

From: "Johnston, Sadhu" <Sadhu.Johnston@vancouver.ca>

To: "Direct to Mayor and Council - DL" <CCDTMACDL@vancouver.ca>

Date: 7/4/2017 5:26:54 PM

Subject: CONFIDENTIAL - In-camera Council Meetings

Attachments: Memo to Council re Incamera Meetings - June 2017.pdf

Dear Mayor and Council,

Please see attached memo from Janice, MacKenzie, City Clerk in response to Councillor Carr's request to staff to clarify the rules related to In-camera meeting discussions.

If you have any further questions, please contact Janice Mackenzie at 604.871.6146 or Janice.mackenzie@vancouver.ca.

Best
Sadhu

Sadhu Aufochs Johnston | City Manager
City of Vancouver | 453 W 12th Avenue
Vancouver | BC V5Y 1V4
604.873.7627 | Sadhu.johnston@vancouver.ca
Twitter: sadhuajohnston



CONFIDENTIALITY NOTICE: This message and any accompanying documents contain confidential information intended for a specific individual and purpose. This message is private and protected by law. If you are not the intended recipient, you are hereby notified that any disclosure, copying or distribution, or the taking of any action based on the contents of this information, is strictly prohibited.



CITY CLERK'S DEPARTMENT
Office of the City Clerk

MEMORANDUM

June 30, 2017

TO: Mayor and Council

CC: Sadhu Johnston, City Manager
Paul Mochrie, Deputy City Manager
Francie Connell, City Solicitor
Lynda Graves, Manager, Administration Services, City Manager's Office
Rena Kendall-Craden, Director, Communications
Kevin Quinlan, Chief of Staff, Mayor's Office
Katie Robb, Director, Communications, Mayor's Office
Naveen Girn, Director, Community Relations, Mayor's Office

FROM: Janice MacKenzie, City Clerk

SUBJECT: In-Camera Council Meetings

On June 28, 2017, Councillor Carr asked staff to provide a memo to clarify the rules related to In-camera meeting discussions.

The in-camera meeting is the only meeting held by Council that is not open to the public. The Vancouver Charter, section 165.2, sets out the subject matters that may be discussed at in-camera meetings, as well as those that must be discussed at in-camera meetings. Some of the more common subject matters include personnel matters; labour relations issues; the acquisition, disposition or expropriation of land or improvement, buying and selling of real property; litigation or potential litigation affecting the City; and negotiations and related discussions regarding the proposed provision of an activity, work or facility that are at their preliminary stages. Council members can find a complete list of in-camera subject matters (i.e. Section 165.2) [here](#).

The Vancouver Charter further states that before holding an In-camera meeting, Council must pass a resolution in a public meeting stating that Council will be meeting in-camera and reasons, as set out in section 165.2, for which the meeting will be closed. At no time during the public meeting does Council indicate the specific items to be discussed at the in-camera meeting.

City of Vancouver, City Clerk's Department
Office of the City Clerk
453 West 12th Avenue
Vancouver, British Columbia V5Y 1V4 Canada



As Council may know, In-camera meetings are not open to the public in order to:

- Maintain the confidentiality of third party information, including that of individuals and other government bodies;
- Protect the City's interests during negotiations, litigation, or potential litigation, and law enforcement investigations; and
- Protect the privacy of the City, Councillors, staff, and other parties who have been granted specific statutory protection.

Confidentiality is essential to maintaining the above. The City's Code of Conduct (the "Code") outlines the expectations for behaviour of Council officials, staff and advisory body members in carrying out their functions. Section 3 of the Code details how confidential information is to be handled. Section 3.1 states the following:

Council officials, staff, and advisory body members must:

- Protect information that is specifically marked confidential and other material understood to be confidential in nature;
- Refrain from discussing/disclosing any Confidential Information with/to other staff, or with persons outside the organization except as authorized;
- Take reasonable care to prevent the examination of confidential material by unauthorized individuals;
- Not use Confidential Information with the intention to cause harm or detriment to Council or any other person or body;
- Only access information needed for City business;
- Only use Confidential Information for the purpose it is intended to be used;
- Only release information in accordance with established City policies and procedures and in compliance with the *Freedom of Information and Protection of Privacy Act*;
- Not disclose decisions, resolutions or report contents from an in-camera meeting of Council until a corporate decision has been made for the information to become public; and
- Not disclose detail on Council's in-camera deliberations or specific detail on whether individual Councillors voted for or against an issue.

The Code also defines confidential information as being "information that could reasonably harm the interests of individuals or organizations, including the City of Vancouver, if disclosed to persons who are not authorized to access the information."

When applying the above to in-camera meetings of Council, the following (electronic and hardcopy) materials are considered confidential information and, therefore, not to be shared publicly:

- Agenda packages (i.e. agenda and all reports)
- Materials distributed at In-camera meetings (e.g. presentations and other discussion materials)
- In-camera motions
- Minutes (i.e. movers/seconders, voting, decisions*)

*Note that the public release of specific decisions, and the content of any related reports and other materials, is managed under the City's in-camera release process.

In addition to not sharing copies of the above listed materials or other “Confidential Information”, the Code also restricts Councillors from otherwise disclosing details of in camera meetings as follows:

- Not disclose decisions, resolutions or report contents from an in-camera meeting of Council until a corporate decision has been made for the information to become public; and
- Not disclose detail on Council’s in-camera deliberations or specific detail on whether individual Councillors voted for or against an issue.

Minutes of in camera meetings are also subject to a special rule in the *Freedom of Information and Protection of Privacy Act*, which says they must not be released, in many circumstances, for at least 15 years.

In speaking about an in-camera matter that has become public, Council members may indicate their position on any publicly released In-camera decision provided they do not release the actions and voting of other Council members.

Should Council members have any further questions regarding this matter, please do not hesitate to contact me at 604-871-6146.

A handwritten signature in black ink, appearing to read 'Janice MacKenzie', written in a cursive style.

Janice MacKenzie
City Clerk