

2014-2015

  
Ombudsman  
ONTARIO  
ONTARIO'S WATCHDOG

 **OMLET**  
Open Meeting Law  
Enforcement Team

Annual  
Report



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To The Honourable Dave Levac, Speaker,  
Legislative Assembly, Province of Ontario, Queen's Park:

Mr. Speaker, I am pleased to submit this Annual Report on the work of the Ontario Ombudsman's Open Meeting Law Enforcement Team (OMLET) for the period of September 1, 2014 to August 31, 2015, pursuant to section 11 of the Ombudsman Act, so that you may table it before the Legislative Assembly.

This report summarizes our work in investigating closed municipal meetings. It also provides information on how we are preparing for the expansion of our jurisdiction to include full oversight of municipalities as of January 1, 2016. We are sending it to every municipal council in the province and making it available publicly on our website and in hard copy through our office, as well as tabling it in the Legislative Assembly.

Sincerely,

A handwritten signature in blue ink that reads 'Barbara Finlay'.

**Barbara Finlay,**  
Acting Ombudsman  
December 2015

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“ For the first time, Ontarians will be able to turn to the **Ombudsman’s Office** for help if they have an unresolved issue with any local government service or official.”

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# Ombudsman's Message: A New Day for Municipal Transparency



Photo by Brian Miller

**Barbara Finlay**, Acting Ombudsman

January 1, 2016 will be no ordinary New Year's Day in Ontario. It will mark the start of a new era of transparency for municipal government. For the first time, Ontarians will be able to turn to the Ombudsman's Office for help if they have an unresolved issue with any local government service or official. With this change, ushered in last year with the *Public Sector and MPP Accountability and Transparency Act, 2014* ("Bill 8" for short), Ontario joins six other jurisdictions where Ombudsman oversight includes municipalities: British Columbia, Manitoba, Nova Scotia, New Brunswick, Yukon and – as of November 2015 – Saskatchewan.

It will also mark eight years since our Office first began working with municipalities – when we were given the role of default closed meeting investigator. Changes to the *Municipal Act, 2001* that took effect January 1, 2008 enabled Ontarians to complain if they felt local councils were illegally meeting behind closed doors – something that previously could only be challenged in court.

The establishment and enforcement in Ontario of a "Sunshine Law" – as open meeting laws have long been known in U.S. jurisdictions – was part of a general trend toward greater openness and transparency in government, in response to strong public demand. Our new responsibility as default closed meeting investigator for municipalities across the province (unless they chose to hire their own) turned out to be a good fit: An Ombudsman's traditional role is to assist citizens in accessing the corridors of power, and enforcing the open meeting rules does just that. As well, it provided our Office with valuable exposure to the province's 444 municipalities – and vice versa.

From the beginning, our Office embraced this new role as an opportunity to promote transparent and accountable government at the local level, just as we have done with provincial government bodies for the past 40 years. We immediately established a dedicated team to specialize in closed meeting cases, dubbed the Open Meeting Law Enforcement Team, or OMLET. In addition to reviewing complaints, OMLET and the Office as a whole worked to spread the word about the open meeting rules to the public and officials – in all 444 municipalities, not just those that use us as their investigator.

In almost eight years (January 1, 2008 to August 31, 2015, the last date covered by this report), we reviewed **781** complaints about closed meetings in municipalities where our Office was the investigator. During that time – which included two municipal elections – we published three editions of our *Sunshine Law Handbook* and sent copies to every clerk and elected municipal official in the province, built a library of reports and publications accessible to all, and made presentations to numerous municipal officials about the open meeting rules, all with the aim of promoting uniform transparency across the province.

At the same time, public concern about the limits to Ombudsman authority in Ontario grew. The first Ombudsman, Arthur Maloney, noted shortly after he was appointed in 1975 that his mandate should be expanded to include municipal governments, since they affect citizens' lives so directly and consequently prompt a large number of complaints. This is no less true today – our Office has consistently received hundreds of complaints per year about municipalities. Bill 8 not only recognizes this longstanding and growing public demand, but entrusts our Office to respond to it in a robust and credible way.



We have no jurisdiction to deal with matters of complaint that relate to municipal or local government. Nova Scotia has this jurisdiction; Alberta is about to acquire it. England has a special Ombudsman to deal with local government complaints... It is apparent to me, in the light of my experience over the last year, that everybody's best interests would be served if jurisdiction were conferred to review complaints dealing with municipal government."

► SPEECH BY ARTHUR MALONEY, ONTARIO'S FIRST OMBUDSMAN, MAY 13, 1976

Fittingly, the Ministry of Municipal Affairs and Housing will also complete a much-needed review of municipal legislation in 2016. We were pleased to be consulted and to offer recommendations for reform, based on our experiences to date.

At this important turning point in municipal oversight, this report is our Office's chance to demonstrate our own transparency: To share how we have prepared for our new, expanded mandate over municipalities in the new year and how we suggest municipal legislation be improved, as well as the highlights of our recent closed meeting investigations.



## Coming soon to a municipality near you

Complaints to our Office about municipalities rose to a new height of **1,656** in fiscal 2014-2015, likely as a result of publicity related to Bill 8. The new legislation officially gives this Office authority to investigate the administrative conduct of publicly funded school boards and universities, as well as municipalities, local boards, and municipally-controlled corporations.<sup>1</sup>

As we prepare for a more substantial role in the municipal sector, we are growing our team and conducting extensive research, education and training related to municipal law, accountability structures and issues. We also partnered with Canada's Public Policy Forum to convene a series of roundtables across the province with stakeholders in the municipal, university and school board sectors. In these sessions, we heard concerns and questions about Ombudsman oversight, which have helped us in planning outreach materials as well as a public conference that will take place early next year. In addition, we have participated in numerous conferences and educational sessions across the province to inform municipal officials about what they can expect from our Office in future.

To build on our existing knowledge of and experience with municipalities, we are gathering information about their complaint resolution processes. We will also distribute outreach materials and encourage municipalities to share information about our Office with council members, staff, and the citizens they serve.

More detail about how our new mandate works can be found on our website, but the main points to know are:

- We will act as a **last resort**, referring people to local complaint and accountability mechanisms, where they exist.
- As we do with the tens of thousands of complaints we receive about provincial bodies, **we will work to resolve complaints about municipalities wherever possible.**
- Our services will be **efficient, confidential and free of charge.**
- We will **track trends in complaints** and will be able to conduct investigations into systemic issues across municipalities, including Toronto.



The role of the Ontario Ombudsman will be expanded to include municipalities, school boards, and publicly-funded universities. Complaints made to the Toronto Ombudsman will be exempt from the Ontario Ombudsman's jurisdiction. However, the Ontario Ombudsman could still include Toronto, along with any other municipality, in a systemic, broad-ranging investigation.”

► ONTARIO GOVERNMENT PRESS RELEASE ON THE DAY BILL 8 WAS PASSED  
(DECEMBER 9, 2014)

<sup>1</sup> Our authority is subject to a couple of limits: We will not be able to investigate matters within the authority of the Ombudsman for the City of Toronto, although our ability to conduct “own motion” investigations is preserved. In addition, certain local boards will be exempt under O.Reg. 114/15.



## Enhancing, not replacing, local accountability

Our eight years of experience with closed meeting investigations positioned our Office well for the broader responsibilities of Bill 8. Unfortunately, after eight years of explaining how we function as the free-of-charge, default closed meeting investigator for all municipalities, we are now seeing some confusion about our new role.

After 2008, many municipalities determined that they did not need to hire outside investigators for closed meeting complaints, since our Office provided that service. More recently, we have heard municipalities use the same rationale for not establishing local accountability officers such as ombudsmen, auditors general and integrity commissioners: Under Bill 8, won't the Ombudsman's office do that for free?

Despite having the authority to establish their own accountability officers since 2008, very few municipalities did so. Only Toronto has an ombudsman, because it is required by the *City of Toronto Act*. At the time this report was written, only a handful had auditors general, and fewer than 10% (about 40) had integrity commissioners.

