



MINUTES

**GENERAL PURPOSES COMMITTEE**

Date: Tuesday, September 5<sup>th</sup>, 2000

Place: W.H. Anderson Room  
Richmond City Hall

Present: Mayor Greg Halsey-Brandt, Chair  
Councillor Linda Barnes  
Councillor Malcolm Brodie (4:05 p.m.)  
Councillor Lyn Greenhill  
Councillor Kiichi Kumagai  
Councillor Ken Johnston  
Councillor Bill McNulty  
Councillor Harold Steves

Absent: Councillor Derek Dang

Call to Order: The Chair called the meeting to order at 4:00 p.m.

MINUTES

1. It was moved and seconded  
*That the minutes of the meeting of the General Purposes Committee held on Monday, July 17<sup>th</sup>, 2000, be adopted as circulated.*

CARRIED

DELEGATIONS

2. **TRANSLINK - TO DISCUSS FINANCING OPTIONS TO MOVE FORWARD WITH THEIR STRATEGIC TRANSPORTATION PLAN**  
(Letter: Aug. 15/00; File No.: 0154-01)

Mr. Clive Rock, Manager, Strategic Planning, TransLink, accompanied by Tamim Raad, reviewed with the Committee, the improvements being planned, the funding options which were currently being considered, and the impact which the Strategic Transportation Plan would have on Richmond in the future. A copy of Mr. Rock's presentation is on file in the City Clerk's Office.

(Cllr. Brodie entered the meeting at 4:05 p.m., during the above presentation.)

Discussion then ensued among Committee members and the delegation on issues relating to the proposed financing options, during which the following information and comments were provided:

- at the open house to be held in Richmond on Tuesday, September 13<sup>th</sup>, 2000, display panels would be set up in the room, however, there would be no specific presentations made as the purpose of the open house was to give the public the opportunity to present new ideas on possible alternatives to the proposed financing plan
- the Boards of both the Greater Vancouver Regional District and TransLink had approved the Strategic Transportation Plan; TransLink was now assuming that people wanted to implement the plan; if individuals were opposed to paying the proposed levy, then they should make their views known; if there was an overwhelming show of rejection for the levy, then another avenue of obtaining funding for the Plan would have to be found
- with regard to whether TransLink had reviewed its programs and priorities with respect to 'money losers', TransLink staff were currently undertaking a 'critical performance review', the results of which should be available in the Spring of 2001
- with reference to the West Coast Express, the cost to operate this train was approximately \$25 Million per year, and TransLink was locked into long term contracts with Canadian Pacific Railway regarding the continued operation of this transit service; as well, TransLink had only committed to purchase additional passenger cars for the existing train, and did not intend to acquire a new train; additional information was provided that the West Coast Express had reduced the cost of providing transit service along this route
- concern was expressed during the discussion that the proposed levy not only penalized residents of Richmond who worked within their own jurisdictions, but also seriously impacted on residents of Vancouver who travelled to other areas to work; with reference to Richmond, the suggestion was made that rather than the \$75 levy, perhaps a 2 cent per litre gasoline tax would provide a better solution to those Richmond residents who worked in the City
- with reference to the Major Road Network program, only those municipalities which had roads included in the program and which met certain road standards would receive funding for maintenance of these roads;
- concern was expressed about the lack of cost efficiencies which TransLink had initiated, and the request was made that the City be provided with this information
- concern was also expressed about the amount of the proposed levy for commercial vehicle operators (\$200) and about the negative impact which this would have on the local economy
- concern was voiced about the future and whether TransLink, in 2006 intended to seek additional funding from the public to continue with the Strategic Transportation Plan; advice was given that TransLink intended to update the Transportation 2021 study at the same time the GVRD updated its Liveable Region strategy, which should determine if future additional funding would be required

- reference was made to the Major Road Network Program and to the amount of funding provided by TransLink to cities and municipalities to maintain roads which, in Richmond's situation, Richmond had previously maintained at its own expense and for which TransLink now provided funding; the suggestion was made that TransLink should make a decision on whether municipalities should be provided with funding to maintain roads for which they were previously responsible.

The delegation was thanked for their presentation, and they then left the meeting.

