Closed meeting date for Submission in regard to consideration of Council censure (rescheduled to October 17, 2016)
- e) 2016-10-24 City Media Release presented On Table at the Regular Council meeting titled “White Rock City Councillor, David Chesney, Censured”

Following the outline by Councillor Chesney of the two (2) censures by the previous the Councillor requested the following recommendation be considered, prior to Councillor Chesney departing the meeting¹:

Recommendation #1

Reimbursement to Councillor Chesney for monies lost for four (4) years that could be paid for the role of Deputy Mayor.

¹ Amended at the March 9, 2022, Closed Meeting

Recommendation #2

Reimbursement to Councillor Chesney:

- for monies lost for four (4) years that could be paid for the role of Deputy Mayor; and
- Legal Fees paid (\$4,000) by Councillor Chesney.

Recommendation #3

Reimbursement to Councillor Chesney:

- for monies lost for four (4) years that could be paid for the role of Deputy Mayor;
- Legal Fees paid (\$4,000) by Councillor Chesney; and
- Full Release of Details of the censure from the closed Council meetings.

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

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) following review by the City's Legal Counsel if it legally permissible to do so.

CARRIED

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

**8. CHIEF ADMINISTRATIVE OFFICER PERFORMANCE REVIEW /
WORKPLAN**

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

The following was included in the agenda for reference purposes

- Chief Administrative Officer Annual Performance Review-Council Policy 126
- Officers and Indemnification Bylaw, 2012, No. 1994
- Chief Administrative Officer Work Plan - 2019
- Chief Administrative Officer / City Manager Position Description

Mayor Walker noted he is in the process of distributing evaluation documents for Council to complete for a performance review of the Chief Administrative Officer. It was noted that it would be appreciated that Council provide objective comments to give an idea what is working well and what may require further attention.

2019-IC-054

It was MOVED and SECONDED

THAT Council authorizes they remove pages specifically 135 – 154 from the July 22, 2019 closed agenda which are the reference materials provided in relation to the Chief Administrative Officer’s performance review, for the materials to be used for reference purposes only to complete the review.

CARRIED

***Note:** It was noted that the work plan is a confidential document; it has been provided in a closed meeting and is copied on blue paper to signify it is a confidential document. It was clarified that Council has authorized they can take the noted information for the purpose of reference (refer to for the completion of the CAO review). It was clarified to all present that the intent of the motion is for the information to be used by Council as noted above. It is not the intention of the motion for the document to go out to the public in any way.*

**9. THE ROLE OF COUNCIL AND THE CHIEF ADMINISTRATIVE
OFFICER**

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

Mayor Walker and the Chief Administrative Officer placed this item on the agenda for discussion purposes.

The following was included in the agenda for reference purposes

- Community Charter excerpt sections 115 and 116 Roles of Mayor and Council
- George Cuff, Orientation Seminar, November 9, 2018 “Good Governance”: Principles, Processes, Practices – Copy of Power Point

The Chief Administrative Officer (CAO) noted the lines are appearing to be a bit blurred as to the role of the CAO and Council. Council orientation was conducted in Nov / January, it is recognized that there is a lot to take in during this time. It was suggested that further review of the orientation topics could be done in September with Mr. George Cuff.

Concern was noted with Council going directly to staff requesting information. The process should be that council comes through the CAO or the Mayor. It was noted that staff, in most cases, will set aside what they are doing and address the Councillor's request. It was stated by the CAO that he is trying to run the City as an operation - staff are working on various areas of their work plans. These requests essentially stop work that are in progress (example corporate reports that need to be done by deadline).

It was noted that a further orientation session(s) are needed, including an overview of the *Community Charter and Local Government Act*. These sessions will be conducted as Governance and Legislation Committee meetings, open to the public and live streamed.

The CAO noted concern with some of the things that are occurring at Committee meetings (example: audience members making disrespectful comments). It was noted that if you are present when disrespectful comments are being made the Chairperson and/or the Council Liaison should be addressing order of the meetings.

2019-IC-055

It was MOVED and SECONDED

THAT Council authorizes they remove pages specifically 155 – 254 from the July 22, 2019 closed agenda as follows:

- Community Charter excerpt sections 115 and 116 Roles of Mayor and Council; and
 - George Cuff, Orientation Seminar, November 9, 2018 “Good Governance”: Principles, Processes, Practices – Copy of Power Point;
- so they are able to keep the materials for reference purposes.

CARRIED

10.

TOPICS OF COUNCIL CLOSED MEETINGS FROM JULY 2018 – JUNE 30, 2019 / CLOSED MOTION TRACKING

Community Charter Section 90(1) (a), (b), (c), (d), (e), (g), (h), (i), (j), (k) and 90(2) (b)

Corporate report dated July 22, 2019 from the Director of Corporate Administration titled “Topics of Council Closed Meetings from July 2018 – June 30, 2019 / Closed Motion Tracking”.

2019-IC-055

It was MOVED and SECONDED
THAT Council:

1. Receives for information the closed corporate report dated July 22, 2019, from the Director of Corporate Administration, titled "Topics of Council Closed Meetings from July 2018 – June 30, 2019 / Closed Motion Tracking";
2. Authorizes the public release of Appendix A of this corporate report noting the Topics of Closed Council Meetings from July 2018 – June 30, 2019 at a regular Council meeting; and
3. Authorizes the public release of this closed report in accordance with Freedom of Information and Protection of Privacy legislation.

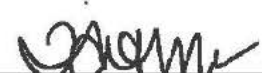
CARRIED

11. **DISCUSSION / CONSIDERATION OF ITEMS TO BE
RELEASED FROM THE CLOSED SESSION TO THE PUBLIC**
None further at this time than what was discussed at this meeting.

12. **CONCLUSION OF THE JULY 22, 2019 CLOSED COUNCIL
MEETING**
The Chairperson declared the meeting concluded at 5:17 p.m.



Mayor Walker



Tracey Arthur, Director
Corporate Administration