



CORRESPONDENCE ITEMS PRESENTED FOR INFORMATION
May 30, 2022

- 1) Correspondence from the Acting CAO/Clerk, Tay Valley Township re: Firefighter certification.
- 2) Correspondence from the Administrative Assistant Drinking Water Source Protection re: December 3 2021 Committee minutes.
- 3) Correspondence from the Member of Parliament, Bruce-Grey-Owen Sound re: Queen Elizabeth II Platinum Jubilee.
- 4) Correspondence from the Clerk, City of Cambridge re: Request for free public transportation on election days.
- 5) Correspondence from the Clerk, City of Brantford re: Release of all federal and provincial documents related to the former Mohawk Institute Residential School.
- 6) Correspondence from the Solicitor General re: Catch and release justice.
- 7) Correspondence from the Ombudsman of Ontario re: Closed meeting complaint.



May 3, 2022

Association of Municipalities of Ontario (AMO)
200 University Ave., Suite 801
Toronto, ON M5H 3C6

Sent via email: resolutions@amo.on.ca

RE: AMO – Firefighter Certification.

RESOLUTION #C-2022-04-23

MOVED BY: Mick Wicklum

SECONDED BY: Fred Dobbie

“THAT, the Council of Tay Valley Township supports the Association of Municipalities of Ontario’s letter to the Solicitor General of Ontario outlining their concerns with the draft regulations regarding firefighter certification;

AND THAT, this resolution be forwarded to Association of Municipalities of Ontario, the Premier of Ontario, the Solicitor General, the Association of Fire Chiefs and all municipalities in Ontario.”

ADOPTED

If you require any further information, please do not hesitate to contact the undersigned at (613) 267-5353 ext. 130 or clerk@tayvalleytwp.ca.

Sincerely,

Amanda Mabo, Acting CAO/Clerk

cc: Hon. Doug Ford, Premier of Ontario
Hon. Sylvia Jones, Solicitor General
All Municipalities of Ontario
Ontario Association of Fire Chiefs



SOURCE PROTECTION COMMITTEE

MINUTES – MEETING #87

MEETING: SOURCE PROTECTION COMMITTEE

DATE: FRIDAY, DECEMBER 3, 2021

TIME: 1:30 P.M.

LOCATION: VIA WEB/EX VIRTUAL MEETING

CALL TO ORDER

Chair pro tem, Dick Hibma, called the meeting to order at 1:25 p.m.

In Attendance: Chair, Bill Twaddle (at 1:40 p.m.)
 Stan Eby, John Fruin, Dick Hibma, Dennis Kefalas, Angela Newman, Les Nichols, Dan Orr, Tara Saab, Gord Timmerman, Mitch Twolan

Others Present: Mary Gooding, Ex-officio, Ministry of the Environment, Conservation and Parks (MECP)
 Carl Seider, Project Manager, Drinking Water Source Protection (DWSP)
 Nancy Guest, Recording Secretary, DWSP

Also in Attendance: Emily Vandermeulen, Wellington County Risk Management
 Karen Gillan, Communications Specialist, DWSP

Regrets: Robert Emerson, Jim Uram

1. Adoption of Agenda

It was noted that the minutes of the previous meeting cited in the Agenda should be changed from March 26, 2021 to July 23, 2021 and the Agenda was so amended.

Motion No.
SPC-21-320

Moved by Dennis Kefalas
Seconded by John Fruin

THAT the Agenda be adopted as amended.

Carried

2. Disclosure of Pecuniary or Conflict of Interest

Source Protection Committee (SPC) members were reminded to disclose any pecuniary interest that may arise during the course of the meeting. No disclosures of pecuniary interest were expressed at this time.

3. Adoption of Minutes

**Motion No.
SPC-21-321**

**Moved by John Fruin
Seconded by Dennis Kefalas**

THAT the Minutes of the July 23, 2021 Source Protection Committee meeting be adopted as distributed.

Carried

4. Matters Arising from the Minutes

No matters arose from the previous minutes.