3. **ROLF G. AND PENPAN BORCK, #611 - 9300 PARKSVILLE DRIVE, REGARDING A DOG COMPLAINT AND ENFORCEMENT ISSUES**

(Letter: Aug. 9/00; File No.: 8080-07) (REDMS No. 177687)

Mr. Rolf Borck, accompanied by his wife Penpan, and Mr. David Patterson, of 4691 Pendlebury Road, provided information and commented on the recent attack by a Rottweiler dog on Mrs. Borck. A copy of Mr. Borck's submission is attached as Schedule A and forms part of these minutes.

Mr. Patterson also provided information on the attack and commented on statements contained in the correspondence received by Mr. Borck from the Manager, Community Bylaws and Administration. He reviewed (a) previous incidents which had occurred when the dog in question had threatened and attacked other individuals and (b) the conversations he had had with individuals who were concerned about these attacks. Mr. Patterson also referred to other City bylaws which dealt with the authority of an individual to enter private property, and he expressed concern that Bylaw No. 7137 did not appear to give the SPCA the authority to enter such property to retrieve a vicious or dangerous animal.

Discussion then ensued amongst Committee members, the delegation and staff (including Mr. Shawn Eccles, representing the SPCA) on this matter, during which, in response to questions, the following information and comments were provided:

- with reference to the suggestions put forward by Mr. Borck to improve the existing bylaw,
  - (a) to add the "Rottweiler and Doberman" breeds of dogs to the definition for 'vicious dog';
  - (b) to provide stronger enforcement; and
  - (c) to increase the amount of the penalties,the comment were made that the penalties stipulated in the bylaw were the maximum amounts set by the Provincial government and could not be increased by the City;
- the City's bylaw did allow the SPCA to enter onto private property to ensure that the provisions of the bylaw were being upheld, and through the definition of 'vicious dog', were permitted to seize a dog running at large on private property

- the SPCA did not operate the City of Vancouver pound from which the dog had been adopted by its owner; the SPCA had a policy that any vicious dog which it seized would be destroyed and not allowed to be adopted; the SPCA did not want to be responsible for allowing a vicious dog back on the street.

It was moved and seconded

***That the matter of enforcement issues relating to a dog complaint submitted by Mr. Rolf G. Borck be referred to staff to:***

- (1) ***determine if the enforcement clauses contained in the City's Animal, Bird and Beekeeping Bylaw No. 7137 were sufficient to deal with vicious dogs;***
- (2) ***determine if penalties relating to dogs could be increased;***
- (3) ***address the ability of SPCA officers to enter onto private property to seize a vicious dog;***
- (4) ***review the advisability of adding the "Rottweiler and Doberman" breeds of dog to the definition for 'vicious dog'.***

***for report to Council, through the General Purposes Committee.***

The question on the motion was not called, as concern was expressed about the fact that the SPCA was indicating that no previous calls had been recorded about the dog and the attempted attacks made by the animal on other individuals, prior to attacking Mrs. Borck. Discussion ensued on this issue, during which Mr. Eccles of the SPCA provided information on the process which was in place in the event of an emergency call being received outside of normal operating hours. Reference was also made to steps taken by the cities of Edmonton, Alberta and Saskatoon, Saskatchewan, to ban vicious dogs from their city limits, and Mr. Borck advised that he would provide staff with copies of these bylaws.

The question on the motion was then called, and it was **CARRIED.**

## ENGINEERING & PUBLIC WORKS DIVISION

### 4. PUBLIC ART

(Report: Aug. 18/00, File No.: 7000-09-20-001) (REDMS No. 174820)

The General Manager, Engineering & Public Works, Chuck Gale, briefly reviewed his report with the Committee.

Discussion then ensued among Committee members and staff on whether the proposed location (west berm adjacent to the City Hall building) was an appropriate location for the art piece, and on the estimated cost of \$50,000 of relocating the art piece to that site. The suggestion was made during the discussion that the matter should be reviewed by the Public Art Commission and the artist before a final decision was made on relocating the "Span". It was noted that staff were presently reviewing the City's Public Art program and the manner in which public art would be dealt with, however, the comment was made that the future of the "Span" at the City Hall site should not be delayed until this review had been completed.

