

MUNICIPALITY OF SIOUX LOOKOUT

Policy Manual

<b>SECTION NAME</b>	<b>SECTION NO.</b>	<b>POLICY NO.</b>
Council	1	1-1
<b>POLICY</b>	<b>REVIEW DATE</b>	<b>NO. OF PAGES</b>
Closed Meeting Investigation Policy and Procedure	Sep 30, 2012	
<b>EFFECTIVE DATE</b>	<b>REVISIONS</b>	
September 17, 2009	September 16, 2015, By-law No. 76-15 <u>March 20, 2019, By-law No. 20-19</u>	
<b>IMPLEMENTATION</b>	<b>ADMINISTERED BY</b>	
September 17, 2009	Clerk	

**PREAMBLE**

- a) Section 239.2(1) of The Municipal Act, 2001, as amended (the “Act”) allows municipalities to appoint a person to investigate, in an independent manner, complaints made to him or her by any person as to whether the municipality or a local 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.
- b) The Corporation of the Municipality of Sioux Lookout (the “Municipality”) has appointed a Municipal Closed Meeting Investigator (the “Investigator”) and has authorized him 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.
- c) This document sets out the Municipal Policy and Procedures relative to the investigator and the investigation.

## **POLICY**

- a) The Municipality shall ensure that requests for investigations submitted under Section 239 of the Act are dealt with in a fair, open and expeditious manner.
- b) The Municipality and all individuals interviewed shall cooperate fully with the Investigator.
- c) The Municipality shall ensure that the Final Report received from the Investigator is placed on an agenda for consideration during an open session of Council.
- d) This Policy applies to all Boards, Commissions and Committees appointed by the Council of the Municipality, with the exception of the Sioux Lookout Public Library Board, and any other Local Board otherwise exempted by legislation.
- e) This Policy is available on the Municipal website; from the Clerk's Department, 25 Fifth Avenue, Sioux Lookout, ON; and from the Meeting Investigator: Office of the Ombudsman of Ontario, 483 Bay Street, 10<sup>th</sup> Floor-South Tower, M5G 2C9, Toronto, ON, Fax: 416-586-3485, Email: [info@ombudsman.on.ca](mailto:info@ombudsman.on.ca)

## **ATTACHMENTS**

- Attachment "A" – Regulations
- Attachment "B" – Closed Meeting Complaint Form

## **POLICY REVIEW**

This policy will be reviewed as required but, in any case, no later than three years following the date of the most recent review.

## **POLICY REVIEW PROCEDURE**

The Clerk will be responsible for initiating the review of this Policy.

## ATTACHMENT "A" – REGULATIONS TO POLICY NO. 1-1

### COMPLAINT PROCEDURE

- 1) Members of the public, including corporations, may submit complaints to the Investigator relating to compliance with the Act of the Municipal Procedure By-law for meetings or parts of meetings that are closed to the public. All complaints will be treated as confidential at all times.
- 2) All complaints must be submitted on the Municipality's "Closed Meeting Complaint Form." The Complaint Form may be downloaded from the Municipal website; or obtained at the Customer Service Desk in the Municipal Office, 25 Fifth Avenue, Sioux Lookout, ON; or from the Meeting Investigator: Office of the Ombudsman of Ontario, 483 Bay Street- 10th Floor-South Tower, M5G 2C9, Toronto, ON, Fax: 416-586-3485, Email: info@ombudsman.on.ca
- 3) All complaints **MUST** contain the following information:
  - Name of Municipality;
  - Complainant's name, mailing address, telephone number and e-mail address and fax number (if applicable);
  - Date and time of the Closed Meeting that is the subject of the complaint;
  - Nature and background of the particular occurrence;
  - Any activities undertaken (if any) to resolve the concern;
  - Any other relevant information; and
  - The original signature of the complainant.

The complainant is to provide as much information as possible about the issue. Failure to submit the required information will delay the process. A complaint form that is not considered complete by the Investigator will not be accepted and the Investigator will notify the complainant of such.

- 4) **All complaints must be submitted by the complainant directly to the Investigator in a sealed envelope. E-mailed or faxed complaints with not be accepted.**
- 5) To maintain the integrity of the process, Municipal Staff **shall not** complete the forms or forward complaints on a complainant's behalf. Each complaint is to be treated confidentially and is to be directed/referred to the Investigator.
- 6) If a complaint is submitted directly to the Municipality or received in the mail, the following procedures shall apply:
  - The complaint shall be forwarded to the Clerk, who shall take appropriate measures to reseal the complaint (if opened in the mail), or to ensure it remains sealed, and its contents remain confidential.

- Assign a Reference Number and record the number on the envelope.
  - Log the Reference Number together with the date and time received.
  - Forward complaint, as per Investigator's instructions, logging the date mailed to or picked up by the Investigator.
  - Upon receipt of the complaint, the Investigator will notify a complainant forthwith of the receipt of their complaint.
- 7) The Municipality shall provide the Investigator with the information necessary to complete his/her review, upon request, including, but not limited to:
- A certified copy of the Notice of Meeting (where applicable);
  - A certified copy of the Meeting Agenda;
  - A certified copy of the Meeting Minutes;
  - A certified copy of relevant resolutions (if any);
  - Other relevant information as required or requested.
- 8) a) Inquiries with regard to process are to be directed to the Municipal Clerk, 25 Fifth Avenue, Sioux Lookout, 807/737-2700, ext. 2243, or at [clerk@siouxlookout.ca](mailto:clerk@siouxlookout.ca); or the Investigator in accordance with Section 2 above.
- b) Inquiries with regard to the status of a complaint or requests to submit a complaint are to be directed to the Investigator in accordance with Section 2 above.
- 9) The Clerk is responsible for compliance with this Policy, subject to confidentiality provisions of the process.



**SIoux LOOKOUT**  
**Hub of the North**

**CLOSED MEETING COMPLAINT FORM**

**MUNICIPALITY OF SIOUX LOOKOUT**

in accordance with  
*Section 239 of The Municipal Act 2001 (as amended)*

**Please forward completed form to:**

**Office of the Ombudsman of Ontario,  
483 Bay Street- 10th Floor-South Tower, M5G 2C9  
Toronto, ON.**

**(faxed or e-mailed forms will not be accepted)**

CLOSED MEETING COMPLAINT FORM  
MUNICIPALITY OF SIOUX LOOKOUT  
*(Section 239 – Municipal Act 2001 (as amended))*

<u>COMPLAINANT'S NAME</u>			
<u>ADDRESS</u>			
<u>TELEPHONE</u>	<u>HOME</u>		<u>WORK</u>
<u>EMAIL</u>			

<u>NAME OF MUNICIPALITY</u>	
<u>DATE OF CLOSED MEETING</u>	
<u>MUNICIPAL CONTACT NAME</u>	
<u>TELEPHONE</u>	
<u>BACKGROUND</u>	<i><u>This should provide as much information as is required to explain the nature and background of the particular occurrence, (i.e. reason provided for closed meeting session, reason for complaint, municipal contact, municipal explanation).</u></i>

**Please Note: Personal Information is collected under the authority of Section 239 of the Municipal Act, 2001 (as amended) and will be used by the Municipal Investigator to carry out an investigation under the Act.**

<b><u>ACTION</u></b>	<i><u>List any activities that the complainant has undertaken to resolve the matter.</u></i>

<b><u>SUMMARY/ADDITIONAL COMMENTS</u></b>

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date of Signature

February 2019