

A GUIDE TO CLOSED MEETINGS



The Federation of Prince Edward Island Municipalities has prepared a toolkit to help municipalities implement the Municipal Government Act in accordance with the principles of open government – accountability, engagement and transparency. This guide has been prepared to provide Council members with information about when to close a meeting to the public and what matters may be discussed at a closed meeting.

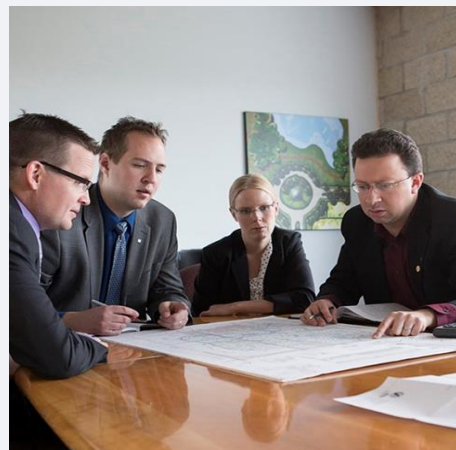
What is a closed meeting?

A closed meeting is a meeting from which the public is excluded and where confidential matters are discussed

What can be considered at a closed meeting?

According to Section 119 of the Municipal Government Act closed meetings may only be held to discuss the following confidential matters:

- Commercial information which, if disclosed, would likely be prejudicial to the municipality or involved parties;
- Information received in confidence which, if disclosed, would likely be prejudicial to the municipality or involved parties;
- Personal information, other than a person's address;
- Human resource matters;
- A matter under consideration, which the Council has not yet publicly announced a decision and about which discussion in public would likely prejudice the municipality's ability to carry out its negotiations;
- Existing or anticipated legal proceedings;
- Investigation or enforcement of an Act or bylaw;
- Information which, if disclosed, could prejudice security and the maintenance of the law.



How to close a meeting.

- Pass a resolution stating the part of Section 119 (1) which relates to the matter being considered at the closed meeting.
- Read the resolution to close the meeting aloud at a Council meeting.
- State whether Council will reconvene in an open meeting at the end of the closed session.

CLOSED MEETINGS CAN ONLY BE HELD BY RESOLUTION.

- A resolution to close a meeting to the public can be made in advance or at the meeting prior to closing the meeting to the public.
- The resolution must state which part of Section 119(1) related to the matter to be considered at the closed meeting.

“Be it so resolved that this meeting will be closed to the public to consider a matter relating to the *Municipal Government Act* section 119 (1) subsection (a), (b), (c), (d), (e), (f), (g) or (h) “

Council cannot pass a resolution or bylaw during a closed meeting except for a resolution:

- Giving instruction to a lawyer acting for the municipality;
- Giving instruction to a person negotiating a contract on behalf of the municipality;
- Giving instruction to an employee on the matters outlined above;
- Adjourning the closed meeting; or
- Opening the meeting to the public.

During the closed meeting, only the subject authorized by the resolution to close the meeting should be discussed. If something comes up that is not covered by the resolution authorizing the closed meeting, the item should be tabled and discussed at an open meeting. If this subject is of a confidential nature and relates to the matters outlined in *Section 119 (1)*, a new resolution to close the meeting must be passed in an open meeting.

What should be included in the meeting minutes?

Minutes of a closed meeting must be taken and must include the date of the meeting, the names of those in attendance, the subject matter being discussed and any decisions made. When disclosing those minutes, the content shall be restricted to:

- The date of the meeting;
- The names of those present at the meeting; and
- The type of matter under Section 119 (1) that was discussed.

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CLOSED MEETING CHECKLIST

Before closing a meeting:	yes	no
Are the items to be discussed related to:		
• Commercial information which, if disclosed, could be prejudicial to the municipality or involved parties	<input type="checkbox"/>	<input type="checkbox"/>
• Information received in confidence which, if disclosed, would likely be prejudicial to the municipality or the involved parties	<input type="checkbox"/>	<input type="checkbox"/>
• Personal information protected under the Municipal Government Act	<input type="checkbox"/>	<input type="checkbox"/>
• Human resource matters	<input type="checkbox"/>	<input type="checkbox"/>
• A matter under consideration which discussion in public would likely prejudice a municipality's ability to negotiate.	<input type="checkbox"/>	<input type="checkbox"/>
• Conduct of legal proceedings	<input type="checkbox"/>	<input type="checkbox"/>
• Conduct of an investigation or enforcement of the Act or a bylaw.	<input type="checkbox"/>	<input type="checkbox"/>
• Other information which, if disclosed, could prejudice security and maintenance of the law.	<input type="checkbox"/>	<input type="checkbox"/>
Has a resolution been passed to close a meeting to the public?	<input type="checkbox"/>	<input type="checkbox"/>
Does the resolution include the subsection of section 119 (1) of the Municipal Government Act that will be discussed at the closed meeting?	<input type="checkbox"/>	<input type="checkbox"/>
Was the resolution to close the meeting read aloud and passed at a meeting that was open to the public?	<input type="checkbox"/>	<input type="checkbox"/>
During the Closed Meeting:		
Was the discussion at the closed meeting limited to the topics in the authorizing resolution?	<input type="checkbox"/>	<input type="checkbox"/>
Were the resolutions made at the closed meeting limited to:		
• Instructions for the lawyer	<input type="checkbox"/>	<input type="checkbox"/>
• Instructions for a person negotiating a contract on behalf of the municipality	<input type="checkbox"/>	<input type="checkbox"/>
• Instructions to employees related to topics outlined in section 119(1) of the Act	<input type="checkbox"/>	<input type="checkbox"/>
• Adjourning the closed meeting	<input type="checkbox"/>	<input type="checkbox"/>
• Opening the meeting to the public.	<input type="checkbox"/>	<input type="checkbox"/>
Were minutes kept of the meeting?	<input type="checkbox"/>	<input type="checkbox"/>

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