

Town of Whitby Staff Report

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Report Title: Accountability and Transparency Framework Review

Report to: Committee of the Whole

Date of meeting: May 12, 2025

Report Number: CLK 05-25

Department(s) Responsible:

Office of the Town Clerk

Submitted by:

C. Harris, Town Clerk

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

K. Narraway, Sr. Manager, Legislative Services/Deputy Clerk

K. Douglas, Supervisor, Legislative Services

1. Recommendation:

1. That Report CLK 05-25 providing an update and overview of the Town's accountability and transparency framework be received for information;
2. That the revised Accountability and Transparency Policy G 010 appended as Attachment 1 to Report CLK 05-25 be approved;
3. That the Clerk be directed to bring forward a by-law to amend Procedure By-law #8081-24 in accordance with Section 4.3.2 of Report CLK 05-25;
4. That the revised Closed Meeting Policy G 040 appended as Attachment 2 to Report CLK 05-25 be approved; and,
5. That the Clerk be directed to take the necessary actions to use the Ontario Ombudsman as the default closed meeting investigator in accordance with section 239.1 of the Municipal Act, 2001, including termination of the existing agreement for closed meeting investigator services with the Local Authority Services (LAS).

2. Highlights:

- The Town maintains an Accountability and Transparency Policy in accordance with the Municipal Act which details how the Town demonstrates its commitment to being open, accountable, and transparent in all areas of responsibility.
- While individual by-laws, policies, and the appointment of statutory officers to provide oversight are reviewed regularly as required and contribute to the Town's accountability and transparency framework, it is a best practice to undertake an overall review of the framework each Council term.
- This report confirms that the Town of Whitby continues to meet and, in many ways, exceed statutory obligations surrounding accountability and transparency.

3. Background:

Ensuring accountability and transparency is one of Council's roles under section 224 of the Municipal Act, 2001, and is a priority in maintaining public trust. Council is, of course, accountable to the public as elected officials. It is also important that the Town maintains procedures and policies that are clearly set out and accessible to provide stakeholders with transparency regarding the Town's decision making and service delivery.

The legislated accountability and transparency framework in Ontario includes rules for the municipality and rules for Members of Council and local boards. Key requirements include:

- establishing a code of conduct for members of council and certain local boards;
- appointing and ensuring access to an Integrity Commissioner;
- adhering to the open meeting requirements in the Municipal Act, 2001 and providing for the appointment of a closed meeting investigator or having the Ontario Ombudsman as the default closed meeting investigator;
- the opportunity to appoint a local Ombudsman or have the Ontario Ombudsman act as the investigator of any decision or recommendation made, or any act done or omitted, in the course of the administration of the municipality;
- the Municipal Conflict of Interest Act and the disclosure requirements when a Member of Council or member of certain local boards has a pecuniary interest;
- requirements around access to information, confidentiality, and privacy, as provided for in the Municipal Freedom of Information and Protection of Privacy Act;
- the preparation and adoption of the annual budget and consolidated financial statements prepared by management and audited by external auditors in accordance with generally accepted accounting principles established by the Public Sector Accounting Board (PSAB) of the Chartered Professional Accountants of Canada (CPA Canada) organization;

- the adoption of a Procedure By-law as required under Section 238 of the Municipal Act, 2001 to establish the rules under which Council and standing committees operate; and,
- the adoption and maintenance of statutory policies as required by Section 270 of the Municipal Act, 2001 in addition to providing comprehensive policies and procedures pertaining to finance, governance, municipal service levels, accessibility, corporate administration, facility management, human resources, and technology in accordance with the Standards for Town Policies and Procedures Policy G 180.

4. Discussion:

The state of the existing accountability and transparency framework is highlighted below and recommendations have been made where updates or reviews of certain aspects of the framework are required to ensure consistency, relevancy, and adherence with best practices.

4.1 Accountability and Transparency Policy

In accordance with the requirements of Section 270 of the Municipal Act, the Town adopted its [Accountability and Transparency Policy G 010](#) in 2010 with the Policy receiving a comprehensive update in 2017. In accordance with the Municipal Act, this Policy identifies the manner in which the municipality will ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public.

