

 COBOURG	THE CORPORATION OF THE TOWN OF COBOURG	
	STAFF REPORT COMMITTEE OF THE WHOLE	
TO:	Mayor, Deputy Mayor and Council Members	
FROM: TITLE:	Brent Larmer Municipal Clerk/Manager of Legislative Services	
DATE OF MEETING:	November 16, 2020	
TITLE / SUBJECT:	Closed Session Meeting Protocol Guidelines and the Closed Meeting Investigation Policy and Procedures.	
REPORT DATE:	November 4, 2020	File #:

1.0 STRATEGIC PLAN

Not Applicable.

2.0 PUBLIC ENGAGEMENT

Not Applicable.

3.0 RECOMMENDATION

THAT Council receive the report from the Municipal Clerk/Manager of Legislative Services for information; and

FURTHER THAT Council approve the Town of Cobourg Municipal Council Closed Session Meeting Protocol and Guidelines in order to ensure that Town of Cobourg Business is conducted in the most open and transparent manner as possible; and

FURTHER THAT Council approve the Closed Meeting Investigation Policy and Procedure which sets out the process and procedure when a request for an investigation is made pursuant to Section 239.1 of the *Municipal Act, 2001* to be performed by the Town of Cobourg appointed Closed Meeting Investigator.

4.0 ORIGIN

Section 239 of the *Municipal Act, 2001*, provides the provisions and requirements related to Meetings of Council being open to the public.

“Meeting” means any regular, special or other meeting of a Council, of a local board, or of a committee of either of them, where,

- a) A quorum of members is present, and
- b) Members discuss or otherwise deal with any matter in the way that materially advances the business or decision-making of the council, local board or committee.

Section 239 (2) of the Municipal Act, 2001 provides for exemptions to where a meeting may be closed to the public.

Section 239.1 of the Municipal Act, 2001, provides for the provisions of the investigation process involved when a complaint is initiated by an individual who believes that the municipality has not complied with the provision of the Municipal Act, Section 239 (2).

5.0 BACKGROUND

The purpose of this policy is to ensure compliance with Section 239 (2) and (3) and Section 239.1 of the *Municipal Act, 2001* as well as to provide guidance to the Town of Cobourg Municipal Council and Municipal Staff as it relates to Closed Meetings.

6.0 ANALYSIS

Section 239 of the Municipal Act lays out specific requirements which must be met to allow Municipal Council to meet in a closed/confidential setting. All Town of Cobourg Council meetings which don't meet these requirements must be held in public.

The purpose of the report and the introduction of the Closed Session Meeting Guide is to provide Council and the public with greater transparency and accountability related to how decisions are made by Municipal Council. The Municipal Clerk is recommending that Council adopt the Closed Session Meeting Protocol Guide in order to provide best practices for Council and/or Committees to follow when considering confidential information in a closed meeting. This protocol is in addition to the closed meeting provisions of the *Municipal Act, 2001* and outlines practices which go beyond the Act's requirements to ensure that Town of Cobourg business is conducted in the most open and transparent manner possible.

Section 239.1 of the Municipal Act gives the public the ability to request an investigation into whether the municipality has complied with the open meeting requirements of the Municipal Act.

As part of the recommendation and included with this report is the proposed Closed Meeting Investigation Policy and Procedure that has been prepared in consultation with the appointed Closed Meeting Investigator.

Town of Cobourg Council has appointed Aird & Berlis LLP., as Cobourg's closed meeting investigator. Aird and Berlis LLP is authorized to conduct investigations about a closed meeting or part of a closed meeting that is alleged to have been conducted in violation of the *Municipal Act, 2001*.

7.0 FINANCIAL IMPLICATIONS/BUDGET IMPACT

There are no financial implications related to this report. The Town of Cobourg has appointed Aird & Berlis as the Closed Meeting Investigator and when an investigation is initiated by an individual, costs will be incurred on a case by case basis.

It is anticipated that with the introduction of the Closed Session Meeting Protocol and Guidelines that the likelihood of a Closed Session complaint would be reduced as more information is accessible and transparent and there is a unified process that information would be readily available to provide the investigator immediately on request.

8.0 CONCLUSION

THAT Council approve the Town of Cobourg Municipal Council Closed Session Meeting Protocol and Guidelines in order to ensure that Town of Cobourg Business is conducted in the most open and transparent manner as possible; and

FURTHER THAT Council approve the Closed Meeting Investigation Policy and Procedure which sets out the process and procedure when a request for an investigation is made pursuant to Section 239.1 of the *Municipal Act, 2001* to be performed by the Town of Cobourg appointed Closed Meeting Investigator.

9.0 AUTHORIZATION/SIGNATURES



Brent Larmer
Municipal Clerk/
Manager of Legislative Services



Tracey Vaughan,
Chief Administrative Office