



**UPDATED AMENDED AGENDA  
SPECIAL GOVERNANCE & PRIORITIES COMMITTEE  
MEETING OF WEDNESDAY, JANUARY 27, 2016, AT 12:00 P.M.  
COUNCIL CHAMBERS  
CITY HALL, 1 CENTENNIAL SQUARE**

Page

**CALL TO ORDER**

**APPROVAL OF THE AGENDA**

**ADOPTION OF MINUTES**

1. **Late Item:** Minutes from the Meeting held December 3, 2015 3 - 23

[Addenda]

**WORKSHOP**

2. Freedom of Information Presentation 25 - 48  
--*David Loukidelis, QC*  
**Late Item:** Presentation

[Addenda]

**ADJOURNMENT**



**MINUTES OF THE  
GOVERNANCE & PRIORITIES COMMITTEE MEETING  
HELD THURSDAY, DECEMBER 3, 2015, 9:00 A.M.**

**1. THE CHAIR CALLED THE MEETING TO ORDER AT 9:00 A.M.**

**Committee Members Present:** Mayor Helps in the Chair; Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe and Young.

**Staff Present:** J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; S. Thompson – Director of Finance; J. Tinney – Director of Sustainable Planning & Community Development; F. Work – Director of Engineering & Public Works; P. Bruce – Fire Chief; K. Hamilton – Director of Citizen Engagement & Strategic Planning; T. Soulliere – Director of Parks, Recreation & Facilities; B. Dellebuur – Acting Assistant Director of Transportation & Parking Services; C. Coates – City Clerk; H. Follis – Customer Service Advisor; C. Mycroft – Assistant to City Manager; A. Ferguson – Recording Secretary.

**APPROVAL OF THE AGENDA**

**Action:** It was moved by Councillor Coleman seconded by Councillor Lucas, that the Agenda of the December 3<sup>rd</sup>, 2015, Governance & Priorities Committee meeting be approved.

**Amendment:** It was moved by Councillor Alto, seconded by Councillor Coleman, that the Agenda of the December 3<sup>rd</sup>, 2015, Governance & Priorities Committee meeting be amended as follows:

**Consent agenda:**

Item #3 – Minutes from the Meeting held November 5, 2015  
Item #4 - Minutes from the Meeting held November 12, 2015

**Amendment to the amendment:**

It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that the amended Agenda of the December 3<sup>rd</sup>, 2015, Governance & Priorities Committee meeting be amended as follows:

**Consent agenda:**

Item #3 – Minutes from the Meeting held November 5, 2015  
Item #4 - Minutes from the Meeting held November 12, 2015

**Other items:**

**Addition of Item #24 – Council Sharing on the Victoria Police Honour’s Ceremony**

On the amendment to the amendment:  
CARRIED UNANIMOUSLY 15/GPC915

On the amendment:  
CARRIED UNANIMOUSLY 15/GPC916

On the main motion as amended:  
CARRIED UNANIMOUSLY 15/GPC917

**2. CONSENT AGENDA**

**Action:** It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that the following items be approved without further debate:

**2.1 Minutes from the Meeting held November 12, 2015**

**Action:** It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that the minutes from the Meeting held November 12<sup>th</sup>, 2015, be adopted.

CARRIED UNANIMOUSLY 15/GPC918

**2.2 Minutes from the Meeting held November 20, 2015**

**Action:** It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that the minutes from the Meeting held November 20<sup>th</sup>, 2015, be adopted.

CARRIED UNANIMOUSLY 15/GPC919

**3. ADOPTION OF MINUTES**

**3.1 Minutes from the Meeting held November 9, 2015**

**Action:** It was moved by Councillor Alto, seconded by Councillor Loveday, that the minutes from the Meeting held November 9<sup>th</sup>, 2015, be adopted with an amendment to the last motion on page three as follows:

“that Council direct staff to report back on opportunities for funding **part-time, casual** employment opportunities for those experiencing homelessness or those with disabilities.”

CARRIED UNANIMOUSLY 15/GPC920

#### 4. PRESENTATION

##### 4.1 Downtown Victoria Business Association – Annual Presentation

Committee received a letter dated November 17<sup>th</sup>, 2015, from the Downtown Victoria Business Association requesting to present their annual budget at the December 3<sup>rd</sup>, 2015, Governance and Priorities Committee Meeting.

Mr. Ken Kelly, General Manager of the Downtown Victoria Business Association and Ms. Susanne Bradbury, Board Chair provided Committee with a presentation which outlined their annual budget.

Ms. Bradbury announced that Mr. Kelly, would be retiring after the Annual General Meeting in June.

Committee discussed:

- The need for regional support to help solve homelessness.
- The recent animation of the Odeon Alley.

**Action:** It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Committee recommends that Council receive the report for information.

Committee discussed:

- Appreciation for the General Manager's hard work.

CARRIED UNANIMOUSLY 15/GPC921

#### 5. DECISION REQUESTS

##### 5.1 Council Appointments

Committee received a report dated November 27<sup>th</sup>, 2015, from the City Clerk providing recommendations regarding Council appointments to various external Boards and Committees for 2016.

Committee discussed:

- The various boards and committees and the best format for appointing members.
- Desire to discuss the appointments in detail and potential to do this at a special meeting.

