

# Information Report

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Service Area	Corporate Services
Date	Friday, June 19, 2020
Subject	<b>New Closed Meeting Investigator – Aird and Berlis LLP</b>

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## Executive Summary

### Purpose of Report

To notify the public that the City of Guelph's closed meeting investigator, [Local Authority Services](#) (LAS), has contracted a new third party, [Aird and Berlis LLP](#), to conduct closed meeting investigations on its behalf.

### Key Findings

In 2007, City Council appointed LAS as its closed meeting investigator. Between 2007 and 2019, Amberley Gavel Ltd was contracted by LAS to conduct investigations. As of January 1, 2020, Aird and Berlis LLP has assumed responsibility for conducting closed meeting investigations on behalf of LAS.

### Financial Implications

None.

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## Report

### Details

The [Municipal Act](#) (the Act) allows any person to request an investigation with respect to whether a municipality has complied with the open meeting exceptions contained in [Section 239 of the Act](#).

[Section 239 of the Act](#) requires that meetings of City Council be open to the public except where the subject matter being considered is:

- 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;
- h. 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;
- i. 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;
- j. 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; or
- k. 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 an individual believes that a meeting of City Council or committee has been held in closed session without the subject matter fitting the categories noted above, they may request a closed meeting investigation.

An online [request for closed meeting investigation form](#) is available for anyone interested in requesting an investigation. The [accountability and transparency page](#) on Guelph.ca contains further information and instructions.

In addition to the requirements of the Act, the City of Guelph [closed meeting protocol](#) provides additional guidance to members of the public, City Council and staff in relation to closed meetings. In the interest of accountability and transparency, Guelph City Council seeks to conduct its decision making in public as much as possible.

### **Financial Implications**

None.

### **Consultations**

None.

### **Strategic Plan Alignment**

The Working Together for our Future strategic plan priority seeks to improve how the City communicates with residents. By ensuring that all meetings of City Council are conducted in public, except where permitted by the Act, residents of Guelph can watch and participate in the City Council decision making process. By providing an easy to access closed meeting investigation request process, residents can be further assured that the City of Guelph continues to meet in closed only where permitted by the Act.

### **Departmental Approval**

None.

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