5. Correspondence

Letter from Erin Harkins dated August 4, 2021 respecting the Technical Review was **noted and filed.**

Copy of Report from Kyle Davis, Risk Management Official, to Wellington North Council respecting updates to the Saugeen Valley Source Protection Plan and Assessment Report was **noted and filed.**

Copy of Report from Kyle Davis, Risk Management Official, to Town of Minto Council respecting updates to the Saugeen Valley Source Protection Plan and Assessment Report was **noted and filed.**

Congratulations were conveyed to SPC member, Stan Eby, respecting his induction into the Canadian Agricultural Hall of Fame. What an honour for our esteemed member.

6. Reports

Administration Report 6a

The Project Manager reviewed Report 6a and advised that, respecting public consultation related to the Source Protection Plan (SPP) amendments, letters were sent to affected landowners and consultation moved forward to public consultation. Several articles were printed in local newspapers respecting source water, which raised public awareness. A webinar was presented on November 21, 2021 to municipal staff, neighbouring Risk Management Offices and MECP staff with a few dozen participants.

The budget is on trend for the fiscal year and new funding request templates received from the Ministry for the next two years, rather than one year, as in the past.

The proposed well in Chesley is currently going through an environmental assessment and the resulting technical work should provide some good information for Source Water. A threats assessment will be required and the results will be included in a Source Protection Plan in 2022, as will Scott's Point in the Municipality of Kincardine.

Source Water staff met with the Lake Rosalind Residents' Association respecting the condition of the lake. The Association is undertaking its own research by engaging a master's student and including water sampling to address issues and concerns. Saugeen Conservation provided helpful technical information regarding possible options to reduce potential impacts to Lake Rosalind and Marl Lake.

Communications Report 6b

The Communications Specialist reviewed Report 6b and advised Conservation Ontario launched a summer/fall social media campaign supporting public awareness of the program. The Grey Bruce Children's Water Festival was virtual in 2021 due to the covid pandemic and materials were distributed to the various participating schools. The Festival Committee is seeking committee members, including a volunteer treasurer. Data was processed respecting consultation and there were 235 hits on the Source Water website.

7. New Business

Source Protection Plan Pre-Consultation Report 7a

The Project Manager reviewed the Source Protection Plan Pre-Consultation Report 7a and advised that written comments received from the MECP and the County of Wellington supported the proposed amendments. On December 3, 2021, the MECP approved the technical rules that, up until that date, were unconfirmed relating to the amendments. The amended Source Protection Plan will be amended to reflect the approved technical rules. From the comments received from Wellington County, it will be a matter of finding the right balance under the Risk Management Plan. General policies were broadened to include all land uses in order to capture more scenarios, rather than less. Salt management should be a matter of standard practise amongst salt management contractors and no training will be required. Conservation authorities will be added to include responsibility for education and outreach provided it is a core or mandated responsibility of the Ministry.

**Motion No.
SPC-21-322**

**Moved by Angela Newman
Seconded by Dennis Kefalas**

THAT: the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Committee receives this Report for information and supports noted changes to the Source Protection Plan to address comments received;

AND FURTHER: THAT the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Committee directs staff to submit proposed changes to the respective Source Protection Authorities for consideration prior to submission to the Ministry of the Environment, Conservation and Parks, pending approval of the amended Director's Technical Rules.

Carried

Lake Rosalind Surface Water Quality Report 7b

The Project Manager advised that Lake Rosalind, to the north-east of the Hanover Airport, and within the Municipality of Brockton, is an old quarry fed by natural springs and vulnerable to nutrient loading. Several wells supply landowners in close proximity, as well as water drawn directly from the Lake by other landowners. A wellhead protection area (WHPA) exists around the wells, and there has been coliform bacteria from surrounding fields and existing septic systems found in the lake water.

