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**In the matter of a  
INVESTIGATION PURSUANT TO THE CODE OF CONDUCT BYLAW NO. 53, 2023  
COMPLAINT NO. 2024-0020**

**Submitted by Reece Harding  
Young, Anderson (the "Investigator")  
September 5, 2024**

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## INVESTIGATION REPORT re File 2024-0020

## INTRODUCTION

1. On April 8, 2024, Young, Anderson was retained as an investigator under the City of Kamloops Code of Conduct Bylaw No. 53 (the "Code") in relation to a complaint that was submitted by Councillor Dale Bass. This complaint alleged two breaches of the Code, both of which related to the release of confidential documents. First, the complaint alleged that Mayor Hamer-Jackson disclosed to media outlets a privileged and confidential workplace investigation report, prepared by the [redacted] detailing allegations against the Mayor (the [redacted] or the "Report"). Second, the complaint alleged that Mayor Hamer-Jackson disclosed, also to media outlets, a resolution from a March 28, 2024 closed Council meeting (the "Resolution"). This Resolution related to [redacted].

2. This investigation report is prepared and submitted pursuant to section 4.32 of the Code, as I have determined that Mayor Hamer-Jackson has breached the Code. I have also determined that the breaches are not trivial, inadvertent or made in good faith as per section 4.32(c). As I have made these determinations, this report also contains a recommendation with respect to the appropriate remedy, as per section 4.32(b). Of note, we have purposely redacted from the Attachments to this report personal information (e.g., email addresses, staff names, phone numbers) where this information is not necessary to support our conclusions.

## THE COMPLAINT

3. As noted above, the complaint alleges that both the [redacted] Report and the Resolution were disclosed by Mayor Hamer-Jackson to certain media sources. More particularly, the complaint alleges:

- a. On [redacted], Council considered, in a closed meeting, the Report prepared [redacted];
- b. The [redacted] certain "protective measures" being placed on Mayor Hamer-Jackson;
- c. Between August, 2023 and December, 2023, Mayor Hamer-Jackson made public statements and demands for the release of the Report, despite being advised that it was a confidential record;
- d. On April 4, 2024, Mayor Hamer-Jackson provided a copy of the Resolution to reporters; and
- e. On or after April 5, 2024, Mayor Hamer-Jackson provided a copy of the [redacted] Report to reporters.

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4. There are several media reports that publicly detail the Mayor's alleged disclosure of the Report and the Resolution. Examples of these are attached as **Attachments A to F** of this investigation report. The public reporting appears to demonstrate that the Report was disclosed to at least [§ 22(1) Personal Information] (NL Radio); [§ 22(1) Personal Information] (InfoNews); [§ 22(1) Personal Information] (CFCJ TV) and [§ 22(1) Personal Information] (Armchair Mayor).<sup>1</sup> I also note that [§ 22(1) Personal Information] of NL Radio posted to [§ 22(1) Personal Information] X account, shortly after NL Radio received a copy of the [§ 22(1) Personal Information] Report from Mayor Hamer-Jackson on April 4, 2024, a photograph of what appears to be the first page of the Report. That X post shows the reflection of a person who appears to be photographing the Report. [§ 22(1) Personal Information] X post is attached as **Attachment G**.
5. I note at the outset that I do not have, nor have I seen, a full copy of the [§ 22(1) Personal Information] Report other than what is publicly available. We do, however, have a copy of the Resolution which is attached as **Attachment H**.

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<sup>1</sup> Several other articles and interviews are publicly available that include content that confirms that the Mayor disclosed the Report and Resolution to media outlets. This is not intended to be a comprehensive listing but four additional sources are hyperlinked below.

[Hamer-Jackson says he's out to clear his name while releasing copies of confidential city report - Kamloops News - CastanetKamloops.net](#)

[RadioNLNews on X: "The Mayor of #Kamloops says he intends to defend himself now that he's been able to read an internal City Hall report he says was leaked to him, which details findings of workplace bullying and harassment involving the Mayor and senior staff. #bcpoli" / X](#)

[https://linklock.titanhq.com/analyse?url=https%3A%2F%2Fsoundcloud.com%2Fuser-965676831%2Fbrett-mineer-reid-hamer-jackson-april-12&data=eJxljDOPgjAYhH8N3UqAQqFDBxdH48Cg4-vbCmg\\_SD9M-PfW2eSGyz13h5IPYzepRghgvSBKHj67BZzSIXpXixAr2Xy7HrO5H5dPQ6JUfHEuuqbZzbJO\\_Q1ekuCXCGozS0F\\_J1kuaa0x4qdqu5cFEtBofFZ\\_bYlyFEHKvjARz6xtgSPoFOidnO6gKA3RVewxb4A3-WUwh42Q9vuC-YTQf0%](https://linklock.titanhq.com/analyse?url=https%3A%2F%2Fsoundcloud.com%2Fuser-965676831%2Fbrett-mineer-reid-hamer-jackson-april-12&data=eJxljDOPgjAYhH8N3UqAQqFDBxdH48Cg4-vbCmg_SD9M-PfW2eSGyz13h5IPYzepRghgvSBKHj67BZzSIXpXixAr2Xy7HrO5H5dPQ6JUfHEuuqbZzbJO_Q1ekuCXCGozS0F_J1kuaa0x4qdqu5cFEtBofFZ_bYlyFEHKvjARz6xtgSPoFOidnO6gKA3RVewxb4A3-WUwh42Q9vuC-YTQf0%2F)

[https://soundcloud.com/user-965676831/brett-mineer-editorial-rhjs-big-day-april-5?in=user-965676831/sets/talk-to-the-experts&si=d3596907219d4b09a808f98a6227c674&utm\\_source=clipboard&utm\\_medium=text&utm\\_campaign=social\\_sharing](https://soundcloud.com/user-965676831/brett-mineer-editorial-rhjs-big-day-april-5?in=user-965676831/sets/talk-to-the-experts&si=d3596907219d4b09a808f98a6227c674&utm_source=clipboard&utm_medium=text&utm_campaign=social_sharing)

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## SUMMARY OF EVIDENCE

6. While I will summarize the steps taken to gather the facts in this matter, I start by noting that the key facts themselves are relatively uncontroversial. Mayor Hamer-Jackson, for his part, consistently admitted in his interview that he disclosed the Report and the Resolution as alleged in the complaint. While his account does diverge in places with those of the other witnesses in this matter, which I will discuss below, it is important that Mayor Hamer-Jackson never took the position that the alleged disclosures did not occur. Rather, through his counsel, he has taken certain legal positions, suggesting primarily that the two documents were not confidential and in the case of the Resolution that he did not understand that it was confidential.

