

Closed Meeting Investigations

Why are some meetings closed to the public?

Municipal councils, local boards and their committees must meet behind closed doors on occasion to deal with some matters. For example, if a municipality is being sued, if Council is considering purchasing a piece of land or if Council must deal with a labour relations issue, then it is appropriate that it be able to do so at a closed meeting. The purpose of such a closed meeting is to receive information or give direction.

Local government in Ontario must be transparent and accountable. To this end, the Province has set the rules for a council, local board or a committee to go into a closed meeting. These rules are found in section 239 of the Municipal Act 2001, as amended. They must be strictly followed.

The permitted reasons for going into a closed meeting are:

- The security of property of the municipality or local board;
- Personal matters about an identifiable individual, including employees;
- A proposed or pending acquisition or disposition of land;
- Labour relations or employee negotiations;
- Litigation or potential litigation
- Advice that is subject to solicitor-client privilege;
- A matter authorized by another provincial statute;
- If the subject matter relates to a request under the Municipal Freedom of Information and Protection of Privacy Act;
- An ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the provincial Ombudsman, appointed by the Ombudsman Act

- The meeting is held for educating and training and no member discusses or deals with a matter in a way that materially advances the business decision-making of the council or local board.

Background

As of January 1, 2008 any person or corporation will be able to request that an investigation be undertaken respecting whether a municipality or local board, or a committee of either, has complied with closed meeting rules outlined in the Municipal Act, 2001 or the applicable procedural by-law.

Through Local Authority Services Ltd. (LAS), the Town of Parry Sound has engaged the services of Amberley Gavel Ltd. as the Municipal Closed Meeting Investigator and has authorized it to conduct investigations upon receipt of a complaint in respect of meetings or parts of meetings that are closed to the public. The Investigator will determine compliance with the Act or the applicable procedural bylaw with respect to closed meetings and will report on the results of such investigations.

Please note that Section 238 (1) of the Municipal Act defines "committee" to be "any advisory or other committee, subcommittee or other entity of which at least 50% of the members are also members of one or more councils or local boards". The impact of this is that the status of a committee, and therefore the applicability of Section 239.1 and 239.2 may change with the membership on that committee.

In the Town of Parry Sound the meetings of the bodies to which this legislation applies are Council, Committees of Council, Emergency Services Advisory Committee, Fence Viewing Committee, Property Standards Committee, Provincial Offences Act Advisory Committee, Parry Sound Area Planning Board, Parry Sound Area Municipal Airport Commission and the Industrial Park Board.

Complaints Procedure

Complaints may be submitted on the established [complaint form](#). The complaint form may be printed from the website or can be obtained from the Clerk's office. All complaints must be submitted in a sealed envelope marked "private and confidential" and contain the following information:

1. Name of municipality
2. Complainant's name, mailing address, telephone number and e-mail address (if applicable)
3. Date of closed meeting under consideration
4. Nature and background of the particular occurrence
5. Any activities undertaken (if any) to resolve the concern
6. Any other relevant information
7. Original signature

Complaints may only be submitted by mail or delivered directly to:

Attention: Clerk

Town of Parry Sound

52 Seguin Street

Parry Sound, ON

P2A 1B4

Please remember to mark the sealed envelope "PRIVATE AND CONFIDENTIAL".

All complaints will be treated as confidential at all times and will be forwarded directly to Amberley Gavel Ltd.

All requests must be received by the Town Clerk within one (1) year of the date of the meeting to which the request is related.

Costs Involved?

Currently Parry Sound does not charge a fee for an investigation request. However, the Town is charged a per day fee for the investigation of the request by Amberley Gavel Ltd. (LAS).

Ontario Ombudsman

As of January 1, 2016 the new *Public Sector and MPP Accountability and Transparency Act, 2014* took effect. The Ontario Ombudsman has the power to investigate and resolve complaints about municipalities, universities and school boards. This means that the Ontario Ombudsman can help Ontarians who have problems with these bodies, just as they help them with the 500+ provincial government organizations they oversee.

[Ombudsman's website](#)

However, this does not mean that the Ombudsman's office replaces existing complaint procedures; they just ensure they work as they should.

If you have a complaint about a closed meeting you should still be using the complaint procedure already in place. Please review the links located [here](#) in order to lodge your complaint. All complaints will be treated as confidential at all times and will be forwarded directly to Amberley Gavel Ltd., our third party, arms length, closed meeting investigators,