



Mayor Pat Fiacco
City of Regina

July 22, 2009

Canadian Taxpayers Federation
108-435 Victoria Avenue E.
REGINA SK S4N 0N7

Attention: Mr. Lee Harding

Dear Mr. Harding:

Re: Access to Information Request 2009G-01 – Mosaic Stadium

Thank you for your access to information request received on June 12, 2009 requesting access to:

“The report given to exec committee on February 14, 2008 regarding Mosaic Stadium renewal, a copy of the conceptual design shared by the Roughriders with exec committee, and the Mosaic Stadium audit submitted in March 2007.”

We have processed your access request and the records which have been cleared for access is the “Mosaic Stadium at Taylor Field Phase I Environmental Site Assessment” which was one of three booklets submitted as part of the audit. This will be released pursuant to subsection 17(2) of *The Local Authority Freedom of Information and Protection of Privacy Act (LAFOIPP)* stating that we must give access to a record that contains the results of environmental testing carried out for the local authority.

The following have been withheld from release in full:

1. The February 14, 2008 report and the conceptual design shared by the Roughriders:
 - The report and conceptual design were submitted before private Executive Committee and are therefore not being released pursuant to 94(2) of *The Cities Act*, subsections 15(1)(b)(ii) and 16(1)(a)(c) and (e) of LAFOIPP and Schedules A and B of Bylaw 9004, The Procedure Bylaw which allows for Council and Council committees to close all or part of their meetings to the public. This information has not been placed before and approved by City Council. When it has, the information provided to City Council will become a public document.



OFFICE OF THE MAYOR

Queen Elizabeth II Court • Box 1790 • Regina, Saskatchewan S4P 3C8 • Ph: (306) 777-7339 • Fax: (306) 777-6824



- We have received representations from the third party in regards to the records in question, have taken those representations into consideration and have decided not to release the information pursuant to subsections 18(1)(a)(b) and (c)(ii) and (iii) of LAFOIPP.

However, pursuant to section 36(2)(a) of *The Local Authority Freedom of Information and Protection of Privacy Act* both you and the third party have 20 days from receipt of this notice to request a review of this decision by the Office of the Information and Privacy Commissioner. For your information, sections 36 and 38 of LAFOIPP apply to the review process.

2. The two booklets submitted as part of the audit (Mosaic Stadium at Taylor Field Site and West Stands and Mosaic Stadium at Taylor Field East Stands and Miscellaneous Areas) have been withheld from release in full because of pending policy or budgetary decisions pursuant to subsections 16(1)(a)(c) and (e) and subsections 17(1)(b)(d)(e) and (f) of LAFOIPP.

For your information, I have included a copy of all above-noted sections of the Act.

If you would like to exercise your right to request a review of the decision to withhold records, you may do so by completing the enclosed "Request for Review" form and forwarding it to the Saskatchewan Information and Privacy Commissioner, #503 – 1801 Hamilton Street, Regina, Saskatchewan, S4P 4B4 within one year from this notice.

Prior to providing you with the Mosaic Stadium at Taylor Field Phase I Environmental Site Assessment we request that you remit \$29.25 + \$1.46 GST for a total of \$30.71 to cover the costs of photocopying (117 pages @ \$.25 per page) as required by subsection 5(2)(a) of LAFOIP Regulations.

If you have any questions, please contact Darlene Loucks, Access Administrator at 777-7070.

Sincerely,



Pat Fiocco
Mayor

/del

Enclosure(s)

c. C-11.1

CITIES

(2) Within a reasonable time after receiving a request, the clerk shall furnish the copies requested on payment of any fee that the council may fix.

(3) For the purposes of subsection (2), the fee set by council must not exceed the reasonable costs incurred by the city in furnishing the copies.

2002, c.C-11.1, s.91; 2006, c.4, s.8.