*a. Mayor Hamer-Jackson*

7. After performing a preliminary assessment of the complaint, as required by the Code, we disclosed it to Mayor Hamer-Jackson through his legal counsel. We received a written initial response, pursuant to section 4.23 of the Code, on April 22, 2024.

8. The initial response alleged that the Report was not confidential, arguing that it lost any protection under section 117 of the *Community Charter* due to the fact that it was previously leaked to the media in mid-2023.<sup>2</sup> Of note, the initial response as noted above did not deny that the Mayor had disclosed the Report.

9. The initial response did not mention at all the allegation that Mayor Hamer-Jackson disclosed the Resolution. It was simply silent in regard to the Resolution.

10. We interviewed Mayor Hamer-Jackson on June 5, 2024. We attach a copy of these interview notes to this Report as **Attachment I**.<sup>3</sup> In summary, the interview established the following:

- a. Mayor Hamer-Jackson admitted to disclosing copies of both the Report and the Resolution to several media outlets.
- b. Mayor Hamer-Jackson told me that the Report arrived mysteriously in his home mailbox. Mayor Hamer-Jackson's legal counsel provided us with a photograph of the envelope that the Mayor said contained the Report. The address on the envelope shows

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<sup>2</sup> The Mayor had filed an earlier complaint alleging that one or more of the other Councillors who received the Report during the June 13, 2023 closed meeting was responsible for leaking the Report. I investigated that complaint and found insufficient evidence to substantiate a breach of the Code and the complaint was dismissed. My findings are set out in Investigation Report 2023-0007.

<sup>3</sup> While the interview notes take the form of a "transcript" it is important to note that they are not a verbatim recording of the statements made by the participants. As is our usual practice, however, we have attempted to record matters as faithfully as possible so that we can establish the parties' positions. The resulting document containing the notes was provided to and accepted by the Mayor's legal counsel.

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a return address of 1180 Pacific Rim Hwy, Tofino BC, which is a surf shop. The sender is shown as "A. Decosmos".<sup>4</sup>

- c. He said that he did not know who sent him the Report, but that he was pleased when it arrived. He told me that he had multiple photocopies of the Report made by an employee at a local Staples in Kamloops and later distributed those copies to the media outlets noted above.
- d. Mayor Hamer-Jackson took the position, in respect of the Report, that it was not confidential, as it had previously been leaked to the media and because other Councillors, including Councillor O'Reilly, had made public statements about it. He stated that he didn't know how the City could continue saying that the Report was privileged when it was already in the hands of the media, and Councillor O'Reilly was speaking about it as well.
- e. In relation to the Resolution, it was delivered to Mayor Hamer-Jackson in an email on April 3, 2024, the subject-line of which was marked "privileged and confidential." Mayor Hamer-Jackson stated that he had never seen the email before the June 5 interview, that he sometimes gets 100 emails a day, and therefore sometimes misses emails.
- f. Mayor Hamer-Jackson stated that the Resolution was also given to him in-person by Councillor O'Reilly on or about April 3, 2024. He said that Councillor O'Reilly knocked on his office door at City Hall and handed him an unmarked brown envelope that contained the Resolution. Mayor Hamer-Jackson was on a telephone call when he answered the door, and advised no words were exchanged.
- g. Mayor Hamer-Jackson admitted to opening the brown envelope shortly after that, making approximately five photocopies of the Resolution, and then sharing it with members of the media. He did not ask anybody at the City, including City staff, whether he should do so.
- h. Mayor Hamer-Jackson told me that the Resolution should not have been confidential because, in his view, the meeting at which it was to be considered was one that could never have been lawfully closed. He stated that the reason for this was that the subject of the meeting was [REDACTED]. He told me that several members of Council have conflicts of interest in respect of discussion of [REDACTED], because they have family-members who work for the City. He also told me that Councillor O'Reilly was speaking about the Resolution publicly.

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<sup>4</sup> I assume this is a reference to Amor De Cosmos (born William Alexander Smith), who was the second premier of British Columbia. He was born in 1825 and died in 1897.

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- i. Mayor Hamer-Jackson made several statements that, in essence, expressed his position that the rest of Council had treated him unfairly. He referred several times to a “communications strategy”, which in his view was a deliberate tactic engaged in by Council for the purpose of selectively releasing information that would harm his reputation. He expressed a desire to protect transparency, and indicated that it was unfair that he was unable to talk about a Report that was already in the public domain.

### ***b. Councillor O’Reilly***

11. On June 10, 2024, I interviewed Councillor Mike O’Reilly. The purpose of this interview was to understand his role both in the management of the [REDACTED] Report as well as the delivery of the Resolution to Mayor Hamer-Jackson.

12. At the outset, Councillor O’Reilly explained that he had advised the Mayor on numerous occasions via email that the Report was confidential. He provided copies of these emails to me. They are attached as **Attachment J**.

13. He stated that he was the designated Council spokesperson on all issues relating to the Report. Unlike the normal process, where the rotating Deputy Mayor would be the spokesperson, Councillor O’Reilly’s designation in relation to the Report is ongoing throughout the Council term. He told me that there was a need for a consistent City position with respect to the Report, so that confidentiality could be maintained.

14. In respect of the Mayor’s position about a “communications strategy”, Councillor O’Reilly said that he has specific Council authorization to speak on all of the issues he speaks about publicly. He said that sometimes, at the end of a closed meeting, the Council adopts a resolution to release content from closed, subject to a communications strategy. This could mean, for example, that certain information will be released to the public sometime after the resolution authorizing the release, in accordance with a communications strategy.

15. In respect of the Resolution, Councillor O’Reilly stated that he provided Mayor Hamer-Jackson with it via email on April 3, 2024 with the subject line “privileged and confidential”. He noted that the body of the email also said that it was “passed by council in closed”. He told me that in his view this indicated that it must be kept confidential unless specifically released. This email from Councillor O’Reilly to the Mayor is attached as **Attachment K**.

16. He stated that, in addition to the email, he provided Mayor Hamer-Jackson with a copy of the resolution in-person on April 3, 2024. That copy was produced by [REDACTED] and placed in an envelope. He said he knocked on the door to the Mayor’s office and handed him the envelope, saying “this is a document from closed”. He said Councillor Bass was with him at the time and that she witnessed this interaction. He confirmed that Mayor Hamer-Jackson was on his phone when he answered

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the door, but said that the Mayor stopped the conversation, took the envelope from him, and went back to his call. Their interaction ended there.

