

OMLET Annual Report 2014-2015 Facts and Highlights

Today's report

Date range: September 1, 2014 to August 31, 2015

Complaints handled: 133 (where the Ombudsman is the investigator)

Number of municipalities complained about: 61 (45% more than last year)

Number of meetings reviewed: 85

Ombudsman findings/reports issued: 37

Case handling time: 75% of complaints were resolved in less than one month

Municipalities where Ombudsman is the investigator (as of August 31): 206

Municipalities that stopped using the Ombudsman as closed meeting investigator in the past year: 2 (Townships of Billings and McMurrich/Monteith)

Municipalities that switched to the Ombudsman as their closed meeting investigator in the past year: 9 (City of Greater Sudbury, Townships of Lanark Highlands, Leeds and the Thousand Islands, Southgate and Zorra, Towns of Deep River and Tillsonburg, County of Norfolk and Municipality of Brighton)

Municipalities that now make recordings of closed meetings: 17 (The Townships of Adelaide Metcalfe, McMurrich/Monteith, Tiny and Brudenell, Lyndoch 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)

Most wrongly applied open meeting exception in the *Municipal Act* sec. 239: “Personal matters about an identifiable individual” (p. 18)

Other common themes in cases: Meetings by email (p. 19), failure to give notice (p. 19), meetings with outside parties (p. 20)

Oversight of municipalities - background

January 1, 2008 (changes to the *Municipal Act*): Ombudsman became default investigator for complaints about closed meetings in all municipalities except those that hired their own; municipalities also given power to create their own accountability officers (ombudsman, auditor general, integrity commissioner, lobbyist registrar)

December 9, 2014: *Public Sector and MPP Accountability and Transparency Act* (Bill 8) passed

Closed meeting complaints handled by Ombudsman (in municipalities where our Office is the investigator) January 1, 2008-August 31, 2015: 781

All complaints received about municipalities since passage of Bill 8 (December 9, 2014 to December 15, 2015): 2,172

Other jurisdictions whose Ombudsman oversees municipalities: 6 – British Columbia, Yukon, Saskatchewan, Manitoba, Nova Scotia, New Brunswick

Summary of Ombudsman reports on OMLET cases issued since August 31, 2015 (these cases are not included in today's report, but are all available online)

	Municipality	Meetings & Gatherings Reviewed	Procedural Violations Found	Best Practices Suggested	Illegal Meetings
1	Amherstburg, Town of	2	0	0	0
2	Armour, Township of/ Burk's Falls, Village of	1	6	5	1
3	Bonfield, Township of	2	5	4	0
4	Brighton, Municipality of	1	2	3	0
5	Elliot Lake, City of	4	0	1	0
6	Essex, Town of	1	0	1	1
7	McKellar, Township of	2	1	4	2
8	Niagara Falls, City of	1	0	1	0
9	Niagara, Regional Municipality of	1	2	1	1
10	Owen Sound, City of	3	0	0	0
11	Port Colborne, City of	3	2	1	1
12	Russell, Township of	1	1	4	1
13	South Bruce Peninsula, Town of	5	1	4	0
14	West Lincoln, Township of	2	3	3	0
15	West Parry Sound, Heads of Council*	1	0	0	0
	TOTALS	30	23	32	7

*The Heads of Council gathering involved seven municipalities in the West Parry Sound area, including the Townships of Carling, The Archipelago, McKellar and Seguin, the Town of Parry Sound and the Municipalities of McDougall and Whitestone.

Review of municipal legislation

Ombudsman recommendations to MMAH minister as part of consultation (p. 11-12):

- Require municipalities to have codes of conduct and provide a uniform framework for them
- Include a clear definition of what constitutes a “meeting” for purposes of the Municipal Act open meeting requirements
- Have one credible, independent body responsible for closed meeting investigations
- Prohibit municipalities from charging complainants fees for closed meeting complaints
- Require municipalities to make digital recordings of closed meetings
- Include consequences for those who violate open meeting rules