

City Council**Notice of Motion**

MM39.1	ACTION			Ward:All
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Minutes of Settlement with Giorgio Mammoliti - by Councillor Mike Del Grande, seconded by Councillor Cesar Palacio

City Council on July 16, 17, 18 and 19, 2013, waived referral of this Motion. City Council subsequently deferred consideration of this Motion to its next regular meeting on October 8 and 9, 2013. This Motion is before Council for debate.

The City Manager has submitted a supplementary report on this Item (MM39.1a with recommendations)

Confidential Attachment - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

Recommendations

Councillor Mike Del Grande, seconded by Councillor Cesar Palacio, recommends that:

1. City Council direct the City Manager to negotiate with Giorgio Mammoliti to adjust his Minutes of Settlement to reflect a reimbursement reasonably proportionate to that being paid by Adrian Heaps including payment within 30 days of Council's approval.
2. City Council authorize the City Manager to execute revised Minutes of Settlement with Giorgio Mammoliti reflecting the terms set out in Recommendation 1 above.

Summary

At its meeting held on June 6, 7 and 8, 2012, City Council approved Minutes of Settlement with Giorgio Mammoliti ("Mammoliti") wherein among other matters, Mammoliti agreed to reimburse the 2006 compliance audit payments provided to him which were subsequently ruled by the Divisional Court and confirmed by the Court of Appeal to be outside of Council's authority. Mammoliti agreed to reimburse the City in the amount of \$56,768.65 in five annual payments which includes interest accrued over a period of 5 years. When Mammoliti has made all required payments, the City will reimburse Mammoliti \$20,000.00 on account of his legal fees. Mammoliti has made the first payment required under the Minutes of Settlement.

At its meeting held on June 11, 12 and 13, 2013, Council approved Minutes of Settlement with Adrian Heaps which provides for a significantly lesser amount of reimbursement than that agreed to by Mammoliti.

In the interest of fairness and equity, it is appropriate that Council direct an adjustment to Mammoliti's Minutes of Settlement to be reasonably consistent with the Heaps' Minutes of Settlement.

(Submitted to City Council on October 8 and 9, 2013 as MM39.1)

Background Information (City Council)

Member Motion MM39.1

(September 16, 2013) Report from the City Manager on Proposed Amendment to Settlement of a Compliance Audit Payment related to the 2006 Election (MM39.1a)

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-62118.pdf>

Confidential Attachment 1