

Report CCR-CS-31-16

To: Chair Eccles and Members of the Corporate Services Committee
From: Sharon Vokes
Meeting Date: November 8, 2016
Subject: **Recommend Update to the Closed Meeting Procedure (G-GEN-002-005)**
Status: Recommendation adopted by Committee as presented per Resolution CS83-16; Endorsed by County Council November 22, 2016 per Resolution CC149-16

Recommendation

1. That Report CCR-CS-31-16 be received and Grey County's Closed Meeting Procedure (G-GEN-002-005) be approved as presented in Report CCR-CS-31-16.

Background

Council approved the current procedure for managing closed meetings in 2008. All policies and procedures benefit from a regular review to ensure that they remain current and relevant.

Key Changes

The most significant change in the policy is the use of technology to securely provide closed meeting minutes and background information to councillors. The current policy does not provide for emailing of information in advance of meetings. This can make decision making more difficult and Council moved away from this part of the procedure some time ago in favour of receiving confidential items through email.

Emailing confidential information is less than ideal and staff have held off updating this procedure until a more secure method of sending confidential documents could be found. This has now been accomplished through the creation of a council web portal which is secure and designed for councillors.

Other changes are:

- Reflect that going into closed session is a choice and only legally required if there is an ongoing investigation of the County by the Ombudsman.
- Agendas will only include provision for a closed meeting if it is known there is a specific issue to be dealt with. Council may with a two third's vote provide for the addition of a closed meeting item to the agenda. The preferred method is to delay the item until the next meeting.
- Where possible staff reports are to be open and include a closed meeting addendum if required.
- Formal motions are required where voting is permitted.
- Recognition of current practice of approving closed meeting minutes at the next open meeting.
- Includes requirement that confidential information is not to be copied, forwarded or in any way shared.

Financial/Staffing/Legal/Information Technology Considerations

There are no financial or staffing implications related to this updated procedure.

The updated procedure reflects modern meeting practices of distributing confidential information ensuring proper security using technology. The necessary web portal has been developed by Information Technology staff and has been "test driven" by the Warden and several councillors. Training will be provided to all councillors.

The revised procedure recognizes best practices for managing closed meetings as identified by reports of the Ombudsman and by LAS, the County's Closed Meeting Investigator.

Link to Strategic Goals/Priorities

The updating of the Closed Meeting Procedure does not directly relate to a specific corporate objective. Open, transparent and accountable government is a key corner stone of our governance system. A clear procedure guides councillors and staff and is a way for the public to better understand closed meetings and how they are managed.

Attachments

Closed Meeting Procedure G-GEN-002-005

Respectfully submitted by,

Sharon Vokes
Clerk/Director of Council Services

Closed Meetings Procedure

Approved by: County Council

Date Approved:

Replaces:

Endorsed by:

Last Modified Date: February 2008

Scheduled for Review by: 2021

Procedure Number: G-GEN-002-005 **Parent Policy:** G-GEN-002

Author: Clerk's Department

References and Related Documents

- The Municipal Act, 2001
- Procedural By-law 4876-14
- Agendas, Meetings and Resolutions Policy: G-GEN-002
- Closed Meeting Investigator Procedure: G-GEN-002-006

Purpose

This procedure defines when closed meetings are to be held and the processes to be followed. Grey County supports the principles of open and accountable governance. There are circumstances, however, where it is necessary to hold a closed meeting.

Scope

The procedure applies to Council, its committees, sub committees and task forces of the County of Grey.

Procedure

Agenda

Agendas will list any closed meeting items and the general subject matter of the closed meeting item.

If a closed meeting item arises after the agenda has been prepared, the item will either be placed on the next agenda or, if time sensitive, can be dealt with if agreed to by two-third's majority of the members. This is in accordance with the Procedural By-Law (Section 2.1).

Staff Reports

Staff who are considering labelling a report “confidential”, and therefore to be considered a closed meeting matter, should seek advice from the Clerk’s Office to ensure that the subject matter meets the criteria for a closed meeting discussion.

Where possible, staff reports should be drafted for consideration in the open portion of the meeting with confidential information referenced as a confidential addendum to the report. It is recognized that at times the entire report will be confidential.

Resolution to go Into a Closed Meeting

A resolution to go into a closed meeting should voluntarily disclose as much information in the resolution as possible. The reason must meet the criteria as set out in the Municipal Act 2001 as amended. The resolution must include the following:

- Notation that the meeting is going into closed session under Section 239 of the Municipal Act
- A description of the subject matter to be discussed and the fact that the meeting is being closed under the specific subsection.

Council, or its committees, may choose to remain in an open meeting to discuss items allowed under Section 239. The exception is for any ongoing investigation regarding Grey County by the Ombudsman which will be dealt with in a closed meeting of County Council.

It is important to provide as much information as possible about the subject matter to be discussed to provide transparency and accountability to the public.

Discussion and Voting

Voting during closed meetings is restricted to procedural matters or for giving directions or instructions to officers, employees or agents of the municipality or committee of either of them or persons retained by or under a contract with the municipality.

Formal motions are required where voting is permitted.

The Warden/Chair will prohibit discussion of any matter that was not disclosed in the resolution authorizing the closed meeting.

Minutes

Closed meeting minutes are taken by the Clerk, Deputy Clerk or Recording Secretary.

The minutes of the open meeting and closed meeting will reflect the time the closed meeting commenced and the time the closed meeting was completed. Once back in the open meeting, the Warden/Chair will confirm that the Council/Committee discussed only those matters identified in the resolution to go into a closed meeting and that this will be recorded in the minutes.

Approval of Closed Meeting Minutes

Closed meeting minutes will be approved at the next regular meeting.

Circulation of Closed Meeting Minutes and Background Reports

Closed meeting minutes and background reports will be circulated to the members electronically using a secure council website.

Recipients will not copy, forward or in any way share the confidential information.

All closed meeting minutes and background reports will be held by the Clerk/Director of Council Services in a secure location.

Responsibilities

The Clerk's Office is responsible for the administration and maintenance of this procedure.