

Subject: Validity of Notice of Counter Petition Opportunity

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From: Corrie Kost <corrie@kost.ca>

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CC: fonvca@fonvca.org

June 23 / 2003

Your Worship & Members of Council,

In my opinion the Notice of Counter Petition Opportunity (NCPO) on the Partnering **Agreement** with Canlan Ice Sports Corp. (as advertised on page 11 of Friday June 6/2003 in the North Shore News) is deficient and fails to meet the requirements of the Local Government Act.

The deficiencies, which I outline below, unless remedied by appropriate re-notification, could render the **Agreement** ultra vires and thus ipso facto void.

The deficiencies listed (but not limited to) are:

1. The liability as noted in section (a) of the NCPO is not clearly spelled out so that a reasonable person could determine the aggregate liability. As a minimum it should have stated that the 45 year liability amounted to \$21,445,200 (in current dollars). From the way the NCPO is written, the magnitude of the liability is not readily apparent.

2. Any future liability as noted in section (b) is not given as a dollar value. A reasonable person has no way of knowing whether such property taxes are significant or not. Such information is also not provided in the May 29/2003 staff report on this issue by Don Sigston.

It would seem reasonable to conclude that since, under the Local Government Act, false and misleading statements made to a person being asked to sign the petition form would constitute an offence, that it is likewise an offence to omit critical information in the NCPO.

Furthermore, although the 20 year limit on incurring liabilities has been changed in the Local Government Act to "no longer than the reasonable life expectancy of the activity, work or service under agreement", general principles of public accountability would require an independent professional estimate of the life expectancy. Although it may be that the life expectancy of the ice facility could exceed 50 years (it is already 5 years old) I have not found that such a professional estimate has been made.

Finally, although the District determines the form of the counter petitions, I find the format wasteful and unfair. Wasteful, because only one person can sign the sheet (thus requiring at least 2,470 individual sheets of paper) instead of a layout where a number of persons can sign

a single sheet. Unfair, because in traditional petitions, people are used to signing along with others and may be intimidated by the requirement of having each sign on a separate piece of paper. Frankly, this is something I had not expected from the District of North Vancouver. It besmirches our reputation.

In conclusion, I request council re-issue an NCPO in line with the requirements of the Local Government Act. In my opinion, failure to do so would be contrary to the District's public interests.

Yours truly,

Corrie Kost, 2851 Colwood Dr., North Vancouver, V7R 2R3

Cc: FONVCA

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