



Ombudsman Report

**Investigation into complaints about meetings
held by the Municipality of Whitestone
on December 21, 2022, and January 5,
March 6, 13, 21, and April 4, 13, 2023**

**Paul Dubé
Ombudsman of Ontario**

September 2024

Complaint

- 1 My Office received complaints that council for the Municipality of Whitestone (the “Municipality”) held meetings that did not adhere to the open meeting rules in the *Municipal Act, 2001*¹ (the “Act”). The complaints alleged that the Municipality did not provide Zoom information or failed to provide the correct Zoom information for the electronic (virtual) council meetings on December 21, 2022, and January 5, March 13, March 21, April 4, and April 13, 2023.
- 2 The complaints alleged that three council members voted illegally prior to the meeting on March 13, 2023. The complaints also alleged that during the March 13 meeting, council held a closed session discussion about staff positions that did not fit within the closed meeting exceptions and that the resolution to move *in camera* did not provide sufficient detail about the matters to be discussed in closed session.
- 3 The complaints also raised concerns that council’s resolution to move *in camera* during its meeting on April 13, 2023 did not provide sufficient details of the matters to be discussed in closed session.
- 4 My Office also received a complaint that the meetings of the Municipality’s Wah Wash Kesh Landings Task Force (the “Task Force”) are not open to the public and that the Task Force did not provide public notice of its meeting on March 6, 2023.
- 5 I have concluded that the Municipality failed to provide adequate notice for the electronic council meetings on December 21, 2022, and January 5, March 13, March 21, April 4, and April 13, 2023. I have also concluded that three council members did not hold a vote prior to the March 13, 2023 council meeting. Finally, I have concluded that the Wah Wash Kesh Landings Task Force is not a committee subject to the open meeting rules.

Ombudsman jurisdiction

- 6 Under the *Municipal Act, 2001*, all meetings of council, local boards, and committees of council must be open to the public, unless they fall within prescribed exceptions.

¹ SO 2001, c 25.

- 7 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.
- 8 The Ombudsman is the closed meeting investigator for the Municipality of Whitestone.
- 9 In investigating closed meeting complaints, we consider whether the open meeting requirements of the Act and the municipality's governing procedures have been observed, which involves assessing compliance not only with the Act, but the municipality's own by-laws.
- 10 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/digest.
- 11 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.

Investigative process

- 12 My Office advised the Municipality of our intent to investigate the complaints on April 19, 2023 and June 21, 2023.

- 13 We reviewed the Municipality’s procedural by-law in effect at the time of the meetings and a new procedural by-law enacted by council in December 2023. We reviewed meeting records, including public notices, agendas and minutes, and recordings available on YouTube. We interviewed members of council, and the Municipality’s Clerk. We also spoke to the Municipality’s legal counsel.

Council procedures

- 14 The Municipality’s By-law No. 40-2012 was the procedural by-law (the “former procedural by-law”) in effect until December 12, 2023, when council enacted By-law No. 80-2023 (the “current procedural by-law”) which repealed and replaced the former procedural by-law. The meetings under investigation took place under the former procedural by-law.

The former procedural by-law

- 15 The former procedural by-law did not provide for public notice of regular or special meetings. However, there was a requirement that the dates and times of regular council meetings be determined by council annually. The schedule of regular council meetings was posted on the Municipality’s website, and the Clerk told us that this constituted public notice of the meetings. The schedule provided the dates and times of regular meetings. It also stated that the meetings would occur in person (at the local community centre), electronically, or a combination of both, and that the meeting agenda would indicate the location of a specific meeting. The location of a meeting was included in the meeting agenda, which was also posted online. the Municipality’s practice with respect to public notice of special meetings was to post the notice on its website as soon as possible, followed by an agenda, that each included the date, time, and location of the meeting.
- 16 The former procedural by-law required that staff reports included in a meeting agenda be available to council members “at any time after 12 noon two (2) business days preceding the meeting.”
- 17 Under the former procedural by-law, a “committee” was defined as “members appointed by Council, to do specific tasks.” The former procedural by-law did not provide for public notice of committee meetings but did incorporate the closed meeting exceptions and required that a resolution be passed prior to a closed session during a meeting.

