



Agenda No: 2.1
Mtg. Date: November 19, 2015

Regional Board Report

TO: Regional Board
FROM: Gail Given,
Regional Board Chair
DATE: November 10, 2015
SUBJECT: Consideration of Censure & Sanctions – Director Hanson

Purpose: To provide the Board with background information and procedural guidance to consider potential censure and sanctions against Director Hanson should the Board resolve to do so.

The Regional District of Central Okanagan (RDCO) Board of Directors has resolved to convene a Special Meeting of the Board for the sole purpose of considering potential censure and sanctions against Director Patty Hanson.

Introduction:

Censure is an expression of strong disapproval rebuking the actions or conduct of an individual Director while **Sanctions** are the penalties or other means of enforcement. Censure and sanctions are a relatively new process for local governments in British Columbia however this form of action has been sanctioned by our Courts in at least 2 earlier cases (see *Barnett v CRD*; *Skakun v Prince George*).

When a Regional Board meets to consider imposing potential censure and sanctions procedural fairness applies which provides for reasonable notice; a hearing (with few exceptions, in an open public meeting) and an opportunity to be heard. The Board of Directors needs to be open minded and not draw conclusions until the matter is fully heard.

At issue is Director Hanson's meeting with Mr. Jon Summerland from the Okanagan Film Commission on August 11, 2015 and allegedly making statements that misrepresent the Regional District's position on future funding of the Okanagan Film Commission. The Director appears to have acted without Board authorization or regard for the confidential nature of the discussions at the Regional Board's strategic planning session held in May, 2015. The result of Director Hanson statements caused Mr. Summerland to be "very concerned" about his livelihood.

Background:

Director Patty Hanson has served on the Regional District of Central Okanagan Board of Directors for approximately 7 years and is in her third term. She was first elected in November, 2005. In November, 2008 Director Hanson lost the election to Mr. Kelly Hayes however in November, 2011 she was successful in her election campaign and was subsequently acclaimed in the November, 2014 local civic election.

During Director Hanson's time on the Board she has served on numerous Committee's including:

• Governance & Services	2012	2013	2014	2015
• Court of Revision	2012	2013	2014	2015
• Economic Development Corp.	2012	2013	2014	2015
• Okanagan Basin Water Board	2012(alt.)	2013(alt.)	2014(alt.)	2015(alt.)
• Okanagan Regional Library	2012(alt.)	2013(alt.)	2014(alt.)	2015(alt.)
• SIBAC	2012(alt.)	2013(alt.)	2014(alt.)	2015
• Okanagan Film Commission	N/A	2013	2014	2015(alt.)

As noted above Director Hanson was appointed the RDCO Board Liaison to the Okanagan Film Commission in 2013 and 2014 and as the Alternate to Director Gray in 2015.

On Wednesday and Thursday May 20th and 21st respectively, 2015 the Board of Directors attended the RDCO Board Strategic Planning Workshop at the Cove Lakeside resort in West Kelowna. This workshop was facilitated by Alison Habkirk, who at the beginning of the workshop sought consensus to establish the workshop as a safe environment to speak candidly about the issues the Board was about to review and to have everyone agree that the discussions that were about to take place should be kept in confidence. Chair Given reminded the group that the discussions at the workshop were confidential at the end of the afternoon session on May 20th.

On the morning of Thursday May 21st there was a reminder to the workshop attendees that the matters discussed at the workshop were confidential. A frank discussion ensued reviewing all of the services provided at the RDCO including the support that was being provided to the Okanagan Film Commission. Without disclosing specifics, how the RDCO was supporting the Okanagan Film Commission was raised in the context of where the Board's new vision and direction was going. Issues were raised, discussed and subsequently parked until the consultant's report was finalized, presented to the Board for further refinement and eventually adopted. At the conclusion of the workshop later that afternoon, Chair Given thanked everyone for their participation in the workshop and reminded everyone about the confidential nature of what was discussed.

