

THE CORPORATION OF THE
CITY OF WHITE ROCK

15322 BUENA VISTA AVENUE, WHITE ROCK, B.C. V4B 1Y6

MEETING NOTICE

Pursuant to the *Community Charter* a Special and Closed meeting of Council has been called to begin at 3:45 p.m. on Monday, April 29, 2019.

DATE: MONDAY, APRIL 29, 2019

MEETING TIME: 3:45 PM

LOCATION: WHITE ROCK CITY HALL COUNCIL CHAMBERS –
15322 BUENA VISTA AVENUE, WHITE ROCK BC

PURPOSE: To consider the following motion for items to be considered in a closed for the purpose of:

- *Legal Advice – Property Matter, Litigation, Potential Litigation, , Information Release*
- *Administrative tribunal hearing affecting the municipality*
- *Litigation*
- *Property Purchase*
- *Committee Appointments*
- *Negotiation Municipal Service*

These meetings have been called to discuss items that are in accordance with Sections 90(1) (a), (d), (e), (g), (h), (i), (j), and (k) of the *Community Charter*:

- (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;
- (d) the security of the property of the municipality;
- (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;
- (g) litigation or potential litigation affecting the municipality;
- (h) administrative tribunal hearing or potential administrative tribunal hearing affecting the municipality;
- (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (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*; and
- (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.

Date: April 24, 2019



Tracey Arthur, Director of Corporate Administration

WHITE ROCK
My City by the Sea!

www.whiterockcity.ca

THE CORPORATION OF THE
CITY OF WHITE ROCK
15322 BUENA VISTA AVENUE, WHITE ROCK, B.C. V4B 1Y6



April 24, 2019

A **CLOSED MEETING** of CITY COUNCIL will be held in the **CITY HALL BOARD ROOM** on **Monday, April 29, 2019, at 4:00 p.m.** for the transaction of business as listed below.

T. Arthur, Director of Corporate Administration

A G E N D A

1. AGENDA APPROVAL

RECOMMENDATION:

THAT the Corporation of the City of White Rock Council adopt the agenda for the April 29, 2019 closed meeting as circulated.

2. PREVIOUS MINUTES

- February 11, 2019 – Closed Meeting Minutes

Page 9

RECOMMENDATION:

THAT the Corporation of the City of White Rock Council adopt the minutes of the February 11, 2019 closed meeting as circulated.

Note: Due to two (2) of the City's Legal Counsel attending this meeting for Items 3 – 9 approximate timelines have been placed on each item as a way to ensure all topics the Legal Counsel are in attendance for have time to be addressed.

3. **RELEASE OF CLOSED INFORMATION / LEGAL FEE IN RELATION TO FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY (FOI) FILES (5 Minutes)**

Community Charter Section 90(1) (g) and (i)

The City's Legal Counsel will be in attendance to review this information prior to consideration of the information.

The following information has been requested through the Freedom of Information (FOI) process.

A Freedom of Information and Protection of Privacy request has been received:

- The total dollar value cost of legal costs and legal fees spent by the City of White Rock in connection with the FIPPA Section 43 application by White Rock that culminated in OIPC Order F17-18 dated April 12, 2017;*

Subject: *The City's successful application to the OIPC for relief from a frequent requestor deemed to be unreasonably interfering with City operations.*

The total legal fees billed in relation to this matter are \$ (amount is to be supplied by legal firm).

- b) *The total dollar value cost of legal costs and legal fees spent by the City of White Rock in connection with White Rock's unsuccessful attempts to have OIPC Order F17-17 dated April 12, 2017 reconsidered and reopened, as well as the total dollar value cost of legal costs and legal fees spent by the City of White Rock in connection with White Rock's recently abandoned attempt to have OIPC Order F17-17 subjected to Judicial Review by BC Supreme Court;*

Subject: *The City's appeal of the OIPC Order regarding full disclosure of the business case for acquisition of the water utility and various closed records later confirmed to be solely in the custody and control of Metro Vancouver.*

The total legal fees billed in relation to this matter are \$ (amount is to be supplied by legal firm).

- c) *The total dollar value cost of legal costs and legal fees spent by the City of White Rock in connection with the OIPC Written Inquiry regarding White Rock FOI File 2016-18, OIPC File F16-66662, which concluded with the City's Reply Submission dated October 16, 2017.*

Subject: *Request for the City's legal costs for defending an OIPC review wherein the OIPC confirmed that the City was authorized to withhold similar legal costs (Order F17-55).*

The total legal fees billed in relation to this matter are \$ (amount is to be supplied by legal firm).

- d) *The legal costs for the subject of the Section 463 [re the 1300 Block of and 1310 Johnston Road]*

Subject: *The City's withholding of building permits in the 1300 Block of Johnston Road in conflict with Bylaws in preparation*

Response (provided for information purposes):

The total legal fees billed to date in relation to the section 463 matter are \$5,477.

