



## Commission Report

**Subject: Ombudsman Final Report**

**To:** Airport Commission

**From:** Nicole Rubli, Clerk

Report Number 2023-01

**Meeting Date:** May 31, 2023

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**Recommendation:**

That the Commission receive the Final Report prepared by the Office of the Ombudsman; and

That the Commission implement and continue to follow the recommendations contained within the Final Report to ensure compliance with the responsibilities under the Municipal Act.

**Background:**

The Ontario Ombudsman has completed an investigation into a complaint regarding closed meetings held by the Niagara Central Dorothy Rungeling Airport Commission on April 8, April 23, May 13, August 19, and August 30, 2021.

At the Commission meeting held March 2, 2023, the Commission received in Closed Session a verbal report regarding an investigation by the Ontario Ombudsman.

On May 19, 2023 the Ontario Ombudsman sent their final report. In accordance with section 14.1 (8) of the Ombudsman Act, the municipality should make the report available to the public. In accordance with section 239.2(12) of the Municipal Act, 2001, the City should pass a resolution stating how it intends to address this report.

**Discussion:**

The Final Report of the Ontario Ombudsman provides recommendations to assist the Airport Commission in fulfilling its obligations under the Act and enhance the transparency of its meetings in the future. Upon learning about the complaint to the Ombudsman's Office, the Commission reviewed its meeting procedures and processes and proactively took steps to ensure compliance with meeting rules as prescribed in the Municipal Act. The Commission has ensured a Clerk is present at each Commission meeting, adopted a Procedural By-law in September 2022 and has ensured notice of all meetings is posted on the Airport's website.

The recommendations from the Final Report of the Ombudsman and further corrective actions taken by the Commission are outlined below:

	<b>Ombudsman's Recommendations</b>	<b>Action Taken</b>
1	All members of the Niagara Central Dorothy Rungeling Airport Commission should be vigilant in adhering to their individual and collective obligation to ensure that the Commission complies with its responsibilities under the Municipal Act, 2001.	The Airport Commission has adopted a Procedural By-law and collectively ensures adherence to the By-law and Municipal Act.  Commission members receive training on closed meeting provisions.
2	The Niagara Central Dorothy Rungeling Airport Commission should ensure that prior to each in camera meeting, a resolution to proceed in camera is passed in open session.	The Commission passes resolutions in open session to proceed in camera pursuant to the Procedural By-law and Municipal Act.
3	The Niagara Central Dorothy Rungeling Airport Commission should ensure that complete and accurate records are kept of all meetings and that the records reflect all of the substantive and procedural items that were discussed.	The Commission keeps meeting agendas and minutes which are posted on the Airport website pursuant to the Procedural By-law.
4	The Niagara Central Dorothy Rungeling Airport Commission should provide public notice in advance of each meeting.	The Commission provides public notice in advance of each meeting on the Airport website pursuant to the Procedural By-law.
5	As a best practice and to assist in future closed meeting investigations, the Niagara Central Dorothy Rungeling Airport Commission should keep records of when notice has been posted.	The Commission keeps records of all meetings including notice, agendas, and minutes in accordance with the Procedural By-law.
6	The Niagara Central Dorothy Rungeling Airport Commission should ensure that its closed session votes comply with section	The Commission is compliant with section 239.6 of the Municipal Act when voting in

	239(6) of the Municipal Act, 2001.	closed session.
7	As a best practice, the Niagara Central Dorothy Rungeling Airport Commission should consider audio or video recording its proceedings, including closed meetings.	The Commission audio records meeting pursuant to the Procedural By-law.
8	The Niagara Central Dorothy Rungeling Airport Commission should adopt the best practice of reporting back in a meaningful way, when possible, following closed session discussion.	The Clerk provides a Rise and Report during the next regular open meeting after each closed session discussion.

In accordance with the Ombudsman Act, the Final Report will be made available on the Airport's website.

### **Conclusion:**

The Commission has taken corrective action prior to the completion of the Ombudsman's Final Report that increases transparency and ensures compliance with their responsibilities under the Municipal Act. It is the opinion of Staff that processes have been enacted that fully address the recommendations outlined in the Final Report.

### **Appendices:**

- a. Ombudsman Final Report

Respectfully submitted,

Nicole Rubli  
Clerk