



MUNICIPAL CLERK'S OFFICE

TO: Council

DATE: November 24, 2020

DIVISION: N/A

FILE: 0195

SUBJECT: Participation in closed sessions through electronic means

POLICY DIRECTION:

On November 10, 2020, Council passed a resolution that directed Administration to bring back a report to the next Council meeting with a procedure which would allow councillors attending remotely to participate in closed sessions.

EXECUTIVE SUMMARY:

This report discusses existing closed session rules and the risks associated with allowing a member to participate electronically in a closed session.

Both the *Municipal Government Act* and the Procedure Bylaw allow for a council or council committee meeting to be conducted by electronic means and for a member to participate in the meeting through electronic means. The option of participating electronically in a closed session is at the discretion of each municipality.

Section 31 of the Procedure Bylaw states that closed sessions cannot be conducted through electronic means. Members participating in a meeting electronically cannot participate in any closed sessions but must vote on a matter put to a vote unless the member is required or permitted to abstain from voting under the Procedure Bylaw or any other enactment.

Closed sessions are held if there is an exception to disclosure under the *Freedom of Information and Protection of Privacy Act*. Closed sessions allow a safe environment for a council or council committee to discuss confidential matters where disclosure could be harmful to personal privacy, individual public safety, law enforcement, intergovernmental relations, confidential evaluations, local public body confidence, advice from officials, or information that is subject to legal privilege, to name a few.

To further ensure the confidentiality of closed sessions, the Procedure Bylaw states that members must not bring electronic devices into closed sessions, and members must not record, take notes, or otherwise document closed session proceedings.

Members are also bound by code of conduct bylaws that further identify members' responsibilities regarding confidential information.

The risks associated with members participating electronically in closed sessions include:

1. unsecured internet (wifi) connection used by a member;
2. unsecured telephone connection used by a member; and
3. information discussed could be overheard by a person.



ROCKY VIEW COUNTY

If Council is prepared to accept to the identified risks, Administration recommends amending section 31 of the Procedure Bylaw to:

1. state that closed sessions may be conducted through electronic means;
2. state that members participating in a meeting through electronic means may participate in any closed sessions;
3. include a subsection that states in order for a closed session to be held through electronic means, or in order for a member to participate in a closed session through electronic means, Council or the Committee must provide authorization by resolution. If authorization is not provided, either the closed session cannot be held through electronic means or the Member cannot participate in the Closed Session through electronic means; and
4. include a further subsection that clarifies that members who are unable to participate in a closed session are still required to vote on a matter put to a vote at the Meeting unless that Member is required or permitted to abstain from voting under the MGA or another enactment.

ADMINISTRATION RECOMMENDATION:

If Council is amenable to the identified risks, Administration recommends approval in accordance with Option #1.

BUDGET IMPLICATIONS:

N/A

OPTIONS:

- | | |
|------------|---|
| Option #1: | Motion #1: THAT Bylaw C-8110-2020 be given first reading. |
| | Motion #2: THAT Bylaw C-8110-2020 be given second reading. |
| | Motion #3: THAT Bylaw C-8110-2020 be considered for third reading. |
| | Motion #4: THAT Bylaw C-8110-2020 be given third and final reading. |
| Option #2: | THAT alternative direction be provided. |

Respectfully submitted,

Concurrence,

“Kent Robinson”

“Al Hoggan”

Executive Director
Corporate Services

Chief Administrative Officer

CS

ATTACHMENT:

ATTACHMENT ‘A’: Bylaw C-8110-2020