**c. Councillor Bass**

17. I conducted a brief telephone interview with Councillor Bass on June 10, 2024. She confirmed that she witnessed Councillor O'Reilly hand the envelope to the Mayor on April 3, 2024. She stated that she did not remember hearing any specific dialogue between the Mayor and Councillor O'Reilly.

**d.** S.22(1) Personal Information

18. I spoke with S.22(1) Personal Information expressed the City's position that the disclosure of the Report was a privacy breach under the *Freedom of Information and Protection of Privacy Act (FIPPA)*. S.22(1) P. informed me that the City issued demand notices to Mayor Hamer-Jackson and all media outlets that the City believed had a copy of the Report, in accordance with section 73.1 of *FIPPA*, along with reporting the breach to the Office of the Information and Privacy Commissioner (OIPC). S.22(1) P. told me the OIPC's initial position was that it agreed that a breach had likely occurred, and that it had commenced an investigation. I will note here that I do not consider myself bound by the S.22(1) Personal Information or the OIPC's views on these matters.

19. The S.22(1) Personal Information provided me with three records in regard to the Report:

- a. an April 5, 2024 letter to the Mayor advising of the privacy breach;
- b. an April 5, 2024 section 73.1 demand notice to the Mayor demanding the return of the Report; and
- c. a summary of the other section 73.1 demand notices issued to multiple media outlets demanding the return of the Report and showing compliance status.

20. These three documents regarding the Report are attached as **Attachment L**.

21. In regard to the Resolution, S.22(1) P. also told me that a privacy breach was reported to the OIPC on May 16, 2024. S.22(1) P. provided me with the following documents:

- a. a May 16, 2024 letter issued to Mayor Hamer-Jackson advising that a privacy breach had occurred; and
- b. two section 73.1 demand notices issued to media outlets demanding the return of a confidential record (which was the Resolution).

22. These documents are attached as **Attachment M**.

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23. In addition to the materials above, I asked [S.22(1) Personal Information] to provide me with a summary of any steps that the City took with respect to the initial leaking of the Report, which had occurred in the summer of 2023. I requested this information in part because, as will be discussed further below, Mayor Hamer-Jackson made the legal submission that the City had acquiesced to the Report's release, causing it to lose confidentiality.

24. [S.22(1) Personal Information] provided me with summaries of the City's steps taken in 2023, as well as a summary of the City's position on the Report. These previous unauthorized disclosures took place in June and August of 2023, and were made to RadioNL and Kamloops This Week, respectively.

25. In relation to the June 2023 disclosure to RadioNL, [S.22(1) Personal Information] explained in [S.22(1) P] words:

- a. It appeared that the media outlet may have obtained copies of, or portions of, correspondence related to a confidential [S.12(3)(a)(b) Informal] Report workplace investigation.
- b. The City reported the breach to the OIPC on June 21, 2023.
- c. A notification letter was provided to the Mayor on June 21, 2023 (attached), advising there may have been a privacy breach related to his personal information; however, it was not clear whether the disclosure was from the City or some third-party.
- d. The breach appeared to be related to correspondence between the Mayor, or his lawyer, and the investigator. It was our understanding the Mayor distributed hardcopies of these records to all Council members on May 30, 2023.
- e. As part of the City's breach response efforts, the City confirmed the Investigator was bound by strict confidentiality requirements. The Investigator also outlined strict confidentiality requirements to participants. By distributing copies of the correspondence related to the investigation, the Mayor had not complied with those requirements.
- f. As part of the City's breach response efforts, the City confirmed that City records related to the investigation were provided to a limited number of Council and staff authorized to receive with enhanced digital security measures in place to prevent copying, printing, and forwarding.
- g. As the confidential investigation was an extremely confidential process, and very few staff were aware of it, the City chose not to pursue further action to contain the breach as doing so would require the City to confirm the investigation took place and would likely cause more harm to the individuals involved.

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- h. The OIPC was supportive of the City's reasons for not taking further action and drawing unnecessary attention to the investigation. They closed their file on July 5, 2023, via an email providing very few details.

26. In relation to the August 2023 disclosure to Kamloops This Week, S.22(1) Personal Information explained in S.22(1) words:

- a. It appeared that media outlets may have obtained copies of, or portions of, correspondence or a report related to a confidential workplace investigation and possibly a related Closed Council resolution.
- b. The City reported the breach to the OIPC on August 9, 2023.
- c. A notification letter was provided to the Mayor on June 21, 2023, advising there may have been a privacy breach related to his personal information. The City acknowledged the source of the information was unclear.
- d. The breach appears to be related to the investigation Report itself, which was a closed Council document and was provided to those authorized to receive with enhanced digital security measures in place to prevent copying, printing, and forwarding.
- e. A notification letter was provided to the Mayor on August 8, 2023 (attached), and notice was provided to other impacted individuals, advising there appears to have been a breach of their personal information and acknowledging the source of the information was unclear.
- f. A number of media articles included quotes attributed to the Mayor that, if accurate, revealed personal information of a third-party. A letter was issued to the Mayor on August 8, 2023, advising him of this breach (attached).
- g. As the workplace investigation was an extremely confidential process, and very few staff were aware of it, the City chose not to pursue further action to contain the breach as doing so would require the City to confirm the investigation took place and would likely cause more harm to the individuals involved.
- h. The OIPC was supportive of the City's reasons for not taking further action and drawing unnecessary attention to the investigation. They closed their file on September 27, 2023 (OIPC letter attached).

27. There are several references above, in S.22(1) Personal Information statements, to attached documents. These three documents are attached as **Attachment N**.

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***e. Media Members***

28. On June 19, 2024, I contacted a member of the media to ask if they would cooperate with my investigation. I wanted to understand the manner in which Mayor Hamer-Jackson delivered the Report and Resolution as well as to confirm the date, time, and place that the Mayor gave the two records to this media outlet.

29. This reporter advised [REDACTED] would need to check with legal counsel about my request. However, I have not had any response from this reporter since my request despite a second reminder to respond. As such, I chose, given this response and the lack of interest in assisting this investigation, not to contact any other media outlets as I anticipated the same responses that I received from this outlet. I do not expect members of the media to cooperate with my investigation and, of course, I have no jurisdiction to require their cooperation but I feel it is appropriate to, at least, ask for assistance if it is volunteered.

30. I have chosen to anonymize this media member as their identity makes no material difference to the conclusions in this report.

