

**CITY OF NIAGARA FALLS**

**By-law No. 2007 - 265**

A by-law to provide procedures for a Closed Meeting Investigation.

**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** at their November 12, 2007 meeting, Council approved the appointment of Local Authority Services Limited (LAS) as the Investigator to investigate all requests on behalf of the Municipality and its Local Boards for a two year term commencing January 1, 2008; and

**WHEREAS** the municipality can decide upon the form of the request, the fees and the administrative procedures surrounding a closed meeting investigation request; and

**WHEREAS** the procedures and fee set out in this by-law will eventually be incorporated into the Standing Rules of Council and the Schedule of Fees.

**THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:**

1. In this By-law:

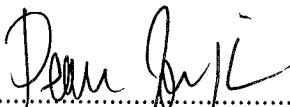
“Investigator” means the investigator appointed by the Council, by by-law, as per section 239.2 of the *Municipal Act, 2001*, as amended or the Ombudsman appointed under the *Ombudsman Act*, if the municipality has not appointed an investigator.

“Standing Committee” is the Corporate Services or Community Services Committee comprised of all members of Council that meets prior to Council meetings in Committee Room 2A/2B at City Hall.

2. That the procedures and fee set out in Schedule “A” shall be approved and adopted.

3. That the by-law shall come into force on January 1, 2008.

Passed this tenth day of December, 2007.



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DEAN IORFIDA, CITY CLERK



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R.T. (TED) SALCI, MAYOR

First Reading: December 10, 2007.

Second Reading: December 10, 2007.

Third Reading: December 10, 2007.

## Schedule "A"

1. Every request for an investigation by a person shall include all of the following:
  - a) be directed to the Clerk,
  - b) be in writing,
  - c) include reasons for the request,
  - d) be signed, and
  - e) include an address, telephone number and e-mail address (if applicable) of the person making the request.
2. The fee for every request for an investigation shall be \$150.00, with 50% of the fee (\$75.00) payable at the time of the filing of the initial request.
3. The Clerk will attempt to satisfy the person's inquiry.
4. If the person is dissatisfied with the explanation and information provided by the Clerk and wishes the matter to proceed to a formal investigation, the person will pay the balance of the filing fee (\$75.00).
5. Upon receipt of the balance of the fee, the Clerk will send the request and all pertinent background information to the Investigator forthwith.
6. Any report provided by the Investigator as per 239.2 (10) of the *Municipal Act* may be presented at a Standing Committee of Council meeting.
7. No request shall be brought for an investigation after the expiration of one (1) year from when the closed meeting took place or is alleged to have taken place.