Staff have proposed several updates to the Policy which are shown in track changes in Attachment 1 appended to this report. The updates proposed are aimed at achieving:

- corrections and updates to legislative and organization terminology;
- accurate cross references to other aspects of the Town's accountability and transparency framework;
- recognition that the Town's policy and procedure manual is constantly changing and evolving, and the need to more generally reference how the Policy Manual supports the accountability and transparency framework; and,
- delegated authority to ensure the Policy maintains its relevancy between Council reviews by directing the Town Clerk to make necessary reference updates to legislation and Town procedures, by-laws, and the appointment of statutory oversight officers.

Should Council adopt the recommended change to use the Ontario Ombudsman for closed meeting investigator services as discussed in Section 4.7 of this Report, the Accountability and Transparency Policy will be updated by the Clerk to reflect that decision.

4.2 Policy and Procedure Manual

The Town maintains a comprehensive [Policy Manual](#) that includes all statutorily required policies in addition to other policies and procedures that the organization has identified as beneficial. There are a total of 127 policies and 28 procedures posted

through the online Policy Manual. The Organizational Effectiveness Department also maintains and provides access to Staff for another 41 policies that are internally focused on matters pertaining to human resources and the use of technology. The Policy Manual includes the following policies the Town is required to adopt and maintain pursuant to Section 270 of the Municipal Act:

- Its sale and other disposition of land. (F 190)
- Its hiring of employees. (HR 100-030)
- The relationship between members of council and the officers and employees of the municipality. (G 080)
- Its procurement of goods and services. (F 080)
- The circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given. (G 150)
- The manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public. (G 010)
- The delegation of Council's powers and duties to support efficient management of the corporation. (G 020)
- How the municipality will protect and enhance the tree canopy and natural vegetation in the municipality. (MS 380)
- Pregnancy leaves and parental leaves of members of council. (G 090)

In 2024, through consideration of [Staff Report CLK 05-24](#), Council approved comprehensive updates to the [Standards for Policies and Procedures Policy G 180](#) which governs the approval, maintenance, and categorization of policies and procedures. Through this review the categorization of policies was revised and approvals were streamlined. Council continues to consider and approve policies related to Finance, Governance and Municipal Service Levels whereas the CAO has been granted delegated authority to approve policies related to Accessibility, Corporate Administration, Facility Management and Operational Services, Human Resources, and Technology as these policies are related to how services are administered and how the Town will ensure it meets its legislated obligations.

4.3 Procedure By-law

A comprehensive review of the Procedure By-law occurred in May 2024 through [Staff Report CLK 04-24](#). The goal of the review was to improve meeting efficiency, enhance public participation, and clarify existing rules and practices. The review included an environmental scan of comparator municipalities and consultation with Members of Council to identify opportunities for procedural improvements. The review resulted in Council adopting Procedure By-law # 8081-24 that included substantive revisions to requirements around notices of motion, meeting adjournment, the registration and hearing of delegates, along with several minor administrative revisions.

Staff have observed that the revisions to the Procedure By-law are working well and have not received any feedback to the contrary from Members of Council. In April 2025, Council was requested to identify for the Clerk any matters they feel require attention in

the Town's Procedure By-law so that consideration regarding could be provided as part of this report.

4.3.1 – Recorded Votes at Committee of the Whole

In response to Staff's request for feedback on the Procedure By-law, a Member of Council inquired about the opportunity for recorded votes at Committee of the Whole meetings. A recommendation is not provided in this report regarding this request; however, the following is provided for Council's consideration should Council choose to authorize this change to the By-law:

- Council has chosen to first hear matters at Committee of the Whole prior to ratification at Council for the purpose of allowing adequate opportunity over the course of two meetings to discuss and debate the matter, in addition to having the Council meeting serve as an opportunity for sober second thought before final approval;
- Part of the intention of not having recorded votes at Committee is to avoid Members feeling bound by Committee votes when making final decisions at Council, and to alleviate any concerns about their voting records not appearing consistent if they were to change their vote between Committee and Council;
- Notwithstanding the above, there are motions at Committee for which a Member may wish to have their vote recorded as the matter would not later be voted on at Council. Examples include motions at Committee to defer or refer an item or a procedural vote such as a request to waive the rules of procedure; and,
- All lakeshore municipalities in Durham and the Region of Durham allow recorded votes at standing committee meetings, with Whitby being an outlier in this respect.

