



STAFF REPORT TO COUNCIL ADMINISTRATIVE SERVICES

1100 Patricia Boulevard, Prince George, B.C., V2L 3V9

DATE: August 20 2015

TO: MAYOR AND COUNCIL

FROM: WALTER BABICZ, GENERAL MANAGER OF ADMINISTRATIVE SERVICES

SUBJECT: Options to Release Closed Council Meeting Information

ATTACHMENT(S): N/A

RECOMMENDATIONS:

1. That Council provide direction to Administration regarding the options described in the report regarding the release of closed Council meeting information.

PURPOSE:

This report is presented to provide a review of options for the release of closed Council meeting information to the public. Administration is seeking Council's consideration and direction in regard to this topic.

STRATEGIC PRIORITIES:

The City of Prince George has adopted a strategic plan that includes a vision for City Government that encompasses the element of citizen centered service. This report supports this goal by exploring ways the City can maintain and possibly enhance its openness and transparency of Council's decision making process and further engage the community. Reviewing the process for release of in-camera information meets the strategic goal of providing good governance for the City of Prince George within available resources.

POLICY / REGULATORY ANALYSIS:

The *Community Charter* sets the general rule for local governments in B.C. that meetings of Council must be open to the public unless expressly authorized by legislation to be closed. A council meeting may be closed to the public if the subject matter relates to one or more of the topics listed in section 90 of the *Community Charter*. The *Charter* further provides that before holding a closed meeting, a resolution must be passed in an open meeting which states that the meeting is to be closed and which specifies the reason(s) why the public is to be excluded from the meeting under section 90. Closed or "in camera" meeting materials may be withheld from public disclosure in accordance with the requirements of the *Freedom of Information and Protection of Privacy Act* (FOIPPA).

In addition, both the *Community Charter* and the City of Prince George Council Procedures Bylaw No. 8388, 2011 require that Council members must, *unless specifically authorized otherwise by resolution of Council*, keep in confidence information considered in a meeting closed to the public, until Council discusses the information at a meeting that is open to the public or releases the information to the public.

DISCUSSION:

Background

The City ensures the openness and accessibility of public Council meetings in various ways. Meetings are scheduled in an annual Council Meeting Calendar to be held at a regular time. For interested members of the public who are unable to attend in person, open Council meetings are streamed live over the internet, broadcast on local cable television, and video archived on the City's website for viewing at any time. Open meeting agenda materials are also posted on the City's website.

While the *Community Charter* specifies which matters may be considered at closed meetings, there is no process specified for bringing matters out from closed meetings in a routine manner.

It should be noted that the requirement for confidentiality with regard to closed meeting information varies greatly from item to item. Some closed meeting decisions become public as a matter of course. For example, once a lease or land sale negotiation is finalized by the City, the *Community Charter* requires the proposed disposition of land to be advertised in a public notice. Those public notices are posted in a local newspaper and on the City's website. On the other hand, certain closed meeting information such as legal advice, third party personal information, negotiations that did not become part of a final agreement, or labour relations matters, might require confidentiality in perpetuity and may never be released. Other decisions from closed meetings may be released as soon as they are no longer sensitive. This could be soon after the decision is made, or at some later date.

There are varying practices among BC local governments with respect to the process for the release of closed meeting information. The vast majority of local governments in B.C., including the City of Prince George, operate on a case by case basis for the release of closed meeting information.

However, some local governments in B.C. have adopted a policy that dictates a more formal process for the regular review of closed meeting information to determine if it is appropriate to continue to hold that information in confidence, including mechanisms for releasing this information.

Options

Following a review of other local governments' policies and procedures, three options are presented to Council for consideration:

Option 1: Direct Administration to develop a policy for Council's consideration relating to the proactive and regular release of closed meeting information as described below.

Principles in the policy could provide for:

- (a) Legislative Services staff submitting a closed meeting report to Council on a quarterly or semi-annual basis for Council to authorize the release of closed meeting information that is no longer considered sensitive. Documents for release could include closed meeting minutes, reports and correspondence; and
- (b) a method of releasing the information to the public on the City's website.

The City of Vancouver and the City of Nanaimo have adopted this approach. The City of Vancouver currently has one resolution released from its 2015 closed meetings, and the City of Nanaimo has not yet released any closed meeting information from its 2015 closed meetings.

Procedures under this policy would provide for the Corporate Officer or other Legislative Services staff to review the closed minutes and related documentation and bring forward the items to a closed meeting for Council's authorization as to whether they will be released in whole or in part. Items still required to be kept confidential may be severed, so there may be blank spaces (redacted information) within the released documents. Following authorization by Council, the released documents (or portions of documents) would be posted on the City's website.

The advantage of this policy approach is that a formal practice is documented in which all closed meeting materials are reviewed for consideration as to if/when they may be released. The disadvantages include the dedicated staff resources required to prepare the closed meeting information for review and disclosure. This includes aspects such as consistency in reviewing each closed meeting item for the release of information, gathering information from staff to ensure the release is possible, consultation with third parties to ensure appropriateness of release, and redacting information as necessary as may be required by FOIPPA legislation. Finally, the process would also include tracking of items that are to be released at a later date or more appropriate time as required.

Option 2: Direct Administration to develop a policy for Council's consideration to implement the practice of identifying the relevant closed meeting criteria at the beginning of Staff Reports, together with a proposed course of action with regard to whether and how the information in the report and any resulting Council resolution should be released publicly.

For the purposes of this option, the following four general categories of Staff Reports may be identified:

- (a) Reports that are referred to an open meeting for consideration;
- (b) Reports that are decided in a closed meeting and then released publicly for information;
- (c) Reports for which a specific release strategy cannot be determined at the time of consideration; and
- (d) Reports that are not anticipated to be released.

This approach would be less divergent from the City's current practice, but report authors would now be required to speak to the issue of releasing information directly in the formulation of their Staff Reports.

The disadvantage of this approach is that it may not be possible for report authors to make a determination on the disclosure of the information in certain reports at the time of drafting. Accordingly, some Reports will still become subject to a quarterly review by Legislative Services staff to determine whether the need for confidentiality has passed.

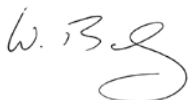
Option 3: Maintain the City's current practice of acting on specific resolutions of Council authorizing the release of information from a closed Council meeting, and following the direction provided with respect to distribution of the information specified.

The advantage of this approach is that it can be achieved with existing resources. Monitoring of the practice can be undertaken, along with further investigation and research into possible changes that could be considered by Council in the future.

CONCLUSION:

The release of closed meeting information is an existing practice at the City within the parameters of the *Community Charter* and the City's Council Procedure Bylaw. Although there are varying options with respect to a more complex process that would allow for more routine and consistent release of closed meeting information, it is important to consider the resources required in order to ensure consistency, accuracy and effectiveness of the practice.

Respectfully submitted:



Walter Babicz
General Manager of Administrative Services



Prepared by:
Maureen Connelly, Deputy Corporate Officer

To: Mayor and Council