As a result of the discussion, the following **referral** motion was introduced:

It was moved and seconded

***That the report (dated August 18<sup>th</sup>, 2000, from the General Manager, Engineering & Public Works), regarding the Public Art piece "Span", be referred to staff for the preparation of a report to Council, through the General Purposes Committee, on:***

- (1) suitable locations for the art piece, (which could include locations not at City Hall); and***
- (2) the cost of relocating this piece to both the proposed City Hall and alternate sites; and***

***that the comments of the artist and the Public Art Commission on the proposed relocation of the "Span" be obtained and included in the report.***

**CARRIED**

## **FINANCE & CORPORATE SERVICES DIVISION**

### **5. CASINO FUNDING PROCEDURES**

(Report: July 19/00, File No.: 1085-01) (REDMS No. 188238, 160160)

The Manager, Customer Services, Anne Stevens, reviewed the report with Committee members.

Discussion took place among Committee members and staff on the proposal to receive Casino Funding applications three times annually and the confusion which could result because of the overlap with the City Grants process. There was general agreement during the discussion that applications should only be received once each year. The suggestion was also made that perhaps the casino funding revenue received for a particular year could form part of the next year's budget. Because applications for casino funding revenue would not be requested until mid-November, by the time the budget review process was completed in February or March of the next year, Council and staff would know exactly how much casino funding was available.

Reference was made to the 'Casino Funding Application' form, and the comment was made that the form should be amended to clearly indicate that appeals would not be allowed.

Discussion continued, during which concern was expressed that the funding received by the City with respect to casinos might not be an ongoing funding source. The suggestion was made that a procedure should be implemented whereby a certain percentage of the funds received would be allocated for a particular use, such as policing and a percentage allotted to a 'sustainable fund' program to be used to provide funding for projects if and when the casino funding ends, so that actual capital funding would not be depleted to fund these projects.

Reference was made to the first paragraph of the General Principles of the Casino Funding Procedures, and questions were raised about the appropriateness of the first paragraph. As a result, it was agreed that this paragraph would be deleted from the procedures.

It was moved and seconded

- (1) ***That the Casino Funding Procedures (as stated in the report dated July 19, 2000 from the Manager of Customer Service), be adopted, on the understanding that applications for casino funding would only be requested once each year.***
- (2) ***That staff solicit in mid-November, Richmond-based community groups that may wish to receive Casino Funding, and that staff report on this matter to Council, through the General Purposes Committee no later than early 2001.***

**CARRIED**

6. **BUSINESS TASK FORCE REPORT - UPDATE**

(Report: Aug. 27/00, File No.: 0100-20-RBTF1) (REDMS No. 181744)

The Manager, Business Liaison & Development, Marcia Freeman, reviewed the report with Committee members, during which she responded to questions on the various components of the status report. In response to questions, Ms. Freeman provided information on such issues as:

- *the Agricultural Viability Study* and whether the study focussed on the removal of land from the Agricultural Land Reserve - advice was given that that option was not part of the process and that the initial survey was very clear in indicating that fact
- *the development and construction of a Trade and Exhibition Centre* and the City's role - advice was given that the City's role in the development of this proposal was passive in nature; Tourism Richmond has been requested to prepare a marketing proposal on how the project would proceed
- *the City's progress in becoming the most efficient* - the comment was made that the fact that the City was continually receiving awards from different areas was proof that the City was making progress
- with regard to the hiring of consultants to complete certain components, such as the undertaking of a complete review and analysis of current practices, the consultant was hired as part of that process and not as a result of the Business Task Force report
- with respect to the purpose of the Business Task Force report, advice was given that the report was not intended to be an implementation strategy
- reference was made to the proposal to update the 1997 City Centre Transportation Plan, and the suggestion was made that the review be delayed until after the upcoming implementation of the #98 B Line transit service on No. 3 Road had been in operation for a number of months.

