

Request for Closed Session Investigation

Pursuant to Section 239(1) of the *Municipal Act 2001* regarding a closed meeting or meetings.

This is a complaint made to the Municipality's Investigator for an investigation as to "*whether the municipality or a local board has complied with section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation. 2006, c. 32, Sched. A, s. 104*".

Please complete and submit this form to the attention of the Clerk at the address listed above.

Name of the Municipality: _____

Name of Local Board or Committee (if applicable): _____

Date(s) of Meeting(s) that are the subject of this request: _____

Reason for the request (Please give reason(s) for complaint):

Please use additional sheets if necessary.

Complainant's Contact Information (for use by closed Meeting Investigator only. Information with respect to the identity of the complainant will only be made public with the express permission of the complainant.)

Name: _____

Mailing Address: _____

Telephone: _____ Email: _____

WHY DO MUNICIPAL COUNCILS AND LOCAL BOARDS HAVE MEETINGS OR PORTIONS OF MEETINGS THAT ARE CLOSED TO THE PUBLIC?

Municipal councils, local boards and their committees must meet behind closed doors on occasion to deal with some matters. For example, if a municipality is being sued or if Council is considering purchasing a piece of land or if council must deal with a labour relations issue then it is appropriate that it be able to do so at a closed meeting. The purpose of such a closed meeting is to receive information or give direction.

Local government in Ontario must be transparent and accountable. To this end, the Province has set the rules for a council, local board or a committee to go into a closed meeting. These rules are found in section 239 of the *Municipal Act, 2001, as amended*. They must be strictly followed.

The permitted reasons for going into a closed meeting are:

- ✓ The security of property of the municipality or local board;
- ✓ Personal matters about an identifiable individual, including employees;
- ✓ A proposed or pending acquisition or disposition of land;
- ✓ Labour relations or employee negotiations;
- ✓ Litigation or potential litigation
- ✓ Advice that is subject to solicitor-client privilege;
- ✓ A matter authorized by another provincial statute;
- ✓ Information explicitly supplied in confidence to the Municipality or Local Board by Canada, a Province or Territory or A Crown Agency of any of them;
- ✓ A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- ✓ A trade secret or scientific, technical, commercial or financial information that belongs to the Municipality or Local Board and has monetary value or potential monetary value;
- ✓ A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board
- ✓ If the subject matter relates to a request under the *Municipal Freedom of Information and Protection of Privacy Act*;
- ✓ The meeting is held for educating and training and no member discusses or deals with a matter in a way that materially advances the business or decision-making of the council or local board.

That is the entire list. Thus, for example, there is no specific authority to undertake strategic planning at a closed meeting. Only those aspects of a strategic planning process that might fall within the closed meeting list can be dealt with at a properly called closed meeting. All other matters relating to the strategic plan must be deliberated by council or a committee at an open meeting.

Before council, a local board or a committee begins the closed meeting, it must pass a resolution at a public meeting indicating that a closed meeting is being held and what the general nature of the matter to be considered is. A closed meeting shall not be held by council, a local board or committee before this resolution is passed.

Any person has the right to request an investigation as to whether the municipality, local board or committee complied with the closed meeting rules established by the Province or the Procedure By-law of the municipality or local board. A request must be in writing and should be directed to the municipal clerk unless there is provision for it to be sent directly to the municipality's Investigator.

If you have any questions about these closed meeting rules, contact the Municipal Clerk at 613-382-2149 ext. 1120 or via email at clerk@gananoque.ca.