



Town of Gravenhurst Closed Session Procedures

Response to IC Report No. 100724
November 6, 2024

Attendees: Councillor Jo Morphy
Kayla Thibeault (Clerk) & Scott Lucas (CAO)





Recommendation from Integrity Commissioner

2. A remedial action of attendance at an information session with the Town Clerk's Office within 60 days of this report. In that session, the Respondent will discuss the relevant sections of the Town's Procedural By-law and the Town processes regarding receipt and the duty of care regarding confidential information received in Closed Session meetings.





- Public Agenda

- Closed Session is included as a standard routine order of business item on the Council agenda (Sections 4.2.1, 4.3.1, 4.4.1, 4.5.1)
- Start time will vary (Section 4.5.2)
- General description of the issue to be discussed

- B. Closed Session**
2:15 p.m.

- 1. Personal / Identifiable Individual
re: Subcommittee Appointments





- Going Into Closed
 - Authorizing Resolution adopted before starting discussion
 - Includes the meeting is going into Closed for a specific reason

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in
order to consider:

(x) personal matters about an identifiable individual, including municipal or local board Employees;

pursuant to Clause 239(2) of the Municipal Act, 2001 C.25.





Ontario Ombudsman’s Order: Section 239(4)(a) of the Act requires that, before holding a closed meeting, council must state by resolution “the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting.”

The Court of Appeal for Ontario stated in *Farber v. Kingston (City)* that a resolution to go into a closed meeting should provide a general description of the issue to be discussed in a way that maximizes the information available to the public while not undermining the reason for proceeding into closed session.

This means that municipalities are required to add a “level of informative detail” to the resolution to close a session to the public.





- In Closed Session
 - Declaration of Pecuniary Interest
 - Work through agenda topics

- Out of Closed
 - Motion to come out of Closed





- Closed Session Agenda Circulation Procedures
 - Secure online e-agenda module
 - All Members provided with individual login and password
 - Closed Agenda materials uploaded to software and access individually provided
 - Email with direct link provided the Friday prior to the meeting
 - Note added re: confidentiality





Duty & Care of Confidential Information: Council Code of Conduct

7.1 Members receive confidential information from a number of sources as part of their work as elected officials. This includes information received in confidence by the Town that falls under the privacy provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and other applicable privacy laws and information received during closed meetings of Council.





7.2 A Member shall not disclose the content of any confidential information, or the substance of deliberations, of a closed meeting. A Member has a duty to hold any information received at closed meetings in strict confidence for as long and as broadly as the confidence applies. A Member shall not, either directly or indirectly, release, make public or in any way divulge any such information or any confidential aspect of the closed deliberations to anyone, unless authorized by Council or as required by law.





7.3 A Member shall not disclose, use or release confidential information in contravention of applicable privacy laws. Members are only entitled to information in the possession of the Town that is relevant to matters before the Council, or a committee. Otherwise, Members enjoy the same access rights to information as any other member of the community or resident of the Town and must follow the same processes as any private citizen to obtain such information.

7.4 A Member shall not misuse confidential information in any way or manner such that it may cause detriment to the Town, Council or any other person, or for financial or other gain for themselves or others.





7.5 A Member shall respect the right to confidentiality and privacy of all clients, volunteers and staff, and should be aware of their responsibilities under applicable legislation, Town policies, procedures and rules, ethical standards and, where appropriate, professional standards.

7.6 A Member shall not disclose any confidential information received by virtue of his or her office, even if the Member ceases to be a Member.

