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| <b>Title: Executive Session at Council Meeting and Committee Meeting of Council</b> |                  | <b>Policy No.: 47-01</b> |
| <b>Section: 01</b>  | <b>Code: P-I</b> | <b>Page No.: 1 of 3</b>  |

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| <b>Legislation Reference:</b> | Alberta Provincial Statutes – <i>Municipal Government Act</i> . |
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| <b>Purpose:</b> | <ol style="list-style-type: none"> <li>1. The <b><i>Municipal Government Act</i></b> states the Councils and Council Committees must conduct their meetings in the public unless the matter to be discussed is within one the exceptions to disclosure in Division 2 of Part 1 of the <b><i>Freedom of Information and Protection of Privacy (FOIP) Act</i></b> (Sections 16 to 29).</li> <li>2. Exception to the rule, in accordance with the <i>Municipal Government Act</i> (Sections 197 (2.1): allows Municipal Planning Commission, Subdivision Authorities, Development Authorities, and Subdivision and Development Appeal Board to deliberate and make decisions in meetings closed to the public.</li> </ol> |
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**Policy Statement and Guidelines:**

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| <ol style="list-style-type: none"> <li>1. <b>OBJECTIVE:</b> <ol style="list-style-type: none"> <li>1.1 The powers of municipal Council are balanced by Council’s accountability to the citizens who elect them. It is therefore essential that citizens are allowed to take an active interest in the development and direction of local government. Therefore Smoky Lake County, as in accordance with The <i>Municipal Government Act</i> set out clear requirements for municipal Council, will conduct its business openly (except in very limited or specific circumstances).</li> <li>1.2 Smoky Lake County’s <b>Procedural Bylaw</b> outlines additional information that clarifies the Executive Session discussions, such as identifying when they are held during the Regular Council Meeting.</li> </ol> </li> <li>2. <b>DEFINITIONS:</b> <ol style="list-style-type: none"> <li>2.1 <b>“Executive Session”:</b> (Known also to be referred to as “In-Camera” or “Closed Session”) means a portion of a meeting lawfully held in private and not open to the public.</li> <li>2.2 <b>“In-Private”:</b> means when a Council goes into an Executive Session, a portion of that Council meeting(s) – as defined in the <i>Municipal Government Act</i> is private and closed to the public.</li> </ol> </li> <li>3. <b>GUIDELINES:</b> <ol style="list-style-type: none"> <li>3.1 Executive Session shall be listed on the Agenda for the meeting for which it is held.</li> <li>3.2 The agenda shall contain an “Executive Session” heading.</li> </ol> </li> </ol> |
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**Policy Statement and Guidelines:**

- 3.3 Provide a brief description on the agenda of the topic of confidential nature.
- 3.4 State the section of the *Freedom of Information and Protection of Privacy (FOIP) Act* that allows the topic to be discussed in an Executive Session. **For Example:**
- **“Personnel: Evaluation of the CAO: FOIP Section 17”**; could be used to describe conducting the performance appraisal of a Chief Administrative Officer.
  - **“Legal: Arena Project – FOIP Section 27”**; could describe discussions regarding a pending court case.
- Further information is not required.
- 3.5 **What can be discussed in an “Executive Session”:** The *Freedom of Information and Protection of Privacy (FOIP) Act* outlines the discussion items that would allow a Council to go into an Executive Session, which include matters where a public disclosure could be harmful to:
- Third party business interests: FOIP Section 16.
  - Third party personal privacy: FOIP Section 17.
  - Individual or public safety: FOIP Section 18.
  - Confidential Evaluation: FOIP Section 19.
  - Law Enforcement: FOIP Section 20.
  - Intergovernmental Relations: FOIP Section 21.
  - Cabinet and Treasury Board Confidences: FOIP Section 22.
  - Local Public Body Confidences: FOIP Section 23.
  - Advice from Officials: FOIP Section 24.
  - Economic or other interests: FOIP Section 25.
  - Testing Procedures, Tests and Audits: FOIP Section 26.
  - Privileged Information: FOIP Section 27.
  - Disclosure to Conservation of Heritage Sites: FOIP Section 28.
  - Information Available to Public: FOIP Section 29.
- 3.6 Smoky Lake County, as a Public body should not:
- Reveal confidential employee evaluations.
  - Disclose local public body confidences, or advice from officials.
  - Disclose information that is subject to any kind of legal privilege.
- 3.7 As an elected body, Council’s objective is to avoid conducting business in Executive Session. This includes but is not limited to the following which is only an information summary and has no legislative or legal sanction. For example:
- Budget deliberations.
  - Tax: Assessment / Mill Rates, Penalties.

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| <b>Policy Statement and Guidelines:</b>  |   |
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| <ul style="list-style-type: none"> <li>■ Capital Expenditures</li> <li>■ Sensitive local issues.</li> <li>■ Bylaw Amendments.</li> <li>■ Subdivision proposals.</li> <li>■ Tax Recovery: Reserve bids for auction.</li> <li>■ Discussions regarding the hiring of additional municipal staff and/or the setting of salary ranges.</li> </ul> |   |
| 3.8  | All members of Council may attend Executive Session discussion.   |
| 3.9  | At the discretion of Council, guests, Chief Administrative Officer and at times Administration may attend Executive Session discussion. The media and general public cannot attend the closed discussion, but are welcome to return to the Council Meeting following the Executive Session discussion.  |
| <b>4</b>   | <b>PROCEDURES:</b>  |
| 4.1  | In accordance with <b>Smoky Lake County – Procedural Bylaw</b> ; a motion of Council is required to go into an Executive Session to discuss matters covered by the exceptions to disclosure in the <i>Freedom of Information and Protection of Privacy (FOIP) Act</i> . Any background information on the confidential items shall be circulated and collected during the discussion. |
| 4.2  | During an Executive Session no recording of any notes or minutes shall be taken during the discussion.  |
| 4.3  | The Council and Committee Meeting minutes will reflect that a motion was made to move into an Executive Session and then another motion to move out of an Executive Session and return to the open meeting.   |
| 4.4  | Council members, the Chief Administrative Officer and any others included in the Executive Session discussion are required to keep in confidence what was discussed until the item is discussed at a meeting held in public.  |
| 4.5  | The <i>Municipal Government Act</i> prohibits the passing of a motion or Bylaw during an Executive Session discussion, with the exception of a motion to revert to a public meeting. If a direction or decision is reached in the Executive Session, then the motion must be made in the open meeting so that Council's direction(s) are recorded and acted on.                       |

|                 | <b>Date</b>          | <b>Resolution Number</b>       |
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| <b>Approved</b> | <b>June 15, 2017</b> | <b># 801-17 - Page # 12705</b> |
| <b>Amended</b>  |                      |                                |
| <b>Amended</b>  |                      |                                |

