

Wollaston violated municipal act, says Ombudsman

By Bill Kilpatrick

Paul Dubé, the Ombudsman of Ontario, has concluded that Wollaston Township has violated the Municipal Act regarding the section that governs closed meetings. The letter from the Ombudsman, dated Sept. 27, was brought before Wollaston council at the Oct. 8 regular meeting of council. In it Dubé explained that his office received a complaint regarding a special meeting of council that was held on Dec. 11, 2023. The letter further explained that "The complaint raised concerns that council's resolution to proceed into closed session did not comply with the requirements of the Municipal Act," specifically "that the resolution did not contain a general description of the matters to be discussed during the closed session." After a thorough review of Wollaston's procedural by-laws and the meetings minutes, and after discussions with the interim CAO-clerk Steven Potter, the Ombudsman found that the resolution to go into closed session regarding section 239 (2) (b), "to discuss personal matter about an identifiable individual, including municipal or board employees," did not meet the standard set out in the case *Farber v. Kingston* that was heard in Ontario's court of appeal in 2007. In that case the court of appeal found "that a resolution to go into a closed meeting should provide 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 proceeding into closed session." Dubé added that, "I have previously found that merely citing the open meeting exception that council is relying on does not typically meet the requirements set out in *Farber v. Kingston*. Rather, municipalities are required to add a 'level of informative detail' to the resolution to close a session to the public." In the case of the Dec. 11 Wollaston meeting, the Ombudsman explained that, "council cited the exception for personal matters about an identifiable individual without providing further information about the general topic of the closed session discussion. Council could have provided a general description of the topic to be discussed in closed session, such as 'human resources matter' or 'an employment-related matter,' without undermining the reason for excluding the public." Therefore, the Ombudsman concluded, "that the council for the Township of Wollaston contravened section 239(4)(a) of the Municipal Act on Dec. 11, 2023 by failing to provide sufficient information about the general nature of the matter to be considered in the closed session. In future, council should ensure that it provides an appropriate level of informative detail in its resolutions to move into closed session." The letter came before Wollaston council under the section "correspondence for council information" and was accepted by council without comment from council or staff.

Poor audio quality leads to complaints

According to a staff report, a number of complaints have been received by the municipality from both councillors and members of the public regarding the poor quality of the audio recording of council meetings. CAO-clerk Luke Williams brought forward an information package for council that presented council with numerous recording options for them to consider for the 2025 budget. The options include, but are not limited to, systems by TOA Canada and a system designed by OWL Labs. The TOA system comes with individual microphones that can be turned on and off, whereas the OWL Lab option has a central speaker, but also comes with a 360-degree camera. While Williams did not get a quote for the systems, since he suggested that an IT professional be brought in to evaluate the needs of the municipality first, he did however, cite some rough estimates that ranged from \$1,500 to \$8,450 depending on the multiple options that council decided upon. According to Williams' report, he also looked at the internet speed at the municipal office to ensure interruption free streaming. Williams cited a study done by San Francisco University that stated in order to have interruption free meetings the uploads speeds need to be three megabytes per second and the download speeds would need to be between 10 and 25 megabytes per second. The speeds were measured at the municipal office on Sept. 12 at 3 p.m. and they were 30 megabytes per second download and nine megabytes per second upload, meaning that the municipality should have the capability of interruption free meetings. Williams briefly outlined his report and then took questions and comments from council. Deputy Mayor Paul Ordanis was the first to speak pointing out the large gap between the costs of the two systems adding that if the cheaper of the two would resolve their issues that would be ideal. He also pointed out that council recently put money into their current system in the hopes of improving quality, but as he said, "It didn't pan out." Councillor Wendy Mortimer spoke next stating, "I think this is a lot of money to spend on something to upgrade a perceived problem that's a convenience thing. We do publish our minutes very soon now after meetings so if people need to know what happened at a meeting they can always call. I don't want to spend money on this?" Mortimer then suggested that a good recording device can be purchased online for around \$79 that might serve the purposes of council. "I'm not keen on spending money on a new system so soon after we've thrown money away on this one," she explained. Councillor Sheila Currie spoke next stating, "In answer to the question, 'Is there an appetite for improving the audio?' Absolutely. This is something that we need to do. It's really poor, and we know as council members who, on occasion, are not here in the room it's very difficult to hear. I think this is just really

reinforcing what Wendy's asking, 'Can we go more old-school and use audio because we're not using video?' Williams agreed with Currie's assessment that the meeting could be recorded and not live streamed and then uploaded later. 'If we were to ask [constituents] to send in questions ahead of time or that members attend in person and we record it locally we may potentially get a higher quality recording if we did away with the live broadcast,' said Williams. Ordanis then agreed about doing away with live broadcasting stating, 'I also think that it might be wise to not do live broadcasting. We do draft minutes we approve our minutes. Perhaps we could deal with a recording in a similar capacity just to make sure that the township's interests are secure.' Mayor Michael Fuerth then spoke about his own personal experience calling in for a recreation committee meeting and not being able to hear what was happening. He pointed out that he received a text from another attendee who also could not hear what was happening. Williams then suggested that they get an opinion from an IT expert who can speak to them about the different options available. He said that he would consult with the Hastings County IT person and report back to council with options.