

THE CORPORATION OF THE TOWN OF WASAGA BEACH

BY-LAW NO. 2016-26

**A BY-LAW TO ADOPT A CLOSED MEETING INVESTIGATION POLICY
FOR THE TOWN OF WASAGA BEACH**

WHEREAS pursuant to section 9 of the *Municipal Act*, 2001 S.O. 2001, chapter 25 a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to section 8. (1) of the *Municipal Act*, 2001 S.O. 2001, chapter 25 the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS pursuant to section 239 (1) of the *Municipal Act*, 2001 S.O. 2001, chapter 25 all meetings shall be open to the public unless specifically exempted under sections 239 (2) through to 239 (3.1);

AND WHEREAS pursuant to section 239.2 (1) of the *Municipal Act*, 2001 S.O. 2001, chapter 25 without limiting sections 9, 10 and 11, those sections authorize 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 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;

AND WHEREAS in accordance with Section 239.2(11) of the *Municipal Act*, 2001, the Town of Wasaga Beach commits to including any report received from Investigator related to an investigation under the Act, on a public agenda and to considering such report in an open public session of Council or Committee of the Whole.

NOW THEREFORE the Council of the Corporation of the Town of Wasaga Beach HEREBY ENACTS as follows:

1. THAT the Closed Meeting Investigation Policy, Appendix "A", attached hereto and forming part of this By-law be adopted.
2. THAT this By-Law shall come into force and take effect on the date of its final passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 16TH DAY
OF FEBRURAY, 2016.

Brian Smith, Mayor

Holly Bryce, Town Clerk



THE CORPORATION OF THE TOWN OF WASAGA BEACH
POLICY MANUAL

SECTION NAME: Council	POLICY NUMBER: 1-4
POLICY: Closed Meeting Investigation Policy	REVIEW DATE: February 2019
EFFECTIVE DATE: February 2016	REVISIONS:
ADOPTED BY BY-LAW: By-Law No. 2016-26	ADMINISTERED BY: Town Clerk

PURPOSE

Local government in Ontario must be transparent and accountable. To this end, the Province has set rules for a council, local board or a committee to go into a closed meeting. These rules are found in section 239 of the Act. They must be strictly followed.

A Closed Meeting Investigator investigates, in an independent manner, complaints made to him/her, on whether a municipality/local board has complied with legislation/the local procedure by-law in respect to a meeting (or part) that was closed to the public.

The Town of Wasaga Beach 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 and expeditious manner.

The Town of Wasaga Beach 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.

In accordance with Section 239.2(11) of the Municipal Act, 2001, the Town commits to including any report received from Investigator related to an investigation under the Act, on a public agenda and to considering such report in an open public session of Council or Committee of the Whole.

This policy applies to all appointed Boards, and Advisory Committees of the municipality with the exception of the Police Services Board and the Public Library Board.

This policy shall be posted on the municipal website www.wasagabeach.com and available from the Clerk's Office, 30 Lewis Street, Wasaga Beach ON L9Z 1A1 or by contacting the Clerk's Office at (705-429-3844 Ext. 2223) or through e-mail to (clerk@wasagabeach.com).

SCOPE

This policy applies to all closed meeting investigations undertaken in accordance with Section 231.1 and 239.2 of the Act.

This policy applies to anyone requesting the investigation of a Municipal Closed Meeting, the Clerk's Office and Meeting Investigator as appointed.

Through By-law the Town of Wasaga Beach has appointed JGM Consulting (John Maddox) as a Municipal Closed Session Investigator and has authorized him 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 Procedural By-law and will report on the results of such investigations.

If an Investigator has not been appointed or the appointment lapses, the Provincial Ombudsman will become the default Closed Meeting Investigator for the municipality and this Policy shall be modified accordingly. The Provincial Ombudsman cannot reverse a decision made by the local Closed Meeting Investigator.

COMPLAINTS PROCEDURES

Members of the public, including corporations, 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 that have occurred after January 1, 2008. All complaints will be treated as confidential at all times. Complaints may be submitted on the established Complaint Form or via written request. The Complaint 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 which the municipality has appointed under Section 239 of the Act.

All complaints must contain the following information:

1. Complainant's name, mailing address, telephone number and e-mail address (if applicable)
2. Date of Closed Meeting under consideration (subsequent to January 1st, 2008)
3. Nature and Background of the particular occurrence
4. Any activities undertaken (if any) to resolve the concern
5. Any other relevant information

6. Enclose the applicable fee
7. Original signature

Failure to submit the required information will delay the process. A complaint form which is not considered by the Clerk to be complete, in accordance with the above, may be returned to the Complainant to resubmit with all the required information.

Complaints may be submitted to:

By mail directly to:

John Maddox, JGM Consulting,
Municipal Closed Meeting Investigator
99 Edgevalley Road, Unit #42
London, ON, N5Y 5N1

Or

Town of Wasaga Beach
Attn: Town Clerk
30 Lewis Street, Wasaga Beach ON, L9Z 1A1

Or

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

E-mail or Fax will not be accepted.

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 within 14 business days 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

Inquiries only may be submitted to:

Prior to submitting a request for investigation, members of the public, including corporations, are encouraged to discuss their concerns or inquiries with the Town Clerk.

Or, inquiries may be submitted to:

John Maddox, JGM Consulting,
Municipal Closed Meeting Investigator
99 Edgevalley Road, Unit #42
London, ON N5Y 5N1

or by telephone at 519-951-0330 during regular office hours.

POLICY ADMINISTRATION AND REVIEW

This policy shall be administered by the Town Clerk.

This policy will be reviewed every three (3) years or as required based on revisions to corporate practises or Provincial legislation.