The Lake Rosalind Water Quality Committee is a subcommittee of the Lake Rosalind Residents' Association and has been monitoring water samples taken from the lake. The Committee has been encouraging best management practices and septic inspections, and the community is interested in how Drinking Water Source Protection could impact the drinking water sources. Under the *Clean Water Act*, this cluster could be added to the Terms of Reference and there are a number of steps required to have a private, not municipally-owned, drinking water source declared a system under the Program. This process could take several years and might not proceed with the support of the municipality and/or the Ministry. Alternatives to this process could be education and outreach, septic inspections, and working with the landowners and farmers. Reviewing vulnerability scores could result in the elevation to significant threats which would then be subject to applicable Source Protection Plan policies. There are implications if the Source Protection is amended with respect to the Lakes Rosalind and Marl. Discussions will continue with the municipality, landowners, Saugeen Conservation, and the Ministry respecting the options of dealing with septic threats and the Source Protection Committee will be apprised.

**Motion No.
SPC-21-323**

**Moved by Dick Hibma
Seconded by John Fruin**

THAT: the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Committee receives this Report for information and directs Staff to provide a Report to the Saugeen Valley Source Protection Authority;

AND FURTHER: THAT Staff is directed to continue discussions with the Municipality of Brockton, the Lake Rosalind Residents Association and the residents surrounding Lake Rosalind/Marl Lake regarding the possibility of future Source Protection Plan amendments.

Carried


8. Other Business

There was no other business.

9. Confirmation of Next Meeting and Adjournment

The next Committee meeting will be held on **Friday, March 25, 2022** at 1:00 p.m. at a venue to be determined.

There being no further business, Gord Timmerman made a motion to adjourn at 2:45 p.m.



Bill Twaddle
Chair

Nancy Guest
Recording Secretary

Ottawa

Room 678, Confederation Building
Ottawa, Ontario K1A 0A6
Tel.: 613-996-5191
Fax: 613-952-0979

*Alex Ruff*, MSC, CD

Member of Parliament
Bruce-Grey-Owen Sound

Constituency

1101-2nd Avenue East Suite 208
Owen Sound, ON, N4K 2J1
Tel.: 519-371-1059
Fax: 519-371-1752

Mayor Ian Boddy and Council
The City of Owen Sound
808 2nd Ave E
Owen Sound ON N4K 2H4

11 May 2022

Dear Mayor Ian Boddy and Council - The City of Owen Sound,

The year 2022 marks a significant milestone for our country. Her Majesty Queen Elizabeth II, our Head of State, has reached her Platinum Jubilee commemorating seventy years of faithful service. This is an occasion that deserves to be recognized and will be marked at various points throughout the country this coming year.

As part of celebrating this significant milestone, I will be recognizing some outstanding constituents in our communities who have worked to make our communities and our country a great place to live. I will be doing this by recognizing select constituents with a commemorative Platinum Jubilee coin, to thank them for their contributions.

As community leaders and members of municipal council, I encourage you to nominate one outstanding individual within your municipality. In order to be eligible to receive this award, the individual must reside in the Bruce-Grey-Owen Sound constituency. Nominations must be accompanied with a complete nomination form and one letter of support, outlining why you feel the individual should be considered for this award.

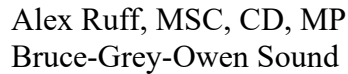
In nominating an individual, I would ask that you reflect on their contributions to our community in some of the following ways: Arts, Culture, and Heritage, Community Builders and Good Neighbours, Community Service Organizations, Educators, First Responders, and Community Workers, Agricultural Excellence, Arts, Culture, and Heritage, Caregivers, Community Builders, Educators, Enterprise and Agriculture. Others may be nominated as well.

Should you have any questions regarding how to nominate a deserving individual for this honour, please contact my Constituency Office by phone at 519-371-1059. Nomination forms can be completed and emailed to Alex.Ruff@parl.gc.ca, or by paper and can be returned to my Constituency Office no later than June 30th, 2022.

