

# Closed Meeting Investigation

CL-19-24

To : Council November 19, 2024

# The *Municipal Act* 2001

- **238(2)** Every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings. 2001, c. 25, s. 238 (2).
- **238(2.1)** The procedure by-law shall provide for public notice of meetings. 2006, c. 32, Sched. A, s. 102 (3).

# Procedure Bylaw

- **2.2** Any rules or regulations contained in this by-law may be temporarily suspended except those rules of regulations that are set out by legislation, with the consent of at least two-thirds of the Council members Present

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- We find that the City was not able to waive the requirement to give public notice of the time and place of the closed session meetings. The requirement to give public notice is a legislated requirement under Section 238(2.1) of the *Municipal Act* which cannot be waived by Council under the Procedural By-Law.
- As a result, we find that the City was required to give public notice indicating, at a minimum, the time and place of the closed session meetings.

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- 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.

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- We also find that these contraventions were not accidental or the result of mere oversight. The City deliberately created a process to ensure 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 the requirement that a municipality make decisions that are transparent and accessible to the public.

# The *Municipal Act* 2001

## **Meetings open to public**

- 239(1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

## **Exceptions**

- 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees;