

**Subject: [Fwd: Local Government Act Requirements]**

**Date:** Mon, 17 Dec 2001 15:29:06 -0800

**From:** Brian Platts <brian\_platts@telus.net>

**To:** Corrie Kost <kost@triumf.ca>

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**Subject: Re: Local Government Act Requirements**

**Date:** Mon, 17 Dec 2001 23:27:34 +0000 (GMT)

**From:** Elizabeth James <cagebc@yahoo.com>

**To:** Agnes Hilsen <ahilsen@district.north-van.bc.ca>, Ernie Crist <CristE@district.north-van.bc.ca>

**CC:** Mayor and Council - DNV <Council@district.north-van.bc.ca>, FONVCA <fonvca@fonvca.org>

Ms. Hilsen:

"Ms. Cage" is *The Coalition for Accountability in Government Enterprises* otherwise known as CAGE-BC. I am the Chairperson of that organization, and my name is Liz James.

*Sincerely*

**Agnes Hilsen** <ahilsen@district.north-van.bc.ca> wrote:

Councillor Crist:

Since you have stated in your December 16 email to Ms Cage that a violation of Section 242.2 of the Local Government Act occurred at the December 3 Closed meeting of Council, I am forwarding a copy of your email to the members of Council for their information.

Without breaching the confidentiality of the December 3 closed meeting, I will once again confirm that the subject matter met the requirements for closure under section 242.2(1). That section states that the council meeting may be closed if the subject matter being considered relates to personal information about an identifiable individual who holds a position as an officer or employee of the municipality. This was the case at the December 3 meeting.

From time to time, there may be issues discussed at a closed meeting which would normally be considered at a public! meeting, if the subject matter being considered relates to one or more of the topics listed under Section 242.2(1). This was the case at the December 3 meeting.

In your email, you state "In the final analysis, it is the duty of the Clerk to insure that any particular item discussed meets the criteria laid out in Section 242.2 of the Local Government Act.". As I indicated in my responses to Mr. Kost and Mr. Sadler on this subject, that criteria was met. I would add that I have received a legal opinion in this regard which indicates there was no violation of the Local Government Act.

Agnes Hilsen  
Municipal Clerk

> -----Original Message-----

> From: Ernie Crist  
> Sent: December 16, 2001 11:43 PM  
> To: 'cagebc@yahoo.com'  
> Cc: Agnes Hilsen  
> Subject: Response to your enquiry re Restriction to access of  
> information.

>

>

> Dear Ms James:

>

> What prompted me to send an e-mail to Mayor and Council with copies going  
> to Fonvca and my community list which among others, includes Cage BC,  
> was my concern about an item being discussed and acted upon by Council at  
> a closed meeting on Dec. 3-2001 which, in my opinion, was in violation of  
> section 242'2 of the Local Government Act.

>

> I see from your enquiry to Ms. Hilsen, the District Clerk, with copy to  
> Mayor and Council, that this is also of concern to Cage BC. It is also a  
> matter of concern to other community leaders including Mr. David Sadler  
> as well as other individuals.

>

> My concern was not merely in relation to the violation of the criteria  
> pertaining to this item being discussed in a closed session of Council  
> without meeting the requirements of the Act, but also regarding the  
> substance of the decision passed by Council at that closed meeting.

>

> As I stated in my subsequent letter to Mayor and Council, " I wish to  
> register once again my strongest possible objection to the In Camera  
> Council decision of Dec. 3-2001 pertaining to requests from the public  
> for information " "This latest action constitutes nothing less than a  
> blatant attempt to intimidate, harass and prevent the public from  
> obtaining accurate information and denying the public's right to be  
> treated with professional respect". In this regard you Ms James have  
> pointed to at least one such instance where both Council and the public  
> received incomplete and, in fact, misleading information.

>

> When Mr. Sadler, in his e-mail to Ms. Hilsen, voiced his concern about  
> this issue he stated "It is my understanding that the topic of request  
> from the public for information does not qualify as a subject to be  
> discussed in-camera under the Local Government Act. I would appreciate  
& gt; an explanation".

>

> In response, Ms. Hilsen, the District Clerk, wrote the following: "In  
> accordance with Council's Procedure Bylaw, items dealt with at a closed  
> meeting of Council are considered confidential until the decision is  
> released, either by the Mayor or by resolution of Council. I will not  
> comment specifically on the letter to which you refer, since neither the  
> Mayor nor Council have released any such decision".

>

> Ms Hilsen continued: "In general terms, I will advise that all items  
> which are discussed at a closed meeting, must meet the criteria as set  
> out in section 242' 2 of the Local Government Act. A policy issue such as  
> the one to which your refer could only be discussed at a closed meeting if

