

**DATE:** August 8, 2018**FILE:** 0550.00**TO:** Chair and Directors  
Committee of the Whole**FROM:** Russell Dyson  
Chief Administrative OfficerSupported by Russell Dyson  
Chief Administrative Officer**R. Dyson****RE: Release of Closed Meeting Information**

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**Purpose**

The purpose of this report is to provide a proposed revision to the policy for the release of closed board meeting minutes to the public. Staff is seeking the board's consideration and direction in regard to a potential amendment to the board-approved policy Release of Closed Meeting Minutes that includes a procedure for the routine release of closed meeting minutes.

**Recommendation from the Chief Administrative Officer:**

THAT the amended Release of Closed Meeting Minutes policy attached as Appendix A to the staff report dated August 8, 2018 be approved.

**Executive Summary**

Local governments in B.C. are guided by provincial legislation that requires that meetings of the board must be open to the public unless expressly authorized to be closed. A 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. These are most commonly matters that relate to personnel/labour relations, land acquisitions/dispositions and legal matters.

Section 90 is designed not only to provide local governments the means to discuss in closed meetings those issues that might reasonably be expected to harm the interests of the municipality, but also to protect information that would not otherwise be disclosed under Section 21 of the *Freedom of Information and Protection of Privacy Act (FOIPPA)*

While the Community Charter specifies which matters may be considered at closed meetings and provides for a duty to respect confidentiality, there is no process specified for bringing matters out from closed meetings in a routine manner. The current Comox Valley Regional District (CVRD) practice and policy is applied through resolutions of the board authorizing the release of information and through responding to requests made by members of the public. These requests for closed meeting records are managed and released through the application of FOIPPA.

The proposed amendment to the current Release of Closed Meeting Minutes Policy provides that in addition to responding to requests from the public, an annual review be conducted to present the previous year's closed meeting minutes of the board at an in-camera meeting to consider their release. The intention is that once authorized by the board, minutes of the closed meetings that are no longer required to be held in confidence would be released through a report on the next regular open board meeting and made available on the CVRD website.

Prepared by:

Concurrence:

*J. Martens**C. Wile*

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Jake Martens  
Manager of Legislative  
Services

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Christianne Wile  
Acting General Manager of  
Corporate Services**Stakeholder Distribution (Upon Agenda Publication)**

N/A	
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**Background/Current Situation**

Open and accessible meetings are a cornerstone of the decision-making process within local government. Subsection 89(1) of the Community Charter sets the general rule for local government meetings in B.C. which is that: meetings must be open to the public unless expressly authorized to be closed by the legislation.

A board 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. Closed or in camera meeting materials may be withheld from public disclosure in accordance with the requirements of FOIPPA.

Aligned with the principles of openness and accountability, the CVRD Board does from time to time, report publically on various matters from in-camera sessions. However, as the requirement for confidentiality varies for each matter some decisions become public as a matter of course while others, such as legal advice or third party personal information, may remain confidential in perpetuity.

The current best practice in local government is to routinely review in-camera resolutions and to report out publicly on those resolutions that are no longer required to be held in confidence.

The BC Ombudsperson's report Open Meetings: Best Practices Guide for Local Governments (September 2012) concurs that best practices, after a closed meeting include:

- complying with the provisions of FOIPPA;
- establishing a process and assigning responsibility to specific staff for reviewing and releasing minutes of closed meetings and related information no longer requiring confidentiality; and,
- releasing as much information as possible as often as possible once confidentiality is no longer required.

(<http://bcombudsperson.ca/documents/open-meetings-best-practices-guide-local-governments>)

**Options**

1. That the board approve the amended policy Release of Closed Meeting Minutes as attached in Appendix A
2. That the board not approve the amendments to policy Release of Closed Meeting Minutes.
3. That the board refer the matter back to staff for further investigation of alternative options.

