

## **Information about Closed Meetings**

Local government in Ontario must be transparent and accountable. To this end, the Province has set the rules for Council, local boards or a committee to go into a closed meeting. These rules are found in section 239 of the Municipal Act, 2001 and are included within the Town of Aylmer's Procedural By-law. They must be strictly followed.

At times, Aylmer Town Council must deal with matters of a confidential nature. When this situation arises, Town Council holds a closed (or "in-camera") meeting. Under the Municipal Act, a municipal council, local board or a committee may close a meeting, or part of a meeting, to the public to discuss the following matters:

- (a) The security of the property of the municipality or local board;*
- (b) Personal matters about an identifiable individual, including municipal or local board employees;*
- (c) A proposed or pending acquisition or disposition of land by the municipality or local board;*
- (d) Labour relations or employee negotiations;*
- (e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;*
- (f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
- (g) A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act.*

In addition, meetings of a municipal council, a local board or a committee may be closed to the public if:

- 1. The meeting is held for the purpose of educating or training the members;*
- 2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee;*
- 3. The subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act and the council, board, commission or other body is the head of an institution for the purposes of that Act.*

In order to close a meeting to the public, Council must state by resolution that a closed meeting will be held and state the general nature of the matter to be considered at the closed meeting. The Municipal Act also imposes certain restrictions on a meeting that is held without the public present by requiring that no vote be taken on any matter unless the vote is for a procedural matter or for the giving of directions or instructions to the officers of the municipality.

It is the duty of the Clerk to record, without note or comment, all resolutions, decisions and other proceedings of the Council.

### **What steps do I take if I have a concern?**

1. Contact the Clerk about your question or concern, and to see if it can be answered.
2. If you believe that the meeting was closed to the public in a way that is not permitted by the Municipal Act, 2001 and the Town's Procedural By-law, submit a request for investigation form or a written request for a meeting investigation.

### **What is a meeting investigation?**

As of January 1, 2008, any person or corporation can request that an investigation be undertaken respecting whether a municipality or local board, or a committee of either, has complied with closed meeting rules outlined in the Municipal Act, 2001 or the applicable procedural by-law.

Through the County of Elgin, the Town of Aylmer has engaged the services of JGM Consulting as the Municipal Closed Meeting Investigator and has authorized it to conduct investigations upon receipt of a request for investigation regarding meetings or parts of meetings that are closed to the public.

The Investigator will determine compliance with the Municipal Act, 2001 or the Town of Aylmer's Procedural By-law with respect to closed meetings and will report on the results of such investigations. During the investigation, the Investigator may contact you for further information.

The Investigator will only investigate meetings that were held on or after January 1, 2008.

### **Request for Investigation Procedure**

A request for investigation must be submitted on the established form. All requests must be submitted in a sealed envelope marked "PRIVATE AND CONFIDENTIAL" and contain all of the following information:

1. Name of municipality
2. Your name, mailing address, telephone number and e-mail address (if applicable)
3. Date of closed meeting under consideration
4. Nature and background of the particular occurrence
5. Any activities undertaken (if any) to resolve the concern
6. Any other relevant information
7. Your signature.

Enclose a cheque for \$25.00, payable to the Town of Aylmer (or if you are delivering the complaint in person, cash or debit card payments will be accepted). You will receive a receipt from the Town for this payment.

All requests shall be sealed in an envelope clearly marked "PRIVATE AND CONFIDENTIAL" and submitted by mail or in person directly to:

Town of Aylmer  
Attention: Clerk  
46 Talbot Street West  
Aylmer, ON N5H 1J7

All requests will be treated as confidential as required by law. Requests will be forwarded directly to JGM Consulting by the Clerk. The Clerk will provide the Investigator with a certified copy of the meeting agenda, meeting minutes, the Town's Procedural By-law, notice, and a copy of other relevant information. JGM Consulting will only investigate issues referred to them by the municipality. All requests must be received by the Clerk within one (1) year of the date of the meeting to which the request is related.

### **Why is there a fee to submit a request for investigation?**

The Town pays an annual retainer to JGM Consulting and an hourly rate for each investigation, plus expenses. The \$25 fee seems appropriate to the service provided.

Note: There is no charge to contact the Clerk to discuss your questions or concerns. The fee noted above relates specifically to requests for investigation referred to JGM Consulting.