4.3.2 – Proposed Updates to the Procedure By-law

Staff are proposing that Council adopt the following to amendments to the Procedure By-law to bring the By-law into conformity with the following recent decisions of Council:

- Include the playing of the National Anthem as part of the opening protocols for Regular Council meetings; and,
- Preclude delegates for Integrity Commissioner reports in accordance with the Integrity Commissioner's advice and based on similar provisions in the procedure by-laws of other municipalities.

Council had requested playing the National Anthem at the start of Regular Council meeting following recent threats to Canada's sovereignty and the trade war with Canada started by the President of the United States.

In a letter from the Integrity Commissioner (Principles Integrity) that was sent to the Town on March 13, 2025 and subsequently distributed to Council, the following was noted with respect to hearing from delegates on a recommendation report from the Integrity Commissioner:

“When sitting in an adjudicative capacity – a disciplinary one in this instance – Council has the responsibility to consider the matter before it in an unbiased manner, with Councillors maintaining an open mind as they deliberate. The Integrity Commissioner’s findings and recommendations (but not the investigation itself, which is required to be confidential) will form the basis for Council’s consideration of the matter. The remarks of the respondent(s), and of other Councillors, will form part of Council’s deliberations about how the findings in the report support the recommended sanction.

It is the Integrity Commissioner’s responsibility to conduct an investigation when one is warranted as a result of a complaint about a Councillor’s behaviour – and that investigation is to be conducted with secrecy, excepting the information the Integrity Commissioner chooses, at their discretion, to include in the report.

The opinions of delegates after a report has been concluded does not form part of the ‘evidence’ that can or should be considered by Council, for Council must take care to make its decision on the report fairly, in an unbiased, non-political manner, and with an open mind.

We would therefore support a decision by Council to waive its procedures to conduct the matter without hearing from delegates who may have registered to speak at the meeting.”

Staff have reviewed the procedure by-laws of the lakeshore municipalities in Durham and found that Pickering and Clarington’s by-laws both contain provisions precluding delegates when considering Integrity Commissioner reports regarding a member of council.

4.4 Code of Conduct

As required by the Municipal Act, Council has adopted two codes of conduct – the [Council Code of Conduct](#) and the [Boards and Advisory Committees Code of Conduct](#). These codes of conduct are a public declaration of principles of good conduct and ethics reasonably expected from members in the performance of their duties and responsibilities as elected representatives and appointees.

The Council Code of Conduct was adopted in 2017 and last amended in 2019. Updating the code was identified following the appointment of Principles Integrity to serve as the Town’s Integrity Commissioner for the Term of Council commencing on November 15, 2022. The municipal clerks in Durham Region held meetings with Principles Integrity to review potential changes and the opportunity to harmonize the Region and lower tier codes. Since the start of the Council term, there have also been suggestions that the Province would be reviewing and making legislative changes to municipal codes of conduct. Then, in August 2024, Municipal Affairs Minister Paul Calandra noted at the AMO conference that municipalities could “expect to have a code that is harmonized, that is uniform across 444 municipalities that will withstand any court test that comes before it, and that will ultimately protect you and your staffs and give us what we need”. Prior to that announcement by the Minister, the Region was preparing to bring forward a revised code of conduct to Regional Council but subsequently put the plan on hold. In December 2024 the Province introduced the Municipal Accountability Act, 2024 which

would have established a new, standardized municipal code of conduct and integrity commissioner framework. A summary of Bill 241, Municipal Accountability Act, can be found in [Staff Report CLK 03-25](#). When the Provincial election was called on January 28, 2025, parliament was dissolved and the legislative agenda, including the Municipal Accountability Act, 2024, was reset. However, prior to this report's publication, the Province re-introduced the legislation as Bill 9, Municipal Accountability Act, 2025, without notable modification from the previously introduced Bill 241.

