

Minutes of the Special meeting of the Board of the Cowichan Valley Regional District held in the Board Room, 175 Ingram Street, Duncan, BC, on Wednesday, March 21, 2012 at 2:01 pm.

PRESENT: Chair R. Hutchins
Directors M. Dorey, L. Duncan, B. Fraser, G. Giles,
L. Iannidinardo, P. Kent, M. Marcotte, T. McGonigle,
I. Morrison, M. Walker, and P. Weaver

ALSO PRESENT: Warren Jones, Chief Administrative Officer
Joe Barry, Corporate Secretary
Mark Kueber, General Manager, Corporate Service
Kathleen Harrison, Deputy Corporate Secretary
Brian Dennison, General Manager,
Engineering & Environmental Services
Rob Williams, Transit Analyst
Harmony Huffman, Environmental Technologist III
Ilse Sarady, Environmental Technologist II

ABSENT: Directors R. Hartmann, B. Lines and J. Lefebure

GUEST: Holman Wang, Valkyrie Law Group, LLP

APPROVAL OF AGENDA

12-152

It was moved and seconded that the agenda be approved.

MOTION CARRIED

CORRESPONDENCE

C1

The correspondence from Cox Taylor, dated September 20, 2011 re: Fisher Road Holdings Ltd. was considered for information.

The Chair invited John Alexander of Cox Taylor to provide a brief summary and overview of Fisher Road Holdings Ltd.'s appeal.

John Alexander provided an introduction to the appeal and following the overview, John Alexander raised the issue of Director Giles being in conflict of interest on this appeal. John Alexander has learned that roughly one-third of the complaints against Fisher Road Holdings have been filed by Director Giles and referred to the *Community Charter's* Section 100 – Disclosure of Conflict provisions.

The Chair requested a motion to close the meeting to the public for the purpose of obtaining Holman Wang's advice on this issue.

RESOLVING INTO CLOSED SESSION

**12-153
2:15 pm**

It was moved and seconded that the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3 Section 90, Subsection (1) (i) Receipt of Advice that is Subject to Solicitor-Client Privilege.

MOTION CARRIED

**RISE FROM
CLOSED SESSION**

**12-154
2:46 pm** **It was moved and seconded that the Board rise without report and recess until 2:55 pm.**

MOTION CARRIED

**RECESS
2:46 pm** The Board recessed at 2:46 pm.

**MEETING
RECONVENED
2:56 pm** The Special Board meeting was reconvened at 2:56 pm.

In response to comments made earlier by John Alexander, Director Giles advised that regarding the comments made, she has thought about them very deeply and considered what was said, she does have an interest in common with the public in terms of air quality and she is capable of persuasion and so will continue to sit and adjudicate this matter.

The Chair invited Brian Dennison, General Manager, Engineering & Environmental Services, to provide a staff overview of the issue. Brian Dennison explained the actions of staff regarding this matter.

**RECESS
3:32 pm** The Board agreed by consensus to take a short recess.

**MEETING
RECONVENED
3:35 pm** The Special Board meeting was reconvened at 3:35 pm.

The Chair invited John Alexander, of Cox Taylor, to present Fisher Road Holdings Ltd.'s appeal. John Alexander outlined Fisher Road Holdings Ltd.'s position.

**RECESS
4:31 pm** The Board agreed by consensus to take a short recess.

**MEETING
RECONVENED
4:36 pm** The Special Board meeting was reconvened at 4:36 pm.

The Chair invited Holman Wang, Valkyrie Law Group, solicitor for the CVRD, to respond to Fisher Road Holdings Ltd.'s comments and Holman Wang provided a rebuttal to Fisher Road Holdings Ltd.'s position.

The Chair invited John Alexander to respond to Holman Wang's comments. John Alexander responded to the statements made by Holman Wang.

The Chair advised Fisher Road Holdings and the audience that the Board would be moving into Closed Session to consider the appeal and that the Board will reserve its decision. Once the Board has made its decision, the decision and written reasons for the decision will be made public.

John Alexander indicated to the Board that if the Directors were going to be meeting with their Counsel in Closed Session, that under the *Community Charter*, he had a right to be present as well.

The Corporate Secretary advised, that if the meeting were closed under Section 90 (1) (i) of the *Community Charter*, then the Board may allow a person other than municipal officers and employees to attend if the Board considers this necessary under Section 91 (2) (b) of the *Community Charter*.

Since the Board is closing the meeting under Section 90 (1) and not 90 (2), there is no requirement that the Board must allow John Alexander to attend the Closed Session. The Board may allow John Alexander if the Board considers this necessary.

RESOLVING INTO CLOSED SESSION

12-155

It was moved and seconded that the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90, Subsection (1) (i) Receipt of Advice that is Subject to Solicitor-Client Privilege and that CVRD legal counsel be in attendance.

Opposed: Directors Walker, Kent, Morrison, McGonigle, Marcotte, Weaver, Dorey and Fraser

MOTION DEFEATED

Director Kent requested the opportunity to close the meeting to the public so that the Board could give consideration to whether or not the meeting should be closed while the Board made their decision.

**12-156
6:15 pm**

It was moved and seconded that the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90, Subsection (1) (n) Consideration of Whether or not the Meeting Should be Closed Under a Provision of Section 90 of the *Community Charter*.

MOTION CARRIED

RISE FROM CLOSED SESSION

**12-157
6:52 pm**

It was moved and seconded that the Board rise without report and return to the open portion of the Special Board meeting.

MOTION CARRIED

**RECONVENED
6:54 pm**

The Special Board meeting reconvened at 6:54 pm.

The Chair advised that the Board has given consideration of whether or not the Board meeting should be closed while the Board decides on the appeal.

**RESOLVING INTO
CLOSED SESSION**

**12-158
6:55 pm** It was moved and seconded that the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90, Subsection (1) (i) Receipt of Advice That is Subject to Solicitor-Client Privilege for the Purpose of Receiving Advice Regarding Process From the CVRD’s Solicitor

MOTION CARRIED

**RISING FROM
CLOSED SESSION**

**12-161
9:42 pm** It was moved and seconded that the Board rise without report and return to the open portion of the Special Board meeting.

MOTION CARRIED

ADJOURNMENT

**12-162
9:42 pm** It was moved and seconded that the Special Board meeting be adjourned.

MOTION CARRIED

The Special meeting adjourned at 9:42 pm.

Certified Correct:

Chairperson

Corporate Secretary

Dated: _____