



Ombudsman Report

**Investigation into meetings held by the
2025 Budget Advisory Group for the Town of Cobalt
on March 6, March 27, and April 23, 2025**

**Paul Dubé
Ombudsman of Ontario**

February 2026

Overview

- 1 My Office received a complaint about meetings held by the Town of Cobalt's 2025 Budget Advisory Group on March 6, March 27, and April 23, 2025. The complaint raised concerns that the meetings were not open to the public and that the 2025 Budget Advisory Group did not follow the open meeting rules in the *Municipal Act, 2001* (the "Act").¹
- 2 My investigation determined that the 2025 Budget Advisory Group is a committee under the Act and must hold its meetings in accordance with the open meeting rules, including providing public notice of its meetings and conducting business in open session unless the open meeting exceptions apply. The 2025 Budget Advisory Group meetings on March 6, March 27, and April 23, 2025 were improperly closed to the public contrary to the Act.
- 3 In the course of my investigation, I learned that the Town sought advice on meeting procedures for its advisory groups from E4M, a firm that provides municipally related services. The Town should review the meeting procedures for all of its advisory groups to ensure compliance with the open meeting rules.

Ombudsman jurisdiction

- 4 Under the Act, all meetings of council, local boards, and committees of either must be open to the public, unless they fall within prescribed exceptions.
- 5 As of January 1, 2008, the Act gives anyone the right to request an investigation into whether a municipality or local board has complied with the Act in closing a meeting to the public. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own.
- 6 The Ombudsman is the closed meeting investigator for the Town of Cobalt.
- 7 When investigating closed meeting complaints, we consider whether the open meeting requirements in the Act and the municipality's procedure by-law have been observed.

¹ SO 2001, c 25.

- 8 Our Office has investigated hundreds of closed meetings since 2008. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting cases. This searchable repository was created to provide easy access to the Ombudsman's decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the digest to inform their discussions and decisions on whether certain matters can or should be discussed in closed session, as well as issues related to open meeting procedures. Summaries of the Ombudsman's previous decisions can be found in the digest: www.ombudsman.on.ca/en/info-public-bodies-and-officials/municipal-government/municipal-meeting-digest.
- 9 The Ontario Ombudsman also has the authority to conduct impartial reviews and investigations of hundreds of public sector bodies. This includes municipalities, local boards, and municipally-controlled corporations, as well as provincial government organizations, publicly funded universities, and school boards. In addition, the Ombudsman's mandate includes reviewing complaints about the services provided by children's aid societies and residential licensees, and the provision of French language services under the *French Language Services Act*. Read more about the bodies within our jurisdiction here: www.ombudsman.on.ca/en/make-complaint/what-we-can-help-you/organizations-you-can-complain-about.

Investigative process

- 10 On July 9, 2025, my Office advised the Town of our intent to investigate this complaint.
- 11 We reviewed information related to the 2025 Budget Advisory Group, including the Town's procedural by-law, council resolutions and a staff report regarding the Town's advisory groups, and a council resolution appointing the members to the 2025 Budget Advisory Group. We also reviewed notes taken during the 2025 Budget Advisory Group's meetings. We spoke with the Town's former Clerk and representatives of E4M, the firm named in the staff report leading to the establishment of the Town's advisory groups.
- 12 My Office received full co-operation during this investigation.

Background

The Town's advisory groups

- 13 In November 2023, council resolved to change the names of its committees to “advisory groups.”² The Town’s Budget Committee was renamed to the “Budget Advisory Group.”
- 14 A staff report at the time stated that “changing the committees to groups will allow them to have discussions without worrying about closed session items.”³ The staff report stated that it relied on information from E4M to make this recommendation to council.
- 15 E4M told us that, at the time, in addition acting as the Town’s integrity commissioner, it also provided the Town with general advice on municipal matters. E4M confirmed that it spoke to the former Clerk and the Mayor about changes to the Town’s committee structure and meeting procedures. The principal of E4M told us that the Town did not implement the advice given. She recalled that E4M’s advice to the Town was to create working groups (which the Town called “advisory groups”) formed by the Town Manager, rather than committees appointed by council.

The 2025 Budget Advisory Group

- 16 We were told that the purpose of the 2025 Budget Advisory Group was to prepare draft budget materials for council’s consideration. There are no terms of reference or by-law for the 2025 Budget Advisory Group.
- 17 Council appointed two council members to the 2025 Budget Advisory Group by resolution on October 15, 2024.⁴ The 2025 Budget Advisory Group did not hold any meetings until March 2025. It held meetings on March 6, March 27, and April 23, 2025 and ceased holding meetings once the budget materials had been prepared. The former Clerk and Deputy Clerk attended each meeting and the Mayor attended the meetings on March 27 and April 23, 2025.

² Resolution No. 2023-268.

