



MANAGEMENT REPORT

Date: September 8, 2020
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TO: Library Board
FROM: Kevin Lowe, Chair, Governance Committee
SUBJECT: In-Camera Best Practices

SUMMARY

This report reviews best practices for in-camera processes beyond procedures documented in the Board Procedure Policy.

PURPOSE

This report is for information.

RECOMMENDATION

That the Board receive the report for information.

BACKGROUND

The Board Procedure Policy documents in-camera policy related to Board meetings. The Board most recently amended the Board Procedure Policy on October 23, 2019 to clarify that section 7 on in-camera meetings applies for the purpose of discussing proposed policies and communication planning, in addition to other discussions at preliminary stages. The amendments to the policy related to in-camera included the following:

- 7(a) - identifying that regular meetings and decisions about policy are conducted in public;
- 7(e) - providing notice of regular meetings;
- 7(o)x - clarifying the in-camera reason related to preliminary discussion to include preliminary discussions that would include those related to policy development and noting the City of Vancouver as a named third party; and

The Library's open meeting sections are modelled on the *Vancouver Charter*. As noted in [October 2019](#), the meetings of the Vancouver Public Library Board are governed by the Library Act, RSBC 1996, c.264, which does not identify a requirement for open meetings. However, the Board has an established history of open meetings, and has been guided by the Vancouver Charter in its procedures.

While it does not apply to the Vancouver Public Library Board, the Board is also guided by the [Community Charter](#), SBC 2003, c.26. The BC Ombudsperson provides a guidance document related to this legislation: [Open Meetings: Best Practices Guide for Local Governments](#).

The Library Board has consistently established its intention to follow local government best practices for open meetings.

DISCUSSION

The Governance Committee Chair has requested further discussion of in-camera meetings to ensure that the Board uses in-camera discussion appropriately for public accountability, and to discuss how to ensure in camera discussion is regularly released.

The Chief Librarian has reviewed the closed meeting sections of the guidance document "[Open Meetings: Best Practices Guide for Local Governments](#)". Trustees may find pages 15-21 useful in preparation for discussion.

The Library meets most best practices including:

- stating the reason for moving to in camera during the public meeting;
- including in the relevant in-camera report a motion to remove the decision from in-camera as a pre-approval by the Board so that staff may remove the item as a matter of operations;
- When an item is removed from in-camera, the approved motion is included in the Board package of the next open meeting;

The *Open Meetings* guide provides the following best practices for after a closed meeting:

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

The Chief Librarian also consulted the City Clerk on the in-camera release practices of Vancouver City Council. She has identified the following additional practices that could be introduced:

- As the last item on the agenda of an in-camera meeting, the Chair may wish to introduce a review of the agenda items discussed to determine if any items can be removed from in-camera, and the Chair can request a motion if appropriate;
- The Executive Assistant could review in-camera minutes every six months to identify any decisions that can be removed from in-camera, and either release them with the package for the next meeting, or bring forward any items that require an in-camera vote of the Board to release them, following the process of City Council.

An example of the release of a decision by City Council can be viewed at:

<https://council.vancouver.ca/20181218/icre20181218dec.htm> .

The Open Meetings guide also observes on page 20 that “closed meeting minutes may be excluded from disclosure under [section 12 of the Freedom of Information and Protection of Privacy Act \(FIPPA\)](#). Section 12 allows a local government to refuse to disclose information that would reveal the substance of deliberations of a closed meeting. It should be noted that if the information in question has also been discussed at an open meeting or is at least fifteen years old, the information is not protected from disclosure under FIPPA.”

This provides clarification that disclosure is typically of the decision, and does not include the minutes of the discussion during the meeting. Where necessary, the Executive Assistant would consult with the Library’s Privacy Officer to ensure compliance with FIPPA.

FINANCIAL IMPLICATIONS

The work of the Executive Assistant would be within the annual operating budget.

FINAL REMARKS

The Vancouver Public Library Board commands the use and disposition of significant public assets. The Library Board has established public meetings and the Board Procedure Policy to be transparent about its procedures, recognizing the responsibilities of a public Board governing public assets, and is guided by best practices of local government and disclosure requirements under the Freedom of Information and Protection of Privacy Act (FIPPA).