***f. City Records***

31. On May 31, 2024, we contacted the City's [REDACTED] S.22(1) Personal Information and requested documentation detailing the City's position in respect of the confidentiality of the Report. Through [REDACTED] S.14 information protected by privilege, S.12(3)(a) b

32. While I will not reproduce here the contents of [REDACTED] S.12(3)(a)(b) information considered in its entirety, I wish to note that the City claimed privilege and confidentiality in respect of the Report on the following dates: [REDACTED] S.12(3)(a)(b) information considered

33. The City's position with respect to the Report being privileged and confidential has been constant and unchanging. I further note that [REDACTED] S.14 information protected by privilege indicates that the City advised the Mayor or his legal counsel of the confidentiality of the Report on at least seven occasions [REDACTED] S.14 information protected by privilege.

***g. The Mayor's Legal Position***

34. On June 20, 2024, after completing the interviews set out above, I gave the Mayor an opportunity to provide me, through his legal counsel, with any further legal submissions he wished to make before I concluded this investigation. I noted in my request that his initial response had not addressed the complaint as it related to the disclosure of the Resolution. As such, I wanted to give the Mayor a second opportunity to address the Resolution.

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35. I received Mayor Hamer-Jackson's legal submissions on July 5, 2024. I have attached these as **Attachment P**. While I have carefully reviewed the entirety of the submissions and taken them all into account in my reasoning below, I will summarize what I see as the key points here.

36. First, the Mayor maintains that the Report was neither "confidential", under section 117 of the *Community Charter*, nor "privileged". This position is based on the observation that, by no later than June 19, 2023, the Report had been "leaked" to media sources, and was not confidential anymore. Mayor Hamer-Jackson alleges that the City did not take any steps to retrieve the Report from journalists that had it in their possession and, as such, "tacitly consented to the leak". This position is also based on the observation that, on June 19, 2023, Councillor O'Reilly released information contained in the Report to the public.

37. Citing *Rizzo & Rizzo Shoes Ltd. (Re)*, 1998 CanLII 837 (SCC), the Mayor submits that it is a legal absurdity – meaning that it is impossible when one reads section 117 of the *Community Charter* and understands its objectives and meaning – to assert as a matter of fact or law that the Report remains confidential.

38. Second, the Mayor argues that the Report was not "privileged". While section 117 of the *Community Charter* and section 3.15 of the Code do not use the word "privilege", he acknowledges that the complaint itself does not engage this issue. Rather, he argues that the legal principles underlying the concept of privilege are equally applicable to the concept of confidentiality, as that term is used in the Code of Conduct and *Community Charter*.

39. The Mayor says that the common law regarding waiver of privilege was designed specifically to deal with what he characterizes as "the mischief" occasioned by the City's partial release of certain details from the Report. He says that the City cannot, on the one hand, maintain a claim for confidentiality over the Report, and on the other, release the most damning aspects of the Report through Councillor O'Reilly's statements.

40. In relation to the Resolution, Mayor Hamer-Jackson argues that: (1) he was unaware, and had no reason to believe, that the Resolution was confidential; (2) he believed that the information in the Resolution had already been released by Council; and (3) to the extent that he made an error circulating the Resolution, which he does not admit, it was an innocent error.

41. Finally, the Mayor's submissions conclude with a point-form section entitled "Further General Comments", that includes brief submissions regarding both of the issues above. These submissions also include statements alleging errors made by Councillor Sarai in relation to his handling of the Report, as well as a query as to why **S.22(1) Personal Information**; questions about the exact basis by which Councillor O'Reilly is authorized to speak about the Report and the Resolution; an argument that Council should have been unable to hold quorum at the closed meeting at which the Resolution was passed due to conflicts of interest relating to family-

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member employment at the City; and a bare assertion that Councillor O'Reilly must have leaked the Report if there is no resolution authorizing him to speak to it.

42. This section also includes a submission that simply states without any evidence [REDACTED] sparked the investigation, and should be held accountable". We note that [REDACTED] is the City's [REDACTED]. I note the content of the Code does not apply to [REDACTED] as a City employee, and additionally, I have no jurisdiction as it relates to City staff. I find this unsupported allegation unhelpful to my investigation and I will return to it below.

43. I note that within the Mayor's July 5 submissions he asked for another opportunity to meet with me regarding this investigation. On August 17, 2024, I requested more details to inform this request and stated a deadline of August 21, 2024 for a response and offering additional time, if necessary. I did not receive a written response from the Mayor's legal counsel by this deadline or a request for an extension. On August 22, 2024, I declined the Mayor's request for a further opportunity to meet.

### FINDINGS

44. This complaint, as noted repeatedly above, is about whether there has been a breach of confidence under the Code of Conduct and the *Community Charter*. The relevant provisions follow:

3.15 A Member must:

...

(b) comply with section 117 of the *Community Charter*, including by protecting, and not disclosing, Confidential Information.

45. "Confidential Information" is defined as follows:

**"Confidential Information"** means information or records held in confidence by the City, including information or records to which section 117 of the *Community Charter* applies and, for certainty, this includes all information and records from closed meetings of Council until publicly released.

46. Section 117 of the *Community Charter* states:

#### **Confidentiality**

**117 (1)** A council member or former council member must, unless specifically authorized otherwise by council,

(a) keep in confidence any record held in confidence by the municipality, until the record is released to the public as lawfully authorized or required, and

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(b) keep in confidence information considered in any part of a council meeting or council committee meeting that was lawfully closed to the public, until the council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

(2) If the municipality suffers loss or damage because a person contravenes subsection (1) and the contravention was not inadvertent, the municipality may recover damages from the person for the loss or damage.

47. In order to find a breach of the Code, I am to consider the definition of “Confidential Information”. That definition refers to material captured by section 117 of the *Community Charter*, but also clearly leaves room for a broader interpretation, as indicated by the use of the word “included” in this definition. The key feature of the definition is that the record or information at issue must be “held in confidence”.

48. I also note that in section 3.15 of the Code it uses the phrase “including by protecting”. Further, in section 117 of the *Community Charter* the obligation on all council members is not to release confidential information unless “specifically authorized otherwise by council.” These two textual features of the relevant provisions clearly suggest, in my view, a positive obligation on all council members to not only “protect” confidential information but not to release it unless council has specifically authorized the same. It is clear from this wording that confidential information is to be guarded by all council members. Section 117 also refers to “former council member” clearly indicating these duties extend beyond their formal term in office. There is no doubt that these provisions are intended to capture a wide swath of confidential information and that all elected officials, current and former, are required to protect confidential records and information.<sup>5</sup>

49. In making my determination, I am to apply the balance of probabilities test with respect to the standard of proof. This means that I must find that it is more likely than not that a breach occurred.<sup>6</sup> I also take note that issues of witness credibility are, for the most part, not engaged in this investigation. Where credibility is engaged, I have noted this.

