

Closed Meeting Investigation Procedure

Municipal Closed Meeting Investigator Procedure under Section 239 of the *Municipal Act, 2001*, as amended.

The Region of Durham is fully committed to providing an open and transparent government process to the public. All Committee and Council meetings are open to the public and are only closed for limited and specific reasons that are publicly declared. If you feel the Region has not been transparent in its dealings, you have the right to request an investigation.

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

The Region commits to full co-operation including the provision of all information requested by the Municipal Closed Meeting Investigator, either written or through interviews, to assist the Municipal Investigator in the investigations.

In accordance with Section 239.2(11) of the *Municipal Act, 2001*, the Region of Durham shall ensure that any reports received by the Region from the Closed Meeting Investigator are made available to the public.

Background

Through By-law 81-2007 the Region of Durham has appointed Local Authority Services Limited (LAS) – Aird & Berlis. as a Municipal Closed Meeting Investigator and authorized them to conduct 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 Region's Procedure By-law and to report on the results of such investigations.

Request for Investigation Procedure

Prior to submitting a request for investigation, members of the public, including corporations, are encouraged to discuss their concerns or inquiries with the Director of Legislative Services/Regional Clerk.

Members of the public, including corporations, may submit requests to the Investigator relating to compliance with the *Act* or the Procedure By-law for meetings or part of meetings that are closed to the public.

The identity of the Complainant will be treated as confidential by the Region and the Investigator, unless authorization is given by the Complainant to release his or her identity.

The Closed Meeting Complaint and Investigation Request Form and By-law 80-2007 which details the procedures for making a complaint may be downloaded and are also available from the Corporate Services Department – Legislative Services.

When submitting a paper request, please submit requests in a sealed envelope clearly identified as a Closed Meeting Complaint to:

Director of Legislative Services/Regional Clerk
Region of Durham
605 Rossland Road East
P.O. Box 623
Whitby ON L1N 6A3

All complaints must contain the following information:

- The reasons for the request;
- Address, telephone number, name of the Complainant;
- Original signature of the Complainant or in the case of a corporation a duly authorized officer; and
- Identification of the closed meeting in question.

Upon receipt of a completed Investigation Request and appropriate background material, the Regional Clerk will review the materials to verify that:

- The name, address and identity of the Complainant are valid;
- The complaint is complete; and
- The complaint is the first and only complaint by that Complainant in respect of the meeting in question.

In the event that the Investigation Request form is deficient, it will be returned to the Complainant to complete. The Regional Clerk will provide the Complainant with a precise description of the reasons for the return of the Investigation Request and specific instructions as to how to complete the Investigation Request, if applicable.

The Complainant shall have 30 days to return the completed Investigation Request or a new Investigation Request. In the event that the Complainant fails to return the completed Investigation Request or a new Investigation Request, the Region shall record the name of the Complainant and the meeting complained of and close the file. No further notice will be provided to the Complainant.

The Regional Clerk will forward the completed Investigation request and supporting materials to the Investigator as appointed by the Region.

The Regional Clerk will forward to the Investigator in relation to the meeting under investigation:

- The completed Investigation Request;
- A copy of the procedural by-law for the Region of Durham;
- A copy of the agenda and all relevant attachments;
- A copy of the minutes of the meeting;
- A contact list for all members of Council, the local board or committee and for all other persons present at the meeting if available;
- Any other information the Regional Clerk deems relevant; and
- Such other information as may be requested by the Investigator.

The Investigator shall then report as follows depending on the nature of the complaint:

- For complaints in respect of meetings of Council or its Committees, the report shall be made at a meeting of the Regional Council. The report shall be submitted in accordance with the procedural by-law and be considered at the next regularly scheduled Regional Council meeting for which proper notice of the report can be provided;
- For complaints in respect of meetings of the Durham Region Transit Authority, the report shall be made at a meeting of the Durham Region Transit Commission. The report shall be submitted in accordance with the procedural by-law and be considered at the next regularly scheduled Durham Region Transit Commission meeting for which proper notice of the report can be provided.