Sincerely,

Alex Ruff, MSC, CD
Member of Parliament
Bruce-Grey-Owen Sound

Alex.Ruff@parl.gc.ca
alexruffmp.ca/platinumjubilee



Submit the completed form and any attached supporting documents to alex.ruff@parl.gc.ca with the subject line: 'Platinum Jubilee Recognition Nomination' OR mail to the constituency office: Platinum Jubilee Recognition Nomination

Consideration for nominations will be limited to residents of the federal riding of Bruce-Grey-Owen Sound.

| | |
|--|-----------|
| Nominee | |
| Name: | Address: |
| Phone: | |
| Email: | Category: |
| Summary of Accomplishments -You may attach an extra page if you prefer to type the summary | |
| | |
| Sponsor | |
| Name: | Address: |
| Phone: | |
| Email: | |

Each application requires at least one additional letter of support for the nominee (from someone other than the sponsor) or piece of reference such as published news article. They must describe why this individual is deserving of recognition in the proposed category and how they have contributed to their community. Please include the following information with each letter of reference: Name of person providing the reference, their phone number, email, and mailing address. Consideration for nominations will be limited to residents of the federal riding of Bruce-Grey-Owen Sound. **Deadline is 30 June 2022.**

CATEGORIES TO CONSIDER

1. Arts, Culture, and Heritage

This is our opportunity to recognize an individual or group for significant contributions to our art and culture life through the promotion of local heritage, culture, music, or visual or performing arts. The work of these amazing volunteers and creative professionals all contributes a sense of vitality and pride within our community.

2. Community Builders and Good Neighbours

Some individuals stand out for the work that they do to improve their community on their own, or in private. These are individuals that we call caregivers, good neighbours, supporters, coaches, volunteers, and more! Are you lucky enough to know one of these individuals, who in their own unique way, positively contributes to our community?

3. Community Service Organizations

Communities across Bruce-Grey-Owen Sound are filled with wonderful and dedicated community service organizations. These include, but are not limited to, the Royal Canadian Legion and Ladies Auxiliary, Rotary Club, Lion's Club, Kinsmen, and other groups who faithfully serve our communities. Do you know somebody who has stood out in their work with one of these organizations?

4. Educators, First Responders, and Community Workers

Some individuals make a difference each and every day, and we are thankful to have them. These community heroes fill essential roles in healthcare, education, public safety, social services, and other important community settings. Do you know somebody who has stood out in their service to our community?

5. Enterprise and Agriculture

Small business owners and agricultural workers are essential in our communities and contribute a great deal to our local economies. Without them, our communities could not prosper in the ways that they do. Do you know somebody who, through their small business or agricultural activities, has strengthened our communities?

6. Other Outstanding Individuals

Do you know an individual who you think is deserving of this honour, but does not fit the categories above? I would be pleased to consider their nomination as well.

**The Corporation of the City of Cambridge
Corporate Services Department
Clerk's Division
The City of Cambridge
50 Dickson Street, P.O. Box 669
Cambridge ON N1R 5W8
Tel: (519) 740-4680 ext. 4585
mantond@cambridge.ca**

May 18, 2022

Re: Motion: Councillor Hamilton re: Request to the Region of Waterloo to Consider Free Public Transportation on Election Days

At the Special Council Meeting of May 18, 2022, the Council of the Corporation of the City of Cambridge passed the following Motion:

WHEREAS there has been an overall and consistent decline in voter turnout for municipal, provincial, and federal elections in Canada and in Waterloo Region, despite the act of voting being essential to the proper functioning of the democratic process;

WHEREAS many residents struggle to access transportation to polling stations on election days, due to a lack of transportation available, physical mobility or accessibility issues, and/or socioeconomic status;

WHEREAS any initiative to boost attention and incentives to vote on election days warrants attention and exploration in order to assist the democratic process and increase voter turnout;

THEREFORE, BE IT RESOLVED THAT correspondence be sent to the Region of Waterloo on behalf of Cambridge Council to request free public transportation on election day for the Municipal and School Board Election, as well as for the Provincial, and Federal Election days, so as to generate more attention about elections and polling station locations, and to encourage and make it possible for more residents to vote, that would otherwise be unable to access their polling stations.

Should you have any questions related to the approved resolution, please contact me.