*Councillor Coleman advised that the appointment expiry date noted in the attachment for the FCM – Board of Directors was incorrect and should be June 10, 2016.*

**Action:** It was moved by Councillor Alto, seconded by Councillor Isitt, that Committee recommends that Council consider and approve the appointments for 2016.

Committee discussed:

- Concerns about the conflict between representing boards/committees and citizens.

- Ensuring oversight in Councillors dealings with the boards/committees.
- The length of time served on the various boards/committees and the role that Councillors play on the boards/committees.
- Re-appointing Councillors to boards/committees in which they are currently assisting with large projects.

*Councillor Madoff suggested pulling the proposed appointments to the Greater Victoria Public Library Board and the Tourism Victoria Board of Directors for discussion:*

**Action:** It was moved by Councillor Alto, seconded by Councillor Isitt, that Committee recommends the following motion:  
That Council consider and approve the appointments for 2016 except for the Greater Victoria Public Library Board and the Tourism Victoria Board of Directors.

**Table:** It was moved by Councillor Isitt, seconded by Councillor Loveday, that Committee table the following motion:  
That Council consider and approve the appointments for 2016 except for the Greater Victoria Public Library Board and the Tourism Victoria Board of Directors.

CARRIED UNANIMOUSLY 15/GPC922

**Action:** It was moved by Councillor Madoff, seconded by Councillor Thornton-Joe, that Committee recommends that Council re-appoint Councillor Madoff to the Greater Victoria Library Board.

Committee discussed:

- Challenges associated with changing appointments in the midst of large projects.
- The time and effort that has been put into the library branch proposal for James Bay and desire for Councillor Madoff's re-appointment to follow through with this project.
- The need to shift other appointments to accommodate the re-appointment.

**Postpone:** It was moved by Councillor Young, seconded by Councillor Isitt, that Committee postpone consideration of the following motion:  
That Council re-appoint Councillor Madoff to the Greater Victoria Library Board.

CARRIED UNANIMOUSLY 15/GPC923

**Postpone:** It was moved by Mayor Helps, seconded by Councillor Thornton-Joe, that Committee recommends that Council postpone consideration of the following motion:  
That Council consider and approve the appointments for 2016 except for the Greater Victoria Public Library Board and the Tourism Victoria Board of Directors.

CARRIED UNANIMOUSLY 15/GPC924

*Committee recessed at 10:09 a.m. and returned at 10:13 a.m.*

*Councillor Thornton-Joe recused herself from the discussion at 10:14 a.m. due to a pecuniary conflict of interest as her husband is an employee of BC Transit.*

## **5.2 Downtown Bus Terminal Proposal – 700 block Douglas Street**

Committee received a report dated November 26<sup>th</sup>, 2015, from the Engineering and Public Works Department providing recommendations on the BC Transit proposal to create a Downtown Bus Terminal on Douglas Street between Belleville Street and Humboldt Street.

*Councillor Alto returned to the meeting at 10:15 a.m.*

The Director of Engineering and Public Works and the Manager of Transportation provided Committee with a presentation.

Committee discussed:

- The proposed siting of the terminal and o potential sites.
- Concerns about the emissions and the length of time that buses will be at the curb.
- Various effects to the surrounding businesses and residents and potential impacts on future developments.
- The desire for a direct bus for tourists.
- The City's role with public engagement.
- Weathering proofing for the terminal and desire for an indoor waiting area.
- The length of the proposed lease.
- Timelines for the proposed onsite improvements.

### **Action:**

It was moved by Councillor Coleman, seconded by Councillor Isitt, that Committee recommends that Council:

1. Request BC Transit and the commercial bus operators consult with stakeholders and citizens, including adjacent property owners and businesses, to solicit feedback on the details of the proposal,
2. Direct staff to work with BC Transit to implement identified on-street improvements prior to April 30, 2016,
3. Direct staff to negotiate a lease with the commercial bus operators for curb space on the 700 block of Douglas Street, consistent with the 2011 Guiding Principles for the Use of Public Space.

Committee discussed:

- The need for more information on the implications to the street.
- Concerns about the effects on parking and the lack of sufficient amenity proposed.
- Potential other siting options for the terminal.
- The effects of the recent developments on the proposed terminal.
- Desire for further details and potential alternatives to be brought back to Council.
- Desire for the public's input to help shape the proposal.
- The need for a bus terminal downtown.

- Consideration of the public realm.
- Desire for a time commitment on the proposed lease with a renewal clause.
- The time constraints associated with determining a bus terminal location.

**Amendment:** It was moved by Councillor Alto, seconded by Councillor Coleman, that the motion be amended as follows:

That Council:

1. Request BC Transit and the commercial bus operators consult with stakeholders and citizens, including adjacent property owners and businesses, to solicit feedback on the details of the proposal,
2. Direct staff to work with BC Transit to ~~implement identified~~ **identify necessary** on-street improvements prior to April 30, 2016,
3. Direct staff to negotiate a lease with the commercial bus operators for curb space on the 700 block of Douglas Street, consistent with the 2011 Guiding Principles for the Use of Public Space.

Committee discussed:

- Having staff report back with a longer term plan.

