THE CORPORATION OF THE UNITED COUNTIES

OF PRESCOTT AND RUSSELL

BY-LAW NO. 2009-31

A BY-LAW TO ADOPT A CLOSED MEETING INVESTIGATION POLICY FOR THE UNITED COUNTIES OF PRESCOTT AND RUSSELL

WHEREAS Section 239 of *The Municipal, 2001*, as amended, provides that a person may request that an investigation of whether a municipality or 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 be undertaken (1) by an investigator or b) by the Ombudsman appointed under the Ombudsman Act;

AND WHEREAS the Council of the United Counties of Prescott and Russell on May 27, 2008, passed a resolution to use the Ombudsman services for complaints regarding closed meeting requirements;

AND WHEREAS the Closed Meeting Investigation Policy, attached hereto as Schedule "A", provide information regarding the procedures to follow to file a complaint to the Ombudsman;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the United Counties of Prescott and Russell enacts as follows:

1. The Closed Meeting Investigation Policy attached hereto as Schedule "A", and forming part of this by-law, is hereby approved and adopted;

2. This By-Law shall come into force and take effect immediately upon final passing of same.

DONE AND PASSED in open Council this 26th day of May, 2009.

_____
Robert Kirby, Warden

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Stéphane P. Parisien, Clerk

SUBJECT

Closed Meeting Investigation

PURPOSE

The amendments brought to the *Municipal Act, 2001* established a mechanism for members of the public to complain when they believe that a meeting has been improperly closed to the public. These provisions took effect on January 1, 2008. This policy will provide information regarding the procedures to follow to file a complaint to the Ombudsman.

SUMMARY

The UCPR's Council passed a resolution on May 27, 2008, to retain the services of the Provincial Ombudsman as the Municipal Closed Meeting Investigator. Upon reception of a complaint, the Ombudsman will determine compliance with the Act or the Procedure by-law and will report on the results of such investigations.

POLICY STATEMENT

The UCPR is committed to ensuring that any request for an investigation under Section 239 of the *Municipal Act, 2001* as amended are dealt with in a fair, open and expeditious manner.

The UCPR commits to full co-operation including the provision of all information requested by the Ombudsman.

This policy shall be posted on the Counties' website and available from the Clerk's Office, 59 Court Street, L'Orignal, Ontario.

REASONS TO HOLD IN CAMERA MEETINGS

A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

(a) the security of the property of the municipality;

(b) personal matters about an identifiable individual, including municipal employees;

(c) a proposed or pending acquisition or disposition of land by the municipality;

(d) labour relations or employee negotiations;

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality;

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;

(h) if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*;

(i) if the meeting is held for the purpose of educating or training the members.

COMPLAINTS PROCEDURES

The Ombudsman is generally an office of last resort. It is recommended to first try to resolve your problem by contacting the Chief Administrative Officer of the UCPR who will make every effort to resolve the complaint informally.

If your complaint cannot be resolved in a satisfactory manner, you may submit your complaint to the Ombudsman 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 Complaint Form may be downloaded from the Ombudsman website www.ombudsman.on.ca or can be obtained from the Clerk's Office.

You may file your complaint directly by:

• Calling the complaint intake line at 1-800-263-1830, Monday to Friday between 9 a.m. and 4:30 p.m. (or TTY: 1-866-411-4211);

- Completing a Closed Meeting Complaint Form online at www.ombudsman.on.ca; (you may also download and print out the form – it asks you to provide basic details about the meeting, such as time and place, and the subject, if known);

- Sending an e-mail to info@ombudsman.on.ca
- Faxing your complaint to (416) 586-3485;
- Mailing your complaint to:
  Office of the Ontario Ombudsman
  483 Bay Street
  10th Floor, South Tower
  Toronto, Ontario M5G 2C9;

Or

- By delivery to the municipal Clerk in a sealed envelope clearly identified as a Complaint under Section 239 of the *Municipal Act.*

All Complaints must contain the following information:
- Name of Municipality
- Complainant'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
- Original signature

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

For all complaints the UCPR shall supply the following information or documentation as requested by the Investigator:
- 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 required.

EFFECTIVE DATE
This policy comes into effect on May 26, 2009