



THE CORPORATION OF THE CITY OF BRAMPTON

# BY-LAW

Number 260 - 2013

A by-law to appoint Local Authority Services Ltd. as the Investigator Pursuant to Sections 8, 9, 10 and 239.1 of the *Municipal Act 2001*, as amended, and Repeal By-law 406-2007

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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; and

AND WHEREAS Council passed By-law 406-2007 to appoint Andrew Sancton as the Investigator to investigate all requests on behalf of the Municipality and its Local Boards for a one year term commencing January 1, 2008;

AND WHEREAS Andrew Sancton has resigned as the Investigator, effective September 18, 2013, and Council deems it desirable to appoint Local Authority Services Ltd. as the Investigator to investigate all requests on behalf of the Municipality and its Local Boards for a two year term;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

1. That pursuant to sections 9, 10 and 11 and 239.2 of the *Municipal Act, 2001*, as amended, (the "Act") Council hereby appoints Local Authority Services Ltd. (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 two year term commencing on September 25, 2013, and may be renewed for subsequent 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.

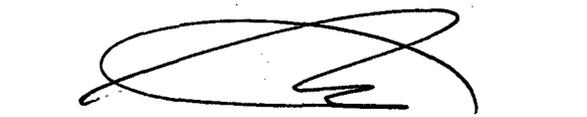
5. Subject to section 6, no person is entitled as of right to be heard by the Investigator or the delegate.
6. If at any time during the course of an investigation it appears to the Investigator or the delegate that there may be sufficient grounds for a report or recommendation that may adversely affect 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. The Mayor and Clerk are hereby authorized to execute an Agreement between The Corporation of the City of Brampton and Local Authority Services Ltd. for investigative services as described herein
10. This By-law shall come into force and take effect immediately upon the final passing thereof.
11. By-law 406-2007 is hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 25th DAY OF September, 2013.

Approved as to form. <u>2013 / 09 / 24</u> <u>CG</u> [Type Name]
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Approved as to content. <u>2013 09 / 24</u> <u>A</u> [Type Name]
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Susan Fennell, Mayor

  
Peter Fay, City Clerk