

November 8, 2012

Mr. Brian Knott (Clerk/City Solicitor)
City of Sarnia
255 Christina Street North
P.O. Box 3018
Sarnia, ON N7T 7N2

Dear Mr. Knott,

Re: Complaint about Closed Meetings of the Centennial Celebration Committee

I am writing further to our conversation on November 6, 2012 regarding the results of our review of a complaint that Sarnia's Centennial Celebration Committee held improper closed meetings between June and September 2012.

As you know, the *Municipal Act, 2001* (the Act) requires that all meetings of Council, Local Boards, and their Committees are open to the public, with limited exceptions, as defined under s. 239 (2) of the Act.

The Ombudsman is the open meeting investigator for the City of Sarnia. In considering this complaint we spoke with you and reviewed the documentation pertaining to the establishment of this Committee and the relevant sections of the Act and the Procedure By-Law.

For the purposes of the open meeting requirements, a "committee" is defined as "any advisory or other committee, sub-committee or similar entity of which at least 50% of the members are also members of one or more councils or local boards."

According to the information obtained, on April 18, 2011 Sarnia Council passed a motion to set up a staff group to hire a Citizen Chair or Co-Chairs for the Centennial Celebration Committee (the Committee). The advertisement for the volunteer position stated that responsibilities included developing a theme for the celebration, preparing fundraising and marketing plans, and establishing a volunteer organization to support the celebration.

On September 9, 2011, the City issued a media release announcing the appointed Citizen Chair would assume her duties effective January 1, 2012.



The proposed structure of the committee, as presented to Council on February 6, 2012, shows that the Mayor and City Manager are members of the Committee, along with the Citizen Chair and seven volunteer “Leaders”, who are responsible for leading various components (ie. finance, fundraising, etc.) of the Celebration plans. The leaders can also recruit volunteers or sub-committees.

Based on the fact that the Centennial Celebration Committee is comprised of no less than seven citizens, one staff member, and one member of Council, this committee does not meet the definition of a “committee” for the purpose of the open meeting requirements.

The complaint to our Office alleged that, prior to the appointment of the Celebration “Leaders”, the Mayor and the Citizen Chair may have held improper closed meetings to discuss the potential candidates for leadership roles. The information provided by the City is that the Mayor, City Manager, and the Citizen Chair held four brief update meetings between December 2011 and June 7, 2012 to discuss the Citizen Chair’s progress in terms of establishing the Committee. This group also does not meet the *Municipal Act’s* definition of a Committee for the purpose of the open meeting requirements, as only one of the three “Committee” members is a member of Council.

During our discussion on November 6, 2012 we asked that you share this letter with Council at the next public meeting and that a copy be made available to the public on your website. You said that the letter would be on the agenda for either the November 19 or December 10, 2012 public Council meeting.

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

Sincerely,

Yvonne Heggie
Early Resolution Officer
Open Meeting Law Enforcement Team