



The Corporation of the Town of Bancroft

Policy Manual

POLICY TITLE:	Closed Meeting Investigator Policy	SUBJECT MATTER:	Closed meeting investigator policy for the Town of Bancroft GG-004
Policy Section:	General Governance	Policy No.	GG-004
Effective Date:	October 14, 2014	Enacted By:	By-Law No. ##-2014

Section A

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Section B

PREAMBLE

- 1.0.0 The *Municipal Act, R.S.O. 2001, Section 239.2 (1)* provides that a municipality may appoint 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 *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.
- 2.0.0 The Council of the Town of Bancroft adopted *By-Law No. 28-2007*, appointing Mr. John Maddox as an Investigator for the purpose of conducting 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 Town's procedural by-law and to report on the results of such investigations.
- 3.0.0 This policy applies to Council and all Boards and sub-committees of the Town, with the exception of the Police Services Board and the Public Library Board, where they exist.

Section C

POLICY STATEMENT

- 1.0.0 The Council of the Corporation of the Town of Bancroft recognizes that municipal governments are some of the most open and transparent levels of government. As such, the Council of the Corporation of the Town of Bancroft will ensure it is accountable to the public and that its actions are transparent to the public.
- 2.0.0 The Corporation of the Town of Bancroft is committed to ensuring that any requests for an investigation under the *Municipal Act, R.S.O. 2001, Section 239* is dealt with in a fair, open and expeditious manner.
- 3.0.0 The Town commits to full cooperation, including the provision of all information requested by the Town's Investigator, either written or through interviews, to assist the Investigator in all his/her investigations.
- 4.0.0 The Town commits to including any report received from the Investigator related to an investigation under the *Act*, on a public agenda and to consider such report in an open session of Council or Committee.
- 5.0.0 The Town commits to ensuring this policy is made publicly available by posting this policy to its website and making it available in person from the Clerk's Department.

Section D

DEFINITIONS

- 1.0.0 In this policy:
 - 1.1.0 "Act" means the *Municipal Act, R.S.O. 2001*.
 - 1.2.0 "Clerk" means the appointed Clerk for the Corporation of the Town of Bancroft.
 - 1.3.0 "Closed Meeting" means a meeting of Council, or a majority of the members of Council, that is not open to the public pursuant to the *Municipal Act, R.S.O. 2001, Section 238*.
 - 1.4.0 "Corporation" means the Corporation of the Town of Bancroft.
 - 1.5.0 "Council" means the Council of the Corporation of the Town of Bancroft.

- 1.6.0 “Investigator” means the closed meeting Investigator appointed by the Corporation of the Town of Bancroft, pursuant to the *Municipal Act, R.S.O. 2001, Section 239.2 (1)*.
- 1.7.0 “Town” means the Corporation of the Town of Bancroft.

Section E

REGULATIONS

- 1.0.0 Members of the public, including corporations, may submit complaints to the Investigator relating to compliance with the *Act* or procedural by-law for meetings or part of meetings that are closed to the public.
- 2.0.0 All complaints will be treated as confidential, unless authorization is given by the complainant to release his/her identify.
- 3.0.0 Complaint forms can be downloaded from the Town’s website and available in the Clerk’s Department together with an envelope addressed to the Investigator and identified as a complaint under *Section 239* of the *Act* and a copy of this policy.
- 4.0.0 Complaints may be submitted on the complaint form or otherwise in writing either:
- 4.1.0 By delivery to the Clerk in a sealed envelope clearly identified as a complaint under Section 239 of the Act at:
- 4.1.1 Town of Bancroft
24 Flint Avenue
P.O. Box 790
Bancroft, ON K0L 1C0
- 4.2.0 By mail directly to:
- 4.2.1 John Maddox
Municipal Closed Meeting Investigator
99 Edgevalley Road, Unit #42
London, ON N5Y 5N1
- 5.0.0 Inquiries only may be submitted by e-mail to John Maddox at maddoxjo@sympatico.ca or by telephone at (519) 951-0330, during regular office hours.

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- 6.0.0 All complaints must contain:
 - 6.1.0 Name of municipality;
 - 6.2.0 Complainant's name, mailing address, telephone number and e-mail address (if applicable);
 - 6.3.0 Date of closed meeting under consideration;
 - 6.4.0 Nature and background of the particular occurrence;
 - 6.5.0 Any activities undertaken (if any) to resolve the concern;
 - 6.6.0 Any other relevant information;
 - 6.7.0 Direction with respect to release of identity; and
 - 6.8.0 Original signature.

- 7.0.0 When complaints are submitted directly to the Clerk, the Clerk shall follow the following procedures:
 - 3.1.0 Take all measures to ensure the envelope remains sealed and its contents remain confidential;
 - 3.2.0 Assign a file number and record file number on the envelope;
 - 3.3.0 Log the file number together with the date and time received; and
 - 3.4.0 Forward forthwith to the Investigator by regular mail.

- 8.0.0 For all complaints the Town shall supply forthwith the following or any other information or documentation, as requested by the Investigator, related to a complaint:
 - 3.2.0 Certified True Copy of the Notice of Meeting;
 - 3.3.0 Certified True Copy of the Agenda;
 - 3.5.0 Certified True Copy of the Minutes of the meeting;
 - 3.6.0 Relevant resolutions;
 - 3.7.0 Municipal contact list; and
 - 3.8.0 Other documentation as requested by the Investigator.

Section F

POLICY APPROVAL AND REVIEW GUIDELINES

Prepared By:

Recommended By:

Date:

September 19, 2014

Daniel McCoy, Acting Deputy Clerk /
Economic Development Coordinator

Hazel Lambe, CAO/Clerk

Approved By:

By-Law No. #-2014

Date:

Date of Adoption

Bernice Jenkins, Mayor

Hazel Lambe, Clerk

Date of Next Review:

October 2018

“Appendix 1”

Closed Meeting Complaint Form

Municipal Act, R.S.O. 2001, Section 239

Complainant's Name:			
Address:			
Telephone:	Home:		Work:
E-Mail:			

Can your identity be revealed during the investigation? Yes [] No []

Personal information is collected under the authority of the *Municipal Act, R.S.O. 2001, Section 239*, and will be used by the Closed Meeting Investigator to carry out an investigation under the *Act*.

Name of Municipality:	Town of Bancroft
Date of Closed Meeting:	
Municipal Contact Name:	
Telephone:	(613) 332-3331 ext.
E-Mail:	

Background:	This should provide as much information as is required to explain the nature and background of the particular occurrence (i.e. timing; municipal contact; municipal explanation, etc.)

Closed Meeting Complaint Form

Action:	Activities that the complainant has undertaken to resolve the matter.

Summary/Comments:	

Signature of Complainant

Date

Please forward completed complaint forms to:

John Maddox
JGM Consulting
#42-99 Edgevalley Road
London, ON N5Y 5N1