50. As noted above, the key facts are simply not in dispute. Mayor Hamer-Jackson has admitted to disclosing both the Report and the Resolution to several media sources. What is in issue is whether by doing so he breached the relevant provisions of the *Community Charter* and Code of Conduct.

51. I will analyze the disclosure of the Report and the Resolution separately, both because they engage distinct factual circumstances and because Mayor Hamer-Jackson has made different legal submissions in respect of each disclosure.

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<sup>5</sup> I note section 3.33(a) of the Code ties together the obligations in section 3.15 of the Code and section 117 of the *Community Charter*.

<sup>6</sup> *F.H. v. McDougall*, [2008] 2 SCR 41.

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**(a) The Report**

52. Before I address the merits of the complaint with respect to the release of the Report, I wish to indicate that I understand in theory the Mayor's concerns as to the City's handling of it. The Report was leaked to the media by somebody in July or August, 2023, shortly after it was considered in a closed Council meeting. Media outlets reported on its contents, in the Mayor's view selectively. I recognize that the media reporting on the Report was likely damaging to the Mayor's reputation. He expressed to me multiple times that he felt that it was unfair that the other members of Council were able to control the narrative around the Report in a manner that damaged him. As noted above, he spoke at length about Council's "communications strategy", and told me that he wanted to release the Report so that the record could be set straight, in his view, with respect to an investigation in which he believed he was not given a fair opportunity to participate.

53. While I acknowledge Mayor Hamer-Jackson's motivation for doing what he did, I also do not wish to be taken as criticizing the City's handling of the Report. While I have not seen the entire Report for myself, I understand, based on the publicly available media reports, that it contains sensitive employee and personal information. The City is very likely attempting to protect the privacy and personal information of these employees and itself from liability by withholding it from the public realm. This is understandable.

54. Ultimately, however, the City's motivation for withholding the Report, the fact of the Report's leak in 2023, and Mayor Hamer-Jackson's motivation for releasing the Report in 2024 are all factors that are inconsequential to the determination before me as to whether there was a breach of the Code.

55. I do not agree with Mayor Hamer-Jackson's submission that the test in respect of privilege is directly relevant or binding to whether a document is "held in confidence" under the Code and section 117. Indeed, while it may be that a privileged document is also held in confidence, there will be many examples of documents that are not privileged but are, nevertheless, confidential for the purposes of the Code of Conduct and *Community Charter*.<sup>7</sup> As to the text of section 117, I consider that the legislature could have used the word "privileged" if it wished to import such a standard into section 117. The City of Kamloops could also have used that term in the Code of Conduct as well. Instead, it chose to refer to section 117 and to define "confidential information" broadly and also to place an obligation on all council members to "protect" that confidentiality.

56. This is an important distinction, because the Mayor's core submission suggests that confidentiality under the *Community Charter* and Code of Conduct operates the same way that privilege does, insofar as a Councillor speaking about the Report publicly could constitute a waiver of confidentiality in the same way that speaking about a legal opinion publicly could constitute a waiver of

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<sup>7</sup> *Anderson v Strathcona (Regional District)*, 2024 BCCA 23, para 56.

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privilege. Mayor Hamer-Jackson makes this submission directly regarding Councillor O'Reilly's public statements about the Report, which he says constitute a waiver of confidentiality.

57. In my view, Council is statutorily authorized to selectively release information from closed meetings, and to disclose only portions of confidential records or information. An interpretation of the plain language of section 117 of the *Community Charter* supports this conclusion. I note, again, that section 117 begins with the words "unless specifically authorized by Council". I also note that, in subsection (b), the section refers to "information considered in any part of a council meeting...that was lawfully closed to the public, until the council...releases the information to the public". I am of the view that the textual features of the section allow Council to make specific authorizations in relation to what is released from a closed meeting. It cannot have been the legislature's intention to hamstring councils into an "all or nothing" approach to releases of confidential information.

58. Section 3.15 of the Code imports the standard set by section 117 and arguably expands on it.

59. In this case, I accept Councillor O'Reilly's evidence that he is the designated spokesperson for matters dealing with the [redacted] Report. The City provided me with three resolutions that deal with the designation of Councillor O'Reilly as the spokesperson for this purpose. Given that the Mayor, through his Council, requested copies of the relevant resolutions, I will reproduce them in full below.

60. At its [redacted] closed meeting, Council resolved as follows:

j) As Council-appointed spokesperson on all matters concerning the investigation and report, Councillor O'Reilly remains authorized to release information pertaining to the investigation and report, including this resolution and the subject-matter thereof, in consultation with the City's legal counsel;

k) Other than the release of information expressly authorized in this resolution, the contents of [redacted] remains strictly confidential within the meaning of section 117 of the *Community Charter* and, except as expressly authorized by Council, no person may disclose the contents to any person, in whole or in part; and

61. At its [redacted] closed meeting, Council resolved:

e) Council acknowledges and reaffirms that Councillor O'Reilly has been and continues to be Council's sole spokesperson regarding the complaints, the misconduct, the privileged and confidential investigation and report, the protective measures, the City's ongoing efforts to mitigate its legal risk, and all matters arising from or connected to the foregoing (collectively, the "Matters"), and as such, Councillor O'Reilly, in consultation with the City's legal counsel, remains authorized to release in camera information and records pertaining to these Matters for the purpose of protecting the municipal corporation's interests;

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S.12(3)(a)(b) information considered by Council in Closed Meeting, S.14 information protected by privilege

g) Other than the release of information expressly authorized in this resolution, the contents of item 3.3 on this agenda remain strictly confidential within the meaning of section 117 of the *Community Charter* and, except as expressly authorized by Council, no person may disclose the contents to any person, in whole or in part.

62. At its S.12(3)(a)(b) information considered by Council closed meeting, Council resolved:

b) Council acknowledges and reaffirms that Councillor O'Reilly has been and continues to be Council's sole spokesperson regarding the complaints, the misconduct, the privileged and confidential workplace investigation(s) and report(s), the protective measures, the City's ongoing efforts to mitigate its legal risk, and all matters arising from or connected to the foregoing (collectively, the "Matters"), and as such:

i) Councillor O'Reilly, in consultation with the City's legal counsel, remains authorized to release in camera information and records pertaining to these matters for the purpose of protecting the municipal corporation's interests; and

ii) no other member of Council may release any confidential or in camera information or records concerning the Matters to any third party;

63. While these resolutions provide a clear basis on which Councillor O'Reilly was authorized to speak publicly about the Report, I note that I have been provided with no evidence by Mayor Hamer-Jackson showing that the City has ever even gone as far as confirming the Report's existence. This is the Mayor's burden to provide, at least, some evidence and he had failed to do so in support of his argument.