Staff are of the opinion that the Council Code of Conduct would benefit from a review, including incorporating recommendations made by Principles Integrity and harmonization between the Region of Durham and lower tier municipalities. However, it is proposed that such a review be held in abeyance until Bill 9 is considered. If Bill 9 is adopted in its current form, then Staff will update Council on next steps, including the opportunity to provide input on a standardized code of conduct. The Province noted the following regarding next steps in its press release for Bill 9:

“Decisions about what is included in the standardized code of conduct will be made after consultations with the municipal sector. It could include rules for ethical behaviour with respect to, for example, harassment and discrimination and training requirements for members of council and certain local boards.

Working with the municipal sector, Ontario plans to develop the necessary regulations to support the new framework to come into effect for the new term of councils in 2026.”

4.5 Integrity Commissioner

Pursuant to Subsection 223.3(1) of the Municipal Act, the Integrity Commissioner is a statutory officer who reports to Council and is responsible for performing in an independent manner the functions assigned by the municipality. Integrity commissioners carry out a range of functions for municipalities and their local boards. They assist in the development of the ethical framework, for example by suggesting content or commentary for codes of conduct. They conduct education and training for Members of Council and outreach for members of the community. One of the most important functions is the provision of advice and guidance to members to help sort out ethical grey areas or to confirm activities that support compliance, including with the Municipal Conflict of Interest Act (MCIA). Finally, but not principally, Integrity Commissioners investigate allegations that a person has fallen short of compliance with the MCIA or the municipality's ethical framework.

The process to secure integrity commissioner services for this Term of Council followed the Region of Durham's Consultant and Professional Services Contracting Procedure. Invitations to enter into a consulting and professional services contract with the Region and local municipalities were sent to six individuals/firms. Three proposals were received and evaluated by the Region. Respondents also participated in presentation and interview sessions which were evaluated by the Region and the clerks from Oshawa, Pickering and Whitby. The successful submission was made by Principles Integrity, which the Town appointed as its Integrity Commissioner by enacting By-law # 7916-22 after considering [Staff Report CLK 04-22](#).

The clerks in Durham Region have started discussions about recruiting an Integrity Commissioner for the next Council term beginning on November 15, 2026. The Region of Durham has agreed to lead this process, as it did during the previous recruitment. Additional information will be provided by Staff as we work collaboratively with our counterparts on this task.

4.6 Ombudsman

The Ontario Ombudsman is by default the ombudsman for the Town of Whitby as the Town does not currently have its own local ombudsman. Following consideration of [Staff Report CLK 01-23](#) in January 2023, Council endorsed the Staff recommendation to not renew its contract with ADR Chambers for ombudsman services which had expired on November 14, 2022 and had been in place since December 2016. In making this recommendation, Staff relied on the positive feedback and experience of other municipalities, including the Region of Durham, that had reverted to the Ontario Ombudsman. Staff also spoke with the Ombudsman's Office and determined that they had both the expertise and service capacity to provide ombudsman services for Whitby stakeholders, and would do so at no cost to the Town.

In accordance with the Municipal Act, if Council appoints a local municipal ombudsman, then the Ontario Ombudsman may only conduct an investigation if:

- The municipal ombudsman refuses to investigate a matter or has conducted and concluded an investigation into the matter; or,
- The time for bringing a complaint to the municipal ombudsman has expired.

Even if the Town were to have a local ombudsman, the Ontario Ombudsman maintains the authority and discretion to investigate municipalities on a complaint basis or on the Ombudsman's own initiative. However, it is the Ontario Ombudsman's practice to investigate complaints only after the local complaint processes are exhausted, including any investigations made by a municipal Ombudsman. The Town has in place a process to review public complaints as per the [Public Complaint Policy G 160](#) and regularly works with the Ombudsman to ensure complaints have undergone an internal review prior to intake by the Ombudsman's Office.