In the afternoon of August 11th, 2015 Director Hanson met with Mr. Jon Summerland from the Okanagan Film Commission. According to a written account of this meeting from Mr. Summerland (*copy attached as Schedule "A" to this report*) it is alleged that Director Hanson made statements that, if true, would misrepresent the Regional District's position on future funding of the Okanagan Film Commission. Further, if this written account is true it would appear that Director Hanson acted without Board authorization or regard for the private and confidential nature of the discussions at the Regional Board's strategic planning session held in May, 2015.

What we do know is that after Director Hanson left Mr. Summerland's office that afternoon Ms. Corrie Griffith and Ms. Marilyn Rilkoﬀ were approached by Mr. Summerland who was visibly upset and concerned about his future livelihood. Mr. Summerland had a subsequent meeting with Chair Given to discuss his meeting with Director Hanson.

This matter was first brought to the attention of the Regional Board on September 10th, 2015. A copy of the Board resolution of that portion of the meeting is attached as Schedule “B”

The matter was brought forward again to the Regional Board on October 26th, 2015. A recommended process for advancing a censure and sanctions hearing, along with a draft resolution for a censure and sanctions hearing was adopted by the Board. A copy of the Board resolution of the meeting is attached as Schedule “C”.

The Board determined that if they wished to initiate a formal censure and sanction process that a special meeting should be called for the specific purpose of considering potential censure and sanctions against Director Hanson. It was also recommended that:

- a minimum of two weeks advance notice be given to Director Hanson and that Meeting 2 be scheduled after consulting with Director Hanson to ensure her availability. Director Hanson indicated that she would make herself available for the November 19th, 2015 meeting at Meeting 1 held on October 26, 2015;
- prior to any debate or voting on the censure motion, the Board must provide Director Hanson, or her representative, an opportunity to make submissions to the Board on the matter;
- once Mr. Summerland and Director Hanson have been given an opportunity to make their presentations, the Board can consider this matter in the same way it considers any other matter that comes before it;
- a motion can be put forward setting out the proposed censure and sanctions, if any, which would then be debated and voted on in accordance with the Board’s meeting procedures;
- alternatively, a motion could be put forward proposing no censure or sanctions be imposed at this time.

For clarity, Director Hanson is entitled to participate in the debate and vote on any proposed resolution imposing censure or sanctions.

Summary:

The November 19th, 2015 Special Board Meeting will provide Director Hanson reasonable notice (more than 3 weeks) of this hearing and an opportunity to be heard on the matter. The Board of Directors, keeping an open mind will hear submissions from Mr. Jon Summerland and Director Hanson. After each submission the Board may ask relevant questions regarding the information presented.

After the matter has been fully heard the Board will have an opportunity to deliberate and decide what, if any, censure and sanctions they feel are appropriate under the circumstances.

Respectfully,



Chair Given

Schedule “A”



28/10/2015

Attn: Brian Reardon

Chief Administrative Officer

Regional District of Central Okanagan

1450 K.L.O. Road, Kelowna, BC V1W 3Z4

Notes on the unscheduled meeting with Patty Hanson August 11 2015 approximately 3:00pm.

Director Hanson dropped into the Okanagan Film Commission Office, 1450 KLO Kelowna BC at approximately 3:00pm. Director Hanson has come into the office a few times before for a similar visit and to hear about what's happening in the Film and Animation industries. After a few minutes of small talk Director Hanson referred to a strategic planning meeting she had attended in West Kelowna. According to Director Hanson the Film Commission was part of the discussion for the coming fiscal year. Director Hanson warned me that no other counsellor apart from herself saw value in continued funding of the Okanagan Film Commission. At this meeting according to Director Hanson, Corie Griffith did a presentation on behalf of the Economic Development Commission and was asked if she was aware of what the Film Commission did. According to Director Hanson Corie Griffith had said that she didn't see the value. I am not sure her exact remarks here but that is the jist of it. I was very surprised to hear this, and mentioned to Director Hanson that I found it odd that this was the case because Corie and I have worked closely together and with all the success we have had in the past few years it was pretty obvious that the OFC was working hard towards a stronger film and animation industry. I was also shocked that none of the other counsellors saw the relevance of continuing to support the OFC as they had in previous years. I had mentioned that on July 28th 2015 at a presentation in West Kelowna where Mayor Findlater (also a director of the CORD Board) went on record saying "I think there is a good return on investment for the tax money that is put into it"

