



Ombudsman Report

**Investigation into informal gatherings
held over email by the Committee of the Whole
for the Township of Ramara on October 23 and 24, 2024**

**Paul Dubé
Ombudsman of Ontario**

October 2025

Complaint

- 1 My Office received a complaint that the Committee of the Whole (the “Committee”) for the Township of Ramara (the “Township”) contravened the *Municipal Act, 2001*¹ (the “Act”) by holding two meetings over email, on October 23 and October 24, 2024.
- 2 My investigation found that a quorum of the Committee was present over email on both dates. However, only the October 23, 2024 email materially advanced the business or decision-making of the Township, constituting a meeting contrary to the open meeting requirements in the Act.

Ombudsman jurisdiction

- 3 Under the Act, all meetings of council, local boards, and committees of either must be open to the public, unless they fall within prescribed exceptions.
- 4 As of January 1, 2008, the Act gives anyone the right to request an investigation into whether a municipality or local board has complied with the Act in closing a meeting to the public. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own.
- 5 The Ombudsman is the closed meeting investigator for the Township of Ramara.
- 6 When investigating closed meeting complaints, we consider whether the open meeting requirements in the Act and the municipality’s procedure by-law have been observed.
- 7 Our 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 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.

¹ SO 2001, c 25.

- 8 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.

Investigative process

- 9 My Office notified the Township of our intent to investigate these complaints on November 27, 2024. We spoke with the Committee members who authored the emails in question. We reviewed relevant meeting minutes and audio recordings, the Township's procedure by-law in place at the time the emails were sent, the current procedure by-law, and the emails sent on October 23 and 24, 2024.
- 10 My Office received full co-operation in this matter.

October 23, 2024 email about the foodcycler program

- 11 The Township's Committee of the Whole had a special meeting scheduled for October 24, 2024 to discuss the Township's draft budget for the upcoming fiscal year. The draft budget included a program to manage organic food waste in multi-residential units such as condominiums, and subsidization from the County of Simcoe to implement a food waste management program.
- 12 On October 23, 2024, at 11:32 p.m., a member of the Committee sent an email to all other Committee members and several Township staff regarding the "foodcycler organics program" -- the food waste program the Township was considering at the time.

- 13 This email contained forwarded correspondence between the Township's Clerk and staff from the County of Simcoe, who raised concerns about the foodcycler program. The forwarded correspondence also expressed preference for the County of Simcoe's pilot food waste program and proposed sharing the results of the pilot program with the Township.
- 14 In the body of the email, the Committee member explained they were providing the forwarded correspondence as background for the budget discussion scheduled for the next day. They also provided context for why County of Simcoe staff were contacted in the first place. The email concludes that due to the County's input, there no longer appeared to be a need for the Township to budget for the foodcycler program.
- 15 There were no responses to this email.

The October 24 and October 28, 2024 special meetings

- 16 The Committee held special meetings on October 24 and October 28, 2024 to consider the Township's budget for the upcoming fiscal year. The foodcycler program was briefly discussed at both meetings.
- 17 At the October 24, 2024 special meeting, when reviewing the foodcycler program in relation to the budget, Committee members referenced the email from October 23, 2024. Several Committee members stated they had not yet reviewed its contents. One member requested the email be made part of the public record, to which staff responded that the email would first need to be assessed as to whether it could be externally distributed. Following this, the foodcycler program discussion ended.
- 18 The Committee held a subsequent special meeting on October 28, 2024 to continue its discussion about the budget, including the foodcycler program. The Mayor introduced a motion to remove the foodcycler program from the budget. Following a vote by Committee members, the foodcycler program was removed from the budget.
- 19 The October 23, 2024 email was neither made part of any public record, nor read out at the meetings.

Analysis

The October 23, 2024 email constitutes a meeting

Quorum

- 20 Section 238(1) of the Act defines a “meeting” as any regular, special or other meeting of a council, of a local board or of a committee of either of them, where “a quorum of members is present, and members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board, or committee.”²
- 21 Changes to the Act in 2020 now permit council members to count towards quorum when participating electronically in meetings.³ My Office has determined that for the purposes of an electronic meeting, the meeting “place” is electronic,⁴ and that members may be “present” through electronic means, such as over videoconference,⁵ or through text messages.⁶
- 22 The Township’s procedure by-law in place at the time and the current procedure by-law both indicate that an “Electronic Meeting” includes “means of the internet.”⁷
- 23 When council members exchange written electronic communications, such as an email, they are present in an electronic place, satisfying the presence requirement of the definition of “meeting” under the Act. As the October 23, 2024 email was sent to all members of the Committee, a quorum was present.

