



Municipality of North Grenville

To: **Council**

Meeting Date: June 3, 2025

Subject: Update – Closed Meeting Investigator Recommendations

Report No: CAO-2025-016

Prepared by: Mary Remmig, Acting Clerk

Recommendation(s)

THAT Council accept staff report #CAO-2025-016 respecting the implementation of the Closed Meeting Investigators Recommendations for information;

THAT Council direct the Clerk to post the PowerPoint from the closed portion of the Council meeting held on April 29th, 2025, on the Municipality's new "Accountability and Transparency" webpage;

THAT Council direct the Acting Clerk write to Mr. John Mascarin, c/o Aird Berlis, the Municipality's Closed Meeting Investigator, to advise on the implementation of the accepted recommendations following receipt of the Closed Meeting Investigation report;

AND THAT Council direct the Acting Clerk to include that Council received, from Mr. Rick O'Connor, its "comprehensive training on the open meeting rule", attach a copy of the minutes from the Council meeting held on April 29th, 2025 for his information and advise that Council has also directed that the PowerPoint used at that meeting be placed online in the correspondence to Mr. John Mascarin.

Executive Summary

Purpose

- To deliver an update to Council on the implementation of the accepted recommendations of the Closed Meeting Investigator following receipt of a report on March 3, 2025.

Key Findings

- On March 3, 2025 Council received a report from John Mascarin of Arid Berlis respecting the investigation of a closed meeting complaint received by their office
- The Arid Berlis Law Firm is the Closed Meeting Investigator appointed by Local Authority Services (LAS) which is the Municipality's appointed Closed Meeting Investigator in accordance with the Municipal Officer's By-law
- Following receipt of the investigation report, Council passed the following resolution accepting the recommendations of the investigator:

C-2025-078

Moved By: Doreen O'Sullivan

Seconded By: Deb Wilson

Be it resolved:

THAT Council will address the Closed Meeting Investigation Report dated February 26, 2025 by accepting the recommendations within the report, being;

- 1. Council and senior staff shall receive comprehensive training on the open meeting rule as set out in section 239 of the Municipal Act, 2001 from a qualified and experienced third party within sixty (60) days of the receipt of this Report;*
- 2. The Municipality shall update its Procedure By-law, at its earliest opportunity;*
- 3. Council and all committees shall strive to include the Clerk at all of their meetings, recognizing that there may be some limited occasions when it may not be appropriate for the Clerk to attend a closed meeting;*
- 4. Council shall issue a formal public reprimand to Deputy Mayor Barclay within thirty (30) days of the receipt of this Report; and*
- 5. The Municipality shall create an "Accountability" page on its website to list pertinent information relating to the Municipality's accountability officers (such as the Integrity Commissioner, Closed Meeting Investigator, Ombudsman, etc.) and any reports that have been submitted to Council by such accountability officers."*

Financial Implications

- There are no financial implications associated with the delivery of this report
- A cost of roughly \$2,000.00 (including applicable hst) was incurred in the implementation of recommendation #1: "Council and Senior Staff shall receive comprehensive training on the open meeting rule as set out in section 239 of the Municipal Act, 2001 from a qualified and experienced third party within sixty (6) days of the receipt of this report".

Background/Analysis

Staff have prepared this report to provide an update to Council on the five (5) recommendations they accepted following receipt of the Closed Meeting Investigation report dated February 26, 2025 from John Mascarin respecting a closed meeting of Council on October 22, 2025. Staff have outlined the accepted recommendations and are providing an update on each recommendation below for Council's information:

Recommendation #1:

"Council and senior staff shall receive comprehensive training on the open meeting rule as set out in section 239 of the Municipal Act, 2001 from a qualified and experienced third party within sixty (60) days of the receipt of this Report".

On April 29, 2025 (57 days following the receipt of the Closed Meeting Investigation Report), Council and the Senior Leadership Team received comprehensive training on the open meeting rule set out in section 239 of the *Municipal Act, 2001*, from Mr. Rick O'Connor, CMO, LL.B. Certified Specialist (Municipal Law: Local Government) and President of MuniverseRO Consulting Inc. Mr. O'Connor's career in the local public sector spanned 35 years in the region of Ottawa-Carleton and was the first City Clerk and City Solicitor in Canada due to his unique skill set.

This training was held in closed session in accordance with the open meeting exceptions under Section 239 of the *Municipal Act, 2001*. All members of Council attended as well as the majority of the Senior Leadership Team. Although this meeting was held in closed and meeting minutes will remain confidential, the presentation includes information from case law and the Municipal Act that is public in nature and may be released to the public to demonstrate compliance with this recommendation.

Following the training session, Mr. O'Connor suggested Council direct the Acting Clerk to write Mr. Mascarin with an update. The suggestions of Mr. O'Connor are reflected in the staff's recommendation. This includes the suggestion that the PowerPoint presentation used by Mr. O'Connor in closed session be included on the Accountability and Transparency webpage on the municipal website to demonstrate acceptance and compliance with this recommendation from the investigator.

Recommendation #2:

"The Municipality shall update its Procedure By-law, at its earliest opportunity".

The Clerk's office brought forward a draft Procedure By-law to Council on January 15, 2025 to facilitate an extended period of review, comment and questions from members of Council. The purpose of the January 15, 2025 report was to circulate the draft By-law to council for information. The Procedure By-law sought to formalize existing proceedings of Council while also adding information respecting staff, Council and attendee responsibilities, decorum in Council Chambers, clarity for administering motions and more.

