

COUNCIL MEETING
OFFICE OF THE CITY CLERK

REPORT CLK-2025-04
February 18, 2025

SUBJECT: Request for Legal Opinion: Referral of Notice of Motion on Public Disclosure of In-Camera Information

AUTHOR: Tara Stephens, Director of Legislative Services/City Clerk

APPROVING: Rob Axiak, Chief Administrative Officer

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the Request for Legal Opinion: Referral of Notice of Motion on Public Disclosure of In-camera Information and report attachment; and further

THAT Welland City Council directs staff to publish a report on this matter in open session to provide transparency and accurate information, as per the direction of the Notice of Motion, and supported by the legal opinion attached to this report.

RELATIONSHIP TO STRATEGIC PLAN

Integrity: As a guide for our actions, we will emphasize honesty, accountability, and ethical behaviours, to ensure we consistently uphold the highest standards of trustworthiness, transparency, and fairness in all our endeavours.

EXECUTIVE SUMMARY:

This report has been prepared in response to council's referral of a notice of motion (NOM) requesting clarification on in-camera discussions regarding Councillor DiMarco's absence from in-person council meetings. As directed, a legal opinion has been obtained to address the matter. The attached legal opinion provides guidance on the disclosure of in-camera information, balancing the principles of transparency and the legal obligations related to confidentiality. This report aims to provide council with the necessary information to proceed appropriately and in compliance with applicable legislation.

BACKGROUND:

On January 14, 2025, a notice of motion (NOM) was presented to council to address public and media inquiries regarding Councillor DiMarco's absence from

in-person council meetings. The NOM highlighted concerns about the circulation of inaccurate and speculative information in the community and called for a transparent response.

The NOM directs staff to prepare a report in open session to clarify the matter and provide accurate information. Subsequently, council referred the matter back to staff for a legal opinion to determine the appropriateness and extent of disclosing information discussed in camera.

DISCUSSION:

The attached legal opinion addresses the balance between transparency and the legal obligations of confidentiality under the Municipal Act, 2001. While public interest demands clarity, in-camera discussions are protected to safeguard sensitive information. The legal opinion outlines the extent to which information can be disclosed without breaching confidentiality. Based on this guidance, Council may consider providing a public response that respects legal limitations. Staff are available to assist with drafting such a response if directed by Council.

FINANCIAL:

None.

ATTACHMENT:

Appendix I - Legal Opinion from Aird & Berlis LLP re: Authority to Report Out from Closed Session.