

Adopted by Council on December 14, 2015
Amended by Council on March 26, 2018

Township of Southwold
Policy for Municipal Closed Meeting Investigations

Policy Statement

The Township of Southwold (the municipality) is committed to ensuring that a request for an investigation under Section 239 of the Municipal Act, 2001 as amended (the Act) is dealt with in a fair, open and expeditious manner.

The municipality commits to full co-operation including the provision of all information requested by the Municipal Closed Meeting Investigator (the Investigator), either written or through interviews, to assist the Investigator in his investigations.

The municipality commits to including any report received from the Investigator related to an investigation under the Act, on a public agenda and to considering such report in an open public meeting of Council or a Committee of Council.

The policy shall be posted on the municipal website and available from the Chief Administrative Officer's office (the Clerk), 35663 Fingal Line, Fingal, ON, NOL 1K0 or by e-mail to cao@southwold.ca

This policy applies to all appointed Boards as defined in the Municipal Act.

Background

Through By-law No. 2018-04 the municipality appointed Independent Resolution Inc. as a Municipal Closed Meeting Investigator and authorized him to conduct investigations upon receipt of a complaint in respect of meetings or part of meetings that are closed to the public to determine compliance with the Act or the Municipal Procedural By-law and to report on the results of such investigations.

Complaints Procedures:

Members of the public are encouraged to speak directly with the Clerk regarding a Complaint in order to resolve any concerns prior to beginning the formal complaint process.

Members of the public may submit complaints to the Investigator relating to compliance with the Act or the Municipal Procedural By-law for meetings or part of meetings that are closed to the public.

All complaints will be treated as confidential, unless authorization is given by the complainant to release his or her identity.

Every request for an investigation shall be initiated through the submission of the "Municipal Investigation Complaint Form" ("Complaint Form") provided. The said Complaint Form shall be made available to the public through the Clerk's Office or can be downloaded from the Township website at www.southwold.ca. Completed Complaint Forms will not be accepted by facsimile, e-mail or other electronic means.

A completed Complaint Form shall be submitted to either the Clerk's Office or directly to the Closed Meeting Investigator and shall be accompanied by payment of an administrative/processing fee of \$25.00, payable in cash or bank draft to the Corporation of the County of Elgin, in accordance with the following:

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

or

- By mail directly to:

Independent Resolutions Inc.
Closed Meeting Investigator
17 Hummingbird Lane
St. Thomas, Ontario
N5R 6L8

Inquiries only may be submitted by e-mail to independentresolutions@gmail.com or by telephone at 519-670-4517 during regular office hours.

A completed Complaint Form will not be accepted unless accompanied by payment of the required administrative/processing fee.

In the event that the closed meeting investigator concludes that either an item discussed in a closed meeting ought not to have been discussed in such closed meeting or that Council did not act in accordance with its Procedural By-law, then the said administrative/processing fee shall be refunded to the submitting Complainant.

All complaints must contain:

- Name of Municipality
- Complainant's name, mailing address, telephone number and e-mail address (if applicable)
- Date of Closed Meeting under consideration
- Nature and Background of the particular occurrence
- Any activities undertaken (if any) to resolve the concern

- Any other relevant information
- Direction with respect to release of identity
- Original signature

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

- Take all measures to ensure the envelope remains sealed and its contents remain confidential;
- assign a file number and record said file number on the envelope;
- Log the file number together with the date and time received;
- Forward, forthwith to the Investigator by regular mail.

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