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To: ["Direct to Mayor and Council"](#)

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Subject: Integrity Commissioner bulletin - staff briefings

Attachments: Integrity Commissioner Bulletin 2025-01 (Staff Briefings).pdf

Good afternoon Mayor and Council,

For your information, the Integrity Commissioner has released the attached bulletin summarizing her assessment of staff briefings and the applicability of Council's public meeting obligations.

The bulletin confirms that, given the specific nature and circumstances of staff briefings, the Commissioner does not consider such sessions to constitute meetings that are subject to the public meeting requirements set out in the Vancouver Charter.

Best,

Paul

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The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and səliłwətał (Tsleil-Waututh) Nations.

Integrity Commissioner Bulletin 2025-01: **Are staff briefings considered meetings?**

A member of the public complained about Council Members being briefed by City staff about City business. It was alleged that the staff briefing was a “meeting,” which occurred contrary to the open meeting requirement in section 165.1 of the *Vancouver Charter*. This Bulletin explains why Council members can attend briefings conducted by City staff and not be in contravention of the open meeting requirement.

We initially discussed the open meeting requirement in [Integrity Commissioner Bulletin 2023-03](#). In that bulletin, we noted that the requirement that meetings be open to the public does not preclude informal discussions among Council Members, either alone or with the assistance of their staff.¹ We set out three factors that the courts typically consider in determining whether a gathering of Council members is in fact a meeting: the nature of the group (including whether a quorum is present); the nature of the discussion (including whether there is any real progress in the decision-making of a matter within the local government’s jurisdiction); and the nature of the gathering.

We revisited the open meeting requirement in our recent investigation report to the Park Board, [PBIC-003](#). In PBIC-003, we noted that the case law considering whether municipal gatherings are “meetings” indicates that the fundamental question is whether municipal elected officials have met and discussed matters within a local government’s jurisdiction in a way that deprived the public of the opportunity to observe a material part of the decision-making process. We explained that this approach is consistent with the Supreme Court of Canada’s determination in *London (City) v. RSJ Holdings Inc.* that the open meeting requirement is intended to give municipal governments democratic legitimacy through a decision-making process that is transparent and accessible.²

Overall, while other factors are still relevant, including the nature of the gathering and whether the discussion is revisited at an open meeting, we determined that the key consideration in determining whether a “meeting” has occurred is whether local government elected officials have attended a function (the nature of the group) at which local government business was dealt with in such a way as to move it materially forward in the overall spectrum of a decision (the nature of the discussion).

Staff Briefings

City staff regularly meet with Council Members to brief them on matters relating to City business. Information provided to our Office about the briefings indicates that they are chaired by a City staff member, they are narrow in scope, and attendance by Council Members is optional. Although Council Members are aware of the topics in advance of the briefing, there is no agenda and minutes are not prepared. Council Members can ask questions of staff at the briefings to get information, but they do not share opinions, discuss the topic, or make any decisions. Further, Council Members do not provide any direction to staff at the briefings, and staff do not make any revisions to their recommendations as a result of a briefing.

¹ See *Vanderkloet v Leeds & Grenville County Bd. of Education*, 1985 CanLII 1976 (ON CA) at pp 16-17.

² *London (City) v. RSJ Holdings Inc.*, 2007 SCC 29 at para 38.

Based on the information above, and consistent with our decision in PBIC-003, we do not consider staff briefings to be “meetings” that are subject to the open meeting requirement. We acknowledge there are certain factors that point towards the briefing being considered a “meeting,” including that a quorum of Council may attend (the nature of the group) and that the briefings concern matters that fall within Council’s jurisdiction. However, the overarching factor that distinguishes staff briefings from “meetings” is that Council Members do not materially move City business forward in the overall spectrum of a Council decision (the nature of the discussion). Council Members do not share opinions, discuss the topics, give directions to staff, or engage in the decision-making process. As a result, staff briefings do not deprive the public of the opportunity to observe a material part of Council’s decision-making process.