Although the Ontario Ombudsman may investigate municipalities, they cannot compel them to take action. The Ontario Ombudsman may make recommendations to Council and the municipality as part of their report and it is then up to the municipality whether and how to address any recommendations made.

The Ontario Ombudsman received 20 cases (complaints and inquiries) about the Town of Whitby between April 1, 2023 and March 31, 2024. While the Ombudsman does not provide specific details about these cases for reasons of complainant confidentiality, they have provided the following general information about the nature of the cases:

General subject area	Number of cases
Accountability officers	2
By-law enforcement	4
Council/Committees	4

Employment/Labour relations	2
Infrastructure	3
Insurance/claims	1
Parking	1
Taxes/Fees	1
Water/Sewer services	1
Other	1

The Ombudsman has noted that the above cases have all been closed. In cases where an issue should have been raised with another body outside of the municipality, complainants are provided with information by the Ombudsman about where to turn next.

4.7 Closed Meeting Investigator

Municipalities have been required to hold open meetings throughout Ontario's history, something many jurisdictions call the "sunshine law". The objectives of open meeting rules have been articulated by the Supreme Court of Canada in its decision in the 2007 case, *London (City) v. RSJ Holdings Inc.* The judges noted "the public's demand for more accountable municipal government" and stated that open meetings are essential to "robust democratic legitimacy" of local administrations. Prior to 2008, members of the public had little recourse to question meetings that were closed to the public until a complaints system was established that year. Since then, all municipalities could either appoint their own investigator or have the Ontario Ombudsman as their default investigator in accordance with Section 239.1 of the Municipal Act.

The Municipal Act identifies that the investigator has the function to investigate in an independent manner, on a complaint made to him or her by any person, whether the municipality or a local board has complied with Section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation. Since the appointment of Local Authority Services (LAS) as the investigator in 2008, the Town of Whitby has been subject to three closed meeting complaints and investigations, one in each of 2012, 2013, and 2024.

Council appointed LAS, an arm of the Association of Municipalities of Ontario (AMO), as the Town's closed meeting investigator provider through By-law # 6040-08 at the Regular Council Meeting on March 17, 2008. In 2019 LAS reviewed their delegated third party service provider for closed meeting investigator services through a request for proposal. Following their evaluation of RFPs received, LAS awarded closed meeting investigator services to Aird & Berlis LLP, commencing for the 2020 calendar year. To provide this service, LAS charges an annual program administration fee of \$250 and Aird & Berlis LLP charges an hourly fee ranging from \$495 to \$875, depending on the investigator assigned, to review, investigate, and report on closed meeting complaints.

Where a municipality has not appointed its own investigator in accordance with Section 239.2 of the Municipal Act, the Ontario Ombudsman acts as the default closed meeting

investigator. Since 2008 the Ontario Ombudsman has undertaken hundreds of investigations and reports in response to closed meeting complaints. The Ombudsman has noted on their website that “in some cases, we validate the actions of municipal officials, while in others we provide constructive feedback on how to optimize compliance with the rules”.

Further to [Resolution # 7-25](#) passed by Council on February 3, 2025, Council directed that Staff review the pros and cons, financial or otherwise, of retaining the existing closed meeting investigator contracted through LAS versus using the Ontario Ombudsman. Staff have identified the following considerations associated with this request.