Materially advancing business or decision-making

- 24 The second part of the test for whether a meeting occurred requires that business or decision-making of the Township be advanced. My Office has held that “materially advances” means consideration of the extent to which the discussions moved forward the business of the municipality.⁸ A discussion likely materially advances business or decision-making where it is meant to persuade one way or the other, or where the body votes, reaches an

² *Municipal Act*, *supra* note 1, s 238(1).

³ *Ibid*.

⁴ *McKellar (Township of) (Re)*, 2023 ONOMBUD 3, at para 48, online: <<https://canlii.ca/t/jv6ck>>.

⁵ *Casselman (Municipality of) (Re)*, 2024 ONOMBUD 1, online: <<https://canlii.ca/t/k235v>>.

⁶ *The North Shore (Township of) (Re)*, 2025 ONOMBUD 1, online: <<https://canlii.ca/t/k98j5>>.

⁷ Township of Ramara, by-law No 2022.09 at s 2.13 (28 February 2022); Township of Ramara, by-law 2024.87 at s 2.13 (9 December 2024).

⁸ *Casselman (Village of) (Re)*, 2022 ONOMBUD 13 at para 26, online: <<https://canlii.ca/t/jrkx5>>.

agreement, provides direction or input, discusses or debates a proposal, course of action, or strategy.⁹ Mere communications of information or updates on recent activities are unlikely to materially advance business or decision-making.¹⁰

- 25** However, my Office has found that exchanges of information can advance business or decision-making where it can be reasonably construed that the exchange informed subsequent decision-making.
- 26** In my 2024 report on a gathering held by a committee of the City of London, the committee's tour of a non-profit organization's facility was found to constitute the advancing of business or decision-making because the committee voted at a meeting later that same day to recommend approval of funding for the non-profit organization.¹¹ While the discussions on the tour were informational in nature, they directly related to a decision set to come back to the committee in the near future. Therefore, the discussions were persuasive in nature because they aimed to convince committee members to favour a particular position.
- 27** I noted in that case that while a culture of silence outside of council chambers is unrealistic of democratic governance in municipalities, the desire to proactively engage outside of council chambers with important municipal projects does not negate the public's expectation of open governance.¹²
- 28** Here, there was a single email with no additional discussion or responses from its recipients, but which nonetheless contained information directly related to the budget review scheduled for discussion at a special meeting of the Committee the next day. The information in this email directly resulted in a decision by the Committee to remove the foodcycler program from the Township budget.
- 29** In addition, the email did not merely provide an informational update, but also included the Committee member's suggestion that there was no longer any need to budget for the foodcycler program. The message in this email suggested that the recipients adopt a particular position, which was adopted and acted upon. It contained a proposed course of action that the Committee adopted.
- 30** The information contained in the email should have been addressed at the Committee's budget discussions the next day, for the public to observe. With

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *London (City of) (Re)*, 2024 ONOMBUD 2, online: <<https://canlii.ca/t/k27t7>>.

¹² *Ibid.*

only brief reference made to the email at the special meetings on October 24 and October 28, 2024, a member of the public would not have a clear understanding of why the foodcycler program was removed from the budget and what information was considered to inform this decision. Indeed, the information in the email, including its attachments, which were shared with the Committee members prior to the meeting, was never publicly disclosed.

- 31 The email, including its attachments, materially advanced the business or decision-making of the Committee, and constitutes a meeting under the Act.

October 24, 2024 email about NRK Holdings Inc.

