



Corporation of the Municipality of Temagami

Memo No.
2021-M-033

Memorandum to Council

Subject:	Reply to recommendations from the Ombudsman
Agenda Date:	March 4, 2021
Attachments:	

RECOMMENDATION

BE IT RESOLVED THAT Council receive report 2021-M-033, reply to recommendations from the Ombudsman, for information.

INFORMATION

The report from the Ombudsman was received in open Council at the last regular session. The report made 6 recommendations and Council has directed Staff to respond to these recommendations.

Recommendation 1

All members of Council for the Municipality of Temagami should be vigilant in adhering to their individual and collective obligation to ensure that Council complies with its responsibilities under the Municipal Act, 2001 and its own procedural by-law.

Prior to the pandemic response, Staff was trying to coordinate a refresher in Council training with our Integrity Commissioner. This completed with personal effort on the part of individual members of Council should satisfy this recommendation.

Recommendation 2

The Municipality of Temagami should ensure that no subject is discussed in closed session unless it clearly comes within one of the statutory exceptions to the open meeting requirements.

Staff does take every effort to ensure agendas are prepared in this manner. In the report from the Ombudsman, two very similar situations were considered very differently by the Ombudsman. Staff will consider the comments made in this report and suggested reading from the Ombudsman and will strive to ensure only those items that meet the statutory exceptions to the open meeting requirements are included in a closed session agenda. As a reminder, apart from Section 239.2 (3), Council can choose to have any discussion in open session and have the ability to remove certain items from closed session agendas.

Recommendation 3

The Municipality of Temagami should ensure that meeting records are complete and accurately reflect all of the substantive and procedural items that were discussed, as well as all votes and resolutions.

Staff will continue to maintain minutes from meetings to the AMCTO standard. The maintaining of the open portion of the meeting before the closed session will be maintained in the open session minute book.

Recommendation 4

The Municipality of Temagami should ensure that its resolution to proceed 'in camera' provides a general description of the issue to be discussed in a way that maximizes the information available to the public while not undermining the reason for excluding the public.

While care is taken to do this, there will always be a grey area as to what is enough and what is too much. Staff will continue to take efforts to have appropriate descriptions that highlight the 'general nature of its subject-matter as required by the Municipal Act, 2001.

Recommendation 5

The Municipality of Temagami should ensure that its resolution to proceed 'in camera' is passed during an open session, recorded in the meeting minutes, and captured by the audio recording of the meeting. This was being done. With item 3 above and by posting the open portion of the audio to our website the rest of the recommendation will be satisfied.

Recommendation 6

The Municipality of Temagami should ensure that it provides notice of its meetings, including open sessions that precede 'in camera' meeting.

Notices for all meetings are posted in the manner as outlined in the Procedural By-Law. The notice for 'in camera' meetings note that the meeting could potentially be held in closed session. Until the subject matter is reviewed by Council and the resolution to proceed to a closed session is considered and passed, it is not known if the items on the agenda would be held in closed session or not. If an item was removed from a closed session discussion, Staff's recommendation would be to place the item on the agenda for the next regular session.

Respectfully Submitted:
Craig Davidson
Treasurer/Administrator