



## Council Report

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<b>Report Number:</b>	<b>CLK2022-008</b>
<b>Meeting Date:</b>	May 17, 2022
<b>Title:</b>	<b>Final Report – Office of the Ontario Ombudsman</b>
<b>Description:</b>	Investigation into working group meetings held by the Off Road Vehicle Task Force of the City of Kawartha Lakes on February 19 and March 4, 2021
<b>Author and Title:</b>	Cathie Ritchie, City Clerk

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### Recommendation(s):

**That** Report CLK2022-008, **Final Report – Office of the Ontario Ombudsman**, be received;

**That** staff draft amendments to the Procedural By-law and Task Forces' Terms of Reference, to provide the legislative responsibilities of their individual and collective obligation to ensure compliance under the Municipal Act, 2001 (Recommendations 1 and 2); and

**That** future Task Forces are provided with support and training regarding the closed meeting provisions of the Municipal Act, 2001 and their application to the work of task forces (Recommendation 3).

**Department Head:** \_\_\_\_\_

**Financial/Legal/HR/Other:** \_\_\_\_\_

**Chief Administrative Officer:** \_\_\_\_\_

## **Background:**

At the Council Meeting of February 22, 2022 Council received in Closed Session a verbal report regarding an investigation by the Ontario Ombudsman and to remain confidential until the final report is issued. On April 13, 2022 the Ontario Ombudsman sent their final report.

In accordance with section 14.1 (8) of the Ombudsman Act, the municipality should make the report available to the public. In accordance with s. 239.2(12) of the Municipal Act, 2001, the City should pass a resolution stating how it intends to address this report.

Council for the City of Kawartha Lakes was given the opportunity to review preliminary version of the report and provide comments to the Ombudsman's Office by March 1, 2022. No comments were received.

Ontario Ombudsman's Opinion:

"The Off Road Vehicle Task Force contravened the Municipal Act, 2001 on February 19, 2021 and March 4, 2021, by holding working group meetings that did not comply with the open meeting requirements. As the Task Force did not believe that these meetings were subject to the Act, notice was not provided, the public was not able to attend, and an official record in the form of meeting minutes was not kept.

In undertaking to update the procedure by-law and the language of the City's terms of reference documents, the City is taking positive steps to address issues with the meeting practices of task forces. I encourage the City to ensure that future task forces operate consistently with the open meeting requirements under the Act."

This report addresses the direction given by the Ontario Ombudsman.

## **Rationale:**

The final Report of the Ontario Ombudsman provided recommendations to assist the City of Kawartha Lakes in fulfilling its obligations under the Act and enhancing the transparency of its meetings in the future:

Recommendation 1:

Members of task forces for the City of Kawartha Lakes should be vigilant in adhering to their individual and collective obligation to ensure compliance with their responsibilities under the Municipal Act, 2001.

**Recommendation 2:**

Members of task forces for the City of Kawartha Lakes should ensure that any discussion in which a quorum of members discusses a matter in a way that materially advances the task force's business or decision-making is recognized as a meeting subject to the open meeting rules.

**Recommendation 3:**

The City of Kawartha Lakes should provide future task forces with support and training regarding the closed meeting provisions of the Municipal Act, 2001 and their application to the work of task forces.

**Other Alternatives Considered:**

None

**Alignment to Strategic Priorities**

Good Government - Open and Transparent

By Council adopting and implementing the three recommendations contained in the Ontario Ombudsman's Report, April 2022, it will be in alignment with the City's commitment to operating in an open, accessible and transparent manner. To continue to enhance how to inform, engage, and listen to residents and stakeholders.

**Financial/Operation Impacts:**

None identified.

**Consultations:**

None.

**Attachments:**

Appendix A – Ontario Ombudsman Covering Letter, April 2022



Ombudsman Ontario  
- Kawartha Lakes - Ap

## Appendix B – Ontario Ombudsman Report, April 2022



Ombudsman Ontario  
- Kawartha Lakes - Ap

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**Department Head:** Ron Taylor, Chief Administrative Officer