

SPECIAL "IN CAMERA" MINUTES
COUNCIL MEETING TO DISCUSS CONFIDENTIAL MATTERS
BOARD ROOM, CITY OF NANAIMO SERVICE & RESOURCE CENTRE
411 DUNSMUIR STREET, NANAIMO, BC
MONDAY, 2015-NOV-30, AT 3:02 P.M.

PRESENT: His Worship Mayor W. B. McKay, Chair

Members: Councillor W. L. Bestwick
Councillor M. D. Brennan
Councillor G. W. Fuller
Councillor J. Hong
Councillor J. A. Kipp
Councillor I. W. Thorpe
Councillor W. M. Yoachim

Absent: Councillor W. L. Pratt

Other: Sandra Carter, Solicitor, Valkyrie Law Group (vacated at 5:30 p.m.)
Dave Marshall, Island Ferry Services Ltd. (entered at 6:07 p.m., vacated at 6:38 p.m.)

Staff: T. Samra, City Manager
G. Ferrero, Director of Information Technology & Legislative Services (vacated at 4:45 p.m.)
D. Lindsay, Director of Community Development (vacated at 6:48 p.m.)
S. Samborski, Senior Manager of Culture & Heritage (vacated at 6:48 p.m.)
P. Cooper, Manager of Communications (vacated at 4:45 p.m.)
B. Corsan, Manager of Real Estate (vacated at 6:48 p.m.)
C. Jackson, Manager of Legislative Services
D. Smith, Recording Secretary (vacated at 6:48 p.m.)

1. CALL THE SPECIAL "IN CAMERA" MEETING TO ORDER:

The Special "In Camera" Meeting was called to order at 3:02 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Item 2(e) Corporate Services – add report Officers of the City.
- (b) Item 2(f) Corporate Services – add verbal update from City Manager re: Update on WorkSafeBC Respectful Workplace Investigation.

3. ADOPTION OF AGENDA:

14015 It was moved and seconded that Council, in accordance with Section 90(1)(n) of the *Community Charter*, adopt the agenda as amended. The motion carried unanimously.

4. CORPORATE SERVICES:

(a) 100 Gordon Street – Proposed Option to Purchase Agreement

Presentation:

1. Mr. Bill Corsan, Manager of Real Estate.

Mayor McKay vacated the Chair and the Board Room at 4:04 p.m. Councillor Bestwick assumed the Chair.

Councillor Bestwick vacated the Chair and the Board Room at 4:05 p.m. Councillor Kipp assumed the Chair.

Mayor McKay returned to the Board Room and resumed the Chair at 4:06 p.m.

Councillor Bestwick returned to the Board Room at 4:06 p.m.

14115 It was moved and seconded that Council:

1. approve in principle an Option to Purchase Agreement for the City-owned property at 100 Gordon Street;
2. approve in principle the terms of the development covenant as presented;
3. approve in principle the terms of the Repurchase Agreement with the timeframes as presented;
4. direct Staff to issue a press release and publish a Notice of Disposition in the local newspaper; and,
5. direct Staff to return to the 2015-DEC-14 Special Open Council Meeting for approval of the agreements and to commit to providing parking in the Vancouver Island Conference Centre and not repurposing the Vancouver Island Conference Centre while the Option to Purchase or Repurchase Agreement are valid.

The motion was defeated.

Opposed: *Councillors Bestwick, Fuller, Hong, Kipp, Yoachim*

Council Resolution re: Rise and Report:

Council discussed and no information should be disclosed at this time regarding 100 Gordon Street – Proposed Option to Purchase Agreement

Mayor McKay vacated the Chair and the Board Room at 4:39 p.m. Councillor Bestwick assumed the Chair.

Mayor McKay returned to the Board Room and resumed the Chair at 4:41 p.m.

G. Ferrero and P. Cooper vacated the Board Room at 4:45 p.m.

14215 It was moved and seconded that Council direct Staff to:

1. offer an Option Option to Purchase Agreement for the City owned property at 100 Gordon Street with an expiry date of 2016-DEC-31, and subject to the inclusion of a \$100,000 non-refundable deposit, and terms of the development covenant as presented;
2. commit to providing parking in the Vancouver Island Conference Centre and not repurposing the Vancouver Island Conference Centre while the Option to Purchase Agreement is valid;
3. include a Right of First Refusal for the land set at \$565,000;
4. include a Right to Repurchase for \$565,000, if financing is not secured by 2016-DEC-31;
5. return to Council for approval in principle of the agreements; and,
6. report back to Council by 2016-NOV-30 with proof of construction financing and project update, and at that time Council will consider an extension to the non-repurposing of the Vancouver Island Conference Centre.

The motion carried unanimously.

By unanimous consent, Council agreed to recess the Special "In Camera" Council Meeting at 4:55 p.m. with the intention to reconvene after a short refreshment break.

D. Linday, S. Samborski, B. Corsan and D. Smith vacated the Board Room at 5:00 p.m.

By unanimous consent, Council reconvened the Special "In Camera" Council Meeting at 5:02 p.m.

By unanimous consent, Council agreed to move Item 2(c) forward on the agenda.

(c) Community Charter Duties

14315 It was moved and seconded that Council receive the verbal report from Ms. Sandra Carter, Solicitor, Valkyrie Law, regarding her two legal opinions on the duty of confidentiality. The motion carried unanimously.

