



STAFF REPORT

DATE: January 7, 2021

FILE: 0550-04

TO: Chair and Directors,
Regional Board

FROM: Dave Leitch
Chief Administrative Officer

RE: PROPOSED CLOSED SESSION OF THE REGIONAL BOARD

PURPOSE/PROBLEM

To consider authorizing the holding of a closed session of the Regional Board to protect the public interest or the interests of third parties.

EXECUTIVE SUMMARY

The *Local Government Act* requires that the Regional District conduct its business in public except in certain defined circumstances to protect the public interest or, in some cases, the interests of third parties. Before considering a matter in closed session the Board must first pass a resolution stating the basis on which closing the meeting to public scrutiny is authorized. The determination of whether it is appropriate to consider a matter in closed session may itself be made by the Board in closed session, and any such deliberations are protected from public disclosure to the same extent as the subject matter of the closed session.

A separate agenda has been distributed to members of the Board containing information on matters which may be appropriate for consideration in a closed session pursuant to the following subsections of Section 90 of the *Community Charter*:

90(1)(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.

90(1)(g) litigation or potential litigation affecting the municipality.

90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

90(1)(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.

90(1)(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2).

90(1)(o) the consideration of whether the authority under section 91 [other persons attending closed meetings] should be exercised in relation to a council meeting.

90(2)(a) a request under the Freedom of Information and Protection of Privacy Act, if the council is designated as the head of the local public body for the purposes of that Act in relation to that matter.

90(2)(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.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT a closed meeting be held following termination of the public meeting to consider matters deemed to fall within the parameters of subsections 90(1)(f), (g), (i), (k), (n), (o) and 90(2)(a) and (b) of the *Community Charter*.

Respectfully:

A handwritten signature in blue ink, appearing to read 'Dave Leitch', is written over a horizontal line. The signature is fluid and cursive.

Dave Leitch
Chief Administrative Officer

Prepared by: E. Watson, Senior Executive Assistant

Attachments: *Community Charter* s.90 [Closed Session Rules]

Community Charter – Section 90

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:

90(1)(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;

90(1)(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;

90(1)(c) labour relations or other employee relations;

90(1)(d) the security of the property of the municipality;

90(1)(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;

90(1)(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;

90(1)(g) litigation or potential litigation affecting the municipality;

90(1)(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;

90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

90(1)(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*;

90(1)(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;

90(1)(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];

90(1)(m) a matter that, under another enactment, is such that the public may be excluded from the meeting;

90(1)(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2);

90(1)(o) the consideration of whether the authority under section 91 [*other persons attending closed meetings*] should be exercised in relation to a council meeting.

90 (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:

90(2)(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;

90(2)(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;

90(2)(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;

90(2)(d) a matter that, under another enactment, is such that the public must be excluded from the meeting.

90 (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.