Union Bay Improvement District
Regular Board Meeting Minutes
December 15, 2010, 4:30 p.m.
Union Bay Improvement District Boardroom

Attendants: Dave Godfrey (Chair), Denis Royer, Bruce Livesey, Cleve Goldswain, Brenda Fisher, Mark Jackson (Fire Chief), Anne Fischer (recording)
Regrets: Alan de Jersey (illness)
Guests: Approximately 50 people were in attendance, not all names were gathered as there were many late arrivals that were in the hall.

Meeting called to order at 4:40 p.m.

Dave Godfrey advised that Alan de Jersey was unable to attend the meeting due to illness and that he would be chairing in his absence.

The Chair explained that on legal counsel he would ask to turn off recording devices or to leave. Recording is no longer allowed at the Union Bay Improvement District's meetings.

Mary Reynolds challenged this and advised that she had a letter from her lawyer. It was stated by the chair that the official recording of this meeting will be by the administration and that people not complying can leave the meeting. Issue can be brought forward at a later date. Mary continued to debate the issue and reluctantly turned off the recording device and it was removed from the room.

1. The Agenda was amended with the addition of Board Information under new Business by Trustee Goldswain.

Motion: 2010-12-01
RMS
To adopt the Agenda for December 15, 2010 as amended.

CARRIED

2. Delegations and Petitions - none

Trustee Livesey addressed the Board with question of personal privilege regarding Board procedures. He raised a point of personal privilege which affects the integrity and creditability of the board that requires the urgent and immediate attention of the board. "Through a letter between lawyers this board has accused two members of conspiracying to commit illegal acts. I quote from that letter – 'She, the landowner, will provide statement relating to and agree to cooperate in future litigation with these two board members that have conspired with her to commit a variety of illegal acts. She will not be named as a defendant in the action that is being considered against those two board members.' This information is circulating widely throughout the community of Union Bay. Because the board has not named the two trustees, the landowners may think it is me. I want this matter clarified. My questions are:

- Who are the two board members?
- What are the illegal acts?
- What is the board doing to address its concern?

Additionally, Mr. Chair it is wide spread public knowledge that the board has been involved in three legal actions in the past month. The court records are available on the internet, and in the absence of clear information from the board the community is confused and alarmed. The injunction against Mary Reynold's blog has been settled out of court, my question to the board are these:

- When did the board meet to agree to an out of court movement?
- Which board members attended that board meeting?
- Why was I and my colleague not notified of an official board meeting

- What are the intentions of the board regarding the landowners of Union Bay getting information regarding these cases?

Specifically the board needs to answer the following questions:

- According to the letter being circulated to the community, upwards of $10,000 has been spent on this case. What does the board estimated the final cost will be for landowners?
- What is the cost sharing between board and the other plaintiffs identified on the two actions identified by the board.

Mr. Chair, I have listed all the questions and I respectfully request answers from the board."

The Chair advised that answers may not be available but will certainly provide information that we can. It was requested that this information be addressed immediately. The Chair advised that this is a legal situation and it cannot be discussed in public and require an 'in-camera' meeting. Trustee Livesey debated that this was board issues and not personnel or legal issues. He further insisted that the legal issue had been settled. He was advised that the legal process has not been resolved. The Chair referred this to the 'in-camera' session. Trustee Livesey further stated that if this went to an 'in-camera' session that the information was that meeting would be made public information. The Chair advised that if a decision was made from the 'in-camera' session it would be brought forward to the public. Many questions would not be able to be addressed until legal counsel was provided. Discussion continued on to ascertain who the trustees are. It was stated that there has been no allegations against any trustees at this time. There may be an investigation. This caused considerable disruption in the meeting and further discussion of where the information that was circulated in the community. The administrator advised that UBID did not circulate any information and did issue any letters to the lawyers regarding this information. Mary Reynolds openly admitted that she circulated the information. The audience enquired about who paid the legal fees and were advised that the landowners were responsible. Trustee Goldswain continued to challenge the procedures of the meeting by quoting Roberts Rules. It was advised that UBID followed the Community Charter regulations with regards to 'in-camera' meetings.

3. Review Minutes of the Board Meeting of November 17, 2010.

Motion: 2010-12-02

RMS

To accept the Board Meeting Minutes of November 17, 2010.

CARRIED

4. Business arising from the minutes and unfinished business:

- Resolution # 2010-11-01 out of the "In-Camera" meeting November 3, 2010 was brought forward to the Board meeting.

RESOLUTION: #2010-11-01

RMS

WHEREAS Mary Reynolds has been publicly harassing, slandering and producing defamatory pictures and comments against the Staff and Trustees of the Union Bay Improvement District;

THEREFORE BE IT RESOLVED THAT the Union Bay Improvement District retain Michael Galambos, Ganapathi and Company, Barristers & Solicitors to pursue legal action against Mary Reynolds for defamation and human rights violations.

CARRIED

2 Opposed

Trustee Goldswain opposed the acceptance of this resolution. Trustees Goldswain and Livesey stated that the minutes as provided are not correct. Discussion forwarded to today's 'In-Camera" meeting. The Chair explained that this meeting will be recorded.

- Emergency Response Procedures and Critical Service in process.
- Consideration of sale of McLeod property still tabled until alternate training property located.

5. Correspondence:
   - Vancouver Island Health Authority – web based Water System Inspection reports are now available online.
6. Reports:
   - Denis Royer read his Fire Committee Report and outlined the activities of the department for November.