*Councillor Isitt suggested an amendment to the amended motion; however the motion was not seconded.*

**Amendment to the amendment:**

It was moved by Councillor Isitt, seconded by Councillor Loveday, that the amended motion be amended as follows:

That Council:

1. Request BC Transit and the commercial bus operators consult with stakeholders and citizens, including adjacent property owners and businesses, to solicit feedback on the details of the proposal,
2. Direct staff to work with BC Transit to identify necessary on-street improvements prior to April 30, 2016,
3. Direct staff to negotiate a lease with the commercial bus operators for curb space on the 700 block of Douglas Street, consistent with the 2011 Guiding Principles for the Use of Public Space.

**And that staff report back on the feasibility of including a bus station in the redevelopment of where the bus station is currently located.**

*Mayor Helps ruled the amendment out of order as it was not germane to the motion on the table.*

On the amendment:

CARRIED UNANIMOUSLY 15/GPC925

On the main motion as amended:

CARRIED 15/GPC926

For: Mayor Helps, Councillors Alto, Coleman, Lucas, Thornton-Joe and Young  
Against: Councillors Isitt, Loveday and Madoff



**Action:** It was moved by Councillor Isitt, seconded by Councillor Loveday, that Committee recommends that Council direct staff to engage the property owner where the current bus station is located and report back on options for a permanent station as part of the redevelopment.

Committee discussed:

- The lack of outdoor shelter at the proposed location.
- Leasing space for washrooms and luggage.
- Starting discussions to look into potential alternative siting options such as within the redevelopment.
- Potential impacts on the public realm.

CARRIED UNANIMOUSLY 15/GPC927

**Postpone:** It was moved by Councillor Loveday, seconded by Councillor Alto, that Committee recommends that Council postpone consideration of the following point:

1. That Council endorse the BC Transit proposal to create a bus terminal/transportation precinct on the east side of the 700 block Douglas Street.

CARRIED UNANIMOUSLY 15/GPC928

*Councillor Thornton-Joe returned to the meeting at 11:19 a.m.*

### **5.3 Skateboarding Regulations – Additional Information**

Committee received a report dated November 23<sup>rd</sup>, 2015, from the Engineering & Public Works Department providing information related to proposed bylaw amendments to permit the use of skateboards on the City's downtown roadways.

Committee discussed:

- Requirements of lights and helmets.
- The process for handling fines.
- Enforcement and education around the new regulations.

**Action:** It was moved by Councillor Isitt, seconded by Councillor Loveday, that Committee that Council direct staff to:

1. Proceed with proposed amendments to the *Streets and Traffic Bylaw*, *Ticket Bylaw*, and *Parks Regulation Bylaw* that would permit the use of skateboards, roller skates, in-line skates, and non-motorized scooters on all City streets, and require skateboarders and users of other similar modes of transportation to follow the same rules of the road as cyclists, and eliminate associated impound provisions, effective February 1, 2016.
2. Proceed with a communications strategy to increase public understanding on how skateboarders can integrate in City streets.
3. Report back in June 2016 with any observations/considerations related to skateboarding safety in the City.

Committee discussed:

- Pros and cons of implementing a mandatory helmet requirement for skateboarders.
- Importance of lighting for all road users and the various options of lighting that are available.
- Ensuring safety for all road users is considered and communicating how to safely share the road.
- The desire to move skateboarders off the sidewalk.
- Looking at the effects of the regulation in a year and determining any changes from there.

**Amendment:** It was moved by Councillor Isitt, seconded by Councillor Alto, that the motion be amended as follows:

That Council direct staff to:

1. Proceed with proposed amendments to the *Streets and Traffic Bylaw*, *Ticket Bylaw*, and *Parks Regulation Bylaw* that would permit the use of skateboards, roller skates, in-line skates, and non-motorized scooters on all City streets, and require skateboarders and users of other similar modes of transportation to follow the same rules of the road as cyclists, **and include a requirement for lighting at night**, and eliminate associated impound provisions, effective February 1, 2016.
2. Proceed with a communications strategy to increase public understanding on how skateboarders can integrate in City streets.
3. Report back in June 2016 with any observations/considerations related to skateboarding safety in the City.

Committee discussed:

- Concerns about how staff could enforce lighting requirements.

On the amendment:

CARRIED UNANIMOUSLY 15/GPC929

Committee discussed:

- Responsible user ship.

On the main motion as amended:

CARRIED UNANIMOUSLY 15/GPC930

#### **5.4 Victoria West Park Improvements**

Committee received a report dated November 20<sup>th</sup>, 2015, from the Parks, Recreation and Facilities Department providing recommendations on the Park Improvement Plan for Victoria West Park.

**Action:** It was moved by Councillor Loveday, seconded by Councillor Madoff, that Committee recommends that Council endorse the Park Improvement for Victoria West Park including the priority improvements of the skate park, playground and off-leash dog area.

Committee discussed:

- The public's concerns about the proximity of the proposed dog park to a nearby residential building.
- The need for more dog parks in the City.
- Desire for a community garden.

CARRIED UNANIMOUSLY 15/GPC931

**Action:**

It was moved by Councillor Loveday, seconded by Councillor Lucas, that the Governance & Priorities Committee convene a Closed meeting that excludes the public under Section 12(6) of the *Council Bylaw* for the reason that the following agenda item deals with matters specified in Sections 12(3) and/or (4) of the Council Bylaw, namely:

- Section 12(3)(e) The acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City.
- Section 12(4)(b) The consideration of information received and held in confidence relating to negotiations between the City 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.