** This Freedom of Information and Protection of Privacy request was received through Question and Answer Period of March 11, 2019. Due to time constraints this information was supplied to the Requestor following discussion between the Chief Administrative Officer, Mayor, and Deputy Mayor (FOI File 2019-20).*

RECOMMENDATION:

THAT Council direct, despite the usual exemptions from disclosure to release:

1. The total amount of Lidstone & Company professional legal fees associated with OIPC Orders F17-17, F17-18, and F17-55, respectively; and
2. The total amount of Lidstone & Company professional legal fees associated with the City's section 463 application to the 1300 Block of Johnston Road as of March 11, 2019 (\$5,477).

4. **Legal Privilege, Property Matter**



Legal Privilege, Property Matter

5. **ACTION REQUIRED FOLLOWING REVIEW OF A FILE WITH THE OFFICE OF INFORMATION AND PRIVACY COMMISSIONER (OIPC) Page 21**
(15 Minutes)

Community Charter Section 90(a), (g), (h), (j) and (i)

The City's Legal Counsel will be in attendance to review this information prior to consideration of the information.

The OIPC Order F19-18, issued April 12, 2019 in relation to the City's denial to access to records relating to its decision to censure a member of Council.

The City refused to disclose 70 pages of responsive records to the Applicant on the basis that they were documents considered by Council in closed meeting, contained personal information, and were subject to solicitor-client and litigation privilege.

The OIPC Adjudicator upheld most of the City's positions, as set out in their Order dated April 12, 2019. The Order is included for information and reference purposes. The Adjudicator also ruled on areas for which she felt the City was not authorized to refuse to disclose the information. The Adjudicator went through the 70 pages of responsive records and indicated, in pink highlighting, what material the City was required to disclose to the Applicant. The 70 pages of responsive records are included, which set out (in pink highlighting) which information the City is ordered to release to the Applicant.

Notably, the Adjudicator has ordered to be disclosed some pieces of information which may be covered by legal privilege. It is Council's decision whether to instruct the municipal solicitor to release the documents pursuant to the terms of the Order, or, if not in agreement with the decision of the Adjudicator, resolve to instruct the municipal solicitor to file a judicial review of the Order in Supreme Court.

Applicant's Initial Request:

The applicant initially requested the following documents from the City:

- *A copy of all records of Mayor, Council and City Staff that "brought to Council's attention" the misbehaviour for which Councillor Chesney was censured.*
- *A copy of all records of Mayor, Council and City Staff that include "Council's direction" that the press release states Councillor Chesney "had gone against".*
- *A copy of all records of all evidence, reports, submissions, correspondence and opinions that were considered and deliberated upon by Council before Council made its conclusion that it had "lost faith and trust in Councillor David Chesney's ability to respect and uphold the integrity of the members' office and oath."*
- *A copy of all records of Mayor, Council and City Staff related to the decision to discuss, deliberate, consider and decide the censure of Councillor Chesney at an in camera Council Meeting that was Closed to the Public.*
- *A copy of the resolution to censure Councillor Chesney, the minutes of the discussion and deliberation of the censure resolution and the final vote of Council on the resolution.*

Staff have reviewed the motions and recommend they may be released.

RECOMMENDATION:

THAT Council instruct the municipal solicitor to release the documents to the Applicant pursuant to the terms of the April 12, 2019 order of the OIPC Adjudicator.

6.

Legal Privilege, Litigation

7.

SEMIAHMOO FIRST NATION –

Legal Privilege, Negotiations

8. **1510 JOHNSTON ROAD (IMPERIAL OIL SITE) EXPROPRIATION -**

Legal Privilege, Litigation

9. 1300-BLOCK / 1310 JOHNSTON ROAD –

Legal Privilege, Litigation

10. 2019 COMMITTEE APPOINTMENTS

Community Charter Section 90(1) (a)

Page 181

Corporate report dated April 29, 2019 from the Director of Corporate Administration titled “2019 Committee Appointments”.

