

Ontario Ombudsman Report

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| Presented To: | City Council |
| Meeting Date: | June 15, 2021 |
| Type: | Managers' Reports |
| Prepared by: | Eric Labelle Clerk's Services |
| Recommended by: | General Manager of Corporate Services |

Report Summary

This report attaches a report from the Ontario Ombudsman regarding their investigation into a meeting held by the City of Greater Sudbury on January 12, 2021.

Resolution

That the City of Greater Sudbury approves the recommendations of the Ontario Ombudsman in their report dated May 2021 regarding an investigation of a meeting held by the City of Greater Sudbury on January 12, 2021, as outlined in the report entitled, "Ontario Ombudsman Report", from the General Manager of Corporate Services, presented at the City Council meeting on June 15, 2021.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

This report refers to operational matters and has no direct connection to the Community Energy and Emissions Plan.

Financial Implications

There are no financial implications associated with this report.

Background

Pursuant to the *Municipal Act, 2001* (the "Act"), a person may request an investigation regarding whether a municipality has complied with the requirements of section 239. Section 239 of the Act contains the general requirement that meetings of a Council or its committees shall be open to the public. There are exceptions to the general rule for open meetings that allow meetings to be closed to the public where the subject matter is one that fits the criteria in subsections 239(2), (3) or (3.1).

The Ontario Ombudsman is the City of Greater Sudbury's closed meeting investigator. The Ombudsman received a complaint regarding a closed meeting of City Council held on January 12, 2021. The Ombudsman's final report and recommendations are appended to this report.

In summary the Ombudsman found that the subject matter discussed at the meeting in question was properly closed to the public as it complied with the closed meeting exceptions cited. The Ombudsman did find, however, that the commencement of the meeting where a resolution is passed to move to closed session was not compliant with the open meeting requirements as such portion was not livestreamed to the public.

Following a practice that predates the pandemic, City Council has historically commenced closed meetings in a committee room at Tom Davies Square with the door open allowing the public to attend. The meeting which typically has a duration of a few minutes involves a call to order, a roll call and the consideration and passage of a resolution moving to closed session after which the door to the committee room is closed and the public is no longer permitted to attend for the duration of the closed meeting.

The pandemic brought about processes for electronic meetings and restricted the ability for members of the public to attend meetings in person. In no way arising from a decision of City Council to not comply with open meeting processes, the process for the commencement of closed meetings continued to follow the historical practice and the Ombudsman's review was beneficial in identifying this issue. Upon review of the Ombudsman's draft report, City Council immediately directed the Clerk to commence livestreaming open meetings of Council or its committees where the public is not permitted to attend in person.

As of May 5, 2021, the Clerk's Section has implemented a process to livestream the brief open meetings held prior to a closed session Council or its committees.