Yours Truly,



Danielle Manton
City Clerk

Cc: (via email)
Hon. Premier Ford
Association of Municipalities of Ontario
City of Cambridge Council



May 18, 2022

Federation of Canadian Municipalities (FCM);

Association of Municipalities of Ontario (AMO);

Sent via email: resolutions@fcm.ca ; policy@amo.on.ca

To Whom it may concern:

Please be advised that Brantford City Council at its Special City Council meeting held May 17, 2022 adopted the following:

5.1 Release of all Federal and Provincial Documents Related to the Former Mohawk Institute Residential School

WHEREAS the Truth and Reconciliation Commission Final Report, 2015 confirmed that Residential Schools were part of a coherent policy implemented by the Federal Government to eliminate Indigenous people as distinct Peoples and to assimilate them into Christian society against their will; and

WHEREAS the Deputy Minister of Indian Affairs Duncan Campbell Scott outlined the goals of that policy in 1920, when he told a parliamentary committee that “our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic...”; and

WHEREAS the Truth and Reconciliation Commission Final Report, 2015 also confirmed that despite the coercive measures that the government adopted, it failed to achieve its policy goals. Although Indigenous Peoples and cultures have been badly damaged, they continue to exist; and

WHEREAS the former Mohawk Institute Residential School operated from 1831 to 1970 within the boundaries of what is now the City of Brantford; and

WHEREAS Survivors have released statements of missing, murdered, and buried students; and

WHEREAS, to date, the unmarked burials of over 7000 missing Indigenous children have been discovered nation-wide; and

WHEREAS, following the May 2021 announcement by Tk'emlúps te Secwépemc First Nation of locating 215 potential burials of children in unmarked graves at the Kamloops Indian Residential School in British Columbia, the Survivors of the Mohawk Institute,

along with their families and community members called on the Federal and Provincial governments to support a search for the remains of missing children who may have been buried on the Mohawk Institute's grounds and the surrounding area; and

WHEREAS, as of November, 2021, a search, led by the Survivors' Secretariat, of the Mohawk Institute Residential School grounds and over 200 hectares of land associated with the school began; and

WHEREAS Survivors of the Mohawk Institute Residential School are demanding the release of all Federal and Provincial documents related to the former Mohawk Institute Residential School; and

WHEREAS staff of the City of Brantford are currently undertaking a search of City records and archives for any documents, maps, or other relevant information related to the operation of the Mohawk Institute Residential School in order to release this information to the Survivors' Secretariat to aid in the search for truth, justice and healing; and

WHEREAS this Council is committed to working to advance reconciliation and renewed relationships with First Nations; and

WHEREAS the Truth and Reconciliation Commission of Canada issued 94 Calls to Action, thirteen of which are directed at municipal governments;

NOW THEREFORE BE IT RESOLVED:

- A. THAT the Council of The Corporation of the City of Brantford respectfully REQUESTS THE IMMEDIATE RELEASE, to the Survivors' Secretariat, of all documents in the possession of the Government of Canada or the Government of Ontario and the Anglican Church related to the former Mohawk Institute Residential School now located on Six Nations of the Grand River Territory, within the geographic boundaries of the City of Brantford; and
- B. THAT the Clerk BE DIRECTED to send a copy of this resolution to: Prime Minister Justin Trudeau; Premier Doug Ford; Minister of Crown-Indigenous Relations Marc Miller; Minister of Indigenous Services, Patty Hajdu; Minister of Indigenous Affairs, Greg Rickford; Linda Nicholls, Primate of the Anglican Church of Canada; MPP Will Bouma; MP Larry Brock, Mayor David Bailey; Chief Mark Hill; Chief Stacey Laforme; and the Survivors' Secretariat; and
- C. THAT the Clerk BE DIRECTED to send a copy of this resolution to the Federation of Canadian Municipalities (FCM) and the Association of Municipalities Ontario (AMO) for circulation to all municipalities in Ontario with an invitation to adopt a similar resolution, and, specifically, to those located within the Haldimand Tract,

including: Haldimand County; the County of Brant; the City of Cambridge; the City of Kitchener; the City of Waterloo; and the Region of Waterloo.

I trust this information is of assistance.