Our role under Bill 8 is not to usurp or replace local accountability offices, and we encourage municipalities to create and bolster their own complaint resolution processes. It is a matter of good operational practice to resolve complaints at the local level and have accountability officers to ensure the integrity of council and municipal administration. Municipalities can design these systems and positions with their local needs and context in mind. Some have recently opted to group together to share the services of an ombudsman or integrity commissioner; this is an encouraging trend.

Traditionally, the Ombudsman is an office of last resort. We do not duplicate the work of local complaints resolution processes or accountability officers; we ensure they reflect best practices and are operating as intended. However, we will be able to step in where local officers fail or simply cannot go, and we can tackle broader systemic issues that go beyond individual municipalities, just as we do at the provincial level.

## The more things change...

It should be noted that Bill 8 did not change Ombudsman oversight with respect to the closed meeting investigation system. As has been the case since 2008, municipalities can still hire anyone they choose to be their closed meeting investigator. We recommended that the Ministry address the existing patchwork system of investigators as part of its review of the *Municipal Act*.

However, Bill 8 did include important changes to clarify how our reports are to be dealt with by municipalities. After January 1, 2016, municipalities will have to deal with our draft preliminary reports behind closed doors. This welcome change – consistent with how we have always worked with provincial bodies (by law, we must provide them with an opportunity to respond to our findings before they are made public) – clears up several issues that have frustrated the process in the past. It will prevail over municipal information and privacy legislation, and, among other things, removes the risk that privately discussing one of our ongoing investigations of an illegal closed meeting could trigger yet another investigation. As always, once our report is finalized, the municipality must make it public.

## OMLET's food for thought

Although we publish our OMLET reports throughout the year as they are released through the municipalities involved, for the past four years we have reviewed trends and significant cases in this separate annual report in an effort to raise awareness of the Sunshine Law across the province and to encourage consistent open meeting practices. Between September 1, 2014 and August 31, 2015, we received **195** complaints overall – **133** relating to municipalities where we are the investigator – and reviewed **85** meetings in **61** municipalities. This represents a significant jump from the same period last year: The number of meetings went up by **73%** and the number of municipalities complained about increased by **45%**.

There are many factors behind these numbers, but the October 2014 municipal elections and the passing of Bill 8 very likely contributed to heightened public awareness of municipal accountability and the open meeting rules. As noted in the **Themes in Cases** section of this report, we received a flurry of complaints immediately after the elections – several of them involving newly elected officials.

In most cases we reviewed, even where we found meetings were illegal, we received good cooperation from municipal officials and our recommendations were accepted.

The most common sources of confusion and misinterpretation continue to be:

### The Municipal Act “exceptions”

Most Sunshine Law cases turn on the nine (soon to be 10) exceptions to the rule that all council and committee meetings must be open to the public – for example, when issues like land acquisitions, labour disputes, litigation or personal matters about an identifiable individual are discussed. Most violations and errors we see involve a misunderstanding or misinterpretation of the exceptions. We continually remind councils that most of the exceptions are discretionary and should be interpreted narrowly: When in doubt, a meeting should be open, not closed.

### Informal gatherings – “meeting” over coffee or meals, or at social events



Our Office has always maintained it is healthy in a democracy for government officials to share information informally. To expect council members never to talk to one another outside of a public meeting is unrealistic and would have an unnecessarily chilling effect on free discourse. The purpose of the open meeting rules is not to limit this – it is to guard against council members using social gatherings as a pretext to do council business away from public scrutiny.

Council members are not expected to avoid informal exchanges, but should always be mindful of the risk that informal exchanges can cross the line into council business, and govern themselves accordingly.

## Serial meetings – by email, phone or other means



The public appreciates that council members are embracing technology as a means to efficiently share information and connect with constituents. While this can certainly increase the accessibility of municipal government, councillors should be wary of holding illegal meetings – that is, conducting council business or laying the groundwork for doing so – via email. Similarly, a series of phone calls, one-on-one meetings or even

individual councillors signing a document at different times (as we saw in two cases this year) can also spark complaints and might constitute an illegal “meeting.”

## Recording closed meetings

This is an area where municipalities have been slow to embrace technology, which is unfortunate because it would greatly improve the efficiency of closed meeting investigations by providing accurate and unassailable records. We have consistently recommended that councils digitally record closed meetings, and have been encouraged to see the number grow slowly but surely over the years; we now know of 17 municipalities that follow this practice.



## Cleaning up the Act

As many municipal law experts, officials and other closed meeting investigators have acknowledged since 2008, much of the confusion about the open meeting rules stems from the *Municipal Act* itself. For example, the Act does not include a clear definition of “meeting.” The good news is that the Ministry of Municipal Affairs and Housing is conducting a review of the Act and related legislation, and consulting stakeholders on potential changes. Our Office was pleased to participate in this process. Then-Ombudsman André Marin and I, along with other members of our senior team, met with the Minister in July 2015 and offered suggestions for legislative reform.

Our comments were focused on the need for consistent and meaningful enforcement of the law. As we have done for the past several years in our OMLET Annual Reports, we stressed the need for **consequences** for those who violate the Sunshine Law, including **invalidating decisions** that are made during illegal closed meetings. (As we have noted in several previous reports, the present law carries no penalties for those who hold illegal closed meetings. In other jurisdictions, including several U.S. states, elected officials who violate Sunshine Laws are subject to fines and even imprisonment.) We also suggested that the law be amended to make it mandatory for councils to make **digital recordings** of closed meetings, as we have recommended in dozens of cases.

Most importantly, we recommended the Ministry include a **definition of “meeting”** in the *Municipal Act*. We suggested this definition <sup>2</sup>, which we developed in 2008 after canvassing the relevant legislation in depth and considering the underlying objectives of the Sunshine Law. Our Office has used this definition consistently since then; it has stood the test of time and has never been challenged judicially:

Members of a council, local board or committee must come together for the purpose of exercising the power or authority of the council, local board or committee or for the purpose of doing the groundwork necessary to exercise that power or authority.

We also spoke with the Minister about a fundamental flaw in the closed meeting complaints regime, which lets municipalities hire any investigator they choose. This has led to inconsistencies in investigation quality and procedures. We have also seen cases of “oversight shopping” by some municipalities, which have opted for a new investigator in the wake of a negative report (be it from our Office or a hired investigator). Some municipalities also charge a fee to complainants, which can be a disincentive for citizens to come forward. We suggested that **a single, credible and independent body be tasked with conducting all closed meeting investigations** and that municipalities be **prohibited from charging fees for closed meeting complaints**.

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<sup>2</sup> Our report of April 25, 2008, relating to a closed meeting in the City of Greater Sudbury, details the rationale for this definition: <https://www.ombudsman.on.ca/Resources/Reports/City-of-Greater-Sudbury-br--Don't-Let-the-Sun-Go-D.aspx>



July 21, 2015: Municipal Affairs and Housing officials (including Minister Ted McMeekin, second from left) met with members of the Ombudsman's senior management and legal teams as part of consultation on the Ministry's ongoing review of municipal legislation.

However, the change that we believe would be the most constructive in establishing greater accountability and transparency across the province would be to **require all municipalities to have codes of conduct and provide a uniform framework for them**. At present, municipal codes of conduct are far from common, and where they exist, their scope varies widely. As with open meetings, standards for local government integrity should be consistent across Ontario.

