

March 22, 2023

Trustees of the TCDSB:

I read with interest the Ombudsman's communication to the Board on an investigation re: closed meetings.

When I was a trustee (some of you were also colleagues of mine) and we were amending the Board's Operating Bylaw 175, I championed the inclusion of what has been in practice for the last number of years of 'report from private session' in public session as prior to that no such practice existed.

While this practice was just it start, it is still deficient in truly providing the level of transparency and public trust that a Board striving to have excellence in governance should be operating.

Potential gaps that exist:

- 1) The public does not know before-hand what matters are to be on the private agenda, as they may have potential commentary to provide to their trustee or the Board as a whole.
- 2) In the current practice, an entire matter is deemed private, whereas in some cases, only the discussion or potential sensitive information should be private.
Example: approving a lease extension or purchasing a property, often this should be public information however the terms, discussion or negotiation would be private matters.
- 3) The current practice often simply outlines that a "property" or "XYZ" matter was discussed but in some cases the outcome should not be private once it is decided by the Board. There is no mechanism to bring forward resolutions that arose in private that should now be in the public domain, either immediately after or at a later time once executed by staff.

I would ask Trustees to refer the matter to staff or the governance committee to look at best practices such as what the City of Toronto does around public-private matters in its agenda, closed discussions & reporting back.



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