



City of Delta
COUNCIL REPORT
Regular Meeting

To: **Council**

File No.: **0550-20**

From: **Office of the City Clerk**

Date: **November 25, 2025**

Bill 27 Amendments to the Community Charter on Closed Meetings

The following report has been reviewed and endorsed by the City Manager's Office.

▪ **RECOMMENDATION:**

THAT this report be received for information.

▪ **PURPOSE:**

The purpose of this report is to provide background information on recent amendments to the *Community Charter* regarding closed meeting discussion which could reasonably be expected to harm the rights of an Indigenous people.

▪ **BACKGROUND:**

Generally, all council meetings must be open to the public in accordance with section 89 of the *Community Charter*. Section 90 of the *Community Charter* also includes a list of exceptions to the general rule including those that are discretionary, such as meetings where the subject matter includes the acquisition or disposition of land or improvements; and those that are mandatory, such as when the subject matter involves the consideration of information relating to negotiations between a municipality and the provincial or federal government.

The amendments to the *Community Charter* under Bill 27 allow local governments to hold closed meetings when discussing confidential and culturally sensitive First Nations matters, as well as require local governments to hold closed meetings during negotiations with First Nations or with other local governments.

Council Policy:

Council Procedure Bylaw No. 8330, 2023 references sections 90(1) and 90 (2) of the *Community Charter* broadly and therefore does not require amendment to the bylaw.

▪ **DISCUSSION:**

Bill 27: Miscellaneous Statutes Amendment Act (No. 2), 2025 (Bill 27) received Royal Assent and came into effect on October 30, 2025.

Bill 27 added two new exceptions, one discretionary and one mandatory. In section 90(1), which lists discretionary exceptions, Bill 27 adds to the list of subject matters any “information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 18.1 of the *Freedom of Information and Protection of Privacy Act*,” which relates to disclosure harmful to the interests of an Indigenous people, including in relation to cultural heritage, traditional knowledge, and traditional cultural expressions. In section 90(2), which lists mandatory exceptions, Bill 27 repeals and replaces the existing 90(2)(b) with a broader exception regarding consideration of information received and held in confidence relating to inter-governmental negotiations.

Below, the amendments are underlined (with the unnecessary subsections omitted):

Meetings that may or must be closed to the public

90 (0.1) In this section, “Indigenous entity” means an Indigenous entity that exercises governmental functions.

(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(i.1) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 18.1 of the Freedom of Information and Protection of Privacy Act;

(2) A part of a council meeting must be closed to the public if the subject matter being considered relates to one or more of the following:

(b) the consideration of information received and held in confidence relating to negotiations

(i) between the municipality and a provincial government or the federal government, or both, or between a provincial government or the federal government, or both, and a third party,

(ii) between the municipality and another local government or between another local government and a third party, or

(iii) between the municipality and a first nation or a prescribed Indigenous entity, or between a first nation or a prescribed Indigenous entity and a third party;

The new subsection (i.1) provides authority for Council to close a meeting on a discretionary basis to consider “information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 18.1 of the *Freedom of Information and Protection of Privacy Act*” (FIPPA).

Section 18 of FIPPA provides:

“Disclosure harmful to interests of an Indigenous people

18.1(1) The head of a public body must refuse to disclose information if the disclosure could reasonably be expected to harm the rights of an Indigenous people to maintain, control, protect or develop any of the following with respect to the Indigenous people:

- (a) cultural heritage;
- (b) traditional knowledge;
- (c) traditional cultural expressions;
- (d) manifestations of sciences, technologies or cultures.

(2) Subsection (1) does not apply if the Indigenous people has consented in writing to the disclosure.”

FIPPA Section 18.1 gives a broad authority for Council to close meetings to discuss matters that could reasonably be expected to harm the interests of indigenous peoples. While section 18.1 is framed as mandatory under FIPPA, its application in section 90 of the *Community Charter* is discretionary, meaning that a Council *may* choose to close a meeting on this basis. It is not required to do so. Council would need to determine on a case-by-case basis if discussion on a matter could be undertaken in a public meeting while still satisfying FIPPA relative to disclosure of information.

While subsection (1)(i.1) is discretionary, subsection 2(b)(iii) is mandatory. It requires that a council meeting be closed if two elements are met:

- 1) Information must be received and held by the municipality “in confidence”;
- 2) The information must relate to negotiations between either:
 - a. The municipality and a first nation or prescribed indigenous entity; or
 - b. A first nation or prescribed indigenous entity and a third party

Implications:

Financial Implications – There are no financial implications.

▪ **CONCLUSION:**

Recent amendments to the *Community Charter* allow local governments to hold closed meetings when discussing confidential and culturally sensitive First Nations matters, as well as require local governments to hold closed meetings during negotiations with First Nations or with other local governments. Council and staff must remain vigilant regarding discussions with First Nations or other governmental bodies that necessitate closed meetings. Public notification of these closed meetings, including the relevant sections of the *Community Charter*, is provided to the public to uphold transparent decision-making processes.



Michelle Jansson, CMC
City Clerk