

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 have been called to begin at **4:30 P.M.** on **FRIDAY, MAY 24, 2019.**

DATE: FRIDAY, MAY 24, 2019

MEETING TIME: 4:30 P.M.

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

These meetings have been called to discuss items that are in accordance with Sections 90(1) (a), (e), (g), (h), (j), (i) 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;
- (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) 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;
- (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.

Purpose:

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

Date: May 22, 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



May 22, 2019

A **CLOSED MEETING** of CITY COUNCIL will be held in the **CITY HALL BOARD ROOM** on **FRIDAY, MAY 24, 2019**, following the Special to Close Meeting at **4:30 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 May 24, 2019 closed meeting as circulated.

2. PREVIOUS MINUTES

Closed Meeting – April 29, 2019

Page 4

RECOMMENDATION:

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

3. UPDATE REGARDING 1510 JOHNSTON ROAD (IMPERIAL OIL SITE)

Legal Privilege, Litigation

Legal Privilege, Litigation

4. **ACTION REQUIRED FOLLOWING REVIEW OF A FILE WITH THE OFFICE OF INFORMATION AND PRIVACY COMMISSIONER (OIPC)** **Page 19**
Community Charter Section 90(a), (g), (h), (j) and (i)

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 meetings; they 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.

This item has been brought back from the April 29, 2019 closed meeting:

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.

Legal Counsel have now provided the materials with the additional information for Council's consideration of release noted in yellow highlight. Please note there is still information within the materials out of the scope of the request. The information outlined in blue and identified as out of scope would not be released, nor would anything that is not highlighted at all.

Note: the deadline for a response with the information to the OIPC is Wednesday, May 29, 2019.

RECOMMENDATION:

THAT Council directs one (1) of the following three (3) options as noted by the City's Legal Counsel following review of the Office of the Information and Privacy Commissioner OIPC Order F19-18, issued April 12, 2019 and materials in relation to the City's denial to access to records relating to its decision to censure a member of Council:

1. Release only the records highlighted in pink (OIPC noted information to release);
2. Release the records highlighted in pink and yellow (OIPC noted information to release plus additional information vetted through the City's Legal Counsel); or
3. Pink and some revised version of yellow.

5. APOLOGY CEREMONY, WHITE ROCK MUSEUM AND ARCHIEVES AND SEMIAHMOO FIRST NATION

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Community Charter Section 90(1) (k)

The Chief Administration Officer to inform Council of a grant the White Rock Museum and Achieves has been notified they were successful applicants for from the province toward an apology ceremony in relation to Semiahmoo First Nation items that were lost when in the Museum and City of White Rock (storage) custody. This matter will be further discussed at the upcoming Council to Council meetings scheduled to be held June 6th and 17th, 2019.

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

7. CONCLUSION OF THE MAY 24, 2019 CLOSED COUNCIL MEETING

Closed Meeting of Council Agenda
Meeting to be held in the City Hall Boardroom
May 24, 2019

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

The meeting was called to order at 4:39 p.m.

Note: Paul Hildebrandt, Legal Counsel, and the Director of Planning and Development Services was in attendance for the meeting.

1. AGENDA APPROVAL

2019-IC-021

It was MOVED and SECONDED

THAT the Corporation of the City of White Rock Council adopts the agenda for the May 24, 2019 closed meeting as circulated.

CARRIED

2. PREVIOUS MINUTES

Closed Meeting – April 29, 2019

2019-IC-022

It was MOVED and SECONDED

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

CARRIED

3. UPDATE REGARDING 1510 JOHNSTON ROAD (IMPERIAL OIL SITE)

Legal Privilege, Litigation

Legal Privilege, Litigation



Legal Privilege, Litigation

2019-IC-023

***Note:** Paul Hildebrandt, Legal Counsel, and the Director of Planning and Development Services left the meeting following consideration of item 3.*

4. **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)

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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 meetings; they contained personal information, and were subject to solicitor-client and litigation privilege.

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Legal Counsel have now provided the materials with the additional information for Council's consideration of release noted in yellow highlight. Please note there is still information within the materials that are out of scope of the request. The information outlined in blue and identified as out of scope would not be released, nor would anything that is not highlighted at all.

Note: *the deadline for a response with the information to the OIPC is Wednesday, May 29, 2019.*

Staff introduced the matter and advised that if Council chooses to release information at today's meeting, that the release would be in compliance with the OIPC's deadline of May 29, 2019.

Discussion ensued and it was suggested that Semiahmoo First Nation (SFN) be advised that the City will be releasing the information, and that the notification to SFN occur prior to the public release.

Councillor Chesney advised that he would make all reasonable efforts to communicate with SFN prior to May 29, 2019. It was confirmed that in the event SFN is unreachable, that the release would still proceed.

Discussion continued and members of Council questioned the harm in releasing the information highlighted in blue. Staff reported that information in blue is out of scope to the FOI request. Council has the ability to release additional information at a later date; however, the purpose of this item is to deal with OIPC Order F19-18.

2019-IC-024

It was MOVED and SECONDED

THAT Council releases the records highlighted in pink and yellow (OIPC noted information to release plus additional information vetted through the City's Legal Counsel) in response to the Office of the Information and Privacy Commissioner OIPC Order F19-18, issued April 12, 2019 regarding the City's denial to access to records relating to its decision to censure a member of Council.

CARRIED

5. APOLOGY CEREMONY, WHITE ROCK MUSEUM AND ARCHIEVES AND SEMIAHMOO FIRST NATION

Community Charter Section 90(1) (k)

The Chief Administration Officer informed Council of a grant the White Rock Museum and Achieves has been notified they were successful applicants for from the province toward an apology ceremony in relation to Semiahmoo First Nation items that were lost when in the Museum and City of White Rock (storage) custody. This matter will be further discussed at the upcoming Council to Council meetings scheduled to be held June 6th and 17th, 2019.

Staff advised that the City will be engaging a facilitator to assist with relationship building throughout this process.

5.1. MARINE DRIVE TASK FORCE (ON TABLE)

Community Charter Section 90(1) (a)

It was reported that Catherine Fergusson, who was appointed as the Task Force Chair, had to decline the invitation to participate.

As such, Mayor Walker advised that he would be appointing Carolyn Latzen as the Chairperson.

Moving forward, it was clarified that the Terms of Reference would be revised to reflect that the Chairperson will be appointed by Council, and the Vice-Chairperson appointed by the Committee at the Inaugural meeting.

Staff advised that Council may wish to consider filling the vacancy for the member at large position.

2019-IC-025

It was MOVED and SECONDED

THAT Council approves the following appointments to the Marine Drive Task Force for the term ending December 31, 2020:

- Carolyn Latzen, Chairperson
- Gary Gumley, Member at Large

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

CARRIED

6. **DISCUSSION / CONSIDERATION OF ITEMS TO BE RELEASED FROM THE CLOSED SESSION TO THE PUBLIC**
None.

7. **CONCLUSION OF THE MAY 24, 2019 CLOSED COUNCIL MEETING**
The Chairperson declared the meeting concluded at 5:45 p.m.



Mayor Walker



S. Lam
Deputy Corporate Officer