

MEMORANDUM

To: Regional Chair Emmerson and Members of Regional Council

From: Christopher Raynor
Regional Clerk

Date: December 17, 2019

Re: Change to Closed Meeting Investigator Services

Since 2007 the Region has used Local Authority Services Limited as its required closed meeting investigator

The *Municipal Act* requires all council and committee meetings be open to the public except in a limited number of circumstances. The Act also requires municipalities have a closed meeting investigator to consider any complaints that a meeting of council or committee was improperly closed to the public.

On [December 13, 2007](#), Council passed Bylaw A-0396-2007-094 to appoint Local Authority Services Limited (LAS) as its closed meeting investigator. LAS is a not-for-profit organization created by the Association of Municipalities of Ontario (AMO) that provides a number of municipal services.

LAS has recently changed its service provider and associated fees may increase

Until this month, LAS used Amberley Gavel to provide investigation services. This service was an annual retainer of \$330 and a \$375 per hour cost related to the actual investigation. To date, the Region has never been investigated.

On December 3, 2019, following a competitive process, LAS advised that Aird & Berlis LLP would provide investigator services. Although the annual retainer is reduced to \$200, the cost of an investigation now ranges from \$375 to \$750 per hour.

The Region can consider other options for closed meeting investigations, including using the provincial Ombudsman

The Service Agreement with LAS provides for automatic annual renewal so there is no need to sign a new agreement. However, with the potential increase in investigation fees, it is prudent to review whether LAS continues to be the Region's best option. For example, the provincial Ombudsman offers closed meeting investigator services, for which there is currently no fee.

Additionally, the Region's Integrity Commissioner – Principles Integrity – now offers closed meeting investigator services.

Several local municipalities have confirmed they will be considering options in 2020 and Table 1 shows who they are currently using as closed meeting investigators.

Table 1
Local municipal closed meeting investigators

Municipality	Investigator
Aurora	Provincial Ombudsman
East Gwillimbury	LAS
Georgina	Provincial Ombudsman
King	LAS
Markham	LAS
Newmarket	Provincial Ombudsman
Richmond Hill	LAS
Vaughan	LAS
Whitchurch-Stouffville	LAS

The Region's existing agreement with LAS will renew in January 2020. Staff recommends the service continue in 2020 and staff report back later in the year outlining options for 2021 and beyond.

Christopher Raynor
Regional Clerk

Bruce Macgregor
Chief Administrative Officer

eDocs # 10388246