

October 23, 2012

Warden and Council
County of Wellington

Dear Warden White and Councillors

As your appointed Meeting Investigator and pursuant to the Municipal Act, it is my duty to submit the attached Report for your information.

I am at your disposal to address any questions or concerns you may have.

Yours truly,

Norm Gamble

Meeting Investigator Report of
Norm Gamble to the County of Wellington
October, 2012

Background

- During the period between August and October the undersigned had numerous phone and e-mail discussions with 3 residents of Wellington County.
- The common concern of the inquiries was the County's deliberations over a County owned and operated Library in Aboyne.
- The inquiries were consolidated to 1 formal request for a Closed Meeting Investigation.
- The request hard copy was received October 18, 2012.
- The County Clerk was advised of the Investigation and the Requestor was informed of the process that would be followed.
- The Requestor asked that his/her identity not be disclosed.

Investigation Process

- Aside from the preliminary inquiries, there were a couple of extensive phone discussions with the Requestor.
- Considerable information including a County Report as well as extensive description of the County's Library discussions was reviewed.
- A meeting was held with the County of Wellington Warden, CAO and Clerk.
- The County Chief Librarian was unable to attend being out of the province.
- The Requestor indicated that as well as Meetings of the County, there should also be a review of one of the local municipalities.
- Subsequently a phone conversation was held with the Clerk of the Municipality.

Issues

- It was determined that Meetings of the County of Wellington to be investigated were a Committee Meeting dated June 13 and a County Council meeting of June 28, 2012.
- The committee is the Information, Heritage and Seniors Standing Committee, which consists of County Councillors.
- The Committee is supplemented with 4 citizens at large and acts as the appointed Library Board.
- The matter under discussion was the Aboyne Library Branch.
- The Council Meeting of June 28 received and dealt with the Committee minutes as well as giving its own deliberations for the Aboyne Library.
- The phone discussion with the other municipality determined there were no meetings of that municipality in closed session regarding this subject.

Findings

- The first finding is in the determination that the only meetings under Investigation would be the County Committee Meeting of June 13 and County Council meeting of June 28.
- The second finding was that both meetings went into closed session for the same purpose.
- Likewise it was found that the Municipal Act “Exemption” that was used was the same for both meetings.
- This “exemption” which allows the Councils and Committees is as follows, “Personal Matters About An Identifiable Person”
- These meetings were held properly pursuant to the Municipal Act and the County of Wellington Procedural Bylaw.
- The use of “...an identifiable person” might be technically challenged if the exemption is to refer to a single individual. In this case there was a very limited number of persons (4) all working in a small rural setting and it is reasonable to expect a Council to protect its employees all of whom would be easily identified.
- Among the other “Exemptions” is the opportunity for Councillors to request a closed session for the sole purpose of discussing the propriety of moving into a closed session. This exemption was not used.
- The County of Wellington and its Committees appear to be operating not only pursuant to the Municipal Act but also pursuant to the intent of its requirements.

Recommendations

That this report be made available to the Public at the earliest opportunity.