REPORT TO: MAYOR AND COUNCIL
FROM: John Daly, CMO
      Director of Corporate Services and Clerk
DATE: October 21, 2013
SUBJECT: Closed Meeting Investigation Services

REPORT HIGHLIGHTS

- The Municipal Act, 2001, provides for the appointment of an investigator.
- The Township is currently contracted to JGM Consulting for investigative services.
- The County approved of JGM Consulting for the provision of investigator services.

RECOMMENDATION:

THAT the report from Director of Corporate Services and Clerk regarding Closed Meeting Investigation Services, dated October 21, 2013 be received; and

THAT the Mayor and Clerk execute the necessary documents to appoint JGM Consulting as the Township’s investigator as prescribed under Section 239 of the Municipal Act, 2001.

Background

The Township, the County of Simcoe and twelve (12) member municipalities contract investigative services to JGM Consulting.

Springwater previously approved of JGM Consulting at its meeting on November 7, 2011:

Resolution C 611 2011

Moved by: Hanna
Seconded by: McConkey
THAT the report from the Director of Corporate Services and Clerk regarding Closed Meeting Investigations - Municipal Act, 2001, dated November 7, 2011 be received; and

THAT the Clerk and Mayor execute the necessary documents with the successful proponent of the Closed Meeting Investigation Services RFP issued by the County of Simcoe.
The County of Simcoe recently approved a renewal with JGM Consulting for an additional term and is seeking interest from the Simcoe municipalities to participate further in the joint agreement.

**Investigator**

Section 239 of the *Municipal Act, 2001* provides that the municipality may 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 in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation.

**Integrity Commissioner**

Section 223 of the Act provides that a municipality may appoint an Integrity Commissioner who reports to Council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to:

(a) the application of the code of conduct for members of council and the code of conduct for members of local boards or of either of them;

(b) the application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards or of either of them; or

(c) both of clauses (a) and (b).

Should Council have an interest in appointing an Integrity Commissioner, staff would report further on a draft code of conduct commonly used in many municipalities and would solicit Council’s input.

**Budget Implications**

The County of Simcoe pays an annual retainer ($1,000, plus $300 for each participating municipality) on behalf of member municipalities. Twelve Simcoe municipalities have joined the County for this investigative service. Under the agreement, each participating municipality is responsible for paying the hourly rate ($100), and associated expenses, to JGM Consulting to conduct investigations.

Should Council choose to consider the appointment of an Integrity Commissioner, staff would have to report further on associated costs.

**Guiding Principles**

The above initiative is not tied to a guiding principle.

**Applicable Municipal Policy or Legislation**

- Municipal Act, 2001
- Agreement Required