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October 22, 2026

District of Saanich
Freedom of Information and Privacy Coordinator
770 Vernon Avenue
Victoria, BC V8X 2W7
By email: foi@saanich.ca

Re: Request for records under the Freedom of Information and Protection of Privacy Act: performance evaluation of the Chief Administrative Officer, and the report directed by Council on September 20, 2022

1. Under section 5 of the Freedom of Information and Protection of Privacy Act (the "Act"), I request the records described below for the period December 6, 2021 to the date of this request.

2. In this request: "CAO" means the Chief Administrative Officer of the District, including a person acting in that office or appointed to it on an interim basis; "Council member" includes the Mayor; "record" has its meaning in Schedule 1 of the Act and, for this request, includes email, text and instant messages, calendar entries and notes, wherever held, including on a personal account or device of a Council member or employee where the record relates to District business.

3. This request does not seek records responsive to request 2026-60 (recruitment process for the CAO position, December 6, 2021 to January 31, 2023).

A. The September 20, 2022 direction

4. At its meeting of September 20, 2022, Council resolved: "That Council direct staff to report to Council in Quarter 4 of 2022 with options to support the incoming Council with its statutory responsibility to support the Chief Administrative Officer through regular performance evaluations." (Minutes, page 16.) I request:

   (a) the report prepared in response to that resolution, in its final form, and the date on which it was placed before Council or a committee of Council;

   (b) records showing the assignment of that direction to an officer or department, and its status on any list or report of outstanding Council directions, including any record of its completion, deferral or removal; and

   (c) if no report was prepared, records sufficient to show that, and the name and position of the officer responsible for it.

B. Evaluations

5. Records sufficient to show, for each evaluation of the performance of the CAO begun or completed in the period:

   (a) the dates on which it began and was completed;

   (b) the names and positions of the Council members and employees who conducted or took part in it, and the name of any firm or contractor engaged for it;

   (c) the framework, criteria, instrument or template used; and

   (d) the date of each meeting at which it was considered and, for any meeting closed to the public, the subsection of section 90 of the Community Charter relied on.

6. Every contract, purchase order, invoice and record of payment for any consultant, facilitator or firm engaged in connection with the evaluation of, or goal setting for, the CAO, showing the amounts paid.

7. Every bylaw, policy, framework and schedule in force at any time in the period that requires or provides for evaluation of the CAO's performance.

C. Processing

8. This request does not seek the content of any evaluation of the CAO. It seeks dates, participants, process, criteria, cost and the existence or absence of records. Information about the CAO's position and functions as an officer of a public body is within section 22(4)(e), and financial and other details of a contract to supply services to a public body are within section 22(4)(f). Neither is an unreasonable invasion of personal privacy. The fact, date, process and cost of an evaluation are not the evaluation itself, and section 22(3)(g) does not reach them. Disclosure is desirable for subjecting the activities of the District to public scrutiny (section 22(2)(a)).

9. The resolution in item 4 was passed in a meeting open to the public. A report Council directed in open meeting is not the substance of deliberations of a closed meeting, and section 12(3) does not apply to subject matter that has been considered in a meeting open to the public (section 12(4)(a)). For item 5(d), the date of a closed meeting and the subsection of section 90 cited for it are not the substance of its deliberations.

10. Where information is withheld, I ask that it be severed under section 4(2) and the remainder disclosed, with each record or part withheld identified by date, author, recipients, type and the exception relied on.

11. If the District responds that no records exist for any item, I ask for a description of the search: who searched, which repositories and accounts were searched (including those of each Council member, the CAO, Legislative Services, Human Resources and Finance), the search terms used, and the dates of the search. Section 6(1) requires the District to respond "openly, accurately and completely."

12. I do not consent to an extension under section 10(1)(d). Any extension under section 10(1) should identify the paragraph relied on.

13. Item 4 concerns a single, identified Council direction and should be located within the 3 hours that are free under section 75(2). I ask that records responsive to it be released as soon as they are processed, without waiting for the remaining items, and that any fee estimate for the remaining items be given separately.

14. Under section 75(5) of the Act, I ask that all fees be excused. The records relate to a matter of public interest: whether a direction Council gave in open meeting, to provide for regular evaluation of the District's most senior officer, was carried out before that officer was appointed to a five-year term effective January 30, 2023, and at any time since. It is also fair to excuse payment (section 75(5)(a)): the request is confined to dates, participants, process and cost, and no fee may be charged for time spent severing information (section 75(1)(b)(iii)).

15. Please provide records electronically, in PDF, with financial data in its native or spreadsheet format.

16. I expect the District's response within the time set by section 7(1) of the Act.

Yours truly,

Christopher D Caddell

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