



Ombudsman Report

**Investigation into a complaint about
a meeting of the City of Greater Sudbury's
Flour Mill Community Action Network on
April 8, 2024**

**Paul Dubé
Ombudsman of Ontario**

January 2025

Complaint

- 1 My Office received a complaint that an illegal meeting occurred when five council members for the City of Greater Sudbury (the “City”) attended a meeting held by the Flour Mill Community Action Network on April 8, 2024.
- 2 My investigation determined that an illegal meeting under the *Municipal Act, 2001* did not occur. The five council members represented a quorum of the City’s Operations Committee, however, the council members did not materially advance the business or decision-making of the Operations Committee when they attended the meeting.

Ombudsman jurisdiction

- 3 Under the *Municipal Act, 2001* (the “Act”), all meetings of a council, local board, and committee 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 municipal council, local board or committee of either 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.
- 5 The Ombudsman is the closed meeting investigator for the City of Greater Sudbury.
- 6 In investigating closed meeting complaints, we consider whether the open meeting requirements of the Act and the local board’s governing procedures have been observed.
- 7 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.

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

Investigative process

- 9 On September 18, 2024, we advised the City of our intent to review this complaint.
- 10 We obtained and reviewed records from the City related to its Community Action Networks, including Terms of Engagement and Standard Operating Procedures. Members of my Office spoke to the City Solicitor and Clerk and council members who attended the Flour Mill Community Action Network meeting on April 8, 2024. We were provided with, and reviewed, audio and audio/video recordings of the meeting taken by members of the public. We also reviewed a report from the City’s Integrity Commissioner regarding the conduct of a council member at the meeting.¹
- 11 My Office received full co-operation in this matter.

Background

Community Action Networks

- 12 Community Action Networks are volunteer groups that work collaboratively with the City to inform, consult, and organize citizen involvement in local projects, events, and services. There are currently 20 Community Action Networks distributed throughout the City’s 12 wards. The Flour Mill Community Action Network operates in Ward 12.

¹ *Complaint re: Councillor Landry-Altman (Flour Mill CAN April 8, 2024 Meeting) – DGB-Greater Sudbury ICI-2024-02*, online: <<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?DocumentId=54633>>.

- 13 Community Action Networks are subject to Terms of Engagement and Standard Operating Procedures established by the City. These documents set out the role of Community Action Networks and the rules and procedures under which they operate.
- 14 Community Action Networks are required to be open to the public and inclusive.² Members of the public may attend the meetings of a Community Action Network’s executive committee. The executive committee is responsible for providing notice of meetings to the public “to ensure inclusivity.”³
- 15 The City provides financial grants, staff resources, and education and training to Community Action Networks.⁴ The council member of the ward in which a network operates may attend meetings, liaise with members of the executive committee, and facilitate enquiries regarding City services, facilities, and programs.⁵
- 16 The Clerk informed my Office that the City is undertaking a comprehensive review of Community Action Networks, including their organizational structure and mandate.

The Operations Committee

- 17 The Operations Committee’s mandate is to receive presentations and reports from the City’s Growth and Infrastructure department which includes engineering services, infrastructure capital planning, water/wastewater treatment, environmental services, and building services.⁶ The Operations Committee’s membership consists of seven members of council.

² City of Greater Sudbury, *Community Action Network Terms of Engagement* at 2 [*Terms of Engagement*], online: <<https://www.greatersudbury.ca/city-hall/get-involved/volunteerism/community-action-networks/community-action-network-terms-of-engagement/>>.

³ City of Greater Sudbury, *Community Action Network Standard Operating Procedures*, s 4, online: <<https://www.greatersudbury.ca/city-hall/get-involved/volunteerism/community-action-networks/community-action-network-standard-operating-procedures/>>.

⁴ *Terms of Engagement*, *supra* note 2 at 5-6.

⁵ *Ibid* at 6.

⁶ City of Greater Sudbury, by-law No 2023-04, *A By-law of the City of Greater Sudbury regarding Committees of Council and Advisory Panels* (10 January 2023), Schedule A-7.

Flour Mill Community Action Network meeting

- 18 The Flour Mill Community Action Network held a public meeting on April 8, 2024 to discuss community matters, including concerns related to a drop-in and transitional housing complex located in Ward 12. The Ward 12 council member and the chair of the Flour Mill Community Action Network presided over the meeting and moderated the discussion.
- 19 The Ward 12 councillor invited the other council members to attend the meeting. The council members accepted the invitation to attend for various reasons. For example, one council member told us that they represented a neighbouring ward and were interested in hearing from residents on issues that impact the local community. Another council member told us that they attended to learn how Community Action Network meetings were run.
- 20 Aside from the Ward 12 councillor who chaired the meeting, the council members in attendance told us that they did not speak during the meeting or participate in the discussion. The council members observed the proceedings and received information shared by other attendees. There was no discussion amongst the council members and no decisions were made during the meeting. The recordings of the meeting confirmed the council members' recollection.

Analysis

- 21 A meeting under the *Municipal Act, 2001* did not occur when five council members attended the Flour Mill Community Action Network meeting on April 8, 2024.
- 22 Under the Act, a “meeting” that must follow the open meeting rules is a gathering of a quorum of members of a council, local board, or committee during which business or decision-making is materially advanced.⁷ If a quorum gathers but does not materially advance business or decision-making, the open meeting rules do not apply.
- 23 Discussions, debates, or decisions that are intended to lead to specific outcomes or to persuade decision-makers one way or another are likely to materially advance the business or decision-making of a council, committee or local board. Mere receipt or exchange of information is unlikely to materially advance business or decision-making. However, business or decision-making may be materially advanced if there is an attempt to discuss

⁷ *Municipal Act, 2001*, SO 2001, c 25, s 238(1).

or debate information relating to a specific matter that is or will be before a council, committee or local board.⁸

- 24** The five council members who attended the Flour Mill Community Action Network meeting represent a quorum of the City's Operations Committee. However, they did not materially advance the business or decision-making of the Operations Committee. Other than the Ward 12 councillor who chaired the meeting, the council members did not participate in the discussion or make any decisions respecting the matters raised during the meeting. They only observed the proceedings and received information that was shared by other attendees.
- 25** In addition, the topics considered at the meeting, including the drop-in and transitional housing complex, are not within the Operations Committee's mandate. We were told by council members that the City's Community and Emergency Services Committee has the mandate over housing and social services.

Opinion

- 26** A meeting under the *Municipal Act, 2001* did not occur when five members of the City of Greater Sudbury's Operations Committee attended a meeting of the Flour Mill Community Action Network meeting on April 8, 2024.
- 27** Community Action Networks were created to encourage and facilitate civic engagement and must operate in a manner that is "open and transparent to the public."⁹ The principle of holding open meetings is foundational to transparency and accountability. As part of the City of Greater Sudbury's review of Community Action Networks, I strongly encourage the City to consider clarifying the rules and procedures for Community Action Network meetings including the public's ability to attend them and the role of the council members who attend or participate in them.

⁸ *Casselman (Village of) (Re)*, 2018 ONOMBUD 11, at para 31, online: <<https://canlii.ca/t/hvmtk>>.

⁹ *Terms of Engagement*, *supra* note 2 at 4.

Report

- 28 Council and staff for the City of Greater Sudbury were 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.
- 29 The City Solicitor and Clerk indicated that my report would be shared with council and made available to the public at an upcoming council meeting. This report will also be published on our website at www.ombudsman.on.ca.



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