RECOMMENDATION:

THAT Council:

1. Receive for information the April 29, 2019 closed corporate report from the Director of Corporate Administration titled “2019 Committee Appointments”;
2. Appoint up to thirteen (13) members to the Arts and Cultural Advisory Committee, with a term expiring December 31, 2020;
3. Appoint up to thirteen (13) members to the Economic Investment Committee, with a term expiring December 31, 2020;
4. Appoint up to seven (7) members to the Environmental Advisory Committee, with a term expiring December 31, 2020;
5. Appoint up to seven (7) members to the History and Heritage Advisory Committee, with a term expiring December 31, 2020;
6. Appoint up to five (5) members to the Marine Drive Task Force, with a term expiring March 30, 2020;
7. Appoint up the eleven (11) members to the Seniors Advisory Committee, with a term expiring December 31, 2020;
8. Consider the appointment of one (1) additional member to the Tour de White Rock Committee, with a term expiring December 31, 2020;

9. Appoint up to seven (7) members to the Water Community Advisory Panel, with a term expiring December 31, 2020;
10. Consider the appointment of two (2) additional member to the White Rock Sea Festival Committee, with a term expiring December 31, 2020; and,
11. Authorize the release of the 2019 Committee Appointments Corporate Report in accordance with FOI legislation and the committee appointments.

**11. DISCUSSION / CONSIDERATION OF ITEMS TO BE
RELEASED FROM THE CLOSED SESSION TO THE PUBLIC**

12. CONCLUSION OF THE APRIL 29, 2019 CLOSED COUNCIL MEETING

THE CORPORATION OF THE
CITY OF WHITE ROCK
CLOSED CORPORATE REPORT



DATE: April 29, 2019
TO: Chief Administration Officer
FROM: Tracey Arthur, Director of Corporate Administration
SUBJECT: 2019 Committee Appointments

RECOMMENDATIONS

THAT Council:

1. Receive for information the April 29, 2019 closed corporate report from the Director of Corporate Administration titled “2019 Committee Appointments”;
 2. Appoint up to thirteen (13) members to the Arts and Cultural Advisory Committee, with a term expiring December 31, 2020;
 3. Appoint up to thirteen (13) members to the Economic Investment Committee, with a term expiring December 31, 2020;
 4. Appoint up to seven (7) members to the Environmental Advisory Committee, with a term expiring December 31, 2020;
 5. Appoint up to seven (7) members to the History and Heritage Advisory Committee, with a term expiring December 31, 2020;
 6. Appoint up to five (5) members to the Marine Drive Task Force, with a term expiring March 30, 2020;
 7. Appoint up to eleven (11) members to the Seniors Advisory Committee, with a term expiring December 31, 2020;
 8. Consider the appointment of one (1) additional member to the Tour de White Rock Committee, with a term expiring December 31, 2020;
 9. Appoint up to seven (7) members to the Water Community Advisory Panel, with a term expiring December 31, 2020;
 10. Consider the appointment of two (2) additional members to the White Rock Sea Festival Committee, with a term expiring December 31, 2020; and,
 11. Authorize the release of the 2019 Committee Appointments Corporate Report and the committee appointments.
-

INTRODUCTION

The purpose of this corporate report is to appoint members to the following committees in accordance with their Terms of Reference. Council Policies – Terms of Reference for each committee are included for reference under the appendices as follows:

- Arts and Cultural Advisory Committee – Appendix A;
- Economic Investment Committee – Appendix B;
- Environmental Advisory Committee – Appendix C;
- History and Heritage Advisory Committee – Appendix D;
- Marine Drive Task Force – Appendix E;
- Seniors Advisory Committee - Appendix F;
- Tour de White Rock Committee – Appendix G;
- Water Community Advisory Panel – Appendix H; and,
- White Rock Sea Festival Committee – Appendix I.

Volunteer opportunities for the Arts and Cultural Advisory Committee (ACAC), and the Environmental Advisory Committee (EAC) were advertised in the Peace Arch News, February 8, 15, and 22 requesting those interested in serving to submit an application. Committee vacancy positions were also advertised on the City website and through social media. In accordance with the City's practice, previous ACAC and EAC members were contacted as a reminder to reapply. The original deadline for both Committee's was February 28, 2019; however, the Committee deadline was extended to March 28, 2019.

Volunteer opportunities for the Economic Investment Committee (EIC), History and Heritage Advisory Committee (HHAC), Water Community Advisory Panel (WCAP) and Seniors Advisory Committee (SAC) were advertised in the Peace Arch News, March 1, 8, 15, 20 and 22 requesting those interested to serve to submit an application. Committee vacancy positions were advertised on the City Website and through social media. Previous EIC members were also contacted as a reminder to reapply. The original deadline for applications was March 15, 2019; however, this deadline was extended to March 28, 2019.

Volunteer opportunities for the Marine Drive Task Force (MDTF) were advertised in the Peace Arch News March 20, 22 and 27 requesting those interested to serve to submit an application. Committee vacancy positions were advertised on the City Website and through social media. The deadline for applications was March 28, 2019.

PAST PRACTICE/POLICY

Committee appointments are discussed by Council in a closed meeting in accordance with Section 90(1)(a) of the *Community Charter* to allow for discussion including personal information about an identifiable individual.