Retaining Aird & Berlis LLP through the LAS agreement:

- Aird & Berlis LLP retains a number of lawyers with expertise in municipal matters and is a recognized leader in this field in Ontario.
- As with the October 7, 2024 complaint (2024-01) which resulted in a final report in less than two months, Aird & Berlis LLP is able to provide timely investigation and reporting on complaints. The Ombudsman is generally slower, with their own estimate being 4 to 12 months from complaint to final report, a timeline that has been validated in speaking with staff from other municipalities.
- There is the opportunity to seek legal advice on closed meeting requirements from the same firm that would be investigating the matter, a benefit that Staff have leveraged in the past. However, Staff and Council could still seek legal advice from Aird & Berlis LLP and use their expertise as a closed meeting investigator even if they were not the Town’s investigator.
- Municipalities are strong, accountable orders of government that are capable of managing their own affairs, and thus LAS offers the closed meeting investigator program as an option for municipalities that wish to manage any complaints within their own organization, without the involvement of another level of government. However, in practice, there is little difference in the approach employed by LAS versus the Ombudsman and both organizations take into consideration each other’s previously published closed meeting investigations to help identify relevant factors and precedent before issuing a decision.

Reverting to the Ontario Ombudsman as the default closed meeting investigator:

- Complaints are handled by the Ombudsman’s legal services team which has a small group of lawyers with municipal experience who are assigned to complaints on a rotational basis.
- The Ombudsman receives about 80 open meeting inquiries per year and has been performing this service for many years, so the Office has a good institutional depth of knowledge on the subject.
- There is no cost to the municipality associated with using the Ontario Ombudsman. The contracted services through LAS have an hourly rate for investigators ranging from \$495 to \$875, and the 2024 closed meeting

investigation cost the Town \$13,276.37. However, the Town has only had three closed meeting complaints since 2008, so while the cost of an investigation is substantial, it is mitigated by being spread over a longer time horizon.

Staff reviewed the investigators used by Durham area municipalities. Clarington, Oshawa, Ajax, Pickering, and Scugog use the Ontario Ombudsman whereas Brock, Uxbridge, and the Region of Durham use LAS. Of the 444 municipalities in Ontario, 268 use the Ombudsman and 90 use LAS as their closed meeting investigator, with the remaining 86 municipalities having arrangements with alternative providers.

On balance, Staff believe that the two organizations maintain a comparable level of expertise and experience in dealing with closed meeting complaints and investigations. Further, the approach that both bring to evaluating and deciding whether a violation of the open meeting provisions has occurred is considerate and reasonable. In this respect, the Ombudsman's Office has certainly evolved from years past. Under a previously appointed Ombudsman it regularly assumed the worst when it came to the intentions of municipalities. However, in recent years, the Ombudsman has demonstrated through communications and investigative findings an understanding that recognizes municipalities as complex creatures of the province that generally strive to fulfill the principles of being an accountable and transparent form of government even if they sometimes, and mostly through inadvertence, fall short of their legislative obligations.

The main difference between LAS and the Ombudsman comes down to timing and cost. LAS, through Aird & Berlis LLP, has a demonstrated track record of completing investigations within a few months of receiving a complaint, but at a substantial cost. The Ombudsman can take a longer time to complete and report on an investigation, up to a year, albeit the process incurs no direct costs for municipalities. On the whole, and for similar reasons that led the Town to switch from having its own local ombudsman to using the Ontario Ombudsman, Staff recommend that the Town revert to having the Ontario Ombudsman as the default closed meeting investigator.

The termination clause in the Town's agreement with LAS stipulates that the agreement may be terminated by either party on ninety (90) days written notice provided that any investigations commenced prior to the termination date shall be completed pursuant to the agreement.

4.8 Closed Meeting Policy

When drafting revisions to the [Closed Meeting Policy](#), Staff reviewed documentation and incorporated best practices from the [City of Burlington](#) which conducted a Closed Session Policy review in 2022 in consultation with Aird & Berlis LLP. Revisions to the Policy are proposed to ensure the policy aligns with the Municipal Act, mirrors existing processes, recommends new provisions based on best practices, and implements minor housekeeping changes. A track changes version of the policy has not been included with this report due to the number of revisions, however the revised policy is

appended to this report as Attachment 2 and the existing policy may be reviewed using the link included above.

