

Based on the principles of accountability, transparency and openness underscoring the Sunshine Law and reflected in relevant court cases, the Ombudsman developed the following working definition to describe those gatherings subject to the open meeting requirements:

**A meeting occurs when members of a council, local board or committee come together for the purpose of exercising their power or authority, or for the purpose of doing the groundwork necessary to exercise that power or authority.<sup>9</sup>**

### What is a quorum?

A quorum is the minimum number of members of a body required to be present at a meeting in order for a body to exercise its power or authority. The presence of a quorum is an important indicator of whether a "meeting" has occurred, since a body can take official action when it has a quorum.

### Does the term "meeting" include such things as informal gatherings, informal discussions and attendance at social functions?

Informal gatherings for social purposes are **not** considered to be "meetings." However, where the purpose of the gathering is to **discuss business** of the council, local board or committee and/or to make decisions, a gathering is more likely to be deemed a "meeting" that is subject to the open meeting requirements.

<sup>9</sup> Ombudsman Report: *Don't Let the Sun Go Down on Me*, Investigation into the City of Greater Sudbury meeting of February 20, 2008 (April 25 2008).

### Are meetings conducted over the phone or by email subject to the open meeting requirements?

A "meeting" is not limited to a physical gathering. A teleconference, sequential telephone or email conversation conducted for the purpose of exercising the power or authority of a council, local board or one of their committees or for the purpose of doing the groundwork necessary to exercise that power or authority may constitute a "meeting" subject to the open meeting requirements.<sup>10</sup> Serial telephone calls or emails are, by their nature, closed to the public.

### What is a municipality required to address in its procedure by-law?

Every municipality and local board is required to **pass a procedure by-law** governing the calling, place and proceedings of meetings. The procedure by-law must also provide for **public notice** of meetings.

### How does a procedure by-law affect the ability of a municipality to close a meeting?

When a municipality decides to close a meeting or part of a meeting, it has to comply not only with the requirements of the *Municipal Act, 2001*, but **also with any additional requirements of its procedure by-law**.

<sup>10</sup> Ombudsman Report: Investigation into the Township of Nipissing April 25, 2008 meeting (February 6, 2009)