BRAMPTON

PROTOCOL

Category: Governance

Closed Session Meeting Protocol

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1. Purpose

The purpose of this Protocol is established to guide preparation, publication and distribution of closed meeting materials, in accordance with the *Municipal Act, 2001*, Council's Procedure By- law 160-2004, as amended, and applicable City policy, directives and Council resolutions.

2. Application and Scope

This Protocol applies to:

2.1 City Council

2.2 Chief Administrative Officer

2.3 City Solicitor

2.4 Corporate Leadership Team

2.5 City employees

3. Outcomes

3.1 Preparation of closed session agenda items to satisfy requirements of the Municipal Act, 2001;

3.2 Effective and proper implementation of closed session regulations; and

3.3 Support the City's reputational brand as well as maintain high levels of public trust

4. Mandatory Requirements

4.1 No item may be added to an agenda for a closed session without the prior approval of the City Solicitor or designate pursuant to the current Procedure By-law.

4.2 **Closed Session Meeting**

4.2.1 Closed session meetings shall be limited to the Members of Council/committee, CAO, City Solicitor, Department Heads, Clerk and/or their designates. The Mayor's Chief of Staff (Council Resolution C038-2019, February 6, 2019) shall be permitted to attend closed session meetings. The only other members of staff permitted to attend a closed session meeting must be specifically authorized by Council resolution, or otherwise directed by Council/committee

4.2.2 The CAO, or appropriate Commissioner, shall provide to the City Clerk, or designate, in writing the name and title of any other staff

member attending a closed session in whole or in part, for the purpose of meeting minutes.

4.2.3 Subject matter staff or external experts (e.g., external legal counsel, consultants retained by the City) may be asked to attend by the CAO, City Solicitor or Department Head. Staff are to remain outside the closed session meeting area until called to speak to their specific agenda item. Staff will leave the meeting once the matter has been dealt with by Council/committee.

4.2.4 The Chief Administrative Officer shall designate which staff members may be present, in accordance with the Procedure By-law for closed session business regarding personal matters about an identifiable individual. The Chief Administrative Officer may, if appropriate, or such other person, serve as the designate of the City Clerk for that portion of closed session, subject to a public resolution of Council.

4.3 Before a meeting is closed, a motion shall be carried as to:

4.3.1 the fact of the holding the closed meeting; and

4.3.2 the subsection(s) of the *Municipal Act*, which authorizes each item to be considered at the closed session, and the general nature of business to be considered

4.4 Once in a closed session, no item may be added to the agenda for that closed session. Closed session meetings shall be audio recorded.

4.5 Member and staff phone use, for limited communications only, within Closed Session is permitted *(Recommendation GC025-2019).*

4.6 A meeting shall not be closed to the public during the taking of a vote; however, during a closed session, a vote may be taken for a procedural matter or for giving directions or instructions to the officers, employees or agents of the City or persons retained by or under contract with the City.

4.7 Minutes shall be kept of all closed sessions, identifying the Members present and absent, and the senior staff present, in the same fashion as those kept for open sessions and shall correspond directly to the prepared closed session agenda and shall identify any added items and shall note any direction given.

4.8 The Council or a committee, rather than moving into a closed session, may simply acknowledge the items, without full discussion, on a closed session agenda, and may give direction in accordance with a recommendation included in a report on a closed session agenda, without moving into closed session. In this case, the minutes will include a “Note to File” that will indicate the steps taken.

4.9 Written reports shall be required any time a decision is required in closed session or as a part of the open session report out from the closed session. Verbal updates may only be provided if no decision is required.

4.10 The City Clerk shall require that all closed session agendas and copies of any reports or documents circulated at a closed session regarding confidential matters be returned by Members and staff at the end of the closed session to be reconciled by the City Clerk before being securely shredded. Digital access to Closed Session materials distributed before the meeting will be removed at the end of the business day for that meeting, or other such time as determined by the City Clerk.

4.11 Any request from a person for an investigation, under the *Municipal Act, 2001*, of whether a Council or committee meeting or part of a meeting, that was closed to the public, has complied with the relevant provisions of the Act, shall be referred by the Clerk to the Closed Meeting Investigator appointed by Council for that purpose.

