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
Office of the City Manager | City of Vancouver
sadhu.johnston@vancouver.ca
604.873.7627

The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the Musqueam, Squamish, and Tsleil-Waututh peoples.
MEMORANDUM

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

February 8, 2019

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 with questions relating to this information.

Sincerely,

Katrina Leckovic
City Clerk