

THE CORPORATION OF THE TOWNSHIP OF CARLOW/MAYO

BY-LAW NUMBER 44-2007

**BEING A BY-LAW TO SET OUT A COMPLAINT PROCEDURE
IN REGARDS TO AN INVESTIGATION UNDER SECTION 239
OF THE MUNICIPAL ACT, 2001, S.O. 2001, c. 25, AS AMENDED**

WHEREAS under Section 239(1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended states:

“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, (a) by an investigator referred to in subsection 239.2 (1); or (b) by the Ombudsman appointed under the Ombudsman Act, if the municipality has not appointed an investigator referred to in subsection 239.2 (1)”

AND WHEREAS under Section 239.2 (1) of the Municipal Act, 2001, S.O. 2001, c.25 as amended states:

“Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an investigator who has the function to investigate in an independent manner, on a complaint made to him or her by any person, whether the municipality or a 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 and to report on the investigation.”

AND WHEREAS the Township of Carlow/Mayo is committed to ensuring that any request for an investigation under Section 239 of the Municipal Act, 2001, S.O. 2001, c.25 as amended is dealt with in a fair, open and expeditious manner.

AND WHEREAS through By-Law number 18-2007 the municipality has appointed John Maddox as their Municipal Closed Meeting Investigator and authorized him 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 Municipal Procedure By-law and to report on the results of such investigations.

AND WHEREAS the Corporation of the Township of Carlow/Mayo finds it expedient to have a policy in place in regards to complaint procedures. And furthermore, this policy shall apply to all appointed Boards and sub-committees of the municipality with the exception of the Public Library Board.

NOW THEREFORE the Council of the Corporation of the Township of Carlow/Mayo ENACTS AS FOLLOWS:

1. **THAT** Council does hereby adopt the attached hereto Complaint Procedures as set out in Schedule “A” and forming part of this by-law.
2. **AND THAT** this by-law shall come into force and take effect upon its final passing.
3. **THAT** this by-law repeals any and all previous by-laws and/or motions pertaining to same.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
4TH DAY OF DECEMBER 2007.**

David A. Panabaker
Reeve

Arlene Cox
Clerk-Administrator