ANALYSIS

Arts and Cultural Advisory Committee

The Arts and Cultural Advisory Committee (ACAC) will collaborate with stakeholders in the community to develop and implement a Cultural Strategic Plan which will make the arts a mainstay of the City's economic base and advance arts and culture in White Rock.

In accordance with the Terms of Reference, ACAC will consist of up to thirteen (13) voting members, and one (1) non-voting representative from the White Rock Museum. The majority of the committee members must be City of White Rock residents, or representatives of local organizations. Committee members would be appointed for a two (2) year term.

There have been twenty-eight (28) applications received for the ACAC.

Nine (9) of the applicants have noted on their application forms that they have previously served on the Cultural Advisory Committee. Twenty-four (24) of the applicants indicated that they are either White Rock residents or are representatives of local organizations.

Karin Bjerke-Lisle has submitted an application to serve as the non-voting representative from the White Rock Museum. Ms. Bjerke-Lisle is currently the Executive Director for the White Rock Museum & Archives, and was a member of the ACAC in 2018. Ms. Bjerke-Lisle's application has been included in Appendix A for your information.

Economic Investment Committee

The Economic Investment Committee (EIC) will advise City Council on matters regarding economic investment in the City. In accordance with the Terms of Reference, thirteen (13) voting members are to be appointed by Council, representing a range of perspectives and expertise from the community's business, investment, marketing, development and planning sectors. The majority of the Committee will be White Rock residents or business owners. Committee members would be appointed for a two (2) year term.

There have been twenty-five (25) applications received for the EIC.

Nine (9) of the applicants have noted in their applications forms that they have previously served on the EIC. Eighteen (18) of the applicants indicated that they are either White Rock residents or business owners.

Environmental Advisory Committee

The Environmental Advisory Committee (EAC) will advise Council and staff on environmental matters in the City. The Environmental Advisory Committee will also review the City's Integrated Storm-Water Management Plan and the Environmental Strategic Plan. In accordance with the Terms of Reference, the EAC will consist of up to seven (7) community members. Committee members would be appointed for a two (2) year term.

There have been twenty (20) applications received for the EAC.

Six (6) of the applicants have noted in their application forms that they have previously served on the EAC.

History and Heritage Advisory Committee

The History and Heritage Advisory Committee (HHAC) shall act as an advisory body to Council on matters relating to White Rock's built, natural, and cultural heritage resources.

In accordance with the Terms of Reference, HHAC will consist of up to five (5) members from the community with an interest in local heritage conservation and history, architecture, planning and design, and environmental and cultural preservation and interpretation. The majority of members are to be White Rock residents, or representatives of local organizations.

There have been eight (8) applications received for the HHAC, seven (7) of which are White Rock residents.

Marine Drive Task Force

The Marine Drive Task Force (MDTF) will advise Council on Marine Drive issues such as: business viability, economic development, tourism, redevelopment, building and public realm design and character, signage, sidewalk use and programming, beautification, events and Marine Drive business areas relationship to the Promenade/Pier, beach and parking. Council, at their January 28, 2019 Regular Council meeting, appointed former Mayor Catherine Ferguson as Chairperson for the Marine Drive Task Force.

In accordance with the Terms of Reference, the MDTF will consist of up to five (5) members from the community at large, with a preference for Marine Drive residents and/or business representatives.

There have been nineteen (19) applications received for the MDTF.

Five (5) applicants have indicated that they are Marine Drive residents and/or business representatives. Thirteen (13) applicants have identified that they are White Rock residents.

Seniors Advisory Committee

The Seniors Advisory Committee (SAC) will act as a resource to Council regarding long term and short term issues for seniors in the community. SAC will consider and evaluate issues referred from City Council, and will initiate research on matters deemed to be of concern to local seniors.

In accordance with the Terms of Reference, SAC will consist of up to eleven (11) community members, the majority of which will be White Rock residents. The Terms of Reference also indicates that the majority of the Committee members will be representatives of organizations or groups that provide programs or services to local seniors. Committee members would be appointed for a two (2) year term.

There have been seventeen (17) applications received for the SAC.

Twelve (12) of the applicants indicated that they are White Rock residents, and seven (7) applicants have indicated that they are members or representatives of seniors organizations or groups.

Tour de White Rock Committee

At the February 11, 2019 closed meeting Council appointed nine voting members to the Tour de White Rock Committee. It has since come to our attention that a previous Committee member, Al Vigoda, submitted his application by email; however, we believe that email was blocked by the City's server.

Mr. Vigoda has asked that we provide his resume to Council for consideration on the Tour de White Rock Committee.

The Terms of Reference for the Tour de White Rock states that the Committee will consist of up to nine (9) voting members from the community at large, as well as one (1) additional member from the community with expertise in planning and organizing cycling races. Currently the Committee has eight (8) voting members, as well as one (1) member with expertise in planning and organizing cycling races. Therefore, if Council wished to appoint Mr. Vigoda it would still be within the parameters stated in the Terms of Reference.

