

Subject: RE: Request for a Legal Opinion
Date: Sat, 8 Jun 2002 07:14:41 -0700
From: Ernie Crist <ernie_crist@dnv.org>
To: Agnes Hilsen <Agnes_Hilsen@dnv.org>
CC: "FONVCA (E-mail)" <fonvca@fonvca.org>

Ms. Hilsen:

I am unable to find in either the procedure bylaw or the Local Government Act any reference to the effect that a member of Council, charging (documented) violations of both procedure (the result of DNV civic party bias) and professional conduct by senior staff also documented is obliged to seek permission from the very people who stand accused of having committed these violations to seek a legal opinion in the matter of my motion re electronic speaking order, rather than the Municipal Clerk whose mandate to that effect is specifically spelled out in the Act.

I would appreciate if you could direct me to the relevant section corroborating your claim.

Thank you,

Ernie Crist

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

> *From:* Agnes Hilsen
> *Sent:* Friday, June 07, 2002 5:03 PM
> *To:* Ernie Crist
> *Subject:* Request for a Legal Opinion

> Councillor Crist:

> *My advice to you with respect to the wording of your report was based on established Council policy and Local Government Act requirements.*

> *It would not be appropriate for me to incur the expense of a legal opinion for an individual member of Council without the approval of either the Municipal Manager or Council.*

> *Agnes Hilsen*
> *Municipal Clerk*

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

> *From:* Ernie Crist
> *Sent:* June 6, 2002 7:49 PM
> *To:* Agnes Hilsen
> *Cc:* FONVCA (E-mail)

> *Subject:* This is further to my previous e-mail on my motion re electronic display of both the speaking order and allotted speaking time for member of Council.

> *Ms Hilsen:*

> *You have requested that I change the rationale in my previously submitted motion " Council Meetings-Electronic display of order of speaking time allocated to members of Council" in which I stated the reasons as to why the recently installed electronic display indicating the speaking time for members of Council should also include the order of speaking of members of Council.*

> *In my rationale I have pointed to the documented display of hostility, and bias by the present Mayor and Council against me. In all*

> likelihood because I am the only none CCA endorsed member of District
> Council.

> In your reply you have stated that you cannot include my rationale
> in my motion since it contravenes the "Secretarial Services to
> Councillors which states that the Clerk's Office will not prepare or
> forward correspondence for Councillors which contain personal charges or
> verbal attacks upon the integrity or motives of other members of
> Council, members of its committees/commissions, the staff or public".


> Quite apart that my rationale contained in the motion was chosen
> carefully, my request to receive a legal opinion as to whether your
> opinion is valid has nothing to do with the above stated policy. At this
> moment I am merely requesting a legal opinion as to whether you are right
> in denying that the "rationale" may be included in my motion or not. You
> have indicated that you cannot ask for a legal opinion on the matter
> since this is the responsibility of the Mayor and Council and/or the
> Municipal Manager.

> However, as I indicated in my rationale, both the Manager and the
> Mayor as well as the CCA endorsed Council have shown a repeated bias
> against me and as such, are at least perceived of a conflict of interest
> situation. Therefore, I cannot and will not ask them for permission to
> receive a legal opinion as you suggested. This responsibility rests
> entirely on your shoulders and as Clerk of the District of North
> Vancouver, is entirely within your mandate. If the legal opinion
> expressed by the solicitor backs your contention that despite the
> circumstances and the history of the last 30 months in the District my
> rationale is contrary to policy, I will change my rational accordingly.

> In light of this, I request again that you seek a legal opinion as
> to whether I may use the rationale in my motion as the reasons for my
> request that the recently installed electronic display, in addition to the
> allotted speaking time, should also include the speaking order of members
> of Council in line with the order of requests to speak.

> Thank you

> Ernie Crist

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