

Type of Decision									
Meeting Date	Friday, February 17, 2012				Report Date	Thursday, February 9, 2012			
Decision Required	X	Yes		No	Priority	X	High		Low
Direction	X	Information Only			Type of Meeting	X	Open		Closed

REPORT TITLE

Request for Attendance at Closed Session via Telephone Report #17/02/12/502

Subject: A request from a ratepayer to attend the special meeting of Council of Friday, February 17, 2012 via teleconference.

RECOMMENDATION: That Council adopt the following resolution denying access to a Council meeting through teleconference.

WHEREAS a meeting of Council has been called to discuss the results of the investigation of Mr. Bonenberg as it relates to the Code of Conduct Complaints filed by a ratepayer;

AND WHEREAS that ratepayer has made a request to attend this meeting via teleconference;

AND WHEREAS this Council firmly believes in accountability and transparency, however; accommodating anyone who is not able to attend a meeting in person, be it a member of Council or a member of the public is not common practise, viable or secure;

THEREFORE BE IT RESOLVED THAT the Council of the United Townships of Head, Clara & Maria does hereby declare that the complainant may be provided with a report of the findings of Mr. Bonenberg however; like any other individual, does not have a claim to attendance at a meeting of Council via teleconference.

Background/Executive Summary:

1. The municipal policy does not speak to any right to a report or even a response as a result of making a complaint under the Municipal Code of Conduct. What it does address is enforcement through disciplinary action.
2. Relying on the policy there is no obligation on the Municipality to respond to a complainant in any way. The policy does not give any person a right in this respect other than the right to file a complaint. It further does not convey a right to special access to a meeting of Council, whether open or closed.
3. After saying that, it is my recommendation that a copy of the report of Mr. Bonenberg be provided to the complainant as a courtesy. At Council's direction, once Council has received and adopted the report, a copy will be provided to the complainant.
4. As this is a meeting of Council and not in any way a "public" meeting, meaning that members of the public are not given the opportunity to address Council, there is no compelling reason to accommodate the complainant. This is not a tribunal or a hearing but instead a meeting of Council. Meetings of Council are routinely closed to consider "personal information about an identifiable individual" without giving that individual access

to the meeting. It is also argued that this meeting is not as the request suggests “about” (“as it deals with me personally”) the individual but instead a result of a request for an investigation.

5. Even if the request for a teleconference were made by a member of Council; I have found some evidence that attendance at a meeting via teleconference may not be permissible under the *Municipal Act*.
6. Council is to act and make decisions in a representation of the interests of all ratepayers. Accommodating this request would seem out of the ordinary and excessive. Providing this service to one individual would be setting a precedent which would be impossible to live up to.
7. There is also the issue of privacy; we would have no control over the security of the line or even be aware of who may be listening in.
8. I have contacted neighbouring CAOs and their response is to not allow this.

Others Consulted/Resources: Municipal Code of Conduct; Municipal Act; Neighbouring CAOs

Approved and Recommended by the Clerk

Melinda Reith,
Municipal Clerk

Melinda Reith