Mr. Vigoda has previously served on the Committee as Vice-Chair, and has continued to attend Committee meetings this year as a guest. Mr. Vigoda's application has been included for Council's review as attachment F.

Water Community Advisory Panel

The Water Community Advisory Panel (the Panel) advises Council on White Rock Water issues such as: water quality (source and treated), distribution system, rate structure proposals, infrastructure proposals, infrastructure improvement proposals, and communication with the community. In accordance with the

Terms of Reference, the Panel will consist of up to seven (7) members appointed by Council. Committee members would be appointed for a two (2) year term.

There have been fourteen (14) applications received for the WCAP, eleven (11) of which are White Rock residents.

White Rock Sea Festival Committee

At the February 11, 2019 closed meeting Council appointed nine (9) voting members to the White Rock Sea Festival Committee.

In accordance with the Terms of Reference, the membership structure indicates that the Committee will consist of the following positions: Chairperson, Vice-Chairperson, Children's Activities Coordinator, Volunteer Coordinator, Sponsorship Coordinator, Transportation Coordinator, Marketing and Communications Coordinator, Parade Coordinator, and Business Liaison Coordinator, and that the Committee consist of a minimum of nine (9) voting members.

Following Council's Committee appointments, two (2) additional applications have been received who could be considered to fill the Parade Coordinator as well as the Marketing and Communications Coordinator positions on the Committee. If selected, this would bring the Committee membership to eleven (11) members, which is still within the parameters of the Terms of Reference.

Ms. Karen Huang served on the Committee last year, as the Parade Coordinator. Both applicants have attended Committee meetings this year to observe as guests, but are interested in a more active role on the Committee.

CONCLUSION

Council is requested to make appointments to the following committees:

1. Arts and Cultural Advisory Committee (up to thirteen (13) appointments required);
2. Economic Investment Committee (up to thirteen (13) appointments required);
3. Environmental Advisory Committee (up to seven (7) appointments required);
4. History and Heritage Advisory Committee (up to five (5) appointments required);
5. Marine Drive Task Force (up to five (5) appointments required);
6. Seniors Advisory Committee (up to eleven (11) appointments required);
7. Tour de White Rock Committee (consider appointment of one (1) additional member);
8. Water Community Advisory Panel (up to seven (7) appointments required); and,
9. White Rock Sea Festival Committee (consider appointment of two (2) additional members).


Respectfully submitted,



Tracey Arthur
Director of Corporate Administration

Comments from the Chief Administrative Officer:

This corporate report is provided for information in order to assist Council with appointments to committees.



Dan Bottrill
Chief Administrative Officer

Attachments: Appendix A: Arts and Cultural Advisory Committee
Terms of Reference
Committee Application Index
Committee Application Worksheet
Committee Applications

Appendix B: Economic Investment Committee
Terms of Reference
Committee Application Index
Committee Application Worksheet
Committee Applications

Appendix C: Environmental Advisory Committee
Terms of Reference
Committee Application Index
Committee Application Worksheet
Committee Applications

Appendix D: History and Heritage Advisory Committee
Terms of Reference
Committee Application Index
Committee Application Worksheet
Committee Applications

Appendix E: Marine Drive Task Force
Terms of Reference
Committee Application Index
Committee Application Worksheet
Committee Applications

Appendix F: Seniors Advisory Committee
Terms of Reference
Committee Application Index
Committee Application Worksheet
Committee Applications

Appendix G: Tour de White Rock Committee
Terms of Reference
Committee Application Index
Committee Application

Appendix H: Water Community Advisory Panel
Terms of Reference
Committee Application Index
Application Worksheet
Committee Applications

Appendix I: White Rock Sea Festival Committee
Terms of Reference
Committee Application Index
Committee Applications

Confidential

PRESENT: Mayor Walker
Councillor Chesney
Councillor Fathers
Councillor Johanson
Councillor Kristjanson
Councillor Manning
Councillor Trevelyan

STAFF: D. Bottrill, Chief Administrative Officer
S. Lam, Deputy Corporate Officer
D. Johnstone, Committee Clerk

CALL MEETING TO ORDER

The meeting was called to order at 4:00 p.m.

1. AGENDA APPROVAL

2019-IC-011

It was MOVED and SECONDED

THAT the Corporation of the City of White Rock Council adopts the agenda for the April 29, 2019 closed meeting as circulated.

CARRIED

2. PREVIOUS MINUTES

- February 11, 2019 – Closed Meeting Minutes

2019-IC-012

It was MOVED and SECONDED

THAT the Corporation of the City of White Rock Council adopts the minutes of the February 11, 2019 closed meeting as circulated.