The Clerk's office took a phased approach to implementation, suggesting Council conduct three readings of the By-law during three (3) separate meetings of Council to facilitate a comprehensive review of the By-law. First, Second and Third readings of the By-law were conducted on February 12, 2025, March 25, 2025 and April 8, 2025 respectively. During this two-month period, Council was provided the opportunity to ask questions and direct staff to conduct minor modifications to the By-law in order to ensure Council's preferred processes were reflected in the By-law governing the proceedings of Council.

Recommendation #3:

"Council and all committees shall strive to include the Clerk at all of their meetings, recognizing that there may be some limited occasions when it may not be appropriate for the Clerk to attend a closed meeting".

The above recommendation is a shared responsibility and is effectively an agreement to strive toward including the Clerk in all meetings moving forward.

Council is advised that the Municipal Clerk (currently Acting Clerk) has the authority under the Municipality's Delegation of Powers and Duties Policy to delegate their administrative functions to other members of staff. Meaning, the Clerk may delegate a member of staff to attend a Council meeting for the purpose of recording the decisions and proceedings of Council and Advisory Committee meetings. The Clerk's responsibility lie with ensuring adequate and sufficient records of all proceedings are maintained within the Municipal records management system in accordance with the applicable legislation. The Clerk only exercises this authority in emergency/last-minute circumstances where staff absences may need to be accommodated.

Formally, the Municipality has appointed an Acting Clerk (in the absence of a Municipal Clerk), two (2) Deputy Clerks (Full-time Deputy Clerk is currently Acting Clerk and the CAO is an appointed Deputy Clerk for back up) and a Committee Clerk (primarily responsible for all Advisory Committees with some assistance at the Council level).

Recommendation #4:

"Council shall issue a formal public reprimand to Deputy Mayor Barclay within thirty (30) days of the receipt of this Report".

As acknowledged in the Closed Meeting Investigation Report dated February 26, 2025, this step was overlooked during consideration of the Integrity Commissioner Report during open session in November 2025. To fulfill this recommendation from the investigator, Council adopted the following motion immediately following the acceptance of these recommendations from the investigator:

C-2025-079

Moved By: Deb Wilson

Seconded By: Doreen O'Sullivan

Be it resolved that Council formally reprimand Deputy Mayor John Barclay as recommended in the Integrity Commissioner report dated October 2, 2024 based on a finding that the Deputy Mayor inappropriately communicated with a member of staff and served to demean and falsely injure their professional and ethical reputation contrary to the Code of Conduct for Members of Council. Council hereby denounces the Deputy Mayor's actions. Council expects that he and all members will strictly adhere to proper and professional standards of behaviour when interacting with staff as set out in the Code of Conduct.

CARRIED

Recommendation #5:

"The Municipality shall create an "Accountability" page on its website to list pertinent information relating to the Municipality's accountability officers (such as the Integrity Commissioner, Closed Meeting Investigator, Ombudsman, etc.) and any reports that have been submitted to Council by such accountability officers."

On May 15, 2025 the Acting Clerk provided an email update to all of Council advising that the new Accountability and Transparency webpage has been made live on the municipal website. The new webpage may be reviewed at the following link: <https://www.northgreenville.ca/council-government/council/accountability-and-transparency>.

The following information has been included on the webpage to benefit the public:

- Council Code of Conduct and Complaint Procedure/Form;
- Annual Integrity Commissioner Reports dated back to 2020;
- Integrity Commissioner Investigations received since inception of this Term of Council in 2022;
- Information respecting the Municipal Conflict of Interest Act;
- Posting of the Conflict of interest Registry which is required in accordance with legislation (in progress);
- Information respecting the Closed Meeting Investigator and all Investigation received since inception of this Term of Council in 2022;
- Information respecting the Municipal Ombudsman; and,
- Information respecting public complaints.

The Communications Team is currently working on posting the final details on the page, however the framework and majority of information is available on the municipal website and will be maintained by the Clerk's office in consultation with Communications staff.

Relevance to Strategic Priorities

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| Strategic Pillar | Pillar #4 - Efficient Governance and Service Delivery |
| Goal | Goal #4.4 - Commit to Continuous Improvement |

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| Key Action | Action #4.4.2 - Implement a continuous review program for existing processes and policies at both the departmental and corporate level |
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Options and Discussion

1. Approve the recommendation (recommended)
2. Modify the recommendation (as directed by Council)
3. Do not approve the recommendation (not recommended)

Financial Impact

This item has been identified in the current budget: Yes ☐ No ☐ **N/A**

This item is within the budgeted amount: Yes ☐ No ☐ **N/A**

Staffing implications, as they relate to implementing Council's decision on this matter, are limited to the existing staff complement and applicable administrative policies as approved by Council.

Internal/External Consultation

- Chief Administrative Officer
- Senior Leadership Team
- Communications Division
- John Mascarin, Arid Berlis
- Rick O'Connor, MuniverseRO Consulting Inc.

Communications

Council's decision will result in written communication to Mr. John Mascarin with an update on the implementation of these recommendations and additional information posted to the Accountability and Transparency webpage on the Municipal website.

Attachments

- None