

February 1 2020

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COMMUNICATION
CW (1) - February 4/2020
ITEM - 5

Mr Clerk;

Re: Closed Meeting Notice item 5 February 4 2020 agenda of CofW Communications and written deputation

You have improperly proposed a closed meeting and have placed the approval of the closed meeting on the agenda of council for February 4 2020 and where the meeting is to held March 4 2020 at an off-premise location.

The item 5 agenda is stated as follows:

The Special Council (Closed Session) Education and Training Session is being conducted for Members of Council and corporate management and will include the following education and training topics:

- a) Governance
- b) Staff – Council Relations
- c) Freedom of Information and Privacy Update

The attendees at the meeting are BOTH staff and Council and all COUNCIL members are subject to closed meeting exemption criteria under the Municipal Act. (MA)

This proposed closed meeting does not meet the requirements of the Municipal Act, and I explain below. As such, should the proposed closed meeting be approved by Council on Feb 4, please consider this written deputation as a closed meeting complaint.

None of the three items on the agenda of the proposed closed meeting meet the criteria under the MA, explanation as follows:

The Act states:

239 (3) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,

(a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or

(b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

Educational or training sessions

(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.

2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. 2006, c. 32, Sched. A, s. 103 (1).

The 3 agenda items on the proposed closed meeting do not meet the closed meeting exemptions under s.239(3) of the MA.

For items a and b in order to hold a closed meeting under the auspices of "education and training", BOTH criteria stated in s. 239(3.1) of the MA MUST be met. Items a and b are both matters that materially advance the business or decision making of the council, and as such, neither of these topics meet the second criteria of s.(3.1) of the Act.

The governance and staff-council relations are both MATERIAL to decision making of the city. As such, they MUST be discussed in an open session of council and with open and public reports.

An almost identical closed meeting complaint regarding staffing issues and governance was brought before the closed meeting investigators and the meeting was found to be illegal. The investigators found that staffing and governance etc MUST be discussed in open session. Governance of a city and staffing and staff/council relations are PUBLIC matters and are material to running a city and material to the decision making of council.

As such, items a and b are material and cannot be discussion and hidden behind the auspices of "education and training".

Item c is also expressly prohibited for a closed meeting under the MA. Section 239(3)(a) specifically states that Freedom of Information matters can ONLY be brought into a closed meeting if the HEAD (as defined under MFIPPA) is Council.

There have been several matters brought before the Integrity Commissioner where the Mayor has clearly stated in writing that he is not the HEAD and neither is council.

In previous correspondence, the Mayor provided written representations that the Clerk is the Head and NOT the Mayor and NOT council.

As such, and because it is expressly prohibited, item c cannot be brought into a closed meeting, for the purposes of discussion Freedom of Information and Privacy as COUNCIL and the MAYOR are not the Head. The criteria for bringing Freedom of Information and Privacy into a closed education session or any other type of closed meeting is prohibited.

Please consider this notice of a written deputation to council Committee of the Whole February 4 2020 and distributed as communications from the public and considered as a written deputation.

Should the item be approved, please consider this a closed meeting complaint, filed in advance of the meeting taking place.

Should a closed meeting complaint be necessary, I believe the fee should be waved considering a closed meeting complaint filed by myself three years ago was never investigated and never responded to. The fee was paid and never refunded. Despite the many times I requested a reply, no report was ever written nor was the complaint investigated or responded to.

Thank you

Carrie Liddy

Resident and taxpayer

Subject:

FW: item 5 Feb 5 2020 proposed special closed council meeting

Attachments:

writtendeputationitem5specialmeetingfeb42020.docx

From: Carrie Liddy <[REDACTED]>

Sent: Saturday, February 1, 2020 11:33 AM

To: Coles, Todd <Todd.Coles@vaughan.ca>; Council@vaughan.ca; Craig, Suzanne <Suzanne.Craig@vaughan.ca>; Bevilacqua, Maurizio <Maurizio.Bevilacqua@vaughan.ca>; lafrate, Marilyn <Marilyn.lafrate@vaughan.ca>; Racco, Sandra <Sandra.Racco@vaughan.ca>; Carella, Tony <Tony.Carella@vaughan.ca>; DeFrancesca, Rosanna <Rosanna.DeFrancesca@vaughan.ca>; Rosati, Gino <Gino.Rosati@vaughan.ca>; Jackson, Linda <Linda.Jackson@vaughan.ca>; Ferri, Mario <Mario.Ferri@vaughan.ca>; Shefman, Alan <Alan.Shefman@vaughan.ca>

Subject: item 5 Feb 5 2020 proposed special closed council meeting

Mr Clerk

Please find communications submitted by way of a written deputation attached to this email.

The proposed closed meeting (item 5) does not meet the closed meetings exemptions of the Municipal Act. Should council proceed to ratify the closed meeting, please consider this a closed meeting complaint.

Thank you