**Policy Analysis**

The current CVRD policy Release of Closed Meeting Minutes is applied to requests made by members of the public for CVRD board and committee minutes from sessions that are closed to the public under Section 90 of the Community Charter. These requests are managed and released through the application of FOIPPA.

The proposed amendments to the CVRD's existing policy will closer align the organization with industry best practices by providing for an annual review and reporting of closed board meeting minutes.

The advantage of this proposed policy approach is that a formal practice is established in which all closed meeting minutes are reviewed for consideration as to if they may be released. The challenge is the staff resources required to prepare the closed meeting information for review and disclosure, including the time required to gather information, consult with third parties and redacting information as necessary in accordance with the FOIPPA.

**Financial Factors**

Legislative Services is a subset of the administration and general government service. Administration of this policy fits with the department's responsibilities that includes administrative support for the board and its committees.

**Legal Factors**

The proposed amended policy Release of Closed Meeting Minutes does not limit a person's right of access to records under FOIPPA.

**Regional Growth Strategy Implications**

None.

**Intergovernmental Factors**

Local government practices vary with respect to the process for the release of closed meeting information. The majority operate similar to the current CVRD practice in which requests are considered on a case by case basis for the release of closed meeting information. However, some local governments, including the City of Courtenay have adopted policies that provide for a more formal process for the regular review and release of closed meeting information.

**Interdepartmental Involvement**

Legislative Services staff will track and compile in-camera resolutions for consideration of release, to be presented annually at an in-camera board meeting.

**Citizen/Public Relations**

The proposed policy is considered to be part of a commitment to the principles of transparency and accountability to the constituents and taxpayers of the Comox Valley Regional District, and to receive the benefit of a more informed, engaged and trusting public.

Attachments: Appendix A – "Proposed amended policy Release of Closed Meeting Minutes"

<b>Subject:</b> Release of Closed Meeting Minutes	
<b>Branch:</b> Executive Management Branch	
<b>Department:</b> Public	<b>Policy Reference:</b> 0550-00

### Purpose

The purpose of this policy is to promote transparency and accountability as well as provide guidance on the effective release of Comox Valley Regional District (CVRD) board and committee closed meeting minutes.

### Scope

This policy applies to the release of minutes from closed meetings of the CVRD board and when requests are made by members of the public and / or other organizations for CVRD board and committee minutes from sessions that are closed to the public. This policy applies only to the minutes from closed sessions. Records that are considered at closed sessions are managed separately and released to the public through CVRD board resolution and application of the Freedom of Information and Protection of Privacy Act (FOIPPA).

### Guiding Principle

Records are managed at the CVRD under a guiding principle that information is open by design and closed by exception. The FOIPPA sets the framework for public access to CVRD records while setting limits in order to protect third party, personal and corporate interests, as required.

Where reports are prepared for closed sessions, CVRD staff undertake a public release exercise to identify:

- (a) when the confidential material can be released; and
- (b) the specific contents of the material to be released.

The board may consider the results of this exercise and support, reject or alter the proposed release of information.

### Policy Statement

1. The corporate officer will review requests by members of the public or other organizations for minutes from closed sessions of CVRD board or committee meetings and authorize the release of records according to FOIPPA, best practices identified by the BC Ombudsperson and orders issued by the Office of the Information and Privacy Commissioner.

2. Annually, the corporate office will review and compile the closed meeting minutes of the board from the previous year and present a report at an in-camera meeting of the board to consider the release of such information. Once the board has approved the release of the minutes, a report will be presented at the next regular open board meeting.
3. With respect to section 2, the release of closed board meeting minutes will include the attendance, beginning and ending times, topics and resolutions and associated voting records that the board has resolved to make public. ~~by resolution and other items that do not relate to the deliberations undertaken during the meeting.~~
4. Where items are redacted from closed meeting minutes that are made public, the relevant section of FOIPPA will be referenced to identify the reason for redaction.

**Approval History**

Policy adopted:	April 28, 2015
Policy amended:	