

TECHNICAL ADVISORY COMMITTEE MINUTES

Issue

Administrative recommendations on the publication of the Foothills / Okotoks Raw Water Project - Technical Advisory Committee's meeting minutes are presented to the Intermunicipal Committee for discussion.

Motion Proposed by Administration

That the Technical Advisory Committee Minutes report be received as information.

Report, Analysis and Financial Implications

At the March 23, 2021 Intermunicipal Committee (IMC) a request was made that a report be provided regarding the distribution of the Foothills / Okotoks Raw Water Project – Technical Advisory Committee's (TAC) meeting minutes to the public.

As outlined in the January 26, 2021 "Summary of Roles and Responsibilities" report to the IMC, the IMC has delegated authority for oversight of the project to the TAC. The TAC is an advisory committee to the IMC and as such:

- prepares and recommends budgets and operating plans to the IMC for review and endorsement;
- makes decisions of a technical nature related to system design, engineering analysis, and design project execution; and
- ensures that the activities contemplated by the Memorandum of Understanding are being carried out as and when required.

Division 2, Section 16 of the *Freedom of Information and Protection of Privacy (FOIP) Act* addresses the ability of the head of a public body to refuse to disclose information to an applicant.

16(1) The head of a public body must refuse to disclose to an applicant information

(a) that would reveal

- (i) trade secrets of a third party, or
- (ii) commercial, financial, labour relations, scientific or technical information of a third party,

(b) that is supplied, explicitly or implicitly, in confidence, and

(c) the disclosure of which could reasonably be expected to

- (i) harm significantly the competitive position or interfere significantly with the negotiating position of the third party,
- (ii) result in similar information no longer being supplied to the public body when it is in the public interest that similar information continue to be supplied,
- (iii) result in undue financial loss or gain to any person or organization,

Angela Alambets, Project Manager, Colliers Project Leaders, has indicated to Administration that making the minutes of the TAC meetings available to the public reduces the perceived safety of the venue for honest and frank discussions on difficult topics by TAC members and impacts the ability to find the best solutions for the project. The “Summary of Roles and Responsibilities” report states that the TAC meetings act as a forum for communication, planning, analysis, project management, and regulator engagement.

The TAC meetings are detailed conversations around technical and project decisions, which if made public may open the project up to public scrutiny on difficult project decisions and create challenges in obtaining approvals if the public chooses to use the information to make appeals. Releasing the TAC minutes may release information prematurely and cause misinterpretation by the public.

Section 24 of the *FOIP Act* states:

- 24(1) The head of a public body may refuse to disclose information to an applicant if the disclosure could reasonably be expected to reveal
 - (a) advice, proposals, recommendations, analysis or policy options developed by or for a public body or a member of the Executive Council,
 - (c) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations by or on behalf of the Government of Alberta or a public body, or considerations that related to those negotiations,
 - (f) the contents of agendas or minutes of meetings
 - (i) Of the governing body or an agency, board, commission, corporation, office or other body that is designated as a public body, or
 - (ii) Of a committee of a governing body referred to in subclause (i).
 - (g) information, including the proposed plans, policies or projects of a public body, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.

The decisions made by the TAC are reflected in the reports that are presented to the IMC, and which are publicly available in the IMC agenda packages. In its advisory role to the IMC the final decisions of the TAC are relevant to the IMC, not the process by which the decision was made.

And finally it should be noted that the level of review required to prepare the TAC meeting minutes for public distribution would increase costs to the Partners, design consultants and Colliers Project Management team.

Attachment(s)

n/a