

Backgrounder – Ombudsman’s OMLET to crack open municipal meetings

TORONTO (June 17, 2008) – Ombudsman André Marin’s newest investigative team will specialize in probing municipal meetings that are closed to the public.

As of January 1, 2008, Ontario’s *Municipal Act* allows the public to complain – and have their complaints investigated – if municipal politicians meet improperly behind closed doors. Previously, the only way to challenge a closed meeting was to go to court. Now, complaints are investigated by the Ombudsman – or another investigator, if the municipality has appointed one – who may issue recommendations if the municipality is found in violation of the law.

The Ombudsman is the investigator for an estimated 200 municipalities across the province. To date, his office has received 61 complaints about closed meetings and conducted two full investigations. Both investigations – in Fort Erie and Sudbury – cleared the councils of any wrongdoing, but cautioned them to be more transparent in future and offered clarification of the law. The reports are the first issued under the new “sunshine law” enforcement system.

There have been understandable growing pains in the first six months of this regime, Mr. Marin said. The legislation is vague in places and many municipalities are unclear about it – and about the Ombudsman’s Office itself. As well, with just over half the municipalities in the province using other investigators, the way the law is applied may vary from place to place. For instance, some municipalities charge a fee to those who complain; the Ombudsman does not charge complainants or municipalities.

Accordingly, the Ombudsman’s new Open Meeting Law Enforcement Team (OMLET) will specialize in investigating closed municipal meetings and in helping raise awareness of the “sunshine law” across the province. OMLET’s techniques will be based on those of the successful Special Ombudsman Response Team (SORT), which handles major systemic investigations. Among OMLET’s first tasks will be to publish a guide to the new legislation and complaints system – to be available later this summer – for municipal officials and the general public.

For much more information on this topic, visit the new “Municipal Matters” section at www.ombudsman.on.ca.

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For further information, please contact:

Linda Williamson
Director of Communications
Tel: 416-586-3426
lwilliamson@ombudsman.on.ca

or
Patricia Tomasi
Communications Officer
Tel: 416-586-3402
ptomasi@ombudsman.on.ca