

Councillor King's Notice of Motion

Whereas Paragraph 83 of the Ombudsman report states that council neglected to make any mention in open session of the fact that it had voted to remove the mayor from the CAO negotiating team.

And whereas Paragraph 92 of the Ombudsman report states that a number of items were added to the agenda at the last minute, in contravention of the town's procedure bylaw. No prior notice was given of these subjects. There was no discussion during the closed session suggesting that these matters required urgent attention and the procedural requirements were not suspended as provided for in the by-law. Accordingly, these issues should not have been discussed at that time. There was no prior notice that council would be considering the CAO negotiating team in closed session, and this topic was not identified in the resolution authorizing the closed session. Under the circumstances, discussion of this matter was also improper.

And whereas Paragraph 93 of the Ombudsman report states that the council members in attendance that night clearly violated the Municipal Act 2001 and this vote did not come within the exceptions to the general prohibition against voting in closed session.

And whereas Paragraph 94 of the Ombudsman report states the people of the Town of South Bruce Peninsula are entitled to expect that council, as well as each individual member of council, will abide by the Municipal Act 2001 and the town's procedure by-law when conducting closed meetings.

And whereas Section A2.4.1 of the Town of South Bruce Peninsula Procedural Bylaw states that the clerk shall record without note or comment, all resolutions, decisions and other proceeds of the council.

And whereas Section 274. (1) of the Municipal Act says that if a municipality so requests by resolution, a judge of the Superior Court of Justice shall:

- (a) investigate any supposed breach of trust or other misconduct of a member of council, an employee of the municipality or a person having a contract with the municipality in relation to the duties or obligations of that person to the municipality:
- (b) inquire into any matter connected with the good government of the municipality: or
- (c) inquire into the conduct of any part of the public business of the municipality

Therefore be it resolved that the Town of South Bruce Peninsula request a judge of the Superior Court of Justice to investigate the council meeting on the evening of September 22, 2009 in that a supposed breach of trust by a member of council(deputy chair) or an employee(Clerk) of the municipality occurred.