

**REPORT ON COMPLAINT**  
Filed in accordance with  
*Section 239 of the Ontario Municipal Act 2001* (as amended)  
Municipality of North Perth

*Prepared by:*  
John G. Maddox  
*JGM Consulting*  
May 17<sup>th</sup>, 2011

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Effective January 1<sup>st</sup> 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.

I was advised by e-mail on April 21<sup>st</sup>, 2011 of a pending investigation. The clerk advised that a detailed information package would be prepared and forwarded the week of April 25<sup>th</sup>, 2011. This information package was received on Thursday, May 5<sup>th</sup>, 2011. The package included a submission from the complainant that outlined two separate matters – one under date of February 10<sup>th</sup>, 2011 and the other under date of February 16<sup>th</sup>, 2011. I intend to review each separately but as one complaint since these matters deal with the same issue. I advised the complainant that I had received the information package and would contact her if I needed clarification on this matter.

The complainant has expressed concern that there may have been “closed meeting” discussions on January 10<sup>th</sup>, 17<sup>th</sup> and 24<sup>th</sup>, 2011 regarding a water connection charge refund pertaining to the property of the complainant. This same matter was the subject of an earlier complaint (April 2010) filed with the Municipality and the results of that investigation are a matter of public record.

The second component of this request is dated February 16<sup>th</sup>, 2011 and requests that the investigator review an April 3<sup>rd</sup>, 2007 incident on an alleged meeting on the property of the complainant. The alleged meeting was to deal with issues regarding the complainant’s property.

The February 10<sup>th</sup>, 2011 complaint suggests that there was a closed meeting discussion on January 10<sup>th</sup>, 17<sup>th</sup> and 24<sup>th</sup>, 2011 that may have been focused on the matter of a refund for the complainant’s property.

I have obtained Municipal documents for those meetings – agenda and minutes and other relevant information that may assist me in my review.

Firstly, I will deal with the matter under request of February 16<sup>th</sup>, 2011. This request deals with minutes for an alleged meeting on April 3<sup>rd</sup>, 2007 at the property of the complainant.

The background information suggests that two members of Council and Municipal staff conducted an “on site” visit to the property of the complainant. In my opinion, this does not likely constitute a Council meeting given the circumstances outlined in the background material. Furthermore, the changes to the *Municipal Act* became effective January 2008 with respect to the appointment of a Closed Meeting Investigator. There are no retroactive provisions with respect to these changes and the *Act* does not suggest the Closed Meeting Investigator has responsibilities to provide minutes. If there was a meeting the minutes are a matter of public record.

I am of the opinion that I have no jurisdiction to deal with the February 16<sup>th</sup> 2011 inquiry. The complainant may wish to seek independent legal advice on this matter.

The matter under date of February 10<sup>th</sup>, 2011 speaks to a complaint regarding Closed Session discussions regarding a refund on a water connection for the complainant's property.

I have examined the agenda and minutes for the three meetings in question: January 10<sup>th</sup>, 17<sup>th</sup> and 24<sup>th</sup>, 2011 and also had discussion with Municipal Officials to confirm my observations.

The agenda for January 10<sup>th</sup>, 2011 makes reference to three matters to be considered in closed session under agenda item – 8.2. These matters pertain to: Personal matters, litigation (potential) and solicitor client privilege.

There is no indication in the Municipal Minutes that any of these matters pertain to the complaint in question. There is no reference to the complainant or their property. I have confirmed my observations with the appropriate Municipal officials.

The agenda for the meeting of January 17<sup>th</sup>, 2011 does identify a Closed Session pertaining to the following: Personal matters; Acquisition of land; and, Solicitor Client privilege (legal advice).

My discussions and review of the Municipal records indicates that there was no discussion on any matter pertaining to the complainant or their property. I am satisfied that this was in fact the case.

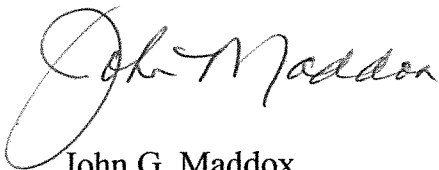
The agenda material for January 24<sup>th</sup>, 2011 makes no reference to any closed session discussions at all. There is no indication in the minutes that Council convened a Closed Session during the meeting of January 24<sup>th</sup>, 2011.

The agenda for January 24<sup>th</sup>, 2011 does indicate under section 3. Reports, specifically sub-section (3.5) refers to the matter under review "McTaggart request". The minutes reflect this matter was dealt with in open session and a Council decision taken under resolution 78.01/11 which is a matter of public record.

SUMMARY

My review of the relevant Municipal records and my follow-up discussion with Municipal officials leaves me satisfied that the matter under complaint was not considered on any of these occasions in a Closed Session environment.

Respectfully submitted

A handwritten signature in cursive script that reads "John G. Maddox". The signature is written in black ink and is positioned to the left of the printed name.

John G. Maddox  
JGM Consulting