



OMLET Annual Report 2013-2014
Ombudsman's remarks
André Marin

I want to thank everyone for attending today, in person, by phone and via our live webcast.

As I release this report today, I can't help but think back to January 2008, when Ontario first implemented its "Sunshine Law," allowing members of the public to complain when they were shut out of local council meetings.

Municipalities were afraid there would be a flood of complaints. Elected officials were worried that they wouldn't be allowed to attend social gatherings together. And I was concerned that the law would be a weak patchwork because it allowed municipalities to handpick their own investigators and opt out of Ombudsman oversight.

Seven years later, we have seen some progress. Many municipalities have reformed their practices and embraced the open meeting rules. There has not been a flood of complaints – in fact, after steady increases in the past few years, we saw a drop this past year.

And that's a good thing – it shows that in most cases, municipalities are following the rules. Elected officials and the public are more educated about the Sunshine Law, and I like to think that seven years of reporting and outreach by our office has helped with that.

Of course, some councils are still breaking the law, whether through ignorance or intent. We had fewer complaints, but they were more likely to be justified. We were able to concentrate on the serious cases and dismiss those that seemed frivolous or sparked by ulterior motives.

A few municipalities illegally twisted the rules – like those that stretched the exception for discussions about "personal matters" to apply to almost any meeting involving a person. And some ignored the rules altogether, doing business outside of council chambers with third parties. But all of our recommendations were accepted, and several councils took our advice to start digitally recording all their meetings.

However, my main concerns about the Sunshine Law haven't changed: There are no consequences for breaking it, and municipalities can still choose any investigator they like. This year, we saw the public and politicians complain about the spotty and inconsistent investigations by hired investigators. This undermines the law – the same standards should be applied provincewide.

The good news is, local government accountability rose to the forefront of the political agenda this year. The province passed Bill 8, the *Public Sector and MPP Accountability and Transparency Act*, last month, giving my office full oversight of municipalities, as well as school boards and universities. Once it is proclaimed in force, we will finally be able to help people with virtually any problem with their local government, not just narrow questions about the open meeting rules.

We are already seeing a spike in complaints about municipal issues, especially since Bill 8 passed. Many candidates in October's municipal elections were enthusiastic about Bill 8, and a lot of the old guard who violated the Sunshine Law and resisted our investigations in the past were tossed out by the voters.

A few of the newly elected councils have chosen to drop their hired investigators and come back to us, including Sudbury and Leeds and the Thousand Islands, both of which opted out in the past after we issued critical reports.

We're now at an historic turning point in municipal accountability. I'm optimistic that the elections and Bill 8 have ushered in a new era where oversight and openness at the municipal level will be taken seriously.