

Regular Meeting – A.M.May 14, 2007

A Regular Meeting of the Municipal Council of the City of Kelowna was held in Meeting Room No. 3, 1435 Water Street, Kelowna, B.C., on Monday, May 14, 2007.

Council members in attendance: Mayor Sharon Shepherd, Councillors Andre Blanleil*, Barrie Clark, Colin Day, Brian Given, Robert Hobson, and Norm Letnick.

Council members absent: Councillors Carol Gran and Michele Rule.

Staff members in attendance were: City Manager, Ron Mattiussi; City Clerk, Allison Flack; Director of Corporate Services, David Shipclark*; Director of Financial Services, Paul Macklem*; Director of Recreation, Parks & Cultural Services, David Graham*; Director of Planning & Development Services, Mary Pynenburg*; Deputy City Clerk, Stephen Fleming*; Projects Manager, Community Development & Real Estate, Rob Mayne*; and Council Recording Secretary, Sandi Horning.

Guests: City Solicitor, Barry Williamson*; RCMP – Kelowna Detachment, Corporal George Silva*; Appellant, Jaspal Singh Khunkhun*; and Agent for Jaspal Singh Khunkhun, Andy Sandhu*.

(* denotes partial attendance)

1. CALL TO ORDER

Mayor Shepherd called the meeting to order at 8:35 a.m.

2. Councillor Given was requested to check the minutes of the meeting.

3. REPORTS

3.1 Jaspal Singh Khunkhun Appeal of Chauffeurs Permit Refusal

City Solicitor:

- Advised Council regarding the criteria required and the process involved with respect to an appeal of a chauffeurs permit refusal.
- If necessary, Council can request that the complainant come before Council to speak to the matter personally.

Guest, Corporal George Silva:

- Advised Council of the process involved with respect to chauffeurs permits and, in particular, the denial of a chauffeurs permit.
- Confirmed that this appeal was as a result of a renewal of a chauffeurs permit and that Mr. Khunkhun received his original chauffeurs permit in 2005.

Appellant, Jaspal Singh Khunkhun, and Appellant's Agent, Andy Sandhu

- Embarrassed by the allegations from the owner of the Love Shop and advised that he sought counselling after the incident.
- Believes there was a miscommunication with the second complainant, Ms. Carter.
- Confirmed that this is his only source of income.
- Confirmed that he is aware of the allegations made against him by Ms. Carter and advised that only some of the statements are true.
- Advised that he leases the cab from the cab company and pays \$700/mo for the lease payment and \$800/mo for insurance.

Councillor Blanleil joined the meeting at 8:55 a.m.

City Solicitor, Barry Williamson:

- Advised that neither of the allegations were forwarded to Crown Counsel for consideration and that even though the allegations were not forwarded to Crown

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Counsel for consideration, Council should not consider that fact when considering this appeal.

- Reminded Council that they have options when considering this matter.

Appellant, Jaspal Singh Khunkhun, and Appellant's Agent, Andy Sandhu:

- Suggested that Ms. Carter was very intoxicated at the time of the alleged incident.

Guest, Corporal George Silva:

- Advised that both complainants appeared to be well educated, very articulate and credible witnesses.
- Advised that the allegations made by Ms. Carter were relayed to a close friend immediately after the incident occurred. The RCMP were then called and attended at Ms. Carter's residence that same evening/morning, at which time Ms. Carter gave a full statement.

Moved by Councillor Clark; Seconded by Councillor Given

THAT the appeal by Jaspal Singh Khunkhun be denied.

Council:

- Would like an opportunity to hear from the complainant.

Guest, Corporal George Silva:

- Advised that the complainant just had a baby. She is currently out of town and will be back in town on May 29th and could possibly be available at the May 29th Council meeting.

Moved by Councillor Letnick; Seconded by Councillor Hobson

R527/07/05/14 THAT Council defer the motion to deny the appeal of Jaspal Singh Khunkhun's Chauffeurs Permit refusal to a date when the complainant, Jennifer Carter, can be available to attend in person before Council.

Carried

Councillor Clark opposed.

Moved by Councillor Clark/Seconded by Councillor Letnick

R528/07/05/14 THAT all witnesses being addressed by Council regarding the appeal of Jaspal Singh Khunkhun's Chauffeurs Permit refusal be required to give testimony under oath.

Carried

4. RESOLUTION CLOSING THE MEETING TO THE PUBLIC

Moved by Councillor Given/Seconded by Councillor Day

R529/07/05/14 THAT this meeting be closed to the public, pursuant to Section 90(1) (e) (g), (i) and (k) of the Community Charter for Council to deal with matters relating to the following:

- Land Disposition
- Potential Litigation
- Solicitor-Client Privilege
- Negotiations for a Municipal Service

Carried

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5. ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 9:26 a.m.

The meeting was declared terminated at 11:41 a.m.

Certified Correct:

Mayor

City Clerk

/slh