

BY-LAW NO. 8/2008

BEING A BY LAW OF TOWNSHIP OF WELLESLEY
APPOINTING LOCAL AUTHORITY SERVICES LTD. AS THE INVESTIGATOR
PURSUANT TO SECTIONS 8, 9, 10 AND 239.1 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 Council deems it desirable to appoint 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;

NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF WELLESLEY HEREBY ENACTS AS FOLLOW:

1. That pursuant to sections 9, 10, 11 and 239.2 of the Municipal Act, 2001, as amended, (the "Act") Council hereby appoints LAS as the independent Investigator 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 an initial term of two years commencing the first day of January, 2008 and ending on December 31, 2009 and may be renewed for subsequent two year terms.
3. LAS and its delegate shall, in carrying out the functions of Investigator, have regard to, among other matters, the importance of the Investigator's credibility, the independence, impartiality and confidentiality with respect to the investigative process.
4. The Investigator or the delegate may hear or obtain information from such persons as the Investigator or the delegate thinks fit, and may make such inquiries as Investigator or the delegate thinks fit and it is not necessary for the Investigator or the delegate to hold any hearing.
5. Subject to section 6, no person is entitled as of right to be heard by the Investigator or the delegate.
6. If at any time during the course of an investigation it appears to the Investigator or the delegate 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 or the delegate 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 or the delegate 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 or the delegate 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 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. An Agreement between the municipality and LAS for investigative services as shown on Schedule "A" attached hereto is hereby approved and the Head of Council and Clerk are hereby authorized to execute the Agreement on behalf of the municipality.
10. This By-law shall come into force and take effect immediately upon the final passing thereof.

READ THREE TIMES AND FINALLY ENACTED AND PASSED IN OPEN COUNCIL
THIS 4th DAY OF **February**, 2008.

Ross Kelterborn
Mayor

Susan Duke
Clerk