

**THE CORPORATION OF THE
TOWNSHIP OF KILLALOE, HAGARTY AND RICHARDS**

BY-LAW NO. 52-2013

Being a By-Law to appoint a Closed Meeting Investigator;

WHEREAS, Section 239.2 (1) of the *Municipal Act 2001*, S.O. 2001, c. 25, as amended, authorizes 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. For the purposes of this by-law "committee" and "local board" shall have the meaning as defined in Section 238 of the Act.

AND WHEREAS, the Council of the Corporation of the Township of Killaloe, Hagarty and Richards deems it advisable to appoint a Municipal Closed Meeting Investigator;

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of the Township of Killaloe, Hagarty and Richards enacts as follows:

1. GENERAL REGULATIONS

- 1.1 **THAT**, Darrel Ryan be appointed as the Municipal Closed Meeting Investigator for the Township of Killaloe, Hagarty and Richards.
- 1.2 **THAT**, the Mayor and Clerk are hereby authorized on behalf of the Corporation of the Township of Killaloe, Hagarty and Richards to execute an Agreement between the Corporation of the Township of Killaloe, Hagarty and Richards and Darrel Ryan for Investigator Services, attached hereto as Schedule "A".
- 1.3 **THAT**, the Closed Meeting Investigation Procedures be adopted, attached hereto as Schedule "B".

2. ULTRA VIRES

Should any sections of this by-law, including any section or part of any schedules attached hereto, be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

3. BY-LAWS TO BE REPEALED


THAT, By-Law #58-2007 is hereby repealed.

4. EFFECTIVE DATE

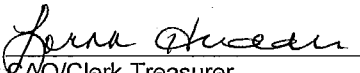
This By-Law shall come into force and take effect January 1, 2014.

Read a first and second time this 17th day of December, 2013.

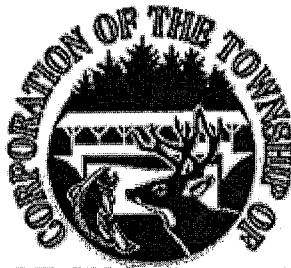
Read a third time and finally passed this 17th day of December, 2013.



Mayor



CAO/Clerk-Treasurer



Naturally Spirited

KILLALOE-HAGARTY-RICHARDS

**TOWNSHIP OF KILLALOE, HAGARTY
AND RICHARDS**

**COMPLAINT FORM
MUNICIPAL INVESTIGATION**

IN ACCORDANCE WITH
Section 239 of the *Municipal Act 2001*
(as amended)

PLEASE FORWARD COMPLETED FORMS TO:

**Darrel Ryan
56 Forrest Park Road
Pembroke, ON
K8A 6W2**

ACTION

Activities that the complainant has undertaken to resolve the matter.

SUMMARY/COMMENTS

Date of Signature

Signature of Complainant

**THE CORPORATION OF THE TOWNSHIP OF KILLALOE, HAGARTY AND
RICHARDS
BY-LAW NO. 52-2013**

SCHEDULE "B"

**PROCEDURES FOR
CLOSED MEETING INVESTIGATION**

The Municipality 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 Municipality shall provide the information requested by the Municipal Closed Meeting Investigator (Investigator), either written or through interviews, to assist the Municipal Investigator in his/her investigations.

The Municipality 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 are conducted in an open public session of Council and/or Committee of the Whole.

This procedure applies to all appointed Boards and Sub-Committees of the Municipality.

INVESTIGATOR

The Municipality, by By-Law No. 52-2013, appointed Darrel Ryan as the Municipal Closed Meeting Investigator and as such authorizes Darrel Ryan to conduct investigations upon receipt of a complaint to determine compliance with the Act or the Municipal procedure by-law and to report on the result of such investigations.

PROCEDURE

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.

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** contain the following information:

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

Completed complaint forms shall be submitted to:

Darrel Ryan
56 Forrest Park Rd.
Pembroke, ON
K8A 6W2

If a complaint is submitted directly to the Clerk, the Clerk shall take all measures to ensure that the envelope remains sealed and its contents remain confidential and immediately forward to the Investigator.

When the Investigator receives a complaint he shall:

1. Assign a file number and record file number on the envelope
2. Log the file number together with the date and time received
3. Provide written acknowledgement of receipt of the complaint to the Complainant within 5 working days.
4. Notify the Municipality of complaint

The Investigator will only investigate complaints received on the Complaint Form, duly signed.

The Municipality upon request by the Investigator shall provide the following documentation:

- 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 requested.