

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

**To:** "Direct to Mayor and Council - DL"

**CC:** "City Manager's Correspondence Group - DL"

**Date:** 6/12/2019 6:53:30 PM

**Subject:** FW: Additional In Camera Meeting Procedures - RTS 12972

**Attachments:** RTS 12972 - Additional In Camera Meeting Procedures.pdf

Greetings Mayor and Council

Here is the memo regarding Council members raising items for the in camera agenda that was previously circulated as per the request today in-camera.

Best

Sadhu

**Sadhu Aufochs Johnston** | City Manager  
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*The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the Musqueam, Squamish, and Tsleil-Waututh peoples.*

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MEMORANDUM

February 8, 2019

TO: Mayor and Council

CC: Sadhu Johnston, City Manager  
Paul Mochrie, Deputy City Manager  
Lynda Graves, Administration Services Manager, City Manager's Office  
Rena Kendall-Craden, Communications Director  
Francie Connell, Director, Legal Services  
Rosemary Hagiwara, Deputy City Clerk  
Tina Penney, Deputy City Clerk  
Neil Monckton, Chief of Staff, Mayor's Office  
Alvin Singh, Communications Director, Mayor's Office  
Anita Zaenker, Chief of Staff, Mayor's Office

FROM: Katrina Leckovic, City Clerk

SUBJECT: Additional In Camera Meeting Procedures – RTS 12972

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**Introduction**

At the *in camera* meeting on January 15, 2019, Council requested additional information on the following two questions pertaining to *in camera* meetings:

- Why is New Business not considered on the *in camera* agenda?
- How can a Council member request a motion be added to the *in camera* agenda?

This memo responds to those questions. Additional information is available in the memo '*In camera* meeting procedures' dated January 14, 2019, which was distributed to Council last month.

**Why is New Business not considered on the In Camera agenda?**

Sections 165.2(1) and (2) of the *Vancouver Charter* (the "*Charter*"), set out the subject matter that may, or must, be considered at a meeting closed to the public. Pursuant to section 165.2 of the *Charter*, the decision to include a matter on the *in camera* agenda is determined by its subject matter. Report authors consider the rationale for bringing a report or other information *in camera* and the report references the appropriate section of the *Charter*.

Section 165.3 of the *Charter*, requires Council to pass a resolution at a public meeting stating the rationale for and providing approval to go *in camera* before Council can hold a meeting or part of a meeting *in camera*. Prior to the meeting, the City Clerk ensures the appropriate rationale is listed on the Regular Council meeting agenda. As this resolution must be passed prior to Council holding a meeting or part of a meeting *in camera*, and Legal must review reports

prior to consideration on the *in camera* agenda, no New Business can be properly considered at *in camera* meetings. The consequence of an improperly convened meeting is that a Court may: (1) set aside whatever action was taken at the improperly held meeting, (2) declare that Council has acted unlawfully, or (3) declare that Council should lose any privilege or secrecy it sought when it improperly convened *in camera*.

**How can a Council member request a resolution be added to the *in camera* agenda?**

Council members rarely add motions to the *in camera* agenda. In the case where a Council member considers a resolution to meet the requirements of section 165.2 of the *Vancouver Charter*, it is recommended that the Councillor speak with the City Clerk as soon as possible and well prior to the meeting date.

If a Council member wishes to add an item to the *in camera* agenda, they should:

- Ascertain whether the item falls under one of the rationales listed in Section 165.2 of the Vancouver Charter;
  - Notify the City Clerk well in advance so that they can ensure the correct rationale is on the Regular Council agenda. Although not specified in the Procedure By-law, it is recommended that any items for the *in camera* agenda be submitted on the same timeline as Motions on Notice for the Regular Council meeting (i.e. by 5 pm on the Monday of the week before the meeting week).
- If a Councillor is uncertain whether a matter can be heard *in camera*, the Councillor could ask that consideration of whether a matter is properly *in camera* be discussed *in camera*. This is authorized by section 165.2(1) (m) of the *Charter*.

**Further Information**

Please contact me directly at 604.879.7998 or [katrina.leckovic@vancouver.ca](mailto:katrina.leckovic@vancouver.ca) with questions relating to this information.

Sincerely,



Katrina Leckovic  
City Clerk