

Subject: Re: Civic Democracy in the DNV

Date: Sun, 02 Jan 2005 13:06:21 -0800

From: Brian Platts <bplatts@shaw.ca>

To: Ernie Crist <ernie_crist@dnv.org>

CC: fonvca@fonvca.org, Cagebc@yahoo.com, Mayor and Council - DNV <Council@dnv.org>, James Ridge <James_Ridge@dnv.org>, Senior Management Committee <managecomm@dnv.org>

Dear Councillor Crist,

Thank you for bringing this matter to light. On the surface it does indeed seem unfair that a citizen would be charged such a fee to obtain certain records through FOI. In the last year I made two FOI requests, one for all records and documents pertaining to the illegally-constructed "canopy walkway" project at the Capilano Suspension Bridge, and also for the contract between the three North Shore municipalities and Waste Management.

In the case of the Capilano Suspension Bridge item, the stack of records was about 10 inches high, and although that might sound impressive, I worked with Ms. Bains in the Clerk's office to narrow the scope of my request to reduce the time staff spent retrieving the files. In addition, rather than asking for the whole stack of documents to be photocopied, I went to the Hall one afternoon with another person to review them in order to identify the specific records I wanted copied. In the end, I needed just 20 pages at no cost.

With respect to my request for the Waste Management contract, even though it was a fairly thick document, it required no search or retrieval time and therefore, consistent with District policy of waiving fees that are less than \$25, I didn't have to pay anything to obtain a full copy.

It is my understanding that District fee estimates (which are provided in advance to anyone making an FOI request) are in accordance with the FOI/POP Act and even then, are usually conservative. In fact the first 3 hours spent retrieving records is free.

I would prefer not to comment directly on Mr. Dalton's specific FOI request as I am not aware of the scope of his particular application. Having said this, I can understand that fees must be applied when an FOI request involves a significant amount of staff time. After all, someone could conceivably initiate any number of 'fishing expeditions' involving many hours of staff time searching for and retrieving various records. Perhaps in this instance, the fees could be reduced or eliminated if the request for records pertaining to the liquor store in Edgemont Village could be narrowed by excluding, for example, any report that is already freely available on the DNV web site. In any case, Council's refusal to waive the fees for Mr. Dalton's FOI application is in-line with the decision not pursue reducing the hours of operation for liquor stores, as suggested by lawyer Adrian Chaster.

In summary, all I can say is that I've been very satisfied with the fair and professional manner in which my FOI requests have been handled.

Sincerely,
Brian Platts

Ernie Crist wrote:

>Civic democracy and the right to access information without undue
>difficulties is once again on the line in the District of North
>Vancouver.

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>Whenever I use the word banana republic in describing the District,
>some people claim it is not appropriate in this civilised environment.
>But I say, if it walks like a duck, looks like a duck and quacks like

>duck, it certainly is not a song bird.

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>The most recent example of my characterization is in connection with a
>liquor store outlet in Edgemont Village in the District.

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>Mr Jeremy Dalton, a District resident, has been trying to get to the
>bottom of this controversy for some time. The District knew since 2002
>that legislative changes allowing liquor outlets were coming. If you
>don't want such outlets in specific areas, said Victoria, you better get
>appropriate rezoning bylaws in place before the legislation comes into
>effect. District staff too sent comprehensive reports alerting Council.

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>But the District did nothing. However, when the legislation was put
>into effect and a store, over the objections of the local residents, was
>opened in Edgemont, both Mayor and Council claimed that the Province
>had let them down. Don Bell the erstwhile Mayor of the District even
>addressed the multitude claiming that the Liquor Board was unreasonable
>and bureaucratic and did not listen to the people.

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>To get to the bottom, Mr Dalton recently requested relevant staff
>reports to determine not only whether the District knew but also what
>Council could have done to avoid the controversy.

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>However, Mr Dalton was told by the District Clerk he would have to pay
>\$ 130 for over 400 pages of material when all he needs is the material
>which proves or disproves that the District is guilty or not.

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>I made a motion that he be exempted from having to pay this exorbitant
>fee since, in my opinion, he is providing a service to the community.
>The motion should have been put on a public agenda for everyone to see.
>But instead, it turned up on an In Camera Agenda. The results were
>predictable - Council refused. While I have stated in public that
>Council could have avoided the controversy by providing timely
>leadership, the community has every right to find out for itself. It so
>happens that Mr. Dalton is providing this service.

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>The question now is whether the community will allow the District to
>give Mr. Dalton a hard time or come to his assistance.

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>If his reasonable request is ignored who will be next?. If he gets the
>run-around, it may come back to haunt the community for such is the
>nature of things that what goes around comes around.

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