

The Corporation of the Township of North Kawartha

Schedule “A” to By-Law 2015-044

Closed Meeting Investigation Policy for Procedures

Policy Statement: This policy shall provide the procedures to allow the Closed Meeting Investigator to meet the requirements of Section 239 of the Municipal Act (“The Act”), 2001, as amended.

Purpose: Through By-Law No. 2014-113, the Township of North Kawartha appointed Local Authority Services (LAS) as the Closed Meeting Investigator for the Township of North Kawartha (“The Township”) and authorized them to conduct investigations, upon receipt of a complaint, to determine compliance with “The Act” or the Municipal Procedural By-Law and to report on the result of the investigation. This policy sets out the steps for processing of a complaint.

Application: This policy shall apply to all appointed Boards and Committees of “The Township”, all staff and officers of the “The Township”, the Investigator and all members of the public.

Definitions: None

Exclusions: Police Service Board, Public Library Board

References & Related Policies: The attached procedure shall lay out the process for submission and processing of complaints to the Closed Meeting Investigator.

Consequences of Non-Compliance: Complaints will not be processed if this policy and the necessary procedures are not followed.

Review Cycle: As required.

Procedures for Closed Meeting Investigation:

Members of the public, including corporations, may submit complaints to the Closed Meeting Investigator (“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 at all times.

Complaints shall be submitted on the established Complaint Form (attached). The Complaint Form may be downloaded from the municipal website or available from the Clerk’s Office.

All complaints must be in writing and must contain the following information:

Name of Municipality;
Complainant’s name, mailing address, telephone number and e-mail address (if applicable);
Date(s) of closed meeting(s) under consideration and resolution number;
Nature and background of the particular occurrence;
Any activities undertaken (if any) by the complainant to resolve the concern
Any other relevant information;
Original signature of complainant;
Cheque in the amount of \$125.00 per application, payable to “The Corporation of the Township of North Kawartha”

Completed complaint forms shall be marked "Confidential" and submitted in writing to:

Clerk
Township of North Kawartha
280 Burleigh Street
P.O. Box 550
Apsley, Ontario
K0L 1A0

Upon receipt of a request for an investigation regarding the Meeting, the Clerk of the Municipality shall take all measures to ensure the contents remain confidential and forthwith forward the following documents to Amberley Gavel Ltd. as appropriate utilizing the Amberley Gavel Checklist of Materials:

- The original request for an investigation;
- A certified copy of the municipal procedure by-law and, if applicable, the procedure by-law for the Local Board;
- A certified copy of the municipal notice by-law and, if applicable, the notice by-law for the Local Board;
- A certified copy of the agenda with all relevant attachments relating to the Meeting;
- A certified copy of the notice given for the Meeting;
- A certified copy of the minutes of the Meeting;
- A contact list for all members of the Council, Local Board or Committee for which the request is made and for all persons present at the Meeting;
- Such other information or documentation that the Clerk of the Municipality deems relevant; and
- Such other information or documentation that LAS or the Delegate may from time to time deem relevant to the investigation;

Upon receipt of a request for an investigation regarding the Meeting, the following is the LAS Investigation Process:

Initial review by Investigator (consultation with complainant – if necessary) may result in a decision to proceed, or not to proceed – with a reason, or withdrawal of request by complainant

In the case of withdrawal, or decision not to proceed, the Investigator will notify the parties and table a report with Council. In such instances, the filing fee shall not be considered for a refund.

If the decision is to proceed, the investigation is completed
A draft report is filed and peer reviewed by Amberley Gavel
A final report is prepared and submitted to Council or the Local Board
The report is made public by the municipality

As part of its review of the Investigator's report, Council shall determine whether the complaint was substantiated and whether the filing fee should be refunded to the applicant.

Responsibility

The Clerk shall be responsible for ensuring the above procedures are followed. Council shall be responsible for addressing and implementing any corrective actions resulting from adverse decisions of the Closed Meeting Investigator and for determining whether filing fees are to be refunded to the requester.

Municipal Investigation

In accordance with
Section 239 of the *Municipal Act 2001*
(As Amended)

Please forward completed form(s), together with cheque in the amount of \$125.00 per application (Payable to The Corporation of the Township of North Kawartha) in a sealed envelope, clearly marked "confidential" to:

Township of North Kawartha

Attn: Clerk

280 Burleigh Street

P O Box 550

Apsley ON K0L 1A0



Request for Investigation
Pursuant to Section 239(1) of the Municipal Act 2001 regarding a closed meeting or meetings.

This is a complaint made to the Municipality's Investigator for an investigation as to "*whether the municipality or a local board has complied with section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation. 2006, c. 32, Sched. A, s. 104*".

Name of the Municipality:

Name of Local Board or Committee
(if applicable): _____

Date(s) of Meeting(s) that are the subject of this request:

Reason for the request (Please give reason(s) for complaint):

Please use additional sheets if necessary.

Complainant's Contact Information (for use by closed Meeting Investigator only.
Information with respect to the identity of the complainant will only be made public
with the express permission of the complainant.)

Name:

Mailing Address:

Telephone: _____ Email: _____

Signature: _____