

OMLET Annual Report 2012-2013 – Facts and highlights

The “Sunshine Law” = The open meeting requirements outlined in the *Municipal Act, 2001*

Number of complaints received – Sept. 1, 2012-Aug. 31, 2013: 293 – more than double last year’s total of 128 (last year’s inaugural report covered April 1, 2011 to Aug. 31, 2012)

Number of complaints within Ombudsman’s jurisdiction: 246

Illegal meetings found: 19 (out of 96 meetings reviewed, or about 1 in 5)

Procedural violations found: 31

Best practices recommended: 63

Municipalities where the Ombudsman is closed meeting investigator: 191 (same as last year)

Time it takes to handle most OMLET cases: 2 months

Top 5 municipalities by number of complaints:

- 1) London – 64
- 2) Sudbury – 54
- 3) Lambton Shores – 13
- 4) Oshawa – 8
- 5) Fort Erie - 7

Ombudsman’s message:

- Increase in complaints signals growing public engagement in open meeting process
- Gaps in patchwork enforcement system foster confusion and inequity in openness
- Province should make four changes to strengthen *Municipal Act*:
 - 1) End “oversight shopping” and have a single, credible, independent investigative body
 - 2) Penalize those who violate the Sunshine Law
 - 3) Require recording of all meetings
 - 4) Invalidate results of illegal meetings
- There is no central, public source for information about open meeting investigations across the province

Municipalities that record audio or video of closed meetings (as recommended by the Ombudsman): Oshawa, Tiny, Madawaska Valley, Midland, and Lambton Shores

Municipalities that switched to the Ombudsman as their investigator in the period covered by this report: North Frontenac, Pelee Island and Melancthon

Municipalities that replaced the Ombudsman as their investigator in the same period:
Sudbury, Tiny, Huntsville and Shuniah

Common issues in investigations (pages 18-23):

- **Informal gatherings where council business was discussed**
London, Leeds and the Thousand Islands
- **‘Litigation’ exemptions cited when no litigation was imminent**
Tiny, Ryerson, Gravenhurst
- **‘Personal matters’ exception used improperly**
Fort Erie, Powassan
- **Lack of information (not reporting publicly after a closed meeting; not giving enough information before a closed meeting)**
Woolwich, Larder Lake, Prescott
- **Poor record-keeping (not enough detail in minutes, or no record kept)**
St. Catharines, Adelaide Metcalfe

Best practices recommended for all closed meetings:

- Give adequate advance notice
- Pick the right exception
- Add items to the agenda sparingly
- Make a clear resolution to go into closed session
- Record all meetings, open or closed
- Report back publicly in open session