

**BY EMAIL**

Council for the Town of Deep River  
100 Deep River Road  
P.O. Box 400  
Deep River, ON K0J 1P0

Dear Members of Council for the Town of Deep River:

**Re: Closed Meeting Complaint, May 16, 2018**

My Office received a complaint that council for the Town of Deep River held a vote during the closed session on May 16, 2018 that did not comply with the open meeting rules in the *Municipal Act, 2001*<sup>1</sup> (the “Act”).

I am writing to advise you that my investigation has determined that council did not vote improperly during the May 16, 2018 meeting.

**Review**

The Ombudsman is the closed meeting investigator for the Town of Deep River. On June 20, 2018, my Office issued a notice in accordance with section 18(1) of the *Ombudsman Act* that we would be investigating this complaint.

My Office reviewed the minutes of the council meeting on May 16, 2018 as well as correspondence between staff and members of the Protection and Safety Committee. We also spoke with Mayor Joan Lougheed about the complaint.

**May 16, 2018**

During the regular council meeting on May 16, 2018, council moved into closed session under the exceptions found in section 293(2)(f) and (h) of the Act for solicitor-client privilege, and information explicitly supplied in confidence to the municipality by Canada, a province or territory or a Crown agency of any of them. The resolution to proceed into

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<sup>1</sup> SO 2001, c 25, s 239.1.

closed session described the subject matter of the discussion as “CNL Fire Services Agreement Update”.

According to the closed meeting minutes, during the discussion about the CNL Fire Services Agreement Update, council passed Resolution 2018-C-07 which contained a direction to staff related to the Protection and Safety Committee.

Mayor Joan Lougheed confirmed to members of my Office that the vote was a direction to staff.

After moving to back into the open session, council did not report out on the CNL Fire Services Agreement Update discussion.

### **Analysis**

The complainant believed that council voted improperly when it passed Resolution 2018-C-07 during the closed session on May 16.

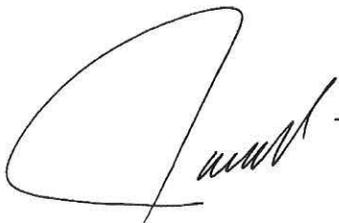
Section 239(6)(b) of the *Municipal Act, 2001* prohibits voting during a closed session unless the vote was for a procedural matter or for giving directions to staff. In this case, Resolution 2018-C-07 contained a direction to staff related to council’s discussion about the CNL Fire Services Agreement Update. This in camera direction was permissible.

### **Conclusion**

My Office’s review found that an improper vote did not occur during the May 16, 2018 closed session.

You indicated to us that this letter would be included as correspondence at the next available meeting of council.

Sincerely,



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Paul Dubé  
Ombudsman of Ontario  
Cc: Richard McGee, Clerk/CAO