

# Closed Meeting Investigation

CL-19-24

To : CoW November 4, 2024

# Closed Meeting Investigation

- Aird Berlis is the closed meeting Investigator for the City of Burlington.
- Why was this investigation carried out by Tony Fleming of Cunningham Swan?
- The report was received by the City on October 8 with instructions to make it public at the next open session of Council. That means this should have been presented at the October 15<sup>th</sup> meeting of Council.
- Why was it delayed till now?

# Executive Summary?

- This report provides the findings of the Closed Meeting Investigation of the January 12, 2024 Special Council meeting.
- Really?
- Here is how NoteGPT summarizes the Investigators report.
  
- An investigation into the City of Burlington's closed meetings revealed that the Council failed to provide public notice for sessions held on January 12 and February 13, 2024, regarding the recruitment of a new City Manager. This lack of transparency contravenes the Municipal Act, which mandates public notice for Council meetings. The investigator concluded that the City must comply with notice requirements to uphold democratic legitimacy.

# Highlights

- **Investigation Report:** Public report on closed meeting investigation released.
- **Closed Session:** Complaints about lack of public notice for closed meetings.
- **Legal Framework:** Municipal Act requires public notice for Council meetings.
- **Transparency Issues:** Lack of notice undermines public trust and democratic processes.
- **City's Defense:** Burlington cited reasons for confidentiality but was found non-compliant.
- **Recommendations:** Future meetings should ensure proper public notice.
- **Final Decision:** City was in contravention of the Municipal Act.

# Key Insights

- **Legal Obligations:** The Municipal Act mandates that municipalities must provide public notice of meetings, emphasizing transparency in governance. This obligation cannot be waived, indicating the importance of public participation in local government processes.
- **Consequences of Secrecy:** The City's decision to hold meetings without notice reflects a broader issue of accountability. When local governments operate in secrecy, they risk alienating the public and damaging trust in their operations.
- **Role of the Ombudsman:** The Ombudsman's findings in similar cases underscore the necessity for municipalities to follow procedural guidelines. Their role is crucial in holding local governments accountable for transparency violations.

# Key Insights continued

- **Implications for Future Conduct:** This investigation serves as a precedent for other municipalities, highlighting the need for strict adherence to notice requirements, particularly during sensitive recruitment processes.
- **Public Engagement:** Ensuring public notice is critical for fostering civic engagement, allowing citizens to remain informed about local governance decisions that affect their communities.
- **Recruitment Challenges:** While recruitment processes often require confidentiality, this cannot supersede legal obligations
- **Call for Reform:** The findings advocate for a reevaluation of how municipalities approach meeting notices, aiming to enhance compliance and promote a culture of openness in local governance.

# Staff Spin

- If you read the staff report you get the impression that they don't acknowledge the validity of the Closed Meeting Investigation report.
- They repeat the arguments that they made to the Closed Meeting Investigator which he found to be in error and in violation of the Municipal Act.
- The proposed staff resolution is to ask for the Municipal Act to be changed.

# Council in a Bubble

- Council needs to reject the resolution proposed by staff as it fails to acknowledge the findings of the Closed Meeting Investigator.
- Council needs to hear from the Closed Meeting Investigator in person
- I would suggest that he be asked to comment on the resolution that staff have proposed.



# Engaged Citizens

- When your called for jury duty and your name is drawn by lot
- When you vote in an election or freely voice your thought
- Don't take these rights for granted for dearly they were bought
- Remember Thomas Muir of Huntershill.

Thomas Muir of Huntershill by Dick Gaughan.

- Democracy Dies In Darkness – The Washington Post