

THE COURT HAS NOTED:

THE DEMOCRATIC LEGITIMACY OF MUNICIPAL DECISIONS DOES NOT SPRING SOLELY FROM THE PERIODIC ELECTIONS, BUT ALSO FROM A DECISION MAKING PROCESS THAT IS TRANSPARENT, ACCESSIBLE TO THE PUBLIC AND MANDATED BY LAW. WHEN A MUNICIPAL GOVERNMENT IMPROPERLY ACTS WITH SECRECY, THIS UNDERMINES THE DEMOCRATIC LEGITIMACY OF ITS DECISIONS

AT THE OUTSET OF ITS LETTER, THE CITY ALLEGES THAT IT DID NOT, IN FACT, TAKE THE POSITION THAT SUFFICIENT NOTICE WAS GIVEN. HOWEVER THE BULK OF THE CITY'S RESPONSE LETTER, DOES IN FACT MAKE THE ASSERTION THAT EXPLICIT NOTICE OF THOSE MEETINGS WAS NOT REQUIRED.

WE FIND THAT PUBLIC NOTICE OF THE TIME AND LOCATION OF THE CLOSED SESSION MEETINGS HELD ON JANUARY 12, 2024 AND FEBRUARY 13, 2024 WAS REQUIRED UNDER THE *MUNICIPAL ACT*.

THE CITY FAILED TO PROVIDE THIS MINIMUM LEVEL OF NOTICE AND AS SUCH WE FIND THAT CITY WAS IN CONTRAVENTION OF THE *MUNICIPAL ACT* REQUIREMENTS.

WE ALSO FIND THAT THESE CONTRAVENTIONS WERE NOT ACCIDENTAL OR THE RESULT OF MERE OVERSIGHT. THE CITY DELIBERATELY CREATED A PROCESS THAT THE PUBLIC WAS NOT AWARE OF THE TIME OR LOCATION OF THE CLOSED SESSION MEETINGS IN ORDER TO ENHANCE THE CONFIDENTIALITY OF THE RECRUITING PROCESS. THIS DIRECTLY CONTRADICTS THAT A MUNICIPALITY MAKES DECISIONS THAT ARE TRANSPARENT AND ACCESSIBLE TO THE PUBLIC.