

August 15, 2014

Mayor Joanne Savage
Melanie Ducharme, Clerk/Planner
Municipality of West Nipissing
101-225 Holditch St.
Sturgeon Falls, ON
P2B 1T1

Dear Mayor Savage and Ms. Ducharme

RE: Complaint about alleged closed meeting of December 20, 2011

I am writing further to our conversation of August 14 about the outcome of our investigation of a complaint we received on June 10, 2014. The complaint alleged that members of council met behind closed doors with the engineers working on a drainage project, on or around December 20, 2011.

As you know, the *Municipal Act 2001* (the Act) requires that all meetings of council, local boards, and their committees be open to the public, with limited exceptions.

In reviewing this complaint, our Office obtained and reviewed the materials for the December 20, 2011 meeting and gathered information from staff and members of council. We also spoke with the engineers who worked on the drainage project.

The December 20, 2011 meeting

The meeting materials for the meeting on December 20, 2011 state that there was a closed session held at 6:00 p.m. to discuss a matter under the “security of the property” exception. A list of attendees at the closed session is included in the minutes; the engineers for the drainage project were not on this list. As well, the minutes do not capture any discussion pertaining to a drainage issue.

The Clerk/Planner told our Office that she was unaware of any meeting held in camera on or around December 20, 2011 to discuss the drainage matter. All members of council advised us they had no recollection of any such meeting. The engineers who worked on the project also confirmed that, although they did meet with local landowners on December 20, 2011, members of council did not attend that meeting. According to the engineers, any discussions with council about the drainage project took place at public council meetings in December 2011.

Analysis

Our investigation found no evidence to support the allegation that council members met with the engineers on the drainage project behind closed doors on or around December 20, 2011, either at a closed council meeting or informally. Accordingly, our Office will not be taking any further action on this complaint.

When we spoke, I gave you the opportunity to provide feedback on our Office's findings. You advised you had nothing to add. You agreed to share our Office's findings at the next public council meeting on September 2, and to make a copy of our letter available to the public.

We would like to thank you for your cooperation during our investigation.

Sincerely,

Michelle Bird
Open Meeting Law Enforcement Team