

Audio recording closed door meetings not supported by Town staff

By Brock Weir

Municipalities have faced calls from the Ontario Ombudsman to audio record closed door meetings of Council, but Aurora, like many other municipalities across the province, is unlikely to follow suit in the coming weeks.

Following motions made in the last Council by former councillor Alison Collins-Mrakas, and brought back to the table last fall by Councillor Michael Thompson, Councillors are not likely to take the step to make audio records of what transpires behind closed doors.

Councillors faced recommendations from Town Staff at last Tuesday's General Committee meeting to nix the plan, but a final decision on the matter was delayed to a later date to gather more information on the pros and cons weighted by other municipalities going in the opposite direction.

"The Ontario Ombudsman in his recent report called upon municipalities to audio record closed session meetings to enhance transparency and assist him in any investigations that he may have to conduct," said Town Clerk John Leach in his report to Council. "While an audio record of closed session meetings might assist the Ombudsman in any investigations, it is submitted it would not enhance transparency as such a record would not be made public."

Mr. Leach said Council's current rules make closed session meetings "open and transparent" by publically passing a resolution to go into closed session disclosing a very general reason for going behind closed doors and generally reporting out the following week. Minutes are taken, he added and there has "never been a request for a closed session meeting investigation."

Going forward with audio recordings would also be "expensive and cumbersome," he added, saying it would cost up to \$25,000 for a permanent audio system in a committee room as portable devices could provide "inadequate" quality. Councillors would also have to identify themselves by name each time they spoke and that could impede the free flow of discussions, he added.

Recording the sessions, he concluded, could, if disclosed, put the Town at risk of a lawsuit, particularly when it comes to the potential sale and purchase of lands, and similar transactions.

"Research indicates that with two exceptions, Tiny Township and the Municipality of Lambton Shores, municipalities do not audio record closed sessions," said Mr. Leach. "Access to closed session records is restricted to members of Council and senior staff who may be required to prepare reports or carry out Council directions."

As Council tackled the issue last week, the proponent of the motion, Councillor Thompson, said that these reports from Tiny Township and Lambton Shores should be placed before Councillors so they can fully evaluate the arguments they considered in making their decisions.

"I recognize that staff are raising a number of risks, but were those risks not necessarily brought up at these other meetings in other municipalities?" asked Councillor Thompson. "How did they deal with them and what information were they talking about? [Those reports should be brought back] so that everybody can see both sides of the issue or understand some of those responses from some of the other municipalities that chose to go ahead."

The recommendation to not proceed with audio recordings was moved by Mayor Geoffrey Dawe and Councillor John Abel. In speaking to Councillor Thompson's request for more information, Councillor Paul Pirri said that one can't "scour the internet" for reports from elsewhere that bolster opinions in other municipalities and have them added to the agenda.

"To put staff reports from other municipalities to support himself, I understand doing it on your own time and I think it is the wise and smart thing to do, but to start bringing in staff from other municipalities and what this municipality has done is not something I

necessarily agree with," said Councillor Pirri. "I am more than open to looking at other options and other ideas for doing this but I just think this would set a pretty bad precedent."

Councillor Thompson made his motion months before Justice Cory Gilmore found in favour of former mayor Phyllis Morris against claims by Aurora resident George Hervey that alleged Ms. Morris may have been in violation of the Municipal Conflict of Interest Act by participating in closed session meetings which ultimately lead to the authorisation of her \$6 million lawsuit against three local bloggers.

When the motion was discussed initially, there were arguments around the table, including Councillor John Gallo, two of the sitting Councillors along with Wendy Gaertner who were in the room during the controversial closed session meeting in September 2010, that an audio recording of the meeting would have cleared up any questions of what transpired that night.