Yours truly,

A handwritten signature in black ink, appearing to read 'Tanya Daniels', with a stylized flourish at the end.

Tanya Daniels
City Clerk, tdaniels@brantford.ca

Cc All Ontario Municipalities
Survivors' Secretariat

Solicitor General

Office of the Solicitor General

25 Grosvenor Street, 18th Floor
Toronto ON M7A 1Y6
Tel: 416 326-5000
Toll Free: 1-866-517-0571
SOLGEN.Correspondence@ontario.ca

Solliciteur général

Bureau du solliciteur général

25, rue Grosvenor, 18^e étage
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Sans frais : 1-866-517-0571
SOLGEN.Correspondence@ontario.ca



132-2022-1165
By email

April 26, 2022

His Worship Ian C. Boddy
Mayor
City of Owen Sound
808 2nd Avenue East
Owen Sound ON N4K 2H4
iboddy@owensound.ca

Dear Mayor Boddy:

Thank you for your letter expressing concerns regarding an increase in criminal activity, pre-trial custody and bail conditions in relation to the City of Owen Sound.

The Ministry of the Solicitor General is responsible for the safety and security of communities across Ontario through effective policing and emergency services programs. Furthermore, the ministry is responsible for correctional services, which includes the custody and supervision of adults (aged 18 and over), who are serving a sentence of up to two years less a day, or who are awaiting criminal proceedings.

The sentencing of individuals convicted of crimes, and decisions about bail and whether to remand accused persons to custody while they are awaiting trial, are the jurisdiction of the courts/judiciary. These matters fall within the purview of the Ministry of the Attorney General. As such, I have shared your correspondence with my colleague, the Honourable Doug Downey, Attorney General, for his awareness.

Thank you again for taking the time to write.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sylvia Jones".

Sylvia Jones
Solicitor General

c: The Honourable Doug Downey
Attorney General

The Office of the Mayor
Ian Boddy
City Hall
808 2nd Avenue East
Owen Sound, ON N4K 2H4



Telephone: 519 376-4440 ext. 1212
Facsimile: 519-376-3579
E-mail: iboddy@owensound.ca
www.owensound.ca

March 23, 2022

Hon. Sylvia Jones
Solicitor General
George Drew Bldg. 18th Floor
25 Grosvenor St, Toronto ON
M7A 1Y6

Dear Solicitor General,


Re: Catch and Release Justice

Over the past several weeks, many Ontario municipalities have passed motions concerning closing the revolving door of justice, also referred to as "catch and release" justice in Ontario. Police Services across Ontario are exhausting precious time and resources having to manage the repeated arrests of the same offenders, which, in turn, impacts morale and ultimately law-abiding citizens who are paying the often significant financial and emotional toll of this broken system. The continuation of this practice contributes to the ongoing unrestricted increase in criminal activity. It adds significantly to the concerns and anxiety levels experienced by business owners and citizens in the City of Owen Sound.

The current increase in criminal activity results from the justice system's failure to hold in pre-trial custody many who are most likely to re-offend or those in serious breach of prior bail conditions, all of which contribute to the increase in crime.

On behalf of the citizens of Owen Sound, I ask for your assistance in ending this ill-conceived practice, thereby closing the revolving door of justice.

Yours sincerely,


Ian C. Boddy
Mayor of Owen Sound

cc. Hon. David Lametti, Minister of Justice and Attorney General
Hon. Alex Ruff, MP Bruce-Grey-Owen Sound
Hon. Bill Walker MPP Bruce-Grey-Owen Sound
Owen Sound Police Services Board
Association of Municipalities of Ontario (AMO)
Federation of Canadian Municipalities (FCM)
River District Board of Management



J. Paul Dubé, Ombudsman

BY EMAIL

May 24, 2022

Mayor Ian Boddy
Council for the City of Owen Sound
808 Second Avenue East
Owen Sound, ON, N4K 2H4

Dear Mayor Boddy:

Re: Closed meeting complaint

My Office received a complaint alleging that council for the City of Owen Sound (the “City”) violated the open meeting rules in the *Municipal Act, 2001*¹ (the “Act”) during a meeting on March 14, 2022. At the time, due to the ongoing COVID-19 pandemic, council chambers – where council and committee meetings are held by the City – were closed to members of the public; the public was, instead, given the option to watch the proceedings via livestream. In this specific case, the complaint alleged that the meeting held on March 14, 2022 was improperly closed because the public could not view, on-screen, which councillors were present at the meeting or how each councillor voted. The complaint also alleged that when a specific councillor declared a conflict of interest related to a certain item, it was not clear to the public whether or not they left the room during the vote.

