

J. Paul Dubé, Ombudsman

October 31, 2018

Council for the Municipality of Callander  
c/o Elaine Gunnell, Clerk  
Municipality of Callander  
280 Main Street N., P.O. Box 100  
Callander, ON P0H 1H0

By e-mail: [egunnell@callander.ca](mailto:egunnell@callander.ca)

Dear Council for the Municipality of Callander:

**Re: Closed meetings complaint – Various dates, January - March, 2018**

I am writing further to my Office's telephone conversation with the Clerk on October 29, 2018. As discussed in that call, my Office received a complaint regarding several council and committee of the whole meetings.

Specifically, the complainant alleged that notice for the following meetings was not provided on the Township's website, as required by the procedure by-law:

January 23, 2018, Regular Meeting of Council  
February 8, 2018, Special Meeting of Council  
February 20, 2018, Committee of the Whole  
February 20, 2018, Special Meeting of Council  
February 27, 2018, Special Meeting of Council  
March 13, 2018, Special Meeting of Council  
March 20, 2018, Committee of the Whole

As discussed with the Clerk, my Office will not be further reviewing the complainant's concerns.

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### **The procedure by-law**

The procedure by-law sets a regular meeting schedule and location for regular council and committee of the whole meetings. It also provides that advance notice will be posted both online and at the council office, but does not specify a deadline for this notice. It outlines that the agenda for regular meetings and committee of the whole meetings shall be made available to members of council by the close of business on the Friday prior to a meeting, and posted online within 24 hours of this distribution. Notice for special meetings is to be given to members of council at least 48 hours before the meeting, and posted online and at the municipal office immediately after. There is no requirement to post the agenda for a special meeting.

### **Review**

During our review of this complaint, we spoke with the municipality's Clerk, who was not employed by the municipality when the meetings took place. The Clerk reviewed the municipality's electronic records, and provided information confirming that notice was posted online in accordance with the procedure by-law for five of the seven meetings.

The procedure by-law sets the regular meeting time for the Committee of the Whole as the third Tuesday of the month at 7:00 p.m. However, the municipality was unable to confirm if or when notice and/or the agenda for the February 20, 2018 Committee of the Whole meeting were posted online in accordance with the procedure by-law.

Notice for the Special Meeting of Council at 7 p.m. on February 27, 2018 was posted on the morning of February 26, 2018. The procedure by-law requires at least 48 hours notice of Special Meetings be given to members of council, and that the notice shall be posted online and at the municipal office immediately afterwards. The notice for this special meeting was posted online less than 36 hours before the meeting.

### **Updates to the website**

In reviewing these complaints, my Office noted that the municipality's website did not include the minutes from Committee of the Whole meetings, and that only council agendas since July 2018 were available on the website. The Clerk explained that some of these documents were inadvertently removed from the website, but that all are available for viewing in the municipal office. As was discussed with the Clerk, ensuring these documents are available on the municipality's website will assist members of the public who are looking for this information. Alternatively, the municipality should include information on its website about how to access this information at the municipal office.

The Clerk also explained that the municipality will be updating its website in the near future, and that notice and agendas will be posted online as required. The Clerk also informed my Office that she is keeping a paper record of when meeting notices and agendas are posted.

### **Conclusion**

The municipality was unable to confirm whether it posted notice and an agenda online for the February 20, 2018 Committee of the Whole meeting, and it did not post notice online for the February 27, 2018 Special Meeting of Council in a timely manner. Under the circumstances, I encourage the municipality to ensure that it meets its obligations under the procedure by-law in future.

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

Sincerely,



Paul Dubé  
Ontario Ombudsman