Wah Wash Kesh Landings Task Force

- 18 The Wah Wash Kesh Landings Task Force was created by a resolution of council in July 2018. According to its terms of reference, the Task Force's mandate is to investigate potential improvements to parking and docking at Lake Wahwashkesh, located in the Municipality. The Task Force's functions include delegated authority to investigate and report to council on issues related to parking and docking at Lake Wahwashkesh. The Task Force provides advice to council and suggests solutions and improvements for council approval.
- 19 The Task Force consists of five members. Three members are nominated by council and two members are nominated by the Lake Wah-Wash-Kesh Conservation Association, a not-for-profit corporation. The terms of reference state that the Task Force will continue until the Task Force has completed its work or has been stood down by council.
- 20 Meetings of the Task Force are called by the chair. We were told by the Municipality that the Task Force does not provide public notice of its meetings and the meetings are not open to the public.

Background

The special meetings on December 21, 2022, January 5 and March 13, 2023

- 21 Council held special meetings on December 21, 2022, January 5 and March 13, 2023. These meetings were held electronically over Zoom and were called outside of council's regular meeting schedule. Public notice of the meetings was provided when the Municipality posted a notice and an agenda for each meeting on its website. Neither the public notices nor the agendas included the physical location of the meetings or information about how members of the public could observe the electronic meetings.

The regular meetings on March 21, April 4, and April 13, 2023

- 22 Council held regular meetings on March 21, April 4, and April 13, 2023. The meeting agendas posted on the Municipality's website indicated that the meetings would occur electronically and included Zoom information for the public to observe the meetings.

- 23** We were told that the March 21 and April 13, 2023 meeting agendas posted on the Municipality’s website contained incorrect Zoom information. Immediately prior to the March 21 meeting, a revised agenda was posted on the Municipality’s website. The revised agenda updated the Zoom information for public access to the meeting. On April 13, after the council meeting had already begun, the Municipality posted a revised agenda including updated Zoom information.
- 24** During the April 4, 2023 council meeting, the Municipality’s website, including the agenda containing the Zoom information for the meeting, was inaccessible because the website was undergoing maintenance.
- 25** We reviewed the recordings of the April 4 and April 13, 2023 meetings which captured council’s discussions about the public’s access to the meeting. During the April 4 meeting, council was informed that public access to the meeting could be impacted by the maintenance to the Municipality’s website. A motion to postpone the meeting was defeated and the meeting continued. During the April 13 meeting, council debated whether to postpone the meeting because the public was provided with incorrect Zoom information. A motion to postpone the meeting was defeated. The recording captured individual council members stating that members of the public might not be interested in attending the meeting because the only business would be conducted *in camera*. Another council member stated that the public was not “disenfranchised” by being unable to attend the meeting.

Council meeting on March 13, 2023

A staff report was late

- 26** In the days leading up to the March 13, 2023 council meeting, the Clerk prepared and distributed the agenda package, including staff reports, to council members. The Municipality’s former procedural by-law required that staff reports to be discussed at a specific meeting be available to council members at least two business days before the meeting. We were told by the Clerk that one of the staff reports on the agenda for the March 13 meeting was not ready two business days prior to the meeting, as required by the former procedural by-law. On March 9, the Clerk informed council by email that the staff report would be provided late. A council member responded to the Clerk’s email to request that the staff report be considered at a future council meeting instead. The Clerk then sent an email to all of council stating that she spoke to other members of council who were agreeable to receiving the staff report late.

- 27 The Clerk told my Office that she spoke separately with the Mayor, Deputy Mayor and another council member to inform them that a staff report would be late, but did not seek their approval or ask for council members to vote to accept the staff report later than the two-business-day cut-off. At the meeting on March 13, 2023, council voted to adopt the agenda – which included the late staff report – during the open portion of the meeting.

Resolution to move into closed session

- 28 During the March 13, 2023 meeting, council passed a resolution to move into closed session. The resolution stated that council would discuss two items *in camera*. One of the items was described as “4.2 Human Resources Matters.”
- 29 The closed session agenda and minutes record that council discussed four separate topics related to human resources, listed on the agenda as items 4.2.1, 4.2.2, 4.2.3, and 4.2.4. These topics were not included in the resolution to proceed *in camera*.