Evidence of documents

92 A copy of any book, record, document or account certified under the hand of the clerk and under the seal of the city is admissible in evidence as proof of its contents without any further or other proof.

2002, c.C-11.1, s.92.

PART VI
Public Accountability

Actions in public

93(1) An act or proceeding of a council is not effective unless it is authorized or adopted by a bylaw or a resolution at a duly constituted public meeting of the council.

(2) An act or proceeding of a council committee is not effective unless it is authorized or adopted by a resolution at a duly constituted public meeting of the committee or council.

(3) Everyone has a right to be present at council meetings and council committee meetings that are conducted in public unless the person presiding at the meeting expels a person for improper conduct.

2002, c.C-11.1, s.93; 2003, c.19, s.17.

Meetings to be in public, exceptions

94(1) Subject to subsections (2), (3) and (4), councils and council committees are required to conduct their meetings in public.

(2) Councils and council committees may close all or part of their meetings to the public if the matter to be discussed is within one of the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.

(3) Any committee or other body that is established by council pursuant to clause 55(a) solely for the purpose of hearing appeals may deliberate and make its decisions in meetings closed to the public.

**LOCAL AUTHORITY FREEDOM OF INFORMATION
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c. L-27.1

- (c) interfere with a lawful investigation or disclose information with respect to a lawful investigation;
 - (d) be injurious to the local authority in the conduct of existing or anticipated legal proceedings;
 - (e) reveal investigative techniques or procedures currently in use or likely to be used;
 - (f) disclose the identity of a confidential source of information or disclose information furnished by that source with respect to a lawful investigation or a law enforcement matter;
 - (g) deprive a person of a fair trial or impartial adjudication;
 - (h) facilitate the escape from custody of an individual who is under lawful detention;
 - (i) reveal law enforcement intelligence information;
 - (j) facilitate the commission of an offence or tend to impede the detection of an offence;
 - (k) interfere with a law enforcement matter or disclose information respecting a law enforcement matter;
 - (l) reveal technical information relating to weapons or potential weapons; or
 - (m) reveal the security arrangements of particular vehicles, buildings or other structures or systems, including computer or communication systems, or methods employed to protect those vehicles, buildings, structures or systems.
- (2) Subsection (1) does not apply to a record that:
- (a) provides a general outline of the structure or programs of a law enforcement agency; or
 - (b) reports, by means of statistical analysis or otherwise, on the degree of success achieved in a law enforcement program.

1990-91, c.L-27.1, s.14; 2003, c.29, s.33.

Documents of a local authority

15(1) A head may refuse to give access to a record that:

- (a) contains a draft of a resolution or bylaw; or
- (b) discloses agendas or the substance of deliberations of meetings of a local authority if:
 - (i) an Act authorizes holding the meetings in the absence of the public; or
 - (ii) the matters discussed at the meetings are of such a nature that access to the records could be refused pursuant to this Part or Part IV.

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11
c. L-27.1

(2) Subject to section 29, a head shall not refuse to give access pursuant to subsection (1) to a record where the record has been in existence for more than 25 years.

1990-91, c.L-27.1, s.15.

Advice from officials

16(1) Subject to subsection (2), a head may refuse to give access to a record that could reasonably be expected to disclose:

- (a) advice, proposals, recommendations, analyses or policy options developed by or for the local authority;
- (b) consultations or deliberations involving officers or employees of the local authority;
- (c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the local authority, or considerations that relate to those negotiations;
- (d) plans that relate to the management of personnel or the administration of the local authority and that have not yet been implemented; or
- (e) information, including the proposed plans, policies or projects of the local authority, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.