CARRIED UNANIMOUSLY 15/GPC932

**6. CLOSED MEETING AT 11:58 P.M.**

**Committee Members Present:**

Mayor Helps in the Chair; Councillors Alto, Coleman, Isitt, Loveday, Lucas, Madoff, Thornton-Joe and Young.

**Staff Present:**

J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; C. Coates – City Clerk; T. Zworski – City Solicitor; S. Thompson – Director of Finance; K. Hamilton – Director of Citizen Engagement & Strategic Planning; J. Tinney – Director of Sustainable Planning & Community Development; T. Soulliere – Director of Parks, Recreation & Facilities; F. Work – Director of Engineering & Public Works; P. Bruce – Fire Chief; J. Schmidt – Manager of Legislative Services; J. Handy – Senior Planner – Legal Agreements; C. Mycroft – Executive Assistant to the City Manager; A. Ferguson – Recording Secretary.

## 7. DECISION REQUESTS

### 7.1 Land/Intergovernmental Relations

Committee received a verbal update from the Director of Sustainable Planning and Community Development regarding land/intergovernmental relations.

The discussion and motion were recorded and kept confidential.

**Committee returned to the open meeting at 1:00 p.m.**

*Committee recessed for lunch at 1:01 p.m. and returned at 1:31 p.m.*

## 5. DECISION REQUESTS - CONTINUATION OF THE OPEN MEETING

### 5.5 Development Cost Charges Review

Committee received a report dated November 19<sup>th</sup>, 2015, from the Finance Department providing information and recommendations from the development cost charges review.

**Action:** It was moved by Councillor Alto, seconded by Councillor Loveday, that Committee recommends that Council endorse the proposed approach for the review of development cost charges as outlined in this report.

*Councillor Isitt returned to the meeting at 1:35 p.m.*

Committee discussed:

- The amenity contributions.

CARRIED UNANIMOUSLY 15/GPC

### 5.6 Service Policy Review

Committee received a report dated November 20<sup>th</sup>, 2015, from the Finance Department providing information and recommendations on the Service Review Policy.

Committee discussed:

- Concerns about provoking anxiety.

**Action:** It was moved by Councillor Alto, seconded by Councillor Coleman, that Committee recommends that Council approve the Service Review Policy as outlined in Appendix A of this report.

Committee discussed:

- Exploring opportunities for cost savings.
- Ensuring job security for staff while finding opportunities for public participation.

CARRIED UNANIMOUSLY 15/GPC

### **5.7 Proposed Participatory Budgeting and “My Great Neighbourhood Fund”**

Committee received a report dated November 25<sup>th</sup>, 2015, from the Citizen Engagement and Strategic Planning Department and the Finance Department providing information and recommendations on a proposed model for a participatory budgeting pilot in 2016, as well as a new "My Great Neighborhood Fund", for community-driven place making and public space projects.

Committee discussed:

- The role of staff and Council with these initiatives.

**Action:** It was moved by Councillor Loveday, seconded by Councillor Isitt, that Committee recommends that Council direct staff to:

1. Prepare for a participatory budgeting process to commence upon approval of the 2016 Financial Plan.
2. Develop a policy for a "My Great Neighbourhood Fund" and application guidelines for introduction upon approval of the 2016 Financial Plan.

Committee discussed:

- The public engagement process.

CARRIED UNANIMOUSLY 15/GPC

### **5.8 Proposed Public Use of City Hall and Guidelines**

Committee received a report dated November 19<sup>th</sup>, 2015, from the Citizen Engagement and Strategic Planning Department providing information and recommendations on a proposed policy for the public use of City Hall.

Committee discussed:

- Concerns about liability for public events.
- Consideration of a damage deposit.
- Noise impacts and ensuring staff are not impacted.
- The fee guidelines for various events.
- Concerns about the requirement for liability coverage for nonprofit organizations.
- Concerns about some potential uses.

**Action:** It was moved by Councillor Alto, seconded by Councillor Loveday, that Committee recommends that Council:

- a. Approve the proposed Public Use of City Hall Policy and Guidelines
- b. Direct staff to pilot usage of City Hall for events and report back in six months.

Committee discussed:

- Concerns about having ticketed events in a public building.

*Councillor Isitt proposed an amendment to the motion to not allow events that have mandatory admission fees; however, the motion was not seconded.*

Committee discussed:

- Ensuring consistency and ease of access.
- Concerns about the lack of definition for “all ages” and “family friendly” events.
- Reviewing the policy after a trial period and making adjustments as needed.
- Ensuring transparency for the public to see who is using City Hall.

CARRIED UNANIMOUSLY 15/GPC

### **5.9 Liquor Licence Application - Royal Canadian Legion Public Service Branch 127, 514 Government Street (James Bay Neighbourhood)**

Committee received a report dated November 20<sup>th</sup>, 2015, from the City Clerk providing recommendations on a liquor licence application.

Committee discussed:

- The public consultation process.

*Councillor Lucas inquired as to why a primary liquor licence was required as under the provincial legislation liquor sales is allowed with a food licence.*

**Action:** It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Committee allow Bell Saga, Secretary to the Royal Canadian Legion Public Service Branch, to address the Committee.

