

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

Policy Statement

The Town of Midland (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 is available from the Clerk’s Department, Town of Midland, 575 Dominion Avenue, Midland, ON L4R 1R2, or by contacting the Clerk’s Department at 705-526-4275 or e-mail to clerks@town.midland.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

The Municipal Council of the Corporation of the Town of Midland has selected the Ombudsman of Ontario as the closed meeting investigator pursuant to section 239.1(b) of the *Municipal Act, 2001, as amended*, and has authorized him/her 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 By-law* and will 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 or otherwise in writing to:

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

Town of Midland
575 Dominion Avenue
Midland, Ontario L4R 1R2

or

- By mail directly to:
Office of the Ombudsman of Ontario
Bell Trinity Square, 483 Bay Street,
10th Floor, South Tower,
Toronto, ON M5G 2C9

or

- By delivery to the Office of the Ombudsman of Ontario at the address noted above.

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.

REQUEST FORM
MUNICIPAL CLOSED MEETING INVESTIGATION

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

Please Forward Completed Forms to:

Office of the Ombudsman of Ontario
Bell Trinity Square, 483 Bay Street,
10th Floor, South Tower,
Toronto, ON M5G 2C9

Or

Town of Midland
575 Dominion Avenue
Midland, Ontario L4R 1R2

Attention: Clerk

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