- 32 During the special meetings on October 24 and October 28, 2024, the Committee also discussed budgeting relating to NRK Holdings Inc. ("NRK"), a company the Township had an agreement with to permit the import of soil for remediation. At the October 24, 2024 meeting, NRK was briefly mentioned when a Committee member proposed including projected revenue from NRK in the administrative budget. Township staff told the Committee member that the topic was more appropriate for discussion later on with the infrastructure budget, but the topic was not raised again during the meeting.
- 33 Following the October 24, 2024 meeting, at 8:26 p.m., a Committee member sent an email to all other members and several municipal staff regarding NRK. The email is brief and in it, the Committee member notes that they forgot to raise the NRK matter during the infrastructure budget discussion and suggests discussing it at the Committee's next meeting. The email explains that revenues from the Township's agreement with the company could help lower property tax rates for residents.
- 34 There were no responses to this email.
- 35 The topic was raised at the Committee's October 28, 2024 meeting. Township staff explained to the Committee that the projected revenue relating to the agreement with NRK had been added to the Township's infrastructure budget, based on the discussion at the meeting on October 24, 2024, as well as determinations made by staff between the two meetings about expected revenue. The October 24, 2024 email was not mentioned, nor was it considered by the Committee during the meeting on October 28, 2024.

Analysis

The October 24, 2024 email does not constitute a meeting

Quorum

- 36 The first determination as to whether a gathering constitutes a meeting is whether quorum was reached.
- 37 As previously noted, electronic communications can constitute being present for the purposes of the Act. Because the email was sent to all members of the Committee, quorum was reached.

Materially advancing business or decision-making

- 38 Discussions, debates, or decisions intended to lead to specific outcomes or to persuade decision-makers one way or another are likely to materially advance business or decision-making, while mere receipt or exchange of information is unlikely to.
- 39 The October 24, 2024 email contained a Committee member's request to include a forgotten item – the projected revenue from the agreement with NRK – on the agenda of an upcoming meeting. The email also included a brief explanation from the Committee member that the revenue could have an impact on the Township budget by lowering the tax rates for residents.
- 40 My Office has previously determined that discussions of a procedural nature are less likely to advance business or decision-making. In my 2020 report on closed meetings held by the Town of Saugeen Shores, I determined that council did not hold an illegal meeting when a quorum of councillors discussed procedural options during a recess in response to a resident seeking to speak on a topic.¹³
- 41 The October 24, 2024 email is procedural in nature as it seeks to raise a topic at a future discussion. The email contained the Committee member's view that the revenue from the agreement with NRK could lower tax rates, but it did not have an impact on the Township's decision-making. No Committee member responded to the email. Further, at the October 28, 2024 meeting, Township staff noted without prompt that the budget had been amended based on the discussion at the prior meeting. Neither the Committee members nor staff

¹³ *Saugeen Shores (Town of) (Re)*, 2020 ONOMBUD 3, online: <<https://canlii.ca/t/j93c3>>.

made reference to the October 24, 2024 email, and the email did not form the basis for any changes made to the budget.

- 42 As the October 24, 2024 email did not materially advance Township business or decision-making, it therefore did not constitute a meeting.

Opinion

- 43 The email sent to all members of the Committee of the Whole on October 23, 2024 constitutes a meeting, as a quorum of members was reached, and Township business or decision-making was materially advanced. Consequently, this meeting contravened the open meeting requirements set out in the Act.
- 44 However, the email sent to all members of the Committee of the Whole on October 24, 2024 does not constitute a meeting. Although a quorum of members was reached, Township business or decision-making was not materially advanced.

Recommendations

- 45 I make the following recommendations to assist the Township of Ramara in fulfilling its obligations under the *Municipal Act, 2001*, and enhancing the transparency of its meetings:

Recommendation 1

All members of the Committee of the Whole for the Township of Ramara should be vigilant in adhering to their individual and collective obligation to ensure that the municipality complies with its responsibilities under the *Municipal Act, 2001*.

Recommendation 2

The Committee of the Whole for the Township of Ramara should be mindful that electronic written communications, such as emails, sent to a quorum of council can be considered a meeting under the *Municipal Act, 2001*.

Recommendation 3

The Committee of the Whole for the Township of Ramara should ensure that no business or decision-making is materially advanced outside of formal meetings.

Recommendation 4

The Committee of the Whole for the Township of Ramara should take care when using electronic communications to avoid circulating information by email that could materially advance the business or decision-making of the Township.

Report

- 46** Council for the Township of Ramara was given the opportunity to review a preliminary version of this report and provide comments to my Office. All comments we received were considered in the preparation of this final report.
- 47** This report will be published on my Office's website and should also be made public by the Township of Ramara. In accordance with section 239.2(12) of the *Municipal Act, 2001*, council is required to pass a resolution stating how it intends to address this report.



Paul Dubé
Ombudsman of Ontario

Ce rapport est aussi disponible en français