

MUNICIPAL CLOSED MEETING INVESTIGATION POLICY/PROCEDURE

POLICY STATEMENT

The Township of McGarry shall ensure that requests for investigations submitted under Section 239 of the Municipal Act, 2001 as amended (the Act) are dealt with in a fair, open expeditious manner.

The Township of McGarry shall provide the information requested by the Municipal Closed Session Investigator (Investigator), either written or through interviews, to assist the Municipal Investigator in his/her investigations.

The Township of McGarry shall ensure any report received from the Investigator related to an investigation under the Act, is placed on a public agenda and that consideration of such reports is conducted in an open public session of Council and/or a Standing Committee of Council.

This policy shall be posted on the municipal website and available from the Clerk's Department, or by contacting the Clerk's Department or by contacting the Clerk's Department at 705-634-2145 or through e-mail to treasure@ntl.sympatico.ca.

BACKGROUND

Through By-Law 2010-09 the Township of McGarry appointed the Ombudsman of Ontario as a Municipal Closed Session Investigator and has authorized their office to conduct investigations upon receipt of a complaint in respect of meetings or parts of meetings that are closed to the public. The Investigator will determine compliance with the Act or the Municipal procedure by-law and will report on the results of such investigations.

***If no Investigator is appointed, this Policy and Procedure shall be modified to reflect the Provincial Ombudsman being the Investigator.

COMPLAINTS PROCEDURES

Members of the public, including corporations, may submit complaints to the Investigator by contacting the Office of the Ombudsman relating to compliance with the Act or the Municipal Procedure By-Law for meetings or part of meetings that are closed to the public. All complaints will be treated as confidential at all times.

Complaints may be submitted to the Township Office on the established Complaint Form or via written request. The Complaint Form can be obtained from the Clerk's Department, together with an envelope addressed to the Investigator which the municipality has appointed under Section 239 of the Act. All complaints must contain the following information.

1. Name of Municipality
2. Complainant's name, mailing address, telephone number and e-mail address (if

- applicable)
3. Date of Closed Meeting under consideration.
 4. Nature and Background of the particular occurrence.
 5. Any activities undertaken (if any) to resolve the concern
 6. Any other relevant information
 7. Original signature

Complaints may be submitted to:

1. By Contacting the Ontario Ombudsman at www.ombudsman.on.ca or by phone at 1-800 263-1830, or mail Ombudsman Ontario, Bell Trinity Square, 483 Bay Street, 10th Floor, South Tower, Toronto, On. M5G 2C9

OR,

2. By delivery to the Municipal Clerk in a sealed envelope clearly identified as a Complaint under Section 239 of the Act.

When complaints are submitted directly to the Clerk, the Clerk shall undertake the following procedures:

1. Take all measures to ensure the envelope remains sealed and its contents remain confidential;
2. Assign a file number and record the file number on the envelope;
3. Log the file number together with the date and time received;
4. Forward, forthwith to the Municipal Investigator by regular mail.

Complainants will be notified of the receipt of their complaint by the Complaints Investigator.

For all complaints the municipality shall supply forthwith the following or any other information or documentation as requested by the Investigator related to a complaint:

- Certified copy of Notice of Meeting
- Certified copy of Agenda
- Certified copy of Minutes of Meeting
- Relevant Resolutions
- Municipal contact list
- Other relevant information as required.

**COMPLAINT INTAKE FORM
MUNICIPAL INVESTIGATION**

**IN ACCORDANCE WITH
Section 239 of the Municipal Act 2001 (as amended)**

PLEASE FORWARD COMPLETED FORMS TO:

Township of McGarry

Action	Any activities that the complainant has undertaken to resolve the matter.

Summary / Additional Comments

Date of Signature

Signature of Complainant