The Fire Committee recommends that the Board authorize the Fire Chief and Administrator to pursue the purchase of the SCBA gear that is being offered by the Courtenay Fire Department. The amount of up to $16,000 plus HST to be negotiated for the purchase. The Chair noted that to purchase this equipment new would be approximately $90,000.

Motion: 2010-12-03

RMS

To authorize the Fire Chief and Administrator to pursue the purchase of the SCBA gear that is being offered by the Courtenay Fire Department. The amount of up to $16,000 plus HST to be negotiated for the purchase.

CARRIED

At this point Brenda introduced the new Fire Chief Mark Jackson. He is available during the day and will be attending the OAP meeting January 12, 2011 at the Community Hall. It has been explained that there is a possible replacement fire truck for sale in Comox January 2011 for $25,000. The Fire Chief reviewed the rationale behind the purchase.

Motion: 2010-120-4

RMS

To proceed with the investigation of the purchase of the fire truck for $25,000.

CARRIED

- Fire Chief Mark Jackson read his Fire Chief's report reviewing the call and activities for November. He noted that four new applications have been received.
- Cleve Goldswain read the Public Works Committee report which reviewed the activities of the system for November. Flushing was cancelled due to weather conditions and lake levels have increased significantly. Training requirement for Superintendent reviewed.
- Fire Hall and Fire Truck Committee report – Denis Royer – meeting to be scheduled when property identified.
- Administration and Financial report:
  - The financial position at the end of November reflects a surplus for all departments. Motion requested to commit surplus dollars to the Renewal and Replacement portion of the 2011 budget for all departments, i.e. for Nelson Loop project and purchase of a replacement truck. Trustee Livesey requested to commit the funds into the appropriate Reserve funds.
  - Issues referred to the Administration meeting from the previous board meeting has further been carried over to the planning session scheduled for January 26, 2010.

- Office hours were reviewed and it is recommended that office hours should revert back to three days a week. Motion requested to start for the Christmas Season.
- A Consent Order has been signed and filed in the court system regarding the legal issues in process. The lawyer has been retained to address further related issues in January 2011.
- Work permits from Southern Railways and Vancouver Island Health Authority have been approved for the Nelson Loop 2011 Project. Tenders close on January 7, 2011 at 4 p.m.
- An energy review was conducted December 10, 2010 and revealed that certain areas could be corrected with weather stripping. A full report is expected in two to three weeks. The review forms part of the information required to apply for a grant to replace the boiler system.

Motion: 2010-12-05
RMS
To revert Office hours back to three days a week starting for the Christmas Season.
CARRIED

Motion: 2010-12-06
RMS
To commit budget surplus to relevant Reserve Funds for all Departments.
CARRIED

7. New Business
   - Snow removal - suggested was the purchase a snow plow at Pilon Tools for around $2,200. Discussed were other options of snow removal at the Fire Hall and the Office Building. Decision to continue with current arrangement until an alternate method could be reviewed and decided on.
   - Cleve recited section 738.4 of the Local Government Act and Section B page 9 of the Improvement District Manual for Board's Information prior to the Planning Meeting January 26, 2011. Subject is the Authorization about raising salaries. The Chair referred this Subject to the "In-Camera" meeting.
8. Question Period
   - Mary Reynolds asked about the letter from the Freedom of Information Commissioners' office. She was informed that this information is no longer brought forward to the regular board meeting. Mary Reynolds then challenged that the administrator should not have sent the email to the landowners regarding Mary Reynolds being reported to the Privacy Commission.
   - Gerry Sando enquired about the cost savings involved in reverting back to three days. It was explained that the budget would not change as it was not budgeted in 2010 to be open for five days a week. If the five days continued it would cost additional administration dollars to cover vacation and sick leave.
   - Walter Johnsen asked questions about Fire Truck 24. More discussion occurred about snow removal.
   - Gerry Sando asked about the Fire Chief living out of the community. It was explained that the Fire Chief's main job was the administration of the fire department, budgeting and discipline. Other members of the fire department are trained for all aspects of fire fighting and first responder services.

The Chair concluded the question period and the meeting was moved into 'in-camera'. Landowners left the meeting at 5:25 p.m.

Motion: 2010-12-07
RMS
To move into 'In-Camera' to discuss legal issues.

CARRIED

Regular Board Meeting adjourned at 5:25 p.m.
Next Meetings:
Tuesday, January 4, 2010 Fire Committee Meeting 6:30 p.m., Union Bay Fire Hall
Thursday, January 6, 2011 Public Works Meeting 10 a.m. Union Bay ID Boardroom
Wednesday, January 18, 2011 Regular Board Meeting 4:30 Union Bay ID Boardroom

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Dave Godfrey, Chair Brenda Fisher, Administrator

Union Bay Improvement District
'In-Camera' Meeting Minutes
December 15, 2010
5:30 p.m.

Attendants: David Godfrey (Chair), Denis Royer, Bruce Livesey, Cleve Goldswain, Brenda Fisher

Meeting called to order at 5:35 p.m.

1. Trustee Livesey brought forward the question of personal privilege and advised that any information from this meeting would be made public. Trustee Royer reminded that this is an 'in-camera' meeting and any discussions are confidential. Trustee Livesey once again repeated his statement that he would be making the answer public immediately. The Chair then declared the meeting adjourned.

Meeting adjourned at 5:40 p.m.

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Dave Godfrey, Chair Brenda Fisher, Administrator