

Subject: RE: Rules of Conduct and Debate During a Council Meeting

Date: Wed, 28 Sep 2005 10:03:03 -0700

From: "Ernie Crist" <ernie_crist@dnv.org>

To: "Corrie Kost" <corrie@kost.ca>

CC: "Jim Cuthbert" <Jim_Cuthbert@dnv.org>, <fonvca@fonvca.org>, "Mayor and Council - DNV" <Council@dnv.org>

Dear Dr. Kost:

With respect, please do not expect me to jump with joy at "half a loaf". This is a principled issue and unless Janice Harris and her CCA endorsed ladies and gents are challenged, the matter widely publicised and denounced, it will only be perceived as "more politics". However, this is not something which should be downplayed or whitewashed. If the people are not told that this is dangerous and needs to be challenged, they will turn their backs in disgust and stay away. Too many do so already as a result of the shenanigans by the CCA endorsed District Council. This may be welcome by some, but it is bad news for democracy and even worse for the liveability and fiscal health of the District.

It is another way of saying that if the public had defended democracy on District Council in the past, their taxes today would be lower, their Heritage Fund intact and their assets in better shape. But tolerance of violations is like turning blind eye to aggression. Concessions made to the aggressor will only embolden him to commit more aggression. Similarly in the District, violations of democratic procedure in the past have only emboldened the violators to commit more violations.

As it is, violations of democratic procedure have become so common place that the public, to all intents and purposes, has become immune. This is dangerous. If this community does nothing to reverse this trend except hope that there will be changes in the next election, those changes will simply not occur. One person watching the performance on TV called me to say "what can you expect"?

The price of accepting it is too high, far too high as the 2006 budget will reveal. Councillor Walton objected to the prediction of a 9% increase in property taxes for 2006. I suppose Councillor Walton, committed as he is to defend the honourable Don Bell record, realised that if this news gets out it may well spell the end of this political career. As for Councillor Nixon, he too objected to a story in the press stating that the District faces bankruptcy. He found it "appalling". Well he is right of course, Governments do not go bankrupt, it is only the taxpayers who go bankrupt and that may well be the case in the District. The question is will this be brought out during the election or will it be ignored as it has in the past? Whitewashing violations of democratic procedure would be a bad omen for the upcoming election.

Ernie Crist

From: Corrie Kost [<mailto:corrie@kost.ca>]
Sent: Tuesday, September 27, 2005 11:57 PM
To: Ernie Crist
Cc: Jim Cuthbert
Subject: Re: Rules of Conduct and Debate During a Council Meeting

I believe Councillor Cuthbert's motion is a step in the right direction - and likely to get support from the rest of council. Half a loaf is better than none.

Personally I agree that Councillor Crist should not have been ejected from

council chambers. The past cannot be undone. However, you can improve the lot of all members of council by this minor change in the District's Procedure Bylaw. It's not perfect but it will improve the rights of all members of council. I want to see improvements - however minor. Please support it for the sake of all present & future councillors.

Redress for past injustices is an issue that voters can address soon enough.

Corrie

Ernie Crist wrote:

Trust Councillor Cuthbert to not get the point again. The point is that the Mayor's order that Councillor Crist leave the Council Chambers because he used the word hoax was illegal to begin with. Every subsequent action by the Mayor was therefore equally illegal. But even if Councillor Crist had called for a vote of Council before the Mayor announced her decision, Council would have upheld her decision (birds of the CCA feather) and compelled me to leave the Council chambers when they had no right to do so in the first place.

I wonder how much it takes before Councillor Cuthbert can comprehend that this was a premeditated witch-hunt and a gross violation of fundamental democratic procedure which makes the District the laughing stock and a rightful recipient of the title Banana Republic. I just wish that Councillor Cuthbert would spare me and the community his alibis.

Ernie Crist

From: Jim Cuthbert
Sent: Tuesday, September 27, 2005 9:13 PM
To: corrie@kost.ca; Ernie Crist
Subject: Rules of Conduct and Debate During a Council Meeting

Corrie and Ernie, Further to item #4 (Rules of Conduct and Debate During a Council Meeting) on the Sept 26th Council Meeting agenda and our brief discussions following the meeting, I have viewed the video recording of Council debate of agenda item #5, Bylaw 7545 Rezoning Bylaw 1207 Development Permit 57.04 3145 to 3193 Baird Road during the August 22, 2005 Council Meeting and provide the following comments:

* the request by Councillor Crist for a vote by Council on the acceptability of his debate terminology came after the Mayor's order that he leave the Council Chambers. The outcome of the related debate may have been different if Councillor Crist had challenged the Mayor's approach by requesting a vote at any time up until the moment she ordered him to leave; and


* the current wording of the Community Charter clearly authorizes the Mayor alone to expel Councillors for what the Mayor considers improper behaviour presumably linked to serious infractions. However, DNV's current Procedure Bylaw states improper conduct, as determined by the Mayor or by Council resolution, will be dealt with by the Mayor (including Community Charter options) or by Council resolution.

Therefore, it appears under situations of alleged improper conduct by a Council member during a Council meeting, the Mayor has the option under the Charter of expelling a Council member or referring the

item to Council for a democratic vote under the Procedure Bylaw if not already requested by the Council member.

To adhere to democratic and freedom of speech principles and avoid potential abuse of any Mayor's authority to eject members of Council under the Community Charter (e.g. ejecting a Council member so they could not vote on subsequent motions) while providing necessary procedural enforcement, I recommend DNV consider a policy of required concurrence of the majority of Council (under an amended Procedure Bylaw) before ejection of a Council member from a Council meeting. Council may also want to request the Province consider amending Section 133 of the Community Charter accordingly.

Jim C.

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