

Town councils: Governing behind closed doors?

BY SIMONE JOSEPH
Staff Writer

Evelina MacEachern noticed a disturbing phenomenon in her early days on Aurora council.

During in-camera meetings, which are closed to the public, councillors tried to introduce matters that were supposed to be public.

"Someone would say, 'while we're here, and bring up a new item that didn't qualify for in-camera,' she said. 'There's no accountability when you are in-camera. There's no one to watch what you are doing.'"

Councillors stopped trying to bring up public matters in private when Ms MacEachern and other councillors repeatedly demanded they go back into public session, she said.

TORONTO INQUIRY

The openness and accountability of politicians has become a hot issue in recent months, with Toronto's MFP computer leasing inquiry and reports of former premier Ernie Eves making decisions in informal meetings without input from cabinet.

The issue of government openness has also been brought to the forefront by a report from the province's information and privacy commissioner last month, which argues Ontario needs an open meetings law.

The report points to the United States, where federal and state governments guarantee, with few exceptions, that the public can

attend meetings of public bodies, including municipal governments.

Council meetings can be the scene of important public debate because that is where decisions are made on everything from development to traffic calming to bus fares.

The commissioner's report, Making Municipal Government More Accountable: The Need for an Open Meetings Law in Ontario recommends:

- Providing a precise definition of a meeting because sometimes councils hold informal meetings without public notice;
- Requiring municipalities to give the public proper and adequate notice of each council and board meeting;
- Prohibiting councils from considering business not included on a published notice;
- Creating an overseeing body to hear complaints of open meeting rules not being followed (Today, if citizens have complaints, they have to take them to the Supreme Court, which can be costly and time-consuming); and
- Introducing remedies and penalties.

While there are guidelines for meetings within the Municipal Act, Ontario does not have a separate open meetings law. Councils are allowed to go into closed session for various reasons, including issues concerning legal proceedings or a lawsuit, the proposed land sales, labour relations negotiations and personnel matters, according to the Municipal Act.



PAMELA COURTOT: NDP candidate complained about Whitchurch-Stouffville council moving from evening to afternoon meetings

Aurora council receives advice from its clerk, chief administrative officer and lawyer on when discussions should be in-camera, Mayor Tim Jones says.

But Ms MacEachern still believes it is too easy for politicians to have discussions behind closed doors. She points to the example of an Oct. 21 Aurora committee meeting, parts of which were to be held in-camera. Councillors had to consider advice a lawyer had given the town on how to apply the Oak Ridges Moraine Conservation Act to hundreds of acres of land.

Aurora staff suggested the matter be considered in a closed session. Ms MacEachern was indignant.

"I didn't feel it was a legal matter. I felt it was a political decision and

that there had been no debate on it (if it was held in-camera) the public wouldn't have had the benefit of this discussion and knowing how or why we made our decision."

After Ms MacEachern's protests, the discussion was brought into the open and Aurora politicians opted to protect the area. But Mr. Jones still believes the debate should have been held behind closed doors.

"Any time council risks the threat of litigation, you go and discuss it in camera, so as not to show your hand to those who may or may not want to litigate."

While the commissioner's report does not suggest clarifying the criteria for closed-door meetings, it does suggest boards or councils should not be allowed to slip items into the agenda at the last minute.

Banning last-minute additions is an action Elvira Caria supports.

The co-chairperson of the Vellore Woods Ratepayers Association says last-minute additions have appeared on Vaughan agendas in cases where she did not see the urgency of adding them.

"Unless (the public) showed up that day, they wouldn't have known it was added," she said.

The head of another Vaughan citizens group believes council has too often kept residents in the dark during discussions about a new city hall, specifically the decision not to use the Vaughan corporate centre in the Hwy. 7/Jane Street area.

"There was no way the average resident that was coming to council could have known they were going

to remove the corporate centre as one of the sites ... Perhaps they (councillors) could have voted after they heard what people had to say," said Paul De Buono, who formed Vaughan Watch in January to encourage city hall to be more up front with the public.

Building at the corporate centre would have attracted businesses, so ruling it out could have major financial repercussions, he said.

Mr. De Buono pointed out a KPMG report evaluating the city's options was kept private until residents lobbied for it to be released.

Vaughan Mayor Michael Di Biase says most of council's meetings were public, except when the city had to talk about private matters, such as land values.

COUNCIL ALREADY OPEN

As for the report, council held it back on the advice of a lawyer, he said, adding stricter openness legislation is not necessary.

The timing of a meeting can also shut out the public, said Pamela Courtot, a Stouffville resident and NDP candidate for Oak Ridges in the provincial election.

In a letter to the editor of the Stouffville Sun-Tribune, she pointed out council had moved all meetings from the evening to the afternoon. Meetings were held at 7 p.m. before 1999, when they were changed to 3 p.m. when residents can't attend.

"It's either deliberate or downright stupid. It fails to recognize the importance the public plays in the democratic process."

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