(2) This section does not apply to a record that:

- (a) has been in existence for more than 25 years;
- (b) is an official record that contains a statement of the reasons for a decision that is made in the exercise of a discretionary power or an adjudicative function;
- (c) is the result of product or environmental testing carried out by or for a local authority, unless the testing was conducted:
 - (i) as a service to a person, a group of persons or an organization other than the local authority, and for a fee; or
 - (ii) as preliminary or experimental tests for the purpose of:
 - (A) developing methods of testing; or
 - (B) testing products for possible purchase;
- (d) is a statistical survey;
- (e) is the result of background research of a scientific or technical nature undertaken in connection with the formulation of a policy proposal; or
- (f) is:
 - (i) an instruction or guide-line issued to the officers or employees of a local authority; or

**LOCAL AUTHORITY FREEDOM OF INFORMATION
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(ii) a substantive rule or statement of policy that has been adopted by a local authority for the purpose of interpreting an Act, regulation, resolution or bylaw or administering a program or activity of the local authority.

(3) A head may refuse to give access to any report, statement, memorandum, recommendation, document, information, data or record, within the meaning of section 10 of *The Evidence Act*, that, pursuant to that section, is not admissible as evidence in any legal proceeding.

1990-91, c.L-27.1, s.16; 2006, c.19, s.10.

Economic and other interests

17(1) Subject to subsection (3), a head may refuse to give access to a record that could reasonably be expected to disclose:

- (a) trade secrets;
- (b) financial, commercial, scientific, technical or other information:
 - (i) in which the local authority has a proprietary interest or a right of use; and
 - (ii) that has monetary value or is reasonably likely to have monetary value;
- (c) scientific or technical information obtained through research by an employee of the local authority, the disclosure of which could reasonably be expected to deprive the employee of priority of publication;
- (d) information, the disclosure of which could reasonably be expected to interfere with contractual or other negotiations of the local authority;
- (e) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the local authority, or considerations that relate to those negotiations;
- (f) information, the disclosure of which could reasonably be expected to prejudice the economic interest of the local authority; or
- (g) information, the disclosure of which could reasonably be expected to result in an undue benefit or loss to a person.

(2) A head shall not refuse, pursuant to subsection (1), to give access to a record that contains the results of product or environmental testing carried out by or for the local authority, unless the testing was conducted:

- (a) as a service to a person, a group of persons or an organization other than the local authority, and for a fee; or
- (b) as preliminary or experimental tests for the purpose of:
 - (i) developing methods of testing; or
 - (ii) testing products for possible purchase.

(3) The head of the University of Saskatchewan, the University of Regina or a facility designated as a hospital or a health centre pursuant to *The Regional Health Services Act* may refuse to disclose details of the academic research being conducted by an employee of the university, hospital or health centre, as the case may be, in the course of the employee's employment.

(4) Notwithstanding subsection (3), where possible, the head of the University of Saskatchewan, the University of Regina or a facility designated as a hospital or a health centre pursuant to *The Regional Health Services Act* shall disclose:

- (a) the title of; and
- (b) the amount of funding being received with respect to;

the academic research mentioned in subsection (3).

1990-91, c.L-27.1, s.17; 2002, c.R-8.2, s.105.

Third party information

18(1) Subject to Part V and this section, a head shall refuse to give access to a record that contains:

- (a) trade secrets of a third party;
- (b) financial, commercial, scientific, technical or labour relations information that is supplied in confidence, implicitly or explicitly, to the local authority by a third party;
- (c) information, the disclosure of which could reasonably be expected to:
 - (i) result in financial loss or gain to;
 - (ii) prejudice the competitive position of; or
 - (iii) interfere with the contractual or other negotiations of;a third party; or
- (d) a statement of a financial account relating to a third party with respect to the provision of routine services from a local authority.

(2) A head may give access to a record that contains information described in subsection (1) with the written consent of the third party to whom the information relates.

(3) Subject to Part V, a head may give access to a record that contains information described in clauses (1)(b) to (d) if:

- (a) disclosure of that information could reasonably be expected to be in the public interest as it relates to public health, public safety or protection of the environment; and
- (b) the public interest in disclosure could reasonably be expected to clearly outweigh in importance any:
 - (i) financial loss or gain to;
 - (ii) prejudice to the competitive position of; or
 - (iii) interference with contractual or other negotiations of;a third party.