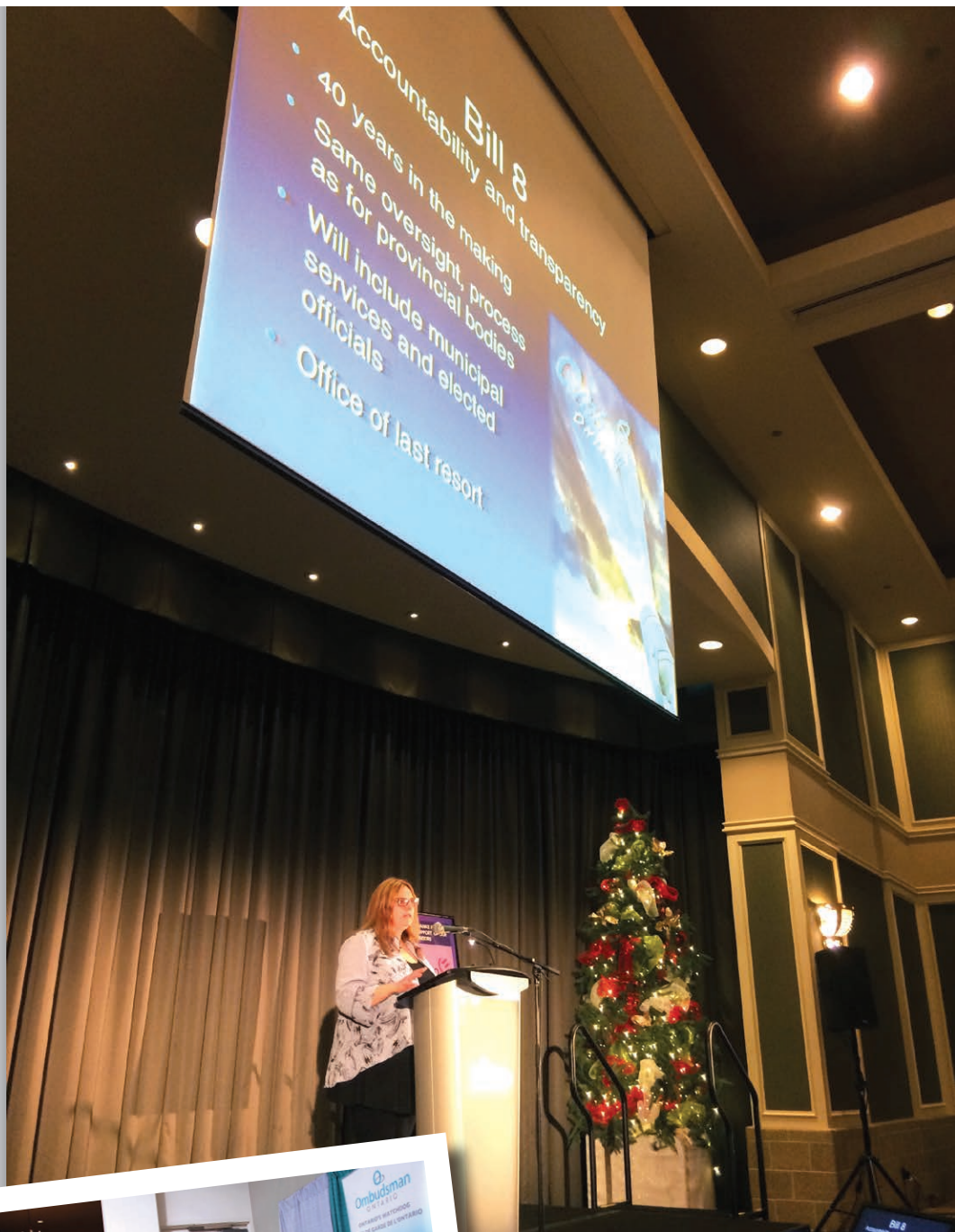
## Looking forward...

As we stand on the brink of taking on expanded jurisdiction in the municipal sector, we are encouraged by our past experience. As Deputy Ombudsman since 2005 and Acting Ombudsman since September 2015, I have been involved in all of our municipal work from the start, and can attest that we have been able to investigate and report on hundreds of complaints effectively and efficiently. We have learned a great deal along the way, and worked productively and co-operatively with municipal officials across the province who appreciate that our common goal is to serve the public interest.

Beginning in 2016, Ontarians will benefit from increased emphasis on complaint resolution at the local level, and from our Office's ability to promote systemic improvements in municipal administration throughout the province. For our part, we look forward to the chance, at long last, to help people resolve their issues with the governments that are literally closest to home.

## ... and reaching out

We invite all municipal stakeholders to get to know our Office better as our new mandate approaches. Our teams are available to answer questions or speak to interested groups, and we are happy to provide information about our work and processes, be it in person, via our website, or through social media. In the spirit of transparency fostered by the Sunshine Law and Bill 8, we will keep Ontarians posted as we embark on this exciting new area of our work.



November 20, 2015: Senior Counsel Laura Pettigrew addressed the Ontario West Municipal Conference about the Ombudsman's new role and Bill 8, as Ombudsman staff distributed literature about our Office.

# OMLET's Recipe: How Complaints are Handled

Through the Open Meeting Law Enforcement Team (OMLET), the Ontario Ombudsman investigates complaints about closed municipal meetings in Ontario under the *Municipal Act, 2001*. Anyone can make a complaint. Here are the steps we follow to triage and investigate complaints in municipalities where the Ombudsman is the closed meeting investigator.

## REVIEW



Upon receipt of a complaint, OMLET staff contact the Clerk of the relevant municipality to explain our process, obtain documents relating to the meeting(s) in question (e.g., notice of meeting, agenda, minutes) and gather information relevant to the complaint.

## NOTICE



If an investigation appears warranted, OMLET staff notify the municipality.

## INVESTIGATION



OMLET staff gather relevant evidence, including interviewing witnesses (by phone, Skype or in person) and reviewing more documents as warranted.

## REPORT



Based on the evidence, the Ombudsman makes findings (including whether an illegal meeting occurred and/or procedures were violated), and makes recommendations, including best practices.

## RESPONSE



The Ombudsman's preliminary findings are shared with municipal officials and they are given a chance to respond.

## PUBLIC



The Ombudsman's report is finalized and sent to the municipality, which is expected to make the report public as soon as possible. The Ombudsman then makes the report public on the Office's website ([www.ombudsman.on.ca](http://www.ombudsman.on.ca)), and might comment publicly on the case. Complainants are also informed of the outcome.

**75% of all complaints are resolved in less than a month.**



# Year in Review: Themes in Cases

## Statistics and definitions

The statistics in this report cover the period from **September 1, 2014 to August 31, 2015**. As of the latter date, the Ombudsman was the closed meeting investigator for **206** of Ontario's 444 municipalities, up from 196 in the same period in 2013-2014. This number has fluctuated since 2008 as various municipalities chose to hire other investigators, only to switch to our Office – or vice versa – from 188 in 2008 to the present peak. Approximately **140** municipalities pay for investigators from the firm Amberley Gavel, contracted through Local Authority Services, which is a subsidiary of the Association of Municipalities of Ontario; the rest have hired other contractors.

Our Open Meeting Law Enforcement Team (OMLET) received **195** complaints and inquiries about municipal meetings. Of those, **133** were about municipalities where our Office is the investigator; the rest were referred accordingly.

The cases OMLET reviewed related to **85** meetings in **61** different municipalities and local boards – a **73%** increase over last year, and the second-highest number since 2012-2013, when we reviewed 96 meetings. The Ombudsman issued findings in **37** cases. More than three-quarters (**76.4%**) of all complaints were resolved in less than a month.



The charts at the end of this report list the outcomes of these cases. The Ombudsman determined **16** of the **85** meetings reviewed were **illegal meetings**. The Ombudsman also found **40 procedural violations** and made **80 best practice** recommendations.

For the purpose of reporting these figures, we use the following definitions:

**Illegal meeting:**

A closed formal or informal gathering of a municipal council, committee or local board, where:

- members come together for the purpose of exercising the power or authority of the council, committee or local board, OR
- for the purpose of doing the groundwork necessary to exercise that power or authority; AND
- the subject matter being discussed is not permitted under an exception listed under section 239(2), 239(3) or 239(3.1) of the *Municipal Act*.

**Procedural violation:**

When a council, committee or local board violates any of the procedural requirements for closing a meeting, as defined under various provisions of the *Municipal Act*, including:

- procedural by-law is improper or lacking;
- wrong exception cited to close the meeting;
- no resolution made to close the meeting, or resolution fails to include the general nature of the topic to be considered;
- improper voting in closed session on a matter of substance;
- advance notice to the public is not given or is insufficient;
- records are not kept, or are insufficient;
- the applicable procedural by-law is not followed;
- the open meeting requirements generally are not followed.

