



ONTARIO'S WATCHDOG
CHIEN DE GARDE DE L'ONTARIO

September 3, 2021

Council for Township of Lanark Highlands
c/o Peter McLaren, Mayor
75 George St, Lanark
ON K0G 1K0

Dear Council for the Township of Lanark Highlands:

Re: Closed meeting complaint

We received a complaint about the meeting practices of the Joint Planning Committee for ConnectWell Community Health Centre in the Township of Lanark Highlands (the "Committee"). I am writing to advise that my investigation has determined that the Committee is not subject to the open meeting provisions of the *Municipal Act, 2001* (the "Act").

Ombudsman jurisdiction

As of January 1, 2008, the Act gives citizens the right to request an investigation into whether a municipality has complied with the Act in closing a meeting to the public.¹ Municipalities may appoint their own investigator. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own. My Office is the closed meeting investigator for the Township.

My Office has investigated hundreds of closed meetings since 2008. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting cases. This searchable repository was created to provide easy access to the Ombudsman's decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the digest to inform their discussions and decisions on whether certain matters can or should be discussed in closed session, as well as issues related to open meeting procedures. Summaries of the Ombudsman's previous decisions can be found in the digest: www.ombudsman.on.ca/digest.

Review

My Office reviewed relevant documentation including the Committee's Terms of Reference, the Community Health Centre's Articles of Incorporation and Letters Patent, as well as Committee

¹ *Municipal Act, 2001*, s 239.1.

meeting agendas and minutes. We also spoke with the Mayor and Community Health Centre Chief Executive Officer.

In order to be subject to the open meeting provisions of the Act, a body must be a council, a local board, or a committee of either. Under the Act, committees are defined as consisting of 50% or more members of one or more councils or local boards.² A municipality's procedure by-law may also specify that a body is a committee of council and subject to the open meeting requirements. The Act defines a local board as, among other things, "any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities," subject to various exceptions.³

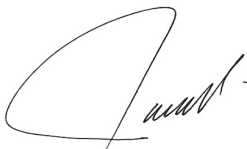
The Committee has not been deemed to be a committee of council by by-law, nor are at least 50% of its members a member of one or more councils or local boards. The Committee also does not function as a committee of council, as it does not exercise any authority delegated by council and does not serve in an advisory function to council.

The Committee is also not a local board. The Committee exists to promote communication and collaboration between the municipality and the Health Centre. It does not provide services on behalf of the municipality.

Conclusion

Accordingly, the Committee is not subject to the open meeting rules. Under the circumstances, my Office will not be taking further steps regarding this complaint. I would like to thank the Township and the Community Health Centre for their co-operation during our review.

Sincerely,



Paul Dubé
Ombudsman of Ontario

Cc:
CAO/Clerk, Township of Lanark Highlands
CEO, ConnectWell Community Health Centre

² *Municipal Act*, s. 238(1).

³ *Municipal Act*, ss. 1(1) and 238(1).