CARRIED UNANIMOUSLY 15/GPC

*Bell Saga advised Committee that the branch does not have a food licence as they do not currently have enough members certified with Foodsafe to provide food services on an ongoing basis.*

**Action:** It was moved by Councillor Thornton-Joe, seconded by Councillor Coleman, that Committee recommends that Council, after conducting a review of the staff assessment of the application for a Liquor Primary Licence for the Royal Canadian Legion Public Service Branch 127, located at 514 Government Street, and in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, approves:

1. The scheduling of a Liquor Licence Hearing (suggested date: Thursday January 28) before Council to receive written and oral submissions from residents, property owners and the public with respect to this application; and
2. Based upon the results of the public input received through the Liquor Licence hearing process, approve a resolution (with comments on the relevant factors) either supporting the licence application or not supporting

the licence application. The appropriate resolution will be brought to Council at the earliest opportunity after completion of the Liquor Licence hearing.

3. That the application be sent to the Neighbourhood Association Land Use Committee for comment.

CARRIED UNANIMOUSLY 15/GPC

**Action:** It was moved by Councillor Thornton-Joe, seconded by Councillor Alto, that Committee recommends that Council approve the following motion:  
Until the City's Liquor Licensing Policy is brought forward for Council's review, all Liquor License Applications be forwarded to the Neighbourhood Land Use Committee for comment.

Committee discussed:

- The types of liquor licences that come before Council.

**Amendment:** It was moved by Councillor Coleman, seconded by Councillor Alto, that the motion be amended as follows:  
That Council approve the following motion:  
Until the City's Liquor Licensing Policy is brought forward for Council's review, all Liquor License Applications **that come before Council**, be forwarded to the Neighbourhood Land Use Committee for comment.

On the amendment:  
CARRIED UNANIMOUSLY 15/GPC

On the main motion as amended:  
CARRIED UNANIMOUSLY 15/GPC

#### **5.10 Potential Amendment to the 2015 - 2018 Strategic Priorities: Motion - Asbestos Control**

Committee received a report dated November 27<sup>th</sup>, 2015, from the Sustainable Planning and Community Development Department providing information on the potential implications of directing staff to include asbestos work to the strategic plan.

**Action:** It was moved by Councillor Isitt, seconded by Councillor Alto, that Committee recommends that Council direct staff to:

1. Review existing policy, legislation and current procedures related to worker protections from asbestos exposure.
2. Report on any anticipated benefits and drawbacks.

CARRIED UNANIMOUSLY 15/GPC

### 5.11 Resource Implications of Pedicabs Motions

Committee received a report dated November 26<sup>th</sup>, 2015, from the Legislative Services Department providing information on the resource implications of a review of suggested bylaw amendments relating to pedicabs.

**Action:** It was moved by Councillor Alto, seconded by Councillor Loveday, that Committee recommends that Council direct staff to receive the report for information and direct staff to incorporate the proposed review into the 2016 operational plan with recommendations coming to Council for review in April 2016.

CARRIED UNANIMOUSLY 15/GPC

### 5.12 Heron Cove and Raymur Point Bridge Widths

Committee received a report dated November 26, 2015, from Parks, Recreation and Facilities, Citizen Engagement and Strategic Planning and the Manager of Interdisciplinary Projects with information and recommendations regarding the proposed bridge width at two locations - Heron Cove and Raymur Point.

Committee discussed:

- Moving forward with cost estimates.

**Action:** It was moved by Councillor Alto, seconded by Councillor Loveday, that Committee recommends that Council direct staff to proceed with detailed design and costing for a 5.0 metre wide multi-use bridge at Heron Cove and Raymur Point.

CARRIED UNANIMOUSLY 15/GPC

## 8. NEW BUSINESS

### 8.1 Motion – McPherson Theatre

Committee received a Council Member motion dated November 9<sup>th</sup>, 2015, from Councillors Isitt and Young which was deferred from the November 19<sup>th</sup>, 2015, Governance and Priorities Committee meeting due to time constraints. The motion outlines information and recommendations in regards to the operations of the McPherson Theatre.

**Action:** It was moved by Councillor Young, seconded by Councillor Isitt, that Committee recommends that Council approve the following motion:

1. That City staff be asked to advise Council on steps that would be required to resume City management of the McPherson Playhouse.
2. That the Mayor write to the Councils of Saanich and Oak Bay indicating that we are concerned about the costs for the McPherson borne by Victoria taxpayers, and that if the situation cannot be addressed we will have to consider reassuming control of the Playhouse.



3. That staff be asked to develop terms of reference for an examination of the operations of the McPherson, including:
  - a) why is usage not higher?
  - b) why are users developing alternative facilities? (these questions need to be asked of current users and of nonusers who are potential users or actual past users)
  - c) if costs are indeed an issue, what factors are driving costs?
  - d) are there shortcomings in the facility?
  - e) how does the McPherson compare with other facilities both in terms of efficiency of operation and in terms of ability to attract private donations and government grants?
  - f) is usage is likely to continue to decline and operating losses to rise?

Committee discussed:

- The letter received from Richard Schick.
- Concerns about how long the issues have been present.
- Potential funding sources for the theatre.

*Mayor Helps left the meeting at 2:40 p.m. for a meeting with Minister Fassbender and Mayor's from other municipalities. Councillor Loveday assumed the chair.*

Committee discussed:

- The various theatres and their funding sources.
- Interest in expanding the funding partners.
- The attendance from across the region and desire to have other municipalities assist with the funding.