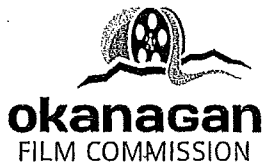
<http://westkelownabc.swagit.com/play/07282015-1148> item 6 approximate time slate 20:30). I was surprised that he had changed his mind and no longer saw the value. I asked about Kelowna Mayor Colin Basran and whether he was also not seeing the value of the Film Commission's funding and Director Hanson shook her head to insinuate that he did not see the value. Again this seemed odd because of his vocal support of the local arts scene, including film and animation. Director Hanson shrugged and asked me to keep it to myself. Then as quickly as she came in she was out of the office. I was very concerned because this is my livelihood and I have given up a lot to do this job. There have been great strides made towards a strong film and animation industry here in the Central Okanagan and all of it came through the Okanagan Film Commission office during my tenure. Immediately I sent an email to meet Corie Griffith, the Economic Development Commissioner for the Central Okanagan Regional District, asking to meet and Corie could sense from the tone of the email that I had concerns and came up to see me in my office. I explained to her what had

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Schedule “A” cont’d.



just happened and that I was told that she (Corie Griffith) had not been in attendance of the West Kelowna meeting. Corie was equally shocked and tried to reassure me that it was not true, and that the OFC had strong support from the CORD board of directors and she referred me to take it to Marilyn Rilkoﬀ, Director of Finance Central Okanagan Regional District. Marilyn Rilkoﬀ referred me to the Gail Given and here we are.
Kind regards


Jon Summerland
Okanagan Film Commissioner
1450 K.L.O. Road, Kelowna, BC V1W 3Z4

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Schedule “B”

#IC61/15 HODGE/BASRAN

THAT the Board schedule a special In Camera Board meeting specifically to provide Director Hanson an opportunity to respond and provide her side of the story and to consider potential censure measures for disclosing confidential information.

CARRIED Unanimously

Schedule “C”

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#IC72/15 OPHUS/SIEBEN

THAT the Board receive for information the report on potential censure/sanction process – Director Hanson, and direct the preparation of a Board report and scheduling of Meeting 2;

AND THAT the Board wishes to consider imposing the following censure/sanctions against Director Hanson at the Board meeting to be held on November 19, 2015, at 10:00 a.m.

- Resolution of Censure:
In August 2015, Director Hanson disclosed the private and confidential discussions of the Board of the Regional District of Central Okanagan from its 2015 Strategic Planning meeting to Mr. Jon Summerland, Film Commissioner, Okanagan Film Commission (“OFC”) without any Board direction or authorization. Also, Director Hanson disclosed, incorrectly, to Mr. J. Summerland that the OFC’s funding would be cut by the Board in 2016. The Board of the Regional District of Central Okanagan wishes to publicly censure Director Hanson for her incorrect and unauthorized comments to Mr. Jon Summerland and the OFC and offers the Board’s sincere regret for any confusion caused by the unauthorized communications of Director Hanson.

- Sanctions:
 - *A written public apology to the Okanagan Film Commission and Mr. J. Summerland.*
 - *Removal from committees: Economic Development Commission, Okanagan Film Commission, and SIBAC for a period of 12 months.*

AND FURTHER THAT the Board will provide Director Hanson with a copy of the Board report on or before November 12, 2015 and an opportunity to participate and be heard at the Board meeting on November 19, 2015.

CARRIED (opposed: Hanson)