³ Staff Report 2023.11.07.05, *Ad-Hoc Committees to Town Manager Advisory Groups*, November 1, 2023.

⁴ Resolution No. 2024-182.

Analysis

The 2025 Budget Advisory Group is a committee under the Act

- 18 Section 238(1) of the Act defines “committee” as any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of one or more councils or local boards. Under the *Municipal Act, 2001*, all meetings of committees of council must be open to the public.
- 19 The Town’s procedural by-law mirrors the definition of a committee in the Act.⁵ The Mayor is an *ex officio* member of all committees and is entitled to vote but does not count towards quorum, unless required. The procedural by-law requires that the Clerk provide public notice of committee meetings by posting the meeting agenda on the Town’s website and Town hall door, no later than 48 hours before the meeting is held.
- 20 The 2025 Budget Advisory Group’s membership was set by council resolution which appointed two councillors as members. Although the former Clerk and Deputy Clerk attended the 2025 Budget Advisory Group’s meetings, these individuals are not part of its membership. Accordingly, the 2025 Budget Advisory Group is comprised only of members of council and therefore meets the Act’s 50% membership threshold and is a committee under the Act.

Meetings held by the 2025 Budget Advisory Group were illegally closed to the public

- 21 The 2025 Budget Advisory Group held meetings on March 6, March 27, and April 23, 2025. The 2025 Budget Advisory Group did not take minutes of its meetings, however we reviewed notes taken by the Deputy Clerk which recorded information about the discussion and business conducted. During each meeting, a quorum of members was present (i.e. the two council members) and the 2025 Budget Advisory Group materially advanced its business by preparing a draft budget.

⁵ By-law No. 2022-25 *Being a By-Law to govern the proceedings of Council and Committee meetings in the Town of Cobalt*, online: <<https://cobalt.ca/wp-content/uploads/2024/02/2022-25-Procedural-By-Law-Consolidated-Version.pdf>>.

- 22 The Town did not provide public notice of the 2025 Budget Advisory Group meetings as required by the Act or the Town’s procedural by-law, nor were the public permitted to attend the meetings. Accordingly, the meetings were closed to the public.

Opinion

- 23 The 2025 Budget Advisory Group is a committee under the Act and must comply with the open meeting rules, including the requirement to provide public notices of its meetings, hold open meetings unless one of the narrow open meeting exceptions applies, record minutes, and pass a resolution before closing a meeting.
- 24 The 2025 Budget Advisory Group also fits within the definition of committee under the Town’s procedural by-law and must comply with its requirements, including provisions related to public notice.
- 25 The Town contravened the Act and its own procedural by-law by failing to provide notice of the meetings held by the 2025 Budget Advisory Group on March 6, March 27, and April 23, 2025, and these meetings were closed to the public.
- 26 In reaching this conclusion, I have considered but do not agree with the advice given to the town by E4M. How the membership of a committee or body is formed – whether by council appointment or by staff – is not a relevant consideration. As explained above, the Act is clear: an entity of which at least 50% of the members are also members of a council or local board is a committee as defined by the Act and must comply with the open meeting rules. Further, the name or title assigned to the entity by a municipality has no bearing on whether or not it fits within the definition. Changing the name of a committee to call it an “advisory group,” as the Town did in November 2023, does not exclude that entity from the definition of “committee.”
- 27 Municipalities are ultimately responsible for complying with the Act’s open meeting rules. Reliance on erroneous information does not absolve a municipality from non-compliance.

- 28 Although the 2025 Budget Advisory Group no longer meets, I encourage the Town to review the meeting practices of all its advisory groups to ensure those bodies operate consistently with the open meeting requirements under the Act and the Town's procedural by-law.

Recommendations

- 29 I make the following recommendations to assist the Town of Cobalt in fulfilling its obligations under the *Municipal Act, 2001* and enhancing the transparency of its meetings:

Recommendation 1

All members of council for the Town of Cobalt should be vigilant in adhering to their individual and collective obligation to ensure that the municipality complies with its responsibilities under the *Municipal Act, 2001* and its procedural by-law.

Recommendation 2

The Town of Cobalt should ensure that it provides public notice in advance of all committee meetings and that committee meetings are open to the public, subject to the open meeting exceptions in the *Municipal Act, 2001*.

Recommendation 3

The Town of Cobalt should assess all advisory groups that are committees to confirm that their procedures comply with the open meeting rules in the *Municipal Act, 2001*.

Report

- 30 The Town of Cobalt and E4M were given the opportunity to review a preliminary version of this report and provide comments to my Office. No comments were received.

- 31 This report will be published on my Office’s website, and should also be made public by the Town of Cobalt. In accordance with subsection 239.2(12) of the *Municipal Act, 2001*, council is required to pass a resolution stating how it intends to address this report.



Paul Dubé
Ombudsman of Ontario