CARRIED

City's Legal Counsel, Don Lidstone and Paul Hildebrand were in attendance at the meeting to speak to Items: 3. to 9.

3. RELEASE OF CLOSED INFORMATION / LEGAL FEE IN RELATION TO FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY (FOI) FILES

Community Charter Section 90(1) (g) and (i)

Don Lidstone, Legal Counsel, reviewed the information and summarized the following:

The following information has been requested through the Freedom of Information (FOI) process.

A Freedom of Information and Protection of Privacy request has been received:

- a) *The total dollar value cost of legal costs and legal fees spent by the City of White Rock in connection with the FIPPA Section 43 application by White Rock that culminated in OIPC Order F17-18 dated April 12, 2017;*

Subject: *The City's successful application to the OIPC for relief from a frequent requestor deemed to be unreasonably interfering with City operations.*

The total legal fees billed in relation to this matter are \$11,692.

It was noted that this fee can be released to the requester.

- b) *The total dollar value cost of legal costs and legal fees spent by the City of White Rock in connection with White Rock's unsuccessful attempts to have OIPC Order F17-17 dated April 12, 2017 reconsidered and reopened, as well as the total dollar value cost of legal costs and legal fees spent by the City of White Rock in connection with White Rock's recently abandoned attempt to have OIPC Order F17-17 subjected to Judicial Review by BC Supreme Court;*

Subject: *The City's appeal of the OIPC Order regarding full disclosure of the business case for acquisition of the water utility and various closed records later confirmed to be solely in the custody and control of Metro Vancouver.*

The total legal fees billed in relation to this matter are \$23,252.

- c) *The total dollar value cost of legal costs and legal fees spent by the City of White Rock in connection with the OIPC Written Inquiry regarding White Rock FOI File 2016-18, OIPC File F16-66662, which concluded with the City's Reply Submission dated October 16, 2017.*

Subject: *Request for the City's legal costs for defending an OIPC review wherein the OIPC confirmed that the City was authorized to withhold similar legal costs (Order F17-55).*

The total legal fees billed in relation to this matter are \$9,657.50

- d) *The legal costs for the subject of the Section 463 [re the 1300 Block of and 1310 Johnston Road]*

Subject: *The City's withholding of building permits in the 1300 Block of Johnston Road in conflict with Bylaws in preparation*

Response (provided for information purposes):

The total legal fees billed to date in relation to the section 463 matter are \$5,477.

** This Freedom of Information and Protection of Privacy request was received through Question and Answer Period of March 11, 2019. Due to time constraints this information was supplied to the Requestor following discussion*

between the Chief Administrative Officer, Mayor, and Deputy Mayor (FOI File 2019-20).

In response to Council's question, the City Solicitors noted that they do not believe the City is at risk for releasing the information the above noted legal fee information.

2019-IC-013

It was MOVED and SECONDED

THAT Council directs, despite the usual exemptions from disclosure, to release:

1. The total amount of Lidstone & Company professional legal fees associated with OIPC Orders F17-17, F17-18, and F17-55, respectively; and
2. The total amount of Lidstone & Company professional legal fees associated with the City's section 463 application to the 1300 Block of Johnston Road as of March 11, 2019 (\$5,477).

CARRIED

4.

Legal Privilege, Property Matter



a)

Legal Privilege, Property Matter



Legal Privilege, Property Matter

2019-IC-014

5. **ACTION REQUIRED FOLLOWING REVIEW OF A FILE WITH THE OFFICE OF INFORMATION AND PRIVACY COMMISSIONER (OIPC)**

Community Charter Section 90(a), (g), (h), (j) and (i)

The City's Legal Counsel were in attendance to review this information prior to consideration of the information.

The OIPC Order F19-18, issued April 12, 2019 in relation to the City's denial to access to records relating to its decision to censure a member of Council.

The City refused to disclose 70 pages of responsive records to the Applicant on the basis that they were documents considered by Council in a closed meeting that contained personal information, and were subject to solicitor-client and litigation privilege.

The OIPC Adjudicator upheld most of the City's positions, as set out in their Order dated April 12, 2019. The Order is included for information and reference purposes. The Adjudicator also ruled on areas for which she felt the City was not authorized to refuse to disclose the information. The Adjudicator went through the 70 pages of responsive records and indicated, in pink highlighting, what material the City was required to disclose to the Applicant. The 70 pages of responsive records are included, which set out (in pink highlighting) which information the City is ordered to release to the Applicant.

Notably, the Adjudicator has ordered to be disclosed some pieces of information which may be covered by legal privilege. It is Council's decision whether to instruct the City's solicitor to release the documents pursuant to the terms of the Order, or, if not in agreement with the decision of the Adjudicator, resolve to instruct the municipal solicitor to file a judicial review of the Order in Supreme Court.