**Best practice:**

A measure that the Ombudsman recommends to municipalities to improve overall transparency and accountability in their meeting practices, even if they have not violated the *Municipal Act* per se. Typically, the Ombudsman recommends that they:

- improve the information they give in public meeting notices, agenda contents or resolutions, to provide more details about the items discussed in closed sessions;
- avoid last-minute additions to the agenda;
- keep better records, including by making and properly storing audio and video recordings of closed sessions;
- report back in open session.

The Ombudsman's reports on these cases are issued throughout the year to the municipalities in question, which make them public. We also publish all of them on our website as they are issued, under **Investigations/Municipal Meetings**. Brief summaries of some selected cases are contained in the "**Case Summaries**" section of this report.

We also analyze cases for recurring trends, in order to educate municipalities and the public about the open meeting requirements and best practices. What follows is our summary of the most common and notable issues we encountered in the past year.

## What's except-able

The *Municipal Act, 2001* requires all meetings of councils, committees and local boards to hold open meetings. There are nine narrow, limited exceptions to this, listed in sections 239(2), 239(3) and 239(3.1).

Eight of the exceptions are discretionary – that is, closing the meeting is not mandatory.

A meeting MAY be closed to consider:

1. The security of the property of the municipality or local board;
2. Personal matters about an identifiable individual, including municipal or local board employees;
3. A proposed or pending acquisition or disposition of land by the municipality or local board;
4. Labour relations or employee negotiations;
5. Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
6. Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
7. A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act; and
8. Education or training of the members of the council, local board or committee (as long as no member discusses or otherwise deals with any matter in a way that materially advances business or decision-making).

The most common error municipal officials make is in misapplying these exceptions, usually by citing the wrong ones or interpreting them too broadly.

The ninth exception is mandatory; municipal officials MUST close a meeting to consider:

9. A request under the *Municipal Freedom of Information and Protection of Privacy Act*.

**Make it 10:** As of January 1, 2016, there will be a tenth exception, also mandatory. It will stipulate that municipal officials MUST close a meeting to consider:

10. An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman of Ontario, a locally-appointed Ombudsman, or an appointed closed meeting investigator.

This addresses a conundrum faced by many municipalities since the system of closed meeting investigations began in 2008: It was illegal for them to hold a closed meeting to discuss an ongoing investigation of a previous closed meeting, including, for example, a preliminary report from our Office requesting their response.

## Personal and confidential

Year after year, we have found that the exception most often misunderstood and misapplied by councils seeking to close their meetings is “**personal matters about an identifiable individual.**” For example, council for the **Town of Amherstburg** used it to close a meeting out of concern that discussions touching on distrust of municipal staff might be personal in tone.

A few councils erroneously tried to close meetings to discuss sensitive matters that were not at all personal. For example, the **City of Elliot Lake** illegally closed a meeting to talk about finding a band to play at a city event. While the municipality wanted to protect its bargaining position with the various potential bands, there is no exception in the Act to close a meeting to talk about negotiating a contract for services.

Similarly, information about a business arrangement that identifies a person in his or her professional capacity does not make a discussion fit under the exception for “personal matters about an identifiable individual” – unless it reveals something inherently personal.

We reviewed many cases where municipalities correctly applied this exception. For example, the **Town of Bracebridge**, the **Township of Baldwin**, and the **City of Elliot Lake** properly closed meetings to review job applications, which included discussion of such personal information as candidates’ education and work history. The **Municipality of Whitestone** did so to talk about staff performance. Similarly, discussions about the conduct of identifiable individuals in the **Municipality of South Huron**, the **Township of Woolwich**, the **Town of Cochrane**, the **Township of Joly**, and the **Municipality of Central Huron** all fit within the exception.

Several municipalities have expressed an interest in having the open meeting exceptions extended to allow them to discuss confidential commercial or financial information behind closed doors, and have asked the Ministry of Municipal Affairs and Housing to consider this in its ongoing review of the *Municipal Act*.



(Top photo) August 16, 2015: Ombudsman staff distributed information about our work with closed meetings and how we will oversee municipalities under Bill 8 at the Association of Municipalities of Ontario annual conference in Niagara Falls.

October 14, 2015: Senior Counsel Laura Pettigrew explains the Ombudsman’s new role at an Association of Municipal Managers, Clerks and Treasurers meeting in Petrolia.

## When and where

**Public notice** of a meeting is essential to ensuring citizens can observe local government in action. The *Municipal Act* doesn't specify how or when the public should be notified of meetings, but it does require each municipality to write its procedure into its by-laws, including the time and location of regular meetings. Short-notice meetings in the case of an emergency can be permissible, depending on the municipality's procedure by-law. The Ombudsman found this was the case in April 2014, when the **Township of Joly** called a special closed meeting to discuss urgent employment matters with the township solicitor.

However, the Ombudsman found that the **Municipality of Magnetawan's** failure in February 2015 to post any notice of an open meeting until two hours after it started effectively made it an illegal closed meeting. Similarly, council for the **Township of Black River-Matheson** violated the open meeting rules when it moved its meeting from council chambers to a local arena but failed to tell the public – even though the larger venue was selected in order to accommodate more people.

The Mayor of the City of **Clarence-Rockland's** sudden decision to move an August 2014 meeting because of a disruption generated our highest number of complaints this year – 20. In that case, even though the meeting was video recorded and posted online, the Ombudsman found it was illegal because the public was barred from attending.

But when councillors for the **Municipality of Killarney** took a mid-meeting field trip to a local wharf in April 2014, the Ombudsman found that the meeting was not illegal because members of the public were present, although ideally, notice should have been given.

## Virtual meetings and almost-councillors

One of the most challenging aspects of the Sunshine Law is that an illegal closed "meeting" can occur outside of formal council proceedings – even if there is no physical "meeting" at all. An attempt to do council business by **a series of emails, phone calls or one-on-one meetings** can still constitute an illegal "meeting." Immediately after the October 2014 municipal elections, we received several complaints about this kind of behaviour on the part of newly-elected municipal officials.

In two cases we reviewed, most of the participants had not yet been officially sworn in as councillors, so the "meetings" were not subject to the open meeting rules. One involved an exchange of emails about remuneration for the Deputy Mayor of the **Township of Leeds and the Thousand Islands**. Another was a dinner "meeting" of councillors-elect for the **Village of Casselman**. The Ombudsman noted that the email case clearly involved an attempt to conduct council business, but the dinner case was more about the participants getting to know one another.

However, when members of the **Township of Leeds and the Thousand Islands** council discussed business by email in March 2015, the Ombudsman cautioned them to be more vigilant in adhering to the open meeting rules. This time, the Ombudsman found that the only reason the messages didn't constitute an illegal meeting was that two of the councillors didn't open them, and therefore a quorum wasn't reached.


The Ombudsman also found that council for the **Village of Casselman** held an illegal "meeting" in November 2014 when members who were still in office individually signed a letter directing staff not to make any hiring decisions until the new council was sworn in. Even though councillors signed the letter at different times and did not physically "meet," they conducted business in private and it was therefore an illegal meeting. The Ombudsman made a similar finding when members of council for the **Township of Joly** were summoned individually by the Mayor to sign a resolution in March 2014.

However, not all serial communications are “meetings” subject to the Sunshine Law. For example, the Ombudsman found that when the Mayor of the **City of Owen Sound** sent council members an email about a vacant industrial lot in August 2014, it was only to share information, and didn’t lay the groundwork for council business.

## Special guests

Other informal council gatherings that often spark complaints are those that involve third parties – these could be community leaders, business owners, representatives from other levels of government, etc. The Ombudsman has found that such gatherings do not constitute illegal meetings when they are simply to share information about council’s work or its position on a matter. For example, when members of the **City of Hamilton’s** Government Relations Contact Team (including five of council’s 16 members) held a closed-door meeting in July 2014 with two provincial cabinet ministers, the Ombudsman found it was not illegal. Such gatherings do, however, constitute illegal meetings when they are used to further council business or to lay the groundwork for council business. For example, the Ombudsman found a January 2015 lunch “roundtable” at which a quorum of **Village of Casselman** council met with several developers and other parties was illegal. In that case, the discussions involved steps to be taken in the next few weeks to move development forward in the municipality.