It was moved and seconded

***That the status report of the staff review of the Richmond Business Task Force Recommendations for Council Action: 2000 – 2002, be received for information and that staff continue the review process and provide a progress report to the General Purposes Committee for December 2000.***

**CARRIED**

## ADJOURNMENT

It was MOVED and SECONDED

***That the meeting adjourn (6:35 p.m.).***

**CARRIED**

Certified a true and correct copy of the Minutes of the meeting of the General Purposes Committee of the Council of the City of Richmond held on Tuesday, September 5<sup>th</sup>, 2000.

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Mayor Greg Halsey-Brandt  
Chair

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Fran J. Ashton  
Executive Assistant

**Mr. Mayor, Members of Council and Department Heads.**

**Firstly, allow me to introduce the real victim before you in this matter  
- my wife Penpan Borck.**

**Secondly, based upon my letter to the Honorable Mayor of this City,  
and the consequent invitation to the meeting, our sincere thanks and  
appreciation.**

**We also ask ourselves, should we be here in the first place. What good  
will it do? We are no heavy weight in terms of position, politics or  
business, but only simple senior citizens who try to live out their lives  
in peace and harmony.**

**However, based upon our experiences as of late, it seems to be nearly  
impossible. It also appears to be apparent, that some people do not  
feel obligated to help or co-operate. Based upon these facts, we found  
it necessary to file a complaint to your Office Mr. Mayor. We also  
believe, a wake up call is justifiable and warranted, to make the  
hierarchy aware of the wrongs not attended to.**

**Mr. Mayor, we fully respect your efforts and services to the City of  
Richmond. We do not wish to discredit anyone. But - one has to  
realize, that from time to time constructive criticism is necessary, even  
if not wanted.**

**The matter of fact is, help, if needed, is very hard to come by, unless  
you are willing to pay for it. We also experienced a lot of disconcert,  
care less attitude and straight out lie's from people which are in the  
position to help, assist and take corrective action.**

**There are Rules and Regulations set forth within the City Charter.  
Are they enforced or implemented? I suggest to you Mr. Mayor, they  
are not or at best, to an very limited extend only. The rule appears to  
be " Don't rock the Boat " , unless somebody objects or complaints.  
Thereafter, the haste is on to look for cover.**

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**Speech - Page 2**

**Please allow me to cite the City Bylaw No. 7137 and so adapted on July 24, 2000. Mr. Mayor, I like to draw your attention to Section 2.2 of this Bylaw. Particular abjection is raised to Sub Section 2.2.4. referring to the term " Vicious Dog " and the interpretation thereof. This section includes " Owner responsibility " and specifies what is a vicious dog. Unfortunately, this Bylaw is written and adopted in a very vague and barely enforceable manner. Under specifications, only a few species are listed , which maybe vicious or dangerous. It don't include Rottweiler or Doberman Pinchers. These two species alone, in the Province of British Columbia , are responsible in 1999 for 118 attacks on humans and other animals. Do you know Mr. Mayor, as an example, that a Doberman will attack his owner and the hand which feeds him.**

**However, the subject of " Vicious Dog " is very well defined in terms of " Applied Law ". I do suggest, that in this matter of vicious propensity, more research should be done under the Laws of " Ferae naturae ". The legal term under the law of " One bite Rule " as applied in jurisprudence, is not applicable in our case.**

**As stated in my letter of complaint Mr. Mayor, an Agency of this City is largely responsible for this incident, which could easily have been avoided. The tools required are in force and so manifested in the Bylaw No. 7137, which is subject of this discussion. Said Agency and so identified as the local SPCA, is a " Contractor " to the City, thereby receives payment and remuneration's, which in turn is arrived from taxes paid by the citizens of Richmond. This fact is indisputable and makes the SPCA vicariously liable for its action. Under the " Tort Law ", even more so damages and restitution's can be claimed.**

**Received letter and hand delivered from Mrs. Sandra Tokarczik, your Manager for Urban Development, is much appreciated. I trust you have a copy of this letter Mr. Mayor. The contends are based purely on reports from the SPCA , which I consider as an insult and question of my integrity.**

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**Please refer to the last paragraph on page 1. , where it is referred to “ additional tools “ provide to the SPCA, in order to protect the public. My question to you Mr. Mayor : What will happen if the SPCA is not using the provided tools ?**

