



THE REGIONAL MUNICIPALITY OF PEEL
REGIONAL COUNCIL POLICIES AND PROCEDURES COMMITTEE
WORKSHOP
REPORT OF THE CLERK

1. CALL TO ORDER

Councillor Parrish, Committee Chair, called the Regional Council Policies and Procedures Committee workshop to order on March 18, 2021 at 1:09 p.m., in the Council Chambers, Regional Administrative Headquarters, 10 Peel Centre Drive.

Pursuant to section 5.10.5 of Region's Procedure By-law 56-2019, as amended, quorum of Council is not required for a workshop to proceed. No roll call was taken.

2. PURPOSE

The purpose of the workshop was to discuss the Open Meeting Exceptions under the *Municipal Act*; and, to hear from John Mascarin, Certified Specialist (Municipal Law: Local Government and Land Use & Development Law).

Pursuant to section 5.10.7 of the Region's Procedure By-law 56-2019, as amended, no decision shall be made at a workshop. Any matter requiring a decision shall be reported to Council or committee for consideration, debate and approval at a subsequent meeting of Council or committee.

2.1 Open Meeting Exceptions under the *Municipal Act*, 2001

(Oral)

Presentation by John Mascarin, Certified Specialist (Municipal Law: Local Government and Land Use & Development Law)

John Mascarin, Certified Specialist (Municipal Law: Local Government and Land Use & Development Law) provided an overview of meeting procedures including: the legislative history of what constitutes or defines a meeting; electronic meetings and recent legislative changes with respect to quorum and voting; a detailed review of discretionary and non-discretionary closed meeting exceptions as set out in various legislation; the courts view regarding closed meeting discussions with respect to public and closed matters that are inextricably connected; procedural requirements regarding decisions to go in camera and the authorizing resolution; limited voting permitted in closed session; attendance requirements; record keeping including audio/video recordings; closed meeting investigation procedures, reporting and recommendations; electronic transmissions that could constitute an improper closed meeting; reporting out on closed session matters; common problems; and, best practices.

John Mascarin responded to questions of clarification regarding:

- best practices to determine when to go in camera;
- the process to determine rulings on Code of Conduct contraventions and the potential delegation of authority to the Integrity Commissioner, or independent person, to make rulings on behalf of Council;
- the ability of local municipalities to discuss regional issues at local council meetings;
- clarification on the closed meeting exception under s. 239(2)(k) of the *Municipal Act*, “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”;
- the ability to go in camera for discussions regarding a municipality’s competitive advantage (e.g. branding discussions);
- Council’s authority to determine who may attend a closed session meeting;
- Councillor socializing versus discussion of Council business;
- Council’s authority to discuss public decisions, such as those made by a Committee of Adjustment, in closed session if there is litigation or potential litigation (i.e. potential LPAT appeal);
- Council’s discretionary authority to determine what matters will be dealt with in camera and what to report publicly;
- information that could potentially be closed in perpetuity and related Freedom of Information requests;
- Council’s authority to waive solicitor client privilege, to make arrangements known to the people involved, and consideration of contractual agreements and potential implications; and,
- closed session matters that have become public through newspaper articles and public conversations.

3. NEXT MEETING

Thursday, September 2, 2021
1:30 p.m. – 3:00 p.m.
Council Chamber, 5th Floor
Regional Administrative Headquarters
10 Peel Centre Drive, Suite A
Brampton, Ontario

Please forward regrets to Harjit Gill, Committee Clerk, at harjit.gill@peelregion.ca.

4. ADJOURNMENT

The workshop ended at 3:41 p.m.