

Closed Meeting Investigation Policy



Section	Date	By-Law Number	Page	Of
Council	February 19, 2019	13-2019	1	3
Subsection	Repeals By-Law Number		Policy Number	
	N/A		CC-2-4	

Purpose

The purpose of this policy is to provide consistent rules and guidelines for closed meeting investigations of Council and Committee meetings that may be closed to the public.

Definitions

Section 239.2(1) of the Municipal Act, 2001, as amended (the "Act" allows municipalities to appoint a person to investigate, in an independent manner, complaints made to him or her by any person as to whether the municipality has complied with Section 239 or a procedure bylaw 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.

The City of Kenora (the "Municipality") has appointed a Municipal Closed Meeting Investigator (the "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 Procedure Bylaw and will report on the results of such investigations.

This document sets out the Municipal Policy and Procedures relative to the Investigator and the investigation. Reference should also be made to the Agreement between the Municipality and the Investigator (the "Agreement").

Process

- a) The Municipality shall ensure that requests for investigations submitted under Section 239 of the Act are dealt with in a fair, open and expeditious manner.
- b) The Municipality and all individuals interviewed shall cooperate fully with the Investigator.
- c) The Municipality shall ensure that the Final Report received from the Investigator is placed on an agenda for consideration during an open session of Council and/or Committee of the Whole for review.

Closed Meeting Investigation Policy

Policy Number	Page	Of
CC-2-4	2	3

d) This Policy applies to all Boards, Committees and Commissions appointed by the Council of the Municipality, with the exception of the Kenora Public Library Board.

e) This Policy is available on the Municipal website; from the Clerk's department, 1 Main Street South, Kenora, ON P9N 3X2; and from the Meeting Investigator.

Complaint Procedure

- 1) Members of the public, including corporations, may submit complaints to the Investigator relating to compliance with the Act of the Municipal Procedure By-Law for meetings or parts of meetings that are closed to the public. All complaints will be treated as confidential at all times.
- 2) All complaints must be submitted on the Municipality's "Municipal Closed Meeting Complaint Form". The Complaint Form may be downloaded from the City website; or obtained at City Hall, 1 Main Street South, Kenora, ON; or from the Closed Meeting Investigator.
- 3) All complaints MUST contain the following information:
 - Complainant's name is printed clearly
 - Complainant's mailing address, telephone number and e-mail (if applicable) are identified
 - Name of Municipality is identified
 - Date of Closed Meeting under consideration is provided
 - Background detail of the particular occurrence is provided
 - Any action undertaken to resolve the issue (if any)
 - Provide additional comments
 - Sign the document with original signature

The complainant is to provide as much information as possible about the issue. Failure to submit the required information will delay the process. A Complaint Form that is not considered complete by the investigator will not be accepted and the Investigator will notify the complainant of such.

- 4) All complaints must be submitted by the complainant directly to the Meeting Investigator in a sealed envelope. Emailed complaints will only be accepted at the discretion of the Closed Meeting Investigator.

Closed Meeting Investigations Policy

Policy Number	Page	Of
CC-2-4	3	3

- 5) To maintain the integrity of the process, Municipal Staff IS NOT to complete the forms or forward complaints on a complainant's behalf. Each complaint is to be treated confidentially and is to be directed/referred to the Meeting Investigator.
- 6) If a complaint is submitted directly to the Municipality or received in the mail, the following procedures shall apply:
 - The complaint shall be forwarded to the Clerk, who shall take appropriate measures to reseal the complaint (if opened in the mail), or to ensure it remains sealed, and its contents remain confidential.
 - Assign a reference number and record the number on the envelope.
 - Log the reference number together with the date and time received
 - Contact the Investigator and obtain direction regarding the complaint letter
 - Forward complaint, as per Investigator's instructions, logging the date mailed to or picked up by the Investigator.
 - Upon receipt of the complaint, the Investigator will notify a complainant forthwith of the receipt of their complaint.
- 7) The Municipality shall provide the Investigator with the information necessary to complete his/her review, upon request, including, but not limited to:
 - A certified copy of the Notice of Meeting (where applicable);
 - A certified copy of the Meeting Agenda;
 - A certified copy of the Meeting Minutes;
 - A certified copy of relevant resolutions (if any);
 - Other relevant information as required or requested
- 8) Inquiries with regard to process are to be directed to the City Clerk, 1 Main Street South, Kenora, ON P9N 3X2, 807-467-2295, clerk@kenora.ca; or the Closed Meeting Investigator in accordance with Section 2 above.
- 9) Inquiries with regard to the status of a complaint or requests to submit a complaint are to be directed to the Investigator in accordance with Section above.
- 10) The Clerk is Responsible for compliance with this Policy, subject to confidentiality provisions of the process.