
City Council

MM45.2	ACTION			Ward: All
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Reimbursement of Legal Expenses Incurred by Councillor Heaps as a result of the 2006 Municipal Election - by Councillor Jenkins, seconded by Councillor Thompson

** Notice of this Motion has been given.*

** This Motion is subject to a re-opening of Item MM42.3. A two-thirds vote is required to re-open that Item.*

Recommendations

Councillor Jenkins, seconded by Councillor Thompson, recommends that:

1. Notice of Motion MM42.3 be re-opened and Council's decision to reimburse Adrian Heaps \$36,000 in connection with the defamation suit be rescinded.
2. The City Clerk and City Solicitor be requested to report back to the City Council within 3 months as to what measures should be put in place to ensure that any future Notice of Motion requesting the reimbursement of costs is accompanied by appropriate background information.

Summary

At its meeting held on November 30, December 1, 2, 4, and 7, 2009, City Council approved Notice of Motion MM42.3 to reimburse the legal expenses incurred by Adrian Heaps for \$36,000 as a result of the defamation suit by the second place candidate in the 2006 Municipal election.

At the time this matter was considered, City Council was not provided with background information related to the outcome of the case or the awarding of legal costs. After City Council made the decision to reimburse the expenses, further information regarding the legal action was made known through the news media.

If Council had all the facts related to this matter at the time it considered the Notice of Motion, the result may have been different. City Council should reopen this matter to reconsider this matter in view of the new background information now available and the advice provided by the City Solicitor in her memorandum dated November 30, 2009 as set out in MM42.3a.

REQUIRES RE-OPENING

Item MM42.3 - City Council - November 30, December 1, 2, 4 and 7, 2009

(Submitted to City Council on January 26 and 27, 2010 as MM45.2)