

OMLET Annual Report 2011-2012 – Facts and highlights

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

Cases received – April 1, 2011-August 31, 2012: 128

Violations of the *Municipal Act* found: 45

Cases where best practices recommended: 34

Municipalities where the Ombudsman is closed meeting investigator: 191

Time it takes to handle most OMLET cases: 2 months

Common issues in investigations, April 1, 2011-August 31, 2012:

- **Informal gatherings of councillors – what constitutes a “meeting”?** (p. 19)
London, Hamilton, Grey Highlands
- **Lack of co-operation, confusion about complaint and investigation process** (p. 12)
London, Sudbury
- **Inadvertent violations – committees or boards not realizing the law applies to them** (p. 20)
Howick Twp., Kearney, Fort Erie, Georgian Bay Twp., Elliot Lake, Clarence-Rockland, Russell Twp.
- **Closing for the wrong reasons - misuse of the s. 239 exceptions** (p.21)
Morris-Turnberry, Hamilton, Midland, North Shore Twp., Amherstburg, Lambton Shores, United Townships of Head, Clara and Maria
- **Discussing councillors’ salaries behind closed doors** (p. 23, 30)
Leeds and the Thousand Islands Twp., Midland
- **Poor record-keeping** (p. 23)
Midland

Most commonly used reasons for closing meetings (under section 239):

1. Personal matters about an identifiable individual
2. Solicitor-client privilege
3. Litigation or potential litigation

Ombudsman’s message:

- Record audio or video of all meetings, including closed ones.
- “Tread carefully” in informal gatherings; keep discussions strictly social.
- Lawyers are not necessary for witnesses in Ombudsman investigations.
- Using Ombudsman as investigator is optional; co-operating in investigation is not.
- “When in doubt, open the meeting.”