1990-91, c.L-27.1, s.18.

CHAPTER L-27.1 REG 1

The Local Authority Freedom of Information and Protection of Privacy Act

Title

1 These regulations may be cited as *The Local Authority Freedom of Information and Protection of Privacy Regulations*.

Interpretation

2 In these regulations:

(a) “Act” means *The Local Authority Freedom of Information and Protection of Privacy Act*;

(b) “**employment reference**” means personal information that is evaluative or opinion material compiled solely for the purpose of describing an individual’s suitability, eligibility or qualifications for employment.

16 Jly 93 cL-27.1 Reg 1 s2.

Local Authorities prescribed

3(1) For the purposes of subclause 2(f)(v) of the Act, the bodies set out in Part I of the Appendix are prescribed as local authorities.

(2) For the purposes of subclause 2(f)(xvii) of the Act, the bodies set out in Part II of the Appendix are prescribed as local authorities.

16 Jly 93 cL-27.1 Reg 1 s3; 11 Jly 97 SR 58/97 s3.

Applications

4 For the purposes of clause 6(1)(a) of the Act, Form A of Part III of the Appendix is the form prescribed for applications for access to records.

16 Jly 93 cL-27.1 Reg 1 s4.

Fees

5(1) An application fee of \$20 is payable at the time an application for access to a record is made.

(2) Where access to a record or part of a record is given by providing the applicant with a copy of the record, the following fees are payable at the time when access is given:

(a) for a photocopy, \$0.25 per page;

(b) for a computer printout, \$0.25 per page;

(c) for a paper print from microfilm, \$0.50 per page;

(d) for 16 millimetre microfilm duplication, non-silver, \$32 per 30.5 metre reel;

(e) for 35 millimetre microfilm duplication, non-silver, \$35 per 30.5 metre reel;

City of Regina Bylaw #9004

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available from the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

SCHEDULE "A"

STATEMENT OF POLICY

The Council of the City of Regina, in recognition not only of the requirements of *The Cities Act* but also its commitment to the principle that the "public business should be conducted in public" hereby affirms that it is a fundamental principle of the Council of the City of Regina that:

- (1) All meetings of standing and special committees of the Council shall be held openly and no person is to be excluded except for improper conduct.
- (2) Council and Council Committees may close all or part of their meetings to the public:
 - (a) if the matter to be discussed is within one of the exemptions in Part III of *The Local Authority Freedom of Information and Protection and Privacy Act*;
 - (b) if it is a committee or other body established by Council solely for the purpose of hearing appeals, to deliberate and decide an appeal;
 - (c) for the purpose of long-range or strategic planning, but no other business may be transacted at that meeting; or
 - (d) to allow a member of a committee to report to Executive Committee, on their own initiative or upon request of Council.
- (2) Notwithstanding Section (1), any member of a committee may, at his or her discretion or on request of Council, report to the closed session of an Executive Committee meeting.
- (3) The Council of the City of Regina hereby directs the City Clerk and the City Manager to take whichever measures they may deem necessary to ensure the implementation of this policy and the continued observance of its contents.
- (4) The Administration shall, on a semi-annual basis, review the confidential minutes of all Executive Committee meetings, and report to the Executive Committee on those items that are no longer confidential in nature and that may be released to the public.
- (5) Should the committee, while meeting in private, be of the view that a particular agenda item ought not to be considered in private, the committee shall not take up that item but shall:

- (1) Refer it directly to City Council; or
- (2) Direct that it be placed on the public agenda of the next meeting of the committee; or
- (3) Permit the City Manager to withdraw the matter.
- (6) Advisory committees shall be formed by City Council pursuant to *The Cities Act* only upon recommendation of the standing committees with their purpose to provide input and advisement from the community to the standing committees beyond that which is able to be achieved through the public consultation and input process available to all citizens.
- (7) The Administration shall provide liaison representation at the advisory committees to share information.
- (8) Advisory Committees shall:
 - (a) report to their standing committee, through a communication signed by their Chair or Vice Chair; and
 - (b) provide an annual report to their standing committee reviewing the activities of the advisory committee, over the past year, together with a recommendation on the need to continue the advisory committee.
- (9) The advisory committees, in their reports to the standing committees, can include a request for the Administration to pursue initiatives, research or report but that work would only be pursued by the Administration if authorized or directed by the standing committee, City Council or the City Manager.
- (10) The advisory committee shall consider matters referred to it by the standing committee, City Council or the Administration for input and advisement or any matter they wish to initiate within their purview.
- (11) When an advisory committee is disbanded, the Administration shall report to the Executive Committee on the committee's completion of the terms of reference.

(#9704, s. 3, 1995; #9782, s. 6, 1996; #2003-60, s. 17, 2003; #2004-83, s. 6, 2004; #2004-104 ss. 2 and 3, 2004)

SCHEDULE "B"

ACCESS TO MUNICIPAL INFORMATION AND PROTECTION OF INDIVIDUAL PRIVACY

The purposes of this policy are:

- (a) to provide a right of access to information under the control of the City of Regina in accordance with the principles that:
 - (i) information should be available to the public,
 - (ii) necessary exemptions from the right of access should be limited,
 - (iii) decisions on the disclosure of information should be reviewed independently by the Council of the City of Regina, and
- (b) to protect the privacy of individuals with respect to personal information about themselves held by the City of Regina and to provide these individuals with a right of access to that information.

I. All Regina residents, including members of Council, enjoy the right to have access to all information under the control of The City of Regina with the exception of information which falls in the following categories:

- (i) Information, the publication of which is prohibited by law, whether by statute, regulation, bylaw, contract or common law;
- (ii) Information obtained in confidence, express or implied;
- (iii) Information of a personal or private nature respecting an identifiable individual or corporation, including but without restricting the generality of the foregoing:
 - (a) all City personnel and employment records;
 - (b) all utility account records;
 - (c) all correspondence from individuals and corporations to the City, other than that which was intended for Council or a committee of Council; and
 - (d) all information which, if released, would deny the right to privacy of any member of the community;
- (iv) Information the release of which could prejudice the financial interests of the City or which might result in an unfair competitive advantage to a party or parties seeking to do business with or in the City;

- (v) Information related to negotiations in progress, whether in connection with a civil action, contractual arrangement, purchase or sale of land, or otherwise;
 - (vi) Information in the possession of professionals employed by the City of Regina which, if released, would be in violation of professional ethics, and including investigatory records compiled for law enforcement purposes;
 - (vii) Information at a preliminary or development stage relating to any work in progress, including but not limited to studies, draft bylaws and reports requested by Council, a committee of Council, or a department of the City, prior to the completion of such work in progress, unless:
 - (a) the release of such information in a preliminary or development stage is authorized by the City Manager, or
 - (b) the release of such information in a preliminary or development stage has been authorized by Council pursuant to policies and procedures adopted by Council; and
 - (viii) Information obtained from other government bodies, unless release of that information is authorized by the government body supplying the information.
- II. That, upon request, a member of Council may be given access to complete or incomplete files at the discretion of the City Manager.
- III. That any member of Council who is denied access to a particular document may appeal, in writing, to the Executive Committee of Council.
- IV. That any resident who is denied access to a particular document may appeal, in writing, to the City Manager and may appeal in writing from the City Manager's decision, to the Executive Committee of Council.
- V. That City Council does hereby affirm that it is a fundamental principle that the City of Regina's "Access to Municipal Information Policy" be absolute with respect to the confidentiality of personal information, and such information shall never be released to the general public or media.

(#9157, s. 1, 1991)