

THE CORPORATION OF THE TOWNSHIP OF HORTON
BY-LAW 2016-47

**BEING A BY LAW TO APPOINT A CLOSED MEETING
INVESTIGATOR PURSUANT TO SECTIONS 8, 9, 10
AND 239.1 OF THE MUNICIPAL ACT, 2001, AS AMENDED
And
TO APPOINT AN INTEGRITY OFFICER PURSUANT TO
SECTION 223.3 OF THE MUNICIPAL ACT, 2001, AS AMENDED**

WHEREAS effective January 1, 2008, Section 239.1 of the Municipal Act, 2001 as amended permits a person to request an investigation of whether a municipality or local board has complied with section 239 of the Municipal Act, 2001 as amended 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 WHEREAS effective January 1, 2016, Section 223.3 of the Municipal Act, 2001 as amended authorizes the municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality as set out in this Section of the Municipal Act, 2001;

AND WHEREAS Council deems it desirable to appoint the Ontario Ombudsman as the Closed Meeting Investigator and the Integrity Commissioner to investigate all requests on behalf of the Municipality and its Local Boards for the remaining two year term commencing June 7th, 2016;

NOW THEREFORE the Council of the Township of Horton hereby enacts as follows:

1. That pursuant to sections 8, 9, 10, 223.3 and 239.2 of the Municipal Act, 2001, as amended, (the "Act") Council hereby appoints the Ontario Ombudsman as the independent Investigator/Commissioner to investigate in accordance with the legislation all requests for an investigation of the Council and Committees of the Municipality and the Local Boards and their Committees of the Municipality. For the purposes of this By-Law "committee" and "local board" shall have the meaning as defined in section 238 of the Act.
2. The appointment shall be for the remaining term of two years commencing the June 7th, 2016 and ending on December 31, 2017 and may be renewed for subsequent two year terms. This contract may be terminated at any time with 30 days' notice.
3. The Ombudsman shall, in carrying out the functions of the Closed Meeting Investigator and the Integrity Commissioner, have regard to, among other matters, the importance of the Investigator/Commissioner's credibility, the independence, impartiality and confidentiality with respect to the investigative process.
4. The Investigator/Commissioner may hear or obtain information from such persons as the Investigator/Commissioner thinks fit, and may make such inquiries as Investigator/Commissioner thinks fit and it is not necessary for the Investigator to hold any hearing.
5. Subject to section 6, no person is entitled as of right to be heard by the Investigator/Commissioner.
6. If at any time during the course of an investigation it appears to the Investigator/Commissioner that there may be sufficient grounds for a report or recommendation that may adversely affect the municipality, a

local board or any other person, the Investigator/Commissioner shall give him, her or it an opportunity to make representations respecting the adverse report or recommendation, either personally or by counsel.

7. After conducting an investigation, the Investigator/Commissioner shall report to the municipality or in the case of a local board, to the local board and the Municipality. The report shall include an opinion and the reasons for it and may make such recommendations as the Investigator/Commissioner thinks fit. The report shall be included on the next agenda of the Council or in the case of a Local Board, the Council and the Local Board agendas, immediately following receipt of the report.
8. Every request for an investigation by a person shall include all of the following:
 - a. be directed to the CAO/Clerk,
 - b. be in writing,
 - c. include reasons for the request,
 - d. be signed, and
 - e. include an address and telephone number of the person making the request.
9. That this by-law forms a contract between the Township of Horton and the Ontario Ombudsman
10. This By-law shall come into force and take effect on the 7th day of June, 2016.
11. This By-law repeals By-Law 2015-58.

Read a First and Second time this 7th day of June, 2016.

Read a Third Time and Passed this 7th day of June, 2016.

MAYOR

CAO/CLERK