Applicant's Initial Request:

The applicant initially requested the following documents from the City:

- *A copy of all records of Mayor, Council and City Staff that "brought to Council's attention" the misbehaviour for which Councillor Chesney was censured.*
- *A copy of all records of Mayor, Council and City Staff that include "Council's direction" that the press release states Councillor Chesney "had gone against".*
- *A copy of all records of all evidence, reports, submissions, correspondence and opinions that were considered and deliberated upon by Council before Council made its conclusion that it had "lost faith and trust in Councillor David Chesney's ability to respect and uphold the integrity of the members' office and oath."*
- *A copy of all records of Mayor, Council and City Staff related to the decision to discuss, deliberate, consider and decide the censure of Councillor Chesney at an in camera Council Meeting that was Closed to the Public.*
- *A copy of the resolution to censure Councillor Chesney, the minutes of the discussion and deliberation of the censure resolution and the final vote of Council on the resolution.*

Staff have reviewed the motions and recommend they may be released.

Discussion ensued, and the following comments were noted:

Legal Privilege

- The City won 78% of the arguments to withhold the information
- In the package, the OIPC has requested the City release the information highlighted in pink

Legal Privilege

Councillor Chesney gave consent to having the information released in full.

Legal Privilege

2019-IC-015

It was MOVED and SECONDED

THAT Council defers, to the next closed meeting, consideration of the release of closed information regarding OIPC Order F19-18 pending legal counsel's review and recommendation to release additional information.

CARRIED

6.

Legal Privilege, Litigation

Legal Privilege, Litigation

2019-IC-016

7.

