

Closed Meeting Investigations

Applies to: Council, Committees
and Local Boards
Effective Date: 2008
Amended: January 1, 2017



Clerk Services

Policy Number:
A19-C1701

Policy Statement

The Town of Collingwood is committed to ensuring any 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 Town of Collingwood is committed to full co-operation including the provision of all information requested by the Municipal Closed Meeting Investigator (Investigator), either written or through interviews, to assist the Municipal Investigator in his/her investigations.

The Town of Collingwood 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.

1. DEFINITIONS

- 1.1. **Council** means the Council of The Corporation of the Town of Collingwood;
- 1.2. **Committee** means any Standing Committee or similar entity of which at least 50 per cent of the Members are also Members of one or more Council or Local Boards;
- 1.3. **Local Board** means a board, commission, committee, body or local authority of the Town established or exercising authority under any general or special Act for municipal purposes.

2. PURPOSE

- 2.1. To provide for the procedures in filing a complaint specific to the holding of meetings pursuant to Section 239 of the Municipal Act for any closed meeting held by Council, a Committee or a Local Board.

3. BACKGROUND

- 3.1. Resolution No. 390-16 was passed by Town Council authorizing the appointment of Local Authority Services (LAS) and Amberley Gavel Ltd. as the Municipal Closed Meeting Investigator for the Corporation of the Town of Collingwood 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 Procedure By-law and to report on the results of such investigations.

4. COMPLAINT PROCEDURE

4.1. Submitting a Complaint

- 4.1.1. Members of the public, including corporations, may submit complaints to the Investigator 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, unless authorization is given by the requestor to release his or her identity.
- 4.1.2. Prior to submitting a request for investigation, members of the public, including corporations, are encouraged to discuss their concerns or inquiries with the municipal Clerk.
- 4.1.3. All complaints must contain the following information:
- Name of municipality
 - Requestor'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
 - Application fee
 - Original signature
- 4.1.4. Request forms are downloadable from the municipality's website or are available in the Clerk Services, Town Hall at the Collingwood address provided below.
- 4.1.5. Complaints may be submitted on the established Complaint Form or otherwise in writing in a sealed envelope clearly identified as a complaint under Section 239 of the Municipal Act and forwarded by mail to:

Closed Meeting Investigator:

Amberley Gavel Ltd.
35 Ambleside Drive,
London, ON N6G 4M3
info@agavel.com | Toll free: 1-866-535-8079

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

Town of Collingwood
c/o Clerk, Sara Almas
P.O. Box 157, 97 Hurontario Street
Collingwood, ON L9Y3Z5

Complaint under Section 239 of the Municipal Act

4.2. Complaints submitted to Clerk

4.2.1. When requests 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 a 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 Closed Meeting Investigator.

4.3. Providing Information to Investigator

4.3.1. Upon receipt of a request for an investigation regarding a closed meeting, For all requests the municipality shall supply forthwith to the Investigator the following or any other information or documentation as requested by the Investigator related to a complaint:

- The original request for an investigation if submitted to the Clerk;
- A certified copy of the municipal procedure by-law and, if applicable, the procedure by-law for any Local Boards;
- A certified copy of the municipal notice by-law and, if applicable, the notice by-law for any Local Boards;
- A certified copy of the agenda with all relevant attachments relating to the meeting in question;
- A certified copy of the notice for the meeting;
- A certified copy of the minutes of the meeting;
- A contact list for all members of the Council, Committee or Local Board 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 its delegate may from time to time deem relevant to the investigation.

4.4. Inquiries and Investigations

4.4.1. Investigations will be undertaken utilizing the LAS investigation process attached as Appendix A.

5. Review of Policy

5.1. This policy shall be reviewed upon a new contract being executed for Closed Meeting Investigator Services or the renewal of an existing contract.

Appendix A – Investigation Process