Key highlights of the proposed changes include:

- Revision to the purpose statement to note that the policy additionally serves to ensure compliance with statutory requirements for holding Closed Meetings.
- Additional definitions in Section 1 of the policy including definitions for the terms Confidential Report, Council, Open Session, and Local Board. Further, the definition of Meeting has been expanded to mirror the definition found in Section 238(1) of the Municipal Act.
- Broadening of the responsibilities outlined in Section 2 of the policy to note that Council is ultimately responsible for deciding to move into closed session, whether to convene a Closed Meeting, and the appropriate level of public disclosure following a Closed Meeting, noting that Staff are responsible for providing advice to Council on the application of closed meeting exceptions and the level of confidentiality of municipal interests. Further a clause has been added highlighting the importance for Staff and Council of keeping confidential information secure. Lastly, the Clerk has been authorized to update Appendix 1 to the policy to add and delete Committees and Local Boards and applicability of the Closed Meeting Policy as Committees and Local Boards are approved or disbanded by Council, in accordance with the Council approved Terms of Reference for said Committees or Local Boards.
- Expanded Section 3 of the policy regarding whether a Meeting should be Closed noting that Department Heads should consult with the Clerk, the CAO, and the Town Solicitor when considering the need for a Closed Meeting.
- A new Section 4 of the policy regarding Agendas, Subject Matter Headings, and Report Titles to ensure consistency and transparency, to the extent possible, when Staff are drafting Confidential Reports and assembling meeting agendas.
- Updates to the Motions and Staff Recommendations section of the policy to clarify that written Confidential Reports are preferred over verbal presentations and updates from Staff during Closed Meetings, whenever possible and appropriate based on the subject matter. Further, this section has been revised to remove the previously included example motions as those served primarily as a reference for Staff in the Office of the Town Clerk and do not need to be included in policy.
- Formatting revisions to the Education and Training section of the policy.
- The addition of a new section 8 to the policy regarding how Council may waive privilege and/or confidentiality for matters that are subject to solicitor-client privilege.
- The addition of a new section 9 outlining the responsibilities of the Clerk regarding Closed Session Minutes and maintaining those records in a confidential manner.
- The addition of a new section 10 regarding Closed Meeting Attendance and which Staff members and or invited guests are appropriate at Closed Meetings.
- The addition of a new section 11 regarding Virtual Participation at Closed Meetings to clarify that virtual and hybrid Closed Meetings may occur and that

Members of Council and Staff participating virtually in Closed Meetings shall take reasonable precautions to safeguard the confidentiality of the meeting to prevent unauthorized viewing or listening to meeting proceedings.

- Updates to Appendix 1 to the policy, "Committees and Local Boards to which the Closed Meeting Policy Applies" to update the Council approved listing of Committees and Local Boards and to note the Ashburn and Spencer Community Centre Boards, the Groveside Cemetery Board, and the Community Connection Executive Committee as being exempt from the Policy in accordance with Section 2.5 of the Policy.

5. Financial Considerations:

The Town budgeted \$21,620 in 2025 for costs related to statutory oversight officers. This budget covers costs associated with Members of Council obtaining advice on conflict of interest matters from the Integrity Commissioner, the review of complaints and investigations by the Integrity Commissioner, and any costs associated with closed meeting investigations. The budget does not anticipate that an Integrity Commissioner or closed meeting investigations will occur every year so when such events do occur, they generally result in a budget pressure for that year. That is, the costs for these investigations in addition to regularly incurred expenses typically exceed what is allocated in the budget. These budget pressures are generally offset by other operating budget savings across the Town.

6. Communication and Public Engagement:

Pertinent information about the Town's accountability and transparency framework is maintained on the Town's website and can be found [here](#).

7. Input from Departments/Sources:

N/A

8. Strategic Priorities:

Reviewing and regularly updating the Town's accountability and transparency framework ensures legislative compliance and demonstrates that the Town continues to be an accountable and responsive government focused on continuous improvement and community engagement in support of Strategic Pillar 4 in the [Community Strategic Plan](#).

9. Attachments:

Attachment 1 – Accountability and Transparency Policy draft revisions

Attachment 2 – Revised Closed Meeting Policy