**Postpone:** It was moved by Councillor Alto, seconded by Councillor Young, that Committee recommends that Council postpone the following motion until the end of February 2016:

That Council approve the following motion:

1. That City staff be asked to advise Council on steps that would be required to resume City management of the McPherson Playhouse.
2. That the Mayor write to the Councils of Saanich and Oak Bay indicating that we are concerned about the costs for the McPherson borne by Victoria taxpayers, and that if the situation cannot be addressed we will have to consider reassuming control of the Playhouse.
3. That staff be asked to develop terms of reference for an examination of the operations of the McPherson, including:
  - a) why is usage not higher?
  - b) why are users developing alternative facilities? (these questions need to be asked of current users and of nonusers who are potential users or actual past users)
  - c) if costs are indeed an issue, what factors are driving costs?
  - d) are there shortcomings in the facility?
  - e) how does the McPherson compare with other facilities both in terms of efficiency of operation and in terms of ability to attract private donations and government grants?
  - f) is usage is likely to continue to decline and operating losses to rise?

CARRIED UNANIMOUSLY 15/GPC

**Action:** It was moved by Councillor Madoff, seconded by Councillor Alto, that Committee recommends that Council direct staff to enter into discussions with the Capital Regional District, the Royal McPherson Theatre Society, the District of Saanich and the District of Oak Bay, and report back to Council with a strategy for increasing membership in the Capital Regional District McPherson Theatre Service, in order to place the funding of the McPherson Theatre on a more equitable long-term financial footing.

Committee discussed:

- The time and expertise required to facilitate the motion and the potential of hiring a consultant.
- Desire for a timely solution.

CARRIED UNANIMOUSLY 15/GPC

### **8.2 Motion – McKenzie Interchange**

Committee received a Council Member motion dated December 3<sup>rd</sup>, 2015, from Councillors Loveday and Young, providing information and recommendations on the McKenzie Interchange Project.

Committee discussed:

- Concerns about the proposed pedestrian interchange and bike path.
- The proposals lack of future planning.
- Desire for the interchange to embrace multiple forms of transportation.

**Action:** It was moved by Councillor Young, seconded by Councillor Isitt, that Committee recommends that Council approve the following motion: That the Mayor write to the appropriate Provincial and Federal government ministers expressing Victoria Council's concerns that the proposed designs for the McKenzie interchange do not provide sufficiently for future rapid bus or light rail transit or for bicycle connectivity.

CARRIED UNANIMOUSLY 15/GPC

### **8.3 Motion - Repatriating a Lekwungen Sacred Site**

Committee received a Council Member motion dated December 3<sup>rd</sup>, 2015, from Mayor Helps as well as Councillors Alto and Thornton-Joe, providing information and recommendations on a proposal to return a portion of the Esquimalt and Songhees Nation's traditional territory for their use as a traditional Long House.

**Action:** It was moved by Councillor Alto, seconded by Councillor Thornton-Joe, that Committee recommends that Council approve the following motion:

RESOLVED that the City of Victoria return to the Esquimalt and Songhees People a portion of their traditional territories, that being the area on which the 'Checkers Pavilion' now rests, for their use as a site to build a traditional

Long House, to be used for First Nations cultural and educational activities, in perpetuity,

FURTHER RESOLVED that City staff be directed to work with the Songhees and Esquimalt People to (1) complete the raising of a First Nations Long House on this site before the end of 2017, to complement the celebration of Canada's 150th anniversary; (2) collaborate with the Esquimalt and Songhees people in applying for federal and provincial government funding support; and (3) provide advice and expertise to the project,

FURTHER RESOLVED that City deconstruct the existing Checkers Pavilion and prepare the site as necessary for Long House construction,

FURTHER RESOLVED that Council direct staff to expend the balance of funds remaining in the 2015 Strategic Priorities Fund (up to \$32,000) to deconstruct the existing Checkers Pavilion (estimated cost: approximately \$15,000) and pay for such other related costs as necessary to expedite the start of this initiative.

Councillor Alto provided Committee with some background on the motion.

Committee discussed:

- Human Rights in Canada and the Truth and Reconciliation.
- The letters received from the Chiefs of the Esquimalt and Songhees First Nation's.
- Concerns about excavation or underground work as there is potential the site was used as a burial grounds.
- The current state of the building and desire to naturalize the site.
- The suitability of a Long House for the site.
- Safety concerns with the lack of utilities.
- Ensuring the potential issues are considered such as funding, security, and parking.

*Councillor Thornton-Joe left the meeting at 3:29 p.m.*

Committee discussed:

- Funding issues with past proposals for the Checker's Pavilion site.
- Issues such as safety and security because of the sites location.
- Defining "return" of land.
- Facilitating a region wide educational workshop.

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## 9. REPORTS FOR INFORMATION

### 9.1 Update to Facility Conditions Assessment

Committee received a report dated November 23<sup>rd</sup>, 2015, from the Parks, Recreation and Facilities Department providing an update to the Facilities Condition Assessment as requested by Council.

Committee discussed:

- Concerns about the properties being left out of the original assessment.
- Desire for staff to bring forward an estimate for the refurbishment of the buildings.

