

City of Burlington Closed Meeting Protocol

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Overview

- Open Meeting Rule
- Engagement; Review Process
- What has Changed? What is the Same?
- Overview of the Protocol
 - Before a Closed Meeting
 - Closed Meeting Materials
 - During a Closed Meeting
 - After a Closed Meeting
- Closed Meeting Investigation Protocol



Open Meeting Rule

Open Meeting Rule

- Ontario's "open meeting" rule - *Municipal Act, 2001*:
239 (1) Except as provided in this section, all meetings shall be open to the public.
- "meeting" is defined in s. 238(1) of the *Municipal Act, 2001*:
238 (1) In this section and in sections 239 to 239.2,
"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 a way that *materially advances* the business or decision-making of the council, local board or committee.

Open Meeting Rule

Exceptions

- A meeting can be closed to the public if an exception to the open meeting rule applies
- The *Municipal Act, 2001* recognizes *limited* exceptions to the open meeting rule depending upon the **subject matter** that the council, local board or a committee of either of them is considering
- **Fourteen (14)** specific exceptions are set out in ss. 239(2), (3) and (3.1) of the *Municipal Act, 2001*
 - the exceptions in ss. 239(2) and (3.1) are *discretionary*
 - the exceptions in s. 239(3) are mandatory



Engagement; Review Process

Engagement; Review Process

- Standing Committee passed resolution in February 2022 (Motion Memorandum SD-04-22)
 - Closed Meeting Investigation request in February 2022; presented in May 2022
- Review process:
 - review City documents, materials
 - discussions with City staff
 - *Closed Meeting Investigation
 - research closed meeting procedures, best practices; informed by case law
 - draft Protocol; review with City staff



What has Changed?

What has Changed?

- Standard naming convention for Closed Meeting Reports
- Electronic distribution of materials (forthcoming process)
- Standardized resolution to convene a Closed Meeting
- Voting during a Closed Meeting
- Options for Staff recommendations to Report Out
- Standardized process for waiving confidentiality
- Structure and content of Closed Meeting Minutes
- New Closed Meeting Investigation Process



What is the Same?

What is the Same?

- Staff identification of closed meeting items, applicable closed meeting exception
- Staff recommendations to Council
- Verbal updates and presentations permitted, subject to same requirements as Staff reports
- Hybrid Closed Meetings permitted
- Proceedings of a Closed Meeting (i.e., moving into, discussion, moving out of)



Overview of the Protocol

Overview of the Protocol

- Before a Closed Meeting
 - Closed Meeting Reports, naming convention
- Closed Meeting Materials
 - distribution and access to materials
- During a Closed Meeting
 - convening, proceedings
- After a Closed Meeting
 - reporting out, waiving confidentiality



Closed Meeting Investigation Protocol

Closed Meeting Investigation Protocol

- Closed meeting investigations governed by s. 239.2 of the *Municipal Act, 2001*
- Protocol intended to implement those provisions
- Clarifies scope of investigation process:
 - submission of request
 - intake and review by Investigator
 - materials requires from City and local boards
 - additional powers of Investigator



Question & Answer

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