

Council cleared of wrongdoing after secret meeting complaint

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By Rob Gowan

The office of Ontario Ombudsman Andre Marin has not found any violations by the Town of South Bruce Peninsula after the provincial watchdog received a complaint about several closed meetings the town held in late 2012 and early 2013.

In a letter dated June 10 and part of council's agenda on Tuesday, Yvonne Heggie, early resolution officer with the ombudsman's open meeting law enforcement team, wrote that the watchdog did not identify any procedural violations that needed to be addressed.

According to the letter from the ombudsman's office, "the complaint alleged that, on seven occasions, Council improperly considered items in closed session under the 'litigation or potential litigation' and/ or 'advice that is subject to solicitor-client privilege' exceptions to the open meeting requirements."

The closed sessions identified in the complaint took place on Sept. 4, Oct. 16, Nov. 6, Dec. 4, Dec. 18 and Jan. 15, the letter said.

In the letter addressed to Mayor John Close and clerk Angie Cathrae, it said that in reviewing the complaint the ombudsman's office "spoke with you, obtained and reviewed the meeting agendas and minutes, and considered the Town's Procedure By-Law and the relevant sections of the [Municipal] Act."

The ombudsman's office concluded the "litigation" exception was appropriately applied and no procedural violations were identified.

Coun. Jay Kirkland said Wednesday the letter confirms council is running its closed meetings properly.

"Our staff is trying to do everything to the policies we put in place," said Kirkland. "We are trying to stick to the process and we have an ombudsman that says we are, especially in the closed sessions."

The ombudsman's office serves as the investigator for municipalities which don't appoint an ethics investigator. The office also investigates complaints about Ontario's 500-plus provincial governmental organizations. South Bruce Peninsula was one of three GreyBruce municipalities that had complaints filed against it between April 1, 2011 and Aug. 31, 2012, according to the ombudsman's 2011- 2012 Open Meeting Law Enforcement Team annual report. During that time there were three complaints filed against South Bruce Peninsula and six violations were found.

Cathrae said at the time that suggestions from the ombudsman's office had been taken seriously and council had tried to ensure it followed the recommendations.

"We have had the ombudsman review us in the past," said Kirkland. "We are one of the only municipalities that have had the scrutiny of what is going on. It is nice to know you are doing things right and have that reconfirmed and we can carry on."