

## **A LONG TIME COMING:**

### **Mike Sullivan on the new closed meeting protocol**

Transcript of his delegation to Stratford City Council on September 9, 2024

I was a trigger for several closed meeting investigations, most of them found that council in some way acted illegally, by not disclosing what they were discussing, by voting illegally, and by discussing matters in secret that should have been in the open. This has been going on for a number of years, and it has reached quite epic proportions in terms of volume. However, I want to say thanks to staff who created this report, it's an excellent report — it's a protocol, actually, not a report.

It's been four years — that's a long time coming. There have been suggestions in the past that this kind of thing would happen, or that there would be a review or a training, but you all know, nothing really happened. Now you have before you a draft protocol.

Should you approve it, and should you follow it, all these illegalities should be a thing of the past. That will be up to you.

I have two observations about the report. First, the protocol does not contain any mechanism for councillors to move back into open session. It was a clear recommendation from the closed meeting investigator, who said, and I quote:

“Council should have clear procedures for moving into open session, including in cases where members are concerned that a vote or discussion is no longer properly in closed; “

That's not anywhere in the protocol that's been designed - the protocol as it stands is good, but it is missing, I think, that one key part:

There is a reference to the chair preventing members from straying off topic, but there is no procedure to move back into open session, and there ought to be, according to the Closed Meeting Investigator.

The second issue I have is that there is a proposed proposed amendment to by-law 137-2017. It is unclear as to how this proposal is related at all to

the closed meeting investigations. It appears to be a stand-alone request to give the CAO the authority to hire and fire any and all staff at their discretion. The exception appears to be if firing would cause more than a quarter of a million dollars in payment to an individual (then it has to come to Council) but other than that, this request would give the CAO, in my opinion anyway, the authority to hire and fire any and all staff. It amends a by-law, yet the text of the by-law isn't in the agenda. Nor is it part of the agenda for you to vote on as a by-law. I'm not sure why, but it isn't there.

There were several occasions where Council was found to be in violation of the act by voting on staffing issues, but this is not a recommendation of the Closed Meetings Investigator, that somehow you divest yourself of all hiring and firing decisions, and give it to somebody else. In my opinion, the solution is to exercise care when discussing hiring, but not to abandon that entirely to someone else.

Those are the only two problems I found with this report, as I said, It's about time, it's taken four years, If you follow it, and add the piece that I suggested, you will find yourselves not to be in violation of the law. I would therefore ask that Council add to the otherwise excellent protocol, a mechanism for moving into open session, and that council decline the amendment of by-law 137-2017, and if necessary discuss the matter as a separate item with a separate report.

Normally, when somebody asks something so big, there is a report as to why it is necessary. And there is nothing, as far as I can tell, in the agenda that says why this is necessary.

See City recording of this delegation at the 20:15 mark. Councillor remarks on these points are later in the meeting at the 3:13 mark.

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