4.12 **Closed Session Records**

4.12.1 Electronic copies of closed session agendas, materials, audio recordings and minutes are securely stored in a City electronic records management system accessible by the Clerk and his/her delegates only.

4.12.2 Hard copy documentation for all closed session meetings is stored in the Clerk's Office, for the current term and one previous Council term. Archived files/terms of Council are securely stored in the Records section of the West Tower. Both areas are accessible by the Clerk and his/her delegates only. Requests by Members or appropriate staff to review closed session information from previous meetings shall be accommodated by the City Clerk.

5. Roles and Responsibilities

5.1 Mayor

5.1.1 Consult with City Solicitor regarding the determination that attendance for a closed session shall be in person only, in accordance with the Procedure bylaw.

5.2 City Council

5.2.1 Direct and authorize any other members of staff with permission to attend a closed session meeting.

5.3 Chief Administrative Officer

5.3.1 Designate which staff members may be present, in accordance with the Procedure By-law for closed session business regarding personal matters about an identifiable individual.

5.3.2 Serve as the designate of the City Clerk for that portion of closed session in their absence, subject to a public resolution of Council.

5.3.3 Provide to the City Clerk, or designate, in writing the name and title of any other staff member attending a closed session in whole or in part, for the purpose of meeting minutes.

5.4 City Clerk

5.4.1 Prepare an agenda for the closed session which shall include a list of items to be considered and shall identify the subsection of the Municipal Act, 2001, or other applicable legislation, which authorizes each item to be considered at the closed session;

5.4.2 Require that all closed session agendas and copies of any reports or documents circulated at a closed session regarding confidential matters be returned by Members and staff at the end of the closed session;

5.4.3 Securely shred any documents and reports circulated at a closed session regarding confidential matters at the end of the meeting;

5.4.4 Remove digital access to Closed Session materials distributed before the meeting at the end of the business day for that meeting, or based on discretion; and

5.4.5 Distribute the closed session agenda to all Members of the Council and to such staff as directed by the Chief Administrative Officer.

5.5 City Solicitor

5.5.1 Approves closed session reports to be included on a closed session agenda; and

5.5.2 Shall determine if attendance for a closed session shall be in person only in consultation with the Mayor and in accordance with the Procedure bylaw.

5.6 Corporate Leadership Team/Department Head

5.6.1 Provide to the City Clerk, or designate, in writing the name and title of any other staff member attending a closed session in whole or in part, for the purpose of meeting minutes.

5.7 City employees

5.7.1 Maintain awareness and comply with this protocol.

5.8 Closed Meeting Investigator

5.8.1 Investigate any complaints at a closed session; and

5.8.2 Provide a report to Council if necessary.

6. Monitoring and Compliance

6.1 This Protocol is to be reviewed every three years in compliance with the Corporate Policy Program or sooner based on the *Municipal Act, 2001.*

6.2 Consequences of non-compliance

6.2.1 Failure to follow this Protocol may result in

a) Contravention of *Municipal Act, 2001* requirements;

b) Unauthorized access to confidential City information; and

c) Reputational damage to City.

7. Definitions

7.1 Closed Session – A meeting or part of a meeting may be closed to the public if the subject matter being considered complies with an open meeting exemption set out in the Municipal Act, 2001, as amended.

8. References and Resources

This Protocol should be read and applied in conjunction with the following references and resources as updated from time to time. Please note that some of the following documents may not be publicly available.

8.1 External references

- Municipal Act, 2001

8.2 References to related bylaws, Council policies, and administrative directives

- *Recommendation GC025-2019*
- Council Resolution C038-2019
- Procedure By-law 160-2004
- Council Code of Conduct
- Council Resolution: CW451-2023

9. Revision History

Date	Description
2019/02/06	Amended.
2019/04/08	Amended.
2021/01/27	Approved – Council Office Management Framework was approved through resolution number C017-2021 / GC003-2021 on January 27, 2021.
2021/03/24	Approved – Closed Session Meeting Protocol was approved through resolution number C081-2021 on March 24, 2021.
2023/12/06	Amended.
2024/03/24	Next Scheduled Review
2025/05/14	Approved - Closed Session Meeting Protocol was approved through resolution number C108-2025 on May 14, 2025.
2029/05/14	Next Scheduled Review *(typically four years after approval)*