## Making records

Municipalities and local boards are required to keep records of all meetings, open and closed. We have found over the years that  the accuracy and quality of these records varies significantly between municipalities. The Ombudsman routinely recommends municipalities keep **audio or video recordings** of all meetings, which provide the most reliable and accessible way to review exactly what took place. In the absence of an accurate record, investigators are left to rely on the recollections of those who were at the meeting, which often differ.

For example, when we investigated a September 2014 complaint about a closed meeting that occurred in the **Municipality of South Huron** more than a year earlier, those interviewed by OMLET staff gave conflicting accounts of what was discussed, and the Ombudsman was unable to determine whether or not an illegal meeting was held. And during our investigation of several meetings in the **City of Welland**, we found evidence of items being discussed in a March 2014 closed session that were not included in the minutes. The Ombudsman recommended better record-keeping and audio or video recordings in this and several other cases.

In one unusual case this year, OMLET discovered that one municipality that had accepted this recommendation – and even put it into its procedure by-law in the wake of a 2013 Ombudsman report – still failed to record a closed meeting in January 2015. The **Municipality of Central Huron** has since begun recording meetings. We are aware of 17 municipalities that now follow this practice: The Townships of **Adelaide Metcalfe, McMurrich/Monteith, Tiny** and **Brudenell, Lyndock and Raglan**; the Municipalities of **Brighton, Lambton Shores, Meaford** and **Central Huron**; the Cities of **Brampton, Niagara Falls, Oshawa, Sault Ste. Marie, Port Colborne** and **Welland**; and the Towns of **Amherstburg, Fort Erie** and **Midland**.

## Communications and Outreach

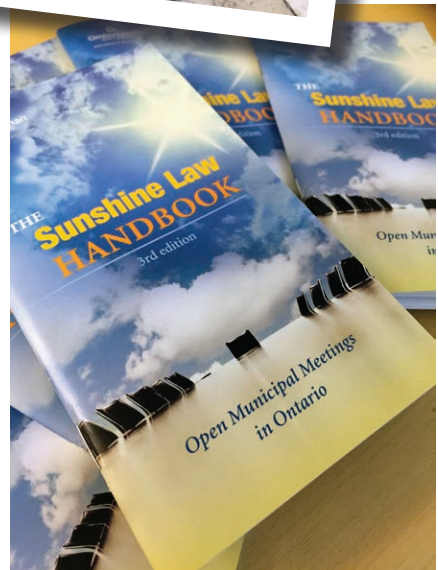
In the spirit of the Sunshine Law and the new *Public Sector and MPP Accountability and Transparency Act, 2014* (Bill 8), our Office works to inform and educate the public and municipal officials about the benefits of open and accountable government. In addition to publishing and centralizing our reports on closed meeting investigations (all available on our website), we have issued guides and tips to help municipal officials observe the open meeting rules, and disseminated them across the province. Our OMLET staff and senior team also participate in stakeholder conferences and make public speeches to raise awareness of how we work – and how we will work after January 1, 2016, when our new oversight of municipalities under Bill 8 takes effect.



August 16, 2015: Ombudsman staff used Twitter to spread the word about our booth at the annual conference of the Association of Municipalities of Ontario.



October 2, 2015: Senior Counsel Laura Pettigrew speaks about Bill 8 and the Ombudsman's new role to the Simcoe County Clerks and Treasurers Association in Innisfil.



Public and media interest in our oversight of municipalities has grown over the past year as this date approaches, and questions from municipalities have intensified, too. To ensure their concerns and questions were heard, our Office partnered with Canada's Public Policy Forum to host six roundtable meetings around the province – in Toronto, Ottawa, Sarnia, Thunder Bay, Sault Ste. Marie, and Sudbury – in fall 2015. Representatives from municipalities (as well as universities and school boards, which also come under our jurisdiction thanks to Bill 8) also shared suggestions for how we can best reach people in their communities who need the Ombudsman's help. We are incorporating these suggestions into the materials we share with all 444 municipalities.

Among the many engagements we participated in were events with the Toronto Taxpayers Coalition, the Association of Municipal Clerks and Treasurers of Ontario (various forums and zone workshops), the Association of Municipalities of Ontario (regional gatherings), the Simcoe County Clerks and Treasurers Association, the Ontario Municipal Administrators' Association, and the Ontario West Municipal Conference. Some of our presentations, as well as past presentations to councils for Brighton, London, Midland, and Elliot Lake, are available on our YouTube channel ([www.youtube.com/OntarioOmbudsman](http://www.youtube.com/OntarioOmbudsman)).

This is our fourth standalone OMLET Annual Report: Media coverage of our third, released in January 2015, reached an aggregate audience of **1.4 million people** (according to Infomart), and the press conference for its release received hundreds of views. Since 2014 was a municipal



election year, we created an updated edition of our *Sunshine Law Handbook* (a wallet-size guide to the open meeting rules and best practices) and distributed it to the more than 10,000 new and re-elected council members across the province. It is also publicly available and can be downloaded from our website.

One of the most-visited sections of our website is our **Municipal Meetings** section, which includes our municipal reports and our “**Find Your Municipality**” database – the only resource in the province that allows people to search for their municipality to determine whether their closed meeting investigator is our Office, Local Authority Services or another contractor. Our reports can also be found there, under the relevant municipality’s name. In the near future, we hope to enhance this resource by making our growing library of closed meeting investigation reports searchable by topic as well, to allow municipal officials and anyone interested in local transparency to be able to review common closed meeting issues.



# CASE SUMMARIES

These summaries cover a selection of Ombudsman reports on OMLET investigations between September 1, 2014 and August 31, 2015. The full reports – and many more from this year and previous years – can be found on our website.

## *Town of Amherstburg*

When this council held two closed sessions on the same day in December 2014, the Ombudsman found one was permitted and the other was not. The first was properly closed under the “personal matters” exception to discuss the appointment of an individual as treasurer. During the second session, which was also closed under the “personal matters” exception, council discussed its preference to have only the Mayor and Deputy Mayor act as bank signing authorities for the town, rather than members of staff. OMLET staff were told this session was closed because the general “tone” of the meeting was one of distrust of municipal staff. The Ombudsman found that no personal information about any identifiable individual was actually discussed, and that the “tone” of a meeting isn’t reason enough to close it to the public.

We also investigated closed sessions in July and September 2014 that involved discussion of the selection process for a new Chief Administrative Officer. The Ombudsman found that these closed meetings were permissible under the “personal matters” exception, because they pertained to personal information about the qualifications and conduct of several individuals.



## *Township of Baldwin*

In September 2014, council held a closed meeting to discuss potential candidates for the job of municipal works foreman. They talked about the applicants’ qualifications, and the process for extending an offer to a future employee. The Ombudsman found these discussions were permitted, since they related to personal matters about identifiable individuals, and labour relations matters.

However, council members went too far when they voted by secret ballot on the candidates, ranking each one. The Ombudsman found this violated the Act, which only allows voting in closed session on procedural matters or to give directions to staff.



# CASE SUMMARIES

## *Township of Black River-Matheson*

The township council changed the location of a September 2014 meeting without informing the public – thereby making the entire meeting (both open and closed sessions) illegal under the open meeting rules. Ironically enough, the location had been moved from the usual council chambers to a local arena in order to accommodate an anticipated larger audience, due to high public interest in an ongoing strike by municipal staff. However, no notice of the venue change was provided to the public – an oversight that the Ombudsman found was likely because of staff shortages caused by the strike. The Ombudsman recommended the township improve its general closed meeting procedures, such as reporting publicly about each closed session and ensuring its by-laws reflect the provincial legislation.



## *Town of Bracebridge*

OMLET reviewed two separate closed sessions in Bracebridge relating to appointments to the Accessibility Advisory Committee. Both involved discussion of personal information about individual candidates and therefore fit within the “personal matters” exception. However, the closed sessions attracted considerable public attention and speculation that they involved discussion of other things – specifically, the reduction of the committee from 10 to five members.

The Ombudsman noted that this could have been avoided if council had shared more detail with the public about what was to be discussed in the closed sessions – and that council could have asked the candidates’ permission to discuss their qualifications publicly in order to make the process even more transparent.