64. The June 19, 2023 news report the Mayor did direct me to (**Attachment Q**), does not constitute a waiver of confidentiality surrounding the Report. Councillor O'Reilly is quoted therein as saying:

"All we can say at this time is that the municipal corporation has been forced to take extraordinary steps to protect certain members of staff from ongoing mistreatment and a hostile work environment at the hands of an elected official"

65. Under any legal (or common-sense) standard, this statement alone cannot be taken as any sort of waiver, whether of confidentiality or privilege. It is material that Councillor O'Reilly was authorized to speak about this under the June 13 resolution noted above.

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66. Even if Councillor O'Reilly's statements could be taken as some sort of waiver (which I have found they cannot) they go no further than establishing that an investigation took place into a workplace matter. They could never be seen as countenancing, on behalf of the City, the release of the entire Report's contents.

67. Further, the fact of the previous leak in 2023, which clearly occurred, did not have the effect of depriving the Report of confidentiality under the *Community Charter* and the Code. This interpretation would lead to the absurd result that, whenever an unlawful disclosure of a confidential document occurs, the fact of the disclosure would also erase the statutory protection for the document. In other words, it would take all meaning away from the confidentiality provisions at issue. It is absurd to suggest that an illegal act of breaching section 117 leads to the loss of confidentiality to which section 117 and the Code are attempting to protect.

68. I also note, leaving aside my legal conclusion above, that the City, through S.22(1) Personal Information provided me with ample evidence that shows that the City took steps to seek the return of the Report not only when Mayor Hamer-Jackson disclosed it in 2024, but in relation to the other disclosures that occurred in 2023. This factual background substantially weakens the force of Mayor Hamer-Jackson's submission that the City applied a different standard to his disclosures of the Report than to the earlier ones. Critically, I also note that the Mayor was aware of these efforts as the S.22(1) Personal Information wrote him specifically after the 2023 leaks. See Attachments N1, N2 and N3.

69. In sum, in this case, the City took concrete steps to seek the return of the Report (and the Resolution) each time it was disclosed, including by contacting all persons the City knew had a copy of it, issuing demand notices under section 73.1 of *FIPPA*, and consulting with the OIPC. Whether these steps were taken in relation to the initial leak is irrelevant. Not only did the City take steps to seek the return of the Report, but the evidence before me shows that its position with respect to the Report's confidentiality was expressed many times, both before and after the disclosures of the Report in 2023 and 2024, and including in direct communications with Mayor Hamer-Jackson's former and current legal counsel.

70. I find that the evidence clearly shows that the Report was a "record held in confidence" by the City. I find that Mayor Hamer-Jackson clearly breached sections 3.15(b) of the Code of Conduct and 117(1)(a) of the *Community Charter* when he released the Report to the media in early April 2024.

### **(b) The Resolution**

71. In respect of the Resolution, Mayor Hamer-Jackson argues that he had no reason to believe that the Resolution was confidential. This is because, he says, members of Council had spoken about the

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**S.22(1) Personal Information** publicly and the City had released a statement confirming that **S.22(1) Personal Information** had taken place.<sup>8</sup>

72. If the Resolution were focused only on **S.22(1) Personal Information**, then I may have found Mayor Hamer-Jackson's argument persuasive. However, the text of the Resolution goes far beyond this, and deals specifically with certain limitations that Council was placing on Mayor Hamer-Jackson. I will not reproduce these limitations in full (they can be found at subsection (b) of **Attachment H**), but note that they include a prohibition on Mayor Hamer-Jackson acting on personnel matters involving certain identified City staff.

73. Therefore, even though Mayor Hamer-Jackson was permitted to speak about and disclose that **S.22(1) Personal Information**, because such information had been released by the City, it is clear that the other information contained in the Resolution was not of a similar character. It had not been released by the City. I do not accept Mayor Hamer-Jackson's argument that he was entitled to disclose the Resolution in its entirety because its contents were public.

74. Mayor Hamer-Jackson makes two further arguments. He first says that the meeting at which the Resolution was passed cannot have been properly closed pursuant to the *Community Charter*. Second, he appears to say that nobody told him that the document was confidential.

75. There are two prongs to the Mayor's initial argument. First, he says that the meeting should have been below quorum due to conflicts of interest. Second, Mayor Hamer-Jackson says that there was no proper notice given of the meeting.

76. I do not find Mayor Hamer-Jackson's submissions compelling on the question of quorum for several reasons, the first being that he should have attended the meeting if he wished to confirm whether it had been conducted in accordance with the *Community Charter*. Failing that, he should have taken steps to determine whether, if he was not able to attend, the conflicts of interest he expected to occur had actually occurred. He appears to have done neither.

77. While there may be certain circumstances in which an elected official could reasonably believe that a Council meeting would not occur, whether because of a loss of quorum or for other reasons, it is still incumbent on that elected official to take steps to confirm that the meeting at issue was, in fact, closed. In this circumstance, the public agenda for the March 28, 2024 Special Council Meeting at which the reinstatement decision was made notes that staff's recommendation is that the meeting be closed pursuant to section 90(1)(c) of the *Community Charter* [labour relations or other employee relations]. A copy of the agenda is attached as **Attachment R**.

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<sup>8</sup> I note that Mayor Hamer-Jackson's submissions did not point me directly to the City's statement or to media reporting supporting his argument. However, the complaint form submitted by Councillor Bass contains X posts by certain reporters setting out Mayor Hamer-Jackson's disclosure of the Resolution. These X posts are attached as **Attachment S**.

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78. I will also note that pursuant to s. 100 of the *Community Charter*, a conflict of interest may be found where a council member has a direct or indirect pecuniary interest in a matter, or another interest that constitutes a conflict of interest. Examples of conflicts of interest include where trustees for an Islands Trust area failed to recuse themselves when they voted to award a contract to non-profit societies of which they were directors,<sup>9</sup> or where a council member voted on the City of Vancouver's Temporary Patio Program while owning a restaurant and a pub to which patio permits were later issued.<sup>10</sup> A conflict of interest cannot be based upon a remote, tenuous, or speculative connection between the council member and the matter that is before council.

79. The mere fact that the Mayor states that several council members had family members that **S.22(1) Personal Information** does not, in my view, constitute an obvious conflict of interest. Ultimately, on the limited evidence that is before me, the connection between the family members **S.22(1) Personal Information** was that they were all employed by the City, which falls far short of the direct or indirect pecuniary interest that is required to meet the standard set out under s. 100. The Mayor's submission on this point is not only weak from a lack of any specific evidence but he also asks me to speculate as to outcome.

