

**Wednesday, June 2, 2021
Committee Room CH-4A and Electronic Meeting**

This Minute Extract is related to Closed Session Item 19.3, as considered by City Council on June 2, 2021, and directed by City Council for public release.

19.3 Open Meeting exception under Section 239 (2) (b), (e) and (f) of the Municipal Act, 2001:

Personal matters about an identifiable individual, including municipal or local board employees; and, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

All Members participated remotely, except Mayor Brown, who participated in-person.

Staff present for this item included (all in-person): B. Nagalingam, Chief of Staff, Mayor's Office, S. Akhtar, City Solicitor, and P. Fay, City Clerk.

Deloitte LLP, the investigation firm engaged for the investigation work, was present for a portion of this item.

Deloitte provided an update on the investigation, including:

- engagement letters executed with City (investigation and reporting platform)
- Complainant interview scheduling
- Contacting other identified staff for preliminary information gathering interviews (e.g., Finance, HR, IT, Purchasing)
- Intent to gather enough information to finalize investigative plan to share with Council, to include timing and estimated costs

Council discussion included the following points:

- Question if Deloitte representative watched public deliberation on proposed motion; they had not

The proposed public motion was displayed during closed session.

- Questions of Deloitte whether the proposed motion from Councillor Dhillon would hinder the investigation, and response from Deloitte is that it would hinder

investigation and the investigation should not be discussed in open public session while underway

- Upon further discussion, Deloitte advised matters related to timelines and final outcomes may be discussed in open session, so long as they do not hinder investigation; process discussions should not be discussed in open session as it may impact investigation – if general information is discussed re. timing and status, may be OK
- Request for assistance from Deloitte for wording amendments to proposed motion
- In terms of public messaging, comment that statements should be limited to fact that investigation is underway and final outcomes will be made public
- Contract structure based on hourly rates; come back to Council in week or two on investigation plan and timing and costs
- Closed session directions that occurred before Deloitte engaged and summary by Clerk of those directions and questions regarding provision of closed session minutes and audio recordings to Deloitte for purpose of investigation, seeking Council direction to provide such information to Deloitte
- How far into investigation are we? When is Day 1 of 30-day investigation?; statement from Deloitte that it really is today (June 2) as Deloitte has stated since start that 30 days is not enough time for investigation based on number and variety of allegations involved; do not see a scenario completing investigation's 6 scope points within 30 days
- Questions regarding proposed public motion; issues, with terms "process", "criteria" (not sure what is meant), and "scope"; statements of "timelines" and "outcomes" OK for public discussion
- Concerns with "process" and "criteria" in public motion; unclear what this refers to
- Questions regarding reporting platform established by Deloitte and process for submission and public statements regarding availability of the reporting platform
- Letter from Ontario Ombudsman and making the letter available to public
- Question of what part of this closed session deliberation can be made public; noting what has been said to-date may be OK to be made public