Subject: FW: Response to your enquiry re Restriction to access of informat ion.

Date: Mon, 17 Dec 2001 10:51:20 -0800
 From: Ernie Crist <CristE@district.north-van.bc.ca>
 To: "FONVCA (E-mail)" <fonvca@fonvca.org>

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

> From: Ernie Crist

> Sent: Sunday, 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:

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> 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

> an explanation".

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> 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

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> 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

> it relates to one of the subject matters outlined in section 242.2".

>

> This, Ms James, brings us to the crux of the matter. To put it simply, the

> criteria as set out in section 242'2 of the Local Government Act

> pertaining to this issue were not met. The Act was violated. The subject

> matter did not qualify to be discussed in closed session. It was

> subsequently my decision to ignore normal protocol under which I would be

> compelled not to divulge this information to the public. Instead I treated

> Council's decision as ultra-vires and subsequently irrelevant.

>

> This is to say that, in my opinion, the implications of the matter were

> so significant to the public interest and the case of being bound by the

> requirements not to divulge the decision passed by Council at this closed

> session so specious, that I decided to bring this matter to the public's

> attention. At the same time I used the opportunity to repeat my own

strong objection to the decision that was being made by Council re this
 matter.

>

> As a final note I need to point out that, notwithstanding Ms Hilsen's
> claim that items discussed at a closed session may not be released to the
> public except by Council decision, this only applies if the criteria as
> set in the Act are being met, which is indeed the purpose of this section
> in the first place. 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.

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> Yours truly,

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> Ernie Crist

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