SEMIAHMOO FIRST NATION –

Legal Privilege, Negotiations

Legal Privilege, Negotiations



8. 1510 JOHNSTON ROAD (IMPERIAL OIL SITE) EXPROPRIATION -

Legal Privilege, Litigation



Legal Privilege, Litigation

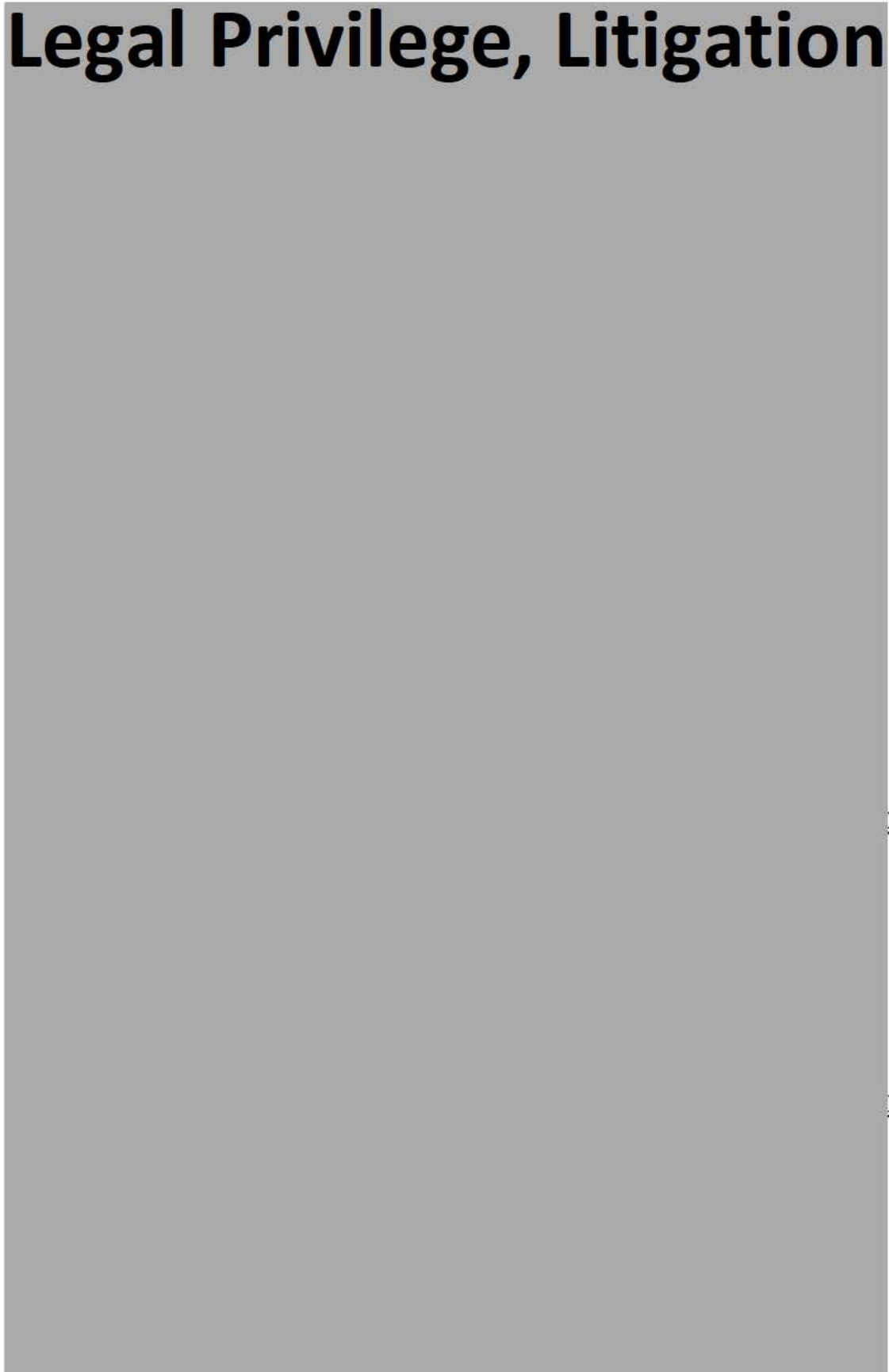


2019-IC-017

Legal Privilege, Litigation

2019-IC-018

2019-IC-019



9. 1300-BLOCK / 1310 JOHNSTON ROAD –

Legal Privilege, Litigation

The City's Legal Counsel, Don Lidstone and Paul Hildebrand departed the meeting at 6:07 p.m.

The meeting recessed at 6:07 p.m. and reconvened at 6:17 p.m. with all noted Members of Council and Staff.

10. **2019 COMMITTEE APPOINTMENTS** *Community Charter Section 90(1) (a)*
Corporate report dated April 29, 2019 from the Director of Corporate Administration titled "2019 Committee Appointments".

2019-IC-020

It was MOVED and SECONDED

THAT Council:

- 1) receives for information the April 29, 2019 closed corporate report from the Director of Corporate Administration titled "2019 Committee Appointments"; and
- 2) approves the following Committee appointments for the term ending December 31, 2020"

Arts and Cultural Advisory Committee:

- Jim Adams
- Moti Bali
- Kelly Breaks
- Elaine Cheung
- Jim Davidson
- Sherron Fairbairn
- Pat Higinbotham
- Michele Partridge
- Pat Petrala
- Denice Thompson

- Herma Vanderwolf
- Karin Bjerke-Lisle (Non-Voting representative from the White Rock Museum and Archives)

Economic Advisory Committee:

- Tyson Blume
- Graham Cameron
- Stephen Crozier
- Gary Gumley
- Ashok Gutpa
- Brian Hagerman
- Ernie Klassen
- Carolyn Latzen
- John Lawrence
- William McKinnon
- Gord Schoberg
- Lenore Van Oene
- Garry Wolgemuth

Environmental Advisory Committee

- Wilma Boyd
- Philip Byer
- Stephen Crozier
- Ross Hynes
- John Lawrence
- Ivan Lessner
- David Riley

History and Heritage Advisory Committee

- Marty Pedersen
- Karen Peplow
- Ken Wuschke

Councillor Chesney advised that he has other recommendations to participate on the Committee, and will report back to staff with contact information so that they may apply.

Marine Drive Task Force

- Tyson Blume
- Holly Valentine
- Carolyn Latzen
- Aroon Shah
- Patrick Giesbrecht, Semiahmoo First Nation Representative

Seniors Advisory Committee

- Joe Ahmad
- Michelle Barbone
- Edwin Harrington
- Ross Hynes
- Ramona Kaptyn
- Beth Kish
- Heather Martin/ Andrea Mccorkell (Comfort Keepers)
- Kathy McIntyre
- Mia Pedersen
- Pat Petrala
- George Scott

Tour de White Rock Committee

- Al Vigoda

Water Community Advisory Panel:

- Dorothy Bower
- Sylvie Doerksen
- Sarina Johnson
- Kenneth Jones
- Ivan Lessner
- Dave Stonoga
- Jing Yu

White Rock Sea Festival Committee

- Iryna Filonova
- Karen Huang

AND THAT Council authorize the release of the 2019 Committee Appointments Corporate Report in accordance with FOI legislation and the committee appointments.

CARRIED

11. **DISCUSSION / CONSIDERATION OF ITEMS TO BE RELEASED FROM THE CLOSED SESSION TO THE PUBLIC**
Items were discussed for public release under each topic.
12. **CONCLUSION OF THE APRIL 29, 2019 CLOSED COUNCIL MEETING**
The Chairperson declared the meeting concluded at 7:00 p.m.



Mayor Walker



Stephanie Lam
Deputy Corporate Officer