# CASE SUMMARIES

## *Village of Casselman*

Several complaints immediately after the October 2014 elections brought good news and bad news for this council. The first involved a dinner gathering of the newly-elected council members at a local restaurant. Most of those present were new to council and hadn't yet taken office, and the discussions were largely of a general and informal nature. The Ombudsman found that since the councillors were not officially sworn in yet and the gathering didn't lay the groundwork for council business, it wasn't considered a closed meeting.

However, the Ombudsman found that council members did violate the *Municipal Act* on November 6, 2014, without getting together at all. In this case, a quorum of sitting council members signed a letter giving direction to staff. Even though they signed the letter serially in separate locations, it was an exercise of council's authority and therefore constituted an illegal "meeting" under the law.

A few months later, in January 2015, a quorum of council met over lunch with developers and engineers, with respect to construction planning in Casselman. Village staff told our investigators they were worried this gathering could be an illegal closed meeting. The Ombudsman found it was, because it laid the groundwork for council decision-making. The Ombudsman recommended council establish guidelines for such gatherings to ensure the open meeting requirements are followed.



## *Township of Chamberlain*

OMLET's investigation into seven closed meetings between November 2013 and February 2015 revealed a lack of documentation of three of the meetings – despite the township's own by-law that minutes must be kept permanently. This lack of records meant the Ombudsman was not able to determine whether or not there were any violations of the Act during the 2013 meetings.

The Ombudsman found that meetings in June 2014 and February 2015 were permitted to be closed to discuss personal matters about identifiable individuals and labour relations matters, but there were problems with the township's record-keeping and closed meeting procedures, including not providing enough detail about the reasons for closed sessions and not reporting back in open session about the general nature of what was discussed behind closed doors.



# CASE SUMMARIES

## *City of Clarence-Rockland*

We received multiple complaints about an August 2014 council meeting that was moved out of council chambers to a small basement conference room after a verbal altercation between the Mayor and a council member, during which members of the public became loud and unruly. Although police were called to the scene and determined there was no threat to public safety, all members of the public were barred from the meeting. It was video recorded and posted online, but the Ombudsman found it was still an illegal closed meeting because it deprived the public of the right to observe municipal government in process.



## *Town of Cochrane*

In January 2015, we investigated a complaint about a February 2013 closed meeting, during which council discussed a contract with a specific person, as well as that person's credibility and conduct. After the session, council members voted not to renew the contract. Although the topic fit within the exception for personal matters about an identifiable individual, there was not enough information about the subject to be discussed in the resolution to close the meeting. The Ombudsman recommended the municipality provide more information about topics to be discussed in closed session, improve its record-keeping, and use the actual wording of the exceptions in the Act when it closes a meeting.



In February, we received a complaint that council had again met behind closed doors – this time, to consider the Ombudsman's report and receive privileged legal advice about amending the town's by-laws to reflect the report's recommendations. The Ombudsman found this discussion fit within the "solicitor-client privilege" exception.

# CASE SUMMARIES

## *City of Elliot Lake*

We received eight complaints about the City of Elliot Lake between September 1, 2014 and August 31, 2015. One complaint was about three members of the seven-member council attending a regional roundtable on sustainable development in July 2014; the Ombudsman found no illegal meeting of council took place. In another case, the Ombudsman found that a closed meeting of the Finance and Administration Committee to discuss the White Mountain Academy was within the rules, since the discussion focused on a potential land acquisition. The Ombudsman noted that while this exception is discretionary and should only be used to close a meeting where an open discussion could cause harm to a municipality's bargaining position, in this case, the committee used its discretion to close the meeting under this exception because discussing the potential land acquisition in public could have harmed the city's financial interests.



More recently, we investigated complaints about several in-camera meetings in December 2014 and January and February 2015. The Ombudsman found most of these meetings were properly closed under the Act's exceptions – to discuss such things as personal matters, labour relations, and the purchase or sale of land – but one special meeting on December 22, 2014 was illegally closed under the "personal matters" exception. At that meeting, council looked at the cost of hiring bands to play at a special event, and there was no indication that anything "personal" was discussed. The Ombudsman noted that there is no general exception in the Act to allow councils to close a meeting to discuss service contracts.

## *Town of Fort Erie*

The Ombudsman found that a gathering of council members to hear about the role and function of the Fort Erie Economic Development and Tourism Corporation fell within the "education or training" exception. However, the Ombudsman noted that one of the exceptions council cited to close the meeting – acquisition or disposition of land – did not apply, since any discussion of buying or selling land was speculative. The Ombudsman recommended council refer only to the applicable exceptions when it makes a resolution to close a meeting.



# CASE SUMMARIES

## City of Hamilton

In December 2014, OMLET received a complaint about a closed meeting held by Hamilton's General Issues Committee to discuss facility space for the Hamilton Police Service. We were told the closed session examined confidential information about an outstanding parcel of land that the city had to purchase on behalf of the Board before constructing a new Investigative Services Division facility. The topic was discussed publicly at an open session the following month, when the police service provided a presentation about the project. The Ombudsman found the December meeting was properly closed under the "acquisition or disposition" of land exception because the committee considered information about a property the city was considering obtaining at the time, including a potential purchase price. The report noted that there was no information about the substance of the discussion provided in the closed meeting minutes. The Ombudsman recommended that the city improve its record-keeping, including making audio or video recordings of closed meetings.



We also investigated complaints about a July 2014 meeting between members of Hamilton's Government Relations Contact Team and two provincial cabinet ministers, which received some attention in the news media. The Ombudsman found this was not a "meeting" covered by the *Municipal Act* open meeting requirements, because the team wasn't a functioning committee of council and didn't make any municipal decisions or lay the groundwork for future decision-making. Instead, the purpose of the meeting was for representatives of Hamilton council to communicate council's position on light rail transit funding and the city's transit needs to the province. However, the Ombudsman recommended the city clarify the role and authority of the team to avoid future confusion and complaints.

## Township of Joly

In March 2014, the Mayor asked the clerk to contact all members of council to request they sign a resolution at the township office. The resolution authorized the Mayor to sign a letter of intent aimed at bringing a hockey team to a local arena. Although no formal meeting was called, members of council did as requested and signed the resolution at different times. OMLET staff were told this was done due to time pressures, but the Ombudsman found this constituted an illegal "meeting" because council exercised its authority through the serial attendance of councillors at the township office and their signing of the resolution. As well, the subject matter – bringing a hockey team to town – didn't fall within any of the *Municipal Act* exceptions.



Four other meetings between December 2013 and April 2014 were also reviewed by OMLET, but were found to be closed under the Act's exceptions, including an April 2014 special meeting between council and its solicitor that the Mayor called without public notice. We also determined Joly council kept no records of closed meetings prior to 2012, and that its procedure by-law did not call for public notice of special meetings. The Ombudsman recommended best practices to improve the town's record-keeping and procedures.

# CASE SUMMARIES

## *Municipality of Killarney*

In April 2014, council adjourned an open meeting to the local wharf, to meet with representatives of a local business and discuss a proposed temporary processing facility. Council invited members of the public who were observing the meeting to go to the wharf as well, and resumed the open meeting after the visit. The Ombudsman found that the gathering at the wharf was not an illegal closed meeting, since the public was invited to attend, but noted that council should have provided notice and should have continued to record minutes during the visit.



## *Township of Leeds and the Thousand Islands*

Shortly after the October 2014 municipal elections, councillors-elect had a series of meetings and email exchanges to address municipal issues, including the remuneration of the Deputy Mayor. The Mayor noted in an email to his colleagues that one purpose of these meetings and exchanges was to come to consensus before they "officially" became councillors, saying: "We have not been sworn in officially, so it means that any meetings we have are not considered council meetings." The Ombudsman found that while this was technically true, the meetings – particularly the emails about the remuneration issue – "were inconsistent with [the Act's] underlying principles of openness and transparency."



In March 2015, a councillor circulated a draft code of conduct to a few other councillors by email and hard copy in advance of an open meeting discussion on the same topic, prompting a complaint that this constituted an illegal meeting. The Ombudsman found that the email discussion "came very close to the line" – in fact, the only reason it was not considered an illegal meeting was that two councillors didn't open and read the document, meaning a quorum of council didn't participate in the discussion.