Ms. Sandra Carter vacated the Board Room at 5:30 p.m.

By unanimous consent, Council agreed to return to Item 2(c) after consideration of Item 2(b) Council Direction on Island Ferry Services Ltd.

D. Linday, S. Samborski, B. Corsan and D. Smith returned to the Board Room at 5:30 p.m.

(b) Council Direction on Island Ferry Services Ltd.

Presentation:

1. Mr. Bill Corsan, Manager of Real Estate.

14415 It was moved and seconded that Council invite Mr. Dave Marshall, Island Ferry Services Ltd. to enter the meeting. The motion carried.
Opposed: *Councillors Bestwick, Fuller, Yoachim*

Mr. Dave Marshall entered the Board Room at 6:07 p.m.

Council discussed the status of the Island Ferry Services Ltd. proposal with Mr. Marshall.

Mayor McKay vacated the Chair and the Board Room at 6:07 p.m. Councillor Bestwick assumed the Chair.

Mayor McKay returned to the Board Room and resumed the Chair at 6:08 p.m.

Mr. Dave Marshall vacated the Board Room at 6:38 p.m.

14515 It was moved and seconded that Council receive the delegation from Mr. Dave Marshall, Island Ferry Services Ltd. The motion carried unanimously.

14615 It was moved and seconded that Council table any decision on Island Ferry Services Ltd. until Council meets with the Nanaimo Port Authority Board at the earliest convenience. The motion carried unanimously.

Council Resolution re: Rise and Report: Council discussed and no information should be disclosed at this time regarding Council Direction on Island Ferry Services Ltd.

D. Linday, S. Samborski, B. Corsan and D. Smith vacated the Board Room at 6:48 p.m.

By unanimous consent, Council agreed to reorder the remainder of the agenda as follows:

- 2 (e);
- 2 (d);
- 2 (c); and,
- 2 (f).

(e) Officers of the City

Councillor Fuller vacated the Board Room at 6:54 p.m.

14715 It was moved and seconded that Council adopt the following motions:

1. WHEREAS Mr. Ted Swabey tendered his resignation as City Manager on 2015-OCT-23;

BE IT RESOLVED THAT Council accepts his resignation and hereby rescinds his appointment as the Chief Administrative Officer pursuant to the City of Nanaimo "Officers Appointment and Delegation Bylaw 2006 No. 7031" and confirms his resignation from the position as the City Manager effective 2015-NOV-13; and,

THAT Council confirms the appointment of Ms. Tracy Samra as the Chief Administration Officer pursuant to the City of Nanaimo's "Officers Appointment and Delegation Bylaw 2006 No. 7031" and her appointment as the City Manager effective 2015-NOV-19.

2. WHEREAS Mr. Ian Howat tendered his resignation as General Manager via e-mail on or about 2015-OCT-23;

BE IT RESOLVED THAT Council accepts his resignation and hereby rescinds his appointment as a Deputy Corporate Officer pursuant to the City of Nanaimo's "Officers Appointment and Delegation Bylaw 2006 No. 7031" and confirms his resignation from the position as General Manager of Corporate Services effective 2015-NOV-13.

3. WHEREAS Ms. Terry Hartley tendered a letter of retirement as Director of Human Resources on 2015-APR-13 which was accepted by Mr. Ted Swabey in writing on 2015-APR-15;

BE IT RESOLVED THAT Council accepts her retirement and confirms her retirement from the position of Director of Human Resources and Organizational Planning; and,

The motion carried unanimously.

Councillor Fuller returned to the Board Room at 6:57 p.m.

Council Resolution re: Rise and Report

14815 It was moved and seconded that Council announce the start and end dates of the Officers of the City at the next open Council meeting. The motion carried unanimously.

- (d) Interim City Manager Selection Process Rise and Report

A document titled "Speaking Points" was circulated for information.

14915 It was moved and seconded that Council direct Staff to issue a news release within 48 hours regarding the Interim City Manager selection process, have it posted to the City website and sent to both local newspapers. The motion carried unanimously.

(f) Update on WorkSafeBC Respectful Workplace Investigation

T. Samra provided a verbal update on the status of a WorkSafeBC Respectful Workplace investigation.

Council Resolution re: Rise and Report:

Rise and report was discussed. No information on this matter to be disclosed at this time.

(c) Community Charter Duties (continued)

T. Samra facilitated a discussion with Council on matters related to the duty to respect confidentiality, defamation and censure.

C. Jackson vacated the Board Room at 7:12 p.m.

15015 It was moved and seconded that in relation to the improper disclosure of "In Camera" information related to the hiring of the interim City Manager, Council request that, with the assistance of the City Manager, Councillors Brennan and Thorpe issue written public apologies and have those apologies read out at an upcoming Council meeting. The motion carried unanimously.

15115 It was moved and seconded that Council direct the City Manager to write a letter to Mr. Don Bonner regarding his obligations as a member of a Council advisory committee and his requirement to meet provisions of Council policies and bylaws, committee terms of reference, and Provincial legislation. The motion carried unanimously.

C. Jackson returned to the Board Room at 8:23 p.m.

5. ADJOURNMENT:

15115 It was moved and seconded at 9:23 p.m. that the "In Camera" Meeting terminate. The motion carried unanimously.

M A Y O R

CERTIFIED CORRECT:

CORPORATE OFFICER