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Casselman council 'flagrantly violated' open meetings rules, Ontario ombudsman says

The Ontario ombudsman has found Casselman town council committed “a very serious violation” of the province’s open meeting rules.

Andrew Duffy

Published Jan 16, 2024 • Last updated 3 hours ago • 3 minute read

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Ontario ombudsman Paul Dubé said he was particularly concerned that, during the Microsoft Teams meeting, Casselman councillors took steps to ensure no members of the public were present. PHOTO BY CRAIG ROBERTSON /POSTMEDIA

An investigation by the Ontario ombudsman has found Casselman town council flagrantly violated open government rules by holding a secret online meeting to discuss important local matters in January 2021.

Ombudsman Paul Dubé said he was particularly concerned that, during the Microsoft Teams meeting, councillors took steps to ensure no members of the public were present. The meeting was held without the knowledge of town staff.

STORY CONTINUES BELOW

His report suggests it was not an isolated incident.

“Statements during the call and made to my office during interviews suggest that other, similar clandestine calls and gatherings may have previously occurred,” Dubé said in his recently published report.

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He characterized the online session as “a very serious violation” of Ontario’s open-meeting rules.

“The decision of council members to participate in this secret call reflects extremely poorly on their respect for the principles of openness, accountability and transparency underlying the open meeting provision,” Dubé concluded.

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Mayor Geneviève Lajoie, who defeated incumbent Daniel Lafleur in the 2022 municipal election, said she was committed to improving transparency and accountability.

“Those were practices in the past, and I’ve spoken to council and let them know that that’s not how we’re going to continue,” Lajoie said in an interview Friday. Casselman is located about 50 kilometres southeast of Ottawa in the United Counties of Prescott and Russell.

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The mayor said she wanted to modernize the town’s procedural bylaw to ensure transparency and to offer training to council members about their legal obligations under the Municipal Act.

STORY CONTINUES BELOW

Two members of the current Casselman town council were part of the five-person municipal council during its previous term.

In his report, the Ontario ombudsman said the secret meeting only came to light after an audio recording of the clandestine call was inadvertently published on the municipal website. Several Casselman residents subsequently complained.

The Municipal Act, the law governing Ontario municipalities, says any meeting that includes a quorum of council members and “materially advances council’s business or decision-making” must be open to the public.

Some exceptions to the act allow a municipal council to discuss certain matters in private, such as those related to personnel, property sales, litigation, labour relations and security.

Since 2008, Ontario residents have had the right to request an investigation if they believe a council meeting has been closed to the public in violation of the law.

The ombudsman, an independent officer of the Ontario Legislature, has investigated hundreds of such complaints.

In the Casselman case, Dubé said, investigators reviewed the audio recording and interviewed all members of council from the 2018-2022 term.

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The report found the secret session took place following a 90-minute public meeting on the evening of Jan. 26, 2021.

A recording of that meeting revealed that then-mayor Daniel Lafleur, in the moments before the public session, asked councillors to stay after the meeting “for 30 seconds.”

At the end of the public meeting, members of the council said good night, and the town clerk signed off from Microsoft Teams. After a brief pause, Dubé said, the mayor took an online roll call and confirmed that everyone but the councillors had left the meeting.

For the next 47 minutes, the ombudsman said, the councillors discussed nine distinct matters. Official minutes were not kept, and the rules of order did not apply.

Dubé concluded that six of the nine matters materially advanced council business, including discussions about annexing land from a neighbouring municipality, a local development project, the purchase of a municipal telephone system and the performance of remote staff.

If the meeting had been conducted as part of a formal council session, some of the matters might have qualified under exemptions to the open meeting rules. A resolution must be passed in public before a meeting is closed.

STORY CONTINUES BELOW

“Because council chose to discuss these matters in a secret forum,” Dubé found, “the entirety of the discussion was illegal and a flagrant violation of the spirit and the letter of the open-meeting rules.”