**Action:** It was moved by Councillor Coleman, seconded by Councillor Thornton-Joe, that Committee recommends that Council receive the report for information.

CARRIED UNANIMOUSLY 15/GPC

### 9.2 Public Engagement for Johnson Street Bridge Public Realm Areas

Committee received a report dated November 27<sup>th</sup>, 2015, from the Citizen Engagement and Strategic Planning Department providing information on the outcomes of the Johnson Street Bridge Public Realm Workshop and an outline of the proposed next steps for broader public input.

Committee discussed:

- The process for bringing forward the public feedback.
- Concerns about the material being submitted for public feedback before Council is able to review it.

**Action:** It was moved by Councillor Madoff, seconded by Councillor Alto, that Committee recommends that Council receive this report for information.

CARRIED UNANIMOUSLY 15/GPC

### 9.3 Councillor Sharing

Councillor Thornton-Joe acknowledged the recent Honours Ceremony held for the Victoria Police and shared some highlights from the ceremony

**Action:** It was moved by Councillor Coleman, seconded by Councillor Madoff, that the Governance & Priorities Committee convene a Closed meeting that excludes the public under Section 12(6) of the *Council Bylaw* for the reason that the following agenda item deals with matters specified in Sections 12(3) and/or (4) of the Council Bylaw, namely:

- Section 12(3)(a) Personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the City or another position appointed by the City.
- Section 12(3)(e) The acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure might reasonably be expected to harm the interests of the City.
- Section 12(3)(i) The receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- Section 12(4)(b) The consideration of information received and held in confidence relating to negotiations between the City 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.

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## 10. CLOSED MEETING AT 4:07 P.M.

### Committee Members Present:

Councillor Loveday in the Chair; Councillors Alto, Coleman, Isitt, Lucas, Madoff, Thornton-Joe and Young.

### Absent:

Mayor Helps

### Staff Present:

J. Johnson – City Manager; J. Jenkyns – Deputy City Manager; C. Coates – City Clerk; T. Zworski – City Solicitor; S. Thompson – Director of Finance; K. Hamilton – Director of Citizen Engagement & Strategic Planning; J. Tinney – Director of Sustainable Planning & Community Development; T. Soulliere – Director of Parks, Recreation & Facilities; F. Work – Director of Engineering & Public Works; P. Bruce – Fire Chief; J. Schmidt – Manager of Legislative Services; J. Handy – Senior Planner – Legal Agreements; M. Chudley – Policy Analyst; C. Mycroft – Executive Assistant to the City Manager; A. Ferguson – Recording Secretary.

## 11. ADOPTION OF MINUTES

### 11.1 Minutes from the Closed Meeting held November 5, 2015

#### Action:

It was moved by Councillor Alto, seconded by Councillor Lucas, that the Minutes from the Closed Meeting held November 5<sup>th</sup>, 2015 be adopted.

CARRIED UNANIMOUSLY 15/GPC

## 12. DECISION REQUESTS

### 12.1 Land\Legal Advice

Committee received a report dated December 2<sup>nd</sup>, 2015, from the City Solicitor and the City Clerk regarding land\legal items.

The discussion and motion were recorded and kept confidential.

### 12.2 Committee Appointments – Advisory Design Panel

Committee received a report dated November 23<sup>rd</sup>, 2015, from the City Clerk regarding Committee Appointments.

The discussion and motion were recorded and kept confidential.

### 12.3 Committee Appointments – Art in Public Places Committee

Committee received a report dated November 23<sup>rd</sup>, 2015, from the City Clerk regarding Committee Appointments.

The discussion and motion were recorded and kept confidential.

### 12.4 Committee Appointments - Greater Victoria Public Library Committee

Committee received a report dated November 23<sup>rd</sup>, 2015, from the City Clerk regarding Committee Appointments.

The discussion and motion were recorded and kept confidential.

### 12.5 Committee Appointments - Heritage Advisory Panel

Committee received a report dated November 23<sup>rd</sup>, 2015, from the City Clerk regarding Committee Appointments.

The discussion and motion were recorded and kept confidential.

### 12.6 Committee Appointments – Victoria Family Court and Youth Justice Committee

Committee received a report dated November 23<sup>rd</sup>, 2015, from the City Clerk regarding Committee Appointments.

The discussion and motion were recorded and kept confidential.

**13. ADJOURNMENT**

**Action:** It was moved by Councillor Coleman, seconded by Councillor Madoff, that the Governance & Priorities Committee meeting of December 3<sup>rd</sup>, 2015, be adjourned at 4:56 p.m.

CARRIED UNANIMOUSLY 15/GPC

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Mayor Helps, Chair

DRAFT





# ***Overview of BC's Access & Privacy Law***

David Loukidelis QC  
Associate Counsel  
Young Anderson

## *Today's Goals*

- Overview of the privacy and FOI context for local governments in BC
- Brief history of purposes and policies of the law
- Survey of the mechanics of the law
- Key points to remember

## *Origins of Access & Privacy Laws*

- Freedom of information laws have now spread worldwide
- US Great Society reforms of the 1960s and the US federal *Freedom of Information Act*
- Canadian legislation starting in the 1970s, driven by MPs
- Privacy laws starting late 1960s in EU and US (Church Commission and state abuses)
- Laws in all territories and provinces now

## ***Legislative Goals***

- *Freedom of Information and Protection of Privacy Act* aims to make public bodies more open, and accountable, to the public (s. 2(1))
- Gives “the public” a right of access to records
- FOI is a quasi-constitutional right (SCC)
- Limits public bodies’ collection, use and disclosure of personal information
- Constrains state power in doing so

## ***Coverage of the Act***

- Applies to more than 2,200 public bodies in BC
- All ministries, Crown corporations and agencies
- Local governments, school boards, universities, colleges, police services, health authorities and hospitals
- Professional governing bodies for lawyers, doctors, nurses, engineers, dentists, etc.

