

**Meeting Investigator Report  
Pursuant to the Municipal Act of Ontario**

**Town of Erin  
August 2013**

**Norm Gamble, Meeting Investigator**

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**Background**

- On Monday July 15, 2013, a request for a closed meeting investigation was received by the Closed Meeting Investigator.
- The request was received by mail and was on the appropriate forms.
- The requestor indicated on the form that his/her identity be maintained in confidence.

**Investigation Process**

- A phone call was made to the requestor to discuss the reason for the investigation as well as the process to be used.
- Subsequently, a phone call was made to the CAO/Town Manager.
- The CAO indicated full support for the investigation and provided numerous documents requested.
- The Mayor was also informed of the investigation request and offered his support and co-operation in the process.
- It was decided that face to face interviews would take place with the CAO, Mayor and each of the 4 members of Council.
- These interviews took place in the town offices in a confidential fashion on Tuesday August 13, 2013.
- Confidential discussions also took place with others who may have information which would assist the investigation.
- Following the interviews a draft report was discussed with the CAO and the Mayor.
- The requestor was also updated as to the investigation progress.

## **Issues**

- As with other investigation requests it is important from the outset to set the parameters for the review
- The Town of Erin is currently challenged by many related and non related issues.
- The investigation struggled with many of these other issues potentially impacting the process.
- When the smoke cleared the investigation focused only on the initial request.
- This request was to determine if a report which was submitted to Council in approximately April and May, should or should not have been in a Closed Session of Council.
- The actual process used by Council in closed Meetings has not been challenged and the investigation found no concerns in the process Council used and continues to use.
- The issue therefore, was to determine if a staff report should have been in a Closed Session or not.

## **Findings**

The investigation determined the following:

- There was a staff report submitted to Council in April and May 2013.
- This report was known by 2 names.
- The report was stamped as confidential.
- The report was submitted in a properly convened Closed Session of Erin Town Council.
- The report was purported to be a legitimate Closed Meeting item as it could identify identifiable individuals.
- Council has to this date retained the document as confidential partly due to the author's original request.
- The investigation found that with one exception, the opinion of Council and Staff is that the report forms a part of a human resource record and should be released only by the author.

- The investigation found the report, aside from the human resource issues, to be stretching the definition which allowed it to be a Closed Meeting item.
- Never the less, the status of the document has taken on a life of its' own since the author is no longer with the town.

### **Related Findings**

- During the investigation a few minor related matters were found.
- The Town website correctly indentifies the investigator in the "Council" section but also refers to a previous investigator in other parts of the website.
- This portion of the website also directs a request to be submitted to the Town. This should be directly to the investigator.
- The website does not appear to provide easy access to the "Complaints Form" which the public needs to use in requesting an investigation.

### **Recommendations**

- It is recommended the website issues found in the investigation be addressed as soon as possible.
- As it is the Council's majority opinion that the report forms a part of a human resource record, the report should be maintained as confidential until the author has agreed to its' release or it is determined that the status has changed.
- Council and Staff need to diligently challenge reports to ensure only those clearly defined as closed items are considered in Closed Sessions.
- That the Town of Erin release this Meeting Investigator's Report publicly pursuant to the Municipal Act 239.2 (11) as soon as possible.

All of which is respectfully submitted.

**Norm Gamble**  
**August 2013**