

B.6

MOTION ON NOTICE

6. In-Camera Confidentiality (VanRIMS No. 08-2200-12)

MOVER: Councillor Kim Capri

SECONDER: Councillor BC Lee

WHEREAS:

1. The Vancouver Charter establishes that certain meetings of Council must be closed to the public; and
2. There are important public policy reasons why some matters dealt with by Council must be dealt with in a closed meeting as required by the Charter; and
3. A breach of confidentiality by the Mayor or another member of Council constitutes not only a breach of his or her Oath, but also a very serious potential risk to the right of privacy of individuals, to the outcome of police or other enforcement investigations, to the safety of the public, to equitable contractual relationships, to fair collective bargaining, to just treatment of employees, to the financial health of the City and its taxpayers, and to the capacity of Council to conduct the work of the City; and
4. The Vancouver Charter requires that the Mayor and other members of Council must keep in confidence any confidential record, or the proceedings of any Council meeting that was lawfully closed to the public; and
5. There have been several leaks of confidential and sensitive information from in-camera meetings over the last year; and
6. It is important for the functioning of our city government that elected officials may make decisions in-camera without fear their colleagues will release details of the deliberations, as required; and
7. There is no explicit penalty for the Mayor or a member of Council who deliberately breaches his or her duty to respect confidentiality;

THEREFORE BE IT RESOLVED THAT:

Council request the Provincial Government to clarify the Oath of Office for Council Members and establish deterrent penalties in the *Vancouver Charter* for the deliberate breach of confidentiality by a member of Council, including:

- 1) Amending the prescribed Oath of Office for elected officials to make it clear that there is a duty to respect confidentiality where that confidentiality is required or authorized by the Vancouver Charter or other legislation;

- 2) To establish penalties for the breach of confidentiality as in (1) including such penalties as:
 - a. enabling Council to prohibit attendance at closed meetings of Council by the Mayor or another member of Council who has breached the confidentiality of closed council meetings;
 - b. enabling Council to withhold confidential documents and records from a member of Council who has deliberately breached the confidentiality of confidential documents, records, or discussions or who has failed to properly secure such documents and records in his or her possession; and
 - c. enabling a Court to disqualify a member of Council from holding office for deliberately breaching confidentiality.

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