**Turning to page 2 of this said letter and following “ Chronology of Events “, sincerely I hope that Mrs. Tokarczyk has better evidence to substantiate these statements. In future proceedings, we will proof that this unfortunate incidents was preventable. In detail :**

**1.) July 24,2000 - 9:14 AM. No constable attended complaint as per information from complainant. Dog was at large, if not, how could the dog get into garbage 42 meters away.**

**Note: This is an erroneous statement, as the call was made on July 26, 2000 at 7:30 AM.**

**2.) July 24, 2000 Call was made at 6:30 AM to RCMP and SPCA alike from a women, which could not enter her car as the dog was at large. No response from SPCA. Comment from RCMP was : We are not in the habit to pick up stray dogs.**

**3.) July 25, 2000 at 11;00 AM dog was attacking Mailman. Complaint filed via telephone and fax. No bite occurred as the mailman used his heavy work boots and Pepperspray to defend himself. No Constable showed up as per several witnesses to this incident.**

**4.) July 28, 2000 at 19:35 PM, dog attacked my wife, which sustained a total of 7 bites plus bruises and scrapes. No SPCA in attendance until call from Ambulance Attendance to Vancouver SPCA to detain dog, which was done at approx. 20:55 PM. RCMP arrived 35 minutes after call was made. My wife was already in Hospital Emergency before RCMP showed up.**

**5.) No SPCA Constable talked to us, prior to my call to the SPCA Richmond on July 29, 2000 at 10:00 AM. Request for victim**

**continue ...../ 4**

**statement was made. Offered to have it done by 3:00 PM. Phoned back that statement was available and could be picked up. Said Constable was off duty and message was left. This Constable called back July 30, 2000 at 9:30 AM. and agreed to pick up statement at 10:30 AM. Written statement and a set of pictures were supplied. This Constable lied straight to my face and in my house by suggesting this might be a stray Dog and the owner would be hard to find. This Constable must have known, that reports in regard to this dog were filed six days prior. If he did not know, then I do suggest there is a much larger problem then anticipated. Calls to the SPCA and request for information were totally wasted and only excuses offered.**

**Mr. Mayor - would you belief that in a City like Richmond it is nearly impossible to retain a Lawyer in this matter. After being turned down twiced, we were forced to obtain Council in Vancouver. The first lawyer obstained with the excuse, that there is a conflict of interest, as the family is associated with the SPCA. The second lawyer declined because of possible City involvement. The Vancouver Lawyer will take our case on the bases of a \$ 1500.00 Retainer and \$ 180.00 for the 1 1/2 hour of consultation. The RCMP will not supply a copy of the investigation report. Doctor report from the Hospital is \$ 200.00 and report from the Ambulance is \$ 60.00. All costs are up front. We also have to get an investigation regards the dog owner. The whole issue is caused by gross neglect of the Richmond SPCA.**

**As a final question Mr. Mayor : Why is this matter not forwarded to the Prosecutors Office for investigation of criminal injury charges, based on the fact that previous vicious attacks by this dog is a matter of record.**

**The wounds sustained by my wife are healing slowly and still very much visible, even after over one month. What is more an issue, is the psychological effect. My wife can sleep only with the help of pokend sleeping pill. There are constant nightmares. She is waking up at nights screaming and fighting. Meeting a dog on the street,**

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**caused instant seizure in motion and severe perspiration. Consulting a specialist revealed, that this will go one for several month and only very slowly deminish.**

**In closing my presentation, we do urge this council to reconsider the existing Bylaw No. 7137 and the sections pertaining to vicious dogs. Provide stronger enforcement and penalties. Don't let this City turn into the same problems existing in Surrey and Abbotsford. Take the same approach like Cities as Edmonton and Saskatoon, which banned certain species identified as vicious dogs from the City limits. Straighten out the misgivings within the Richmond SPCA to avoid incidents like this. We need peace and tranquillity on our streets and in neighborhoods not being scared to be attacked by animals or people.**

**Please allow Mr. Dave Patterson to give a short presentation on this matter. Mr. Patterson is the person which saved my wife from further injury or possible death. We are most grateful.**

**Our thanks for having the opportunity to speak to you.**