# CASE SUMMARIES

## *Municipality of Magnetawan*

When the municipality held a special meeting one morning in February 2015, it did not provide notice to the public on its website until two hours after the meeting began – although council members had been informed 24 hours in advance. The meeting was public, but was held in a boardroom rather than council's usual meeting location. The Ombudsman found that the lack of notice made it impossible for the public to attend. It was an illegal closed meeting under the Act and violated the municipality's own procedure by-law. The Ombudsman advised council to look at other ways of giving public notice of special meetings, such as on the front door of the town hall.



The Ombudsman found that another meeting in March 2015, to discuss hiring a public works superintendent, was closed within the "personal matters" exception of the Act, but said council should be more diligent in providing information about the substance of discussions in its meeting minutes and reporting back publicly about them in open session.

## *City of Niagara Falls*

OMLET received a complaint in September 2014 about a meeting that was held almost a year earlier (October 2013) to discuss the potential development of a university campus in the city. The Ombudsman found the meeting was illegal because the discussions did not fit within any of the *Municipal Act* exceptions, and also noted that council failed to provide proper public notice about the meeting.



OMLET also investigated complaints about multiple meetings between 2011 and 2013 relating to local theme park Marineland. Several of these were informal "operational" meetings and the Ombudsman found they were within the law because there was no quorum of council or exercise of council's authority. A more formal session, in May 2012, involved advice from the city's solicitor about a proposal to lease city-owned land and was properly closed under the "solicitor-client privilege" exception.

# CASE SUMMARIES

## *City of Owen Sound*

In August 2014, the Mayor of Owen Sound shared an email with council members relating to a vacant industrial lot. A few days later, members of council and the public met at the same lot at the invitation of the owner. The Ombudsman found that neither the email nor the gathering at the lot violated the open meeting rules. The email was informative and did not reflect a council decision, and the gathering was held to facilitate discussion between the owner and citizens about the property; there was no evidence that a quorum of council advanced or laid the groundwork for future council business.



## *City of Thorold*

After media reports indicated the Mayor of Thorold was planning one-on-one luncheon dates with newly-elected councillors in November 2014, we received a complaint that these lunches constituted illegal closed meetings. OMLET staff were told they involved discussions about council co-operation and individual members' priorities for the coming term. Since only two members of council were present at each lunch date, the Ombudsman found there was no quorum at any of them. As the discussions were informal and of a general nature, the authority of council was not exercised; therefore the lunches were not "meetings" subject to the open meeting rules.



## *City of Welland*

OMLET received a complaint about four closed meetings between March and May 2014. The Ombudsman found that three of these were illegally closed because the subject matter did not fit within the Act's exceptions. One meeting was closed under the "security of property" exception, but the discussion actually related to the prospect of hosting an Olympic-level rowing event; the Ombudsman found that the fact that the issue was sensitive did not justify closing the meeting. Another included discussion of a development and marketing plan under the "security of property" and "acquisition of land" exceptions; the Ombudsman noted that council's desire to protect the marketing plan was not a "security of property" issue, and no actual land acquisition was discussed. "Councillors must be cognizant of the fact that the open meeting exceptions were not meant to shield from public view any discussion that council considers 'private' or 'confidential,'" the Ombudsman noted.



The investigation also revealed that council recorded very little in its closed meeting minutes. Among the Ombudsman's recommendations was that the city digitally record its meetings, and it has since begun audio-recording them.

# CASE SUMMARIES

## *Village of Westport*

When the village held a special closed meeting to discuss a legal matter, it violated its own by-laws because public notice was only posted the day of the meeting – even though council members knew about it a full week in advance. The Ombudsman recommended council correct this and other procedural errors in future, by providing adequate advance notice, offering details in resolutions about the closed-session subjects, keeping a better public record of the closed and open session minutes, and reporting back in open session about the general nature of what was discussed behind closed doors.



## *Township of Woolwich*

We reviewed complaints about three closed sessions in January and February 2015, during which council members discussed issues like volunteer recreation associations, a local skate park, and whether council should take a break between its open and closed sessions. The Ombudsman found none of these topics fell within the exceptions in the Act. Votes taken to direct staff on two of those dates also violated the Act because they were taken during illegally closed meetings. However, the Ombudsman did find that other closed-door discussions, about individual committee members and selling land owned by the township, fell within the Act's exceptions.



OMLET also reviewed an August 2014 meeting of the Chemtura Public Advisory Committee, which was formed to address the operations of a specialty chemicals company in Elmira. The Ombudsman found that despite some small procedural issues, the discussion about potential litigation fell within the Act's exceptions.

# Your Feedback

“ I applaud your dedication to ensuring that the municipal decision-making process is transparent and accessible to the public.”

Premier Kathleen Wynne,  
letter in response to the  
Ombudsman's 2013-2014  
OMLET Annual Report,  
February 26, 2015

“ On behalf of Niagara Falls city council, we wanted to thank you for your recent closed meeting investigations and the professionalism of your OMLET team. Although we may not always concur on the findings of closed-meeting investigations, the information and recommendations provided are always helpful in our Council becoming more open and transparent.”

Niagara Falls Mayor Jim Diodati,  
letter to Ombudsman,  
March 12, 2015

“ While I can appreciate and respect the work you are responsible for completing, and the amount of detail which you put into your work, I can honestly say that I hope we never have to meet on a professional level.”

London, Ont. Councillor Virginia Ridley,  
letter to Ombudsman,  
February 10, 2015

“ I would urge you to listen to the request by the Ombudsman and I offer my own support, as a long-time municipal leader, to act immediately to put in place appropriate penalties for Mayors and Councils who violate the Act and help restore trust in local government across the Province of Ontario.”

Sarnia Mayor Mike Bradley, letter to  
Premier Wynne, January 28, 2015

# Your Feedback

“The Ombudsman and staff do very positive work to assure the public that open and transparent public business is conducted in the public forum as it should be.”

[Darlene Banning, comment via Facebook, March 4, 2015](#)

“Democracy can't exist behind closed doors. The trust we place in elected officials to spend our money and shape our communities is immense, and must be reciprocated with a dedication to openness. Politicians who conduct business in secret meetings violate the principles of good government and create the impression that they are serving special interests. In many cases they are breaking the law, and should face tougher consequences.”

[Editorial, \*Globe and Mail\*, September 8, 2015](#)

“Bill 8, passed by the government of Kathleen Wynne, expands the Ombudsman's mandate ... but it should go further. It should follow the Ombudsman's advice to include sanctions against those who violate the [open meeting] law. A penalty without punishment has no deterrent effect, as every parent well knows.”

[Pierre Jury, \*Le Droit\*, January 29, 2015 \[translated from original French\]](#)

# Appendix

## COMPLAINT STATISTICS

MUNICIPALITIES WHERE THE OMBUDSMAN IS THE INVESTIGATOR AS OF AUGUST 31, 2015, AND NEW COMPLAINTS RECEIVED, SEPTEMBER 1, 2014 TO AUGUST 31, 2015

Adelaide Metcalfe, Township of	0
Ajax, Town of	0
Alberton, Township of	0
Alfred and Plantagenet, Township of	0
Amherstburg, Town of	7
Armour, Township of	1
Armstrong, Township of	0
Arnprior, Town of	0
Arran-Elderslie, Municipality of	0
Ashfield-Colborne-Wawanosh, Township of	0
Assignack, Township of	0
Augusta, Township of	0
Baldwin, Township of	1
Black River-Matheson, Township of	1
Blind River, Town of	2
Bluewater, Municipality of	0
Bonfield, Township of	3
Bracebridge, Town of	1
Brethour, Township of	0
Brighton, Municipality of	5
Brockton, Municipality of	2
Brockville, City of	0
Bruce Mines, Town of	0
Brudenell, Lyndoch and Raglan, Township of	0
Burk's Falls, Village of	1
Burpee and Mills, Township of	0
Calvin, Municipality of	0
Carleton Place, Town of	0
Casey, Township of	0
Casselman, Village of	7
Central Frontenac, Township of	0
Central Huron, Municipality of	1
Central Manitoulin, Municipality of	0
Chamberlain, Township of	1
Champlain, Township of	0
Chapple, Township of	0
Charlton and Dack, Municipality of	0
Chatsworth, Township of	0
Chisholm, Township of	0
Clarence-Rockland, City of	20
Cobalt, Town of	1
Cochrane, Town of	1
Cockburn Island, Township of	0
Coleman, Township of	0
Dawn-Euphemia, Township of	0
Dawson, Township of	0
Deep River, Town of	0
Dorion, Township of	0
Dubreuilville, Township of	0
Dufferin, County of	0
East Hawkesbury, Township of	0
Edwardsburgh/Cardinal, Township of	0

