



# INFORMATION REPORT

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	September 2, 2015
<b>SUBJECT/REPORT NO:</b>	Electronic Recording of Closed Session Meeting (LS15025) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Janice Atwood-Petkovski 905-546-2424 ext 4636
<b>SUBMITTED BY:</b>	Janice Atwood-Petkovski City Solicitor Legal Services
<b>SIGNATURE:</b>	

## Council Direction:

At the June 8, 2015 Governance Review Sub-Committee meeting, the City Solicitor was directed to prepare an Information Report that contains the previous reports and Council decisions respecting the audio and video recording of Closed Session meetings at the City of Hamilton, including the response received from the Ministry of Municipal Affairs and Housing, to the September 2, 2015 GIC.

## Summary:

With respect to the electronic recording of closed meetings, Hamilton Council has gone on record requesting that the Province establish the appropriate legislative framework relating to access and disclosure of electronically recorded in-camera meetings, to properly protect municipal interests. Of note, in U.S. jurisdictions where recordings of closed meetings are mandatory, there are legislative protections and guidance on the use, access and availability of such recordings. For example, the Illinois Open Meetings Act contains significant protections against use of the verbatim record in civil, criminal or other proceedings. This information along with considerations of benefits, impacts and potential risks, were canvassed in an Information Report dated June 10, 2013 to Governance Review Sub-Committee. Ultimately, that Information Report was forwarded to the Ministry of Municipal Affairs and Housing in a request that the Province consider establishing the appropriate legislative framework.

**Chronology:**

In late 2012, Governance Review Sub-Committee directed staff to provide a report regarding recording of closed session meetings. An Information Report dated June 10, 2013 was received by Governance Review Sub-Committee and the following Recommendation was made to AF & A Committee on July 10, 2013 (Appendix "A"):

**Electronic Recording of Closed Session Meetings**

- (i) That the City of Hamilton request that the Province establish the appropriate legislative framework under the Municipal Act 2001 relating to the access and disclosure of electronically recorded in-camera meetings to properly protect municipal interests; and,
- (ii) That a copy of this motion and Report CL12-005(a), respecting Electronic Recording of Closed Session Meetings, attached as Appendix "A" to Governance Review Sub-Committee Report 13-001, be forwarded to AMO.

AF & A Committee approved, and reiterated the Recommendation to Council (Appendix "B"), which was ratified July 12, 2013 (Appendix "C").

The response was received December 19, 2013 from the Minister of Municipal Affairs and Housing (Appendix "D") advising that the Province would take the City's request into consideration in its regular review of the Municipal Act.

That review is currently underway, and City staff have confirmed with Ministry staff that they are aware of the City of Hamilton's request.

**Appendices Attached:**

Appendix "A" to Report LS15025 – Governance Review Sub-Committee and Information Report, June 10, 2013

Appendix "B" to Report LS15025 – AF & A Report, July 10, 2013

Appendix "C" to Report LS15025- Council Minutes, July 12, 2013

Appendix "D" to Report LS15025 – Minister of Municipal Affairs and Housing response dated Dec 19, 2013