## ***How FOI Works in BC***

- Right of access to any “record” in the “custody or under the control” of a public body
- A record is any thing on or in which information is recorded (paper or electronic)
- Exceptions to application of Act to certain records in the in the custody or under the control of a public body (e.g., academic records, judicial records)
- Custody and control can be slippery concepts

## *Custody*

- Physical possession not enough to have custody
- Example: personal papers of employees
- Public body must have some right to deal with the record
- To what extent has the record been relied on or used by the public body?
- Was the record created by a public body employee acting in the course of her or his duties?

## *Custody*

- Does its content relate to the public body's mandate and functions?
- Is the record integrated with public body records?
- What is the nature and purpose of the record?
- ON case of minister's constituency records in ministerial office
- Kept in separate files, not integrated: bare possession thus not sufficient



## ***Control***

- Control issue arises where another person possesses the record (including an employee, elected official or contractor)
- Who created the record in the first place? An employee or contractor?
- Does the record relate to your business or functions?
- Can you control use or further disclosure of the record?

## ***Control***

- Several factors to be considered
  - Content of the record
  - Circumstances in which it was created
  - Legal relationship between the government institution and the record holder
- Control issue arises in many relationships: employment, service provider, commissions or boards, corporate subsidiaries
- Deal with the issue up front, don't leave it to chance

## ***Control***

- Use of personal email addresses does *not* get around FOI
- If the email is business email, doing the public's business, it is not somehow exempt from the law's reach
- Public bodies should have policy on use of personal email for public business
- Again, deal with the issues up front, provide certainty

## *How the Access Process Works*

- Written request
- Duty to assist requesters and respond in a timely, open and accurate way (IR F15-03)
- Requester's duty to provide sufficient detail
- Timelines for response (30 business days), extensions
- Fees and fee exemptions (public interest test)
- Transfers of requests to other public bodies

## *All Rights Have Limits*

- Right of access is not absolute
- The law recognizes the public interest in protecting certain information
- Like all FOI laws, BC's law protects a range of information from disclosure to the public
- To ensure only information that should remain secret is withheld, the law provides for independent review by the Information and Privacy Commissioner

## ***What Are the Limits?***

- Cabinet confidences (s. 12(1))
- Local public body confidences (*in camera* council meetings, properly constituted) (s. 12(3))
- Advice or recommendations (including factual matrix) (s. 13)
- Legal privilege (s. 14)
- Harm to law enforcement (s. 15)
- Inter-governmental relations and confidences (s. 16)

## ***What Are the Limits?***

- Harm to the public body's financial interests (s. 17)
- Harm to cultural or anthropological sites or objects (s. 18)
- Threats to individual or public safety (s. 19)
- Information that will be published (soon) (s. 20)
- Third-party commercial interests (s. 21)
- Third-party personal privacy (s. 22)

## *Where Does the Burden Lie?*

- Strong default that entire records must be disclosed
- Only information that is protected may be withheld
- Must be severed from the record if it can reasonably be done
- Public body pretty well always has the burden of proving it has properly withheld information
- Exceptions for third-party information



# *Appeals & Enforcement*

- Free right of appeal to the OIPC
- Mediation will be attempted
- Inquiry (appeal) held if mediation fails
- Adjudicator issues decision
- Decisions (orders) are binding and enforceable in the superior court
- Judicial review of orders is available (generally on a deferential standard)

## ***Privacy & Public Bodies***

- Privacy is constitutionally protected (*Charter*, UN human rights covenant, EU law)
- Urbanization and technological advances have fuelled its increased prominence
- BC law, as other such laws, imposes limitations on public bodies' collection, use and disclosure of "personal information"
- No 'right to privacy' *per se* in BC's law

## ***What is Personal Information?***

- Information “about an identifiable individual”
- Biographical core, substantive relation to the individual?
- What about identifiability?

## ***Limits on Collection***

- A local government may only collect personal information necessary and directly related to a program or activity (fairly generous)
- Statutory authority
- Law enforcement

## *Limits on Use & Disclosure*

- Can only use personal information for the purpose for which it was collected
- Or a consistent purpose
- Or where statutorily authorized

# *Protecting Personal Information*

- Must take reasonable measures to protect personal information from loss, improper use or disclosure, etc.
- Technology neutral, always evolving with threats
- Right of access to one's own personal information is strong
- Right to request correction (not to require)

## ***Privacy Impact Assessments***

- Assessing the compliance and risks in new programs or activities involving personal information
- Must be done according to ministerial directions
- Some must be given to the OIPC for comment
- A practical tool for compliance with the privacy rules

## ***Conclusion***

- The law has been here for over 20 years
- It continues to grow more complex all the time, both in FOI and privacy
- But the contours of the rules are well-established and discernible