

REPORT ON COMPLAINT
Filed in accordance with
Section 239 of the Ontario Municipal Act 2001 (as amended)
Corporation of the City of Woodstock

Prepared by:
John G. Maddox
JGM Consulting
February 14th, 2011

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Effective January 1st 2008, the Municipal Act was amended to provide reasonable access to the Municipal ratepayers to file a complaint with respect to “Closed Meetings” and “Public Notice” of those meetings.

Municipalities were provided with an opportunity to appoint a “Closed Meeting Investigator” under *Section 239 of the Municipal Act* or in the absence of doing so the Office of the Ontario Ombudsman would undertake such a review.

The legislative amendments were put in place in an effort to ensure greater accountability, openness and transparency with respect to “local government” decision making.

As the Closed Meeting Investigator for the City of Woodstock I wish to advise that I have been served with a Notice of Complaint under *Section 239 of the Municipal Act*. This complaint was delivered electronically to the City Clerk and forwarded by e-mail to me on January 27th, 2011. The complaint cites a Council Meeting convened on January 13th in the Council chambers at Woodstock City Hall. The complaint identifies certain documentation that was received by City Hall (7 pages). The complainant did not attend the meeting and Council elected to deal with this matter in “closed session”. The complainant acknowledged that certainly the Council did need to convene a “closed session” on this matter but has indicated in this complaint that the issue dealing with current policy should have been dealt with upon resumption of the “open” session of Council.

I have had occasion to discuss the complaint with the complainant who has provided a copy of his correspondence. I also met with Municipal Officials, Friday, February 4th to review the Municipal records around this meeting. I have obtained minutes, agenda and correspondence for my review that was deemed relevant to this matter.

My observations on this matter are as follows:

The complaint documentation that was submitted for Council review gave a very clear indication in the opening paragraph that this material was not to be shared in a public way – it went so far as to specify who had access to this documentation.

The documentation referred to an incident in November 2010 that very clearly identified specific individuals and on that basis the Municipal Council chose to exercise the provisions of *Section 239, 2 (b)* which states: “*personal matters about an identifiable individual, including Municipal or local board employees*”. I believe that the Council had good reason to exercise this provision. The complaint for the most part deals with the November 2010 situation and in some detail speaks about identifiable individuals. The closing comment in the documentation does make reference to the desire to see improvements made in certain Municipal policy areas. The policy improvements suggested clearly stem from the November 2010 issue that I have referred to previously in my summary.

FINDINGS

The documentation received by City Council provided very clear direction as to “who should have access” to this material. The complainant was specific in his request that access be limited. The Council reviewed this material and determined that this matter clearly met closed session criteria as outlined in *Section 239 2 (b)* and proceeded accordingly.

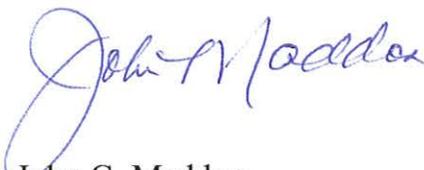
The matter before Council did not afford them the opportunity to separate any portion of this matter for further discussion in open session – the “policy” concerns identified were related to the earlier matter in November 2010.

In my discussions with Municipal Officials we did agree that under normal circumstances all public policy matters should be discussed in an open forum and should the complainant identify these policy matters separately they would be willing to respond to these policy items in the appropriate manner.

CONCLUSION

Based on the information that has been made available I am of the opinion that Council did require the provisions of *Section 239, sub-section 2 (b)* in order to deal with this correspondence. The matter very clearly did speak to “personal matters about identifiable individuals”. I do not believe that Council had the discretion to separate this material and therefore find Council to have effectively exercised their authority under *Section 239 of the Municipal Act*.

Respectfully submitted



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