



J. Paul Dubé, Ombudsman

BY EMAIL

August 21, 2025

Council for the County of Simcoe
1110 Highway 26
Midhurst, ON L9X 1N6

Dear Members of Council for the County of Simcoe:

Re: Closed meeting complaint

My Office received a complaint about a closed meeting held by the Committee of the Whole for the County of Simcoe on March 11, 2025. The complaint alleged that the Committee of the Whole (the “Committee”) discussed a topic that was not on the agenda for the closed meeting and that this comment did not fit within any of the exceptions to the open meeting rules in the *Municipal Act, 2001* (the “Act”).¹

I am writing to advise that my review determined that the Committee did not contravene the Act during its closed meeting on March 11, 2025.

Ombudsman’s role and authority

As of January 1, 2008, the Act gives anyone the right to request an investigation into whether a municipality has complied with the Act in closing a meeting to the public. Municipalities may appoint their own investigator. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own. My Office is the closed meeting investigator for the County of Simcoe.

My Office has investigated hundreds of closed meetings since 2008. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting cases. This searchable repository was created to provide easy access to the Ombudsman’s decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the digest to inform their discussions and decisions on whether certain matters can or should be discussed in closed session, as well as issues

¹ SO 2001, c 25 [*Municipal Act, 2001*].

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related to open meeting procedures. Summaries of the Ombudsman's previous decisions can be found in the digest: www.ombudsman.on.ca/en/info-public-bodies-and-officials/municipal-government/municipal-meeting-digest.

The Ontario Ombudsman also has the authority to conduct impartial reviews and investigations of hundreds of public sector bodies. This includes municipalities, local boards, and municipally-controlled corporations, as well as provincial government organizations, publicly funded universities, and school boards. In addition, the Ombudsman's mandate includes reviewing complaints about the services provided by children's aid societies and residential licensees, and the provision of French language services under the *French Language Services Act*. Read more about the bodies within our jurisdiction here: www.ombudsman.on.ca/en/make-complaint/what-we-can-help-you/organizations-you-can-complain-about.

Review

My Office reviewed the materials from the open and closed sessions on March 11, 2025 including the agenda and minutes. We also spoke with the Clerk and the Warden.

March 11, 2025 meeting

Following a brief meeting of council, the Committee of the Whole met at 9:07 a.m. in council chambers. After discussing open session agenda items, at 10:16 a.m. the Committee resolved to close the meeting. The resolution stated that the Committee would discuss two items *in camera* and cited the open meeting exceptions in the Act listed under section 239(2)(c) for the proposed or pending acquisition or disposition of land and section 239(2)(d) for labour relations or employee negotiations.

My Office was told that during the closed session, a councillor addressed the Committee and made a statement on a matter unrelated to the closed session agenda items. We were told that the councillor spoke briefly, and the Warden immediately redirected the discussion back to the Committee's business.

After the agenda items were discussed, another council member requested to speak and stated that the comment made by the councillor at the beginning of the closed session should have been made in the open session.

The Committee reconvened in open session at 10:25 a.m. and passed a confirmatory resolution regarding the directions made to staff and recommendations received during the closed session. The Committee adjourned the meeting shortly after at 10:27 a.m.

Analysis

It is council's collective responsibility to ensure that *in camera* discussions remain on topic and, in the interest of transparency, to avoid discussions that would not otherwise fit within the open meeting exceptions.²

The statement made by the councillor at the start of the closed session was not related to the Committee's closed session agenda and did not fit within the cited open meeting exceptions. In response to this statement, the Warden refocused the *in camera* session to the agenda items. Other than the remarks made by a councillor raising concerns about the appropriateness of the other councillor's statement for closed session, I am satisfied that the Committee did not engage in a discussion about it.

Accordingly, I do not find that a contravention of the open meeting rules occurred. However, as a best practice, I encourage all members of council to be vigilant in keeping discussions focused on the topics cited in the resolution to proceed into closed session, and to ensure all matters discussed in a closed session fit within one of the open meeting exceptions set out in the *Municipal Act, 2001*.

Conclusion

Under the circumstances, my Office will not be taking further steps regarding this closed meeting complaint. I would like to thank the County for its co-operation during my review.

The Clerk indicated that this letter will be shared with council and placed on the agenda for the next council meeting, and that a copy will be made available to the public prior to that meeting. At that time, I will also post a copy of this letter on my website at www.ombudsman.on.ca.

Sincerely,



Paul Dubé
Ombudsman of Ontario

CC: Jonathan Magill, Clerk, County of Simcoe

Cette lettre est aussi disponible en français

² *Amherstburg (Town of) (Re)*, 2016 ONOMBUD 9 at para 81, online: <<https://canlii.ca/t/h2stm>>; *West Nipissing (Municipality of) (Re)*, 2019 ONOMBUD 5 at para 39, online: <<https://canlii.ca/t/j2p1f>>.