

CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC

BYLAW NO. 86-07

**BEING A BYLAW TO ADOPT A CLOSED MEETING INVESTIGATIONS
POLICY/PROCEDURE**

WHEREAS Section 239 of the Municipal Act, 2001, as amended, states that a person may request an investigation to be undertaken by an investigator of whether a municipality or local board has complied with Section 239 or Section 238(2) in respect of a meeting or part of a meeting that was closed to the public;

AND WHEREAS Section 239 of the Municipal Act, 2001, as amended, authorizes the municipality to appoint an investigator who has the function to investigate in an independent manner, on a complaint made to him or her by any person, whether the municipality or a local board has complied with section 239 or a procedure bylaw under Section 238 (2) of the Municipal Act, 2001, as amended, in respect of a meeting or part of a meeting that is closed to the public and that is held on or after January 1, 2008, and to report on the investigation;

AND WHEREAS Section 239 of the Municipal Act 2001, as amended, states that a closed meeting investigator carrying out his or her functions may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality.

AND WHEREAS it is deemed expedient to adopt a policy/procedure to ensure that requests for investigations submitted under Section 239 of the Municipal Act, as amended, are dealt with in a fair, open and expeditious manner.

NOW THEREFORE the Council of the Municipality of Strathroy-Caradoc **HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the Closed Meeting Investigations Policy/Procedure attached hereto as Schedule "A" be adopted.
2. **THAT** this Bylaw shall come into full force and effect on the date of its final passing thereof.

Read a FIRST, SECOND AND THIRD TIME and PASSED IN OPEN COUNCIL this 17th day of December, 2007.

Original signed by Mel Veale

Original signed by Angela Toth

MAYOR

CLERK

SCHEDULE "A" TO BYLAW 86-07

CLOSED MEETING INVESTIGATIONS POLICY/PROCEDURE

POLICY STATEMENT

The Municipality of Strathroy-Caradoc shall ensure that requests for investigations (request(s)) submitted under Section 239 of the Municipal Act, as amended, (the Act) are dealt with in a fair, open and expeditious manner.

Only meetings or parts of meetings that are closed to the public on or after January 1, 2008 are subject to investigation.

The Municipality of Strathroy-Caradoc (Municipality) shall provide the information requested by the Closed Meeting Investigator (Investigator), either written or through interviews, to assist the Investigator in his/her investigations.

The Municipality 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 any report is conducted in an open session of Council, and that Council will make a decision, within thirty (30) days of receiving the report, and that such reports are made available to the public. The person who made the request will be advised in writing by mail, or by email or fax if provided, and by telephone at least five (5) days prior to the report being considered by Council and he/she will also be advised of the decision made by Council in writing by mail, or by email or fax if provided.

Any recommendation, report or act of the Investigator is final and shall not be challenged, reviewed, quashed or called into question. The decision of Council regarding a report received from an Investigator is final and not subject to appeal.

Once a report is received by Council, the Investigator shall submit the file on the Request to the Clerk for safekeeping.

This policy applies to all Boards, Committees and Commissions of the Municipality except the Police Services Board.

This policy shall be posted on the municipal website and available free of charge from the Clerk's Department at 52 Frank Street, Strathroy or by contacting the Clerk's Department at 519-245-1105 x224 or by email to atoth@strathroy-caradoc.ca.

CLOSED MEETING INVESTIGATION

The Municipality shall appoint a person as the Closed Meeting Investigator from time to time and authorizes him/her to conduct investigations upon receipt of a request in respect of meetings or parts of meetings that are closed to the public. The Investigator will determine compliance with the Act or Municipal Procedure Bylaw and will report on the results of such investigations to Council.

COMPLAINT PROCEDURES

Before filing a formal Request, the person shall make every effort to resolve the issue with the Municipal Clerk. The person shall: get the names and titles of those persons with whom he/she deals; keep track of the dates of his/her contacts with the Municipality; and keep all papers and letters relating to his/her complaint. This information should be included in a formal Request.

Members of the public may submit requests relating to compliance with the Act or the Municipal Procedure Bylaw for meetings or parts of meetings that are closed to the public.

A request must be received within sixty (60) days of the date that the meeting being investigated took place.

Requests may be submitted on the established Complaint Form or via written request. The Request Form may be downloaded from the Municipal website or can be obtained from the Clerk's Department, together with an envelope addressed to the Investigator appointed by the municipality.

There is no cost to a person for requesting an investigation of a closed meeting.

All Requests must contain the following information:

1. Name of Municipality;
2. Name of person making request, mailing address, telephone number and email 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.

Requests shall be submitted to the Municipal Clerk, 52 Frank Street, Strathroy, ON N7G 2R4 in a sealed envelope clearly identified as a complaint under Section 239 of the Act.

When a request is received by 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. Cause to be forwarded forthwith to the Investigator by regular mail or hand delivery.

The Investigator will acknowledge receipt of the Request in writing within ten (10) days to the person making the Request.

In the event that a Request is incomplete the request will be returned by the Investigator to the person who made the Request with a description of the reason(s) for the return of the Request and specific instructions as to how to complete the Request to be in compliance with the process. The Investigator shall notify the Clerk when a Request is returned.

The person who made the original Request must return the completed Request or a new Request within sixty (60) days of the date that the meeting being investigated took place, or within thirty (30) days from the date that the original Request was returned, whichever is later.

In the event that the person making the Request fails to return the completed Request or a new Request, the Investigator shall notify the Clerk and the Clerk shall record the name of the person who made the Request and the meeting in question and close the file. No further notice will be provided.

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

1. Certified copy of Notice of Meeting and Agenda;
2. Certified copy of Minutes of Meeting containing relevant resolutions ratified by Council;
3. Municipal contact list for persons present at the meeting;
6. Certified copy of the Procedure Bylaw;
7. Other relevant information as requested by the Investigator.

The Investigator shall have all power, rights and duties as set out in Subsections 223.13(6) and Sections 223.14 to 223.18 of the Act.

The Investigator shall make such recommendations as he/she deems appropriate and report to Council at an open meeting within thirty (30) days of receipt of the complaint, or as soon as possible thereafter.



MUNICIPALITY OF STRATHROY-CARADOC

**REQUEST FORM FOR A
CLOSED MEETING INVESTIGATION**

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

PLEASE FORWARD COMPLETED FORM TO:

MUNICIPAL CLERK
MUNICIPALITY OF STRATHROY-CARADOC
52 FRANK STREET
STRATHROY ON N7G 2R4

REQUEST FORM FOR A CLOSED MEETING INVESTIGATION
Section 239 – Municipal Act, 2001 (as amended)

NAME OF PERSON MAKING REQUEST		
ADDRESS		
TELEPHONE	HOME:	WORK:
E-MAIL		

PLEASE NOTE: PERSONAL INFORMATION IS COLLECTED UNDER THE AUTHORITY OF SECTION 239 OF THE MUNICIPAL ACT, 2001 (AS AMENDED) AND WILL BE USED BY THE MUNICIPAL INVESTIGATOR TO CARRY OUT AN INVESTIGATION UNDER THE ACT.

NAME OF MUNICIPALITY	
DATE OF CLOSED MEETING	
MUNICIPAL CONTACT NAME	
TELEPHONE	

BACKGROUND	This section should provide as much information as is required to explain the nature and background of the particular occurrence (i.e. Reason provided for closed meeting session; Reason for complaint; Municipal Contact; Municipal Explanation)

ACTION	Any activities that the complainant has undertaken to resolve the matter

SUMMARY/ADDITIONAL COMMENTS

Date of Signature

Signature of Applicant