

## Politicians make too many decisions in secret

### Journalists and citizens should demand a B.C. open-meetings law with teeth

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Citizens should thank the leaker of the documents relating to Vancouver city council's recent loan guarantee to the developer of the Olympic athletes' village. Those who kept the secret to themselves should be ashamed.

We elect officials to represent us, not to hide tough decisions from us. "Sunlight," U.S. Supreme Court Justice Louis Brandeis once said, "is the best disinfectant."

Last month, Vancouver council decided -- in secret -- to guarantee a \$100-million loan to cover cost over-runs on construction of the \$1.1-billion athletes' village on the southeast shore of False Creek. Council decisions, especially those involving use of taxpayer money, should be made in the open, with few exceptions.

But there are too many clouds surrounding meetings in the Vancouver area. When meetings are held in secret, rumours spread. Residents wonder what really happened. Inevitably, public officials leak some information, but leave out key facts.

Closed meetings are undemocratic; officials meeting behind closed doors may abuse their power.

Too often citizens are handed euphemisms instead of information. Officials call for an "in camera" session or an "executive" session. The double-speak belies the true nature of such meetings: secrecy.

Secret meetings are far too common.

Earlier this month, candidates for the municipal council of Bowen Island held a secret meeting with a developer and initially tried to prevent a newspaper reporter from attending.

Last month, behind closed doors, New Westminster city officials discussed building a school at Grimston Park, a move opposed by many residents who don't want to lose green space. Residents found out about the plans only two weeks later and then organized a rally to keep the park.

Citizens have a right to protest. But they can't do so when officials withhold the very information that would lead residents to rally.

Each month, the Langley school board holds one public meeting and three closed meetings. Last month, Wendy Johnson, as a school trustee candidate, rightly called for all board meetings to be open. Her push for openness was a factor in her election earlier this month, as residents told her they want more transparency, she said.

The board's closed meetings illustrate the holes in the province's public-meetings provisions, as other laws can supersede them. The School Act broadly allows boards to close meetings if "in the opinion of the board, the public interest so requires."

Do Langley school trustees know in advance that three-fourths of their meetings should be closed "in the public interest?"

Before closing a meeting, a public body must pass a resolution in public, stating one of the permitted reasons for shutting out the public.

Last month, Vancouver council cited four reasons for its secrecy in discussing the loan guarantee for Millennium Development. The one that appears to be related to the guarantee: "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 city."

But the council didn't discuss buying, disposing or taking away property or improvements. It discussed offering a loan guarantee to a private company.

Some have said that disclosure of the loan could hurt the developer. But the council can only ban the public if the disclosure "harms the interests of the city."

Citizens opposed to the additional \$100-million loan guarantee may argue that the loan itself may harm the city -- and hurt politicians who chose to make the loan.

But discussing the loan in public would benefit the city and its residents. Taxpayers have a right to know how officials spend their money.

A citizen in St. John, N.B., upset by such expenditures being discussed in private, recently summed up his opposition well at a council meeting there: "Don't play with our money behind closed doors."

British Columbia should look to New York for a strong public-meetings law that prohibits spending public money in a closed session.

Also in New York, the open-meetings law explicitly states that a judge can void any decisions illegally made behind closed doors. In B.C., officials found to violate the public-meetings provisions are merely told to comply with the law in the future.

To prevent secrecy, citizens and journalists must be familiar with the open-meetings law and require officials to cite one of the subsections of the charter to justify their closed sessions.

Citizens and journalists should complain when meetings appear to be closed in violation of the open-meetings provisions and request documents from such sessions under the Freedom of Information Act, appealing to the Office of the Information and Privacy Commissioner, if necessary.

If a meeting was held in violation of the open-meetings provisions, the commissioner could force the public entity to release the documents.

Journalists must fight to defend their -- and the public's -- right to attend and report on public meetings. The Canadian Association of Journalists' statement of principles says journalists must be vigilant to ensure that the public's business continues to be conducted in public.

Open-meetings provisions must place more limitations on actions that public bodies may take in private.

In addition, officials must face consequences for violating the open-meetings law. Journalists and citizens should demand an open-meetings law that has teeth.

Richard J. Dalton, Jr., a freelance journalist, recently moved to Vancouver from New York, where he worked at Newsday, a daily newspaper.

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