Closed session discussion

- 30 The complainant alleged that council’s closed session discussion about item 4.2.3 did not fit within the exception for personal matters. That item was a staff report prepared by the Clerk regarding the Municipality’s administrative staff. The first part of the report provided information about individual staff members’ roles and responsibilities and an assessment of their performance, including a legal opinion from the Municipality’s solicitor regarding an identifiable staff member. The second part of the report was a list of new staff positions that the Municipality could potentially create, and outlined the rationale for these positions and any financial implications for the Municipality. The rationale included information about the performance, capabilities, and capacity of various staff members.
- 31 The closed session minutes record that council’s discussion about item 4.2.3 focused on the performance of an identifiable staff member and the advice contained in the legal opinion. Those we interviewed confirmed that council discussed personal information about a staff member, including job performance, conduct, general responsibilities and duties, salary, and other employment details.

Council meeting on April 13, 2023

Resolution to move into closed session

- 32** During the April 13, 2023 meeting, council passed a resolution to move into closed session. The resolution stated that council would discuss four items *in camera*. One of the items was described as item “4.2 Human Resources Matters.”
- 33** The closed session agenda and minutes record that council discussed three separate topics related to human resources, listed on the agenda as items 4.2.1, 4.2.2, and 4.2.3. These topics were not included in the resolution to proceed *in camera*.

Analysis

Notice

- 34** The complaints raised concerns that the Municipality did not provide sufficient information for members of the public to observe electronic council meetings held on December 21, 2022, January 5, March 13, March 21, April 4 and April 13, 2023.
- 35** Section 238(2) of the Act requires municipalities to pass a procedure by-law that governs the calling, place, and proceedings of meetings. Section 238(2.1) of the Act further requires that the procedure by-law provide for public notice of meetings. To uphold the public’s right to observe municipal government, municipalities must provide notice of the time and place of meetings, and then proceed to meet at the time and place specified.² For the purposes of an electronic or virtual meeting, the “place” is electronic and notice of the place is given by publishing the procedure for how the public can observe the meeting electronically, including providing a link.³ If the notice does not provide this information, the meeting is effectively closed to the public, contrary to section 239(1) of the Act.⁴
- 36** A meeting may be improperly closed if the meeting notice contains incorrect information about how the public can watch the livestream of the meeting electronically. In a report to the Municipality of Calvin, I noted that

² *Russell (Town of) (Re)*, 2020 ONOMBUD 1, online: <<https://canlii.ca/t/j6n2t>>.

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

⁴ *Calvin (Municipality of) (Re)*, 2023 ONOMBUD 9, online: <<https://canlii.ca/t/jxg32>>, *Brockville (City of) (Re)*, 2022 ONOMBUD 12, online: <<https://canlii.ca/t/jrhjr>>.

municipalities should ensure that all meeting notices and websites include accurate and up-to-date information about the time and location of council meetings. If this information changes or if incorrect information is provided, previously published notices and the website should be amended.⁵

- 37 The Municipality's former procedural by-law did not provide for public notice of regular or special meetings, although the Municipality's practice was to post notice of meetings on its website through a meeting schedule and through meeting agendas. Under the Municipality's current procedural by-law, public notice of regular meetings is given when the meeting schedule is posted on the Municipality's website. Public notice of special meetings is also provided on the Municipality's website.
- 38 In this case, the Municipality did not provide any information in the notices or agendas about how the public could observe the special council meetings held on December 21, 2022, and January 5 and March 13, 2023. Accordingly, these meetings were closed to the public.
- 39 The public notice for the regular council meetings held on March 21 and April 13, 2023 contained incorrect information for members of the public to observe the meetings over Zoom. The Municipality updated the incorrect information immediately before the March 21 meeting started and five minutes after the April 13 meeting began. In both cases, this should have been done earlier in order to avoid impeding the public's ability to attend. Accordingly, these meetings were closed to the public.
- 40 Public notice of the April 4, 2023 council meeting was provided on the Municipality's website. However, on the day of the meeting, the website was inaccessible. We were told that members of the public could not access the meeting agenda to obtain the information to observe the meeting over Zoom. Those we spoke to could not recall any steps taken by the Municipality to inform the public about the website maintenance or how to observe the electronic meeting. Accordingly, the April 4 meeting was closed to the public.
- 41 I would like to highlight that council was aware that the public might not have been able to access the meetings on April 4 and April 13, 2023. The recordings of both meetings capture council debating and defeating motions to postpone the meetings. During the April 4 meeting, individual council members stated that the meeting should continue because the agenda did not contain delegations from the public or include a statutory meeting under the *Planning Act*. Council members also commented that the public could

⁵ Calvin (*Municipality of*) (*Re*), 2023 ONOMBUD 9 online: <<https://canlii.ca/t/jxg32>>.

watch the meeting recording after the fact. During the April 13 meeting, individual council members remarked that the meeting should continue because the only business was to be held in closed session and the public was not “disenfranchised” by being unable to observe the open session portions of the meeting.

