

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 5:00 P.M. on **MONDAY, APRIL 20, 2020**.

DATE: MONDAY, APRIL 20, 2020

MEETING TIME: 5:00 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), (i), (j), (k) and 90 (2) (b) 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*;
 - (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; and
- 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

Purpose:

- Litigation / Legal Advice
- Land Litigation
- On-going Negotiations Semiahmoo First Nation (SFN)
- Personal Information
- Negotiation in Relation to a Municipal Service

Date: April 15, 2020

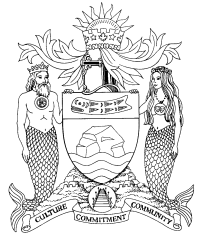


Tracey Arthur, Director of Corporate Administration

WHITE ROCK
My City by the Sea!

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



April 15, 2020

A **CLOSED MEETING** of CITY COUNCIL will be held in the **CITY HALL COUNCIL CHAMBERS** on **MONDAY, APRIL 20, 2020**, following the Special to Close Meeting at **5:00 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 20, 2020 closed meeting as circulated.

2. PREVIOUS MINUTES

Closed Meeting – April 6, 2020

Page 3

RECOMMENDATION:

THAT the Corporation of the City of White Rock Council adopt the minutes of the April 6, 2020 closed meeting as circulated.

3.

Property Matter

Property Matter

4. **1300-BLOCK / 1310 JOHNSTON ROAD – G.S.R. CAPITAL GROUP INC. (THE 1310 JOHNSTON ROAD PROPERTY OWNERS)** **Page 3**
Community Charter Section 90(1) (e), (g), (h) and (i)
Update by the Chief Administrative Officer in regard to **Litigation**

The judgement dated March 31, 2020 included the following:

The petitioner has sustained a severe financial hardship as a result of the loss of its ability to build the Project in accordance with DP 401. The City Council lawfully decided to deny the issuance of the building permit with the knowledge of the “terrible place” that would place the petitioner in. In my view, although the City was successful in defeating this petition, it should consider whether costs should be pursued. The parties have leave to file costs submissions to be served and received by the registry within 60 days of these reasons being released. If no written submissions are submitted, no costs will be awarded.

Litigation

5. **OPTIONAL DISCLOSURE OF CLOSED AND/OR PRIVILEGED RECORDS –ACCESS REQUEST 2020-10** **Page 31**
Community Charter Section 90(1) (a) (e), (g), (i), (j) and (k) and 90(2) (b)
Councillor Fathers requested the topic be brought back for further discussion in relation to how specific the Freedom of Information Request was made. .

The request as received by the applicant is included for discussion purposes.

6. **DISCUSSION / CONSIDERATION OF ITEMS TO BE RELEASED FROM THE CLOSED SESSION TO THE PUBLIC**
7. **CONCLUSION OF THAT APRIL 20, 2020 CLOSED COUNCIL MEETING**

PRESENT: Mayor Walker
Councillor Chesney
Councillor Fathers
Councillor Johanson
Councillor Manning
Councillor Kristjanson
Councillor Trevelyan (via electronic means – Bylaw No. 2337)

STAFF: D. Bottrill, Chief Administrative Officer
T. Arthur, Director of Corporate Administration

The meeting was called to order at 5:02 p.m.

1. AGENDA APPROVAL

2020-IC-054 **It was MOVED and SECONDED**
THAT the Corporation of the City of White Rock Council adopts the agenda for the April 20, 2020 closed meeting as circulated.

CARRIED

2. PREVIOUS MINUTES

- April 6, 2020

2020-IC-055 **It was MOVED and SECONDED**
THAT the Corporation of the City of White Rock Council adopts the April 6, 2020 closed meeting minutes as amended to remove Appendix B from the release of information from agenda Item 5. Content of Council Closed Meetings from July 2019 – January 31, 2020 and Closed Motion Tracking:

AND the adopts the April 6, 2020 closed minutes as amended.

CARRIED

3.

Property Matter

The Director of Engineering and Municipal Operations arrived at the meeting at 5:04 p.m.

2020-IC-056

Property Matter

2020-IC-057

Property Matter

2020-IC-058

4. **1300-BLOCK / 1310 JOHNSTON ROAD – G.S.R. CAPITAL GROUP INC. (THE 1310 JOHNSTON ROAD PROPERTY OWNERS)**
Community Charter Section 90(1) (e), (g), (h) and (i)
Update by the Chief Administrative Officer in regard to time the petitioner has to appeal the decision and legal costs for the case.

The judgement dated March 31, 2020 included the following:

The petitioner has sustained a severe financial hardship as a result of the loss of its ability to build the Project in accordance with DP 401. The City Council lawfully decided to deny the issuance of the building permit with the knowledge of the "terrible place" that would place the petitioner in. In my view, although the City was successful in defeating this petition, it should consider whether costs should be pursued. The parties have leave to file costs submissions to be served and received by the registry within 60 days of these reasons being released. If no written submissions are submitted, no costs will be awarded.

Litigation

Litigation

2020-IC-059

**5. OPTIONAL DISCLOSURE OF CLOSED AND/OR PRIVILEGED RECORDS
–ACCESS REQUEST 2020-10**

Community Charter Section 90(1) (a) (e), (g), (i), (j) and (k) and 90(2) (b)

Councillor Fathers requested the topic be brought back for further discussion in relation to how specific the Freedom of Information (FOI) request was made. .

The FOI request as received by the applicant was included on the agenda for discussion purposes.

The following discussion points were noted:

- Interesting how specific the Freedom of Information and Protection of Privacy request 2020-10 was
- No one other than a previous Member of Council or staff would know what item number a topic was on an agenda / minutes
- Concern the applicant is using privileged information to ask for the records
- What ramifications are there for asking for this?
- Does this action / request breach any confidence if the applicant were a former Member of Council?

- Clarification was made by staff that anyone can make an FOI request, the City does not have the right to refuse an FOI request / application

2020-IC-059A

It was MOVED and SECONDED

THAT Council directs staff to obtain a Solicitor Memorandum as to what actions the City could take in regard to the FOI 2020-10 request with how specific it is (where only a Member of the past Council or staff would have the information) and any action(s) / repercussion(s) there would be for the FOI applicant for holding the confidential information and making a request for the records; and

Included would be advice if the request breaches their confidentiality requirement.

CARRIED

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

7. **CONCLUSION OF THE APRIL 20, 2020 CLOSED COUNCIL MEETING**
The Chairperson declared the meeting concluded at 5:47 p.m.



Mayor Walker



Tracey Arthur, Director of
Corporate Administration