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FEES FOR INVESTIGATION OF CLOSED MEETINGS

The Finance and Administration Committee recommends the adoption of the recommendation contained in the following report, January 14, 2008, from the Commissioner of Corporate Services:

1. RECOMMENDATION

It is recommended that:

1. Regional Council authorize a fee of \$125.00 to be charged to a person requesting an investigation of a closed meeting of Regional Council or its Committees.

2. PURPOSE

This purpose of this report is to seek Council's direction as to the appropriate fee to be charged for requests for investigation of a closed meeting under the *Municipal Act, 2001*.

3. BACKGROUND

At its meeting on December 13, 2007, Regional Council adopted Clause 14 of Report 10 of the Finance and Administration Committee which appointed Local Authority Services ("LAS") as the investigator for complaints regarding closed meetings of Regional Council and its Committees. Council also established an interim fee of \$50.00 for each request for an investigation and directed staff to report back to Committee in February to review whether this fee is appropriate.

4. ANALYSIS AND OPTIONS

Under the agreement between the Region and LAS, requests for an investigation are referred in the first instance to the Regional Clerk. The Clerk is then required to assemble various materials, including certified copies of the minutes of the meeting and the procedural by-law and forward them to the investigator. The investigator then proceeds with the investigation.

Staff have canvassed other municipalities to determine the general practice for setting a fee for receiving the complaint. A summary of responses is attached as Attachment 1. Of those municipalities appointing LAS, many have elected not to charge a fee. Where fees are recommended, the range is from \$25.00 to \$125.00. Ajax and Niagara both provide for a refund of the fee depending on the outcome of the investigation.

The purpose of the fee is to defray in part the administrative costs and also to act as a disincentive for frivolous complaints. In light of these objectives, staff support a fee of up to \$125.00 as being consistent with the range in other municipalities. By way of comparison, the fee for commencing a claim in Small Claims Court is \$75.00 and the fee for an appeal to the Ontario Municipal Board is \$125.00.

5. FINANCIAL IMPLICATIONS

The establishment of a fee would defray in part the administrative cost of processing a request and would be consistent with the Region's general policy on fees and charges.

6. LOCAL MUNICIPAL IMPACT

There is no direct local municipal impact associated with this report.

7. CONCLUSION

In December 2007, Regional Council established an interim fee of \$50.00 for receiving complaints for an investigation regarding closed meeting of Council and Committees. Staff have canvassed the practice in other municipalities for Council's consideration. Staff seek further direction from Council on the fee to be charged.

The Senior Management Group has reviewed this report.

(The attachment referred to in this clause is attached to this report.)