- 42 As discussed above, municipalities must provide adequate and meaningful notice of meetings. The Act requires that the public be able to observe council meetings in process, including electronic meetings. As the Act now permits council members to participate electronically in meetings, it is especially important that municipal councils give careful consideration to ensuring that the open meeting rules are met when electronic meeting formats are adopted. Adequate notice for electronic meetings requires that municipalities provide the public with clear information on the procedure for accessing a meeting. Failure to do so effectively closes the meeting to public participation, contrary to section 239(1) of the Act.
- 43 Council’s comments during the April 4 and April 13, 2023 meetings show a critical misunderstanding of the public’s democratic right to access meetings and observe government in action. I have previously said that “the right of citizens to attend public meetings and view council proceedings in action is the foundation of the municipal open meeting requirement.”⁶
- 44 Council members suggested that the Municipality did not have an obligation to provide notice of meetings that consisted of what they characterized as solely closed session business. This is incorrect. It is not accurate to state that the only business conducted during the April 4 and April 13, 2023 meetings would occur in closed session. Council’s actions such as opening and adjourning the meeting, as well as moving into and out of closed session, must occur in public.
- 45 Council members also suggested that the Act’s open meeting requirements would be satisfied if post-meeting recordings were made publicly available. This is also incorrect. Providing the public with a recording of an illegally closed meeting does not absolve the Municipality of its obligation to provide notice. In my Office’s 2014 report, “Access Denied,” we stated:

The fact that a video of the session was available for viewing some time later does not make up for the fact that the public was effectively barred from attending while council business was being transacted. If this were sufficient to allow council to meet its open meeting obligations, municipal meetings could take place at any

⁶ *Richmond Hill (City of) (Re)*, 2021 ONOMBUD 8, online: <<https://canlii.ca/t/jf6b3>>.

time behind closed doors, as long as a recording was available for public viewing at a later date. This was clearly not the intention of the framers of the open meeting requirements.⁷

- 46 The Municipality’s “no harm, no foul” attitude must be rejected. Compliance with the law is not optional. Council may not breach the mandatory requirements of the Act when they feel that no harm may come from failing to provide adequate public notice.

Resolution to proceed into closed session

- 47 Section 239(4) of the Act establishes a procedural obligation for a municipal council to state by resolution in open session that a closed meeting will be held. The resolution must also include a description of the general nature of the matter to be discussed at the closed meeting.
- 48 The Court of Appeal noted in *Farber v. Kingston* that the description of the matters to be discussed should maximize the information available to the public while not undermining the reason for excluding the public.⁸
- 49 My Office has previously recommended that, where possible, councils should provide substantive detail in the resolution to close a meeting.⁹
- 50 During the council meetings on March 13 and April 13, 2023, council passed resolutions to move *in camera*. Both resolutions included a description of the general nature of the matters to be discussed as “human resources matters.” However, the resolutions did not state that multiple items related to “human resources matters” would be discussed. On March 13, council discussed four separate items and on April 13, council discussed three separate items. Although all related to human resources, the items were different and council’s discussion about each item was distinct.
- 51 The March 13 and April 13, 2023 resolutions do not provide sufficient information to the public. Stating by resolution that a meeting will be closed to the public and identifying what issues will be discussed in the closed session is not a mere procedural technicality. Human resources matters are typically sensitive in nature and require confidential discussion. However, a member of the public reading the resolutions would not be able to discern

⁷ *Clarence-Rockland (City of) (Re)*, 2015 ONOMBUD 1, online: <<https://canlii.ca/t/gtp5p>>.

⁸ *Farber v. Kingston (City)*, 2007 ONCA 173, online: <<https://canlii.ca/t/1qtzl>>.

⁹ *Emo (Township of) (Re)*, 2020 ONOMBUD 6, online: <<https://canlii.ca/t/jb1g6>>.

that more than one matter related to human resources was discussed *in camera*. Including that information in the resolution would not undermine the reason for discussing the matters in closed session.