I am writing to share the outcome of my review. For the reasons set out below, I have concluded that the meeting on March 14, 2022 was not closed to the public and that council for the City therefore did not contravene the open meeting requirements under the Act. I have also found that the City did not violate its procedural by-law at this meeting.

¹ SO 2001, c 25.

483 Bay Street, 10th Floor, South Tower / 483, rue Bay, 10^e étage, Tour sud
Toronto, ON M5G 2C9

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www.ombudsman.on.ca

Facebook : facebook.com/OntarioOmbudsman Twitter : twitter.com/Ont_Ombudsman YouTube : youtube.com/OntarioOmbudsman



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.² 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 the City of Owen Sound.

In addition, my Office has authority to review complaints regarding the administrative conduct of public sector organizations, including municipalities, local boards, and municipally-controlled corporations.

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 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.

Review

My Office reviewed the City's procedural by-law, as well as the agenda, minutes, and video recording for the March 14, 2022 meeting. We also spoke with the Clerk.

Background

A regular meeting of council was called to order at 7:00 p.m. on March 14, 2022. The meeting took place in council chambers and was livestreamed to the public. Due to safety precautions related to the COVID-19 pandemic, members of the public were not given the option to attend the meeting in person. There was no formal closed session on this date and there were no technical issues with the live feed.

All members of council were present along with the Clerk and six other members of staff. According to the recording, no verbal role call was taken and there was no indication to the public of how many councillors were present. Throughout the recording, it is only possible to see who is present if and when the camera pans to that individual.

² *Ibid* at s 239.1.



With respect to various council votes during the meeting, the Mayor verbally stated whether or not each motion was carried. There was no audio or visual indication of how each councillor voted, or how many voted in favour of or against the motion. Except where a recorded vote was requested, the minutes also do not indicate how each councillor voted. The Clerk told our Office that if a recorded vote is not requested, no record is kept of how each councillor voted on a specific motion.

When a recorded vote was requested during the meeting, the Clerk asked each councillor in alphabetical order for their vote, per the procedure outlined in section 167 of the City's procedural by-law. Each councillor responded verbally. The Clerk then indicated if the resolution passed, as well as how many councillors voted for and against the motion. During this process, the camera panned to each councillor as his or her name was called by the Clerk.

With respect to the councillor who declared a conflict, the recording indicates that the councillor declared a conflict of interest at item 12.c. The minutes indicate that the councillor left the council chambers and returned to their chair following the vote. There is no visual or audio indication of this happening on the recording. The camera is focused on the Mayor during this time and it is not possible for the public to see that the councillor left the room.

Analysis

Verbal roll call

The complainant alleged that council's March 14, 2022 meeting was effectively closed to the public as the public was not able to view which councillors were present.

Neither the Act nor the City's procedural by-law requires a verbal roll call at the beginning of a council meeting. There is no requirement that the City announce if there is quorum, or state how many council members are present. However, section 82 of the City's procedural by-law requires that the minutes of each meeting identify who is present, among other things. The minutes for the March 14, 2022 meeting include all the information required by the procedural by-law.

Accordingly, the City did not contravene either the Act or its procedural by-law in failing to take a verbal roll call at the beginning of the meeting.

483 Bay Street, 10th Floor, South Tower / 483, rue Bay, 10^e étage, Tour sud
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www.ombudsman.on.ca

Facebook : facebook.com/OntarioOmbudsman Twitter : twitter.com/Ont_Ombudsman YouTube : youtube.com/OntarioOmbudsman



Voting

The complainant alleged that the meeting was effectively closed to the public as the public was not able to view how each councillor voted.