He recommended that Casselman take steps to ensure no council business was again advanced outside of formal meetings.

There are no penalties in Ontario for municipal politicians who take part in illegal closed meetings. In some United States jurisdictions, such as Texas, violations can result in fines or even jail time.

Andrew Duffy is a National Newspaper Award-winning reporter and long-form feature writer based in Ottawa. To support his work, including exclusive content for subscribers only, sign up here: ottawacitizen.com/subscribe

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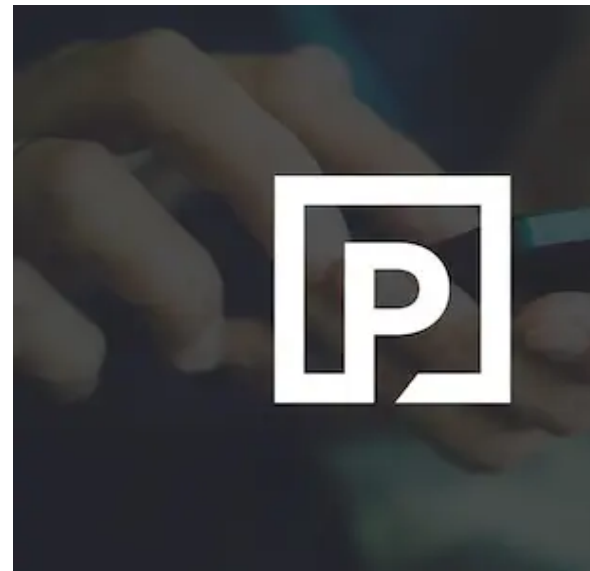
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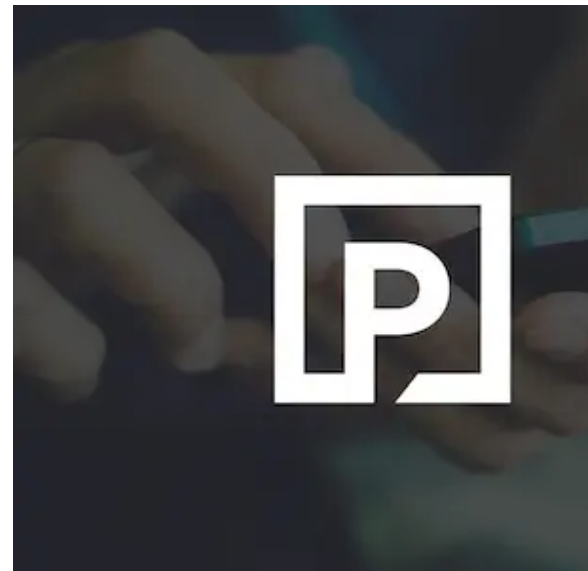
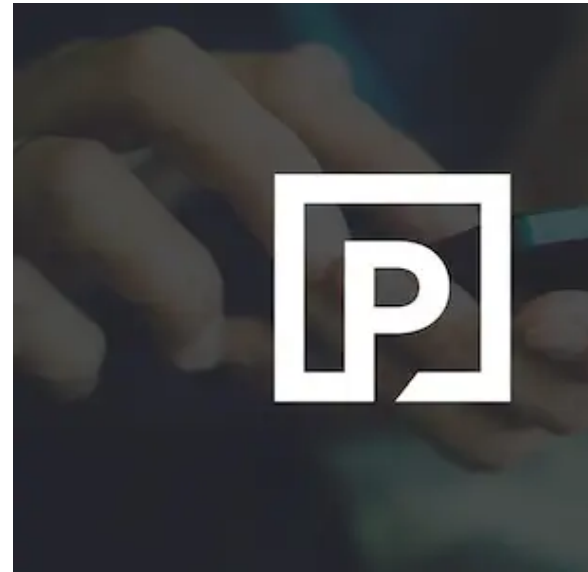
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