

Ombudsman reports progress in municipal transparency, encourages local accountability officers

New mandate to take complaints about municipalities begins January 1

(TORONTO – December 16, 2015) A new era of local government accountability begins January 1 when the Office of the Ontario Ombudsman takes on full oversight of municipalities, Acting Ombudsman Barbara Finlay said today in releasing the Office's latest report.

“We look forward to the chance, at long last, to help people resolve their issues with the governments that are literally closest to home,” Ms. Finlay says in the 2014-2015 report on the work of the Ombudsman's Open Meeting Law Enforcement Team (OMLET).

Since 2008, the Ombudsman's Office has investigated complaints about municipal council meetings that are closed to the public, and promoted local transparency through its reports and publications. “We have been encouraged by the response of local councils to our recent findings and recommendations,” Ms. Finlay said. “I am optimistic that this constructive spirit will continue as we start reviewing broader municipal complaints for the first time in the new year.”

Today's report notes that OMLET has handled some 800 complaints about closed meetings in the past eight years, with this past year being particularly active. Between September 1, 2014 and August 31, 2015, it reviewed 85 meetings held by 61 municipalities. The Ombudsman deemed 16 meetings “illegal” – that is, they did not meet the open meeting requirements of the *Municipal Act, 2001* – and found 40 procedural violations. And in another 15 reports issued since August, OMLET reviewed 30 meetings in 13 additional municipalities, with the Ombudsman finding seven illegal meetings and 23 procedural violations.

Although most violations are the result of confusion or ignorance of the rules, the report notes some concerning trends – such as the use of emails to do council business away from public view. In two such cases, council for the Township of Leeds and the Thousand Islands technically did not violate the law, but the Ombudsman warned members that their emails were “inconsistent with [the Act's] underlying principles of openness and transparency.”

Still, the municipalities that dealt with the Office since 2008 have shown progress in embracing transparency and Ombudsman oversight, Ms. Finlay says in the report: “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.”

On January 1, 2016, the Ombudsman's Office will be able to take complaints about the full spectrum of municipal administration, services and officials, as provisions of the *Public Sector and MPP Accountability and Transparency Act, 2014* (also known as Bill 8) take effect. Ms.

Finlay emphasized that the Office will use its new role to encourage municipalities to strengthen accountability mechanisms at the local level.

“The Ombudsman is an office of last resort. We are not here to replace local complaint mechanisms or accountability officers,” she said. “In fact, all municipalities should have their own. We will be there to ensure local mechanisms operate fairly, follow best practices and are operating as intended. We will be able to step in where local officers fail or simply cannot go, as well as tackle broader systemic issues, just as we do at the provincial level.”

As it has always done with complaints about provincial government bodies, the Ombudsman’s Office will seek to resolve municipal complaints quickly, proactively track and flag trending problems, Ms. Finlay added.

The Ombudsman’s Office was also consulted as part of the Ministry of Municipal Affairs and Housing’s ongoing review of municipal legislation, and made several recommendations to bolster local accountability – including that the government require municipalities to have codes of conduct and provide a uniform framework for them. “As with open meetings, standards for local government integrity should be consistent across Ontario,” Ms. Finlay says in the report.

As it has since 2008, the Office also called on the government to strengthen the municipal open meeting rules by adding penalties for violators, requiring closed meetings to be recorded, and more clearly defining what is considered a “meeting” under the *Municipal Act*. For example, informal gatherings of council members are a perennial source of public concern and complaints, Ms. Finlay notes in the report.

“The purpose of the open meeting rules is not to stop council members from socializing – it is to guard against them using social gatherings as a pretext to do council business away from public scrutiny,” she said. “They are not expected to avoid informal exchanges, but should always be mindful of the risk that these can cross the line into council business, and govern themselves accordingly.”

The Ombudsman’s Office is an independent office of the Ontario Legislature that resolves and investigates public complaints about provincial government bodies. Besides municipalities, Bill 8 also extends Ombudsman oversight to school boards (as of September 1, 2015) and universities (as of January 1, 2016).

Go to www.ombudsman.on.ca for the report, media materials and video of the Acting Ombudsman’s news conference. Follow live tweets at www.twitter.com/Ont_Ombudsman (#OOLive).

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