In the recording of the March 14, 2022 meeting, it is not possible to see or hear how each councillor votes unless a recorded vote is requested. During each vote, the Mayor announces if a motion is passed without providing additional information. The minutes also indicate the results of each vote.

My Office has previously found that, even where the public is not able to view how each member voted, the meeting is not considered to be closed to the public if the overall result of the vote is revealed during the meeting.³

In this case, the result of each vote was announced during the meeting. The Act does not require the municipality to provide a breakdown of how each council member voted, either in the public session or in the minutes. The City's procedural by-law requires that, unless a recorded vote is called for, all voting is done by a show of hands. There is generally no requirement that council members verbally indicate how they are voting, and the minutes do not need to contain this information. Accordingly, the City's approach to voting did not contravene the Act or its own internal rules.

Conflict of interest

The complainant also alleged that members of the public, who could only view the meeting via livestream, were not able to see if a certain councillor, who declared a conflict of interest on item 12.c of the agenda, voted on that item or if he left council chambers while it was discussed.

Neither the Act nor the City's procedural by-law requires a councillor who declares a conflict of interest to leave the room. There is also no requirement that a councillor who declares a conflict be seen to be leaving the room. However, the minutes indicate that the councillor left the room after item 12.b was discussed and returned just prior to the discussion on item 12.d.

³ Letter from the Ontario Ombudsman to the City of Hamilton (2 February 2022), online: <<https://www.ombudsman.on.ca/Media/ombudsman/ombudsman/resources/Municipal-Meetings/Ombudsman-Ontario-Hamilton-Board-of-Health-February-2022-accessible.pdf>>.



Section 5 of the *Municipal Conflict of Interest Act* states that, when there is a conflict of interest, the individual declaring the conflict cannot vote on the matter and cannot influence the voting of another.⁴ In this case, the minutes indicate that the councillor did not vote and there is no evidence to suggest that he attempted to influence the voting of any other member of council.

The City did not contravene any legislative requirement in failing to show in the livestream that the councillor left council chambers during the discussion on item 12.c.

Although my Office has found that the City did not contravene the requirements of the *Municipal Act, 2001* or its own procedural by-law, the City may wish to consider, as a best practice, using different camera angles during different portions of the council meeting. The Supreme Court of Canada has found that the public has the right to observe municipal meetings in process, and that this right is at the foundation of the open meeting rules.⁵

The COVID-19 pandemic has changed the way the public can observe municipal decision-making, but it has not changed the public's fundamental right to do so. In order to enhance the accountability and transparency of future electronic meetings, the City should consider providing a wider camera angle so the public is able to see who is participating in the meeting, how each councillor votes, and whether or not a councillor leaves the room. Providing a more complete view of council chambers during electronic meetings would serve to resolve concerns about attendance and voting as the public would be able to see who is in the room.

The City opened its council chambers for in person attendance beginning with the April 25, 2022 council meeting. A media advisory was published advising that the public can now attend council and committee meetings in person.⁶

Conclusion

Council for the City of Owen Sound did not contravene the *Municipal Act's* voting or open meeting requirements on March 14, 2022. Additionally, council did not contravene its internal procedural requirements as found in the City's procedural by-law.

⁴ *Municipal Conflict of Interest Act*, RSO 1990, c M.50 at s 5.

⁵ *RSJ Holdings Inc v. London (City)*, 2007 SCC 29, at para 19.

⁶ City of Owen Sound, "Council Chambers Reopening to the Public," (21 April 2022) online: <<https://www.owensound.ca/Modules/News/index.aspx?newsId=a1559bd8-fb41-4ec2-ba95-7cf69f895641>>.



I would like to thank the City of Owen Sound for its co-operation during my review. The Clerk has confirmed that this letter will be included as correspondence at an upcoming council meeting.

Sincerely,



Paul Dubé
Ombudsman of Ontario

Cc. Briana Bloomfield, Clerk

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