

**INVESTIGATION INTO MUNICIPALITY OF
NORTH PERTH CLOSED MEETINGS
REQUESTED BY RONALD SCOTT**

The Complaint

On March 3, 2010, Mr. Scott made a request for investigation of an in camera meeting of Council held on March 1, 2010. This request was referred to me and received in this office on March 23, 2010.

The request by Mr. Scott concerns two issues:

1. Mr. Scott expresses the concern that the Mayor should not have been in attendance or participated in a closed meeting on March 1, 2010 by virtue of the fact that matters concerning litigation that he has against the Mayor and the Municipality were discussed and the Mayor is a named Defendant. Mr. Scott expressed the concern that the Mayor should not have been in the meeting due to the fact that he has a conflict of interest.
2. Mr. Scott expressed a concern that in the closed session, Council deliberated matters concerning a public Court hearing at which various members of the public attended, including the Mayor's spouse. Mr. Scott expresses the view that this discussion should not have taken place in a closed session as the Court session was open to the public.

Opinion

1. In a previous investigation requested by Mr. Scott of in-camera Council sessions of Council from September 1, 2006 to November 2, 2009, I outlined my opinion with respect to conflict of interest and attendance in closed meetings. As stated in that report, which is dated April 9, 2010, the question of conflict of interest by members of Council is governed by separate legislation, being the *Municipal Conflict of Interest Act*. My authority as an investigator into complaints regarding closed sessions does not extend to the question of whether the conduct of a member of Council contravenes the *Municipal Conflict of Interest Act*. Again, I therefore offer no opinion with respect to that concern as raised by Mr. Scott.

2. With respect to the second issue raised by Mr. Scott, I have reviewed the Minutes of the Council meeting and the agenda which clearly indicates four matters to be discussed in the closed session of Council of March 1, 2010. One of the items listed is "litigation or potential litigation, including matters before administrative tribunals, affecting the Municipality or Local Board regarding the Municipality of North Perth and Ronald Michael Scott".

The Minutes of the closed Council session indicate that during the closed meeting, Council was provided with an update concerning the legal proceedings brought by

Mr. Scott and particularly concerning a Court hearing on February 17, 2010.

The matters being discussed by Council in closed session had to do specifically with the litigation item listed in the agenda as being discussed in the closed session, which appropriately falls under the allowable issues for closed sessions under the *Municipal Act*.

For the above reasons, I find that with respect to the closed session of Council of March 1, 2010, there was no contravention by Council of the provisions of the *Municipal Act*.

Report

The Council of the Municipality of North Perth has regard to make this report public in accordance with Section 239.2(11) of the *Municipal Act*.

April 9, 2010

GFS/jbr

