



THE CORPORATION OF THE CITY OF COURTENAY
SPECIAL COUNCIL MINUTES

Meeting #: S2/2023
Date: March 13, 2023
Time: 4:00 pm
Location: City Hall Council Meeting Room

Council Present: B. Wells
W. Cole-Hamilton
D. Hillian
E. Jolicoeur
M. McCollum
W. Morin

Regrets: D. Frisch (medical leave)

Staff Present: G. Garbutt, City Manager (CAO)
K. O'Connell, Director of Corporate Services
A. Proton, Manager of Legislative Services

1. CALL TO ORDER

Mayor Wells called the meeting to order at 4:02 pm and respectfully acknowledged that the land we gather on is on the Unceded territory of the K'ómoks First Nation, the traditional keepers of this land.

2. INTRODUCTION OF LATE ITEMS

With no late items and no objections, Council proceeded with the agenda as presented.

3. IN CAMERA RESOLUTION

Moved By Hillian

Seconded By Cole-Hamilton

THAT Council close the meeting to the public pursuant to the following subsections of the *Community Charter*:

90 (1) (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

(c) labour relations or other employee relations;

(g) litigation or potential litigation affecting the municipality;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(2)(d) a matter that, under another enactment, is such that the public must be excluded from the meeting.

CARRIED

Mayor Wells concluded the in camera portion of the meeting at 5:01 pm.

4. COUNCIL RESOLUTIONS

4.1 Rise and Report on Councillor Frisch End of Mandatory Leave

From the March 13, 2023 Special In Camera Meeting, Council rises and reports as follows:

WHEREAS the elected Mayor and other members of the Council of the City of Courtenay have unanimously resolved to make this public statement regarding Councillor David Frisch;

AND WHEREAS Councillor David Frisch is on a leave of absence from Courtenay City Council under section 125(7)(a) of the *Community Charter*;

AND WHEREAS prior to this current leave, he entered into a recognizance under section 810 of the Criminal Code of Canada. The purpose of a recognizance is to prevent harm to individuals or property, and a recognizance may include conditions upon a person which restrict their movement or behaviour to reduce the risk of such harm. For a court to order a recognizance under section 810 of the Criminal Code there must be proof in court of reasonable grounds to fear that the person will cause personal injury to another person or to that other person's intimate partner or child, or damage their property;

AND WHEREAS if the member is found to be in breach of any recognizance conditions, including prohibited contact with the other party, he may receive a court sentence of imprisonment;

AND WHEREAS as a matter of BC law, Council does not have the power to impeach a member of Council or require them to resign, and must afford the member full procedural fairness consistent with the requirements laid down by the courts prior to considering any potential sanctions;

NOW THEREFORE the Council of the City of Courtenay resolves as follows:

1. The Council finds any behavior which results in reasonable grounds to fear that a person will cause personal injury to another (Criminal Code section 810 [1]) to be unacceptable, whether the person is a member of Council or otherwise;
2. The Council has directed City staff to write to Councillor David Frisch to advise that he cease and desist from participating in any City activities or matters or communicating with anyone on City business or on behalf of the City, while he is on leave; and
3. The Council directs City staff to monitor the court process so that if Councillor David Frisch is found guilty of a breach of recognizance the Council may consider such action as may be available under applicable BC law.

5. ADJOURNMENT

Mayor Wells terminated the meeting at 5:01 pm.

CERTIFIED CORRECT

Adopted by Council March 22, 2023

Mayor Bob Wells

Adriana Proton, Corporate Officer