



CITY OF QUESNEL

Administration Report

Report Date: September 13, 2012

Meeting Date: September 17, 2012

To: Mayor & Council

From: CAO Byron Johnson

Subject: **In-Camera Reporting Process**

PURPOSE

To provide information regarding information that is brought to Council's attention in Special Closed meetings. The goal is to explain why this information is brought In-Camera and how and when this information is released to the general public.

SUMMARY

Sections 89 and 90 of the **Community Charter** outline the rules around open versus in camera (or closed) meetings of Council. There has been a lot of discussion in the Community in regards to the use of closed meetings, it is important to understand why some meetings are closed to the public.

STATUTORY REQUIREMENTS

Sections 89 and 90 of the **Community Charter** outline the rules.

COUNCIL POLICY

Council's policy has been to allow staff to schedule closed meetings on topics that staff feel require confidentiality subject to those topics being specifically allowed to be discussed in a closed format as per the **Community Charter**. Council does not consider the topic to be addressed, and then determine whether the meeting should be closed or open, this is a staff responsibility.

BACKGROUND

The rules regarding open versus closed council meetings are as follows:

General rule that meetings must be open to the public

89 (1) A meeting of a council must be open to the public, except as provided in this Division.

(2) A council must not vote on the reading or adoption of a bylaw when its meeting is closed to the public.

Meetings that may or must be closed to the public

90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (c) labour relations or other employee relations;
- (d) the security of the property of the municipality;
- (e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;
- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- (g) litigation or potential litigation affecting the municipality;
- (h) an administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality, other than a hearing to be conducted by the council or a delegate of council;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the *Freedom of Information and Protection of Privacy Act*;
- (k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;
- (l) discussions with municipal officers and employees respecting municipal objectives, measures and progress reports for the purposes of preparing an annual report under section 98 [*annual municipal report*];
- (m) a matter that, under another enactment, is such that the public may be excluded from the meeting;
- (n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

(o) the consideration of whether the authority under section 91 [*other persons attending closed meetings*] should be exercised in relation to a council meeting.

(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

(a) a request under the *Freedom of Information and Protection of Privacy Act*, if the council is designated as head of the local public body for the purposes of that Act in relation to the matter;

(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;

(c) a matter that is being investigated under the *Ombudsperson Act* of which the municipality has been notified under section 14 [*ombudsperson to notify authority*] of that Act;

(d) a matter that, under another enactment, is such that the public must be excluded from the meeting.

(e) a review of a proposed final performance audit report for the purpose of providing comments to the auditor general on the proposed report under section 23 (2) of the *Auditor General for Local Government Act*.

(3) If the only subject matter being considered at a council meeting is one or more matters referred to in subsection (1) or (2), the applicable subsection applies to the entire meeting.

It is a common misconception that closed meetings are only to discuss “Land, Labour and Litigation”, the list above shows that this is not correct. Potential topics do include Land purchases and sales of City owned lands, labour issues including negotiations of bargaining unit contracts and legal issues; however, other closed topics include hiring and other employment matters for staff employees, confidential law enforcement issues, provision of new municipal services, setting goals and objectives for the City, etc.

It is clear that much of the important business of the City is done in closed meetings, and this is specifically allowed by the legislation. For most of these items, if the business of the City were all done in full view of the public it would hurt our ability to conduct that business effectively. The City would find itself in a position of over paying for services, not being able to attract employees, and being at a disadvantage in litigation. These would all add to the City’s cost of providing services, and negatively impact taxes.

RECOMMENDATION

THAT Council receive this report for information.