

MANAGEMENT REPORT

Date: May 12, 2025
To: Stratford City Council
From: Tatiana Dafoe, City Clerk
Report Number: COU25-058
Attachments: Closed Meeting Investigation Final Report dated April 29, 2025
Closed Meeting Protocol

Title: Closed Meeting Investigation Final Report – April 2025

Objective: To receive the Closed Meeting Investigation Report No. 36684-9 dated April 29, 2025.

Background: As of January 1, 2008 any person may request that an investigation be undertaken questioning whether a municipality or local board, or a committee of either, has complied with the closed meeting rules outlined in the Municipal Act, 2001 (the Act).

Pursuant to Section 239(2) of the Act, the City has appointed Local Authority Services Limited (LAS) to provide Closed Session meeting investigation services to the City. LAS is a subsidiary of the Association of Municipalities of Ontario (AMO). It is the role of the investigator to determine compliance with the Municipal Act or the City of Stratford's Procedure By-law with respect to closed meetings and provide a report on the results of such investigations.

LAS has retained and delegated authority to Cunningham, Swan, Carty, Little & Bonham LLP to act as the alternate closed meeting investigator to its participating municipalities. As the closed meeting investigator, they are authorized to conduct investigations on meetings or parts of meetings which are closed to the public.

Section 239 of the Act provides that all meetings of a municipality, including its Council, local boards, and committees, shall be open to the public. Section 239(2) includes a list of exceptions that may be considered in a session closed to the public.

Analysis: On October 1, 2024, the Clerk's Office received a request for the Closed Meeting Investigator to confirm that all closed meetings between May 31, 2023, and September 9, 2024, complied with closed meeting rules.

The request was provided to the Closed Meeting Investigator and the final report with the findings of their investigation is attached. The report from the Investigator concluded that:

- "We reviewed 25 closed session meetings, many including multiple agenda items, and some including multiple motions. Of our review, we located only three individual agenda items, discussed at two different meetings, which were not properly in closed session. These items dated back only as far as October, 2023, and no subsequent breaches were found. Further, we did not find any of the closed session resolutions to be defective. It is clear that Council and staff have made considerable efforts to improve practices, and that this has paid off.
- "...Council should use caution to separate out negotiating instructions from substantive next steps."
- "Council should familiarize itself with the distinctions as to when such matters can be addressed in closed session."

Subsection 239.2(12) requires that Council pass a resolution stating how it intends to address the findings of the report.

Closed meeting investigation services are funded by the City. Under the City's contractual arrangements with the Local Authority Services (LAS), a business services arm of AMO, a \$200 per year retainer is paid to serve as the City's closed meeting investigator. A further fee paid at an hourly rate, plus taxes and reasonable out of pocket expenses, is also payable upon receipt of an itemized invoice. The City has not received the invoices for work performed.

Approximately \$20,000 is placed in a reserve annually to cover any additional costs for closed meeting investigation services. The City will continue to place funds in the annual budget for these services.

Financial Implications:

Financial impact to current year operating budget:

There are no anticipated impacts to the 2025 operating budget outside of the budgeted amounts noted.

Financial impact on future year operating budget:

There are no anticipated impacts to future year operating budgets outside the budgeted amounts noted.

Alignment with Strategic Priorities:

Not applicable: This report does not align with one of the Strategic Priorities as the Municipal Act provides that any person or corporation may request an investigation into a closed meeting.

Alignment with One Planet Principles:

Not applicable: This report does not align with One Planet Principles as the Municipal Act provides that any person or corporation may request an investigation into a closed meeting.

Staff Recommendation: THAT the Closed Meeting Investigation Final Report 36684-9 dated April 29, 2025, be received for information;

AND THAT Council's commitment to continuous education and training and use of the Closed Meeting Protocol be re-affirmed.

Prepared by: Tatiana Dafoe, City Clerk

Recommended by: Karmen Krueger, CPA, CA, Director of Corporate Services
Adam Betteridge, Interim Chief Administrative Officer