

# The Corporation of The City of North Bay

<b>POLICIES AND PROCEDURES</b>	<b>APPROVED: SEPTEMBER 8, 2008 (COUNCIL RESOLUTION No. 2008-592)</b>
	<b>SUBJECT: MUNICIPAL CLOSED MEETING INVESTIGATION POLICY</b>

## PURPOSE

As of January 1, 2008 any person or corporation can request that an investigation be undertaken respecting whether a municipality has complied with closed meeting rules outlined in the *Municipal Act, 2001*, as amended (the "Act") or the applicable procedure by-law.

The purpose of this policy is to provide for a procedure for conducting investigations upon receipt of a complaint related to closed meetings held pursuant to the Act and the Municipal Procedure By-law.

## POLICY STATEMENT

The Council of the City of North Bay acknowledges that it is responsible to adhere to closed meeting requirements as set out in section 239 of the Act.

The City of North Bay shall ensure that requests for investigations submitted under section 239 of Act are dealt with in a fair, open and expeditious manner.

The City of North Bay shall provide the Municipal Closed Meeting Investigator (the "Investigator") with the information, written or through interviews, to assist the Investigator in his/her investigations.

The City of North Bay shall ensure any report received from the Investigator, related to an investigation under the Act, is placed on an agenda for consideration during an open session of Council. Council shall ensure that any such report is made available to the public.

This policy and complaint form shall be posted on the municipality's website and shall be available from the Municipal Clerk's Department.

## BACKGROUND

Through Local Authority Services Ltd. the City of North Bay has engaged the services of Amberley Gavel Ltd. as the Municipality's Closed Meeting Investigator. They are authorized to conduct investigations upon receipt of a complaint in respect of meetings or part of meetings that are closed to the public. The Investigator will determine compliance with the Act and with the Municipal Procedural By-law with respect to closed meetings and will report on the results of such investigations.

## **CLOSED MEETINGS**

Municipal councils, local boards and their committees must meet behind closed doors to deal with some matters. For example, if a municipality is being sued or if council is considering purchasing a piece of land, then it is appropriate that it be able to do so in a closed meeting. The purpose of the closed meeting is to receive information or give direction.

Local government in Ontario must be transparent and accountable. To this end, the Province has set rules for a council, local board or a committee to go into a closed meeting. These rules are found in section 239 of the Act. They must be strictly followed.

The permitted reasons for going into a closed meeting are:

- The security of property of the municipality or local board;
- Personal matters about an identifiable individual, including employees;
- A proposed or pending acquisition or disposition of land;
- Labour relations or employee negotiations;
- Litigation or potential litigation;
- Advice that is subject to solicitor-client privilege;
- A matter authorized by another provincial statute;
- If the subject matter relates to a request under the *Municipal Freedom of Information and Protection of Privacy Act*;
- The matter is held for educating and training and no member discusses or deals with a matter in a way that materially advances the business decision-making of the council or local board.

## **COMPLAINTS PROCEDURES**

Members of the public, including corporations, may submit complaints to the Investigator relating to compliance with the Act or Municipal Procedural By-law for meetings or part of meetings that are **closed** to the public. All complaints will be treated as confidential at all times, unless authorization is given by the complainant to release his or her identity.

Complaints must be for a meeting that took place on or after January 1, 2008. Section 239 of the Act is not retroactive to meetings that took place in place in 2007 or earlier.

Complaints must be submitted on the established Complaint Form. The Complaint Form may be downloaded from the City of North Bay's website ([www.cityofnorthbay.ca](http://www.cityofnorthbay.ca)) or obtained from the Municipal Clerk's Department.

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.
7. Original signature. Anonymous or unsigned complaints will not be accepted.

All complaints shall be submitted as follows:

By personal delivery, mail-post, or courier service to the Municipal Clerk in a sealed envelope clearly marked "**Personal and Confidential**" and identified as a "**Complaint under Section 239 of the *Municipal Act***".

E-mail or Fax will **not** be accepted.

Failure to submit the required information will delay the process. A complaint form which is not considered by the Clerk to be complete, in accordance with the above, will not be accepted.

Upon receipt of a written complaint, the Clerk shall forward the complaint directly to Amberley Gavel Ltd. via first class mail.

Complainants will be notified by the Clerk or designate within fourteen business days of the receipt of their complaint.

For all complaints the municipality shall supply as soon as practical, the following or any other information or documentation requested by the Investigator related to a complaint:

1. Certified copy of Notice of Meeting (where applicable).
2. Certified copy of Agenda.
3. Certified copy of the Minutes of the Meeting.
4. Relevant Resolutions (if any).
5. Other relevant information as required.

## **RESPONSIBILITY**

The Municipal Clerk is responsible for ensuring compliance with this policy.



## **COMPLAINT FORM MUNICIPAL CLOSED MEETING INVESTIGATION**

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

PLEASE PRINT & FORWARD COMPLETED FORM IN A SEALED ENVELOPE MARKED "PERSONAL AND CONFIDENTIAL" TO:

THE CITY OF NORTH BAY,  
200 McINTYRE STREET EAST, P.O. BOX 360  
NORTH BAY, ON P1B 8H8

ATTENTION: CITY CLERK



