

BY EMAIL

July 30, 2024

Council for the Township of Tiny
c/o Mayor David Evans
130 Balm Beach Road West
Tiny, ON L0L 2J0

Dear Members of Council for the Township of Tiny:

Re: Closed meeting complaints

My Office received complaints about the meeting practices of the Township of Tiny Administrative Centre Committee (“TTAC Committee”).¹ The complaints raised general concerns that the TTAC Committee was not holding meetings that are open to the public, as required by the *Municipal Act, 2001* (the “Act”).²

I am writing to advise that my review has determined that the TTAC Committee is not subject to the open meeting rules in the Act or the Township of Tiny’s (the “Township”) procedure by-law.

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 Township of Tiny.

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

¹ Formerly known as the Building Needs Assessment Committee.

² SO 2001, c 25 [*Municipal Act, 2001*].



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/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/have-a-complaint/who-we-oversee.

Review

My Office reviewed relevant documentation, including the Township of Tiny Administrative Centre Project Charter,³ the council resolution that originally established the TTAC Committee,⁴ and the Township’s procedure by-law.⁵ We also spoke with the Director of Legislative Services/Clerk and the Chief Administrative Officer.

Analysis

In order to be subject to the open meeting provisions of the Act, a body must be a council, a local board, or a committee of either. Under the Act, a “committee” is defined as consisting of 50% or more members of one or more councils or local boards.⁶ The TTAC Committee has seven voting members, of whom two are members of council and the remainder are staff. As less than 50% of its members are members of council, the TTAC Committee is not a committee subject to the open meeting rules in the Act.

³ *Township of Tiny Administrative Centre Project Charter*, revised 15 January 2024, online: <https://www.tiny.ca/sites/default/files/2024-04/PWR-004-24%20-%20Township%20of%20Tiny%20Administrative%20Centre%20Project%20Charter.pdf>.

⁴ Council for the Township of Tiny, Resolution 290/16, 9 May 2016.

⁵ Township of Tiny, By-law No 24-017, *A By-law to govern the proceedings of Council and the Committees of Council and the conduct of its members and to repeal By-laws 22-012, 22-065, 23-019 and 23-062* (13 March 2024) [*Procedure By-law*]. The former procedure by-law contained the same materially relevant provisions.

⁶ *Municipal Act, 2001*, s 238(1).

Similarly, neither the Township's procedure by-law nor the Township of Tiny Administrative Centre Project Charter requires the TTAC Committee to follow the open meeting rules. The Charter specifically states that "meetings will not be open to the public." The Chief Administrative Officer also told my Office that the Township considers the TTAC Committee to be an internal committee, not a public one.

For the reasons above, I have determined that the TTAC Committee is not a committee subject to the open meeting rules. Although it is not required to follow the open meeting rules, my review identified that the Township has taken steps to provide information to the public about the TTAC Committee's operations, including by posting relevant information and meeting minutes on its website.⁷ I commend the Township for taking these steps to increase the transparency of the TTAC Committee's activities.

Conclusion

The Township of Tiny Administrative Centre Committee is not subject to the open meeting rules. Under the circumstances, my Office will not be taking further steps regarding these open meeting complaints. I would like to thank the Township for its co-operation during my review.

The Director of Legislative Services/Clerk indicated that this letter would 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: Sue Walton, Director of Legislative Services/Clerk, Township of Tiny

Cette lettre est aussi disponible en français

⁷ "Township of Tiny Administrative Centre Project", online: <<https://www.tiny.ca/township-hall/new-building>>.