Elliot Lake, City of	8
Emo, Township of	0
Englehart, Town of	0
Enniskillen, Township of	0
Essex, Town of	1
Evanturel, Township of	0
Fauquier-Strickland, Township of	0
Fort Erie, Town of	3
Front of Yonge, Township of	0
Gauthier, Township of	0
Georgian Bay, Township of	1
Gillies, Township of	0
Gordon/Barrie Island, Municipality of	0
Gore Bay, Town of	0
Gravenhurst, Town of	0
Greater Sudbury, City of	0
Grey Highlands, Municipality of	0
Grimsby, Town of	0
Halton Hills, Town of	0
Hamilton, City of	9
Harley, Township of	0
Harris, Township of	0
Hawkesbury, Town of	0
Head, Clara & Maria, United Townships of	0
Hearst, Town of	0
Hilliard, Township of	0
Hilton Beach, Village of	0
Hilton, Township of	0
Hornepayne, Township of	0
Howick, Township of	0
Hudson, Township of	0
Huron East, Municipality of	0
Huron, County of	0
James, Township of	0
Jocelyn, Township of	0
Johnson, Township of	1
Joly, Township of	0
Kawartha Lakes, City of	0
Kerns, Township of	0
Killarney, Municipality of	1
Kitchener, City of	0
La Vallee, Township of	0
Laird, Township of	0
Lake of Bays, Township of	0
Lake of the Woods, Township of	0
Lakeshore, Town of	0
Lambton Shores, Municipality of	0
Lambton, County of	0
Lanark Highlands, Township of	0
Larder Lake, Township of	0
LaSalle, Town of	0
Latchford, Town of	0

# Appendix

## COMPLAINT STATISTICS

MUNICIPALITIES WHERE THE OMBUDSMAN IS THE INVESTIGATOR AS OF AUGUST 31, 2015, AND NEW COMPLAINTS RECEIVED, SEPTEMBER 1, 2014 TO AUGUST 31, 2015

Laurentian Hills, Town of	0
Leamington, Municipality of	0
Leeds and the Thousand Islands, Township of	5
London, City of	5
Macdonald, Meredith and Aberdeen Additional, Township of	0
Machar, Township of	0
Madawaska Valley, Township of	0
Magnetawan, Municipality of	1
Marathon, Town of	0
Markstay-Warren, Municipality of	0
Matachewan, Township of	0
Mattawa, Town of	0
Mattawan, Municipality of	0
Mattice-Val Côté, Township of	0
McDougall, Municipality of	1
McGarry, Township of	0
McKellar, Township of	2
McMurrich/Monteith, Township of	2
Melancthon, Township of	1
Midland, Town of	0
Minden Hills, Township of	0
Montague, Township of	0
Moonbeam, Township of	0
Moosonee, Town of	0
Morley, Township of	0
Morris-Turnberry, Municipality of	0
Mulmur, Township of	0
Muskoka, District Municipality of	0
Nairn and Hyman, Township of	0
Neebing, Municipality of	0
Newbury, Village of	0
Niagara Falls, City of	4
Niagara, Regional Municipality of	2
Nipigon, Township of	0
Nipissing, Township of	0
Norfolk County	1
North Dumfries, Township of	0
North Frontenac, Township of	0
Northeastern Manitoulin and The Islands, Town of	0
Northern Bruce Peninsula, Municipality of	0
Oil Springs, Village of	0
Opasatika, Township of	0
Orangeville, Town of	0
Oshawa, City of	1
Owen Sound, City of	2
Papineau-Cameron, Township of	0
Pelee, Township of	0
Pelham, Town of	0
Pembroke, City of	3
Penetanguishene, Town of	0
Perry, Township of	0

Petrolia, Town of	0
Pickering, City of	0
Plummer Additional, Township of	0
Plympton-Wyoming, Town of	0
Port Colborne, City of	1
Powassan, Municipality of	0
Prescott and Russell, United Counties of	0
Prescott, Town of	1
Prince, Township of	0
Rainy River, Town of	0
Renfrew, Town of	0
Russell, Township of	3
Ryerson, Township of	0
Sables-Spanish Rivers, Township of	0
Sarnia, City of	0
Saugeen Shores, Town of	0
Sault Ste. Marie, City of	1
Schreiber, Township of	0
Seguin, Township of	1
Sioux Narrows-Nestor Falls, Township of	0
Smooth Rock Falls, Town of	0
South Algonquin, Township of	0
South Bruce Peninsula, Town of	5
South Huron, Municipality of	1
South River, Village of	0
Southgate, Township of	0
Spanish, Town of	0
St. Catharines, City of	1
St. Joseph, Township of	0
St.-Charles, Municipality of	1
Tarbutt & Tarbutt Additional, Township of	0
Tehkummah, Township of	0
Temagami, Municipality of	0
Temiskaming Shores, City of	1
The Nation Municipality	2
The North Shore, Township of	0
Thessalon, Town of	0
Thornloe, Village of	0
Thorold, City of	1
Tillsonburg, Town of	1
Timmins, City of	0
Val Rita-Harty, Township of	0
Welland, City of	1
West Lincoln, Township of	3
West Nipissing, Municipality of	0
Westport, Village of	1
White River, Township of	0
Whitestone, Municipality of	1
Whitewater Region, Township of	0
Woolwich, Township of	2
Zorra, Township of	0

FOOTNOTE: A complaint was received about meetings of the Heads of Council in West Parry Sound (Town of Parry Sound, the Township of McKellar, Seguin Township, the Municipality of McDougall, the Township of The Archipelago, the Municipality of Whitestone, and the Township of Carling). Three of these municipalities have appointed their own closed meeting investigator.

# Appendix

## COMPLAINT STATISTICS

### SUMMARY OF COMPLETED INVESTIGATIONS IN MUNICIPALITIES WHERE THE OMBUDSMAN IS THE INVESTIGATOR, SEPTEMBER 1, 2014 TO AUGUST 31, 2015

Municipality	Reports Issued	Meetings & Gatherings Reviewed	Procedural Violations Found	Best Practices Suggested	Illegal Meetings
Amherstburg, Town of	2	4	0	2	1
Baldwin, Township of	1	1	1	3	0
Black River-Matheson, Township of	1	1	1	7	0
Bracebridge, Town of	1	2	0	1	0
Casselman, Village of	2	3	0	4	2
Central Huron, Municipality of	1	1	1	1	0
Chamberlain, Township of	1	7	5	5	0
Clarence-Rockland, City of	1	4	1	1	1
Cochrane, Town of	2	2	0	3	0
Elliot Lake, City of	4	8	2	4	2
Fort Erie, Town of	1	1	0	0	0
Hamilton, City of	2	2	0	3	0
Hawkesbury, Town of	1	1	0	1	0
Joly, Township of	1	7	1	5	1
Killarney, Municipality of	1	1	0	0	0
Leeds and the Thousand Islands, Township of	2	4	0	1	0
London, City of	1	1	0	0	0
Magnetawan, Municipality of	1	2	2	5	1
McMurrich/Monteith, Township of	1	6	6	6	0
Moosonee, Town of	1	4	1	4	1
Niagara Falls, City of	2	2	2	7	1
Owen Sound, City of	1	2	0	0	0
South Huron, Municipality of	1	7	1	3	0
Thorold, City of	1	1	0	0	0
Welland, City of	1	5	4	2	3
Westport, Village of	1	1	3	5	0
Whitestone, Municipality of	1	1	0	0	0
Woolwich, Township of	1	4	9	7	3





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