80. The Mayor's submission with respect to the calling of the meeting at which **S.22(1) Personal Information** is also not particularly detailed – it simply objects to the “propriety” of the meeting, stating that it was not scheduled in accordance with appropriate timelines, rules, and procedures. As such, I am left guessing as to what Mayor Hamer-Jackson is driving at with this argument. I do not, therefore, consider that this argument could form a basis on which I might find the meeting at which the Resolution was passed was not, in fact, closed. I also note the public agenda at **Attachment R** as clear evidence of the nature of this meeting.

81. Even if the meeting did not follow the relevant rules of procedure, it does not follow that, as a matter of law, any documents emanating from it or material considered at it would lose their status as confidential under the Code of Conduct and *Community Charter*. If the Mayor felt, at the relevant time, that there was a procedural irregularity relating to **S.22(1) Personal Information** meeting, he should have addressed that through other avenues. It was not for him to simply decide that any materials coming from the meeting were of a public nature, when he had strong indications that the City was taking the contrary position. While I have dismissed this argument on the basis that it was not sufficiently particularized, I would dismiss it on this basis also.

82. In summary, arguing that the special meeting was not called correctly or that there were conflicts of interest has no impact on the confidentiality of the Report and the Resolution. Those documents are confidential by nature of the fact that they were held in confidence by the City. They both squarely fit within the definition of “confidential information” whether being released from a

<sup>9</sup> *Schlenker v Torgrimson*, 2013 BCCA 9.

<sup>10</sup> *Redmond v Wiebe*, 2022 BCCA 244.

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closed meeting, or not. The question of whether the meeting was called correctly or whether there were conflicts of interest are separate legal issues which do not bear upon the Mayor's obligations in relation to the Report and the Resolution under the Code.

83. Further, even if I accepted Mayor Hamer-Jackson's argument that he was entitled to rely on the notion that there was faulty notice given for the meeting, or that it could not have been properly closed due to quorum or conflicts of interest, that would still not be enough. Indeed, Councillor O'Reilly wrote Mayor Hamer-Jackson an email that communicated the outcome of the meeting to him. The subject line of this email was "privileged and confidential". The body of the email also contained the phrase "passed by council in closed". Leaving aside any technical arguments about potential conflicts of interest or the procedure for calling meetings, it is clear that Councillor O'Reilly communicated to Mayor Hamer-Jackson that the Resolution was confidential.

84. When I put this to the Mayor in his interview, his only response was that he had never seen the email from Councillor O'Reilly. I have no reason to believe that the Mayor was being untruthful with me in respect of this detail. He may well receive a large volume of emails, and may well miss emails from time to time or even regularly.

85. However, the Resolution was also hand-delivered to Mayor Hamer-Jackson by Councillor O'Reilly as witnessed by Councillor Bass. The accounts of Councillor O'Reilly and Mayor Hamer-Jackson do slightly diverge here. While Mayor Hamer-Jackson said that no words were exchanged, Councillor O'Reilly said that he told Mayor Hamer-Jackson "here is a document from closed". I need not decide which version of events is more likely to have occurred, but I do note that Mayor Hamer-Jackson was on the telephone when he was handed the envelope. It may be that he was simply distracted and has no recollection of Councillor O'Reilly saying anything to him at that time. Of note, the Mayor confirmed he opened the envelope and copied the Resolution.

86. Weighing the totality of this background, I find that Mayor Hamer-Jackson either knew or should have known that the Resolution was confidential. His failure to take any steps to determine the status of the Resolution, before sharing it with the media, was reckless. The City clearly took reasonable steps to inform Mayor Hamer-Jackson that the Resolution was confidential, and there was no reasonable basis upon which Mayor Hamer-Jackson could have believed that the entire Resolution was of a public nature.

87. I find that this is a clear breach of both section 3.15(b) of the Code of Conduct and 117(1)(a) of the *Community Charter*.

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**RECOMMENDATIONS*****(a) Section 4.32***

88. As I have found a breach of the Code of Conduct, I am guided by section 4.32, which states that I must:

- a. Consider whether the Respondent took all reasonable steps to prevent the breach, or whether the breach was trivial or done inadvertently or because of an error in judgment made in good faith, in which case I am to recommend no sanctions; and
- b. If I do not make the determination above, make recommendations as to the appropriate censure, sanctions, corrective actions, and/or other measures to address the breach.

89. In my opinion, having considered the circumstances through which Mayor Hamer-Jackson breached the Code of Conduct, I cannot find that he took reasonable steps to prevent the breach, that the breach was trivial or inadvertent, or that the breach occurred because of an error in judgment made in good faith.

90. In relation to the Report, there was a clear and intentional act by Mayor Hamer-Jackson that he should have known would constitute a breach of the Code. He received the Report in an envelope addressed to him by an unknown person using a pseudonym, after the City had refused to release it on numerous occasions. Given the City's public position on the confidentiality of the Report – a position that, I accept, remained consistent since June of 2023 – its receipt under those circumstances could not give rise to the reasonable belief that he was free to distribute it. While I acknowledge that Mayor Hamer-Jackson's position is that the Report should have been released long ago, he must have been aware that the City did not share this position. He was, at best, reckless in his actions.

91. As regards the Resolution, I find that similar logic applies. Council, through Councillor O'Reilly, took reasonable steps to ensure that Mayor Hamer-Jackson knew that the Resolution was confidential. I will not recite those facts again, which I have set out in detail above. It is beyond doubt that Mayor Hamer-Jackson's breach in respect of his disclosure of the Resolution was not one that meets the criteria set out above.

***(b) The Recommended Remedies***

92. Under section 4.35 of the Code of Conduct, the following remedies are available to Council:

- a. A letter of reprimand from Council addressed to the Member;

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- b. A request from Council that the Member issue a letter of apology, in a form and with content acceptable to Council;
- c. The publication of the letters contemplated in subsections (a) and (b), along with the Member's written response, if any;
- d. Directions to the CAO or Corporate Officer regarding the terms and conditions upon which the Member may receive Council or other City documents including documents containing Confidential Information;
- e. Mandatory training on City business, the *Community Charter*, or this Bylaw;
- f. Mandatory training on respectful workplace communications or other interpersonal skills;
- g. Restrictions or conditions on access to certain City facilities;
- h. In accordance with the *Community Charter*, suspension or removal of the Member from some or all Committees and bodies to which the Member was appointed;
- i. Prohibition from representing the City at events and/or being reimbursed for attending conferences and seminars;
- j. Suspension or removal of the appointment of a Council Member as deputy mayor;
- k. The remuneration to which a Council Member would be otherwise entitled under Council Policy No. GGL -3, Remuneration, Travel Expenses, Insurance, and Communications Allowance be reduced in an amount and for a period considered to be reasonable in the circumstances;
- l. Referral to a prosecutor or police;
- m. Public censure of a member; and
- n. Any other sanctions, corrective actions, and other measures recommended by the Investigator or considered appropriate by Council, so long as those sanctions, corrective actions, and other measures are within Council's authority.

