

**TOWN OF
AMHERSTBURG**



POLICY NO.: Closed Meeting Policy and Procedures

SOURCE: Clerks

SECTION:

DATE ENACTED: April 23, 2012

DATE OF AMENDMENT:

POLICY STATEMENT:

The Town of Amherstburg supports the principle of open and accountable government.

PURPOSE:

The purpose of this policy is to provide clear guidelines on closed meeting procedures.

LEGISLATION:

Section 239 of the Municipal Act, 2001 (the "Act"), as amended establishes the regulatory framework under which a Council, Board or Committee may go into closed session for discussion of a matter.

APPLICATION:

This policy applies to Council, Committees, Boards and staff.

POLICY:

Closed Meeting

A closed meeting may also be referred to as In-Camera meeting and is any meeting of Council, Board or Committee that excludes members of the public.

Notice

Notice of the closed meeting shall be in accordance with the Town of Amherstburg Procedural By-law 2008-28, as may be amended from time to time.

Agenda

Public Council agendas shall include a section entitled "In-Camera Meeting". This enables Council the opportunity to deliberate and vote on the motion to move into closed session during a public session.

A closed meeting session enables discussion of all closed session items that are before the Council, Committee or Board at that particular meeting. This does not preclude a member from requesting the opportunity to go into closed session during the public discussion of a specific report. Notice will be deemed satisfied by the item having been included on the public agenda.

Items that have not been subject of prior notice, shall only be when they are clearly of an urgent nature, or there are compelling reasons to justify suspension of the Town's normal notice practices.

Staff Reports

Staff who are considering a report to be considered during closed session should seek the advice of the Clerk to ensure that the subject matter meets the criteria for a closed meeting discussion. Closed session agenda items will be carefully reviewed to ensure that the matter falls within one of the exceptions provided under Section 239 of the Act.

Resolution to go into Closed Session

Before holding a closed meeting, Council, Board or Committee shall pass a resolution to hold a closed meeting. The motion shall state:

- (a) That the meeting is a closed meeting; and
- (b) The section under the Municipal Act authorizing the closed meeting; and
- (c) The general nature of the matter to be considered at closed meeting

The reason to move into closed session must meet the criteria set out in Section 239 of the Act. The resolution to move into closed session will voluntarily disclose as much information about the general nature of the subject matter without undermining the reason why the matter is being dealt with in closed session.

e.g. Tentative Settlement – IBEW Local 636
S. 239 (2)(d) - Labour relations or employee negotiations

Items heard in closed session under exemption "education and training" should only be held for the purpose of education or training. Education and training shall be held in a public session, where appropriate.

Discussion and Voting

The Mayor/Chair shall prohibit discussion of any matter that was not disclosed in the resolution authorizing the closed meeting. It is the responsibility of each member of Council to limit discussion to only those matters contained in the resolution to move in closed session.

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 contract with the Town. Concurring on a matter is not permitted.

Reporting out from Closed Session

The public agenda shall include a section entitled "Report from In-Camera Session". The Chair or the Clerk shall publicly report the results of the closed meeting to the extent appropriate.

Minutes

Closed meeting minutes are taken by the Clerk and consist of the minutes of the meeting without note or comment. In the event that the Clerk is absent or excused from the closed portion of the meeting, the Deputy Clerk will document the proceedings.

Approval of Closed Meeting Minutes

Approval of closed meeting minutes shall be at the next possible public meeting of Council or the appropriate committee meeting and shall be voted on in public session. The confidential closed meeting minutes will be provided to Council prior to the meeting for review and consideration.

Access to Reports/Materials

Confidential reports/materials to be considered during a closed meeting will be circulated to the members on coloured paper or by electronic means on jump stick with an access code. Those reports/materials circulated on coloured paper will be collected prior to returning to open session.

All closed meeting minutes and reports/background information will be retained by the Clerk's department in a secure location. The electronic agenda and documents contained on council members jump stick shall be destroyed.

In the event that a councillor wishes to view the contents of a closed meeting or minutes, they may do so by requesting access from the Clerk.

Training

New Councils shall be provided closed meeting training before the first regular council meeting of a new term. Staff will be provided training as required. Ongoing education on closed meeting procedures and Section 239 of the Municipal Act shall be provided to Council and staff, as required.

Obligations under Act

Staff and all members of Council should be vigilant in adhering to their individual and collective obligation to ensure that council complies with its responsibilities under the Act and the Town's Procedural By-law.

Information Confidential

All information, documentation or deliberations received, reviewed, or taken in a closed meeting, including the agenda, is confidential and must not be released to the public or any individual not entitled to be present at the meeting. No member is allowed to release or make public any information considered at a closed meeting or discuss the contents of such a meeting with anyone other than members of council or relevant staff members.

Questions

Questions relating to closed meetings should be directed to the Clerk.


Ombudsman
ONTARIO

ONTARIO'S WATCHDOG
CHIEN DE GARDE DE L'ONTARIO

April 19, 2012

Ms. Brenda Percy, Clerk
Town of Amherstburg
271 Sandwich St. South
Amherstburg, ON
N9V 2A5

Dear Ms. Percy:

RE: Draft Policy on Closed Meeting Procedures

Thank you for your correspondence of April 16, 2012, in which you provided a copy of the Town's new draft policy for closed meetings. You noted that the policy incorporates the recommendations the Ombudsman made in his December 2011 report "Behind Closed Doors".

At this time our Office has no further comments on the Town's closed meeting procedures, other than those included in the Ombudsman's report.

Thank you once again for providing this information to our Office.

Sincerely,



Michelle Bird
Legal Advisor
Open Meeting Law Enforcement Team

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