



STAFF REPORT INFORMATION ONLY

Extension of the Indemnity Policy to Directors of Agencies, Boards and Commissions – Ex 29.13

Date:	February 11, 2009
To:	City Council
From:	City Manager
Wards:	All
Reference Number:	

SUMMARY

The purpose of this report is to comment, as directed by the Executive Committee on a motion moved by Councillor Moscoe during consideration of Ex 29.13. The motion would require a Council decision in the event of any disagreement over issues of coverage of the City's indemnification policy to staff, members of Council and, if approved, members of local boards.

The Policy as approved by Council already requires the City Solicitor to make recommendation to the Executive Committee for Council approval of any Councillor indemnification and therefore Councillor Moscoe's motion is not necessary.

FINANCIAL IMPACT

This report has no financial implications.

DECISION HISTORY

The City's indemnification policy (the "Policy") has developed incrementally, first applying to staff and then to City Councillors. The Executive Committee (Ex 29.13) is recommending that the policy be extended to members of local boards.

Most recently, Council at its meeting of July 15, 16 and 17, 2008 adopted certain amendments to the Policy. A consolidated version of the Policy, as amended, can be found in Appendix C to the staff report, dated June 6, 2008 at the following link:

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-13850.pdf>

ISSUE BACKGROUND

The Executive Committee at its meeting on February 2, 2009 referred the following motion to the City Manager for a report thereon directly to Council for its meeting scheduled to be held on February 23, 2009:

Moved by Councillor Moscoe:

That the Executive Committee recommend that City Council adopt the recommendations contained in the report (January 16, 2009) from the City Manager subject to adding the following new Recommendation 4:

“4. Any discretion exercised in the coverage of any member of staff, Council and Directors of City Boards be at the direction of Council, on the advice of the City Solicitor, and not at the behest of the City Solicitor alone, where the Member of Council, staff or Director of a City Board is in disagreement with the decision of the City Solicitor to withhold coverage.”

COMMENTS

The Policy, as amended to the present, does not grant any discretion to the City Solicitor to make decisions on reimbursing or withholding reimbursement from those covered by the Policy, including making decisions on coverage. All such decisions are made by Council through Executive Committee. In particular, in respect of Councillor Moscoe’s motion, section 2 of the Policy provides for indemnification where City Council is of the opinion that the act or omission done or made by a councillor arises in his/her capacity as a councillor. Any dispute as to coverage is therefore required to be resolved by Council on advice from the City Solicitor. This would be no different for members of local boards should Council approve extension of the policy to them.

CONTACT

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SIGNATURE

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