

THE CORPORATION OF THE TOWNSHIP OF RAMARA

BY-LAW NUMBER 2008. 10

**A BY-LAW TO ADOPT A MUNICIPAL CLOSED MEETING INVESTIGATOR COMPLAINT POLICY**

**WHEREAS** Section 239 of The Municipal Act, 2001, as amended, provided that a municipality may 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 has complied with Section 239 or a Procedural Bylaw under Section 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** The Corporation of the Township of Ramara, passed Bylaw No 2007-108 to appoint JGM Consulting (Mr. John Maddox) as an investigator under Section 239 of The Municipal Act, as amended;


**AND WHEREAS** The Corporation of the Township of Ramara is committed to ensuring that any request for an investigator under Section 239 or The Municipal Act, 2001, as amended, is dealt with in a fair, open and expeditious manner;


**AND WHEREAS** the Municipal Closed Meeting Investigator Complaint Policy, attached as Schedule "A", establishes Council's policy for dealing with complaints received;

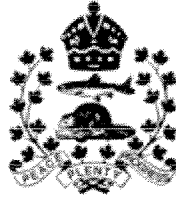
**NOW THEREFORE**, the Council of the Corporation of the Township of Ramara enacts as follows:

1. That the Municipal Closed Meeting Investigator Complaint Policy attached hereto as Schedule "A", and forming part of this bylaw, is hereby approved and adopted;
2. That this bylaw shall come into force and take effect on the date of passing.

**BYLAW CONSIDERED READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 28<sup>th</sup> DAY OF JANUARY, 2008.**

  
\_\_\_\_\_  
William P. Duffy,  
Mayor

  
\_\_\_\_\_  
Richard P. Bates, BAS, CET  
Clerk



## **TOWNSHIP OF RAMARA**

### **Municipal Closed Meeting Investigator Section 239 – *Municipal Act, 2001, as amended***

#### **Policy Statement**

The Corporation of the Township of Ramara (the “municipality”) is committed to ensuring that 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 municipality commits 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 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 session of Council or a Standing Committee of Council.

This policy shall be posted on the municipal website and available from the Clerk’s Department, 2297 Highway 12, Brechin, or by contacting the Clerk’s Department at (705) 484-5374 or through e-mail to ramara@township.ramara.on.ca.

This policy applies to all closed meeting investigations undertaken in accordance with Section 239.1 and 239.2 of the *Municipal Act, 2001*.

#### **Background**

Through Bylaw 2007-108 the municipality has appointed JGM Consulting (John Maddox) 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 Procedure By-law* and to report on the results of such investigations.

#### **Procedures - Request for Investigation**

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.

Members of the public, including corporations, may submit requests 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.

The identity of the person making the request will be treated as confidential by the municipality and the Investigator, unless authorization is given by the requestor to release his or her identity.

Request forms may be downloaded from the municipality's website or are available in the Clerk's Department.

Requests may be submitted on the Request Form in writing to:

- To the Clerk in a sealed envelope clearly identified as a complaint under Section 239 of the *Municipal Act*

Clerk,  
Township of Ramara,  
2297 Highway #12,  
P. O. BOX 130  
BRECHIN, ON LOK 1B0  
or

- By mail directly to:

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

All complaints must contain:

- 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
- Direction with respect to release of identity
- Original signature

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

1. Ensure that the requests 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.

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:

- Certified copy of Notice of Meeting
- Certified copy of the agenda
- Certified copy of the Minutes of meeting
- Relevant resolutions
- Municipal contact list
- other

**Timeframe:**

The Investigator will commence his investigation within two weeks of receipt of a request.



## **TOWNSHIP OF RAMARA**

### **REQUEST FORM MUNICIPAL CLOSED MEETING INVESTIGATION**

In Accordance with  
Section 239 of the *Municipal Act 2001, as amended*

Please Forward Completed Forms to:

John Maddox  
JGM CONSULTING  
#42 – 99 Edgevalley Road  
London, Ontario N5Y 5N1

Please mark Envelope - 'Personal and Confidential – Complaint Under Section 239 of the Municipal Act'



<b>Action</b>	
<b>a. Have you approached municipal staff to resolve this matter? Yes [ ] No [ ]</b>	
<b>If yes, who?</b>	<b>Date of contact:</b>
<b>b. Other activities that the requestor has undertaken to resolve the matter:</b>	

<b>Summary/Comments</b>

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Requestor