Applicability of the exception for personal matters to the March 13, 2023 closed session discussion

- 52** The complaints alleged that part of council's *in camera* discussion during the March 13, 2023 meeting did not fit within the closed meeting exceptions. Council cited section 239(2)(b) of the Act, the exception for personal matters, when it moved into closed session to discuss a staff report regarding the Municipality's administrative staff.
- 53** The exception for personal matters applies to discussions that reveal personal information about an identifiable individual. In order to qualify as personal information, it must be reasonable to expect that an individual could be identified if the information were disclosed publicly.¹⁰
- 54** The Information and Privacy Commissioner has found that information will only qualify as personal for the purposes of the Act if it pertains to an individual in their personal capacity, rather than their professional capacity. However, information about a person in their professional capacity may still qualify if it reveals something personal about the individual.¹¹ My Office has consistently found that discussions about an individual's conduct will generally be considered personal.¹²
- 55** In this case, the staff report discussed in closed session contained information about identifiable employees that qualified as personal information, including about their job performance and conduct.
- 56** The staff report also included a written legal opinion containing advice from the Municipality's solicitor, and a list of new staff positions for council's consideration. Normally, this type of information does not fit within the exception for personal matters because it does not relate to an identifiable individual. However, in this case, the rationale for the proposed staff positions included personal information about current staff members. Members of council told my Office that their closed session discussion

¹⁰ *Ontario (Correctional Services) v. Goodis*, 2008 CanLII 2603 (ON SCDC), online: <<https://canlii.ca/t/1vkb1>> at para 69.

¹¹ *Aylmer (Town) (Re)*, 2007 CanLII 30462 (ON IPC), online: <<http://canlii.ca/t/1scqh>>.

¹² *Madawaska Valley (Township) (Re)*, 2010 CanLII 24619 (ON IPC), online: <<http://canlii.ca/t/29p2h>>.

focused on a single employee and the advice contained in the legal opinion. Accordingly, the discussion fit within the exception for personal matters.

Did an illegal vote occur prior to the March 13, 2023 meeting?

- 57** The complaints to my Office alleged that in the days leading up to the March 13, 2023 council meeting, three members of council held an illegal vote to permit a staff report to be provided to council outside of the former procedural by-law's requirements.
- 58** Based on my investigation, the Mayor, Deputy Mayor and councillor did not vote prior to the March 13, 2023 council meeting to accept the late staff report. The Clerk, in conversation with these council members, separately advised them that the staff report would be provided late. Council then voted to accept the agenda – which included the staff report – during the open portion of the meeting on March 13.

Is the Wah Wash Kesh Landings Task Force a committee?

- 59** The complaints to my Office alleged that the Task Force does not adhere to the open meeting rules and that the Task Force's March 6, 2023 meeting was improperly closed to the public. The Municipality does not consider the Task Force to be a committee that is subject to the Act's open meeting rules.
- 60** Section 238(1) of the Act defines a "committee" as any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of one or more councils or local boards.
- 61** Where a body is not a committee according to the statutory definition of the term, my Office will also look to whether the municipality's procedure by-law contains a clear statement that it is a committee that is intended to be subject to the open meeting rules per the by-law. In such cases, if the by-law establishes open meeting rules for the body, our Office will consider whether those rules were complied with, although we acknowledge that a by-law cannot override the application of section 239 of the Act. My Office has found that a body that exercises delegated authority from council to make decisions or recommendations can be a committee under a municipality's procedure by-law.¹³ A body that serves an administrative

¹³ *West Parry Sound (Heads of Council in) (Re)*, 2015 ONOMBUD 38, online: <<https://canlii.ca/t/gtp7q>>; *Cornwall (City) (Re)*, 2023 ONOMBUD 4, online: <<https://canlii.ca/t/jvc71>>.

purpose, merely exchanges information, or advances previously decided positions is unlikely to function as a committee.¹⁴