93. In my view, in recommending an appropriate remedy, I ought to look to the circumstances and nature of the breach and its severity. Reviewing these factors, I then must recommend a remedy that is proportionate to the degree of the wrongdoing. I am mindful of the words of the BC Supreme Court in *Skakun v. Prince George (City)*, 2011 BCSC 1796:

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[44] I think it reasonable to think in certain cases council need to state the standard of expected conduct, but I note this: it is a power to be exercised with great care and great discretion. Far too easily, this could turn into an abuse of process for cheap political gain, and any council that sets out in this direction must be careful in what it is doing.

94. As an investigator under the Code, I need to ensure that I take care to recommend a remedy that is proportionate to the breaches that I have found, not only because doing so is consistent with the purposes of the Code, but because of the Court's warning to municipal councils generally. I acknowledge that my recommendation will likely have a substantial effect on Council's ultimate decision when considering this investigation report.

95. My recommendation is informed by the fact that that the office of Mayor carries with it certain responsibilities that are distinct from those given to other members of council. Section 116 of the *Community Charter* sets out the Mayor's responsibilities. I will not reproduce the whole section, but I note specifically subsections (2) (a) and (g):

(2) In addition to the mayor's responsibilities as a member of council, the mayor has the following responsibilities:

(a) to provide leadership to the council, including by recommending bylaws, resolutions and other measures that, in the mayor's opinion, may assist the peace, order and good government of the municipality;

...

(g) to reflect the will of council and to carry out other duties on behalf of the council;

96. I highlight these two subsections because they are complementary of one another. The Mayor is Council's leader, and with leadership comes the responsibility of being the head of council and the chief executive officer of the municipality. However, being the head and leader of Council does not give the Mayor *carte blanche* to do as he pleases. Indeed, the legislature has, through subsection (g) made the Mayor responsible not only for leading, but for reflecting the will of the council.

97. In this case, it was clearly Council's will that the Report and the Resolution remain confidential documents. They took steps to ensure the confidentiality of both, and took steps to ensure that Mayor Hamer-Jackson knew that they were confidential. Mayor Hamer-Jackson was either willfully blind to those steps, or he intentionally disregarded them. Either way, the Mayor's behaviour is a substantial departure from the standard to be expected of a mayor.

98. Both breaches of the Code implicated personal information of City staff members. In the case of the Resolution, that staff member S.22(1) Personal Information, and as regards the Report, there was public disclosure to media outlets about a number of City staff members.

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99. These documents, while they were handed to reporters – as opposed to, for example, broadcast to the public directly through social media – were of a sensitive nature. Disclosure of them is serious, no matter the form that disclosure takes.

100. I also note that, while Mayor Hamer-Jackson has admitted to disclosing the Report and the Resolution, he has taken no responsibility for his actions. Beyond that fact that he has chosen to take no responsibility, he has consistently tried to cast blame on others, including the other members of Council (particularly Councillors O'Reilly and Sarai) in his legal submissions. These matters are not only irrelevant to the issues engaged in this matter, but show a lack of willingness to fulfill his statutory mandate as the leader of the Council.

101. It is incumbent on our leaders to take responsibility when they make mistakes.

102. I must also highlight the following submission which is, in my view, inappropriate:

§ 2(1) Personal Info sparked the investigation, and should be held accountable.

103. Such a submission, directed at a staff member and made without any evidence, with no surrounding context provided, without a suggestion as to its relevance to this investigation, is in my view, illustrative of the Mayor's overall attitude toward this matter, which is that blame lies at the feet of others.

104. I acknowledge that Mayor Hamer-Jackson feels embattled, isolated, and undermined by the rest of the Council. However, that does not give him licence to ignore the ethical rules created by the legislature through the enactment of the *Community Charter* and reinforced by the Council through the adoption of the Code of Conduct.

105. In sum, breaches of closed meeting confidence are of a serious character, no matter the surrounding circumstances. Indeed, most of the BC case law dealing with motions of censure centre on an alleged breach of confidence.<sup>11</sup> Mayor Hamer-Jackson has shown no willingness to take any responsibility for his actions, and Council must proceed on the assumption that he is likely to continue to disclose confidential documents either through lack of care or simply when it suits him.

106. Accordingly, I recommend to Council that:

- a. As per section 4.35(m) of the Code, Council adopt a resolution publicly censuring Mayor Hamer-Jackson and adopting my finding that he breached the Code of Conduct on two occasions, in relation to the Report and the Resolution.

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<sup>11</sup> See for example *Skakun v. Prince George (City)*, 2011 BCSC 1796; *Dupont v. Port Coquitlam (City)*, 2021 BCSC 728; and *Anderson v. Strathcona (Regional District)*, 2024 BCCA 23.

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- b. As per section 4.35(m) and (n) of the Code, this investigation report or a summary of the report be published, with redactions necessary to protect personal information and privacy as per the *FIPPA* legislation (including removal of Attachments). Ultimately, public release is the most powerful tool Council has available to it in a process such as this. Codes of Conduct serve an important function in fostering transparency and accountability. Public release in a case such as this advances those important values.
- c. As per section 4.35(d) of the Code, Council direct the CAO and Corporate Officer to consider placing limits on Mayor Hamer-Jackson's access to confidential information that are necessary to protect the corporation. While Council must, of course, continue to allow him access to the documents necessary to fulfill his statutory role as Mayor, it may provide confidential information to him at a time and in a manner that best ensures records remain confidential. This could include such things as providing only hard copies of confidential records printed on a unique color of paper that would be made available to the Mayor sometime before closed Council meetings and then collected immediately at the end of the closed meeting.
- d. As per section 4.35(k) of the Code, Council reduce Mayor Hamer-Jackson's remuneration by 10% for a period of 12 months. I appreciate this will be seen as a punitive recommendation, but some form of deterrence should be considered by Council for what was the reckless behaviour by the Mayor in early April, 2024.

107. All of which is respectfully submitted this 5th day of September, 2024 for Council's consideration.

