



Ombudsman Report

**Investigation into a complaint about a meeting
of council for the Town of Hawkesbury**

**Paul Dubé
Ombudsman of Ontario**

March 2026

Complaint

- 1 My Office received a complaint about a special meeting of council for the Town of Hawkesbury that was held on December 3, 2024. The complaint alleged that the discussion in closed session, which was described on the agenda as being about the strategic plan, did not fit within the cited exception for education or training under section 239(3.1) of the *Municipal Act, 2001*.¹
- 2 For the reasons set out below, I have concluded that council for the Town of Hawkesbury contravened the *Municipal Act, 2001* because the discussion in closed session on December 3, 2024 did not fit within the exception for education or training under the Act.

Ombudsman jurisdiction

- 3 Under the *Municipal Act, 2001*, 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. Municipalities may appoint their own investigator. The Act designates the Ombudsman as the default investigator for municipalities or local boards that have not appointed their own.
- 5 The Ombudsman is the closed meeting investigator for the Town of Hawkesbury.
- 6 When investigating closed meeting complaints, we consider whether the open meeting requirements in the Act and the applicable procedure by-law have been observed.
- 7 My Office has reviewed and investigated hundreds of closed meeting complaints 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 On April 1, 2025, my Office advised the Town of our intent to investigate this complaint.
- 10 Members of my Office’s open meeting team reviewed the agenda, minutes, and video recording of the December 3, 2024 closed meeting, as well as a copy of a PowerPoint presentation given in closed session. We also spoke with the Clerk.
- 11 My Office received full co-operation in this matter.

December 3, 2024 special council meeting

- 12 On December 3, 2024, council held a special meeting at 1:00 pm. According to the open meeting minutes, council resolved to move into closed session to discuss an item identified on the agenda as “Strategic Plan,” relying upon the exception for education or training under section 239(3.1) of the *Municipal Act, 2001*.
- 13 According to the video of the closed meeting, two consultants from a strategic management firm were present *in camera* and led council through a PowerPoint presentation entitled “Environmental Scan and Strategic Diagnosis.”
- 14 Much of the presentation focused on the results of the “environmental scan” the consultants had conducted, including consultations they had held in the community about the municipality, demographic trends they had observed, and socio-economic challenges and opportunities for development they had identified. The presentation concluded with a SWOT (strengths, weaknesses, opportunities, and threats) analysis, which one of the consultants described to council as a summary of the major points already presented.

- 15 During the presentation, councillors asked questions and discussed some of the ideas and issues raised. Specific content of a new strategic plan was not discussed; the consultants had identified its development as the next stage in the process.
- 16 At 3:29 p.m., council resolved to move back into open session. According to the minutes from open session, there was no report back on the closed session discussion.
- 17 At a regular council meeting on May 12, 2025, council adopted its new strategic plan.

Analysis

Exception for education or training

- 18 The exception for education or training under section 239(3.1) applies where (1) a meeting is held for the purpose of educating or training members of council, and (2) members do not discuss a matter in a way that materially advances the business or decision-making of council. The exception is to be narrowly construed, and the use of the exception is to be carefully scrutinized.²
- 19 The mere receipt or exchange of information is unlikely to materially advance business or decision-making, as long as there is no attempt to discuss or debate that information as it relates to a specific matter that is or will be before a council, committee or local board.³ On the other hand, a council is likely to materially advance business or decision-making when it votes, reaches an agreement, provides direction or input to staff, or discusses or debates a proposal, course of action, or strategy.
- 20 My Office has previously found that the exception for education or training only applies to meetings in which council members acquire skills and/or receive information that may assist them in better understanding the business of the municipality, but not where they exchange information on an issue.⁴ In other words, the exception applies where the purpose of the meeting is to provide general information about how to understand certain processes, concepts or documents, rather than to consider the content of a particular proposal before council.⁵

² *Elliot Lake (City of) (Re)*, 2024 ONOMBUD 13 at para 27, online: <<https://canlii.ca/t/k6vgz>> [*“Elliot Lake”*], citing *Brockville (City of)*, 2016 ONOMBUD 12 at para 35, online: <<https://canlii.ca/t/h2ssr>>.

³ *Pelee (Township of) (Re)*, 2022 ONOMBUD 2 at para 23, online: <<https://canlii.ca/t/jm1f5>>, citing *Casselman (Village of) (Re)*, 2018 ONOMBUD 11 at para 31, online: <<http://canlii.ca/t/hvmtk>>.

⁴ *Casselman (Village of) (Re)*, 2015 ONOMBUD 14 at para 54, online: <<https://canlii.ca/t/gtp61>>.

⁵ *Elliot Lake*, *supra* note 2 at para 28.

- 21 In a 2016 report to the Township of Russell, my Office found the exception for education or training applied to a closed meeting where council received training on the strategic planning process.⁶ In that case, councillors were taught basic principles and vocabulary related to strategic planning.⁷ The Township’s own strategic plan was only referenced to illustrate the concepts so that council would understand the abstract principles and vocabulary that were being taught.⁸ Importantly, there was no discussion or decision-making of specific Township priorities or planning, all of which occurred at a later open meeting.
- 22 By contrast, in a 2024 report to the City of Elliot Lake, I found the exception did not apply where the City’s Finance and Administration Committee went into closed session to receive a staff presentation on proposed changes to the City’s procurement by-law and processes.⁹ In that case, I found the presentation went beyond merely providing committee members with information to help them understand the municipality’s business or to acquire new skills.¹⁰ Instead, it was an exchange of information with respect to the municipality’s draft procurement by-law – a version of which was expected to come before the committee for approval at a later date.
- 23 In the present case, unlike in the Township of Russell, the presentation and discussion during the closed meeting were not intended to assist council in better understanding the strategic planning process in general. Rather, there was an exchange of information on the results of the consultants’ environmental scan and strategic diagnoses – all of which was specific to the municipality and intended to be considered once council turned to developing the Town’s strategic plan.
- 24 While I acknowledge council members did not discuss or make any decisions about the content of the Town’s new strategic plan during the closed meeting, they exchanged opinions and ideas on particular issues, such as challenges facing the Town and growth opportunities. The discussion was about matters directly affecting the business of the municipality that could be addressed in or by its strategic plan, which was to come before council at a later date. Using the words of the exception in section 239(3.1), the Town discussed these issues “in a way that materially advance[d] the business or decision-making of the council” and therefore the exception does not apply.

⁶ *Russell (Township of) (Re)*, 2016 ONOMBUD 1, at paras 15-34, online: <<https://canlii.ca/t/gt6qqg>>.

⁷ *Ibid* at para 33.

⁸ *Ibid*.

⁹ *Elliot Lake*, *supra* note 2.

¹⁰ *Ibid* at para 33.

Opinion

- 25 Council for the Town of Hawkesbury contravened the *Municipal Act, 2001* on December 3, 2024 when it went *in camera* because its discussion did not fit within the exception for education or training under the Act.

Recommendations

- 26 I make the following recommendations to assist the Town of Hawkesbury in fulfilling its obligations under the Act and enhancing the transparency of its meetings:

Recommendation 1

All members of council for the Town of Hawkesbury and its committees 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

Council for the Town of Hawkesbury should ensure that no subject is discussed in a closed session unless it clearly comes within one of the statutory exceptions to the open meeting requirements.

Report

- 27 Council for the Town of Hawkesbury was given the opportunity to review a preliminary version of this report and provide comments to my Office. Council elected to provide no comments, but indicated they were agreeable to the recommendations.
- 28 This report will be published on my Office's website and should be made public by the Town. In accordance with section 239.2(12) of the *Municipal Act, 2001*, the Town 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