- 62** The Wah Wash Kesh Landings Task Force consists of five members, of which two are council members. Accordingly, the Task Force does not meet the Act's 50% membership threshold and is not a committee as defined in the Act.
- 63** The Clerk told my Office that the Task Force was a working group charged with undertaking a specific task and reporting back to council, and that she did not know whether it could be considered a committee under the Municipality's former procedural by-law. The Mayor, who is also the chair of the Task Force, told my Office that the Task Force does not hold open meetings because it does not have authority to implement its recommendations without council approval. However, two council members told us that because the Task Force discusses municipal business (for example, paid parking on Lake WahWashKesh), the public should be entitled to observe its meetings. Two other council members told my Office that they did not know enough about the Task Force and its mandate to opine on whether its meetings should be open to the public.
- 64** In response to a preliminary version of this report, the Municipality provided a legal opinion stating that the Task Force was not a "committee" under the *Municipal Act, 2001* or the procedural by-law that was in effect at that time, in part because the exceptions to the open meeting rules listed in the procedural by-law were qualified by the phrase "in accordance with the Municipal Act."
- 65** In my view, a municipality may provide in its procedure by-law that a particular body should follow the open meeting rules and can incorporate those rules explicitly with respect to a body. In those cases, my Office can, as closed meeting investigator, investigate whether the municipality has complied with the open meeting rules contained in its procedure by-law. In such cases, I do not suggest that the municipality has expanded the definition of "committee" in the Act, but rather that it has used its general authority to apply a set of procedural rules to a body by-law.
- 66** In this case, however, I am satisfied that the former procedural by-law is not sufficiently explicit to find that the Task Force was intended to be subject to the open meeting rules. The Municipality's former procedural by-law does not define or refer to a "task force" and vaguely defines "committee" as a

¹⁴ Letter from the Ontario Ombudsman to City of Hamilton (18 January 2023), online: <<https://www.ombudsman.on.ca/resources/reports,-cases-and-submissions/municipal-meetings/2023/city-of-hamilton>>.

body of “members appointed by Council to do specific tasks.” Additionally, as noted by counsel for the municipality, section 4 of the former procedural by-law indicates that the closed meeting exceptions apply “in accordance with the Municipal Act.” The former procedural by-law does not contain a clear statement that the Task Force was intended to be subject to the open meeting rules under that by-law.

- 67 While the Task Force is not legally required under the Act or the former procedural by-law to comply with the open meeting rules, there is clear public interest in the Task Force’s proceedings and work, as evidenced by the complaints to my Office. I encourage the Municipality to consider ways in which its operations can be more open and transparent, including through the voluntary application of the open meeting rules to future Task Force meetings.

Opinion

- 68 The Municipality of Whitestone did not provide adequate notice of the council meetings on December 21, 2022, January 5, March 13, March 21, April 4, and April 13, 2023. Council for the Municipality contravened the requirements of section 239(4)(a) of the *Municipal Act, 2001* by failing to state by resolution the nature of all matters to be considered *in camera* on March 13 and April 4, 2023.
- 69 My investigation found that council did not hold an improper vote to accept a late staff report prior to the March 13, 2023 council meeting. Council also did not contravene the Act when it discussed a staff report regarding the Municipality’s administrative staff in closed session under the exception for personal matters.
- 70 The Wah Wash Kesh Landings Task Force is not a committee to which the open meeting rules apply under the Act or under the Municipality’s former procedural by-law. Nonetheless, as a best practice, the Municipality should consider ways to make its proceedings more open and transparent.

Recommendations

- 71 I make the following recommendations to assist the Municipality of Whitestone in fulfilling its obligations under the Act and enhancing the transparency of its meetings:

Recommendation 1

All members of council for the Municipality of Whitestone 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

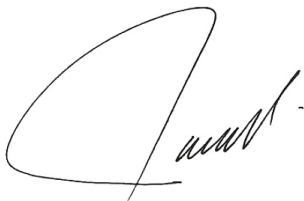
The Municipality of Whitestone should ensure that all meeting notices include accurate information about the time and location of the meeting, including how the public can access electronic meetings. As a best practice, when the Municipality's website is inaccessible, the Municipality should ensure that the public has sufficient information to access electronic meetings by publishing meeting notices by other means, including on social media.

Recommendation 3

Council for the Municipality of Whitestone should ensure that all resolutions to proceed *in camera* provide a general description of all issues to be discussed in a way that maximizes the information available to the public while not undermining the reason for excluding the public.

Report

- 72 The Municipality of Whitestone 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.
- 73 This report will be published on my Office's website and should also be made public by the Municipality. 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