

Email: 28(1)

February 16, 2017

28(1)

Dear 28(1) :

Re: Inquiry regarding Access to Information Request #2016-045 – Contracts Pacer Ball Park

This is in response to your inquiry regarding documentation relevant to an access to information request received by the City on July 5, 2016 and an addition to the request on July 22, 2016 for:

“Contracts between the City of Regina and the Pacers Ball Park (or whatever name they operate under), both old and new.”

“...any documentation that exists for the consideration of lands for the relocated park, including, but not limited to, all lands that were considered and/or offered to the City of Regina for relocation, regardless of whether or not they were selected. Further to this, evaluation of each option of land, if any such evaluation exists, and final agreements with the Province of Saskatchewan regarding compensation for the relocation of the park.”

On August 5, 2016 the City released the following documents in response to the request:

- Memorandum of Understanding between the City of Regina and Province of Saskatchewan dated December 18, 2015 regarding the relocation of Pacers Baseball Inc. to accommodate construction of the Regina Bypass.
- Agreement dated March 30, 2000 between the City of Regina and Pacers Baseball Inc. regarding supply of water.
- Agreement dated April 29, 2016 regarding Pacers Baseball Inc. regarding short term license and operating agreement to facilitate commencement of the 2016 ball season.
- Agreement dated May 13, 1992 between the City of Regina and Regina Pacers Baseball Club regarding a sublease.
- Agreement dated May 11, 1993 between the City of Regina and Pacers Sports Club regarding upgrading existing ball diamonds.
- Two water line plans dated March 30, 2000.

- Agreement dated September 23, 2002 between the City of Regina and Pacers Baseball Inc. regarding a facility upgrade.
- Document called “Pacer’s Park Potential Relocation Site Analysis and Comments”.
- Agreement dated June 21, 2012 between the City of Regina and Pacers Baseball Inc. to amend an agreement of March 30, 2000 for the use of the diamonds.

The City has recently located three letters from 2015 regarding Saskatchewan Polytechnic Lands and Pacer’s Park as well as some emails, which are attached.

Pursuant to section 8 of *The Local Authority Freedom of Information and Protection of Privacy Act* (LAFOIPP), some of the information contained in the attached has been deleted for the following reasons: the City cannot give access to information in a record that was obtained in confidence from a government body. This information has been removed pursuant to s. 13(1)(b) of LAFOIPP. I have included a copy of all above-noted sections of the Act.

If you wish to exercise your right to request a review of this decision, you may do so by completing a Request for Review form and forwarding it to the Saskatchewan Information and Privacy Commissioner within one year of this notice. A copy of this form can be found at <http://www.qp.gov.sk.ca/documents/Forms/L27-1R1-B.pdf> or you may contact the Office of the Information and Privacy Commissioner at 306-787-8350.

Please be advised responses to requests are published on the Regina Open Data website at the City’s discretion. All information/data is handled in accordance with LAFOIPP. Your identity as the applicant is protected. Published requests will be available on the Open Data website at <http://open.regina.ca/> after a minimum of three to five business days following release to you.

If you have any questions, please contact Darlene Loucks at 306-777-7070 or by email at lafoipp@regina.ca.

Yours truly,



Jim Nicol
Chief Legislative Officer & City Clerk

JN/del

Enclosure(s)

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(4) Where an application is made with respect to a record that is exempt from access pursuant to this Act, the head may refuse to confirm or deny that the record exists or ever did exist.

(5) A head who fails to give notice pursuant to subsection (2) is deemed to have given notice, on the last day of the period set out in that subsection, of a decision to refuse to give access to the record.

1990-91, c.L-27.1, s.7.

Severability

8 Where a record contains information to which an applicant is refused access, the head shall give access to as much of the record as can reasonably be severed without disclosing the information to which the applicant is refused access.

1990-91, c.L-27.1, s.8.

Fee

9(1) An applicant who is given notice pursuant to clause 7(2)(a) is entitled to obtain access to the record on payment of the prescribed fee.

(2) Where the amount of fees to be paid by an applicant for access to records is greater than a prescribed amount, the head shall give the applicant a reasonable estimate of the amount, and the applicant shall not be required to pay an amount greater than the estimated amount.

(3) Where an estimate is provided pursuant to subsection (2), the time within which the head is required to give written notice to the applicant pursuant to subsection 7(2) is suspended until the applicant notifies the head that the applicant wishes to proceed with the application.

(4) Where an estimate is provided pursuant to subsection (2), the head may require the applicant to pay a deposit of an amount that does not exceed one-half of the estimated amount before a search is commenced for the records for which access is sought.

(5) Where a prescribed circumstance exists, the head may waive payment of all or any part of the prescribed fee.

1990-91, c.L-27.1, s.9.

Manner of access

10(1) Where an applicant is entitled to access pursuant to subsection 9(1), the head shall provide the applicant with access to the record in accordance with this section.

(2) A head may give access to a record:

- (a) by providing the applicant with a copy of the record; or
- (b) where it is not reasonable to reproduce the record, by giving the applicant an opportunity to examine the record.

(3) A head may give access to a record that is a microfilm, film, sound recording, machine-readable record or other record of information stored by electronic means:

- (a) by permitting the applicant to examine a transcript of the record;

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- (2) A head who extends a period pursuant to subsection (1) shall give notice of the extension to the applicant within 30 days after the application is made.
- (3) Within the period of extension, the head shall give written notice to the applicant in accordance with section 7.

1990-03, c.L-27.1, s.12.

PART III
Exemptions

Records from other governments

13(1) A head shall refuse to give access to information contained in a record that was obtained in confidence, implicitly or explicitly, from:

- (a) the Government of Canada or its agencies, Crown corporations or other institutions;
- (b) the Government of Saskatchewan or a government institution;
- (c) the government of another province or territory of Canada, or its agencies, Crown corporations or other institutions;
- (d) the government of a foreign jurisdiction or its institutions; or
- (e) an international organization of states or its institutions;

unless the government or institution from which the information was obtained consents to the disclosure or makes the information public.

(2) A head may refuse to give access to information contained in a record that was obtained in confidence, implicitly or explicitly, from another local authority or a similar body in another province or territory of Canada.

1990-01, c.L-27.1, s.13.

Law enforcement and investigations

14(1) A head may refuse to give access to a record, the release of which could:

- (a) prejudice, interfere with or adversely affect the detection, investigation, prevention or prosecution of an offence or the security of a centre of lawful detention;
- (a.1) prejudices, interfere with or adversely affect the detection, investigation or prevention of an act or omission that might constitute a terrorist activity as defined in the *Criminal Code*;
- (b) be injurious to the enforcement of:
 - (i) an Act or a regulation;
 - (ii) an Act of the Parliament of Canada or a regulation made pursuant to an Act of the Parliament of Canada; or
 - (iii) a resolution or bylaw;