

WORK UNDERTAKEN ON CITY PROPERTY

- In 1995 the Days built an unpermitted rock wall and planted trees on the City-owned boulevard in front of their home on Charnley Place.
- In 2003 after Councillor Day was elected, the Days obtained a Highways Use Permit which documented the work and allowed for some upgrades.
- The permit was valid from May 9, 2003 to May 9, 2004 and was subject to cancellation without notice at the discretion of the Director of Engineering.
- In 2017 the City was advised that trees on the City right of way on Charnley Place had fallen on a nearby home.
- This alerted the City to the fact that the slope was at risk of no longer being able to support the root systems of the large trees that had been planted on City property by the Days.
- Safety of people and property is paramount for the City and the risk of large trees falling represented a safety risk and liability issue. It was incumbent upon the City to resolve the safety issue.
- The City spent many hours working with the Days to come to a mutually agreeable solution, including providing an encroachment agreement that would allow the works to stay in place with the homeowners assuming responsibility. The Days declined the agreement.
- The previous Council directed staff to undertake further work to ensure the safety stability of the slope, and the current Council reaffirmed that direction.
- In December 2018 staff gave the Days advance notice that the work would be taking place. Staff also asked the Days to remove their vehicle from the work area on the date the work would take place.
- When staff arrived to undertake the work, the vehicle was in the work area and the Days positioned themselves within the work area. Staff left the site.
- Staff returned several days later. The vehicle was once again the work area and Councillor Day again positioned herself in the work area. A tow truck was called to move the vehicle and the RCMP attended to assist Councillor Day off the public property. The work on public property was completed by staff.
- Councillor Day spoke to the media about the matter on several occasions.

COUNCIL CONSIDERATION OF CENSURE

- Concerns have been expressed that Councillor Day's actions related to this work undertaken on City property outside her home may have violated the City's Code of Ethics. This prompted the balance of Council to consider Censure.

- Censure is a formal Council resolution to reprimand one of its own members for a serious violation of law or City policy. It could result in sanctions that limit the Council member's appointments to committees and other opportunities to represent the municipality. It does not carry a fine or dismissal.
- The Censure Hearing will consider two things:
 - whether Councillor Day's obstruction of Council-directed work violates the City's Code of Ethics related to respecting a decision made by council and the implementation of that decision by staff; and
 - whether public comments made by Councillor Day constitute a public attack on the character and motives of staff, in violation of the City's Code of Ethics with regard to Conduct of Members.
- The City will work with Councillor Day to schedule a mutually agreeable date for the hearing.

COLWOOD COUNCIL'S GOAL FOR THE HEARING

- Council members view this hearing as an opportunity to better understand Councillor Day's point of view and feel it is important that she have sufficient time to review the details of the case, prepare her statements and be heard.
- Council's goal is to move forward as a united Council with a clear understanding of the line between what is and is not acceptable behaviour for Council members.
- Residents can be confident that this Council advocates strongly for respectful working relationships and does not shy away from difficult decisions.
- Colwood has a strong Council with diverse perspectives and a proven ability to listen and come to consensus. Council is setting clear strategic objectives that focus on providing exceptional customer service to elevate Colwood by supporting the right development in the right places, managing resources and creating special places.